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UP-7/NS-7

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Chief Counsel
November 13, 2025

Finance Docket No. 36873

Part of
Public Record

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

COMMENTS ON THE PROPOSED PROCEDURAL SCHEDULE

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October 20, 2025

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Applicants¹ hereby submit their comments on the procedural schedule that the Board proposed in Decision No. 5. Applicants respectfully request that the Board adopt a schedule that establishes a maximum 345-day period between the date the application is filed and the date on which the Board serves its final decision on the merits. Applicants initially proposed a 390-day period between the two events. However, Applicants now believe the procedural schedule can and should be shorter.

Applicants recognize the Board's commitment to be efficient and effective, and to deliver for business, and the country, and have reexamined their original proposed schedule in an effort to support those goals. The Board's commitment and Applicant's comments are consistent with the Administration's initiative to eliminate or reduce regulations that harm the national interest by unjustifiably impeding economic development and infrastructure development and impeding private enterprise and entrepreneurship. *See* Executive Order No. 14219, 90 Fed. Reg. 10,583 (2025).

Applicants have been working for more than two months to prepare the application. Their work has confirmed that, because of the merger's end-to-end nature, the transaction does not present any complex competitive or operating issues. Applicants therefore propose reducing the time the proposed schedule gives them to file responses to comments, rebuttal in support of the primary application and related applications, and responses to responsive applications from 90 days to 75 days. They also propose reducing the time the proposed schedule gives them to file

¹ As set forth in Applicants' Notice of Intent (UP-1/NS-1), "Applicants" are Union Pacific Corporation ("UPC") and Union Pacific Railroad Company ("UP") (collectively, "Union Pacific") and Norfolk Southern Corporation ("NSC") and Norfolk Southern Railway Company ("NS") (collectively, "Norfolk Southern").

final briefs after other parties file rebuttals in support of any responsive applications from 30 days to 15 days (which would be 45 days from the date responses to comments are due).

As reflected in their original proposed schedule, Applicants recognize that interested parties should be afforded a full opportunity to review and comment on the proposed transaction. The proposed schedule, however, was premised on discovery commencing after the Board accepted the Application. Consistent with its overall approach to addressing applications as efficiently as possible, the Board has already appointed an Administrative Law Judge, and Applicants have already begun responding to discovery requests from interested parties. In that context, it would be appropriate for the Board to reduce the period allowed for other parties to file comments, protests, requests for conditions, and responsive applications by 15 days.

Finally, Applicants also respectfully request that the Board provide in the procedural schedule that any hearing will occur and the record will close no more than 30 days after final briefs are due, the final decision will be served no more than 90 days after the record closes, and the final decision will take effect no more than 30 days after the decision is served. Providing that timing certainty and transparency would benefit the public and all stakeholders.

For the reasons stated above, Applicants request that the Board establish the procedural schedule attached as Appendix A, which adjusts the Board's proposed schedule to incorporate the modifications proposed above.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this 20th day of October 2025, the foregoing document was served by first-class mail or email on all parties of record in this proceeding, the Secretary of Transportation, the Attorney General of the United States, and Administrative Law Judge Jenifer Soulikias.

/s/ Michael L. Rosenthal

APPENDIX A

PROPOSED PROCEDURAL SCHEDULE

F*	Primary application and any related applications filed.
F+30	Board notice of acceptance of primary application and related application published in the Federal Register; Board designation of Administrative Law Judge to handle discovery matters.
F+45	Notices of intent to participate due.
F+60	Proposed Safety Integration Plan to be filed with the Office of Environmental Analysis and the Federal Railroad Administration.
F+75	Description of anticipated inconsistent and responsive applications due. Petitions for waiver or clarification with respect to such applications due.
F+105	Comments protests, requests for conditions, and any other evidence and argument in opposition to the primary application or any related applications due (except filings from DOJ and DOT). Responsive, including inconsistent, applications due.
F+115	Responsive environmental information and environmental verified statements for responsive, including inconsistent, applicants due.
F+120	Preliminary comments from DOJ and DOT, if any, due
F+135	Notice of acceptance of responsive, including inconsistent, applications, if any, published in the Federal Register.
F+180	Responses to comments, protests, requests for conditions, and other opposition due, including to DOJ and DOT filings. Rebuttal in support of the primary application and any related application(s) due. Responses to responsive, including inconsistent, applications due.
F+210	Rebuttals in support of responsive, including inconsistent, applications due.
F+225	Final briefs due.
F+255	Public hearing (if necessary). (Close of the record.)
F+345	Service date of final decision. (90 days after close of the record)
F+375	Effective date of final decision

* The term “F” designates the date of filing of the application and “F + n” means “n” days following that date.