

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36873

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

**APPLICANTS' REPLY TO SHIPPER ASSOCIATIONS'
MOTION TO REDESIGNATE SCHEDULE 5.8 AS PUBLIC**

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April 27, 2026

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Applicants¹ submit this reply to the Shipper Associations’ Motion to Redesignate Schedule 5.8 as Public consistent with the Board’s Decision No. 14. Applicants will provide a public, unredacted version of Schedule 5.8 in the Amended Application they will file on April 30, 2026.

The Shipper Associations’ motion lacks merit. Schedule 5.8 contains confidential, commercially sensitive information regarding Applicants’ view of the regulatory conditions that would be materially burdensome under the terms of their Merger Agreement. The Shipper Associations, like other parties in this proceeding, do not need that information to evaluate and comment on the merits of the proposed transaction. They are seeking access to Applicants’ non-public evaluation of the financial impacts of potential regulatory outcomes so they can try to extract self-

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”).

serving concessions from Applicants based on the regulatory conditions Union Pacific is contractually obligated to accept—*not* based on what is in the public interest.

To prevent this improper use, after the Board ordered Applicants to file Schedule 5.8 in this docket, Applicants produced the document in response to discovery requests and designated it as Highly Confidential. Under that designation, both the Board and anyone who signed the protective order in this proceeding had access to the unredacted Schedule. In that context, there was no credible basis for the Shipper Associations' claims of insufficient access to the unredacted Schedule.

However, certain parties seeking to distract attention from the overwhelming merits of the proposed transaction and the tremendous public benefits it will produce have raised baseless claims regarding the contents of Schedule 5.8. To remove this distraction, Applicants will provide a public, unredacted version of Schedule 5.8 in the Amended Application they will file on April 30, 2026.

The motion is therefore moot.

Respectfully submitted,

/s/ Raymond A. Atkins

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April 27, 2026

/s/ Michael L. Rosenthal

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2026, the foregoing document was served by first-class mail or email on all parties of record to this proceeding, the Secretary of Transportation, the Attorney General of the United States, and Administrative Law Judge Jenifer Soulikias.

/s/ Molly Brown