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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

AMENDED & CONSOLIDATED SUPPLEMENTAL COMMENTS, EVIDENTIARY ADDENDUM, AND REQUEST FOR CONDITIONS OF THE WAYMAKER PROJECT LLC

I. INTRODUCTION & PROCEDURAL POSTURE

This amended and consolidated supplemental filing is respectfully submitted by April Jablonski, Founder and Owner of The Waymaker Project LLC ("Waymaker" or "Petitioner"), located in Chesapeake, Virginia (april.jablonski@thewaymakerproject.com). Petitioner formally supplements and consolidates 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.

Waymaker designs and deploys non-intrusive, self-powered, zero-water modular rail telemetry and edge-compute systems engineered for inner-city rail corridors, industrial sidings, and shared passenger-freight rights-of-way. As reflected across opening comments filed in this proceeding—including submissions by state departments of transportation such as the Michigan Department of Transportation ("MDOT")—a central public-interest risk of the proposed control transaction ("Transaction") is whether the combined Union Pacific–Norfolk Southern ("Applicants") network will degrade capacity, dispatch priority, and infrastructure integrity on shared passenger and short-line corridors.

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, and that the Board cannot rely solely on post-merger carrier self-reporting to monitor these impacts.

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.

II. TECHNICAL ARCHITECTURE: INDEPENDENT AUDIT & DUAL-USE EDGE PIPELINE

Carrier Self-Reporting Is Insufficient: Applicants' traffic and capacity projections cannot be verified post-consummation if Applicants retain exclusive control over corridor performance metrics, dwell-time logs, and track-wear reporting.

Turnkey Non-Intrusive Monitoring Is Technically Feasible Today: Anticipating Applicants' rebuttal argument that third-party oversight is operationally disruptive or cost-prohibitive, Waymaker places on the record a modular, self-sustaining rail cart architecture that captures verifiable corridor telemetry without modifying Class I signaling, positive train control ("PTC"), or wayside infrastructure.

Dual-Use Telemetry & Edge Compute Ensures Financial Sustainability: By partitioning edge workloads between regulatory compliance auditing and commercial edge computation on a single modular chassis, third-party auditing can be deployed without imposing recurring capital burdens on state departments of transportation or public transit authorities.

To satisfy the Board's public-interest mandate under 49 U.S.C. § 11324 without interfering with freight operations, Waymaker proposes a corridor monitoring framework built on three operational pillars:

- **Non-Intrusive Modular Rail Chassis:** Compact, inner-city modular rail carts featuring fluid-and-spring isolated seven-node compute decks, regenerative kinetic braking capture, solar harvesting, tunnel/underpass wind capture, and hybrid battery storage. Because the units are energy-autonomous and require zero external water or wayside power hookups, deployment requires no physical alteration to Applicants' trackage or signaling circuits.
- **Zero-Trust, Tamper-Resistant Telemetry & Backhaul:** Corridor data is transmitted via localized directional RF mesh networks and Starlink satellite backhaul rather than vulnerable public cellular or commercial Wi-Fi networks. Incoming sensor streams (acoustic/vibration track-health diagnostics, train pass-by timestamps, axle-count verification, and corridor dwell intervals) are processed at the edge using deterministic PipyJS stream routing and digital-twin deduplication models.
- **Strict Workload Partitioning (Regulatory Audit vs. Commercial Compute):**
    - **Primary Partition (Immutable Regulatory Audit Ledger):** Real-time corridor performance, dispatch priority, crossing dwell intervals, and track-condition logs made directly accessible to the Board, the Federal Railroad Administration ("FRA"), Amtrak, and relevant state DOTs.
    - **Secondary Partition (Excess Edge Compute Capacity):** Residual compute cycles and storage capacity allocated to municipal transit analytics, localized AI inference, and commercial edge workloads—creating a self-sustaining revenue model that lowers or eliminates public subsidy requirements for regulatory auditing.

III. 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 an 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.

IV. 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.

V. 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. 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.

VI. REQUESTED CONDITIONS & PRAYER FOR RELIEF

WHEREFORE, Petitioner, The Waymaker Project LLC, respectfully requests that the Surface Transportation Board incorporate the following conditions pursuant to its

authority under 49 U.S.C. § 11324 into any order approving, conditioning, or modifying the control transaction in Finance Docket No. FD 36873:

1. **Mandatory Independent Corridor Telemetry Auditing:** Condition approval of the Transaction on the deployment of independent, non-intrusive, third-party modular telemetry systems along shared passenger-freight corridors, short-line junctions, high-volume freight arteries, and inner-city industrial spurs. These systems shall continuously monitor train frequency and length, dispatch priority, at-grade crossing dwell intervals, axle counts, and acoustic/vibration track-health metrics without modifying Class I signaling or Positive Train Control ("PTC") infrastructure.
2. **Direct Regulatory, State DOT, & Local Agency Data Access:** Require that all primary-partition telemetry logs generated along subject corridors be maintained in an immutable audit ledger directly accessible in real time to the Surface Transportation Board, the Federal Railroad Administration ("FRA"), Amtrak, affected state departments of transportation (including MDOT), and local county or municipal transportation agencies. This directly satisfies municipal and county requests on the record—including San Bernardino County's November 18, 2026 submission—for enforceable performance monitoring, reporting requirements, and early operational communication regarding train-frequency changes and maintenance impacts.
3. **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.
4. **Preservation of Open-Access Telemetry & Edge-Compute Rights on Discontinued, Abandoned, or Railbanked Corridors:** Clarify and mandate that any post-merger line discontinuance, abandonment, or interim trail-use conversion under the National Trails System Act (16 U.S.C. § 1247(d) / "railbanking") shall not extinguish, preempt, or restrict open-access rights-of-way for non-intrusive modular telemetry and decentralized edge-compute nodes. Interim trail-use sponsors or acquiring entities claiming right-of-way easements on lines slated for abandonment post-merger shall not exercise exclusive control to block or bar dual-use telemetry and edge-computing infrastructure along existing trackage.
5. **Zero-Subsidy Commercial Edge Partitioning & Community Infrastructure Investment:** Authorize third-party corridor monitors to partition residual compute and storage capacity on non-intrusive modular rail chassis for municipal transit analytics, localized AI inference, and commercial edge workloads. Consistent with local government comments opposing the shifting of mitigation costs onto taxpayers and urging long-term infrastructure investment in underserved

communities, this dual-use structure guarantees continuous regulatory auditing and municipal digital infrastructure at zero recurring capital cost to local agencies or taxpayers.

6. **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: /s/ April Jablonski
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Dated: November 24, 2026

CC: Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of November, 2026, a true and correct copy of the foregoing Amended & Consolidated Supplemental Comments, Evidentiary Addendum, and Request for Conditions 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.

/s/ April Jablonski
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Founder and Owner
The Waymaker Project LLC
CC: Parties of Record