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November 2, 2026

ACC-10 / ACD-10 / AFPM-10 / NITL-7 /TFI -10

Via Electronic Filing

312787

ENTERED
Office of Chief Counsel
November 2, 2026
Part of
Public Record

The Hon. Patrick Fuchs, Chairman
The Hon. Michelle Schultz, Vice Chair
The Hon. Karen Hedlund
The Hon. Richard Kloster
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Docket No. FD 36873, Union Pacific Corp.—Control—Norfolk Southern Corp.
Appeal and Request for Stay Are Untimely

Dear Board Members:

By the frivolous and blatantly untimely appeal it filed Friday, Union Pacific once again forces the Joint Shipper Associations[1] to take time and resources away from preparing comments in this proceeding due on November 18 to address Union Pacific's ongoing attempt to wrongfully use the Protective Order to keep from public view the railroad CEO's comments threatening shippers with rate increases for opposing its merger.

The Joint Shipper Associations support CPKC's Motion to Enforce Decision No. 43 (CPKC-66) filed this morning. Union Pacific's motion shows blatant disregard for the Board's order setting deadlines in this proceeding that requires any appeal of an ALJ decision must be "filed five calendar days of the date of the ALJ's decision." Decision No. 30, at 11 (served Aug. 18, 2026). Nothing in the ALJ's Decision No. 43 changed Decision No. 30, nor could it.

Union Pacific's willful violation of the Judge Soulikias's ruling and the Board's order on deadlines, is further evidence of the contempt that Union Pacific has for this process. The Southwest Association of Rail Shippers ("SWARS") video should be deemed public immediate. Union Pacific's late Friday motion (served on parties

[1] The Joint Shipper Associations are the Alliance for Chemical Distribution, American Chemistry Council, American Fuel & Petrochemical Manufacturers, National Industrial Transportation League, and The Fertilizer Institute.

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after 7:00 pm) made in place of releasing the video as ordered to do, does not and should not stay the ALJ's order.

This letter is focused solely on the procedural fault of Union Pacific's motions. The Joint Shippers Associations will timely file a response to Union Pacific's Appeal (UP-124), unless the Board takes swift action before the response deadline.

Very truly yours,

/s/ Jason D. Tutrone

Jason D. Tutrone

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2026, the foregoing document was served by first-class mail or email on all parties of record to this proceeding, the Secretary of Transportation, the Attorney General of the United States, and Administrative Law Judge Jenifer Soulikias.

/s/Jason D. Tutrone