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ENTERED
Office of Proceedings
November 26, 2024
Part of
Public Record

November 26, 2024

Via E-Filing

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

Re: Union Pacific Railroad Company—Construction and Operation
Exemption—In Maricopa County, Ariz., Docket No. FD 36501

Dear Ms. Brown:

Pursuant to the Surface Transportation Board's November 14, 2024 Decision ("November 2024 Decision"), Union Pacific Railroad Company is producing 11 documents that were identified on Union Pacific's privilege log but were inadvertently omitted from its prior productions. This fourth production is Bates stamped UP-Pirate-0010083 to UP-Pirate-0010121.¹ Descriptive information about each of the inadvertently omitted documents and relevant Document Requests for each document were included on the privilege log Union Pacific provided on February 15, 2024, and are included on the enhanced privilege log described below. To aid in the Board's review, Union Pacific is also submitting a separate production log for these 11 documents.

In the course of reviewing the 11 documents, it was determined that one privileged document previously produced on a redacted basis to the Board could have its redactions adjusted. That document is being reproduced and Bates stamped UP-Pirate-Rev-0009924 to UP-Pirate-Rev-0009926, and it is included in the production log as well.

¹ Each of these documents is an email and is being produced as a PDF with identifying numbers on every page as well as a Confidential or Highly Confidential designation pursuant to the Protective Order.

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Union Pacific is submitting an enhanced privilege log that provides additional information requested by the November 2024 Decision. The enhanced privilege log includes, among other changes further described in the log, a new “Attorney Names” column to reflect the 2024 Decision’s request for Union Pacific to identify the attorney(s) involved in the privileged document.² In its prior privilege log, Union Pacific provided information about the document produced. Because the November 2024 Decision requests information about both the document and “redacted portion[s] thereof,”³ Union Pacific is also providing additional information for produced documents that are email chains.

Union Pacific notes that for draft emails that were never sent, there is no substantive metadata to populate the sender, date, or similar fields and, therefore, the metadata populates as blank or “Unknown.” To the extent that this caused confusion, Union Pacific has renamed and manually updated information in the enhanced privilege log when it is apparent from the document what should be populated in each column.

In the course of providing an enhanced description of the privilege, Union Pacific also identified certain documents for which it updated the privilege reason in that column.

Finally, Union Pacific is providing a Supplemental Verification and Affidavit related to its production.

Respectfully submitted,

/s/ Raymond A. Atkins

Raymond A. Atkins, Ph.D.

cc: Service List for Docket No. FD 36501

² November 2024 Decision at 4.

³ *Id.*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36501

**UNION PACIFIC RAILROAD COMPANY
—CONSTRUCTION AND OPERATION EXEMPTION—
IN MARICOPA COUNTY, AZ**

SUPPLEMENTAL VERIFICATION AND AFFIDAVIT

Union Pacific Railroad Company submits this Supplemental Verification and Affidavit pursuant to the Surface Transportation Board's decisions in the above-captioned proceeding served on December 11, 2023 and March 26, 2024.

1. On January 25, 2024, Union Pacific filed Responses to the Board's Information Requests and Document Requests and produced documents marked UP-Pirate-0000001 to UP-Pirate-0006543.
2. On February 6, 2024, Union Pacific produced documents marked UP-Pirate-0006544 to UP-Pirate-0009647.
3. On February 15, 2024, Union Pacific produced documents marked UP-Pirate-0009648 to UP-Pirate-0010082, which completed Union Pacific's production of documents in response to the Board's Document Requests.
4. On April 1, 2024, Union Pacific filed a Supplemental Response to the Board's Information Request 5.
5. On November 26, 2024, Union Pacific supplemented its production with 11 documents identified on the privilege log for production but inadvertently

omitted from its earlier productions marked UP-Pirate-0010083 to UP-Pirate-0010121 in response to the Board's decision served on November 14, 2024.

SUPPLEMENTAL VERIFICATION AND AFFIDAVIT

I, Jennifer Galer, Senior General Attorney at Union Pacific Railroad Company, declare under penalty of perjury that the information contained in these foregoing described submissions by Union Pacific is true and correct to the best of my knowledge and belief.

I also declare that Union Pacific Railroad Company undertook a reasonable search to locate the information and documents requested by the Surface Transportation Board in its decision dated December 11, 2023, and that Union Pacific completed its production of documents in response to those requests on February 15, 2024, and supplemented its production on November 26, 2024 with 11 documents inadvertently omitted from its earlier productions.

Further, I certify that I am qualified and authorized to file this statement.

Executed on this 26th day of November 2024.


Jennifer Galer

STATE OF Nebraska)
) SS.
COUNTY OF Douglas)

On this 26th day of November 2024, before me the undersigned notary public, personally appeared Jennifer L. Galer personally known or proved to me through satisfactory evidence of identification, to be the person(s) whose name(s) is/are signed on the preceding or attached document and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

My commission expires: May 7, 2028



NOTARY PUBLIC

