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ENTERED
Office of Chief Counsel
January 14, 2026
Part of
Public Record

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By E-Filing

January 14, 2026

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

**Re: Docket No. FD 36873, *Union Pacific Corp., et al. -
Control - Norfolk Southern Corp., et al.***

Dear Chief of Case Administration:

Union Pacific Corporation, Union Pacific Railroad Company, Norfolk Southern Corporation, and Norfolk Southern Railway Company (“Applicants”) are submitting the attached letter for filing in the referenced docket. The letter addresses correspondence that Applicants received from Grand Trunk Corporation, which was submitted for filing as CN-8.

Sincerely,

/s/ Michael L. Rosenthal

Michael L. Rosenthal
*Attorney for Union Pacific
Corporation and Union
Pacific Railroad Company*

Attachment

cc: All Parties of Record
Hon. Jenifer Soulikias

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Via Email

January 14, 2026

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, IL 60606-3208

**Re: Docket No. FD 36873, Union Pacific - Control - Norfolk
Southern**

Dear Mr. Litwiler:

This responds to your letter of January 12, 2026, regarding traffic data produced in connection with this proceeding. The short answer to your question about discrepancies in various data productions is that the data were developed in response to different requests at different times. Applicants produced certain data in response to specific instructions from the Surface Transportation Board and other data in developing the evidence in their Application.

You say your client is finding it difficult to know which data to use to perform its own analyses to make “apples-to-apples” comparisons with Applicants’ analyses presented in the Application. Applicants’ analyses used the data in the workpapers submitted with the Application.

Regarding your more specific question about the number of Union Pacific records in each production, Union Pacific produced a second set of traffic data in response to the Board’s request that Union Pacific supplement its original production with data for empty, non-revenue movements. Union Pacific provided Dr. Bailey with data before the Board requested data from Union Pacific, and Union Pacific gave Dr. Bailey a broader set of data than the Board requested, including non-waybill data and data from a broader time period. Of the 31.3 million “additional” records in Dr. Bailey’s workpapers, all except 1,227 records—*i.e.*, 0.000012 of the records that Union Pacific provided the Board—either had waybill dates outside of the 2019 to 2024 period requested by the Board or involved movements that were not waybilled traffic and thus had no waybill number or waybill date. Dr. Bailey did not use even the 1,227 records in her analyses because they all involved movements of locomotives or end of train devices, which Dr. Bailey excluded from her analyses. *See* Bailey VS, Appendix C, App. Vol. 2 at 97 & n.15. (Also, all but two of the records were also flagged as duplicate records, non-revenue movements, or empty movements, which Dr. Bailey also excluded from her analyses. *See id.* at 99–100.)

Regarding your question about the number of data fields in the different productions, the Board required Applicants to provide fields kept in the normal course of business. Dr. Bailey

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and other witnesses asked Applicants to construct and include additional fields for the purposes of their analyses, so Dr. Bailey's workpapers contain more fields.

For Norfolk Southern, the explanation is similar. The data produced to the Board reflects the Board's specific instructions and its instruction to produce data as kept in the ordinary course of business. The data files in the Application workpapers that were used for the analyses in the Application reflect certain adjustments to ensure accurate treatment of intermodal traffic, the removal of voided waybills, and the addition of "shoulder months" of December 2018 and January 2025 to ensure a complete capture of data.

We hope this response addresses your stated confusion about whether your client should be using the workpapers submitted with the Application, or some other set of traffic data, in evaluating the Application.

In the future, please feel free to email me to resolve issues like these. We are happy to help clarify such issues informally.

Sincerely,

/s/ Michael L. Rosenthal

Michael L. Rosenthal
*Attorney for Union Pacific
Corporation and Union
Pacific Railroad Company*

cc: STB Office of Chief Counsel
Parties of Record in FD 36873
Hon. Jenifer Soulikias
Raymond A. Atkins, Esq.