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BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY

—CONTROL—

NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY

COMMENTS AND REQUEST FOR CONDITIONS OF RIVER CURRENTS LLC (RCL-3)

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I. INTRODUCTION

River Currents LLC ("River Currents") owns the River Inn property at 9400 West Fourth Street, Reno, Washoe County, Nevada (APN 038-160-03) and adjoining parcels along the Truckee River. River Currents is the licensee of private highway-rail grade crossing FRA No. 740718J on Union Pacific's Roseville Subdivision under a Private Roadway Agreement dated March 14, 1986 (Union Pacific Audit S207306), assigned to River Currents effective December 18, 2020 with Union Pacific's consent, and the lessee of adjoining Union Pacific land. River Currents and its predecessors have maintained the approach roadway, paid for the crossing's signals, and occupied the adjoining railroad land under railroad leases since 1962.

The site has been a destination since the 1880s: a hot springs resort on the transcontinental railroad, a spa on the Lincoln Highway, the Reno Speedway, and in 1938 greyhound racing with pari-mutuel wagering, followed by a mid-century resort with a nine-hole golf course, a casino and a motel. The River Inn and the adjoining railroad land have been used together as one resort site for decades, under railroad leases since at least 1962, and the property's parking, fire access and other site

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functions required under the Reno Municipal Code for its restoration and use depend on the leased land.

River Currents files these comments as Union Pacific's partner at this location: to help Union Pacific address a safety issue that the proposed transaction makes worse, and to offer a practical solution that River Currents is ready to carry out with it. Concurrently with these comments, River Currents is filing a notice of intent to participate (RCL-1) and a motion for leave to accept that notice late (RCL-2). River Currents accepts the record as it stands, and no party will be prejudiced.

II. THE SAFETY ISSUE

West of downtown Reno, Union Pacific's double-track main line separates West Fourth Street from a narrow area along the Truckee River. Federal crossing data show about 15 through trains a day, including Amtrak's California Zephyr, at up to 40 miles per hour. Two at-grade crossings serve this reach: the River Inn private crossing (740718J, milepost 235.06), which already has gates and flashing lights, and the Woodland Avenue public crossing (740719R, milepost 235.76). The crossings are about 3,470 feet apart. The Mayberry Drive underpass (762080Y), about 2,300 feet east of Woodland Avenue, is grade separated. Exhibit A maps these crossings and the area they serve.

The River Inn property, adjoining private land and Washoe County's parcel APN 038-150-20 lie between the tracks and the river. Their only vehicle access is crossing 740718J. The County parcel is listed by the Washoe County Assessor with no street access. A train stopped at 740718J cuts this area off from emergency services.

On the Roseville Subdivision through Reno, the applicants project freight traffic growing from about 14.3 to 17.9 trains a day, about 3 of them added by the transaction, and the average train lengthening from about 6,000 to 8,000 feet (Errata 2 Master Segment Table, segment 10657, September 9, 2026; Response to Information Request No. 4, September 25, 2026). The transaction adds a new intermodal train pair on this line between Lathrop, California and Croxton, New Jersey,

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with trains averaging roughly 7,000 to 10,200 feet and reaching about 11,100 feet, or about 2.1 miles (Revised Application, Volume 2, Operating Plan and Growth Plan Appendix B). A single train of that length can occupy both the River Inn and Woodland Avenue crossings at once. Even when it is moving, at the 17 to 35 miles per hour the federal crossing data report as the typical speed over crossing 740718J, a train of about 11,100 feet occupies each crossing for roughly 3.6 to 7.4 minutes before the gates rise; a stopped train closes both indefinitely. The area is a wildland-urban interface, and when the Board reviewed the UP/SP merger, Washoe County's comments of March 28, 1996 listed the River Inn and Woodland Avenue among "isolated communities/areas" and noted that the paved road south of the tracks was "a private road constructed on railroad easement with two sets of locked gates." The risk is current. On August 22, 2026, the Hawk Fire started near Verdi, a few miles west of this reach, and burned more than 15,000 acres northwest of Reno. It destroyed at least 32 homes and put about 90,000 residents under evacuation orders, with warnings extending to Boomtown–Garson Road and Interstate 80.

Blocking is a long-documented problem here. The City of Reno recognized it when it approved River Park in 1991: its traffic engineer told the Planning Commission that "the main access into the site is Woodland Avenue which crosses the railroad tracks," that "there is a potential for blockage of Woodland Avenue for a long period of time due to incidents such as train derailment or chemical spills," and that if Woodland Avenue were blocked, the secondary access "would be the only access out of the site for all of the residents in the development" (Reno Planning Commission minutes, November 6, 1991). River Park raised the problem again during the UP/SP review. On March 26, 1996, residents of River Flow Court told the Washoe County Commission that Woodland Avenue was the only access into their neighborhood, that trains were sometimes parked across it for up to 40 minutes, and that when trains block the road "there is absolutely no way to get in or out" (Commission minutes, Item 96-256). The Commission directed staff to "investigate and analyze the

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emergency access for the River Banks subdivision" (Commission minutes, Item 96-256). The materials before the Reno City Council on March 28, 1996 included a letter from the neighborhood's developer reporting that westbound trains stopped at Woodland Avenue and Fourth Street for 15 minutes on average and frequently for 45 minutes, and that emergency vehicle access was the neighborhood's primary concern. In that review the Board's environmental staff found that Union Pacific's practice of adding helper locomotives near Woodland Avenue had caused extended blockages there, and proposed requiring Union Pacific to stop; the Board later adopted Reno's negotiated agreement in place of the study's measures. The problem has continued. Since 2021, 35 reports of blocked-crossing incidents at crossing 740718J, on 26 different days, have been filed with the Federal Railroad Administration's Blocked Crossing Incident Reporter. Thirty-two describe a stopped train, 24 describe blockages of an hour or more, and 3 report first responders unable to cross. Longer trains make that problem worse.

The City of Reno's own review in 2017 confirmed the problem. A January 20, 2017 memorandum from the City's Community Development Director to the Mayor and Council reported that Reno West Business Park was approved in 1989 with a single public access, Woodland Avenue across the Union Pacific tracks, and that this "access is frequently disrupted by train traffic." River Park's approved emergency access is a second bridge about 370 feet from the White Fir Street bridge, but it leads back through City Park land and the business park to a locked gate at Sugar Pine Court, on the same side of the tracks. The recorded instruments confirm that route: the bridge rests on a 20-foot easement across Washoe County Park land (Washoe County Recorder Doc. No. 1746618, recorded December 27, 1993) and lands on a 20-foot emergency access easement inside Reno West Business Park (Washoe County Recorder Doc. No. 1749354), so it gives River Park no way across the tracks. The business park's 20-foot secondary easement to Mayberry Drive, improved only 17 feet wide and in poor condition, had been closed with a locked gate for about ten years, and Reno

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Fire recommended that it stay locked and be opened only by public safety officers in an emergency. Among the alternatives the City identified was a "Bridge Across River and RR Tracks at West Terminus of River Park Subdivision" to Fourth Street; the memorandum found no readily available option (Memorandum, Community Development Director to Mayor and Council, January 20, 2017, Exhibits 5 and 6, filed with Council Item L5 of August 10, 2016).

River Park is an at-risk neighborhood. Its 224 homes sit between the Truckee River and open wildland, with a single public way in and out, the White Fir Street bridge. River Park was approved in 1991 under the Uniform Fire Code. The fire code Reno enforces today, the 2024 International Fire Code, requires a development of more than 30 homes to have two separate fire apparatus access roads, set well apart (2024 International Fire Code, Appendix D, Sections D107.1 and D107.2, adopted by Reno Ordinance No. 6726, effective January 1, 2026). The neighborhood has one public street and a narrow steel truss bridge, about 14 to 15 feet wide with no documented load rating for fire apparatus, about 370 feet from it at the same end of the neighborhood. Sprinklers fell away with that bridge. In 1991 Reno Fire told the Planning Commission that sprinklers had been required "when a second public access is not provided"; the developer then proposed the 14-foot bridge, the conditions of approval did not require sprinklers, and the City approved the bridge as River Park's emergency access through the final map process. The homes were built without them, so the fire code's sprinkler exception to the two-road requirement does not apply. The City of Reno's 2026 Community Wildfire Protection Plan, approved by the City Council on February 11, 2026, places the neighborhood in the wildland-urban interface and rates River Front Drive, River Flow Drive and River Park Court at "Very High" evacuation risk. The plan explains that local roads with a single point of ingress and egress next to the interface score highest. Fire has already reached the slope above it. The 103-acre White Fir Fire burned there in June 2015, and on July 27, 2026, a wind-driven brush fire near White Fir Street sent two people for treatment for smoke inhalation before Reno and Truckee Meadows

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crews stopped it at about one acre. In a wildfire, residents leaving and fire engines arriving would depend on that one bridge and on crossings that a single stopped train can block. A second way in and out is a life-safety need for this neighborhood.

Fire response depends on the same crossings. The Reno Fire Department serves River Inn and River Park from Station 11 on Mae Anne Avenue, and the nearest engine is Truckee Meadows Fire Protection District Station 40 on West Fourth Street. Both stations sit north of the tracks. Engines reach River Inn only across crossing 740718J and River Park across crossing 740719R at Woodland Avenue. When trains block Woodland Avenue, every responding engine, from any station, and every River Park resident leaving must use the same gated railroad road from Mayberry Drive and the same White Fir Street bridge. When trains block crossing 740718J, River Inn has no route at all.

The people who depend on these crossings include the River Park neighborhood, the businesses in Reno West Business Park, the River Inn and adjoining property, visitors to Washoe County's Carcione and Canepa Ranch open space, and the fire and emergency crews who serve them.

III. HAZARDOUS MATERIAL AND THE TRUCKEE RIVER

The same reach of main line runs along the Truckee River. As Exhibit A shows, the River Inn property lies between the tracks and the river.

The river supplies about 85 percent of the drinking water for the Reno–Sparks area. Truckee Meadows Water Auth., *2010–2030 Water Resource Plan* app. F, at i (Dec. 2009). The Truckee Meadows Water Authority treats river water at its Chalk Bluff and Glendale plants and its Glendale intake is downstream of this reach. *2010–2030 Water Resource Plan* app. F, at 22. Below Reno, the river flows to Pyramid Lake. The endangered cui-ui and the threatened Lahontan cutthroat trout live in the lower river and the lake. Surface Transp. Bd., Section of Env't Analysis*, UP/SP Merger—Reno Mitigation Study: Final Mitigation Plan*, FD 32760, at ES-7, 2-17 (Feb. 1998) (the "*Reno Final Mitigation Plan*").

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The Board has studied this risk here before. In *UP/SP*, its environmental staff analyzed hazardous materials releases into the Truckee River. *Reno Final Mitigation Plan at* ES-7 to ES-8. The staff studied the track from above Truckee, California, to near Reno's drinking water intakes, mileposts 195.2 to 240. *Id*. at 2-18. The River Inn crossing, at milepost 235.06, lies within that reach. The staff estimated that merger traffic would raise the probability of a train accident releasing hazardous materials into that reach from once every 333 years to once every 208 years. *Id*. The staff recommended that Union Pacific complete its part of an area contingency plan for hazardous materials. *Id*. at ES-8. It recommended that Union Pacific work with the U.S. Fish and Wildlife Service and Native Americans in the Marble Bluff area to place spill response equipment there. *Id*. It recommended that those plans go to the Truckee River Corridor Area Contingency Plan Working Group. *Id*. at ES-8 to ES-9. Washoe County had pressed the same point during the merger review. It asked the Board's staff to estimate the probability of derailments along the Truckee River corridor and to identify the equipment needed to isolate spills before they reach the water supplies of Reno, Sparks and Wadsworth. Letter from Bob Webb, Cmty. Coordinator, Washoe Cnty., to Section of Env't Analysis, Surface Transp. Bd. 6 (Apr. 30, 1996), in FD 32760. It also asked that spill response and containment equipment be placed in the Truckee Meadows region. *Id*. at 8. The Board later imposed Reno's negotiated agreement with Union Pacific, which provided for a depressed trainway downtown, in place of other Reno mitigation from the study. *Union Pac. Corp.—Control & Merger—S. Pac. Rail Corp*., FD 32760 (STB served Dec. 17, 1998) (Decision No. 84).

A release here would happen where access is hardest. A train long enough to block both crossings can cut off the River Inn and the river bank from fire crews and hazardous materials responders. *See supra* Part II. Reno's traffic engineer identified this risk in 1991, when he warned that a chemical spill could block Woodland Avenue for a long time. *See supra* Part II. Trains without hazardous cargo still carry locomotive fuel. Union Pacific reported three locomotive diesel releases

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at its Sparks Yard from 2021 through 2025, the largest about 300 gallons. *UP-NS Response to OEA Request #4, Master Data Table—Hazardous Materials* (IR4 D.2), FD 36873 (filed Sept. 25, 2026) (EI-34414).

This transaction adds traffic to that reach. On the Roseville Subdivision segment between Roseville and Sparks, Applicants project about 80,000 more carloads a year and 69.7 percent more gross ton-miles because of the transaction. *UP-NS Response to OEA for Second Errata Filing, Master Data Table—Rail Line Segments*, FD 36873, seg. 10657 (filed Sept. 9, 2026) (EI-34309). The segment already carries about 24,000 hazardous materials carloads a year. *Id*. Applicants project that the transaction will add 105 more. *Id*. They project that average trailing train length on the segment will rise from about 6,000 to about 8,000 feet. *UP-NS Response to OEA Request #4, Master Data Table—Locomotives, Consists, and Track*, FD 36873, seg. 10657 (filed Sept. 25, 2026) (EI-34415).

Union Pacific describes its hazardous materials program in its Safety Integration Plan. Applicants' Proposed Safety Integration Plan § IX.A, FD 36873, at 118–28 (filed Apr. 30, 2026) (EI-34238) (the "SIP"). Its Hazardous Materials Emergency Response Plan sets out its procedures for releases. *Id*. at 123. Union Pacific makes that plan available to state and municipal emergency response and planning agencies. *Id*. at 124. It provides confidential commodity flow reports to government agencies on request. *Id*. at 126. It offers training to emergency responders at no cost. *Id*. at 125. It has developed two Geographic Response Plans, but the plan does not say where they apply. Id. at 123. Federal law also requires Union Pacific to provide real-time train consist information electronically to local first responders along the route. 49 C.F.R. § 174.28(a).

The transaction will change that program. Applicants expect the combined railroad generally to adopt Union Pacific's emergency response plan and to fold Norfolk Southern's plans into it. *SIP* at 133–34. They will review hazardous materials staffing and the coverage of Norfolk Southern's response equipment. *Id*. at 132–34. That review is the time to address this reach. The Truckee River

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Geographic Response Plan that the Nevada Division of Environmental Protection posts is dated October 2011. Nev. Div. of Env't Prot., *Truckee River Geographic Response Plan*, https://ndep.nv.gov/environmental-cleanup/environmental-assistance-program/state-response-plans/truckee-river-geographic-response-plan (last visited Nov. 5, 2026). River Currents asks for a condition that puts Union Pacific's stated practices to work at this location. *See infra* Part VIII, Condition 5.

IV. A SOLUTION UNION PACIFIC CAN SUPPORT

A Truckee River crossing built, at a minimum, to fire apparatus access road standards would connect the River Inn area to White Fir Street, the road south of the tracks and the grade-separated Mayberry Drive underpass, which trains cannot block. It would also give River Park and Reno West Business Park a second, independent route across the railroad, one that does not depend on the Woodland Avenue crossing or the White Fir Street bridge. It serves the west end of River Park, the location the City's own 2017 review identified for a new crossing to Fourth Street. The area would gain two independent ways across the railroad, one of them grade separated. As shown on Exhibit A, the bridge would cross the river at a right angle at the west end of the River Inn property, next to Washoe County's land, to River Currents' land on the south bank, and the route would then run across that land and the ditch road west of River Park to the west end of River Front Drive, and on through the subdivision's streets to White Fir Street and the Mayberry Drive underpass. Mayberry Drive connects north to West Fourth Street and south to southwest Reno, so the route would form a loop: from West Fourth Street over the River Inn crossing, across the river, through River Park and the business park, and back to West Fourth Street under the railroad at Mayberry Drive. If a train blocks the River Inn and Woodland Avenue crossings, emergency vehicles could still reach the River Inn, River Park and the business park by way of the Mayberry Drive underpass. The road south of the tracks between the business park and Mayberry Drive is a private road on Union Pacific land. The

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Board's environmental staff reported in the UP/SP review that it had been widened, paved and its gate opened to provide emergency access; today it is gated at both ends. Keeping it open for emergency use is part of the solution. The route would enter River Park at its west end, about 3,200 feet from the White Fir Street bridge, giving the neighborhood the separated second access that current fire code calls for. The location shown is approximate and subject to design.

This solution requires no new public at-grade crossing and no construction on Union Pacific's main line. It reduces blocked-crossing exposure rather than adding to it. Washoe County owns adjoining open space on the north bank, including APN 038-150-20, and is already planning a bicycle and pedestrian bridge across the Truckee from its north-bank Carcione open space under a $770,000 state conservation grant. A crossing serving this area built, at a minimum, to fire apparatus access road standards would complement that work. With the County or another public agency as sponsor, the project could be considered for federal funding, including the Federal Railroad Administration's Railroad Crossing Elimination Program, which gives priority to crossings frequently blocked by trains and to improved access to emergency services, and which requires a public applicant.

V. RIVER CURRENTS AS UNION PACIFIC'S PARTNER

River Currents is the natural partner for Union Pacific on this issue:

- **An established relationship**. River Currents and its predecessors have worked with the railroad at this location since 1962, as licensee of the crossing and lessee of the adjoining land. The railroad's own history here supports a stable, long-term arrangement: the land was leased for fifty years in 1980, and in 1986 for twenty-five years with three ten-year options, terminable early only if the land was needed for railroad purposes.
- **Emergency staging and parking at the River Inn**. The railroad land River Currents leases next to the crossing, including the yard between the crossing approach and the River Inn buildings, is the open ground on the River Inn side of the tracks beside the crossing

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and the proposed river crossing. During a wildfire or a blocked crossing, it is where fire engines and crews can stage, turn around and park, and from which they can reach River Park over the river crossing. With its existing buildings restored and the lease kept in place, the River Inn could also support an emergency response: restrooms, a meeting area for an incident command post or briefings, and temporary accommodations for evacuees and crews. The River Inn also holds water rights and on-site water storage that could supply fire water to engines staging at the crossing. These possibilities depend on keeping the River Inn's buildings and the lease, and River Currents is prepared to develop them with Union Pacific, the fire agencies and the County if the parties work together. It also provides parking for public access to the river corridor and the County's adjoining open space, and the parking and fire access the River Inn itself needs under the Reno Municipal Code. A stable, long-term lease of that land is central to the safety solution and to the partnership.

- **A long-standing commitment to public access and a second way out**. In September 2024 River Currents proposed to Washoe County a public-private Truckee River Access Park at the River Inn: public parking and restrooms beside the existing guarded crossing, about a mile of trail extending the Tahoe-Pyramid Trail along the river, and a river bridge rated to carry emergency vehicles. The County did not take up the proposal at that time, but the need it addressed remains, and the merger makes it more pressing.
- **A record of carrying the cost**. River Currents already pays for the crossing roadway, reimburses Union Pacific for signal maintenance, carries the required liability insurance, and has cared for the adjoining railroad land.
- **Land on both banks**. River Currents and its affiliate Sasquatch LLC, under common ownership, hold the land on both banks of the Truckee River needed for the crossing and

much of the route toward River Park, and historical recorded bridge and roadway rights connect that land toward White Fir Street. The river crossing would require no Union Pacific land and no work on the main line.

- **Ready to move on the merger's timetable**. River Currents will lead the design and permitting coordination, work with the fire agencies, seek a public sponsor for federal and state funding, such as Washoe County, which owns adjoining land and is designing a river bridge, and bring Union Pacific a single arrangement to review, so that Union Pacific deals with one partner rather than many.

Arrangements like this have been made here before. In 2006 Union Pacific granted the City of Reno an easement for public street use over part of its federally granted right-of-way at Mogul, about a mile west of the River Inn (Washoe County Document No. 3469380), and in 2023 Washoe County took assignment of that easement and licensed it to the adjoining private owner, who carries the cost of improvements, maintenance and liability. In 2021 Washoe County agreed with the nonprofit Tahoe-Pyramid Trail, Inc. to act as public sponsor for a five-mile section of the trail along the Truckee River between Sparks and Mustang Road. The County agreed to apply for grants open only to public agencies, using the nonprofit's expenses as match. It also agreed to acquire and hold the needed easements and permits, including by meeting Union Pacific's permit requirements. The nonprofit agreed to prepare the engineering and supporting materials. And during the 2021 Caldor Fire, Nevada relied on private resorts at Stateline for an incident command post and for rooms for firefighters and evacuees.

VI. MAINTAINING ACCESS DURING THE BOARD'S REVIEW

Because the River Inn and the adjoining railroad land function as one site, the lease is essential to the property's restoration and use, to emergency staging and access, and to the emergency support the River Inn's buildings could provide once restored. During the Board's review, Union Pacific has

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proposed to reduce River Currents' lease, retain the yard between the crossing approach and the River Inn buildings, and make the approach roadway a non-exclusive driveway for future tenants. That would remove the land best suited for emergency staging and parking and leave the approach to crossing 740718J open to uncoordinated use. River Currents understands that public agencies may seek use of the same land and crossing for recreation access. River Currents asks that the existing lease, premises, rent and access arrangements remain in effect unchanged, with no termination, reduction, fencing or re-leasing of the premises, during the Board's review and while the conditions requested here are carried out, and that any arrangement affecting crossing 740718J, its approach or the adjoining railroad land be coordinated with River Currents as licensee and lessee.

VII. PRIVATE PROPERTY RIGHTS

The safety solution offered here rests on private property: the land of River Currents and its affiliate Sasquatch LLC on both banks of the river, its rights under the 1986 Private Roadway Agreement, and its long-standing lease of the adjoining railroad land. River Currents offers that property voluntarily, as a partner. Its rights are not a public resource to be reallocated in this proceeding.

- River Currents' rights under the Private Roadway Agreement run to December 31, 2041 (Washoe County Document No. 1092658). They are vested contract rights.
- Any public use of River Currents' land, crossing or leased premises, including emergency access, staging, parking, trail use or a public road or bridge, should be by written agreement with River Currents, on terms that respect its ownership and provide fair compensation.
- No condition imposed by the Board should be read to grant Union Pacific, a public agency or any other party a right to use, occupy, fence or re-lease the property of River

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Currents or its affiliates or River Currents' leased premises, or to use crossing 740718J, without the owner's written agreement.

River Currents asks the Board to frame any conditions it imposes so that they protect, rather than diminish, these private property rights.

VIII. REQUESTED CONDITIONS

River Currents respectfully requests that the Board impose the following conditions, or adopt an agreement between Union Pacific and River Currents that accomplishes them:

1. **Emergency and secondary access.** Union Pacific and River Currents shall enter into, and record, an emergency and secondary access arrangement for crossing 740718J and its approach roadway between the crossing and West Fourth Street that provides, at a minimum, access for emergency vehicles, with keyed access for fire and emergency agencies. The existing Private Roadway Agreement and lease, including their premises, rent and terms, shall remain in effect unchanged, with no termination, reduction, fencing or re-leasing of the premises, while the arrangement is completed; any arrangement affecting crossing 740718J, its approach or the adjoining railroad land shall be coordinated with River Currents; and Union Pacific and River Currents shall work toward a long-term lease of the adjoining railroad yard between the crossing approach and the River Inn buildings to support emergency staging and parking for public access to the river corridor.

2. **River crossing.** Union Pacific shall cooperate in good faith on the crossing, license and right-of-way consents reasonably needed for a Truckee River crossing and access road designed, at a minimum, to fire apparatus access road standards, linking the River Inn area with White Fir Street and the road south of the tracks to Mayberry Drive, and shall support applications by Washoe County or other public sponsors for federal and state funding of that crossing, and, before the Nevada Department of Transportation and the Public Utilities Commission of Nevada, the approvals

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reasonably needed for the river crossing and for continued emergency and secondary use of crossing 740718J.

3. Blocked crossings. Union Pacific shall coordinate train operations so that crossings 740718J and 740719R are not blocked for more than 10 minutes, or both blocked at the same time, except in an emergency or where safety requires, and shall provide Reno Fire, the Truckee Meadows Fire Protection District and Washoe County Emergency Management a 24-hour contact. Union Pacific shall keep the paved road on its property south of the tracks between the Reno West Business Park and Mayberry Drive available for emergency vehicles, with keyed access for those agencies.

4. Warning devices. The existing gates and flashing lights at 740718J and 740719R shall be maintained. Changes to either crossing required by the transaction shall be at Union Pacific's cost.

5. Hazardous materials preparedness. Consistent with the program described in its Safety Integration Plan, Union Pacific shall take the following steps for the Roseville Subdivision in Washoe County.

(a) On request, Union Pacific shall provide Reno Fire, the Truckee Meadows Fire Protection District and Washoe County Emergency Management its Hazardous Materials Emergency Response Plan and a commodity flow report, subject to appropriate confidentiality.

(b) Union Pacific shall work with those agencies and the Truckee River Area Committee to update spill response planning for the Truckee River between Verdi and Mayberry Drive, including river access and equipment staging points.

(c) Union Pacific shall offer those agencies hazardous materials response training, including use of AskRail.

(d) Union Pacific shall include this reach in its post-merger review of hazardous materials staffing and response equipment.

(e) Union Pacific shall notify River Currents of any release on or next to crossing 740718J or River Currents' leased premises, and shall coordinate response access across them with River Currents.

6. Report. Union Pacific shall report to the Board on its progress under these conditions within 12 months after consummation, including the number and duration of occasions on which crossings 740718J and 740719R were blocked for more than 10 minutes. The report shall also describe the steps taken under Condition 5.

7. Private property. Nothing in these conditions grants Union Pacific, a public agency or any other party a right to use, occupy, fence or re-lease the property of River Currents or its affiliates or River Currents' leased premises, or to use crossing 740718J, except by written agreement with the owner.

IX. BASIS FOR THE CONDITIONS

The Board generally mitigates impacts that would result directly from an approved transaction. 49 C.F.R. § 1180.1(f)(1). Applicants must submit evidence about, and measures to address, grade crossings that merger-related traffic increases or operational changes could block. 49 C.F.R. §§ 1180.1(f)(3)(ii), 1180.8(a)(2). Longer trains that can block both at-grade crossings serving this area at once are such an effect. In *CP/KCS*, the Board imposed the applicants' commitment to avoid, when practical, blocking a public crossing longer than 10 minutes. *Canadian Pac. Ry.—Control—Kan. City S.*, FD 36500 et al., slip op. at 165, 201 (STB served Mar. 15, 2023) (Decision No. 35). It imposed their commitment to notify emergency dispatch centers of crossings blocked by stopped trains. *Id*. at 165, 202. It also imposed their commitment to investigate alternative access for properties whose sole access is blocked more than once a week by a train stopped longer than 10 minutes. *Id*. The river crossing requested here is that kind of alternative access, for an area whose only vehicle access is a crossing that the transaction's longer trains will block. In *UP/SP*, the Board

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imposed Reno's negotiated agreement with Union Pacific as a merger condition. *Union Pac. Corp*., FD 32760 (Decision No. 84). The Board encourages such agreements. 49 C.F.R. § 1180.1(f)(2). River Currents invites Union Pacific to work with it directly on these arrangements and would present any agreement to the Board.

Condition 5 rests on the same footing. The transaction will combine two hazardous materials programs, staffs and equipment fleets. *SIP at* 132–34. In *CP/KCS*, the Board imposed the applicants' commitments to comply with their Safety Integration Plan and to notify agencies of reportable releases. *Canadian Pac. Ry*., slip op. at 200 (VM-Rail-02). It imposed their commitment to offer TRANSCAER training, including AskRail, to communities that request it. *Id*. at 201 (VM-Rail-03). It imposed their commitment to review the coverage of their emergency response equipment and to add or move equipment to improve response. *Id*. (VM-Rail-05). Condition 5 asks for the same kind of measures at a location the Board's own staff has studied. *Reno Final Mitigation Plan* at 2-18.

X. ENVIRONMENTAL REVIEW

River Currents asks that the Office of Environmental Analysis evaluate this location specifically in the environmental impact statement. The transaction's effect here turns on train length as much as train count: about three more trains a day, and longer ones, up to about 2.1 miles, can close the only vehicle access to an isolated area. The baseline matters: River Park, next to these crossings, already falls short of the current fire code's standard for two separate access roads, so a blocked crossing here leaves residents and fire crews with fewer ways in and out than the code assumes. River Currents asks that the analysis account for that baseline in evaluating emergency response, and that it consider wildfire evacuation in this reach in light of the Hawk Fire of August 2026. River Currents will submit these facts to the Office of Environmental Analysis and will participate in scoping.

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River Currents also asks that the analysis address hazardous materials releases into the Truckee River between Truckee and Reno. It should consider drinking water intakes and listed fish, as the Board's staff did in *UP/SP*. *Reno Final Mitigation Plan* at 2-17 to 2-18. It should also consider whether trains that block both crossings at the River Inn would delay a response to a release there.

Historic property. The River Inn site, a hot springs resort on the transcontinental railroad since the 1880s and the location of the Reno Speedway and pari-mutuel greyhound racing in 1938, is a historic site. The environmental review is a federal undertaking subject to Section 106 of the National Historic Preservation Act, and River Currents asks that it address the River Inn directly:

- T**he railroad is part of the site's history.** The resort grew up on the transcontinental railroad, and the crossing and the adjoining railroad yard are how the site has been reached and used since the 1880s. They are part of its historic setting, not merely adjacent land.
- **The transaction could adversely affect it.** Reducing, fencing or re-leasing the yard, and longer trains blocking the site's only vehicle access, would change the character of the property's use and of physical features within its setting that contribute to its historic significance. These are recognized kinds of adverse effect under 36 C.F.R. § 800.5(a)(2)(iv).
- **Request.** River Currents asks that the Office of Environmental Analysis include the River Inn in the area of potential effects, identify and evaluate it as a historic property, and treat keeping the existing lease and access in place as the means of avoiding an adverse effect. River Currents, as owner, requests consulting-party status under 36 C.F.R. § 800.2(c)(5).

XI. RESERVATION

These comments address the transaction's safety effects. River Currents reserves all of its

rights and interests in its property, its crossing agreement and lease, and its historical access, including any right to compensation, none of which is waived by this filing.

Respectfully Submitted,

//s//Hawah S. Ahmad
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Dated this 6th day of November 2026.

Cc:

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Thomas James Hall, Esq., Law Offices of Thomas J. Hall, Counsel for River Currents LLC
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CERTIFICATE OF SERVICE

I certify that on November 6, 2026, I caused a copy of the foregoing Comments and Request for Conditions of River Currents LLC (RCL-3) together with RCL-1 and RCL-2, 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_____

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EXHIBIT A
Circulation and emergency access, today and with the river crossing



Figure 1 Schematic for discussion. Crossing numbers are Federal Railroad Administration inventory numbers. Location of the proposed river crossing is approximate and subject to design. River Park's second bridge, a narrow steel truss bridge about 14 to 15 feet wide, about 370 feet downstream of the White Fir Street bridge (4), is not shown. The proposed route enters River Park at the west end of River Front Drive, about 3,200 feet from the White Fir Street bridge. Distances are approximate. Aerial imagery: Esri World Imagery.