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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Chief Counsel
December 15, 2025
Part of
Public Record

DOCKET NO. FD 36844

**COMMUTER RAIL DIVISION OF THE REGIONAL
TRANSPORTATION AUTHORITY D/B/A METRA
—TERMINAL TRACKAGE RIGHTS—
UNION PACIFIC RAILROAD COMPANY**

MOTION FOR PROTECTIVE ORDER

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Dated: December 15, 2025

Union Pacific hereby moves—pursuant to 49 C.F.R. § 1114.21(c)(1)—that the Board issue a protective order and require Metra to withdraw its discovery requests at this time.

In its decision granting Metra’s request for terminal trackage rights, the Board held that either party may request that the Board initiate proceedings to establish compensation or conditions of use, but only “to the extent the parties are unable to agree.”¹ Despite productive ongoing negotiations, on December 1, 2025, Metra filed a request to initiate compensation and conditions proceedings, asserting that the parties “are unable to reach agreement” while simultaneously conceding that the parties will continue their negotiations and are working to “narrowing the issues.”² At the same time, Metra simultaneously propounded its Second Set of Interrogatories and Requests for Production, which seek highly granular freight-operations and revenue-allocation data, as well as “all trackage rights agreements and amendments,” communications regarding valuation, and other information.³ *See* Second Set of Interrogatories and Requests for Production (attached as Exhibit A).

As Union Pacific explains in its reply to Metra’s request—and as Metra has conceded—the parties continue to make progress in their negotiations. Metra’s request for Board intervention is, therefore, premature and should be denied at this

¹ Decision, Docket No. FD 36844, at 33 (STB served Sept. 3, 2025).

² Metra Request at 1–2, 3, 5.

³ Union Pacific reserves all rights to object to Metra’s discovery and/or seek subsequent protective orders on other grounds.

time. Further, Union Pacific also explains why Metra’s request for the Board to address the scope of the trackage rights must be resolved after separate briefing. Bifurcating this issue and resolving it prior to initiating a compensation and conditions proceeding will focus discovery and the submission of evidentiary issues, thus conserving Board and party resources and ensuring the efficient administration of such a proceeding.

The Board may enter, under its rules, “any order which justice requires,” including an order that “discovery not be had.” 49 C.F.R. § 1114.21(c). Given the circumstances—where the parties are still negotiating and no compensation and conditions proceeding has yet been initiated—it is inappropriate to commence discovery at this time. Further, given the issues raised by Union Pacific in its reply, subsequent Board action could affect both the procedural schedule for upcoming proceedings and the scope of discovery. Discovery should not be had at this time.

ARGUMENT

Metra’s Second Set of Interrogatories and Requests for Production is premature, and should be ordered withdrawn or otherwise halted at this time.

First, a “proceeding” is a regulatory prerequisite for any discovery. *See* 49 C.F.R. § 1114.21(a)(1). While Metra’s request may have been filed in the above-captioned docket in which the parties have been submitting status reports, agency precedent confirms that a Board decision to institute a compensation and conditions proceeding must issue first in order for the conditions and compensation proceeding to be formally initiated. *See, e.g., Norfolk S. Ry.—Pet. to Set Trackage Rights Compensation—Norfolk & Portsmouth Belt Line R.R.*, Docket No. FD 36223, at 5

(STB served Mar. 29, 2019) (instituting a proceeding); *New England Central R.R.—Trackage Rights Order—Pan Am S. LLC*, Docket No. FD 35842, at 7 (STB served Dec. 23, 2014) (instituting proceeding for purpose of setting compensation and conditions); *Atchison, Topeka & Santa Fe Ry.—Operating Rights—S. Pac. Transp. Co.*, Docket No. FD 22218, at 4 (STB served May 15, 2023) (reopening a proceeding to begin compensation proceeding). These decisions commencing the compensation and conditions proceeding often set out a procedural schedule that includes a specific period for discovery. Given that the parties are still negotiating and no compensation and conditions proceeding has been initiated by the Board, discovery is premature. *See Paducah & Louisville Ry.—Control Exemption—Paducah & Illinois R.R.*, Docket No. FD 33362, at 2 (STB served July 9, 1999) (discovery “become[s] relevant only if we agree to institute the requested proceeding”).

Second, under the circumstances, initiation of a proceeding and commencement of discovery are inappropriate. In its reply to Metra’s request, Union Pacific argues that no proceeding should be initiated at this time because the parties are still engaged in productive ongoing negotiations. Further, Union Pacific has raised serious concerns about Metra’s request that the Board simultaneously resolve the “[s]cope of the trackage rights” alongside compensation and conditions.⁴ As Union Pacific explains in its reply, it is essential that any request for expanded access be resolved separately for the orderly administration of any future compensation and conditions proceeding—including by focusing discovery and

⁴ See Metra Request at 3.

evidentiary submissions. Unless the Board first resolves any request to expand the scope of access, the parties will be required to expend significant and potentially unnecessary resources propounding and producing discovery concerning compensation and conditions for facilities that may or may not be subject to the September 3 order. The Board's resolution of these issues may affect the scope of any future proceeding and the proper bounds of discovery. Proceeding with discovery in these circumstances would be especially inefficient and inappropriate to the extent that it would divert efforts away from continued productive negotiations.

In circumstances such as these, where discovery is premature and Board resolution of a petition or request could affect the procedural schedule and scope of discovery, the Board has stayed or otherwise halted discovery. *See, e.g., Dairyland Power Coop. v. Union Pac. R.R.*, Docket No. NOR 42105, at 2 (STB served Apr. 29, 2008) (granting motion for protective order pending resolution of a motion to dismiss that could affect both the procedural schedule and scope of discovery); *DHX, Inc. v. Matson Navigation Co.*, Docket No. WCC 105 (STB served June 6, 2002) (suspending discovery where a motion to dismiss “may affect the scope of discovery”); *Zoneskip, Inc. v. United Parcel Serv., Inc.*, Docket No. 40519, at 2 (ICC served May 28, 1991) (same).

Discovery should not commence until the Board issues a decision instituting a proceeding and after having resolved any request for access to additional facility(ies) so that the factual matters subject to discovery are narrowed.

CONCLUSION

For the foregoing reasons, the Board should issue a protective order under 49 C.F.R. § 1114.21(c)(1) halting discovery at this time.

Respectfully submitted,

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Dated: December 15, 2025

CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of December 2025, the foregoing Motion for Protective Order was served by first-class mail or more expeditious means on all parties of record in this proceeding.

/s/ Marc A. Korman

Marc A. Korman

Exhibit A

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36844

COMMUTER RAIL DIVISION OF THE
REGIONAL TRANSPORTATION AUTHORITY D/B/A METRA
– TERMINAL TRACKAGE RIGHTS –
UNION PACIFIC RAILROAD COMPANY

**METRA'S SECOND SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Applicant Commuter Rail Division of the Regional Transportation Authority d/b/a Metra ("Metra") hereby submits, pursuant to 49 C.F.R. Part 1114.30, its Second Set of Interrogatories and Requests for Production of Documents to Union Pacific Railroad Company ("Union Pacific" or "UP").

Answers to Metra's Interrogatories and copies of documents responsive to Metra's Requests for Production should be delivered to the offices of Slover & Loftus LLP, 1828 L Street, N.W., Suite 1000, Washington, D.C. 20036, within twenty-one (21) days from the date hereof, unless otherwise agreed by the parties. Metra is prepared to cooperate with UP to facilitate the expeditious production of documents and responsive data with the minimum practical burden. Metra specifically requests prompt production of information needed to apply the STB's Average Total Cost ("ATC") methodology to cross-over freight revenues on the UP Lines.

Metra further requests that UP provide reasonable supplementation of its Answers and Responses.

I.
DEFINITIONS

As used in these Requests for Production of Documents (collectively “Requests”), the following terms shall have the meaning set forth below:

1. “OTC” means Metra’s Ogilvie Transportation Center.
2. “UP” means Union Pacific Railroad Company, its present or former employees, agents, counsel, officers, directors, advisors, consultants, divisions, departments, predecessor, parent and/or holding companies, subsidiaries, or any of them, and all other persons acting (or who have acted) on its behalf.
3. “UP Lines” means: (1) the UP-West line between Elburn, IL and NW Jct., IL, (2) the UP-Northwest line between Harvard, IL and Clybourn, IL, along with the McHenry Branch between McHenry, IL and the junction near Crystal Lake, IL. (3) the UP-N line between Kenosha, WI and Clybourn, IL, and (4) the line segment between Clybourn, IL and OTC.

II. **INSTRUCTIONS**

UP is requested to conform to the following instructions in responding to these Requests for Production.

1. Each paragraph below shall operate and be construed independently. Unless otherwise indicated, no paragraph limits the scope of any other paragraph. Where these Requests seek data in a computer-readable format, machine-readable format, or in its native format, this data is defined as including, but is not limited to, any electronically stored data on hard disk drives, flash, or solid state memory (*e.g.*, USB drive or SSD), optical storage media (*e.g.*, CD or DVD), or as an “active” file or files readable by one or more computer applications (*e.g.*, a Microsoft Excel file).

2. The singular includes the plural and vice versa; the words “and” and “or” shall be both conjunctive and disjunctive, as required by the context to bring all information within the scope of these Requests; the word “all” means “any and all;” the word “any” means “any and all”; the word “including” means “including but not limited to” and “including without limitation”; the masculine includes the feminine and neutral genders; the past tense includes the present tense where the clear meaning is not distorted by the change of tense.

3. If the production of any requested document is withheld, state with specificity the basis for such withholding.

4. UP is requested to supplement its responses to these Requests and supplement its production of responsive information or documents.

5. All documents should be produced or made available for inspection in the form in which they are retained by UP in the usual course of business (*e.g.*, if the documents are in a file, the file containing the documents should be produced), unless otherwise agreed to by the parties. All files containing responsive documents should be identified by the file name and number.

6. Please organize or number the documents produced in such a manner that Metra may readily determine which documents are being produced in response to each specific Request. If no documents will be produced in response to a specific Request, please so indicate in the response.

7. To the extent that any instruction herein conflicts with an Electronically Stored Information (“ESI”) Protocol adopted by the parties in this proceeding, the ESI Protocol will govern the production of documents.

8. If UP objects to producing documents on grounds that UP does not maintain the information described in the form or format requested by Metra, please produce documents which contain such information in whatever form or format UP does maintain such information, along with adequate information to allow use of the produced documents such as that the STB specified in its decision served August 25, 2025, in FD 36873, *Union Pacific Corporation and Union Pacific Railroad Company – Control – Norfolk Southern Corporation and Norfolk Southern Railway Company*.

9. Notwithstanding any UP belief that portions of a document that otherwise may contain responsive information may not be responsive or relevant,

Metra nevertheless requests that UP produce the document in its entirety. Metra states that it is willing to discuss with UP the possibility of redacting portions of such documents, as appropriate, on a document-by-document basis.

10. Separately with respect to each document called for by these Requests which is withheld under a claim of privilege or otherwise, provide an explanation of the claim being asserted. At this time, Metra is not seeking a detailed privilege log containing specific information relating to the document and the claim of privilege or protection, but reserves the right to do so.

11. Metra reserves the right to file supplemental or follow-up requests and other discovery, as necessary or appropriate.

12. Unless otherwise specified, these Requests cover the time period from January 1, 2023 to the present.

13. Where these Requests seek data in a computer-readable format, machine-readable format, or in its native format, this data is defined as an electronic file which contains structured, relational data, and is managed within a commercially available and relational database system (for example Microsoft, Oracle, SAS, IBM) and is readable via commercially available software, thereby making the data accessible independent of the host system.

14. If the source table is stored within a non-relational system, such as a “flat file,” or a custom system (not commercially available), provide the data in standard sequential fixed width or delimited text files. The text files should be MS-DOS or MS-Windows compatible text formats.

- a. For each computer file supplied provide:
 - i. The name and description of the source database or other file from which the records in the computer file were selected (stating whether the file is an original extract from a line of business transactional or data warehouse computer system, or if the provided file is an extract, or report, created specifically for this Request) including a graphic or textual representation of the database relational model for each system to include all named tables of data within the system's relational model. Assure that the data tables contain the primary and foreign key fields necessary to establish proper parent-child relationships, and for every table provide a list of fields, primary keys, foreign keys, and list relational links to other tables and fields, and filters, if any, associated to the relational links. Include all related tables, and all fields within each included table. List the fields which define a unique record (row) for each table, or state if the table does not require unique row differentiators or primary keys. For tables containing coded values, provide the decoder and associated data elements in a discreet list (no duplicates);
 - ii. A description of how the records in the file produced were selected or the script or query used to make the selection;
 - iii. The original table names (no aliases), original field names, to match the provided systems' data structures within each computer program (in native software and text file) and intermediate file used in deriving the files produced if the files produced are flat files. If the files produced are commercially available relational database files, provide the method used and code or query (if code was created) used to export the data to this relational format, including the operating system and version under which the final text files or relational tables were produced; and
 - iv. Provide all table indexes, and index files, which define the index to be clustered or non-clustered.
- b. For each field in each computer database file provide a complete, standard data structure, including:
 - i. The name of the field including its source table name, and if different from the LOB (line of business) or off-line analytical system field name, provide all field name incarnations so that

there is a linkage between the provided field name and the original source field name and source table, and source application/system. Also provide the “Synonymous Name,” that being a single word or multiple words that differ from the field name, but represents the same data element using alternative or more descriptive terminology. Also provide the “Context,” that being a designation or description of the application environment in which the data item (or field) is applied or from which it is originally derived (its origin);

- ii. The starting and ending positions of the field if the file is a fixed width non-delimited flat file, or if the file is delimited, verify that the delimiter is inserted at the end of each field and the delimiter is not contained, as data, within any data cell (provide row terminators and line feed codes), otherwise, if the provided data set is a relational database “table,” export the table structure into a separate ANSI SQL 92 code or text file;
- iii. A detailed definition of the field and whether this field is the record’s (or row’s) unique identifier, or is one of many fields which create a unique record (list them);
- iv. A detailed description of the data in the field, including an explanation of what they are used for and all related index files in SQL code format or text files, if any;
- v. The type of data in the field, i.e., whether numeric, character, alphanumeric, number of characters, number of significant digits, whether signed or unsigned (*i.e.*, negatives allowed), whether blank or zero padded and whether the field is Unicode, or contains any constraints, or requirements to be Non-Null, or non-blank;
- vi. If the values in a field are terms, abbreviations, or coded entries, a list of all terms, abbreviations, and/or codes used with detailed definitions of each and the approved domain (range of values if indeterminate) or list of values permitted if determinate. Also provide minimum and maximum values, including whether the values are Null, hidden, or specific ASCII or ISO codes. Include the character encoding or software vendor’s code page, for each table if any;
- vii. An indication of whether the data in the field are packed or compressed; and

- viii. If the data in the field are packed or compressed, the type of packing or compression:
- (1) Zoned with low-order sign;
 - (2) Binary with LSB first;
 - (3) Binary with MSB first;
 - (4) Packed with high-order sign;
 - (5) Packed with low-order sign;
 - (6) Packed with no sign; and
 - (7) Other (specify and provide detailed instructions for unpacking).
- ix. If the data files and tables originate on a non-Microsoft Windows operating system, state the original operating system and convert to Microsoft Windows compatible format.
- x. For data or other electronic information submissions where the source system does not have at least a 32-bit operating system, verify that all data and files are computer-readable on at least a 32-bit operating system.

III.

INTERROGATORIES

Interrogatory No. 1

Please state whether, when, and under what circumstances UP has since January 1, 2019, conducted any ATC studies or made any ATC calculations for attributing revenues on cross-over freight traffic to the UP Lines. For purposes of this Interrogatory, ATC includes any surrogates or proxies for ATC.

IV.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Request for Production No. 1

Waybill data: Please produce the databases, data warehouses and computer programs (with all documentation related to these databases and computer programs and associated selection criteria), in a computer-readable format, that include the information listed below for each movement handled by UP during the time period from January 1, 2024 through the present that traversed any portion of the UP Lines. For purposes of this Request, please produce and identify the appropriate fields to correctly link the data in the event the data are provided in separate tables. Please also include and identify fields required to correctly link this data to the locomotive and railcar event data produced in response to Request for

Production No. 2 and to the train event data produced in response to Request for Production No. 3, and please include any “foreign key(s)” that UP uses in the normal course of business to link the data sets.

- a. Unique Waybill number and date;
- b. The name of the consignor, consignee, shipper, payee, and customer for each shipment record;
- c. Commodity (seven-digit Standard Transportation Commodity Code “STCC”);
- d. Origin station and origin State (or province);
- e. Destination station and destination State (or province);
- f. For shipments that originated on UP’s system(s), the date and time the shipment was originated;
- g. For shipments UP received in interchange, the on-junction location station, state, Standard Point Location Code (“SPLC”), Freight Station Accounting Code (“FSAC”), and milepost;
- h. For shipments UP received in interchange, the road received from;
- i. For shipments UP received in interchange, whether UP provided any crosstown dray service or whether it was a steel-wheel interchange;
- j. For shipments UP received in interchange, the date and time the shipment was interchanged;
- k. For shipments given in interchange, off-junction location station, state, SPLC, FSAC, and milepost;
- l. For shipments given in interchange, the railroad given to;
- m. For shipments given in interchange, whether UP provided any crosstown dray service or whether it was a steel-wheel interchange;
- n. For shipments given in interchange, the date and time the shipment was interchanged;
- o. For shipments terminated on UP’s system, the date and time the shipment was terminated;
- p. Origin SPLC;
- q. Destination SPLC;
- r. Number of rail cars;
- s. Number of intermodal containers or trailers;
- t. A unique shipment identification or order number for each intermodal container or trailer;
- u. Shipment weight tons (net);
- v. Rail car tare weight;
- w. Intermodal container or trailer tare weight;
- x. Total freight revenues from origin to destination, or UP’s share of the total freight revenues in the event that UP was not the sole carrier for a particular movement, including any adjustments thereto, along with a description of the adjustment (*i.e.*, add to or subtract from gross revenue);

- y. Total revenues from surcharges or accessorial charges (including but not limited to fuel surcharges, storage (dwell) charges, demurrage, empty repositioning charges, and expedited upcharges), and whether such revenue from surcharges is included in the total freight revenues and UP's division thereof provided in response to Subpart z above;
- z. TOFC/COFC plan;
- aa. Car/trailer/container initial for each car/trailer/container used to move the shipment (for intermodal movements provide both the railcar and container/trailer initial);
- bb. Car/trailer/container number for each car/trailer/container used to move the shipment (for intermodal movements provide both the railcar and container/trailer number);
- cc. The unique train identification initial and number of all trains used to move the shipment;
- dd. The station, state and SPLC(s) where the traffic was interchanged between trains;
- ee. Total loaded movement miles;
- ff. Total loaded miles on UP's system;
- gg. AAR car-type code;
- hh. Provider of car and container/trailer (UP-owned, UP-leased, shipper or foreign road, or TTX);
- ii. Total empty movement miles;
- jj. Total empty miles on UP's system;
- kk. Miles used to derive applicable fuel surcharges;
- ll. Applicable fuel surcharge rate;
- mm. Intermodal service plan code and the intermodal line of business code for each intermodal shipment;
- nn. Number of articulated wells included (where applicable) in an individual railcar used to move an intermodal (or other) shipment.
- oo. Identification of all trains on which the shipment moved.

Request for Production No. 2

Car event data: Please produce documents, in a computer-readable format to the extent available, which contain complete information (including all events) tracking and describing railcar events (including yard and hub operations) for all waybills included in the production responsive to Request for Production No. 1 and all trains included in the production responsive to Request for Production No. 3. The requested railcar event information includes, but is not limited to, the following:

- a. Car Initial;
- b. Car Number;
- c. Car Owner (System/Foreign/Private);
- d. AAR Car Type;
- e. Tare weight;

- f. Lading weight;
- g. Number of intermodal units on flat cars;
- h. Event Sequence Number;
- i. Year;
- j. Month;
- k. Day;
- l. Unique Train Identification Symbol and/or Number;
- m. Train Date;
- n. Unique Waybill Number;
- o. Waybill date;
- p. Load/Empty indicator;
- q. Unique shipment identification number;
- r. Actual event date/time stamp for nodal events (if movement link data are provided, provide timestamps for both car departure from line segment begin node and car arrival at line segment end node);
- s. Time zone indicator (of the Event date/time stamp);
- t. Event type indicator specifying if the event was an arrival, a departure, an intermediate switching/handling event, or an instantaneous time as in the case of a non-dwell event (e.g., passing a scanner);
- u. Unique System/Network Location Identifier to include the following:
 - 1) Station name;
 - 2) City or metropolitan name;
 - 3) State/Province name;
 - 4) SPLC;
 - 5) Latitude and longitude;
 - 6) Engineering Milepost; and
 - 7) Transportation Milepost.
- v. Trackage Rights Indicator;
- w. Switching Type Indicator (specifying if the event is classifying a car onto a train, classifying the car off a train, or intermediate switching);
- x. Interchange Indicator specifying if the car was received or delivered in interchange;
- y. Identification of interchange railroad;
- z. Industry Handling Indicator specifying if the car was pulled from origin or placed at destination;
- aa. Subdivision or Line Segment Name;
- bb. Direction of Travel;
- cc. Time elapsed at event location;
- dd. Event timestamp;
- ee. Time elapsed between event locations; and
- ff. Miles between event locations.

Request for Production No. 3

Train event data: Please produce complete train event data (in a computer-readable format to the extent available and including all events and intermediate stations) for all waybills included in the production responsive to Request for Production No. 1. The requested train movement information includes, but is not limited to, the following:

- a. Unique Train Identification Symbol and/or Number;
- b. Train Date;
- c. Train Month and Year (for repeating train symbols);
- d. Train Type;
- e. Event Sequence number;
- f. Year;
- g. Month;
- h. Day;
- i. Event date/time stamp;
- j. Time zone indicator;
- k. Event type indicator specifying if the event was an arrival, a departure, an intermediate switching/handling event, or an instantaneous time as in the case of a non-dwell event (e.g., passing a scanner);
- l. Event indicator identifying interchange locations;
- m. Unique System/Network Location Identifier to include the following:
 - 1) Station name;
 - 2) City or metropolitan name;
 - 3) State/Province name;
 - 4) SPLC;
 - 5) Latitude and longitude;
 - 6) Engineering Milepost; and
 - 7) Transportation Milepost.
- n. Trackage Rights Indicator;
- o. Subdivision or Line Segment Name;
- p. Direction of Travel;
- q. Interchange Indicator specifying if the train was received or delivered in interchange;
- r. Identification of interchange railroad;
- s. Industry Handling Indicator specifying if cars were pulled from origin or placed at destination;
- t. Event timestamp;
- u. Miles between event locations.

Request for Production No. 4

Location data: Please produce documents, regardless of date, sufficient to identify all geographic station point locations referenced in UP's responses to Requests for Production Nos. 1, 2, and 3 including:

- a. SPLC;
- b. FSAC;
- c. Transportation Milepost;
- d. Engineering Milepost;
- e. Railroad (owner);
- f. Freight Station Name;
- g. Freight Station 3-3-3 Name
- h. City;
- i. Metropolitan Name;
- j. State/Province;
- k. Division;
- l. Subdivision;
- m. Latitude; and
- n. Longitude.

Request for Production No. 5

Linking data: Please produce all documents, including programs, decoders, and instructions, regardless of date, necessary to utilize, evaluate and link the data produced in response to Requests for Production Nos. 1 through 4, above, including documents sufficient to identify the relationship between the databases (*e.g.*, whether there is a 1:1 ratio between databases, or whether one can expect to link 100% of the records in one file to another file), as well as to identify which data fields are common (and may be used to link) to the provided databases, including links within databases where multiple tables may exist.

Request for Production No. 6

Please produce all operating timetables (including special instructions), station lists, and station books in effect on January 1 of each year beginning January 1, 2019, for all line segments utilized by UP to provide transportation service for all waybills included in the production responsive to Request for Production No. 1. To the extent that this data resides in a data table in the normal course of business, produce that (those) table(s) in addition to .pdf files containing UP's printed timetables.

Request for Production No. 7

Please produce density charts and/or tables sufficient to show both gross and net ton-miles by direction and line segment applicable to any portion of the time period beginning January 1, 2024, through the present for the line segments utilized by UP to provide transportation service for all waybills included in the production responsive to Request for Production No. 1. To the extent that this data resides in a data table in the normal course of business, produce that (those) table(s) in addition to .pdf files containing UP's printed density maps. For each density segment included in the provided density tables, identify whether the segment is owned by UP or a foreign carrier, and identify segments over which UP operates via trackage rights.

Request for Production No. 8

Please produce all trackage rights agreements and amendments, renewals, restatements, supplements, thereto currently in effect that UP has entered into with other railroads, and the corresponding compensation rates and payments under those agreements.

Request for Production No. 9

Please produce all documents and communications related to any appraisals or valuations of the real estate value of the UP Lines, including any improvements by UP or others.

Request for Production No. 10

Please produce the agreements, and documents showing the value of any payments or other benefits received by UP for use or occupancy of the UP Lines by others, including for purposes other than providing rail transportation, such as rent or royalty payments received by UP for use of the UP Lines for telecommunications and utility purposes.

Request for Production No. 11

To the extent the payments or other benefits identified in UP's response to Request for Production No. 10 involves an allocation between the payments or other benefits associated with the UP Lines and other lines of UP, please produce documents showing the basis of the allocation.

Request for Production No. 12

Please produce the studies and calculations identified in response to Interrogatory No. 1.

Respectfully submitted,

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Dated: December 1, 2025

*Attorneys for Commuter Rail Division
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