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Before the

SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY

- CONTROL –

NORFOLK SOUTHERN CORPORATION AND

NORFOLK SOUTHERN RAILWAY COMPANY

RESPONSE FOR CONDITIONS ON BEHALF OF THE GENESEE VALLEY TRANSPORTATION Co., AND ITS WHOLLY OWNED SUBSIDIARIES "the" DELAWARE-LACKAWANNA RAILROAD CO., INC. AND DEPEW, LANCASTER & WESTERN RAILROAD CO., INC.

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In accordance with the Board's Decision No.30 served in this proceeding on August 18, 2026, Genesee Valley Transportation Co., Inc. (GVT), on behalf of its above-named subsidiaries, submits this Description of Anticipated Responsive Application.

1) Background

Genesee Valley Transportation, Inc., is a privately held railroad corporation doing business in the State of New York and The Commonwealth of Pennsylvania. Genesee Valley Transportation Co., Inc. (GVT) was founded in 1992 and maintains its corporate headquarters at Batavia New York in Genesee County. The railroad currently employs 85 people and moves nominally 12,000 carloads of freight per year.

Railroads owned by GVT within the State of New York include Mohawk Adirondack & Northern Railroad Corporation (MHWA), Falls Road Railroad Co., Inc (FRR), Depew Lancaster and Western Railroad Co., Inc. (DLWR) and the Genesee & Mohawk Valley Railroad Co., Inc. (GMVR). GVT operates nominally 320 miles of track in New York. These railroads were purchased from Conrail in individual transactions.

In Pennsylvania, GVT is the operator of "the" Delaware-Lackawanna Railroad Co., Inc. (DL). The railroad is operated under contract with the Pennsylvania Northeast Regional Rail Authority (PNRRA) in Scranton, PA. This railroad serves customers in Lackawanna and Monroe Counties and provides an important industrial conduit to over twenty customers stretching from, Scranton PA to Carbondale, PA and from Scranton, PA to Slateford Junction, PA.

GVT and its subsidiaries provide a vital transportation link to both rural and urban communities within our service regions supporting the agrarian and industrial communities of the regions and are dedicated to helping maintain the economies by providing an effective and low-cost transportation alternative in the form of rail. It is our intent to maintain competitive rail access to the customers and communities we serve, and to maintain that rail access on railroads which may be affected by the proposed merger of Norfolk Southern (NS) and Union Pacific (UP).

The anticipated merger between NS and UP will potentially directly affect two of the railroads within the GVT corporate structure. These are "the" DL in Scranton

PA with interchange to NS in Taylor, PA, and limited access through haulage rights to Canadian Pacific in Saratoga, NY, and a portion of the DLWR with a sole interchange to NS in Cheektowaga, NY.

GVT and its subsidiaries do not currently express a position on the merger. However, it is important to note that affected railroads may request certain provisions of the merger which will support competition and therefore provide, or at least maintain competitive access, which may be lost through a merger.

2) Description of Anticipated DL Trackage and Haulage Rights Requests

a) Trackage Rights Request Slateford, PA- Hudson Yard, Phillipsburg, N.J.

The DL seeks trackage rights from current end of track in Slateford Junction, PA, to NS Hudson Yard in Phillipsburg, NJ. This would include access to Ardent Milling in Martins Creek. DL currently serves Ardent Mills in Mt. Pocono, PA, which is a major customer providing significant inbound carloads. The access to traffic from Hudson Yard may provide ability for increased competition to both the Mt. Pocono and Martins Creek facilities. In addition, increased access to

interchange through haulage rights (see following section b and c) may provide enhanced long-haul competition for DL online customers, and access to sources of supply which are not currently available.

b) Trackage Rights Request Taylor, PA-Binghamton, NY

DL currently maintains interchange with NS in Taylor, PA. DL. seeks trackage rights over NS for 56 miles from Taylor, PA, to Binghamton NY for the purpose of interchange with the New York Susquehanna and Western Railroad (NYSW). An additional interchange with NYSW would allow traffic from the New Jersey and the New York metropolitan area to move to Scranton in the most direct route currently available. The opening of the New York-New Jersey metropolitan and ocean-going markets to the DL would serve to take trucks off the highway and provide a conduit for commodities moving to and from New Jersey and New York metropolitan area.

In addition, access to NYSW would allow access to CSX in Syracuse, NY, providing a gateway to the east for products both inbound and outbound from New England and Canada.

c) Haulage Rights Taylor-Saratoga Canadian Pacific Kansas City (CPKC) Interchange.

DL seeks a revised haulage agreement for the 188 miles between Taylor, PA, and Saratoga, NY. The current haulage agreement between NS and CPKC were the result of the purchase of a portion of the Delaware and Hudson by NS from Canadian Pacific. At the time of purchase, DL was not granted a role in the negotiation of the haulage terms, including length of agreement, commodities handled, and haulage rate. The terms have reduced interchange traffic with CP from nominally 30% of interchange to less than 1%. DL requests a renegotiated haulage agreement which will effectively reopen that gateway to interchange.

d) **Haulage Requests Taylor, PA- Buffalo NY**

DL seeks a haulage agreement for the movement of freight from Taylor, PA, to the Buffalo, NY, gateway through NS. Access to this gateway through a Buffalo reciprocal switch would allow DL access to CSX, CPKC, CN, and B&P. This access would be extremely important in the movement of general freight and multiple bulk commodities currently handled from central Canada, the Midwest and the West. This would provide increased competition for the routing of those

commodities providing alternate transportation routes from the Chicago gateway and through Canada.

3. **Description of Anticipated DLWR Trackage Rights Request**

DLWR railroad has sole interchange with NS in Cheektowaga, NY. Service issues and a single interchange access in Buffalo have limited the opportunities for growth. Buffalo has multiple industrial development opportunities, and efficient rail service is paramount in continued growth of the industrial base. DLWR requests trackage rights within the Buffalo gateway to access CPKC, CSX, B&P, and CN.

4. **Additional Conditions**

The above description of the conditions requested are presented above. As the proceedings develop, GVT may or may not choose the responsive actions and may seek additional conditions.

Respectively Submitted

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CERTIFICATION

I hereby certify that on November 16, 2026 the foregoing document as served by first class mail or email upon all parties of record on the service list and the administrative law judge assigned to this proceeding.

S/ John K. Fiorilla

John K. Fiorilla