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PUBLIC VERSION

ENTERED
Office of Chief Counsel
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Via E-Filing

Hon. Jenifer J. Soulikias
Administrative Law Judge
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD 36844, *Commuter Rail Division of the Regional Transportation Authority d/b/a Metra—Terminal Trackage Rights—Union Pacific Railroad Company*

Dear Judge Soulikias:

Union Pacific hereby moves to compel Metra to respond to subpart (a) of an interrogatory seeking a specific list of the facilities other than rail lines to which Metra seeks access. In response to Union Pacific's third set of discovery requests—which propounded a single interrogatory and single request for production relating to these other facilities—Metra pointed to its August 26, 2026 filing ("List of Facilities"), which purported to provide such a list. However, as explained below, that List of Facilities does not provide the information requested by Union Pacific's Interrogatory No. 1(a) ("ROG 1(a)"). Further, based on the specification of documents provided to date, Metra's invocation of the option to produce business records as an answer is insufficient. Union Pacific is willing to continue to confer with Metra regarding these issues, but to preserve its ability to compel a response in light of the regulatory deadline imposed by 49 C.F.R. § 1114.31(a), and in light of the current schedule requiring the submission of opening evidence in less than five weeks and the fact that this information is critical to Union Pacific's ability to prepare opening evidence, Union Pacific is filing this motion to compel a response.

I. Background

Under 49 U.S.C. § 11102(a), the Board has the authority to compel one railroad to share its terminal facilities with another railroad, provided that the facilities are of the kind specified by statute and that the Board finds their use to be practicable, in the public interest, and not substantially harmful to the owning railroad's operations.

In 2025, Metra sought and obtained this extraordinary remedy: the Board issued an order granting Metra access to and use of Union Pacific's UP-North, UP-Northwest, and UP-West rail



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lines (collectively, the “UP Lines”).¹ Once the Board grants terminal trackage rights access, there is a “statutorily-required negotiation process,”² as the Board can only order compensation and other terms if the parties cannot agree. Union Pacific and Metra negotiated for approximately eight months and, while they were able to reach substantial agreement on a number of terms, they were unable to reach agreement on compensation and a few other terms. As such, the parties are now preparing to submit evidence and argument on compensation and disputed terms for Metra’s use of the UP Lines.

At the same time, however, Metra is also seeking access to other non-rail line facilities. The Board had initially halted discovery relating to non-rail line property, but lifted that prohibition on August 19, 2026.³ In the August order, the Board also directed Metra to identify “*specific* facilities” to which Metra seeks access.⁴ Promptly thereafter, on August 21, 2026, Union Pacific served Metra with a single interrogatory. The purpose of that interrogatory was to ensure that Union Pacific received the level of detail necessary to understand the scope of facilities sought by Metra, which is both necessary to presenting its opening evidence and argument and could also help facilitate a narrowing of issues.⁵ Metra submitted its List of Facilities pursuant to the Board’s order on August 26, 2026.

Under the current procedural schedule, in less than five weeks Union Pacific is due to present evidence on the just compensation it would be owed for any non-rail line facilities that would be subject to the federally-mandated taking. It is therefore critical that Union Pacific know the full scope of properties at issue at this time.

That information is what is sought in Union Pacific’s third set of discovery requests, served on August 21, 2026. In that request, Union Pacific propounded a single interrogatory asking Metra to identify and describe in detail each and every facility (other than the UP Lines) to which Metra seeks access, including the name of every facility or descriptor sufficient to identify every facility. Metra responded in part on August 26, 2026 (*see* Exhibit 1). In addition to a number of objections, Metra’s response pointed to its List of Facilities and then invoked the

¹ Union Pacific appealed this order to the Eighth Circuit. In a recently issued decision, the Eighth Circuit granted in part and denied in part Union Pacific’s petition for review. *See Union Pac. R.R. v. STB*, No. 25-2919 (8th Cir. Aug. 31, 2026).

² September 3, 2025 Order, Decision ID 52691, at 32 n.65.

³ August 19, 2026 Order, Decision ID 53126, at 3 n.4 (“discovery pertaining to scope-of-facilities issues may commence upon service of this decision”).

⁴ *Id.* at 4 (emphasis added).

⁵ *Cf. id.*



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option to produce business records in lieu of a response. Ex. 1 at 8–9 (citing 49 C.F.R. § 1114.26(b)). Metra began producing documents on September 15, 2026, and began specifying records that are responsive as an answer on September 17, 2026.

II. Argument

Board regulations provide for discovery of any non-privileged matter that is relevant to the subject matter of the proceeding. 49 C.F.R. § 1114.21(a)(1). At issue is Union Pacific’s third set of discovery requests, which was a single interrogatory and accompanying request for production relating to Metra’s request for access to certain Union Pacific property. For purposes of the present motion, Union Pacific is limiting its request to compelling a response to ROG 1(a), which sought the “Name of every Facility or descriptor sufficient to identify every Facility.” Ex. 1 at 8. Because Metra has failed to respond appropriately, and in light of the current procedural schedule, Union Pacific timely moves to compel a response.⁶

Metra points to its List of Facilities and also invokes 49 C.F.R. § 1114.26(b), which allows in certain specific circumstances the party served with an interrogatory to respond by producing business records. Neither the List of Facilities nor invocation of § 1114.26(b) is a sufficient response, because they both fail to provide the information on specific facilities requested by ROG 1(a).

A. To the extent Metra points to its List of Facilities, that List fails to provide the information requested by ROG 1(a).

Metra responds to the interrogatory by pointing to its List of Facilities, but that List does not provide the information requested by ROG 1(a)—which is identification of each and every facility sufficient to identify it. Instead, Metra’s List of Facilities includes open-ended and vague references to *categories* of potential facilities, such that Union Pacific lacks basic notice of the full scope of facilities to which access or use is sought. Metra’s only specific objection to ROG 1(a) is that the information sought is premature and inconsistent with the Board’s procedural schedule—but it plainly is not. Rather, as the Board itself recognized in requiring a “specific” list, providing a full and complete answer to ROG 1(a) is key to understanding the scope of properties at issue for purposes of preparing opening evidence.

⁶ This motion is timely because it is filed within 10 days after expiration of the period allowed under 49 C.F.R. § 1114.26(a). *See* 49 C.F.R. § 1114.31(a) (a motion to compel is timely if filed “within 10 days after expiration of the period allowed for submission of answers to interrogatories”); 49 C.F.R. § 1114.26(a) (setting a period of not less than 15 days after the service of such an interrogatory).

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The disconnect between the List of Facilities and the information requested in ROG 1(a) is best illustrated through examples.

- In its List of Facilities, Metra seeks access to “[t]he real properties defined and described in the parties’ Right of Entry to Improved Property (Station Property) (dated September 13, 2024), and the amendments and exhibits to that Right of Entry.”⁷ If Metra had confined itself to the Right of Entry agreement, that would be one thing. But Metra *also* seeks access to “all other relevant station property not included in the Right of Entry, including but not limited to the real property stations, together with the buildings, platforms, canopies, walkways, and all appurtenances, and any other improvements owned by UP.”⁸ It is not clear what, if anything, Metra contends to be in this latter category that is not also in the former. For example:
 - Union Pacific owns the depot at North Chicago but it is currently leased to Metra under a 50 year lease. Because Metra already has access under a current agreement, the Right of Entry as amended does not include the depot.⁹ In light of the language in its List of Facilities identifying North Chicago, however, it should be compelled to list any facilities not in the Right of Entry to which it seeks access.
 - Metra has an exclusive perpetual easement over Union Pacific property at Ravenswood depot. Because Metra already has access, the Right of Entry does not include the depot.¹⁰ In light of the language in its List of Facilities identifying Ravenswood, however, it should be compelled to list any facilities not in the Right of Entry to which it seeks access.

⁷ Metra’s List of Facilities, Ex. A at 1.

⁸ *Id.*

⁹ See Ex. 2., Third Amendment to Right of Entry to Improved Property (Station Property), Ex. A-1 (depicting no total value or rent for the North Chicago Station).

¹⁰ See *id.* (omitting Ravenswood from the list of station values/rent and land under the stations in Exhibit A-1).

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- In its List of Facilities, Metra seeks access to the properties defined in the Right of Entry to Improved Property (Station Property). That agreement specifies that parking lots are not included in the Agreement.¹¹ In its catch-all request for “all other relevant station property” in addition to those specified in the Right of Entry, Metra does not specify parking lots.¹² As such, Union Pacific assumes that Metra is not seeking access to parking lots. However, earlier in its submission, Metra states it seeks access to parking lots.¹³ If Metra is seeking access to parking lots, it should be compelled to specify the parking lots to which it seeks access, including specific lot numbers (as for many stations, there are multiple parking lots).
- In its List of Facilities, Metra admits that it has included facilities that are not owned by Union Pacific, but fails to specify which facilities those are. Metra is aware of the status of facility ownership—indeed, the Right of Entry agreement excludes many of the stations that are owned by Metra or municipalities.¹⁴ But as such, it is not clear what if anything Metra is seeking at these locations. For example, the Village of Cary owns the station at Cary. Thus, the Right of Entry excludes the station and only includes the platform.¹⁵ Similarly, the Right of Entry notes that Union Pacific does not own the Norwood Park station building or the underlying land.¹⁶ Yet Metra’s List of Facilities still asks for “all other relevant station property not included in the Right of Entry, including but not limited to the real property stations” at a list of locations, including Cary and Norwood Park.¹⁷ If Metra is seeking access to anything other than the platform at these locations, it should be compelled to specify what if anything additional it seeks.

¹¹ *See id.*, Section 2.

¹² Metra’s List of Facilities, Ex. A at 1.

¹³ *See id.* at 2.

¹⁴ *See* Ex. 2, Right of Entry to Improved Property (Station Property), Ex. A, and Third Amendment to Right of Entry to Improved Property (Station Property), Ex. A-1.

¹⁵ *See id.*, Third Amendment to Right of Entry to Improved Property (Station Property), Ex. A-1 (Cary station not listed), Ex. A-2 (Cary platform listed).

¹⁶ *See id.*, Right of Entry to Improved Property (Station Property), Ex. A at 1 (noting that the “depot and land underneath” were sold to the City of Norwood).

¹⁷ Metra’s List of Facilities, Ex. A at 1–2.



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- In its List of Facilities, Metra seeks access to “UP trackage and underlying realty” defined in a Right of Entry to Track (dated February 28, 2024) for various purposes at a list of locations, which list includes Kinzie/Clinton Fueling Facility.¹⁸ Yet the identified Right of Entry to Track does not include Kinzie/Clinton Fueling Facility at all.
- In its List of Facilities, Metra states that it seeks access and use to “additional facilities covered by the parties’ Fixed Facility Agreements” and then states that the facilities “are described with more particularity in the attached Exhibit A.”¹⁹ But Metra’s Exhibit A makes no reference to the Fixed Facility Agreements. There are approximately 150 Fixed Facility Agreements between the parties dating back decades. Because Metra purports to seek access to these facilities, Metra should be compelled to respond to ROG 1(a) by identifying each such facility with specificity.

These examples are illustrative of the inadequacy of Metra’s response and are not meant to be exhaustive.

B. Invocation of § 1114.26(b) is inappropriate in these circumstances.

Metra also states that it “will produce (or has produced previously) nonprivileged, responsive documents that are sufficient to show the requested information.”²⁰ In doing so, Metra invokes 49 C.F.R. § 1114.26(b). But the option to produce business records in lieu of responding to an interrogatory is only applicable “[w]here the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served,” when the responding party “specif[ies] the records” that are responsive, and where “the burden of deriving or ascertaining the answer is substantially the same for the party serving . . . as for the party served.” 49 C.F.R. § 1114.26(b).

Metra began its production of documents on September 15, 2026. Union Pacific understands Metra’s productions to be in response to both its second set of discovery requests served on May 28, 2026, and the third set of requests at issue in this motion. To date, Metra has specified some (but not all) of the records which it claims are responsive. Those records include Fixed Facility Agreements, Right of Entry Agreements, the parties’ former Purchase of Service Agreement and related amendments and extensions, documents concerning the transfer of

¹⁸ *Id.*, Ex. A at 3.

¹⁹ *Id.* at 2.

²⁰ Ex. 1 at 9.



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commuter services to Metra, and out-of-date descriptions of station property. Those records do not provide the list of facilities sought by ROG 1(a) for the reasons described above. For example, providing the Rights of Entry is insufficient because Metra's List of Facilities seeks access to properties "not included in the Right of Entry" agreement. Providing the PSA is likewise unavailing because it reflects Union Pacific's past provision of commuter service not necessarily what Metra seeks access to and in any event the property described in the PSA is outdated and conflicts with other materials identified by Metra such as the Right of Entry Agreements. The Fixed Facility Agreements largely pertain to facilities such as bridges, interlockings, and rail repair and replacement that are part of the UP Lines to which Metra has already been granted access pursuant to the Board's September 3, 2025 Order. And the station property descriptions are not only out of date (some are nearly a decade old) but do not resolve ambiguities noted above—for example, the station property descriptions list parking lots but the Right of Entry specifically excludes them. Finally, the burden of deriving the answer from the over one hundred documents identified to date is not substantially the same for Union Pacific as it is for Metra given that only Metra knows the facilities to which it seeks federally-mandated access.

While Union Pacific had doubts regarding the appropriateness of invocation of § 1114.26(b) in these circumstances—for the simple reason that it was highly questionable whether such responsive records exist²¹—Union Pacific waited to review any specification of records to determine whether records produced would be responsive and consistent with the parameters in § 1114.26(b). However, Metra's identification of documents to date does not provide the requested answer nor is the burden substantially the same for Union Pacific as for Metra. In conferring with Metra regarding discovery matters, counsel for Metra has stated that Metra plans to produce additional documents and provide further specification as documents are produced. Union Pacific is willing to continue to confer with Metra regarding these issues, but to preserve its ability to compel a response in light of the regulatory deadline imposed by 49 C.F.R. § 1114.31(a), and in light of the current schedule requiring the submission of opening evidence in less than five weeks, Union Pacific is filing this motion.

* * *

For the reasons discussed above, Metra should be compelled to specify the facilities to which it seeks access, as requested by ROG 1(a).

²¹ See *Shell Chem. Co., et al. v. Bos. & Me. Corp., et al.*, Docket No. NOR 41670 (STB served Dec. 15, 1997) (finding option to produce business records inapplicable in situation where it was unlikely company kept business records responsive to the inquiry).

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Sincerely,

/s/ Allison C. Davis

Allison C. Davis

Counsel for Union Pacific Railroad Company

cc: All Parties of Record

Exhibit 1

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).

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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

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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

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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

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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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1828 L Street, N.W., Suite 1000
Washington, D.C. 20036
(202) 347-7170

*Attorneys for the Commuter Rail
Division of the Northern Illinois Transit
Authority d/b/a Metra*

Dated: August 26, 2026

Exhibit 2

Document Designated Confidential
Filed Under Seal