

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36844

COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY
D/B/A METRA—TERMINAL TRACKAGE RIGHTS—
UNION PACIFIC RAILROAD COMPANY

Decided: March 20, 2025

On March 7, 2025, the Commuter Rail Division of the Regional Transportation Authority d/b/a Metra (Metra) filed an application for terminal trackage rights under 49 U.S.C. § 11102(a) to continue commuter rail service over three lines owned by Union Pacific Railroad Company (UP) in the Chicago area. The application states that the parties have been working for several years to transition UP’s decades-long operation of Metra’s passenger trains over these lines to Metra, but that despite their efforts—including Board-ordered mediation in 2024¹—Metra and UP have been unable to negotiate a successor trackage rights agreement to allow Metra to operate over the UP lines. (Appl. 2-3.) Metra is not asking the Board to set conditions or compensation for its use of the UP lines at this time. (*Id.* at 25.) The application requests that the proceeding be conducted under the modified procedures set forth in 49 C.F.R. part 1112 and includes a proposed procedural schedule. (*Id.* at 26.)

On March 14, 2025, UP filed an unopposed motion to extend the deadline for responding to Metra’s application by 30 days. UP asserts that good cause for the extension exists because Metra’s application raises various jurisdictional issues and Metra has filed a parallel cause of action in federal district court asserting a contractual right to operate over the lines at issue. Without an extension, any response to Metra’s application would be due by March 27, 2025, 20 days after Metra filed the application. *See* 49 C.F.R. § 1104.13(a).

This proceeding will be conducted under the modified procedures, and the procedural schedule below will be adopted. The schedule reflects adjustments to certain deadlines proposed by Metra in consideration of the deadline for completing this proceeding. *See* 49 U.S.C. § 11102(d) (“The Board shall complete any proceeding under subsection (a) or (b) within 180 days after the filing of the request for relief.”). For similar reasons, the Board will grant UP an extension of 20 days to respond to the application (rather than the 30 days requested). UP’s response will be due by April 18, 2025.

¹ *See Appl. of Union Pac. R.R. for Mediation Under 49 U.S.C. § 28502*, FD 36800, slip op at 1-2 (STB served Aug. 14, 2024) (noting that the parties were unable to agree on certain financial terms despite their “good faith negotiations over many years” and ordering Board-sponsored mediation).

The following procedural schedule will govern this proceeding:

April 18, 2025	UP Response to Application Due
April 21, 2025	Completion of Discovery
May 5, 2025	Metra Opening Due
June 3, 2025	UP Reply Due
June 23, 2025	Metra Rebuttal Due

It is ordered:

1. UP's request for an extension is granted in part, as described above.
2. The procedural schedule set forth above is adopted.
3. This decision is effective on the date of service.

By the Board, Valerie O. Quinn, Acting Director, Office of Proceedings.