PORT NOLA
THE PORT OF NEW ORLEANS

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Office of Chief Counsel
November 16, 2026
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Public Record

November 16, 2026

The Honorable Patrick J. Fuchs
Chairman
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Comments regarding the Proposed Union Pacific/ Norfolk Southern Merger, Docket Number: FD 36873

Dear Chairman Fuchs:

I write to you on behalf of the Board of Commissioners of the Port of New Orleans ("Port NOLA") in support of the Responsive Application of the New Orleans Public Belt Railroad for the Port of New Orleans ("NOPB"), *see* FD 36873 (Sub No. 31). When Union Pacific ("UP") and Norfolk Southern ("NS") announced their proposed merger and intention to file an application with the Surface Transportation Board, UP reached out to Port NOLA for a letter of support. Both UP and NS have long been valued transportation partners for Port NOLA, as their networks provide essential connections that serve port tenants and customers, and Port NOLA began preliminary discussions with UP and NS regarding the continuance of neutral access to Port NOLA's terminals, including both its existing facilities within the New Orleans Gateway and the future development of the Louisiana International Terminal ("LIT") – a transformative, green-field container terminal in Violet, Louisiana, to replace its existing container facility within New Orleans' city limits. Pursuant to those discussions, Port NOLA held the reasonable assumption that those partners would negotiate in good faith to continue to allow neutral access to Port NOLA's terminals, and on or about November 20, 2025, Port NOLA heeded UP and NS' request and issued a letter of support, a copy of which was attached to UP's application[1]. However, upon further reflection and a wholesome review of the application and concerns raised by various stakeholders, and very directly in light of UP and NS' now refusal to engage in negotiations whatsoever or to even discuss a commitment to gateway fluidity and reliability,[2] Port NOLA cannot support the merger unless and until certain conditions are met, namely those allowing NOPB certain operating rights in the New Orleans area.

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1 App. Vol. 3, Page 2318.

2 *See* Letter from Mark R. George, President & Chief Executive Officer, Norfolk Southern Corporation dated September 9, 2026, a copy of which is attached hereto as Exhibit A, ("NS will serve as the rail carrier for LIT, handling containers exclusively to/from intermodal terminals on the Norfolk Southern network").

More specifically, in order to support the merger, Port NOLA needs a clear and enforceable agreements specifically allowing for fair, reasonable and commercially viable access for its legislatively-affiliated entity, the NOPB,[3] to (1) provide neutral service to the Louisiana International Terminal and (2) operate over the "Back Belt" through the New Orleans Gateway. Port NOLA is hopeful that, despite failed attempts thus far, these concessions can be reached by the parties amicably and voluntarily. However, in the event such agreements cannot be timely reached, Port NOLA stands in full support of NOPB's Responsive Application.

A. BACKGROUND

Port NOLA is diverse deepwater port uniquely located on the Mississippi River near the Gulf of America. It is an independent political subdivision of the State of Louisiana charged with regulating the commerce and traffic of the port and harbor of New Orleans within its tri-parish jurisdiction (Jefferson, Orleans, and St. Bernard Parishes). It currently owns several maritime terminals throughout the New Orleans Gateway, including its Uptown container terminal and breakbulk facilities, which are served by the NOPB, a publicly owned railroad that serves as the neutral carrier for Port NOLA and interchanges with all six Class I railroads operating in the New Orleans Gateway.[4]

In addition to its current facilities, Port NOLA is building LIT, a modern, 400-acre, green-field container terminal, in St. Bernard Parish capable of handling up to two million twenty-foot equivalent units (TEU's) of containerized cargo annually. LIT is one of the most consequential infrastructure and economic development projects in Louisiana's history[5] and its success requires neutral, independent and competitive rail access. Needless to say, preserving NOPB's neutral access is essential not only to the success of LIT but also to Louisiana's broader economic interests. Indeed, Governor Landry recently notified UP that the "State of Louisiana cannot continue to support UP's merger application without a clear and enforceable commitment with fair, reasonable, and commercially viable access [for NOPB] to serve LIT and operate over the Back Belt and the West Bank." [6]

B. CONDITIONS NEEDED

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[3] Port NOLA and the NOPB are independent but strategically aligned public entities with a shared responsibility for maintaining the competitiveness of the New Orleans freight gateway.

[4] The NOPB and its public predecessors have provided a neutral and independent means of moving traffic between Class I railroads and through the Port of New Orleans and the national rail network for over 100 years.

[5] Both the state and federal government have committed substantial resources to its development.

[6] *See* Letter from Governor Landry to Jim Vena, Chief Executive Officer, Union Pacific Railroad dated November 5, 2026, a copy of which is attached hereto as Exhibit B; *see also* Letter from Governor Landry to Mark R. George, President and Chief Executive Officer, Norfolk Southern Corporation dated November 5, 2026, a copy of which is attached hereto as Exhibit C.

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The approval of the UP-NS merger would allow a single commercially-interested railroad to control access to LIT and several of the most important routes, interchange points, and yard facilities in the New Orleans Gateway and throughout the nation. That concentration would threaten the current and future services at Port NOLA's facilities, reduce the practical service ability and capacity of other Class I railroads to compete for port traffic, and undermine the competitive benefits associated with the publicly-owned LIT. Accordingly, Port NOLA can only support the merger if the rights requested by NOPB[7] are granted, including non-exclusive trackage rights over NS's Back Belt and portions of NS's Chalmette Branch to allow NOPB to provide neutral and independent rail service to LIT, as it currently does to Port NOLA's Uptown terminals. These rights will preserve competitive access to Port NOLA facilities, expand and enhance competition in the New Orleans Gateway by leveraging the well-established, neutral existing terminal carrier, improve gateway connectively, and protect the state and federal investment being made in Port NOLA.

Respectfully submitted,

Beth A. Branch

Beth A. Branch
President and Chief Executive Officer

cc: Jim Vena, Union Pacific Railroad
Mark George, Norfork Southern Corporation
Tomeka Bryant, New Orleans Public Belt
All parties of record

[7] *See* NOPB's requested rights at FD 36873 (Sub No. 31).

EXHIBIT A

Norfolk Southern Corporation
650 W. Peachtree Street NW
Atlanta, GA 30308

Mark R. George
President & Chief Executive Officer

September 9, 2026

Ms. Beth Branch
President & Chief Executive Officer
Port of New Orleans
1350 Port of New Orleans Place
New Orleans, LA 70130

Dear Ms. Branch:

Thank you for writing to me regarding the Louisiana Intermodal Terminal (LIT) project that you are spearheading. The proposed terminal will be located on Norfolk Southern's Chalmette Branch, which connects to the NS network east of New Orleans.

I recognize the significant opportunity this project represents for both the Port of New Orleans (PONO) and the State of Louisiana. The LIT project is an important development for the region's freight transportation network, and Norfolk Southern remains fully engaged in the planning and design of the new facility.

As our team has previously communicated, Norfolk Southern remains committed to the following principles:

- NS will serve as the rail carrier for LIT, handling containers exclusively to/from intermodal terminals on the Norfolk Southern network.
- NS will operate one inbound and one outbound train daily.
- NS will work closely with New Orleans Public Belt (NOPB) Railroad, which is expected to provide switching services for LIT.
- NS will collaborate and partner with PONO, NOPB, and other public agencies to develop and fund infrastructure improvements that enhance grade crossing safety, improve community relations, and increase railroad capacity in the New Orleans area.

Norfolk Southern has maintained a consistent position since our initial discussions several years ago. These commitments reflect our continued support for the project and our willingness to work with your team as we evaluate the markets the terminal can most effectively serve.

As you noted, the proposed acquisition of Norfolk Southern by Union Pacific would significantly expand the markets accessible from the proposed LIT through single-line rail service. Following regulatory approval of the transaction, we would welcome discussions regarding potential updates to our joint plan to capitalize on those expanded market opportunities.

Norfolk Southern greatly values its partnership with the Port of New Orleans and the New Orleans Public Belt Railroad. Under your leadership, both organizations continue to thrive while providing essential service to the region, our customers, and the broader supply chain. We appreciate the strong relationship we share and look forward to continued success together.

Sincerely,



Mark R. George
President & Chief Executive Officer

cc: Michael McClellan, SVP & Chief Strategy Officer
Shawn Tureman, VP Intermodal & Automotive
David Lehlbach, AVP Strategic Planning
Conner Poe, AVP Government Relations

EXHIBIT B

State of Louisiana
OFFICE OF THE GOVERNOR
P.O. BOX 94004
BATON ROUGE
70804-9004

Jeff Landry
Governor

November 5, 2026

Mr. Jim Vena
Chief Executive Officer
Union Pacific Railroad
1400 Douglas Street, 19th Floor
Omaha, Nebraska 68179

Dear Mr. Vena:

The Louisiana International Terminal (LIT) is one of the most consequential infrastructure and economic development projects in Louisiana's history. The State has committed substantial resources to its development, and its success requires efficient, reliable, and competitive rail access.

The New Orleans Public Belt Railroad (NOPB), a publicly owned railroad, serves as the neutral rail carrier for the Port of New Orleans (Port NOLA) and interchanges with all six Class I railroads operating in the New Orleans Gateway. Preserving that neutral access is essential to the success of LIT and to Louisiana's broader economic interests.

I acknowledge Union Pacific's September 11, 2026, response recognizing LIT's importance and the need for early coordination among Union Pacific (UP), Port NOLA, and NOPB. I also recognize that UP and Norfolk Southern (NS) remain independent companies while the proposed merger is under regulatory review. Accordingly, the State is not asking UP to negotiate on behalf of NS.

As the acquiring railroad and a merger applicant, however, UP must ensure that the merger does not make LIT dependent on a single-line commercially interested carrier for access to critical port and rail infrastructure. The State is therefore seeking a commitment from UP that, following approval and consummation of the merger, the merged railroad will enter into an agreement with NOPB addressing the access necessary to preserve neutral rail service at LIT and throughout the New Orleans Gateway.

NOPB has filed with the Surface Transportation Board (Board Docket Filing ID 312274) to preserve its rights and protect the interests of the Port, the State, and rail users throughout the New Orleans Gateway. It seeks nonexclusive trackage, operating, and related access rights necessary for NOPB to continue its established role as a neutral carrier if the merger is approved.

Following consummation of the merger, the resulting railroad must enter into an enforceable agreement providing NOPB with commercially reasonable and nondiscriminatory trackage and operating rights over the Chalmette Branch Line necessary to provide neutral service to LIT. The agreement must also provide appropriate rights over the Back Belt, access to the relevant rail facilities on the West Bank, and the related yard, interchange, and operating access requested in NOPB's filing.

These rights would not transfer ownership or control of railroad infrastructure to NOPB. Rather, they would allow an established, publicly owned railroad to continue to provide neutral service, facilitate gateway movements, reduce dwell, and preserve competitive routing options for Louisiana businesses and Port customers.

This issue is fundamental to Louisiana's assessment of the proposed merger. For the foregoing reasons, the State of Louisiana cannot continue to support UP's merger application without a clear and enforceable commitment with fair, reasonable, and commercially viable access to serve LIT and operate over the Back Belt and the West Bank.

I strongly encourage UP to work directly and promptly with NOPB and Port NOLA to establish the framework for a post-merger agreement. Although the agreement would become effective following completion of the merger, reaching an understanding now would provide the certainty necessary for LIT's design, construction, commercial development, and future operations. It would also demonstrate that the proposed merger will preserve competition and strengthen, rather than constrain, the New Orleans Gateway.

My administration is ready to facilitate these discussions. Please designate senior UP representatives with the authority to work with NOPB, Port NOLA, and the State to develop a mutually acceptable framework without delay.

Louisiana values its relationship with UP and recognizes the railroad's importance to our economy. I anticipate a practical and timely resolution that respects the railroad's interests while protecting Louisiana's investment in LIT, preserving fair and neutral rail access, and securing the long-term competitiveness of the New Orleans Gateway. Securing UP's commitment to a post-merger agreement will allow the State of Louisiana to continue supporting the merger.

Sincerely,

Jeff Landry
Governor

EXHIBIT C

State of Louisiana
OFFICE OF THE GOVERNOR
P.O. BOX 94004
BATON ROUGE
70804-9004

Jeff Landry
Governor

November 5, 2026

Mr. Mark R. George
President and Chief Executive Officer
Norfolk Southern Corporation
650 West Peachtree Street NW
Atlanta, Georgia 30308

Dear Mr. George:

I am writing regarding Norfolk Southern's response to Beth Branch's letter from the Port of New Orleans' August 2026, request for trackage rights to support the Louisiana International Terminal (LIT), and the implications of that decision on Louisiana's interests in the proposed Union Pacific-Norfolk Southern merger.

While I appreciate Norfolk Southern's consideration of the request and its ongoing engagement with Port NOLA and the New Orleans Public Belt Railroad (NOPB), I am disappointed that Norfolk Southern has declined to provide the requested access. This matter is too important to Louisiana's economic future to remain unresolved, particularly as Norfolk Southern seeks regulatory approval of a transaction that will fundamentally reshape the nation's freight rail network.

For more than five years, Port NOLA has advanced LIT as a generational investment in Louisiana's transportation infrastructure and economic competitiveness. The success of that investment depends on efficient, reliable, and competitively neutral rail access.

As outlined in Port NOLA's August letter, LIT is located along Norfolk Southern's Chalmette Branch in St. Bernard Parish. Port NOLA and NOPB are working with Norfolk Southern's engineering team to advance the infrastructure necessary to serve the terminal. Port NOLA's request for overhead trackage rights was intended to preserve existing intermodal business and customer relationships as container operations transition downriver, while maintaining the 118-year neutral rail service model that has long distinguished the New Orleans Gateway.

Port NOLA's August 2026 request also proposed a Memorandum of Understanding among Port NOLA, NOPB, and Norfolk Southern, to establish a framework for negotiating the necessary trackage rights, operating agreements, and service arrangements concurrently with the merger review. That was a reasonable, commercially constructive proposal designed to provide certainty for the railroads, Port NOLA, its terminal partners, and the State.

Norfolk Southern's decision not to accommodate that request does not resolve the underlying issue but rather escalates the priority.

NOPB has filed with the Surface Transportation Board (Board Docket Filing ID 312274) to protect its rights and the broader interests of Port NOLA, the State, and rail customers who depend on the New Orleans Gateway. It seeks nonexclusive trackage, operating, and related access rights necessary to preserve NOPB's neutral-carrier function, including rights over the Chalmette Branch Line to serve LIT and appropriate operating rights over Norfolk Southern's Back Belt.

These requested rights would not transfer ownership or control of Norfolk Southern infrastructure to NOPB. Rather it would allow an established public railroad to continue to provide neutral service to LIT, facilitate connections with all six Class I railroads, support efficient gateway movements, reduce dwell and unnecessary interchanges, and preserve competitive transportation options for Louisiana businesses.

I recognize the potential national benefits of the proposed UPNS merger, including improved single line service, network connectivity, reliability, and access to new markets. Those benefits, however, cannot come at the expense of competition, customer choice, or access to critical infrastructure in Louisiana. The merger should strengthen the New Orleans Gateway, not create new limitations on its ability to compete.

My strong preference is for the parties to reach a negotiated agreement outside the Surface Transportation Board proceeding. Norfolk Southern, as the current owner and operator of the infrastructure at issue, has a direct responsibility to help achieve that resolution. I ask that you bring the appropriate senior representatives of Norfolk Southern together with NOPB, Port NOLA, and my administration to negotiate an agreement without delay.

I value Norfolk Southern's presence in Louisiana and our longstanding economic relationship. I remain confident that a commercially reasonable resolution is achievable.

Sincerely,

Jeff Landry
Governor