

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36873

**UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
- CONTROL -
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY**

**DESCRIPTION OF ANTICIPATED RESPONSIVE APPLICATION BY
CHICAGO, SOUTH SHORE & SOUTH BEND RAILROAD
AND REQUEST FOR LEAVE TO FILE OUT OF TIME**

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Dated: September 11, 2026

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In accordance with the Board’s Decision No. 30 served in this proceeding on August 18, 2026, Chicago, South Shore & South Bend Railroad (“CSS”) submits this Description of Anticipated Responsive Application. In doing so, CSS also seeks leave of the Board to file this description two days out of time. Good cause exists for accepting this submission out of time due to the fact that no prejudice will result in view of the number and magnitude of other notices of anticipated responsive applications submitted recently and due to the Board’s recent decision to extend the due date for notices of intent to participate until September 30, 2026, thereby expanding the universe of potentially interested parties and participants, including those that might benefit from the responsive application described below.

BACKGROUND

CSS is a Class III railroad that operates over approximately 100 miles of track in Indiana and Illinois. As relevant to the Proposed Transaction, CSS interchanges with Norfolk Southern Railway Company (“NS”) in Chicago, Illinois, directly and via the Belt Railway of Chicago (“BRC”), and with Union Pacific Railroad Company (“UP”) via the BRC in Chicago, Illinois.

If the Board approves the Proposed Transaction, CSS anticipates that it will be seeking as conditions to the Board's approval, the acquisition of the following described rights that potentially would require responsive application(s), to insulate CSS and its customers from any potential negative impacts of the Proposed Transaction.

DESCRIPTION OF ANTICIPATED CSS TRACKAGE RIGHTS REQUESTS

CSS anticipates that it may file a responsive application seeking trackage rights over the following NS lines and routes:

1. Chicago IL: Trackage rights over NS's Pullman Branch between 124th Street and Pullman Jct., including:
 - The right to interchange with The South Chicago & Indiana Harbor Railroad ("SCIH") and the Chicago Rail Link ("CRL") at Pullman Jct.
2. Burns Harbor IN (NS CP 487) – Port of Indiana Burns Harbor: Trackage rights over approximately one mile of NS's yard tracks between the CSS connection at CP 487 on NS's Chicago Line and connections with Port of Indiana Burns Harbor trackage including:
 - The right to interchange with Burns Harbor Railroad ("BHR")
3. Tolleston, IN – Location of former CSS-N&W connection in Gary, IN: Trackage rights over approximately 1.6 miles of NS's Gary Branch Tolleston, IN and former CSS-N&W connection in Ambridge neighborhood of Gary, IN, together with installation of the previously planned diamond to cross CSX at Tolleston, including:
 - The right to interchange with Chicago, Fort Wayne & Eastern (CF&E) at Tolleston.
4. Dillon, IN – Walkerton, IN: Trackage Rights or acquisition of ownership of approximately four (4) miles of NS track, on which operations have been discontinued, between Dillon, IN

and the end of Elkhart & Western Railroad (“EWR”) operation in Walkerton, IN, including:

- The right to interchange with EWR

ADDITIONAL CONDITIONS AND RELIEF

The above descriptions of anticipated responsive applications are presented in response to the abbreviated schedule provided by the Board. As the record in this proceeding develops, CSS may elect not to seek all of the responsive applications, and may seek as relief additional conditions, whether or not requiring a responsive application, in its comments and requests for conditions scheduled to be filed November 18, 2026 in accordance with the procedural schedule, or as the Board may modify the procedural schedule in the future.

Respectfully submitted,

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Railroad*

Dated: September 11, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September 2026, I caused copies of the foregoing document to be served by first-class mail or email upon all parties of record on the service list and the Administrative Law Judge assigned in this proceeding.

/s/ Robert D. Rosenberg
Robert D. Rosenberg