

Board approves the Transaction. 49 CFR 1106.2; 49 CFR 244.9. The proposed SIP will be submitted to the Board and to FRA and will be reviewed by OEA and made available for public review and comment during the EIS process, consistent with the Board’s regulations at 49 CFR 1106 and with 49 CFR 244.17. If the Board authorizes the Transaction and adopts the SIP, the Board requires compliance with the SIP as a condition to its authorization. 49 CFR 1106.4(b)(4).

In its petition for a procedural schedule, Applicants proposed that the SIP be filed with OEA 30 days after the filing of the Application. However, the Board and FRA’s regulations allow for Applicants to submit the proposed SIP up to 60 days after the application is filed, which would be December 28, 2021. Accordingly, the Board will also allow Applicants the full 60 days to submit the SIP.

Service of Decisions, Orders, and Notices. The Board will serve copies of its decisions, orders, and notices on those persons who are designated on the official service list as a Party of Record or Non-Party. All other interested persons are encouraged to secure copies of decisions, orders, and notices via the Board’s website at www.stb.gov.

Access to Filings. Under the Board’s rules, any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order. 49 CFR 1180.4(a)(3). The Application and other filings in this proceeding will be furnished to interested persons upon request and will also be available on the Board’s website at www.stb.gov. In addition, the Application may be obtained from

Messrs. Meyer and Mullins at the addresses indicated above.

It is ordered:

1. The Application in Docket No. FD 36500 is accepted for consideration.
2. The parties to this proceeding must comply with the procedural schedule adopted by the Board in this proceeding as shown in the Appendix to this decision. The parties to this proceeding must comply with the procedural requirements described in this decision.
3. UP’s petition to reject the Application is denied.
4. This decision will be published in the **Federal Register**.
5. This decision is effective on November 26, 2021.

Decided: November 23, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

Jeffrey Herzig,
Clearance Clerk.

APPENDIX—PROCEDURAL SCHEDULE

October 29, 2021	Application filed.
November 26, 2021	Board notice of acceptance of Application to be published in the Federal Register .
December 13, 2021	Notices of intent to participate in this proceeding due.
December 28, 2021	Proposed Safety Integration Plan (SIP) to be filed with OEA and FRA.
January 12, 2022	Descriptions of anticipated responsive, including inconsistent, applications due. Petitions for waiver or clarification with respect to such applications due.
February 22, 2022	Responsive environmental information and environmental verified statements for responsive, including inconsistent, applicants due.
February 28, 2022	Comments, protests, requests for conditions, and any other evidence and argument in opposition to the Application due. This includes any comments from the U.S. Department of Justice (DOJ) and U.S. Department of Transportation (USDOT). Responsive, including inconsistent, applications due.
March 30, 2022	Notice of acceptance of responsive, including inconsistent, applications, if any, published in the Federal Register .
April 22, 2022	Responses to comments, protests, requests for conditions, and other opposition due, including to DOJ and USDOT filings. Rebuttal in support of the Application due. Responses to responsive, including inconsistent, applications due.
May 23, 2022	Rebuttals in support of responsive, including inconsistent, applications due.
July 1, 2022	Final briefs due. ¹²
TBD	Public hearing (if necessary). ¹³ (Close of the record.)
TBD	Service date of final decision. ¹⁴

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¹² The Board will also determine the page limits for final briefs in a later decision after the record has been more fully developed.

¹³ The Board will decide whether to conduct a public hearing in a later decision after the record has been more fully developed. See 49 U.S.C. 11324(a) (“The Board shall hold a public hearing unless the Board determines that a public hearing is not necessary in the public interest.”).

¹⁴ 49 U.S.C. 11325(b)(3) provides that the Board must issue its final decision within 90 days of the close of the evidentiary record and that evidentiary proceedings be completed within one year of the date of publication of this notice in the **Federal Register**. However, under NEPA, the Board may not issue a final decision until after the required environmental review is complete. In the event the EIS process is not able to be concluded in sufficient time for the Board to meet the 90-day provision set forth in § 11325(b)(3), the Board will issue a final decision as soon as possible after that process is complete.

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36564]

BNSF Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company

BNSF Railway Company (BNSF), a Class I rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for overhead trackage rights over approximately 196 miles of rail line owned by Union Pacific Railroad Company (UP), between milepost 245.52 at Ft. Worth, Tex., and milepost 440.98 at Tecific, Tex. (the Line).

Pursuant to a written trackage rights agreement, UP has agreed to extend overhead trackage rights to BNSF over the Line. According to the verified notice, BNSF and its predecessors have operated over the Line since 1992 under

trackage rights exempted in *The Atchison, Topeka & Santa Fe Railway Co.—Trackage Rights Exemption—Missouri Pacific Railroad Co.*, FD 32134 (ICC served Aug. 31, 1992), and the parties’ 1992 agreement was amended on June 25, 2021, to extend the trackage rights terms.¹ The purpose of this transaction is to allow UP to continue its operations over the Line.

The transaction may be consummated on or after December 10, 2021, the effective date of the exemption (30 days after the verified notice was filed).

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by

¹ Redacted versions of the 1992 agreement and the 2021 amendment were filed with the verified notice. Unredacted versions were submitted under seal concurrently with a motion for protective order, which is addressed in a separate decision.

the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by December 3, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36564, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on BNSF's representative, Peter W Denton, Steptoe & Johnson LLP, 1330 Connecticut Avenue NW, Washington, DC 20036.

According to BNSF, this action is categorically excluded from environmental review under 49 CFR 1105.6(c)(3) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(3).

Board decisions and notices are available at www.stb.gov.

Decided: November 22, 2021.

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

Kenyatta Clay,
Clearance Clerk.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Procurement Thresholds for Implementation of the Trade Agreements Act of 1979

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The U.S. Trade Representative has determined the U.S. dollar procurement thresholds to implement certain U.S. trade agreement obligations, as of January 1, 2022, for calendar years 2022 and 2023.

DATES: This notice is applicable on January 1, 2022, for calendar years 2022 and 2023.

FOR FURTHER INFORMATION CONTACT: Kate Psillos, Director of International Procurement Policy at (202) 395-9581 or Kathryn.W.Psillos@ustr.eop.gov.

SUPPLEMENTARY INFORMATION: Executive Order 12260 requires the U.S. Trade Representative to set the U.S. dollar thresholds for application of Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*). These obligations apply to covered procurements valued at or above specified U.S. dollar thresholds. In conformity with the provisions of Executive Order 12260, and in order to carry out U.S. trade agreement obligations, the U.S. Trade Representative has determined the U.S. dollar procurement thresholds, effective on January 1, 2022, for calendar years 2022 and 2023 as follows:

I. World Trade Organization (WTO) Agreement on Government Procurement

A. Central Government Entities listed in U.S. Annex 1:

- (1) Procurement of goods and services—\$183,000; and
- (2) Procurement of construction services—\$7,032,000.

B. Sub-Central Government Entities listed in U.S. Annex 2:

- (1) Procurement of goods and services—\$499,000; and
- (2) Procurement of construction services—\$7,032,000.

C. Other Entities listed in U.S. Annex 3:

- (1) Procurement of goods and services—\$563,000; and
- (2) Procurement of construction services—\$7,032,000.

II. Chapter 15 of the United States- Australia Free Trade Agreement

A. Central Government Entities listed in the U.S. Schedule to Annex 15-A, Section 1:

- (1) Procurement of goods and services—\$92,319; and
- (2) Procurement of construction services—\$7,032,000.

B. Sub-Central Government Entities listed in the U.S. Schedule to Annex 15-A, Section 2:

- (1) Procurement of goods and services—\$499,000; and
- (2) Procurement of construction services—\$7,032,000.

C. Other Entities listed in the U.S. Schedule to Annex 15-A, Section 3:

- (1) Procurement of goods and services for List A Entities—\$461,594;
- (2) Procurement of goods and services for List B Entities—\$563,000;
- (3) Procurement of construction services—\$7,032,000.

III. Chapter 9 of the United States- Bahrain Free Trade Agreement

A. Central Government Entities listed in the U.S. Schedule to Annex 9-A-1:

- (1) Procurement of goods and services—\$183,000; and
- (2) Procurement of construction services—\$12,001,460.

B. Other Entities listed in the U.S. Schedule to Annex 9-A-2:

- (1) Procurement of goods and services for List B entities—\$563,000; and
- (2) Procurement of construction services—\$14,771,718.

IV. Chapter 9 of the United States-Chile Free Trade Agreement

A. Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section A:

- (1) Procurement of goods and services—\$92,319; and
- (2) Procurement of construction services—\$7,032,000.

B. Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section B:

- (1) Procurement of goods and services—\$499,000; and
- (2) Procurement of construction services—\$7,032,000.

C. Other Entities listed in the U.S. Schedule to Annex 9.1, Section C:

- (1) Procurement of goods and services for List A Entities—\$461,594;
- (2) Procurement of goods and services for List B Entities—\$563,000;
- (3) Procurement of construction services—\$7,032,000.

V. Chapter 9 of the United States- Colombia Trade Promotion Agreement

A. Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section A:

- (1) Procurement of goods and services—\$92,319; and
- (2) Procurement of construction services—\$7,032,000.

B. Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section B:

- (1) Procurement of goods and services—\$499,000; and
- (2) Procurement of construction services—\$7,032,000.

C. Other Entities listed in the U.S. Schedule to Annex 9.1, Section C:

- (1) Procurement of goods and services for List B Entities—\$563,000;
- (2) Procurement of construction services—\$7,032,000.

VI. Chapter 9 of the Dominican Republic-Central American-United States Free Trade Agreement

A. Central Government Entities listed in the U.S. Schedule to Annex 9.1.2(b)(i), Section A:

- (1) Procurement of goods and services—\$92,319; and
- (2) Procurement of construction services—\$7,032,000.