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Public Record

RCL-2

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BEFORE THE
SURFACE TRANSPORTATION BOARD

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY —CONTROL— NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY	Finance Docket No. 36873

MOTION FOR LEAVE TO FILE NOTICE OF INTENT TO PARTICIPATE OUT OF TIME, OR IN THE ALTERNATIVE, PETITION FOR LEAVE TO INTERVENE OF RIVER CURRENTS LLC

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River Currents LLC (River Currents) moves for leave to file its Notice of Intent to Participate (RCL-1) out of time. In the alternative, River Currents petitions for leave to intervene as a party of record under 49 C.F.R. § 1112.4. River Currents files its Comments and Request for Conditions (RCL-3) with this motion.

BACKGROUND

River Currents owns the River Inn property at 9400 West Fourth Street, Reno, Nevada. It holds the private crossing agreement for highway-rail grade crossing FRA No. 740718J on Union Pacific's Roseville Subdivision and leases adjoining Union Pacific land. That crossing is the only vehicle access to the property. RCL-3 at 1–2.

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The deadline for notices of intent to participate was September 30, 2026. *Union Pac. Corp.—Control—Norfolk S. Corp*. (Decision No. 35), FD 36873 et al., slip op. at 2 (STB served Aug. 31, 2026). Comments, protests and requests for conditions are due November 18, 2026. *Union Pac. Corp.—Control—Norfolk S. Corp*. (Decision No. 30), FD 36873 et al., slip op. at 13 (STB served Aug. 18, 2026). River Currents files RCL-1 and RCL-3 before the comment deadline. The basis for River Currents' comments took shape after the notice deadline. Applicants' Response to Information Request No. 4, filed September 25, 2026, supplied the train-length and crossing data on which RCL-3 rests. RCL-3 at 3.

ARGUMENT

The Board generally permits a filing out of time when good cause exists and no party will be prejudiced. *Union Pac. Corp.—Control—Norfolk S. Corp*. (Decision No. 40), FD 36873 et al., slip op. at 2 (STB served Oct. 6, 2026). The Board has accepted late notices of intent in rail control proceedings on that basis. *Canadian Nat'l Ry.—Control—Wis. Cent. Transp. Corp.* (Decision No. 3), FD 34000, slip op. at 2 (STB served June 12, 2001); *CSX Corp.—Control & Operating Leases/Agreements—Conrail Inc.* (Decision No. 43), FD 33388, slip op. at 1–2 (STB served Oct. 7, 1997).

Good cause exists. River Currents' comments depend on data Applicants filed after the notice deadline. River Currents is a single property owner, not a carrier or trade association, and it moved promptly once it had those data and counsel.

No party will be prejudiced. River Currents files RCL-1 and RCL-3 together, before the November 18 comment deadline. It asks for no change to the procedural schedule. It accepts the record as it stands. Applicants and every other party will have the full response period set in Decision No. 30 to answer RCL-3. River Currents has served RCL-1, RCL-2 and RCL-3 on every party of record and the administrative law judge. Fourteen other notices of intent were filed in this docket

between October 1 and October 27, 2026, and each filer appears on the service list as a party of record.

In the alternative, River Currents petitions for leave to intervene under 49 C.F.R. § 1112.4. River Currents has a direct interest: the transaction's longer trains will block the only vehicle access to its property, and RCL-3 asks the Board to condition its approval on measures at that crossing. RCL-3 at 3–4, 17–19. Intervention will not broaden the issues or delay the proceeding. River Currents will take the record as it finds it and will meet the schedule in Decision No. 30. Where the Board has rejected a late notice of intent, it has allowed the filer to petition to intervene and has granted the petition. *Dakota, Minn. & E. R.R.—Control—Iowa, Chi. & E. R.R.* (Decision No. 5), FD 34178, slip op. at 1 (STB served Nov. 15, 2002); *id*. (Decision No. 6), slip op. at 1 (STB served Nov. 27, 2002).

CONCLUSION

River Currents asks the Board to accept RCL-1 and to add its counsel to the service list as its party of record. In the alternative, River Currents asks for leave to intervene under 49 C.F.R. § 1112.4.

Dated this 6th day of November, 2026.

//s// Hawah S. Ahmad
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CERTIFICATE OF SERVICE

I certify that on November 6, 2026, I caused a copy of this MOTION FOR LEAVE TO FILE NOTICE OF INTENT TO PARTICIPATE OUT OF TIME, OR IN THE ALTERNATIVE, PETITION FOR LEAVE TO INTERVENE OF RIVER CURRENTS LLC (RCL-2) together with RCL-1 and RCL-3, on all parties of record on the service list in Finance Docket No. 36873, by email on those who have provided an email address and by first-class mail on those who have not, and by email on Administrative Law Judge Jenifer Soulikias (alj.soulikias.inbox@stb.gov). Service included the Secretary of Transportation; the Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division; Michael L. Rosenthal, Covington & Burling LLP, counsel for Union Pacific; and Raymond A. Atkins, Sidley Austin LLP, counsel for Norfolk Southern.

//s// _Aaron Palm_____