

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 36873

**UNION PACIFIC CORPORATION, ET AL.
—CONTROL—
NORFOLK SOUTHERN CORPORATION, ET AL.**

**NS'S RESPONSES AND OBJECTIONS TO THE FIRST REQUESTS BY NEW
JERSEY TRANSIT CORPORATION FOR PRODUCTION OF DOCUMENTS**

Pursuant to 49 C.F.R. Part 1114 and other applicable rules and authority, Norfolk Southern Corporation and Norfolk Southern Railway Company (together, "Norfolk Southern" or "NS"), through undersigned counsel, respond as follows to the requests for production of documents in First Requests by New Jersey Transit Corporation ("NJ TRANSIT") for Production of Documents ("Requests"). NS's responses and objections to the Requests are based on NS's present knowledge, information, and belief. NS reserves the right to supplement or amend these Responses and Objections at any time as circumstances may require.

GENERAL RESPONSES AND OBJECTIONS

NS's General Objections, as set forth herein, are to be considered objections to each of the specific discovery requests (including subparts) that follow. NS's objections shall not waive or prejudice any objections that it may later assert.

1. NS objects to NJ TRANSIT's request that NS complete its discovery production in response to NJ TRANSIT's sweeping discovery Requests within 21 days (July 22, 2026) on the basis that the request is unduly burdensome and fails to

allow for a reasonable time for compliance. NS is providing written responses and objections today and documents will be produced on a rolling basis as they become available, consistent with the procedural schedule and discovery guidelines entered in this proceeding. *See* Docket No. FD 36873, *Order Setting Discovery Guidelines* (STB served June 18, 2026).

2. NS objects to each and every of NJ TRANSIT's Definitions, Instructions, and Requests to the extent that they seek to impose obligations on NS that are greater than or otherwise inconsistent with those imposed under 49 C.F.R. Part 1114, Subpart B, are not proportional to the needs of this proceeding, or impose an undue burden on NS.

3. NS objects to the Requests, including the Definitions and Instructions, to the extent they seek information that is cumulative or duplicative, already in NJ TRANSIT's possession, custody, or control, or that is or will be obtainable from publicly available sources, such as the application in this proceeding ("Control Application" and "Amended Application"), or from another source that is more convenient, less burdensome, or less expensive.

4. NS objects to each and every Request to the extent that it seeks information protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, exemption, or protection from discovery or disclosure. In the event that any such information is inadvertently produced or provided, and such information is the proper subject of the attorney-client privilege, the attorney work-product doctrine, the joint defense and common interest

privilege, and/or other applicable privilege, exemption, or protection, such disclosure is not to be construed as a waiver of any of these privileges, exemptions, or protections. NS reserves the right to require that such inadvertently produced privileged information be returned to it and that all copies in NJ TRANSIT's possession, and that of its counsel, consultants, subsidiaries, or other agents, be destroyed.

5. NS objects to the Requests to the extent they seek information or documents in a form not maintained by NS in the regular course of business or to the extent they would require NS to perform a special study. Where requested documents or information could be developed only through the preparation of compilations, documents, summaries, analyses, or other special studies of any sort not already in existence, NS will not prepare or produce any special studies.

6. NS objects to the Discovery Requests and to each Definition, Instruction, and Request contained therein to the extent they seek the production of documents prepared in connection with, or information relating to, possible settlement or mediation of this or any other proceeding, in whole or in part.

7. NS does not concede the relevance, materiality, competency, or admissibility as evidence of documents or information requested in the Requests or the Responses or productions thereto provided by NS. NS reserves its right to object on any ground to the use of the Responses herein, or its related productions, in this proceeding or in any subsequent appeal, proceeding, action, or trial.

8. NS objects to each and every Definition, Instruction, and Request contained therein as unduly burdensome to the extent they seek production from the files of all current and former NS employees, including those who are not reasonably likely to possess non-duplicative relevant documents. Unless specifically stated otherwise, by stating that it will produce documents responsive to these Requests, NS states that it will produce documents from files most likely to contain materials responsive to the Request without undue burden.

9. NS objects to each and every Discovery Request to the extent they seek information that might reveal NS's commercially sensitive or long-term corporate strategies and are not relevant to this proceeding. NS reserves the right to redact any non-responsive information relating to NS's corporate strategies that may be found in otherwise responsive documents produced to NJ TRANSIT.

10. NS objects to the Requests, Instructions, and Definitions, to the extent they seek information or documents that contain confidential, proprietary, or commercially sensitive information. NS will only produce such information subject to the Board's Protective Order issued on August 5, 2025 (Decision No. 1). NS will designate information, if not otherwise objectionable, as "Confidential" or "Highly Confidential," subject to the terms of the Protective Order entered in this case. NS reserves the right to seek additional protections as needed.

11. NS objects to Definition No. 3 defining "Agreements" to the extent it is overly broad, unduly burdensome, and seeks to impose obligations broader than those imposed by 49 CFR Part 1114. NS specifically objects to Definition No. 3 as

unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks any “Documents containing legally enforceable requirements agreed to by two or more parties” regardless of its materiality or relevance to issues in this proceeding. NS further objects to this Request as vague and ambiguous to the extent it requests information or agreements that are not in NS’s possession, custody, or control.

12. NS objects to NJ TRANSIT’s Definition No. 4 defining “Applicants” to mean “Union Pacific Railroad Company, Union Pacific Corporation, and Norfolk Southern Corporation, and Norfolk Southern Railway Company” to the extent it is vague, overly broad, unduly burdensome, and seeks to impose obligations broader than those imposed by 49 C.F.R. Part 1114. NS specifically objects to Definition No. 4 as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific and requests information that is not in NS’s possession, custody, or control.

13. NS objects to NJ TRANSIT’s Definition No. 5 defining “Communications” to the extent it is overly broad, unduly burdensome, and seeks to impose obligations broader than those imposed by 49 CFR Part 1114. NS specifically objects to Definition No. 5 as unduly burdensome to the extent that it seeks production of information “however made” and to the extent that it would require production of text messages, instant or direct messages on any platform and electronic communications other than emails, and to the extent that it purports to

require production of material that was not reduced to writing. NS is not searching for and will not produce these categories of "Communications."

14. NS objects to NJ TRANSIT's Definition No. 9 defining "Data" to the extent it is overly broad, unduly burdensome, and seeks to impose obligations broader than those imposed by 49 C.F.R. Part 1114. NS specifically objects to Definition No. 9 because it purports to require production of the underlying information "contained within or derived from Documents," that can be "retrieved, processed, or analyzed" to the extent that it would require the creation of new compilations, reports, or analyses, or otherwise impose obligations beyond those required by 49 C.F.R. Part 1114. NS will not create new data compilations or analyses in response to these Requests.

15. NS objects to NJ TRANSIT's Definition No. 10 defining "Document" to the extent it is overly broad, unduly burdensome, and seeks to impose obligations broader than those imposed by 49 C.F.R. Part 1114. NS specifically objects to Definition No. 10 as unduly burdensome and as seeking information that is not proportional to the probative value the information sought may have in this proceeding to the extent that it would require production of draft electronic communications, electronic meeting invites, meeting change or cancellation notices, text messages, communications by or with internet-connected applications (other than emails), electronic messages (other than emails), and communications. NS is not searching for and will not produce these categories of "Documents."

16. NS objects to NJ TRANSIT's Instruction No. 11 as overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it purports to require NS to produce documents not in its possession. NS will produce information within its possession, custody, and control that can be located after a reasonable search.

17. NS objects to NJ TRANSIT's Instruction No. 12 as overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it purports to require NS to create estimates or approximations where precise data does not exist, or to conduct a special study or analysis not maintained in the ordinary course of business.

18. NS objects to NJ TRANSIT's Instruction No. 13 and failure to put a reasonable time limitation on its discovery requests as disproportionate and unduly burdensome. NS further objects to NJ TRANSIT's request for documents and data on a "continuing in nature" basis as vague and ambiguous, since it constitutes an ever-moving target. Except as otherwise noted, the time frame for NS's document search is January 1, 2019 through April 30, 2026.

19. NS reserves all rights to supplement, amend, revise, correct, or clarify these objections and/or responses, and NS reserves its rights to assert any applicable objection, privilege, or other protection in connection with such supplement or amendment.

20. Consistent with the baseline confidentiality protections of the STB's Protective Order, no documents, data or information produced by NS may be

inputted into any public internet search engine or into any public, non-compartmentalized generative artificial intelligence (*e.g.*, ChatGPT, Google Bard, etc.).

21. Consistent with the baseline confidentiality protections of the STB's Protective Order, documents and information produced by NS in this proceeding shall be maintained in a distinct database, separate from any other documents, including those produced by NS or any other party in a separate proceeding. NJ TRANSIT may not co-mingle Confidential or Highly Confidential information received in discovery in this proceeding with materials from any other litigation or matter, and may not submit any of the information received in discovery to any open generative artificial intelligence ("AI") tool (*e.g.*, ChatGPT) or any substantially similar tool that is available to the public. NJ TRANSIT may only submit information to an internal closed generative AI tool if it ensures that the tool is not accessible to the public; is not accessible to individuals who have not executed the appropriate confidentiality undertakings to the STB protective order; is used in a secure, controlled environment where information can only be used for purposes of this proceeding and could not be used to respond to any other inquiry; and gives NJ TRANSIT the capability to delete all discovery material from the tool at the close of the proceeding. Under no circumstances should any information provided by NS to NJ TRANSIT be used to train any AI or language model, or submitted to an internal AI tool in a way that such training be possible.

SPECIFIC RESPONSES AND OBJECTIONS

In addition to its General Objections (which apply in full to each and every Request without further enumeration), NS sets forth Specific Objections and Responses to each Document Request below. NS preserves all of its General Objections as incorporated above, and none of the following Specific Objections shall waive its General Objections. Nor shall any of NS's Specific Objections limit the scope, breadth, generality, or applicability of those General Objections.

DOCUMENT REQUEST NO. 1

Produce Documents containing all Train Data for Applicants' Service on NJ TRANSIT Lines, including but not limited to CSAO Lines, for the Subject Time Period, as it currently exists, including but not limited to the following:

- a. Train type (passenger, intermodal, manifest, unit, local, work, etc.);
- b. Train origin;
- c. Train point of entry into modeled line segments (on junction);
- d. Train departure time from origin;
- e. Stops and dwell times along the train route, including but not limited to the following:
 - i. Identification of locations where cars are set out or picked up, and the number of cars switched in/out of the train; and
 - ii. Identification of crew change, fueling, and inspection activities by location;
- f. Train point of exit from modeled line segments (off junction);
- g. Train destination;
- h. Number and type of locomotives, and number of cab-signaled and non-cab signaled locomotives;
- i. Relative proportions of loaded and empty railcars;
- j. Train weight;
- k. Trailing length;
- l. Train length and tonnage restrictions; and
- m. Hazardous material trains.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS specifically objects to this

Request to the extent it seeks information that is cumulative or duplicative, already in NJ TRANSIT's possession, custody, or control, or that is obtainable from publicly available sources, such as the application in this proceeding ("Control Application" and "Amended Application") or from another source that is more convenient, less burdensome, or less expensive. NS further objects to the Request as overly broad and unduly burdensome to the extent it requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to traffic tapes, train event, and car event data previously produced in this case and available to all parties.

DOCUMENT REQUEST NO. 2

Produce Documents containing all operational Data for the Applicants' Service on the NJ TRANSIT Lines, including but not limited to CSAO Lines, including but not limited to the following:

- a. Freight train schedules;
- b. On-time performance Data;
- c. Maintenance windows (actual and/or scheduled);
- d. Other time restrictions (rush hour transit windows, curfews, etc.);
- e. Detailed description of typical daily switching activities; and
- f. Historical delay data, including weather-related delay data.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and not reasonably calculated to lead to the discovery of relevant, admissible evidence that could aid NJ TRANSIT in preparing its filings in this proceeding. NS further objects to the phrases "all operational Data," "other time restrictions," and "historical delay data" as vague,

ambiguous, and overbroad. NS also objects to the request for “detailed description[s] of typical daily switching activities” as unduly burdensome and disproportionate to the needs of this proceeding to the extent that it asks NS to create an analysis not otherwise kept in the ordinary course of business. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of CSAO and requests information that is not in NS’s possession, custody or control. NS also objects to this Request to the extent it seeks documents or information that are publicly available, contained in the Control Application or Amended Application, and reflected in accompanying workpapers.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. In addition, NS will conduct a reasonable search and produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS’s possession, can be collected and produced without undue burden, and have not already been produced.

DOCUMENT REQUEST NO. 3

Produce all Documents and Communications relating to:

- a. Applicants’ plan to create a pool of locomotives equipped with cab signaling for use in the NJ TRANSIT Operating Region, as discussed at Volume 2, Page 914, of the Amended Application; and
- b. Applicants’ plans to comply with locomotive cab signal requirements in New Jersey within the NJ TRANSIT Operating Region.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and not reasonably calculated to lead to the discovery of relevant, admissible evidence that could aid NJ TRANSIT in preparing its filings in this proceeding. NS objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege. NS also objects to this Request to the extent it seeks production of publicly available information or information that NJ TRANSIT could obtain through less burdensome means, including by reviewing documents that are publicly available on the Surface Transportation Board's docket and/or with which NJ TRANSIT has been served.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. NS also directs NJ TRANSIT to the forthcoming production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request. Subject to the foregoing, NS will produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS's possession, and can be collected and produced without undue burden.

DOCUMENT REQUEST NO. 4

Produce any projected operational plans for the growth of Applicant's Service on the CSAO Lines over the three years following consummation of the merger, including but not limited to a breakdown and projected schedule of trains planned to operate over the Port Reading Secondary and the portion of the Lehigh Line that is a NJ TRANSIT Line under the Base Plan, Optimized Plan, and Growth Plan.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding. NS further objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent it seeks documents or information that are not within NS's possession, custody, or control. NS further objects to this Request as overbroad to the extent it requests information related to "projected" or "planned" operations to the extent such requests are speculative in nature. NS further objects to this Request to the extent it seeks documents or information that are publicly available, already contained in the Control Application or Amended Application, or reflected in the accompanying workpapers.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026.

DOCUMENT REQUEST NO. 5

Produce all Documents not already produced containing all modeling exercises performed by the Applicants or performed by a third party engaged by the Applicants in developing the post-merger operating plan or any alternative

operating plans with respect to the NJ TRANSIT Operating Region and any rail lines that feed into the NJ TRANSIT Operating Region, including the portion of the Lehigh Line that is not a NJ TRANSIT Line.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent it seeks documents or information that are not within NS's possession, custody, or control.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026.

DOCUMENT REQUEST NO. 6

Produce all Data relating to the projected growth of Applicants' Service on the CSAO Lines under the Base Plan, Optimized Plan, and Growth Plan.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding. NS specifically objects to the request for "all Data" as overbroad to the extent it seeks data not maintained by NS in the ordinary course of business or would require NS to create a new

compilation, report, or analysis. NS further objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent it seeks documents or information that are not within NS's possession, custody, or control. NS further objects to this Request to the extent it seeks documents or information that are publicly available, already contained in the Control Application or Amended Application, or reflected in the accompanying workpapers.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application filed with the Surface Transportation Board on April 30, 2026 and accompanying workpapers.

DOCUMENT REQUEST NO. 7

Produce all Agreements (with amendments) between NS and CSAO, excluding those related solely to CSAO operations in Michigan.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding. NS further objects to this Request as overly broad to the extent it seeks "all Agreements" between NS and CSAO without reasonable limitation as to subject matter or relevance to the Proposed Transaction. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS will conduct a reasonable search and produce nonprivileged written agreements, including amendments, between NS and CSAO that are responsive to this Request, to the extent such documents exist, can be located after a reasonable search, and can be collected and produced without undue burden.

DOCUMENT REQUEST NO. 8

Produce all Communications between NS and CSAO regarding train prioritization and preferences for dispatching along any portion of the Lehigh Line that is shared with NJ TRANSIT's Raritan Valley Line Service.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding. NS specifically objects to this Request as overbroad to the extent it seeks "all Communications" between NS and CSAO regarding broad subject matter over an extended period. NS further objects to this Request as vague and ambiguous with respect to the term "train prioritization and preferences." NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. In addition, NS will conduct a reasonable search and

produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS's possession, can be collected and produced without undue burden, and have not already been produced.

DOCUMENT REQUEST NO. 9

Produce all Documents relating to required capacity expansion in CSAO's North Jersey Terminal area to ensure fluid operations into and out of CSAO terminals, including Oak Island, Doremus Auto Ramp, and PANYNJ port facilities.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent the request is not tied to the impacts of the proposed transaction. NS further objects to this Request as vague and ambiguous with respect to the term "required capacity expansion." NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent it seeks documents or information that are not within NS's possession, custody, or control. NS further objects to this Request to the extent it seeks documents or information that are publicly available, already contained in the Control Application or Amended Application, or reflected in the accompanying workpapers.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application

and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. NS also directs NJ TRANSIT to the forthcoming production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request. Subject to the foregoing, NS will produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS's possession, and can be collected and produced without undue burden that are tied to the impacts of the proposed transaction.

DOCUMENT REQUEST NO. 10

Produce all Documents containing analysis of the need for capital improvements and track capacity expansion to accommodate growth under the Optimized and Growth Plans at Croxton, including but not limited to any analysis of the impact of train operations, including NJ TRANSIT operations, in CSAO's North Jersey Terminal if Croxton is at capacity or not operating fluidly.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding. NS further objects to this Request as vague and ambiguous with respect to the phrase "capital improvements and track capacity expansion to accommodate growth." NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent it seeks documents or information that are not within NS's possession, custody, or control.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. NS also directs NJ TRANSIT to the forthcoming production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request.

Subject to the foregoing, NS will produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS's possession, and can be collected and produced without undue burden.

DOCUMENT REQUEST NO. 11

Produce all Documents relating to all proposed capital improvements in the NJ TRANSIT Operating Region to ensure safety under the Optimized and Growth plans, including Documents related to assessments of safety needs and Documents related to the deployment of technology to ensure safety.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding. NS further objects to this Request as vague and ambiguous with respect to the Request for "Documents related to assessments of safety needs and Documents related to the deployment of technology to ensure safety." NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding,

including to the extent it seeks documents or information that are not within NS's possession, custody, or control.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. NS also directs NJ TRANSIT to the forthcoming production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request. Subject to the foregoing, NS will produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS's possession, and can be collected and produced without undue burden.

DOCUMENT REQUEST NO. 12

Produce all Documents relating to any proposed changes to existing service to PANYNJ facilities with direct rail connections to lines over which NJ TRANSIT conducts rail operations, including but not limited to port, bus, ExpressRail, and ground transportation facilities, and excluding airports, bridges, and tunnels.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent the request is not tied to the impacts of the proposed transaction. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond

to a request on behalf of Union Pacific and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. NS also directs NJ TRANSIT to the forthcoming production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request. Subject to the foregoing, NS will produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS's possession, and can be collected and produced without undue burden that are tied to the impacts of the proposed transaction.

DOCUMENT REQUEST NO. 13

Produce all Documents relating to the reintroduction of intermodal service at E-Rail, including but not limited to:

- a. Modeling of impacts associated with the reintroduction of intermodal service, including but not limited to impacts to existing freight operations on the Garden State Secondary and at nearby PANYNJ port facilities;
- b. Projections of rail traffic; and
- c. Documents and Communications relating to the decision not to make additional capital improvements at E-Rail, as described at Volume 2, Page 755 of the Amended Application.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent the request is not tied to the impacts of the proposed transaction. NS specifically

objects to this Request as vague, ambiguous, and unduly burdensome to the extent this Request seeks “all Documents...relating to the decision not make additional capital improvements at E-Rail,” because such requests concern confidential and proprietary business information and business judgments without reasonable limitation. NS further objects to this Request to the extent it seeks production of publicly available information or information that NJ Transit could obtain through less burdensome means, including by reviewing documents that are publicly available on the Surface Transportation Board’s docket and/or with which NJ TRANSIT has been served. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. NS also directs NJ TRANSIT to the forthcoming production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request.

Subject to the foregoing, NS will produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS’s possession, and can be collected and produced without undue burden that are tied to the impact of the transaction.

DOCUMENT REQUEST NO. 14

Produce all Documents relating to plans to attract shippers or expand shipping volumes in and around the North Jersey Terminal, including but not limited to marketing plans.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent the request is not tied to the impacts of the proposed transaction. NS further objects to this Request as vague and ambiguous with respect to the phrase “attract shippers.” NS further objects to this Request to the extent it seeks highly confidential, proprietary, commercially sensitive, shipper-specific, pricing, marketing, or strategic information. NS further objects to the extent this Request seeks documents reflecting hypothetical, contingent, or preliminary planning that does not reflect final business decisions. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. NS also directs NJ TRANSIT to the forthcoming production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request. Subject to the foregoing, NS will produce nonprivileged documents responsive to

this Request, to the extent such documents exist, are in NS's possession, and can be collected and produced without undue burden that are tied to the impacts of the proposed transaction.

DOCUMENT REQUEST NO. 15

Produce all Documents relating to strategic planning for future service by the Applicants over the CSAO Lines, investment by the Applicants in CSAO infrastructure, or other interactions between CSAO and the Applicants.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent the request is not tied to the impacts of the proposed transaction. NS further objects to this Request as vague and ambiguous to the extent it requests information related to "strategic planning for future service" because such Documents may not reflect final business decisions. NS further objects to this Request to the extent it seeks highly confidential, proprietary, commercially sensitive, shipper-specific, pricing, marketing, or strategic information. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. NS also directs NJ TRANSIT to the forthcoming production of information and documents pursuant to the existing proposal for

custodial searches, which may include documents responsive to this request.

Subject to the foregoing, NS will produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS's possession, and can be collected and produced without undue burden that are tied to the transaction.

DOCUMENT REQUEST NO. 16

Produce all Documents relating to plans to shift existing NS and CSAO traffic within, into, or out of the NJ TRANSIT Operating Region.

Response:

NS objects to this Request because it is overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent the request is not tied to the impacts of the proposed transaction. NS further objects to this Request to the extent it seeks highly confidential, proprietary, commercially sensitive, shipper-specific, pricing, marketing, or strategic information. NS further objects to the Request as overly broad and unduly burdensome to the extent it requests information that is not in NS's possession, custody or control. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs NJ TRANSIT to the information provided in the Amended Application and accompanying workpapers filed with the Surface Transportation Board in this proceeding on April 30, 2026. NS also directs NJ TRANSIT to the forthcoming

production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request.

Subject to the foregoing, NS will produce nonprivileged documents responsive to this Request, to the extent such documents exist, are in NS's possession, and can be collected and produced without undue burden that are tied to the transaction.

/s/ Matthew J. Warren

RAYMOND A. ATKINS

CARRIE C. MAHAN

MATTHEW J. WARREN

ALLISON C. DAVIS

MARC A. KORMAN

Sidley Austin LLP

1501 K Street, N.W.

Washington, DC 20005

(202) 736-8000

JASON M. MORRIS

JOSEPH H. CARPENTER IV

THOMAS E. ZOELLER

HANNA M. CHOUEST

Norfolk Southern Railway Company

650 W. Peachtree Street NW

Atlanta, GA 30308

*Attorneys for Norfolk Southern
Corporation and Norfolk Southern
Railway Company*

Date: July 9, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2026, a copy of the foregoing
“NS’s Responses and Objections to the First Requests by New Jersey Transit
Corporation for Production of Documents” was served by email or first class mail on
the service list for Finance Docket No. 36873.

/s/ Matthew J. Warren

Matthew J. Warren