312793

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

BEFORE THE SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

STB DOCKET NO. FD 36873
UNION PACIFIC RAILROAD COMPANY—CONTROL—NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY

UNTIMELY PROCEDURAL OBJECTION OF PARTY OF RECORD RUTH L. TINES

DEMAND FOR IMMEDIATE ENFORCEMENT OF DECISION NO. 43 & UNSEAL OF EXECUTIVE EVIDENCE (UP-124 UNTIMELY)

TO THE SURFACE TRANSPORTATION BOARD:

I submit this filing as a legacy railroader (seniority date November 5, 1992) and an active, independent Party of Record in this proceeding (STB Control No. 312171). I am not an executive, a corporate lobbyist, or a lawyer for a high-priced law firm.

I am a veteran railroader with 33 years of boots-on-the-ground experience across multiple operational departments, supply yards, and logistics positions. My decades of service represent the everyday railroad laborers: the men and women out in the railyards in all weather who make sure these trains get out on time and safely. I speak on behalf of my fellow union brothers and sisters across all crafts who have witnessed Union Pacific's abusive double standard for years: enforcing internal operating rules mercilessly against workers, while twisting, ignoring, or fleeing from federal procedural rules when executive misconduct is exposed.

The Board is now witnessing that exact corporate hypocrisy: Union Pacific management demands absolute, unyielding rule compliance from everyday railroaders in the yard, but the moment an Administrative Law Judge holds UP or CEO Jim Vena accountable, UP treats the Board's orders as optional.

I. UNION PACIFIC FAILED TO FOLLOW THE BOARD'S MANDATORY DEADLINE UNDER DECISION NO. 30

1. **The Rule Is Mandatory for Everyone:** Under Decision No. 30 (served Aug. 18, 2026), any appeal of an Administrative Law Judge's decision in this proceeding must be filed within five (5) calendar days of service.
2. **UP Missed the Clock:** Administrative Law Judge Jenifer Soulikias issued Decision No. 43, ordering UP to unseal and publicly release the Southwest Association of Rail Shippers (SWARS) video containing CEO Jim Vena's remarks. UP did not file an appeal within the mandatory 5 calendar days. Instead, UP waited until late Friday night, October 30, 2026—well past 7:00 PM after business hours—to drop its Appeal and Request for Stay (UP-124).
3. **No Extension Requested:** UP did not file a motion for an extension of time before the 5-day clock ran out. Out in the yard, if a craft worker misses an operational directive or a safety rule, management does not allow them to come back days later with excuses. Corporate executives do not get a pass to rewrite the rulebook when they miss a deadline set by a federal judge.

II. UNION PACIFIC WEAPONIZES RULES AGAINST OTHERS BUT CLAIMS IMMUNITY FOR ITSELF

1. **UP Demanded Strict Compliance Against BNSF:** Following this docket closely as a Party of Record, I watched UP's legal team demand absolute compliance when another railroad pushed a deadline. Earlier in this proceeding, when BNSF Railway attempted to appeal an ALJ discovery ruling outside the regulatory window, UP pushed for strict enforcement, and the Board issued Decision No. 13, denying BNSF's appeal solely as untimely.

2. **The Industry Consensus on UP's Default:** Everyday union laborers are not the only ones calling out this hypocrisy. Competing Class I railroads like CPKC (in Motion CPKC-66) and CSX Transportation (in Letter Brief CSXT-41), alongside the Joint Shipper Associations, have formally put it on the STB record: UP's late Friday filing is a deliberate, inexcusable violation of Decision No. 30 meant to run out the clock before the November 18 public comment deadline.

3. **A Pattern of Selective Rule Abuse Across the Board:** As detailed in my sworn filings in this docket (including my May 5, 2026 Public Comments), Union Pacific has spent years using internal rules—specifically Operating Rule 1.6—to abuse rank-and-file laborers, manufacturing charges of insubordination and quarrelsome behavior, and engaging in the selective micromanagement of attendance policies to clear long-term legacy labor liabilities off the books. Union Pacific weaponizes internal rules to fire laborers, but expects total immunity when CEO Jim Vena is caught on video using the exact same retaliatory tactics against shippers across the board—threatening shippers with retaliatory rate hikes for daring to oppose the merger.

4. **Rebutting UP's Excuses in UP-126:** In its November 2 response (UP-126), Union Pacific claims its legal team "misinterpreted" the ALJ's order and asks the Board to excuse its delay. Out on the railyard floor, local management—operating under the direct corporate culture and mandate established by CEO Jim Vena and CFO Jennifer Hamann—mercilessly judges craft workers for minor rule infractions, with zero tolerance or leniency for "misunderstandings." Corporate executives cannot cultivate a climate of ruthless rule enforcement against everyday laborers while asking the Board for special leniency when their own high-priced attorneys miss a federal agency deadline. Furthermore, UP's request for the Board to intervene *sua sponte* under the BNSF precedent (Decision No. 13) ignores the fact that the Board denied BNSF's appeal as untimely to enforce procedural discipline.

5. **Equal Enforcement of Agency Rules:** The STB enforces its regulatory rulebook strictly against competing carriers and shippers. The Board cannot maintain hard procedural deadlines for everyone else, yet allow Union Pacific to treat Decision No. 30 as optional when an Administrative Law Judge holds its executives accountable.

III. AN UNTIMELY APPEAL DOES NOT PAUSE JUDGE SOULIKIAS'S ORDER—UNSEAL THE VIDEO NOW

1. **No Automatic Stay:** Under Board rules (49 C.F.R. § 1115.3(f)), simply filing a late appeal or requesting a stay does not suspend an ALJ's order. Decision No. 43 remains active, binding law right now.

2. **Public Statements Are Not Trade Secrets—Transparency Is Mandatory:** Union Pacific's claim that this video contains "confidential trade secrets" is absurd. CEO Jim Vena spoke publicly in front of nearly 900 people at a SWARS conference. Nobody in that audience was forced to sign a Protective Order or a non-disclosure agreement to hear him speak, and anyone in that room could have recorded his speech. These are not proprietary secrets—this is public executive conduct. This proceeding is supposed to be completely transparent. How can everyday citizens, shippers, workers, and members of the public submit meaningful comments—whether positive or negative—if they are denied access to the whole story? UP's late Friday filing is a calculated tactic to suppress these remarks until after public opposition briefs are submitted—just another example of Union Pacific using bad-faith rule manipulation to bypass administrative accountability.

3. **Immediate Unsealing Required:** Because UP's appeal is procedurally barred and no stay was granted, UP is currently in default of an active order. The Board should immediately dismiss UP-124 as untimely, deny the requested stay, and order Union Pacific to publicly release the SWARS video footage immediately so all parties have access to the complete record before November 18.

CONCLUSION AND PRAYER FOR RELIEF

The Surface Transportation Board must demonstrate to every railroad laborer, shipper, and member of the public that no carrier executive or corporate entity is above the Board's rules.

While Union Pacific attempts to brush off CEO Jim Vena's statements as a "joke," threatening shippers with rate increases for exercising their right to participate in an STB proceeding is blatant retaliation. UP weaponizes internal rules to fire laborers on the railyard floor, but now demands a protective seal to shield its CEO from public accountability when he uses those same retaliatory tactics on an executive stage.

Even if the Board defers a final ruling on the ultimate merits of the merger, there is no legal or procedural justification to allow Union Pacific to hide these retaliatory comments from the public record. UP missed the mandatory 5-day appeal window under Decision No. 30, and Decision No. 43 remains active, binding law. The public and every Party of Record have an absolute right to review this video evidence before main opposition comments are due on November 18, 2026.

I respectfully request that the Board:

1. **DISMISS** Union Pacific's Appeal (UP-124) as untimely under Decision No. 30;
2. **DENY** Union Pacific's Request for a Stay;
3. **ORDER** Union Pacific to unseal and publicly release the SWARS video footage immediately pursuant to Decision No. 43; and
4. **DENY** the proposed control transaction in Docket No. FD 36873 in its entirety as contrary to the public interest.

Respectfully submitted,

/s/ Ruth L. Tines
Ruth L. Tines, Pro Se
Party of Record, STB Control No. 312171
c/o Northwest Registered Agent Service, Inc.
2501 Chatham Rd. Suite N
Springfield, IL 62704

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November, 2026, I have served a true and correct copy of the foregoing Comments and Procedural Objection upon all Parties of Record in STB Docket No. FD 36873 by electronic mail.

/s/ Ruth L. Tines
Ruth L. Tines, Pro Se
Party of Record, STB Control No. 312171
c/o Northwest Registered Agent Service, Inc.
2501 Chatham Rd. Suite N
Springfield, IL 62704