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July 21, 2015

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Via E-Filing

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, D.C. 20024

ENTERED  
Office of Proceedings  
July 21, 2015  
Part of  
Public Record

**Re: Ex Parte No. 727 – Petition of Norfolk Southern Railway Company to Institute a Rulemaking Proceeding to Address Abuses of Board Processes**

Dear Ms. Brown:

Union Pacific Railroad Company (“Union Pacific”) submits this letter in support of the petition for rulemaking filed by Norfolk Southern Railway Company (“NS”) in the above-referenced docket. Addressing abuse of Board processes is an important issue to Union Pacific because frivolous pleadings create unjustified burdens for both the Board and parties before the Board. Under the Board’s current practices, pleadings are automatically entered into the record. Therefore, Union Pacific must reply to all pleadings including those that Union Pacific is of the reasoned opinion lack credibility and/or foundation. In turn, under current rules the Board must review and analyze such pleadings and issue a decision, which consumes the Board’s limited and valuable time and resources.

In Union Pacific’s experience, truly frivolous pleadings are generally filed by a small number of persons who appear as parties in numerous abandonment proceedings. Rules such as those suggested by NS to limit abuse of Board processes should reduce the number of frivolous pleadings by imposing legally justifiable restrictions on parties that repeatedly abuse Board processes. At the same time, such rules will ensure that the Board’s processes remain open and accessible to all parties with a legitimate interest in a proceeding.

Union Pacific urges the Board to institute a rulemaking proceeding as requested in the NS petition.

Respectfully,

  
Jeremy M. Berman

cc: Gordon P. Macdougall, Esq.  
Michael F. McBride, Esq.  
David C. Reeves, Esq.  
John M. Scheib, Esq.

