

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36844

**COMMUTER RAIL DIVISION OF THE NORTHERN ILLINOIS
TRANSIT AUTHORITY D/B/A METRA¹
—TERMINAL TRACKAGE RIGHTS—
UNION PACIFIC RAILROAD COMPANY**

**OPPOSITION TO REQUEST FOR MODIFICATION
OF THE PROCEDURAL SCHEDULE**

The Board should deny UP's request to modify the procedural schedule, because UP provides no factual or legal basis for the Board to reconsider its August 19, 2026, decision denying UP's prior request to bifurcate the Board's proceedings and delay the establishment of final conditions and compensation for Metra's trackage rights. UP's request also would undermine the timely resolution of this proceeding within the statutory framework of § 11102, as provided for in the Board's August 19, 2026, decision and recognized by the Eighth Circuit Court of Appeals in its opinion remanding this matter to the Board "to set compensation" within 180 days. *Union Pac. R.R. Co. v. Surface Transp. Bd.*, No. 25-2919, 2026 WL 2564829, at *9 (8th Cir. Aug. 31, 2026) (citing § 11102(d)).

¹ The Northern Illinois Transit Authority Act, which created the Northern Illinois Transit Authority to replace the Regional Transportation Authority, took effect on June 1, 2026. 70 ILCS 3615/1.01. Metra has revised the caption to reflect its updated name, the Commuter Rail Division of the Northern Illinois Transit Authority, d/b/a Metra.

UP's request fails in several key respects. *First*, the Board already considered and rejected UP's request to have the "scope of the trackage rights" issue treated separately from the other disputed issues specified in Metra's December 1, 2025, request for the Board to establish final conditions and compensation. There is nothing new presented in UP's request to suggest a different result. *Second*, UP's assertion that it is unfamiliar with the facilities (other than rail lines) used in commuter service on the UP Lines and that such facilities were not part of Metra's March 7, 2025, trackage rights application and encompassed within the Board's September 3, 2025, decision finds no support in the record. *Third*, to the extent UP claims that it cannot identify the facilities listed by Metra in its August 26, 2026, submission (which is difficult to understand as UP owns and previously used the same facilities for decades to provide the commuter service Metra now operates), the Board has established a discovery process and procedures that are adequate to enable the parties to exchange relevant information and develop their evidence and argument without any modification in the existing schedule.

First, regarding UP's request for reconsideration: On December 15, 2025, UP asked the Board to bifurcate the conditions and compensation phase of this proceeding. UP requested bifurcation in lieu of proposing an alternative to the procedural schedule Metra had proposed with its December 1, 2025, request for the Board to establish conditions and compensation. UP sought bifurcation based on its "assum[ption]" that Metra planned to ask the Board to "expand" the scope of the

relief granted in the Board's September 3, 2025, decision to cover "a potentially wide array of other real estate or and/or facilities." *Id.* at 5.

Metra's December 18, 2025, reply (at 3-5) explained why UP's assumption was incorrect and how the Board's September 3, 2025, decision makes clear that terminal facilities under § 11102(a) are to be broadly construed for passenger traffic, and that prior decisions associated with freight-related facilities "are not delimiting because they did not involve functions or facilities pertaining to the transportation of passengers." September 3, 2025, Decision at 14 & n.28.² Metra further emphasized that both parties would have the opportunity to address what facilities are within the Board's scope of relief in determining conditions of use and compensation.

In its August 19, 2026, decision setting the procedural schedule, the Board rejected "UP's assertion that bifurcating the proceeding into two distinct phases would promote efficiency," and instead adopted an efficient procedure for the parties to present and attempt to resolve these scope issues. August 19, 2026, decision at 4. The Board required the parties – *first*, Metra, and *then*, UP – to list with specificity "the facilities (other than rail lines)" that in their view are within the scope of terminal trackage rights granted in preparation for the parties' simultaneous submission of opening evidence and argument on October 19, 2025. The only thing

² The Eighth Circuit, in relying on the presence of rail yards at the ends of the UP Lines to uphold the Board's decision that the entirety of the UP lines constitute terminal facilities properly encompassed in the trackage rights granted in the September 3, 2025, decision, recognized that such facilities extend beyond the main-line tracks. 2026 WL 2564829, at *6 (8th Cir. Aug. 31, 2026).

new since UP previously requested bifurcation is Metra's recent specific listing of the facilities (other than rail lines), at the Board's direction – and nothing in that list is news to UP.

UP has not shown good cause for the requested relief, nor any “material error” required for seeking to reconsider or reopen under 49 C.F.R. §§ 1115.3 and 1115.4. Accordingly, its renewed bifurcation request should be denied.

Second, regarding UP's request to modify the procedural schedule: UP argues that the Board should modify the existing schedule because UP otherwise “would [be] force[d] . . . to guess at the scope of the[] facilities for which it must present evidence.” UP Request for Modification at 9. The first answer to this argument is practical. UP is well aware of what facilities are necessary for Metra's operation of the commuter service on the UP Lines, because UP and its predecessor used the same facilities to provide commuter passenger service on Metra's behalf under the former Purchase of Service Agreement starting in 1975. The parties have been attempting to negotiate the sale, lease, or other use by Metra of these facilities since 2019, when UP decided to terminate the PSA and exit passenger rail operations over the lines altogether, as no longer fitting its business model.

The parties plainly dispute which of these facilities (other than rail lines) fall within the scope of the terminal trackage rights granted in the September 3, 2025, decision, but that dispute is nothing new either. The parties' Joint Report on the remaining disputed issues, submitted May 22, 2026, acknowledged that the parties (1) “are unable to reach resolution absent Board intervention;” (2) specifically

identified the “facilities encompassed by the September 3 Decision” as a “central issue[],” and (3) regarding this issue, acknowledged in Exhibit B that “The parties disagree on the definition of Rail Lines. Metra believes that the trackage rights extend to all properties necessary to conduct its commuter rail operations, *e.g.*, passenger stations. UP believes that the Board’s September 3 decision covers the rail lines themselves and that *if Metra seeks access to other facilities, it must identify them with specificity.*” May 22, 2026, Joint Report, at 1-2 and Exhibit B (emphasis added).

The Board granted UP exactly the relief it requested in the parties’ May 22, 2026, Joint Report, when it issued the August 19, 2026, decision and procedural schedule requiring both sides to identify “*with specificity*” the facilities (other than rail lines) that are within the scope of the terminal trackage rights granted (at 4, emphasis added). If there were any uncertainty regarding which facilities are subject to the trackage rights granted, and the conditions and compensation to be established by the Board, the August 19, 2026, decision and procedural schedule provided an appropriate resolution procedure. Metra was to specify the facilities to which it was seeking access on August 26, 2026; UP was to identify any additional facilities, not listed by Metra, on September 2; and the parties were to address any disputes over conditions of use and compensation in their evidentiary filings.

Metra did its part. On August 26, 2025, Metra submitted its detailed listing to the Board, specifically delineating each facility (other than rail lines), using the same terms and identifiers that the parties historically have used to describe the

facilities to which Metra seeks continuing access and use. Out of an abundance of caution, Metra listed some facilities where the extent of UP's ownership or control may not yet be fully known, subject to further testing via the discovery process. Contrary to UP's inexplicable argument, Metra's listing does not suggest that Metra "would apparently have the Board direct a taking of [third-party owners'] property without their participation in this proceeding." UP Request for Modification at 5. The Board granted Metra trackage rights over facilities "owned by" UP pursuant to § 11102(a) in its September 3, 2025, decision. UP's argument that there are third-party interests involved is misleading and incorrect.

UP's September 2, 2026, submission acknowledged that there are "no additional facilities missing from" Metra's list. September 2, 2026, UP Reply Submission at 4. Accordingly, there is a known universe of facilities (other than rail lines) that will be subject to the existing procedural schedule and the Board's adjudicative process to determine whether they are within the scope of terminal trackage rights granted in the September 3, 2025, decision.

Accordingly, the Board should deny UP's renewed request to modify and unnecessarily extend the procedural schedule beyond the August 19, 2026, decision, and the 180-day period that the Eighth Circuit specified for the setting of compensation for Metra's use of UP's facilities. *Union Pac. R.R. Co. v. Surface Transp. Bd.*, No. 25-2919, 2026 WL 2564829, at *9 (8th Cir. Aug. 31, 2026).

Finally, regarding discovery: UP's argument that the current procedural schedule does not provide an appropriate opportunity for discovery is both incorrect

and inconsistent with UP's conduct in this proceeding. The Board's March 13, 2026, decision provided that discovery could commence on May 22, 2026, including on the scope of facilities issue. Metra renewed its second set of discovery requests on that same date. UP filed its second set of discovery requests on May 28, 2026, but chose not to address the scope of facilities issue, even though UP was aware of the issue (and had been since at least its previous request to bifurcate this proceeding on December 15, 2025). As explained above, the parties' May 22, 2026, Joint Report specifically referenced scope of facilities as a continuing issue in dispute.

Instead, UP waited more than 90 days from the commencement of discovery – and only after the Board issued the procedural schedule – to propound its third set of discovery (attached as **Exhibit A**), addressing the facilities to which Metra seeks access and use pursuant to the Board's September 3, 2025, decision. UP then requested expedited responses by Metra within 3 business days, to which Metra responded on August 26, 2026 (attached as **Exhibit B**). Belying the arguments in its request to modify, UP's own discovery, at definition N., identified a broad scope of "Facilities" that "includes real estate, yards, facilities, buildings, structures, stations, parking lots, and other property owned or controlled by Union Pacific that Metra uses in connection with the provision of commuter passenger service over the Union Pacific Lines." Exhibit A at 3.

Metra's responses agreed to provide substantial records, largely taken from the parties' current and previous agreements, *i.e.*, information that is already well known and readily available to UP, showing the location and size of the facilities at

issue. That information is more than sufficient for the parties either to resolve any questions through “meet and confers” or business discussions or, if those efforts are unsuccessful, in their filings.

Metra served its own virtually identical discovery to UP’s third set on September 4, 2026 (attached as **Exhibit C**). In that discovery, Metra asked UP to identify each facility identified by Metra in its August 26, 2026, listing of facilities that UP did *not* use to provide commuter passenger services for Metra under the PSA and/or that Metra does *not* currently use to provide commuter passenger services. Metra’s discovery, consistent with the processes established in the Board’s August 19, 2026, decision, was intended to eliminate any facilities included in its August 26, 2026, listing that are not used in commuter service and, therefore, within the scope of the trackage rights granted. UP’s response served September 9 (attached as **Exhibit D**), refused to provide *any* responsive information to Metra.

The schedule and discovery procedures adopted in the Board’s August 19, 2026, decision and its prior March 13, 2026, decision (commencing discovery on May 22, 2026), are well-calibrated to allow both parties a complete opportunity to participate in discovery and develop their evidence and argument for consideration by the Board. UP’s delay in participating in the discovery process on the known scope of facilities issue provides no basis to bifurcate or extend this proceeding in conflict with the timing established by Board’s August 19, 2026, decision and addressed in the Eighth Circuit’s remand.

For these reasons, the Board should deny UP's Request for Modification of the Procedural Schedule and move this matter toward resolution as set forth in the August 19, 2026, decision and procedural schedule.

Respectfully submitted,

/s/ Peter A. Pfohl

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Dated: September 16, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September 2026, a copy of the foregoing document was served by email or first-class mail on the service list for Docket No. FD 36844.

/s/ Peter A. Pfohl

EXHIBIT A

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36844

**COMMUTER RAIL DIVISION OF THE REGIONAL
TRANSPORTATION AUTHORITY D/B/A METRA
—TERMINAL TRACKAGE RIGHTS—
UNION PACIFIC RAILROAD COMPANY**

**UNION PACIFIC'S THIRD SET OF
DISCOVERY REQUESTS TO METRA**

Pursuant to 49 C.F.R. § 1114.26 and § 1114.30, Union Pacific Railroad Company, by and through counsel, hereby serve this Third Set of Discovery Requests on Metra in the above-captioned matter. As noted in the Instructions below, Union Pacific requests that Metra serve its answers or responses to the Discovery Requests no later than August 26, 2026, in light of the procedural schedule adopted by the Board on August 19, 2026.

Unless otherwise specified, if any Interrogatory or Request for Production contains a subpart, the subpart will relate back to the topic raised by the initial Interrogatory or Request for Production.

DEFINITIONS

A. The term “all” or “any” means each and every, whichever has the broadest scope and encompasses more documents, information, or data.

B. “Document” or “Documents” means any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film,

electronic facsimile, computer storage devices, mobile devices, or any other media, including but not limited to, memoranda, notes, minutes, records, photographs, correspondence or communications, including emails, texts or instant messages, telegrams, diaries, bookkeeping entries, financial statements, checks, check stubs, reports, studies, charts, graphs, statements, note-books, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, notes, records and recordings or oral conversations, work papers, data and also including, but not limited to, originals and all copies which are different in any way from the original, whether by interlineation, receipt stamp, notation, indication of copies sent, received or otherwise, and drafts which are in the possession, custody or control of Metra or in the possession, custody or control of the present or former agents, representatives or attorneys for Metra, or any and all persons acting on their behalf, including documents at any time in the possession, custody, or control of such individuals or entities or known by Metra to exist.

C. The term “Communication” shall mean any oral or written representation, promise, conversation, statement, message, or transmission of information, electronic or otherwise, and should be construed in the broadest sense possible.

D. The term “Person” means any natural person, corporation, corporate division, partnership, association, cooperative, proprietorship, joint venture, or trust, and any government entity, department, administration, agency, bureau, or political subdivision thereof, and every other type of organization or entity.

E. As used herein, the terms “describe in detail” and “set forth” shall mean to: (1) describe fully by reference to underlying facts rather than by ultimate facts or conclusions of facts or law; and (2) particularize as to (a) times, (b) place, and (c) manner.

F. The term “relating to” shall mean commenting upon, including, concerning, containing, regarding, discussing, reflecting, relating to, relevant to, pertaining to, used in connection with, embodying, or evidencing, and should be construed in the broadest sense possible.

G. The term “including” means “including, but not limited to.”

H. The use of the masculine gender includes the feminine and vice versa; singular includes the plural and vice versa.

I. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside of its scope.

J. “Privilege” refers to any claim of legal privilege, including but not limited to privileges cognizable under Federal Rules of Evidence 501 and 502, as well as the work product doctrine set forth in Federal Rule of Civil Procedure 26(b)(3) and any other applicable statutory or common law protection against disclosure.

K. “Metra” shall mean the Commuter Rail Division of the Regional Transportation Authority and the Northeast Illinois Regional Commuter Railroad Corporation and their subsidiaries, affiliates, and agents.

L. “Union Pacific” shall mean Union Pacific Railroad Company and its subsidiaries, affiliates, and agents.

M. The term “Union Pacific Lines” shall mean the UP-N, UP-NW, and UP-W lines as defined in Metra’s application filed on March 7, 2025.

N. The term “Facilities” includes real estate, yards, facilities, buildings, structures, stations, parking lots, and other property owned or controlled by Union Pacific that Metra uses in connection with the provision of commuter passenger service over the Union Pacific Lines.

INSTRUCTIONS

1. In accordance with 49 C.F.R. § 1114.26(a) and § 1114.30(a), answers or responses to Discovery Requests are due within fifteen (15) days of service of these Discovery Requests, unless otherwise agreed upon by the parties. However, Union Pacific requests that Metra provide answers or responses to these Discovery Requests by August 26, 2026, in light of the procedural schedule adopted by the Board that requires Metra to provide on August 26 a list of Facilities to which Metra seeks access, and requires Union Pacific to respond to Metra's list by September 2.

2. The Interrogatory pertains to any information in Metra's possession, custody, or control, regardless of whether it is possessed directly by Metra or indirectly through Metra's officers, employees, representatives, agents, or other persons acting, purporting to act, or authorized to act on Metra's behalf.

3. If Metra cannot answer any part of the Interrogatory in full after exercising due diligence to secure the information requested, so state and answer the remainder as fully as possible stating whatever information or knowledge Metra has concerning the unanswerable or partially answered portion. If Metra interposes any objection to any Interrogatory, fully state the specific basis for the objection in compliance with 49 C.F.R. § 1114.26(a).

4. For the Interrogatory, state which answers (or parts thereof) are based upon personal knowledge, and which answers (or parts thereof) are based upon information and belief. For each answer (or part thereof) based upon information or belief, describe in detail and with particularity the basis for the information or belief.

5. Production must be made to Union Pacific's counsel Allison C. Davis, 1501 K Street NW, Washington, DC 20005 (email: allison.davis@sidley.com).

6. Responsive Documents and Communications either should be produced as they are kept in the usual course of business or be organized and labeled to correspond to these Discovery Requests.

7. Electronically stored information shall be produced in accordance with the following parameters, and Union Pacific is willing to meet and confer regarding protocols for production of electronically stored information:

a. Documents shall be produced in “Tag Image File Format” (“.tiff”) with the load file, or DAT file, and metadata, provided that all extracted text is preserved from the original document.

b. Each .tiff page shall be permanently affixed with a unique control number (“Bates number”). The placement of the Bates number must not unreasonably obliterate or obscure any information from the source document. Excel, CSV (comma-separated values), PowerPoint, audio, and video files shall be produced in native format with original metadata. Documents produced in native format shall bear a file name containing the assigned Bates number and be accompanied by a slip sheet bearing the Bates stamp and noting that the file was produced natively.

c. Document families should be produced intact. The load file or DAT file should include the fields necessary (*e.g.*, beginning and ending production Bates numbers for each family) for parties to identify all documents in a particular family.

8. This Request for Production pertains to all responsive Documents and Communications in Metra’s possession, custody or control, regardless of whether they are possessed directly by Metra or indirectly through Metra’s representatives, agents, or other persons acting, purporting to act, or authorized to act on Metra’s behalf.

9. Any objection to this Request for Production must specifically state whether any responsive Documents or Communications are being withheld or redacted on the basis of that objection in compliance with 49 C.F.R. § 1114.30(a). Notwithstanding the assertion of Privilege, Metra must produce any portion of a Document or Communication that contains non-Privileged matter that is responsive to this Request.

10. If Metra asserts a claim of privilege as to Documents sought in these Discovery Requests, Metra should list, for each such Document, the (i) the Document's date; (ii) the name and position of its author(s) at the time of preparation of the document; (iii) the name and position of its addressee(s) and all other recipients of the document; (iv) a description of the subject matter of the document; and (v) the type and basis of the claim of privilege. Such information should be supplied in sufficient detail to permit Union Pacific to assess the applicability of the claimed privilege.

11. If any responsive Document or Communication has been destroyed, lost, discarded, or transferred beyond Metra's possession, custody, or control, Metra must provide a log identifying each such Document or Communication as completely as possible.

12. Pursuant to 49 C.F.R. § 1114.29, the Interrogatory and Request for Documents shall be deemed continuing so as to require prompt, supplemental response(s) if Metra subsequently obtains, acquires, or creates additional responsive Documents, Communications, or information.

13. Unless otherwise noted, the timeframe for these Discovery Requests is January 1, 2019 through the present. Union Pacific is open to discussing the time period.

14. Union Pacific reserves the right to serve supplemental or follow-up requests and other discovery, as necessary, appropriate, or authorized by law.

INTERROGATORIES

Interrogatory No. 1

Identify and describe in detail each and every Facility (other than the Union Pacific Lines) to which Metra seeks access pursuant to the Board's September 3, 2025 Decision including, but not limited to, the following information:

- a. Name of every Facility or descriptor sufficient to identify every Facility;
 - i. For example, if a rail yard is identified, the name of the rail yard. If a facility is unnamed but is located at a named station, identify the facility by use of the named station.
- b. Full address of every Facility or, if an address is unavailable, an approximate milepost location or geographic coordinates sufficient to identify the location of each Facility; and
- c. Any other information necessary to understand what Facilities or portions thereof to which Metra seeks access.
 - i. For example, if Metra seeks only a portion of a building, specify the floor(s) sought.

* * *

REQUESTS FOR PRODUCTION

Request for Production No. 1

Produce all Documents and Communications identified, described, or relied upon in responding to Union Pacific's Third Set of Discovery Requests.

* * *

/s/ Raymond A. Atkins
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Dated: August 21, 2026

EXHIBIT B

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36844

**COMMUTER RAIL DIVISION OF THE NORTHERN ILLINOIS
TRANSPORTATION AUTHORITY D/B/A METRA
—TERMINAL TRACKAGE RIGHTS—
UNION PACIFIC RAILROAD COMPANY**

**METRA’S RESPONSES AND OBJECTIONS TO
UNION PACIFIC’S THIRD SET OF
DISCOVERY REQUESTS TO METRA**

Commuter Rail Division of the Northern Illinois Transit Authority d/b/a Metra (“Metra”),¹ pursuant to 49 C.F.R. Part 1114, responds, through undersigned counsel, to the Third Set of Discovery Requests (“Requests”) that Union Pacific Railroad Company (“UP” or “Union Pacific”) served on August 21, 2026.

THRESHOLD OBJECTIONS AND RESPONSES

UP’s discovery requests are improper in several fundamental respects.

First, UP improperly seeks Metra’s answers or responses within five days (August 26, 2026), despite UP’s recognition that the Board’s rules specify a longer period. UP Requests at 4.

Second, UP’s accelerated response time is objectionable in view of the procedural schedule that the Board adopted in its Decision served August 19, 2026

¹ Pursuant to the Northern Illinois Transit Authority Act that took effect on June 1, 2026, the Commuter Rail Division of the Regional Transportation Authority d/b/a/ Metra is now the Commuter Rail Division of the Northern Illinois Transit Authority d/b/a Metra.

(“August 19th Decision”). The August 19th Decision requires Metra to submit a list of the facilities (other than rail lines) to which it seeks access pursuant to the September 2025 Decision by August 26, 2026, to which UP is to respond with any additional facilities, not listed by Metra, that UP believes are encompassed by the September 2025 Decision, by September 2, 2026. UP’s discovery requests are duplicative of the information already required by the Board’s August 19 Decision. Moreover, UP seeks to impose obligations beyond those that the Board specified and seeks that additional information before it would be required (if discoverable) under the Board’s rules and on the same day that Metra is required to submit its listing to the Board.

Third, UP already is equally aware of the facilities to which Metra requires access under 49 U.S.C. § 11102(a). Metra seeks access and use of the same facilities utilized to provide commuter service to Metra by UP and its predecessor under the PSA starting more than 50 years ago. The parties also have been engaged in extensive negotiations regarding these same facilities since UP announced its intent to terminate the PSA in 2019. UP’s discovery is thus objectionable in seeking information that is as available, if not more available, to UP than to Metra. Insofar as UP seeks something more, it is seeking an improper preview of Metra’s case, undermining the procedure the Board specified in its August 19 order. *E.g.*, *Minnesota Power, Inc. v. Duluth, Missabe and Iron Range Ry.*, STB Docket No. 42038 (STB served May 11, 1999) (“*Minnesota Power*”) (denying requests to “preview” complainant’s case).

Fourth, Metra objects to UP's Requests insofar as they seek a response that implies that Metra's terminal trackage rights application did not encompass facilities other than UP's mainline tracks. Specifically, UP's Definition M references the Union Pacific Lines that UP claims were "defined in Metra's application," Definition N references Facilities, and Interrogatory No. 1 asks Metra to identify Facilities other than the Union Pacific Lines to which Metra seeks access pursuant to the Board's September 3, 2025, Decision. UP's discovery thus contorts and seeks to modify the Board's August 19 Decision (calling for Metra to provide a "list identifying the facilities (other than rail lines) to which it seeks access pursuant to the September 2025 Decision") and to artificially restrict the facilities to which the Board's September 3, 2025 Decision, applies. Metra pursuant to 49 U.S.C. § 11102(a) sought the use of all facilities required for the provision of public transportation under the now-expired PSA and that continue to be necessary for the public transportation services that Metra provides.

GENERAL RESPONSES AND OBJECTIONS

In addition to the specific objections raised below in response to individual Requests, Metra objects to UP's Definitions, Instructions, Interrogatories, and Requests for Production of Documents as follows:

1. Metra objects to UP's Requests to the extent they are overly broad, unduly burdensome, vague, fail to describe with reasonable particularity the information of documents sought, duplicative, impose undue burden relative the relevance or probative value of the information, disproportionate to Metra's own

requests, seek information not within Metra's possession, custody, or control, or are propounded for improper purposes or as a means of delay. Without waiver of the foregoing objections, Metra's discovery responses are being made in good faith, and Metra is conducting a good faith search of its records to which the Requests are directed that might have information or documents responsive to the Requests that can be obtained through a reasonable search. Metra's search for responsive documents and information is ongoing, and such materials (if otherwise not subject to an objection) will be produced as expeditiously as reasonably possible.

2. Metra objects to UP's Requests to the extent they would impose burdens or obligations on Metra exceeding those specified in applicable provisions of the Rules of Practice of the Surface Transportation Board ("STB" or "Board") at 49 C.F.R. Part 1114, or otherwise in terminal trackage rights and similar proceedings as interpreted and applied in prior Board rulings.

3. Metra objects to UP's Requests insofar as they inappropriately ask for legal conclusions, including conclusions as to the legal significance of underlying facts, or seek to preview Metra's evidence. *See Minnesota Power*.

4. Metra objects to UP's Requests to the extent that they seek documents or information protected by the attorney-client privilege, subject to the attorney work-product doctrine, subject to the settlement privilege, excluded from discovery by virtue of the mediation directed by the Board, or any other privilege. To the extent any protected information or document is inadvertently produced, such production does not constitute a waiver, and Metra requests that such production be

returned and that all copies be destroyed. Metra also objects to UP's Instructions 10 and 11 on grounds of burden, relevancy, and disproportionality insofar as they request the assembly and production of a privilege log and log of destroyed documents since Metra's Requests did not call for assembly or production of such logs and the parties previously agreed that such logs need not be assembled or produced.

5. Metra objects to the definition of "possession, custody, or control" to the extent it would require Metra to access third-party systems to obtain data that UP can obtain itself. Metra also objects to UP's Instruction 2 to the extent that it may be interpreted to request documents or information from Metra that is not in the possession, custody, or control of Metra, including, but not limited to documents or information in the possession, custody, or control of its outside counsel and consultants.

6. Metra objects to UP's Requests as unduly burdensome to the extent that they seek documents or information in UP's own possession that is more readily available to UP than Metra or is readily available from public sources. Metra also objects to production of communications sent to persons with UP's email domain pursuant to the previous agreement reached between Metra and UP.

7. Metra objects to UP's Requests asking Metra to "identify," "explain in detail," and "describe in detail," as unduly burdensome and beyond the scope of permissible discovery to the extent the Requests would impose a burden or obligation on Metra exceeding those specified in applicable provisions of the Board's

Rules of Practice at 49 C.F.R. Part 1114, and specifically, § 1114.26(b), “Option to produce business records.”

8. Metra objects to each Request insofar as it requests that Metra produce or identify “any” and “all” responsive information and information “relating to” a particular subject. Metra will produce non-privileged, responsive information or documents that it can locate or identify after a reasonable search.

9. Metra objects on grounds of burden and overbreadth to production of documents or information outside of the period from January 1, 2023, to August 1, 2026, the time period to which the parties previously agreed to limit production and responses (“Discovery Period”). Any Metra responses or production from outside the Discovery Period shall not be construed as an agreement by Metra to produce other documents or information that are from outside of the Discovery Period.

10. Metra objects to UP’s Requests as unduly burdensome and oppressive and contrary to the Board’s rules to the extent they seek documents or information in a form or format not maintained by Metra in the regular course of business or not readily available in the form or format requested by UP, or on grounds that such documents or information could be developed, if at all, only through an unduly burdensome special study or analysis, which Metra objects to performing in response to UP’s Requests. Where a Request seeks relevant, non-privileged information in a form or format different from that maintained by Metra in its ordinary course of business, Metra will produce any responsive information in the

form or format in which it is maintained by Metra in the ordinary course of business.

11. Metra's willingness to provide responsive information and produce documents containing commercially sensitive, proprietary, and/or trade secret information is conditioned upon compliance with the Protective Order governing the production and disclosure of confidential or highly confidential information and documents in this proceeding. Metra reserves its right to designate documents or information produced in this litigation as "Confidential" or "Highly Confidential" at the time produced, or at any other time, and to revise or amend such designations at any time.

12. By producing information, Metra does not concede that it is relevant, material, competent, or admissible, and Metra reserves the right to object on any ground to any use of the information in this or a successor proceeding. Metra reserves the right to supplement its responses and objections.

13. Consistent with past practice in cases of this nature, Metra has not secured verifications of the answer to the interrogatory.

SPECIFIC OBJECTIONS AND RESPONSES

In addition to its Threshold Objections and General Objections that apply to each Request, Metra states below its specific objections and responses to each Request. Metra preserves all its Threshold and General Objections stated above, and none of the following specific objections and responses waives those Threshold

Objections or General Objections or limits their scope, breadth, generality, or applicability.

INTERROGATORY

Interrogatory No. 1

Identify and describe in detail each and every Facility (other than the Union Pacific Lines) to which Metra seeks access pursuant to the Board's September 3, 2025 Decision including, but not limited to, the following information:

- a. Name of every Facility or descriptor sufficient to identify every Facility;
 - i. For example, if a rail yard is identified, the name of the rail yard. If a facility is unnamed but is located at a named station, identify the facility by use of the named station.
- b. Full address of every Facility or, if an address is unavailable, an approximate milepost location or geographic coordinates sufficient to identify the location of each Facility; and
- c. Any other information necessary to understand what Facilities or portions thereof to which Metra seeks access.
 - i. For example, if Metra seeks only a portion of a building, specify the floor(s) sought.

Response: Metra objects to this Request as premature and inconsistent with the Board's schedule for this proceeding insofar as it seeks to preview Metra's case. *E.g., Minnesota Power* (denying requests to "preview" complainant's case). Subject to and without waiving these objections, as well as the Threshold and General

Objections, Metra refers UP to the List of Facilities, (Other Than Rail Lines) to Which Metra Seeks Access Pursuant to the September 3, 2025, Decision, filed on this same date. Metra will produce (or has produced previously) nonprivileged, responsive documents that are sufficient to show the requested information. § 1114.26(b) (“[o]ption to produce business records”). With respect to portions of facilities, Metra seeks access and use consistent with current operations.

REQUEST FOR PRODUCTION

Request for Production No. 1

Produce all Documents and Communications identified, described, or relied upon in responding to Union Pacific’s Third Set of Discovery Requests.

Response: Metra objects to this Request for the reasons set forth in its individual responses to UP’s other Requests. Subject to and without waiving these objections, as well as the Threshold and General Objections, Metra will produce (or has produced previously) non-privileged, responsive information or documents during the Discovery Period that it can locate or identify after a reasonable search sufficient to show the requested information, including those documents referenced

in the List of Facilities, (Other Than Rail Lines) to Which Metra Seeks Access

Pursuant to the September 3, 2025, Decision, filed on this same date.

/s/ Peter A. Pfohl
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*Attorneys for the Commuter Rail
Division of the Northern Illinois Transit
Authority d/b/a Metra*

Dated: August 26, 2026

EXHIBIT C

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36844

**COMMUTER RAIL DIVISION OF THE
REGIONAL TRANSPORTATION AUTHORITY D/B/A METRA
– TERMINAL TRACKAGE RIGHTS –
UNION PACIFIC RAILROAD COMPANY**

**METRA’S THIRD SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Applicant Commuter Rail Division of the Northern Illinois Regional Transportation Authority d/b/a Metra (“Metra”) hereby submits, pursuant to 49 C.F.R. §§ 1114.26 and 1114.30, its Third Set of Interrogatories and Requests for Production of Documents to Union Pacific Railroad Company (“Union Pacific” or “UP”).

Please provide Answers to Interrogatories and Responses to Requests for Production as soon as possible, and no later than September 9, 2026, in light of the procedural schedule adopted by the Board on August 19, 2026, and consistent with UP’s Instructions to its Third Set of Discovery Requests to Metra, to which Metra responded on the basis requested by UP.

Metra is prepared to cooperate with UP to facilitate the expeditious production of documents and responsive data with the minimum practical burden. Metra further requests that UP provide reasonable supplementation of its Answers and Responses.

I. DEFINITIONS

As used in these Interrogatories and Requests for Production of Documents (collectively “Requests”), the following terms shall have the meaning set forth below:

1. “Union Pacific” or “UP” means Union Pacific Railroad Company, its present or former employees, agents, counsel, officers, directors, advisors, consultants, divisions, departments, predecessor, parent and/or holding companies, subsidiaries, or any of them, and all other persons acting (or who have acted) on its behalf.
2. “Union Pacific Lines” means the same lines referenced and identified in definition “M” to UP’s Third Set of Discovery Requests to Metra.
3. “Facility” or “Facilities” means the same facilities referenced and identified in definition “N” to UP’s Third Set of Discovery Requests to Metra.
4. “PSA” means the parties’ Purchase of Services Agreement that expired on June 30, 2025.

II. INSTRUCTIONS

UP is requested to conform to the following instructions in responding to these Requests.

1. Each paragraph below shall operate and be construed independently. Unless otherwise indicated, no paragraph limits the scope of any other paragraph. Where these Requests seek data in a computer-readable format, machine-readable

format, or in its native format, this data is defined as including, but is not limited to, any electronically stored data on hard disk drives, flash, or solid state memory (*e.g.*, USB drive or SSD), optical storage media (*e.g.*, CD or DVD), or as an “active” file or files readable by one or more computer applications (*e.g.*, a Microsoft Excel file).

2. The singular includes the plural and vice versa; the words “and” and “or” shall be both conjunctive and disjunctive, as required by the context to bring all information within the scope of these Requests; the word “all” means “any and all;” the word “any” means “any and all”; the word “including” means “including but not limited to” and “including without limitation”; the masculine includes the feminine and neutral genders; the past tense includes the present tense where the clear meaning is not distorted by the change of tense.

3. If the production of any requested document is withheld, state with specificity the basis for such withholding.

4. UP is requested to supplement its responses to these Requests and supplement its production of responsive information or documents.

5. All documents should be produced or made available for inspection in the form in which they are retained by UP in the usual course of business (*e.g.*, if the documents are in a file, the file containing the documents should be produced), unless otherwise agreed to by the parties. All files containing responsive documents should be identified by the file name and number.

6. Please organize or number the documents produced in such a manner that Metra may readily determine which documents are being produced in response

to each specific Request. If no documents will be produced in response to a specific Request, please so indicate in the response.

7. If UP objects to producing documents on grounds that UP does not maintain the information described in the form or format requested by Metra, please produce documents which contain such information in whatever form or format UP does maintain such information, along with adequate information to allow use of the produced documents.

8. Notwithstanding any UP belief that portions of a document that otherwise may contain responsive information may not be responsive or relevant, Metra nevertheless requests that UP produce the document in its entirety. Metra states that it is willing to discuss with UP the possibility of redacting portions of such documents, as appropriate, on a document-by-document basis.

9. Metra reserves the right to file supplemental or follow-up requests and other discovery, as necessary or appropriate.

10. Unless otherwise specified, these Requests cover the time period from January 1, 2023 to the present.

III. INTERROGATORIES

Interrogatory No. 1

Identify and describe in detail each and every Facility (other than the Union Pacific Lines) that UP used to provide commuter passenger services for Metra pursuant to the PSA and/or that Metra uses to provide commuter passenger services, including, but not limited to, the following information:

- a. Name of every Facility or descriptor sufficient to identify every Facility;
 - i. For example, if a rail yard is identified, the name of the rail yard. If a facility is unnamed but is located at a named station, identify the facility by use of the named station.
- b. Full address of every Facility or, if an address is unavailable, an approximate milepost location or geographic coordinates sufficient to identify the location of each Facility; and
- c. Any other information necessary to identify what Facilities or portions thereof UP used to provide commuter passenger services for Metra pursuant to the PSA and/or Metra uses to provide commuter passenger services.
 - i. For example, if only a portion of a building is used or has been used to perform commuter passenger services, specify the portion (*e.g.*, floor(s)) used.

Interrogatory No. 2

Identify and describe each and every Facility identified by Metra in its List of Facilities (Other than Rail Lines) to which Metra Seeks Access Pursuant to the September 3, 2025, Decision (filed August 26, 2026) that UP did not use to provide commuter passenger services for Metra pursuant to the PSA and/or that Metra does not use to provide commuter passenger services.

IV.

Request for Production No. 1

Produce all Documents and Communications identified, described, or relied upon in responding to Metra's Third Set of Interrogatories, above.

Respectfully submitted,

By: /s/
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*Attorneys for Commuter Rail Division
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Authority d/b/a Metra*

Dated: September 4, 2026

EXHIBIT D

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36844

**COMMUTER RAIL DIVISION OF THE REGIONAL
TRANSPORTATION AUTHORITY D/B/A METRA
—TERMINAL TRACKAGE RIGHTS—
UNION PACIFIC RAILROAD COMPANY**

**UNION PACIFIC'S RESPONSES AND OBJECTIONS TO
METRA'S THIRD SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to 49 C.F.R. Part 1114 and other applicable rules and authority, Union Pacific Railroad Company, through undersigned counsel, responds and objects as follows to Metra's Third Set of Interrogatories and Requests for Production of Documents (together, "Requests").

GENERAL OBJECTIONS

Union Pacific's General Objections, as set forth herein, are to be considered objections to each of the specific Interrogatories or Requests for Production (including subparts) that follow. These general objections are not exhaustive and, where appropriate, Union Pacific will also state specific objections. Union Pacific's objections shall not waive, limit, or prejudice any objections that it may later assert.

1. Union Pacific objects to any and all Definitions and/or Instructions to the extent that the Definitions and Instructions either seek to expand upon or conflict with 49 C.F.R. Part 1114, Subpart B. Further, Union Pacific objects to each and every Interrogatory and Request for Production to the extent that they seek to

impose obligations on Union Pacific that are greater than or otherwise inconsistent with those imposed under 49 C.F.R. Part 1114, Subpart B or under other Surface Transportation Board (“STB” or “Board”) rules or precedents.

2. Union Pacific objects to Metra’s request that Union Pacific serve answers and documents to Metra’s Requests “as soon as possible, and no later than September 9, 2026.” Pursuant to 49 C.F.R. § 1114.26(a) and § 1114.30(a), answers or responses to discovery requests are due within fifteen (15) days of service.

3. Union Pacific objects to each and every Interrogatory and Request for Production to the extent that it seeks information protected by the attorney-client privilege, the attorney work-product doctrine, the joint defense and/or common interest privilege, or any other applicable privilege, exemption, or protection from discovery or disclosure. Union Pacific further objects to each and every Interrogatory and Request for Production to the extent it seeks 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. In the event that any such privileged, exempted, or otherwise protected information is inadvertently produced or provided, such disclosure or production is not to be construed as a waiver of any of these privileges, exemptions, or protections. Union Pacific reserves the right to demand that such inadvertently produced privileged information be returned to it and that all copies in Metra’s possession, and that of its counsel, consultants, subsidiaries, or other agents, be destroyed.

4. Union Pacific objects to each and every Interrogatory and Request for Production to the extent it seeks information or data that is not relevant to the subject matter of this proceeding.

5. Union Pacific does not concede the relevance, materiality, competency, authenticity, or admissibility as evidence of documents or information requested in the Interrogatories and Requests for Production. Union Pacific reserves its right to object on any ground to the use of these responses or the documents being produced in this proceeding or in any subsequent appeal, proceeding, action, or trial.

6. Union Pacific objects to each and every Interrogatory and Request for Production requesting that Union Pacific produce “all” responsive information as unduly burdensome to the extent it requests that Union Pacific engage in an unreasonably broad collection and review in order to identify each and every document that may possibly be responsive. For those requests to which it is obliged to respond, Union Pacific will produce such responsive non-privileged information or documentation as it is able to locate or identify in a reasonable search and which is not otherwise subject to an applicable privilege or other protection.

7. Union Pacific objects to each and every Interrogatory and Request for Production to the extent that it would require Union Pacific to perform a “special study” to identify or derive the requested information or to “recreate information that was not kept in the ordinary course of business.” *See, e.g., Entergy Ark., Inc. v. Union Pac. R.R.*, Docket No. NOR 42104, at 6 (STB served May 19, 2008).

8. Union Pacific objects to each and every Interrogatory and Request for Production that requests information, documents, or communications that are:

- (a) already in the possession of Metra; (b) publicly available or otherwise readily available or accessible to Metra from other sources; (c) unreasonably cumulative or duplicative of documents already in Metra's possession, custody, or control;
- (d) otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific; or (e) as accessible or available to Metra as they are to Union Pacific and producing responsive information would impose substantially the same or greater burden on Union Pacific as it would impose on Metra.

9. Union Pacific objects to Metra's Interrogatories and Requests for Production to the extent they would require Union Pacific to access data or information not within Union Pacific's possession, custody, or control, such as data or information contained in third-party systems, or that Metra could obtain itself.

10. Union Pacific objects to the Requests to the extent that they may call for production of information that might reveal commercially sensitive long-term corporate strategy that is not responsive to Metra's Requests and is unrelated to this proceeding. Union Pacific will redact any such information from otherwise responsive documents produced to Metra.

11. Union Pacific objects to each and every Interrogatory and Request for Production to the extent it is: (a) duplicative; (b) overly broad; (c) fails to describe with reasonable particularity the information or documents sought; (d) seeks

information that is not within the possession, custody, or control of Union Pacific; or (e) would impose an undue burden that outweighs any relevance or probative value the information sought may have in this proceeding.

12. Union Pacific objects to Definition No. 1, “Union Pacific” or “UP,” as overly broad, unduly burdensome, disproportionate to the needs of this case, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it purports to require Union Pacific to respond to the Requests with respect to “Union Pacific Railroad Company, its present or former employees, agents, counsel, officers, directors, advisors, consultants, divisions, departments, predecessor, parent and/or holding companies, subsidiaries, or any of them, and all other persons acting (or who have acted) on its behalf.” Union Pacific will respond to the Requests only with respect to Union Pacific Railroad Company.

13. Union Pacific objects to Instruction No. 3 to the extent it purports to impose obligations on Union Pacific that are greater than or otherwise inconsistent with those imposed under 49 C.F.R. Part 1114 Subpart B.

14. Union Pacific objects to Instruction No. 4 in that it is vague, unduly burdensome, and could be read to conflict with 49 C.F.R. Part 1114 Subpart B. Consistent with the Board’s regulatory provisions, to the extent that Union Pacific becomes aware that any non-privileged information or document is responsive to any of these Interrogatories and Requests for Production, Union Pacific will supplement its responses as soon as practicable thereafter.

15. Union Pacific objects to Instruction No. 5 to the extent that strict compliance with this instruction may be impracticable, unduly burdensome, or overbroad for certain information or data, including, for example, data contained within very large datasets. Union Pacific further objects to Instruction No. 5 to the extent identifying documents “by file name and number” is inconsistent with the form in which such documents are retained “in the usual course of business.”

16. Union Pacific objects to Instruction No. 6 to the extent it requests that Union Pacific index every individual responsive document to particular discovery requests, as doing so would be unduly burdensome.

17. Union Pacific objects to Instruction No. 7 to the extent it seeks to impose obligations beyond those required by the Board’s discovery rules or applicable precedent.

18. Union Pacific objects to Instruction No. 8 to the extent it purports to require Union Pacific to produce documents in their entirety notwithstanding Union Pacific’s determination that portions of such documents are non-responsive, irrelevant, or otherwise outside the scope of permissible discovery. Union Pacific further objects to the extent it purports to prohibit Union Pacific from redacting information that might reveal Union Pacific’s commercially sensitive or long-term corporate strategies that are not relevant to this proceeding. The Board’s discovery rules do not require a responding party to produce non-responsive or irrelevant information, nor do they obligate a party to produce entire documents merely because some portion may be responsive. Union Pacific further objects to the extent

this instruction improperly shifts the burden to Union Pacific to produce, and then negotiate, redactions of non-responsive material on a document-by-document basis.

19. Union Pacific objects to Metra's Instruction No. 10 as vague and ambiguous to the extent that it requires production "to the present," which is an ever-moving target.

20. Union Pacific objects to each and every Definition, Instruction, Interrogatory, and Request for Production of Documents to the extent they seek or may result in the use, disclosure, or dissemination of any confidential, proprietary, or commercially or competitively sensitive information produced in response to the Interrogatories and Requests for Production of Documents for the purpose of training, fine-tuning, evaluating, or otherwise interacting with artificial intelligence (AI) models or systems in a manner that violates the terms of the Protective Order entered in this case. This objection includes, but is not limited to, any use of such materials in connection with large language models (LLMs), machine learning algorithms, or generative AI tools, regardless of whether such use is direct or indirect, manual or automated, or anonymized or de-identified. Union Pacific does not consent to the use of any of its discovery materials for purposes unrelated to this proceeding, including but not limited to AI training.

SPECIFIC OBJECTIONS AND RESPONSES

In addition to its General Objections (which apply in full to each and every Interrogatory and Request for Production, without further enumeration), below Union Pacific sets forth Specific Objections and Responses to each Interrogatory and Request for Production. Union Pacific preserves all of its General Objections

set forth above, and none of the following Specific Objections shall waive its General Objections. Nor shall any of Union Pacific's Specific Objections limit the scope, breadth, generality, or applicability of those General Objections.

Interrogatory No. 1

Identify and describe in detail each and every Facility (other than the Union Pacific Lines) that UP used to provide commuter passenger services for Metra pursuant to the PSA and/or that Metra uses to provide commuter passenger services, including, but not limited to, the following information:

- a. Name of every Facility or descriptor sufficient to identify every Facility;
 - i. For example, if a rail yard is identified, the name of the rail yard. If a facility is unnamed but is located at a named station, identify the facility by use of the named station.
- b. Full address of every Facility or, if an address is unavailable, an approximate milepost location or geographic coordinates sufficient to identify the location of each Facility; and
- c. Any other information necessary to identify what Facilities or portions thereof UP used to provide commuter passenger services for Metra pursuant to the PSA and/or Metra uses to provide commuter passenger services.
 - i. For example, if only a portion of a building is used or has been used to perform commuter passenger services, specify the portion (e.g., floor(s)) used.

Response: Union Pacific objects to this Interrogatory it seeks information that is irrelevant or not reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Interrogatory as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of this case.

Union Pacific also objects to this Interrogatory to the extent it would require Union Pacific to identify or derive the requested information from disparate sources or to recreate or reconstruct information that was not kept in the ordinary course, as this would be a "special study" that is not required to be produced. Union Pacific further objects to this Interrogatory to the extent it seeks information that is already in

Metra's possession, custody, or control, is readily available or accessible to Metra from other sources, or is otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific. And Union Pacific objects to this Interrogatory to the extent it seeks to shift Metra's burden of identifying the Facilities for which it seeks Board-ordered access under 49 U.S.C. § 11102(a), and the need for that Board-ordered access, to Union Pacific.

Interrogatory No. 2

Identify and describe each and every Facility identified by Metra in its List of Facilities (Other than Rail Lines) to which Metra Seeks Access Pursuant to the September 3, 2025, Decision (filed August 26, 2026) that UP did not use to provide commuter passenger services for Metra pursuant to the PSA and/or that Metra does not use to provide commuter passenger services.

Response: Union Pacific objects to this Interrogatory to the extent it seeks information that is irrelevant or not reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Interrogatory as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of this case. Union Pacific also objects to this Interrogatory to the extent it would require Union Pacific to identify or derive the requested information from disparate sources or to recreate or reconstruct information that was not kept in the ordinary course, as this would be a "special study" that is not required to be produced. Union Pacific further objects to this Interrogatory to the extent it seeks information that is already in Metra's possession, custody, or control, is readily available or accessible to Metra from other sources, or is otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific. And Union Pacific objects to this Interrogatory to the extent it seeks to shift Metra's burden of

identifying the Facilities for which it seeks Board-ordered access under 49 U.S.C. § 11102(a), and the need for that Board-ordered access, to Union Pacific.

* * *

Request for Production No. 1

Produce all Documents and Communications identified, described, or relied upon in responding to Metra's Third Set of Interrogatories, above.

Response: Union Pacific objects to this Request for the reasons set forth in its individual responses to Metra's Interrogatories above. Union Pacific further objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent it seeks identification of every document reviewed, consulted, or considered directly or indirectly in connection with the preparation of the Responses and Objections to the Requests.

/s/ Raymond A. Atkins

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Dated: September 9, 2026