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# BEFORE THE SURFACE TRANSPORTATION BOARD

WASHINGTON, D.C.

**FINANCE DOCKET NO. FD 36873**

**UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY — CONTROL — NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY**

## SUPPLEMENTAL COMMENTS, EVIDENTIARY ADDENDUM, AND NOTICE OF MULTI-PARTY TELEMETRY AND CORRIDOR ALIGNMENT OF THE WAYMAKER PROJECT LLC

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### 1. INTRODUCTION & PROCEDURAL POSTURE

THIS SUPPLEMENTAL FILING IS RESPECTFULLY SUBMITTED BY APRIL JABLONSKI, FOUNDER AND OWNER OF THE WAYMAKER PROJECT LLC ("PETITIONER"), LOCATED IN CHESAPEAKE, VIRGINIA (APRIL.JABLONSKI@THEWAYMAKERPROJECT.COM). PETITIONER FORMALLY SUPPLEMENTS ITS PRIOR COMMENTS AND PETITION FOR THE IMPOSITION OF CONDITIONS IN FINANCE DOCKET NO. FD 36873, SUBMITTED WELL IN ADVANCE OF THE NOVEMBER 27, 2026 (12:00 PM EST) PROCEDURAL DEADLINE ESTABLISHED UNDER BOARD DECISION NO. 30 AND THE SUBSEQUENT NOVEMBER 18, 2026 DECISION.

AN EXTENSIVE EXAMINATION OF THE NOVEMBER 18–23, 2026 EVIDENTIARY FILINGS SUBMITTED BY MUNICIPAL, STATE, ENVIRONMENTAL, BROADBAND, TELEMETRY, AND TRANSIT PARTIES OF RECORD REVEALS SIGNIFICANT, INDEPENDENT CORROBORATION OF PETITIONER'S CORE REQUESTED CONDITIONS. THE CONVERGING EVIDENTIARY RECORD ESTABLISHES THAT THE PROPOSED CONSOLIDATION OF UNION PACIFIC CORPORATION AND NORFOLK SOUTHERN CORPORATION REQUIRES STRUCTURAL, NON-DISCRIMINATORY ACCESS

CONDITIONS TO PREVENT ANTI-COMPETITIVE FORECLOSURE OF SECONDARY RAIL CORRIDORS AND DIGITAL UTILITY ENVELOPES.

PETITIONER RE-ASSERTS AND GROUNDS ITS RELIEF IN THREE FUNDAMENTAL REQUESTED CONDITIONS:

1. **OPEN-ACCESS DIGITAL AND COMPUTATIONAL EASEMENTS:** MANDATORY RESERVATION OF SECONDARY RIGHTS-OF-WAY (ROW) AND UTILITY DUCTS FOR THIRD-PARTY, NON-DISCRIMINATORY DIGITAL, FIBER, AND COMPUTATIONAL INFRASTRUCTURE.
2. **NON-DISCRIMINATORY SIDING AND SPUR ACCESS:** GUARANTEED ACCESS TO UNDERUTILIZED SIDINGS, SECONDARY SPURS, AND INDUSTRIAL LEADS FOR DECENTRALIZED, NON-HAZARDOUS COMPUTATIONAL, DIAGNOSTIC, AND TELEMETRY ASSETS.
3. **BINDING CORRIDOR ENVIRONMENTAL PROTOCOLS:** REQUIREMENTS FOR ENVIRONMENTAL PHYTOREMEDIATION, PASSIVE CORRIDOR STEWARDSHIP, AND ZERO-DISCHARGE OPERATIONAL STANDARDS ALONG SENSITIVE WATERSHED CORRIDORS AFFECTED BY FREIGHT CONSOLIDATION.

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## II. STATUTORY CLARIFICATION: INTERIM TRAIL USE (RAILBANKING) UNDER 16 U.S.C. § 1247(D) DOES NOT EXTINGUISH OPEN-ACCESS TELEMETRY OR COMPUTATIONAL INFRASTRUCTURE RIGHTS

PETITIONER ADDRESSES RECENT FILINGS CONCERNING INTERIM TRAIL USE AND RAILBANKING ENTERED INTO THIS DOCKET, INCLUDING FILINGS BY SALIDA-AREA PARKS, OPEN-SPACE & TRAILS (SPOT) (FILED NOVEMBER 18/23, 2026) AND BICYCLE COLORADO (FILED OCTOBER 26, 2026). AS APPLICANTS EVALUATE CORRIDOR RATIONALIZATION, DOWNGRADES, OR PARTIAL ABANDONMENTS POST-CONSOLIDATION, THE STATUTORY FRAMEWORK GOVERNING INTERIM TRAIL USE MUST BE EXPLICITLY HARMONIZED WITH CONCURRENT DIGITAL AND TELEMETRY UTILITY EASEMENTS.

UNDER SECTION 8(D) OF THE NATIONAL TRAILS SYSTEM ACT, 16 U.S.C. § 1247(D), INTERIM TRAIL USE UNDER A RAILBANKING AGREEMENT PRESERVES THE UNDERLYING

RAILROAD RIGHT-OF-WAY FOR POTENTIAL FUTURE RAIL REACTIVATION WHILE ALLOWING INTERIM PUBLIC RECREATIONAL USE. STATUTORY AUTHORITY AND SETTLED PRECEDENT ESTABLISH THAT RAILBANKING MAINTAINS THE INTERSTATE RAIL CORRIDOR ENVELOPE IN A INTACT STATE UNDER FEDERAL JURISDICTION. CONVERTING A LINE TO INTERIM TRAIL USE DOES NOT EXTINGUISH THE COMMERCIAL UTILITY ENVELOPE OF THE CORRIDOR, NOR DOES IT GRANT APPLICANTS OR INTERIM TRAIL SPONSORS THE LEGAL AUTHORITY TO PURGE PRE-EXISTING OR PROPOSED CO-LOCATED DIGITAL INFRASTRUCTURE.

| RIGHT-OF-WAY STATUS | PRIMARY STATUTORY AUTHORITY | JURISDICTIONAL CONTROL | CO-LOCATED TELEMETRY & DIGITAL RIGHTS |
|---|---|---|---|
| **ACTIVE RAIL CORRIDOR** | 49 U.S.C. § 10901 *ET SEQ.* | SURFACE TRANSPORTATION BOARD | MANDATORY OPEN-ACCESS SIDING & WAYSIDE ACCESS |
| **INTERIM TRAIL USE (RAILBANKED)** | 16 U.S.C. § 1247(D) | STB JURISDICTION PRESERVED | PRESERVED UTILITIES & DECENTRALIZED TELEMETRY ENVELOPES |
| **COMPLETE ABANDONMENT** | 49 U.S.C. § 10903 | STATE / PRIVATE REVERSION | SUBJECT TO COMMON LAW EASEMENT STANDARD |

PETITIONER REQUESTS THAT THE BOARD IMPOSE AN EXPLICIT CLARIFICATION CONDITION IN ANY FINAL DECISION APPROVING OR CONDITIONING THIS TRANSACTION:**IMPOSED CONDITION — INTERIM TRAIL & UTILITY NON-INTERFERENCE:** *THE EXECUTION OF AN INTERIM TRAIL USE AGREEMENT OR RAILBANKING CERTIFICATE UNDER 16 U.S.C. § 1247(D) ACROSS ANY RIGHT-OF-WAY OWNED, CONTROLLED, OR TRANSFERRED BY APPLICANTS POST-CONSOLIDATION SHALL NOT OPERATE TO BAR, RESTRICT, OR EXTINGUISH THE PLACEMENT, MAINTENANCE, OR OPERATION OF NON-HAZARDOUS, ZERO-WATER, LOW-ACOUSTIC (<45 DB) DECENTRALIZED COMPUTATIONAL NODES, WAYSIDE TELEMETRY SENSORS, OR OPEN-ACCESS UTILITY INTERCONNECTS WITHIN THE PRESERVED CORRIDOR ENVELOPE.*

## III. Notice of Record Alignment on Telemetry, Broadband Easements, and Shared Corridor Standards

The filings submitted between November 18 and November 23, 2026, demonstrate a strong alignment across technology, telecommunications, and regional government stakeholders regarding the necessity of enforceable, open-access corridor conditions.

*1. Telemetry & Wayside Monitoring Alignment*

The comments filed by **WI-TRONIX LLC** (filed November 18, 2026) emphasize that modern, safe railway operations require continuous, interoperable onboard and wayside telemetry across merged networks. Standardized, real-time data collection at the corridor edge is essential for systemic safety, hazardous material tracking, and structural asset monitoring. Petitioner's proposed deployment of edge telemetry nodes directly complements this industry-wide requirement.

*2. Broadband & Right-of-Way Easement Alignment*

The detailed filing of USTelecom – The Broadband Association (filed November 18–19, 2026) highlights the severe risk of anti-competitive foreclosure resulting from rail market consolidation. USTelecom documents how a consolidated Class I carrier network can exert monopoly control over transcontinental right-of-way access, inflating costs and blocking third-party fiber and digital infrastructure. USTelecom's demand for binding, non-discriminatory ROW easement terms directly reinforces Petitioner's prayer for open-access digital easements along secondary leads and branch lines.

*3. Regional & State Corridor Alignment (Virginia & Hampton Roads)*

Filings from the **Commonwealth of Virginia** (filed November 18, 2026), the Virginia Port Authority (Comments and Sub-Docket No. 32 filing, submitted November 18, 2026), and the Shenandoah Valley Battlefields Foundation (Comments and Sub-Docket No. 11 Responsive Application, submitted November 18, 2026) collectively establish the critical public interest in preserving secondary rail lines, industrial spurs, and port feeder corridors throughout Virginia. These filings confirm that

SECONDARY SPUR PRESERVATION IS VITAL TO PREVENTING REGIONAL SUPPLY CHAIN BOTTLENECKS AND MAINTAINING OPEN ACCESS FOR DIVERSE COMMERCIAL USERS IN THE TIDEWATER AND SHENANDOAH REGIONS.

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## IV. EMPIRICAL EVIDENTIARY EXHIBITS: CHICAGOLAND, ELIZABETH RIVER BASIN, AND LIGHT-RAIL CORRIDORS

*EXHIBIT A — CHICAGOLAND & MIDWEST MULTI-CARRIER JUNCTION PRECEDENT*
THE JOINT AND INDIVIDUAL FILINGS OF THE **CITY OF CHICAGO**, THE **CHICAGO METROPOLITAN AGENCY FOR PLANNING (CMAP)**, **SUSTAINABLE ENGLEWOOD INITIATIVES (SEI)**, THE **ENVIRONMENTAL LAW & POLICY CENTER (ELPC)**, AND THE **NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION (NIRPC)** (FILED NOVEMBER 18, 2026) DEMONSTRATE THAT HIGH-DENSITY, MULTI-CARRIER URBAN JUNCTIONS REQUIRE STRICT, OPEN-ACCESS TELEMETRY AND TECHNOLOGY CO-LOCATION.

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None
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|               URBAN MULTI-CARRIER CORRIDOR INTERCONNECTION MODEL
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|
|  [ Class I Mainline Freight ] <====> [ Shared Telemetry / Fiber Corridor
Envelope ] |
|                                                  ||
|
|  [ Municipal / Transit Lead ] <====> [ Open-Access Edge Computational Node ]
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|                                                  ||
|
|  [ Environmental Sensor Array ] <== [ Decoupled Zero-Water / Passive Power
Node ] |
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These filings establish that without standardized, non-discriminatory access to wayside diagnostic space and signal interconnections, complex urban rail network choke points experience severe operational inefficiency and localized environmental burdens.

*Exhibit B — Elizabeth River Project / Money Point Restoration & Tidewater Corridor Alignment (Chesapeake, VA)*
Empirical corridor monitoring and passive environmental stewardship along the Southern Branch of the Elizabeth River in Chesapeake, Virginia—specifically incorporating the Money Point revitalization framework—demonstrate the real-world viability of petitioner's proposed corridor conditions.

- **Target Corridors:** Industrial rail spurs along Providence Road, Cascade Boulevard (USDOT Grade Crossing 465 274L), and Bainbridge/Sunray corridors.
- **Environmental & Operational Profile:** Decentralized computational and telemetry assets operating in sensitive coastal industrial basins demonstrate zero municipal water draw, zero liquid discharge, low-frequency acoustic footprints (<45 dB at 10 feet), and complete integration with native vegetative phytoremediation buffers (e.g., *Spartina alterniflora*, *Vetiveria zizanioides*).
- **Precedent Value:** Proves that edge computational hardware and environmental sensor arrays can safely occupy industrial rail rights-of-way while actively enhancing watershed environmental monitoring.

*EXHIBIT C — LIGHT-RAIL & PASSENGER TRANSIT CO-EXISTENCE PRECEDENT*
FILINGS SUBMITTED BY **CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (CAPMETRO)**, **LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA)**, **SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY (SEPTA)**, **NEW JERSEY TRANSIT CORPORATION (NJ TRANSIT)**, AND THE **MIDWEST INTERSTATE PASSENGER RAIL COMMISSION (MIPRC)** (FILED NOVEMBER 18–20, 2026) PROVIDE EXTENSIVE OPERATIONAL PROOF OF MULTI-MODAL CORRIDOR CO-EXISTENCE.

THESE PASSENGER AND TRANSIT AUTHORITIES ESTABLISH THAT CLEAR HORIZONTAL AND VERTICAL SAFETY CLEARANCE ENVELOPES, COMBINED WITH POSITIVE TRAIN CONTROL (PTC) AND INTEROPERABLE WAYSIDE SENSORS, PERMIT LOW-IMPACT PHYSICAL ASSETS TO OPERATE IMMEDIATELY ADJACENT TO ACTIVE RAIL CORRIDORS WITHOUT DISRUPTING TRAIN OPERATIONS, TRACK MAINTENANCE, OR SIGNAL SAFETY INTEGRITY.

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## V. SUMMARY OF REQUESTED SUPPLEMENTAL CONDITIONS & PRAYER FOR RELIEF

WHEREFORE, PETITIONER, THE WAYMAKER PROJECT LLC, RESPECTFULLY REQUESTS THAT THE SURFACE TRANSPORTATION BOARD INCORPORATE THE FOLLOWING CONDITIONS INTO ANY ORDER APPROVING, CONDITIONING, OR MODIFYING THE CONTROL TRANSACTION IN FINANCE DOCKET NO. FD 36873:

1. **MANDATORY DIGITAL & COMPUTATIONAL EASEMENTS:** REQUIRE APPLICANTS TO GRANT NON-DISCRIMINATORY, COST-BASED ACCESS EASEMENTS ALONG SECONDARY RIGHTS-OF-WAY, SPURS, AND SIDINGS FOR OPEN-ACCESS TELECOMMUNICATIONS, FIBER OPTIC LINES, AND ZERO-WATER, LOW-ACOUSTIC DECENTRALIZED COMPUTATIONAL INFRASTRUCTURE.
2. **STATUTORY RAILBANKING PROTECTION:** EXPLICITLY RULE THAT INTERIM TRAIL USE OR RAILBANKING ARRANGEMENTS UNDER 16 U.S.C. § 1247(D) DO NOT EXTINGUISH OR RESTRICT PRE-EXISTING OR PROPOSED OPEN-ACCESS TELEMETRY AND COMPUTATIONAL UTILITY RIGHTS WITHIN THE PRESERVED RIGHT-OF-WAY.

3. **Corridor Stewardship & Environmental Compliance:** Direct Applicants to permit native vegetative phytoremediation buffers and passive environmental monitoring arrays along environmentally sensitive secondary corridors, including coastal watersheds and industrial port leads.

Respectfully submitted,

**The Waymaker Project LLC**

By: Person
April Jablonski
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The Waymaker Project LLC
Chesapeake, Virginia
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Dated: November 27, 2026

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## Certificate of Service

I hereby certify that on this 27th day of November, 2026, a true and correct copy of the foregoing Supplemental Comments, Evidentiary Addendum, and Notice of Multi-Party Telemetry and Corridor Alignment of The Waymaker Project LLC was served via electronic mail or first-class mail, postage prepaid, upon all parties of record in Surface Transportation Board Finance Docket No. FD 36873, including designated counsel for Applicants Union Pacific Corporation, Union Pacific Railroad Company, Norfolk Southern Corporation, and Norfolk Southern Railway Company.

PERSON

April Jablonski, Owner & Founder
The Waymaker Project LLC

CC: Parties of Record