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September 22, 2026
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BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36873

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

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION'S AND
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY'S
FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS

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**ATTORNEYS FOR MASSACHUSETTS
DEPARTMENT OF TRANSPORTATION
AND MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY**

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The Massachusetts Department of Transportation (“MassDOT”) and the Massachusetts Bay Transportation Authority (“MBTA”), pursuant to 49 C.F.R. §§ 1114.26 and 1114.30 and the discovery guidelines for this proceeding as issued by the Surface Transportation Board (the “Board”) in Decision No. 24, any other applicable Board regulations governing discovery, and in accordance with the Definitions and Instructions herein, hereby propound their First Set of Interrogatories and Requests for Production of Documents (“Discovery”) to the Applicants, and request the Applicants produce all documents and information responsive to the following Discovery to Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, Illinois 60606, within twenty-one (21) days from the date hereof, or such other time as agreed by the parties or ordered by the Board.

DEFINITIONS

1. “All” or “any” means “any and all” and is inclusive.
2. “And” means “as well” and includes “or” and vice versa. As used herein, “and” and “or” shall be construed conjunctively and disjunctively so as to acquire their broadest possible meaning.
3. “Applicants,” “You,” and “Your” mean collectively Union Pacific Corporation, Union Pacific Railroad Company, Norfolk Southern Corporation, Norfolk Southern Railway Company, and their corporate affiliates.
4. “Ayer” and “Ayer Terminal” mean the railroad intermodal freight transloading facilities which are located in the Town of Ayer, Middlesex County, Commonwealth of Massachusetts.
5. “Cab signals” means a visual system located within the cab of a locomotive, linked to and used in conjunction with a trackside signal system, to provide continuous signaling information to the crew operating that locomotive.
6. “Data” means the underlying information, contained within or derived from Documents, including but not limited to figures, database entries, data tables, metadata, system logs, and any structured or unstructured information capable of being retrieved, processed, or analyzed.
7. “Document(s)” has the broadest possible meaning permissible under 49 C.F.R. § 1114.30(a)(1) and means any writing, graphic matter, and/or other object and/or tangible thing, whether written, produced by hand, printed, recorded, produced by photographic or made tangible by any other process including (but not

limited to): letters; reports; correspondence or other written communications; e-mails; memoranda; summaries; records of oral conversations; original or preliminary notes; diaries; calendars; travel records or itineraries; forecasts; analyses; projections; work papers; photographs; slides; motion pictures; tape recordings; models; statistical statements; graphs; laboratory and engineering reports and notebooks; charts; plans; drawings; minutes or records of meetings; minutes or records of conferences; expressions or statements of policy; lists of persons attending meetings and/or conferences; reports and/or summaries of investigations; opinions or reports of consultants; appraisals; evaluations; records; summaries of negotiations; contracts; agreements; leases; loan agreements; checks; bank statements; income tax withholding statements; income tax returns; brochures; pamphlets; advertisements; circulars; trade letters; press releases; invoices; receipts; and including preliminary drafts, revisions, and/or copies of any of the foregoing if the copy is in any way different from the original.

8. “Drayage” means traffic of containers, goods, or trailers, loaded from railroad intermodal cars onto truck for short-distance delivery, or picked up by truck for short-distance transfer to the railroad.

9. “Identify” means to give the full name, address, and telephone number of any individual or entity, and/or the title and date of Document(s).

10. “Relating” or “related” to means, without limitation, any document that constitutes, contains, embodies, identifies, reflects, refers directly or indirectly to, states, or is in any way relevant to the particular subject matter identified.

11. All other terms not otherwise defined herein shall have the meanings given to them respectively in the Applicants' Amended Application; the Board's regulations located at Title 49 of the Code of Federal Regulations; or the meanings commonly used in the railroad industry.

INSTRUCTIONS

1. These Requests shall be deemed to include any and all relevant Documents within Your possession, custody, or control.

2. In producing the Document(s) requested, indicate the specific Request pursuant to which each Document(s) is being produced. Document(s) from any single file should be produced in the same order as they were found in that file. If copies of Document(s) are produced in lieu of the originals, those copies should be legible and bound or stapled in the same manner as in the original file.

3. If any Document(s) responsive to these Requests have been destroyed, describe the contents of said Document(s); the location of any known copies of said Document(s); the date they were destroyed; and the name of the person(s) who authorized their destruction.

4. Produce Data in electronic format, with all underlying metadata intact, together with all information necessary to extract and interpret the Data. For structured or database information, produce the information in its native or a reasonably usable electronic form, including CSV, XLSX, database-export, or comparable delimited format. In producing Data, preserve all original field names and unique identifiers and produce all dictionaries, code tables, lookup tables, field

definitions, and other documentation necessary to interpret the Data. PDF image(s), printout(s), or summary report(s) shall not substitute for available structured Data.

5. If You are not in possession, custody, or control of Document(s) responsive to these Requests, but believe a third party or parties may be in possession, custody, or control of such Document(s), identify such third party or parties in Your response.

6. If You assert a claim of privilege, including attorney-client or attorney work product privileges, state with respect to the Document(s) in question the general nature of the information You withheld and the specific privilege You are claiming, together with a privilege log.

7. If You have an evidentiary objection any of this Discovery, state the basis for Your objection, and specify what You will produce notwithstanding the objection; state whether You are withholding any Document(s) pursuant to Your objection; and if You are withholding anything on the basis of the objection, specify what it is You are withholding in sufficient detail for MassDOT and MBTA to assess the validity of Your objection. Any objection based upon undue burden should explain why the Request is unduly burdensome.

8. If You object to the production of Document(s) for any other reason(s), with respect to each such Document(s), state: (a) the date appearing on such Document(s), or if no date appears, the date on which such Document(s) was prepared; (b) the name of each person to whom such Document(s) was addressed; (c)

the name of each person, other than the addressee(s) identified in subparagraph (b) to whom such Document(s) or copy thereof was sent, or with whom such Document(s) was discussed; (d) the name of each person who signed such Document(s) or, if not signed, the name of each person who prepared them; (e) the name of each person making any contribution to the authorship of such Document(s); (f) the title or position of each person identified in subparagraphs (b), (c), (d) and (e); (g) the date such Document(s) was or were received or discussed by each person identified in subparagraphs (b) or (c); (h) the general nature or description of such Document(s), and the number of pages of which it consists; (i) the name of each person who currently has custody of such Document(s); and (j) the specific ground(s) upon which the claim of privilege rests.

9. If You assert any ambiguity or lack of clarity in any of this Discovery, including these Definitions and Instructions, respond to the extent You are able to, and state what You deem to be ambiguous or unclear, and the interpretation You chose or used in responding to it.

10. To the extent all Document(s) requested herein have been designated as “Confidential” or “Highly Confidential,” MassDOT and MBTA shall handle them in accordance with the Protective Order of the Surface Transportation Board, the Board’s regulations, and the Confidential and Highly Confidential Undertakings submitted in these proceedings.

11. Supplement all responses to these Requests as and when required pursuant to the Board’s regulations at 49 C.F.R. § 1114.29.

INTERROGATORIES

INTERROGATORY NO. 1: Explain in detail how Applicants plan to route railroad traffic to and from the Ayer Terminal to accommodate the projected increase from 98,000 to 156,000 annual lifts, given the 9,000-foot consist length constraint in place for intermodal train pairs operating over CSX trackage rights.

INTERROGATORY NO. 2: Describe in detail all projected Drayage and truck traffic impacts at the Ayer Terminal associated with the projected volume growth, including, but not limited to, identifying the anticipated origins and destinations within the Commonwealth of Massachusetts for this Drayage and truck traffic.

INTERROGATORY NO. 3: Describe in detail Your plans to allocate and maintain a pool of cab signal-equipped locomotives sufficient to operate Norfolk Southern freight and intermodal trains within the Commonwealth of Massachusetts over any lines where Norfolk Southern and MBTA trains jointly operate under cab signal systems.

REQUESTS

REQUEST FOR PRODUCTION NO. 1: Produce all Documents relating to Your plans to route railroad traffic to and from Ayer to accommodate the projected increase from 98,000 to 156,000 annual lifts, given the 9,000-foot consist length constraint in place for intermodal train pairs operating over CSX trackage

right, including (but not limited to) all Documents upon which You based Your answer to Interrogatory No. 1, and all post-merger operating plan Documents.

REQUEST FOR PRODUCTION NO. 2: Produce all Documents relating to the projected Drayage and truck traffic impacts at the Ayer Terminal associated with the projected volume growth, including, but not limited to, identifying the anticipated origins and destinations within the Commonwealth of Massachusetts for this Drayage and truck traffic.

REQUEST FOR PRODUCTION NO. 3: Produce all Documents relating to Your plans to allocate and maintain a pool of cab signal-equipped locomotives sufficient to operate Norfolk Southern freight and intermodal trains within the Commonwealth of Massachusetts over any lines where Norfolk Southern and MBTA trains jointly operate under cab signal systems.

REQUEST FOR PRODUCTION NO. 4: Produce all Documents containing train Data for Norfolk Southern's trackage rights operations for the Chicago-Ayer intermodal train pair for the years 2025 and 2026.

Respectfully submitted,

By: /s/ ***Stephen J. Foland***

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**ATTORNEYS FOR MASSACHUSETTS
DEPARTMENT OF TRANSPORTATION
AND MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY**

Dated: September 22, 2026.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2026, the foregoing First Set of Interrogatories and Requests for Production of Documents by Massachusetts Department of Transportation and Massachusetts Bay Transportation Authority was served, pursuant to the Order of the Surface Transportation Board (Decision No. 24), by electronic mail upon Administrative Law Judge Soulikias, Counsel for Applicants, and all Parties of Record.

By: /s/ ***Stephen J. Foland***

Stephen J. Foland