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January 21, 2026

Via email: psc.telecom@nebraska.gov

Nebraska Public Service Commission
Attn: Telecommunications
1200 N. Street, Suite 300
Lincoln, NE 68508

Re: December 16, 2025 Order Opening Docket and Seeking Comment in the Nebraska Public Service Commission's investigation of standard crossing fees charged for telecommunications companies to access rights-of-way controlled by railroad carriers.
Application No. C-5685/PI-259

Dear Commission:

Union Pacific Railroad Company ("Union Pacific") offers the following responses to the Nebraska Public Service Commission's ("PSC") Order Opening Docket and Seeking Comment entered on December 16, 2025:

- a. How quickly are applications processed to determine whether they are complete? How are the fees quoted in response to applications?
Union Pacific typically processes applications between 30 and 60 days after the application is received. Union Pacific charges a \$1,250 fee per crossing.
- b. What has been the most common disagreement in relation to compliance with § 86-164?
The most common disagreement in relation to compliance with § 86-164 is on flagging arrangements. The current statutory language does not contemplate flagging by third party vendors and is a source of ambiguity for applicants, who often believe that the railroad is obligated to make flagging arrangements for the applicant. Another common disagreement is around construction observation, which, depending on an application's details, may be required by Union Pacific's Engineering Structures Team.
- c. Is there a specific point of contact for negotiations? How often has that point of contact changed?
Jim Hild, Union Pacific's Director of Utility Contracts for Nebraska, is the point of contact and has been in this role for 5 years.
- d. What sort of factors or special circumstances have led to fees above the standard crossing fee?
Union Pacific's standard crossing fee follows Neb. Rev. Stat. § 86 164 (3)(a).

- e. Are insurance fees and flagging costs standardized for all railroad carriers or do they differ among railroad carriers? How are actual flagging expenses determined? Do they differ by location or contractor? Are they different for aerial versus buried fiber? Are these standard fees charged in all states or are they specific by state, railroad carrier, or project?
Insurance and flagging fees are determined by the third party vendor providing the service. Union Pacific does not add vendor fees to its \$1,250 application fee.
- f. Are flagging fees charged based on installation, or are they separately charged based on the number of lines, wires or cables being installed?
Flagging fees are set by the third party vendor and vary based on installation conditions.
- g. If special circumstances leading to requests for fees above the standard crossing fee have impeded negotiations, why has that not resulted in a petition being filed with the Commission?
Union Pacific has no record of negotiations impeded due to charges beyond the \$1,250 per crossing.
- h. Is there a need to have the Legislature clarify or modify § 86-164?
Union Pacific is open to discussing potential clarifications and/or modifications.

Safety is Union Pacific's top priority, and we continuously pursue innovations that enhance the safety of our employees, communities, customers, and the third-party utility workers who temporarily access railroad property to install public-benefit utilities. Union Pacific complies with Neb. Rev. Stat. § 86-164 and works diligently to provide timely utility installation reviews and extraction agreements that allow utilities and the railroad to safely coexist. Union Pacific is willing to continue discussions with stakeholders in this proceeding.

Union Pacific appreciates the opportunity to participate in this proceeding. If you have questions about any of the responses we have provided, I can be contacted at (402) 544-8658 or via email at jlhild@up.com.

Respectfully submitted,



Jim Hild
Director Utility Contracts – Real Estate