

SERVICE DATE – JULY 10, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 32760 (Sub-No. 51)

BNSF RAILWAY COMPANY—EMERGENCY PETITION FOR ENFORCEMENT—
INTERCHANGE WITH SALT LAKE GARFIELD & WESTERN RAILWAY

Decided: July 10, 2025

On July 7, 2025, BNSF Railway Company (BNSF) filed an Emergency Petition for Enforcement and Request for Expedited Relief. BNSF requests that the Board take emergency action to resolve a dispute between BNSF and Union Pacific Railroad Company (UP) concerning BNSF's use of certain trackage rights over UP's lines that were granted to BNSF as a condition of the Board's approval of the UP and Southern Pacific Rail Corporation (SP) merger in 1996. Specifically, BNSF asks the Board to enforce the UP/SP merger conditions by directing UP to: (1) allow BNSF to run double-stack intermodal trains eastbound and westbound over a particular route between Northern California and Nevada for interchange with the Salt Lake Garfield & Western Railway (SLGW) in Salt Lake City, Utah; and (2) provide the crews for these BNSF trains. (Pet. 4.) BNSF claims that UP's refusal to allow these trackage rights movements will prevent movement of containers to and from SLGW's new intermodal facility in Salt Lake City.¹ (*Id.* at 2.) BNSF suggests that the Board could alternatively grant BNSF relief on a temporary basis pursuant to its emergency service authority under 49 U.S.C. § 11123 and 49 C.F.R. § 1146.2, and then later grant BNSF's requested relief on a more permanent basis under its UP/SP merger enforcement authority. (Pet. 1, 14-15.)

UP filed a reply to the petition on July 7, 2025. Among other things, UP asserts that it "is not trying to prevent BNSF from using its trackage rights over" the relevant UP lines, but that UP has not been provided adequate time to hire and train the crews necessary for the new trackage rights movements, nor has it been provided enough time and information to "work through the operating details of the new required interchange with SLGW." (UP Reply 1.) UP disputes that BNSF's petition presents an emergency requiring imminent action from the Board. (*Id.* at 2.)

Board staff will hold a conference with BNSF and UP to discuss their positions, the operational issues raised by their filings, and the status of their discussions. In addition to counsel, the parties will be expected to make available in-house individuals with the operational knowledge and expertise to discuss those issues in detail, including, for example, train volumes and types, and hiring and training needs.

¹ BNSF filed statements from Mediterranean Shipping Company, CMA CGM, and SLGW in support of BNSF's petition on July 7 and 8, 2025.

The conference will be held virtually on July 15, 2025. Board staff will contact the parties on July 11, 2025, to arrange a time and provide logistics for the conference. BNSF and UP will be directed to provide to the Board, via email at Hearings@stb.gov, the names, positions, email addresses, and phone numbers of persons participating in the conference by July 14, 2025 at 10:00 a.m. (ET). No later than July 14, 2025, the participants will receive an email invitation from the Board titled "FD 32760 (Sub-No. 51) conference." The invitations will be participant-specific and are not to be forwarded or used by other individuals to observe the conference.

The conference will not be open to the public and will be transcribed. The transcription, redacted as necessary to protect confidential information, will be placed in the public record.

For further information regarding the conference, contact Sarah Fancher at (202) 740-5507 or Valerie Quinn at (202) 740-5567. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

It is ordered:

1. A conference with Board staff will be held virtually on Tuesday, July 15, 2025.
2. BNSF and UP are directed to provide to the Board, by July 14, 2025 at 10:00 a.m. (ET), via email at Hearings@stb.gov, the names, positions, email addresses, and phone numbers of the participants for the conference.
3. This decision is effective on the date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.