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IAIS-3

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Office of Chief Counsel

September 17, 2026

Part of

Public Record

**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 IOWA INTERSTATE RAILROAD, LLC
AND REQUEST FOR LEAVE TO FILE OUT OF TIME**

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Dated: September 17, 2026

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In accordance with the Board's Decision No. 30 served in this proceeding on August 18, 2026, Iowa Interstate Railroad ("IAIS") submits this Description of Anticipated Responsive Application, and IAIS seeks leave of the Board to file this description eight 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. In addition, discovery in this case is ongoing, most notably with respect to depositions of Applicants' personnel of interest to IAIS. Those depositions will continue into October. It also is the case that the Applicants have revised their operating testimony as recently as September 11, 2026, *i.e.*, following the scheduled due date for descriptions of responsive applications.

IAIS also notes that there is some uncertainty in the Board's rules and precedent as to the specific situations in which a responsive application, rather than a request for conditions, is

required in order to obtain ameliorative relief. In that regard, IAIS notes that the Board has Board conditioning authority in merger proceedings. *See, e.g., Canadian Pacific Railway Limited – Control – Kansas City Southern*, FD 36500, at 20 (STB served March 15, 2023) (“The various conditions requested by parties involve the exercise of the Board’s conditioning power under 49 U.S.C. § 11324(c), which gives the agency broad authority to impose conditions governing major railroad consolidations.”). Nevertheless, out of an abundance of caution, IAIS seeks leave to file this description.

DESCRIPTION OF ANTICIPATED IAIS TRACKAGE RIGHTS REQUESTS

IAIS anticipates that, if the Board approves the subject transaction, it will seek as conditions to the Board’s approval, the acquisition of the following described rights that potentially would require a responsive application:

- (1) Trackage rights over NS from Peoria to Decatur, IL, with connections to short lines and CN at Gibson City and access to ADM and short lines at Decatur;
- (2) Trackage rights over UP from Cedar Rapids to Chicago and a connection with BRC to access other railroads in the region; and
- (3) Trackage rights over UP from Grinnell, IA to Cargill at Eddyville, IA and from Grinnell to Marshalltown, IA with access to Heartland Cooperative at Pickering, IA.

As discovery in this proceeding continues, IAIS may elect to refrain from filing a responsive application, 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.

Respectfully submitted,

By: /s/ Kelvin J. Dowd
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Attorneys for Iowa Interstate Railroad, LLC

Dated: September 17, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 17th 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/ *Kelvin J. Dowd*

Kelvin J. Dowd