

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36873

**UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN COMPANY**

**FIRST SET OF INTERROGATORIES AND SECOND SET OF REQUESTS FOR
PRODUCTION BY NEW JERSEY TRANSIT CORPORATION**

Pursuant to the Surface Transportation Board's ("STB") rules governing discovery, 49 C.F.R. Part 1114, and in accordance with the definitions and instructions set forth herein, New Jersey Transit Corporation ("NJ TRANSIT"), by its undersigned counsel, propounds the following First Set of Interrogatories for You the Applicants, as that term is defined below, to answer. Pursuant to Section E.1 of the Discovery Guidelines in this proceeding, NJ TRANSIT requests that the responses to this First Set of Interrogatories be produced within 10 business days after the date of service hereof to undersigned counsel for Applicants.

DEFINITIONS

As used herein, the terms listed below have the following meanings:

1. "All" or "any" means "any and all" and is inclusive.
2. "And" includes "or" and vice versa.
3. "Applicants" or "You" or "Your" means Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company and their consultants, contractors, or subcontractors.

4. “Croxtton” refers to the freight and intermodal yard located in Jersey City, New Jersey owned by NS.
5. “CSAO” means Conrail Shared Assets Operations, also known as Conrail or the Consolidated Rail Corporation.
6. “CSX” means CSX Transportation.
7. “Each” and “every” mean “each and every” and are inclusive.
8. “E-Rail Terminal” refers to the domestic intermodal freight transportation facility located at 322 3rd St in Elizabeth, New Jersey owned by NS.
9. “Lehigh Line” means the railroad line in New Jersey, owned partially by NS and partially by CSAO, between the New Jersey-Pennsylvania border and Newark.
10. “NJ TRANSIT” means the New Jersey Transit Corporation.
11. “NJ TRANSIT Lines” means all rail lines on which NJ TRANSIT operates passenger rail service, including the Raritan Valley Line that operates on the Lehigh Line.
12. “North Jersey Terminal” means the terminal area approximately corresponding to CSAO’s North Jersey District, as indicated on its publicly available system map, used by NS, CSX, and NJ TRANSIT.
13. “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company.
14. “Peak Hour Travel” refers to the hours of 6:00 am to 10:00 am and 4:00 pm to 8:00 pm, Monday through Fridays.
15. “Service” means any and all railroad operations managed or conducted by the Applicants, including but not limited to train movements, dispatching, switching, terminal operations, and intermodal services.

16. "Subject Time Period" means the period of time starting January 1, 2019 through the date of service of these Interrogatories.
17. "Transaction" shall mean the application for control before the Surface Transportation Board filed by the Applicants under Docket FD 36873.
18. All other terms have the meanings given to them in the Amended Application.

INSTRUCTIONS

1. Unless otherwise specified, these Interrogatories are limited to the Subject Time Period.
2. If any Interrogatory herein cannot be responded to or complied with in full, it shall be responded to or complied with to the extent possible with an explanation as to why full compliance is not possible.
3. Each paragraph and subparagraph of an Interrogatory shall be construed independently, and no other paragraph or subparagraph shall be referred to or relied on for the purpose of limiting its scope.
4. In answering these Interrogatories, you are required to furnish under oath all information in your possession, custody or control, even if the information is in the possession of third parties. If you or any third-party objects to this instruction or the answers of such third parties identified in this paragraph are not produced in response to these Interrogatories, the failure or refusal to produce such answers should be stated and declared clearly in the response to these Interrogatories so that separate subpoenas can be issued as necessary.
5. If in answering these Interrogatories, you claim any ambiguity in interpreting the Interrogatory, or a definition or an instruction applicable thereto, such claim shall not be a basis

for refusing to respond, but there shall be set forth as part of the response, the language deemed to be ambiguous, and the interpretation chosen or used in responding to the Interrogatory.

6. Estimates or approximations should be given when precise data cannot be supplied. Any estimates or approximations should be designated as such and a statement made as to why precise data cannot be supplied.

7. The source, sources, or derivation of each answer to the Interrogatories should be separately set forth and identified, unless the person signing the answers to these Interrogatories under oath knows of his own personal and direct knowledge of the facts or information forming the basis of all answers given. If a particular source is an individual, that individual's full name, phone number, address, and job title should be provided. In addition, each person who is an employee, officer, director, agent, contractor or consultant for one or more of the Applicants and who has knowledge of the matter addressed in an answer to each Interrogatory, if that person is not already identified in response to the first sentence of this Instruction, should be identified.

8. These Interrogatories are continuing in nature. Any information obtained subsequent to the service of answers to these Interrogatories that would have been included in the answers had the information been known shall promptly be supplied by supplemental answers whenever you find, locate, acquire or become aware of such information. Supplemental answers are to be served as soon as reasonably possible after receipt of such information.

9. If a claim of privilege (including, but not limited to, the work-product privilege) is asserted in objecting to any means of discovery or disclosure, you shall comply with the requirements of 49 C.F.R. Part 1114, and identify with respect to the information: (i) the general nature of the information withheld; and (ii) the specific privilege claimed.

INTERROGATORIES AND REQUEST FOR PRODUCTIONS

1. Identify and produce the following data used in Your analysis of the Lehigh Line:
 - a. “Conrail track chart and timetable resources,” described at Supp. Page 162.
 - b. “data for NS’s own overhead trains and Conrail trains that interchange with NS,” described at Supp. Page 163. The data provided should isolate those trains used in the Applicants’ Lehigh Line analysis.
 - c. “daily train count data from Conrail AEI readers located at Middlesex, New Jersey,” described at Supp. Page 163 and the identity of the operator for each movement.

2. Produce timetables, schedules, or statements identifying the days and times when You intend to operate freight trains on the Lehigh Line if the Transaction is approved. In addition:
 - a. Identify the number of each unit, intermodal, automotive, or general merchandise train
 - b. Include and identify the number of trains and length of each such freight train You intend to operate during Peak Travel Hours on the Lehigh Line.

3. Explain the methodology, including all assumptions used: (1) in calculating both the capacity and fluid capacity of the Lehigh Line in the Base and Growth Plans, (2) to determine the impact of the additional trains projected in the Growth Plan on the Lehigh Line, and (3) to support Your assertion that the Lehigh Line has sufficient fluid capacity to support both current passenger and projected freight operations. In addition:

- a. Describe whether the methodology factored in fluid capacity on the Lehigh Line during Peak Travel Time and, if not, why.
 - b. Explain which alternative methodologies were considered for the analysis identified in interrogatory #3 and why one methodology was chosen among the other alternatives.
4. Describe whether You used or ran any modeling simulations to analyze the capacity and fluid capacity of the Lehigh Line and the results of those simulations. In addition:
 - a. Describe which modeling simulation was used or run, what alternatives were considered, and why one simulation was chosen among the other alternatives.
 - b. Provide any data, analysis, and assumptions used in those simulations and the results produced from each simulation.
 - c. If no simulations were used, please explain why.
5. Explain why You used the total number of road trains rather than the number of total trains in Your analysis of the Lehigh Line (*see column AQ of the "MultiRail Growth Scenario" tab under the "Conrail Lehigh Line - Highly Confidential.xlsx" workpaper*).
 - a. Explain why two local short haul trains (trains K76 West and K76 East, which run from Croxton, NJ to Allentown Yard, PA and back) were excluded from the number of trains used in Your analysis.
 - b. What would the impact to the Lehigh Line's capacity and fluid capacity be when adding in both local short haul trains (K76) to Your analysis?

6. Explain how the breakdown of trains in the “Base Plan” reconciles with the Symbol List provided by NS, when the Base Plan averages 16.86 trains per day (consisting of 0.36 Conrail trains, 1.5 bulk trains, 13 road trains, and 2 local trains), and the NS Symbol List does not identify any Conrail or bulk trains but classifies all symbols as road trains, and only after manually adding in the 2 local trains does this list add to an average of 16.86.
7. Explain whether Kristof Zetenyi examined the NJ TRANSIT operations, including its Raritan Valley Line operations, on the Lehigh Line and, if so, where in the Verified Statement of Kristof Zetenyi is this analysis reflected?
8. The Supplemental Filing (page 374/pdf page 379) states that VRE was the only commuter operator on NS lines selected for the Capacity Utilization analysis. Explain why other commuter operators were not considered for the Capacity Utilization analysis.
9. Did Your calculations of fluid capacity of the NJ TRANSIT Lines include and account for the anticipated length of (1) freight trains and (2) demands of Peak Hour Travel on NJ TRANSIT operations specifically. If so, how?
10. Explain why You used the average number of NJ TRANSIT trains per day on the Lehigh Line in the Workpaper “Conrail Lehigh Line - Highly Confidential,” rather than the average number of NJ TRANSIT trains per day on the Lehigh Line every weekday as shown in the non-holiday weekday timetables on the “NJT Raritan Valley Line Trains” tab of the same Workpaper.

- a. How does using the number of NJ TRANSIT trains per average non-holiday weekday, rather than per average day, change the analysis in “Conrail Lehigh Line - Highly Confidential,” and your response to the Board’s request PR-2?
- 11. Explain whether Your capacity and fluid capacity projections for the Lehigh Line account for limitations on rail capacity resulting from the rail junction at the eastern end of the Lehigh Line, the Northeast Corridor, and facilities in the North Jersey Terminal.
 - a. If Your capacity projections do not account for these limitations, please explain the justification for not accounting for such limits.
 - b. Please explain how the capacity calculation for the Lehigh Line was adjusted to account for the impacts of Conrail’s local freight service in the territory, particularly the local freight that works at Parkview, South Side, and Hillside as well as the train serving customers just west of CP Aldene.
 - c. Please explain how the capacity calculation for the Lehigh Line was adjusted to account for the impacts of yard trains at Oak Island taking headroom onto the main tracks at CP Newark.
- 12. For Croxton:
 - a. What were Croxton's 2025 lift volumes and associated train length?
 - b. What are the projected year over year growth volumes and lengths at Croxton?
 - c. What is the projected mix and length of inbound vs. outbound traffic to Croxton?
 - d. Provide the inputs to any and all equations supporting the calculation of Croxton's terminal fluid capacity.

13. What is the specific operational plan for serving the E-Rail Terminal?
14. What are NS's planned capital improvements or investments in the E-Rail Terminal? At or around Croxton? The North Jersey Terminal? What is the timeline for these capital improvements or investments?
15. What are NS's operational train limits for inbound and outbound traffic to and from Croxton for both tonnage and length? In addition:
 - a. Describe how those limits change from season to season, and particularly in cold weather.
 - b. Describe how are You accounting for those seasonal changes in Your operational plan for Croxton and Your analysis of fluid capacity at or around Croxton?
 - c. If you have not factored in the changes for NS's operational limits, explain why.
16. What contingencies and resiliency plans are or were:
 - (a) considered to maintain fluidity at or around Croxton, Conrail's main lines (including the Lehigh Line), and the North Jersey Terminal to ensure NJ TRANSIT's rail operations remain fluid and are not impacted?
 - (b) will be implemented to maintain fluidity at or around Croxton, Conrail's main lines (including the Lehigh Line), and the North Jersey Terminal to ensure NJ TRANSIT's rail operations remain fluid and are not impacted?

17. Explain the impacts projected to the Lehigh Line and on NJ TRANSIT capacity and fluid capacity due to increased traffic in the North Jersey Terminal area, including on lines in the Newark, New Jersey area that intersect or feed into the Lehigh Line.

18. Explain:

- a. whether the dispatching protocols for CSAO dispatchers in the North Jersey Terminal area that dispatch trains on, exit from, or enter onto NJ TRANSIT Lines prevent freight train interference with NJ TRANSIT operations; and
- b. how the dispatching protocols for CSAO dispatchers in the North Jersey Terminal area that dispatch trains on, exit from, or enter onto NJ TRANSIT Lines prevent freight train interference with NJ TRANSIT operations.

19. If the dispatching protocols prevent interference, explain how the dispatching protocols for CSAO dispatchers in the North Jersey Terminal Area that dispatch trains on, exit from, or enter onto NJ TRANSIT Lines prevent freight train interference with NJ TRANSIT operations.

20. Describe the resiliency planning You have undertaken with respect to the Lehigh Line and the plans You have in place to minimize disruption to passenger operations on the Lehigh Line in the event of bad weather, deviations from freight schedules, or other routine disruptions.

Respectfully Submitted,



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Counsel for New Jersey Transit Corporation

CERTIFICATE OF SERVICE

I certify that I have this day served copies of document upon all parties of record in this proceeding, by electronic mail or first class mail this 2nd day of October 2026.

Dated: October 2, 2026

By: 
Ayelet Hirsch Korn