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By E-Filing

November 30, 2016

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

**Re: NOR 42149, Richard Best Transfer, Inc. v. Union Pacific
Railroad Company**

Dear Ms. Brown:

Union Pacific Railroad Company is in receipt of a "Motion for Leave and Surreply" filed by Richard Best Transfer, Inc. ("RBT") in the referenced matter on November 29. On November 8, the Board ordered Union Pacific to respond to RBT's Motion for Preliminary Injunction on an expedited basis because RBT had alleged imminent harm and requested an expedited decision. RBT's decision to file an additional, unauthorized, extremely misleading motion nearly two weeks after Union Pacific filed its reply gives lie to RBT's claimed need for expedited action. Union Pacific intends to file a reply to RBT's new motion on or before December 19, in accordance with the Board's rules. *See* 49 C.F.R. § 1104.13(a).

Please contact the undersigned if you have any questions.

Sincerely,



Michael L. Rosenthal

cc: Parties of Record