

Congress of the United States

Washington, DC 20515

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

Dear Chair Fuchs:

We write about the proposed merger between Norfolk Southern and Union Pacific. Given the history of rail mergers and their significant harm on rail workers and labor market competition, we request that the Surface Transportation Board (STB) require detailed responses to the questions below from the two companies as part of its public-interest review of any merger application, provide those responses to Congress at least 60 days before any decision, and consider those responses and potential harms to workers as part of its decision.

These questions focus on the labor implications of a potential Union Pacific–Norfolk Southern merger, including how it may affect longstanding challenges in the rail industry related to worker competition, safety, and reliable service. A merger of this magnitude would affect the livelihoods of tens of thousands of workers, and it is critical that the STB fully account for these impacts in any review. The catastrophic February 2023 Norfolk Southern derailment in East Palestine, Ohio, underscores the failure of existing safety protocols and the urgent need for verifiable safety reforms to protect communities and rail workers, not only from current operational practices but also from the intensified consolidation pressure a merger would create.¹

Rail workers have borne the brunt of decades of industry consolidation and cost-cutting priorities that put corporate profits above worker and public safety. Since the 1980s, the number of Class I freight railroads has declined from 33 to just six,² while rail employment has fallen from approximately 500,000 to fewer than 200,000.³ The aggressive adoption of Precision Scheduled Railroading (PSR) has led the largest carriers to cut their workforces by roughly 30 percent since 2014.⁴ This consolidation has reduced job opportunities, weakened workers' bargaining power,

¹ Nat'l Transp. Safety Bd., NTSB/RAR-24/02, Norfolk Southern Railway Train Derailment with Hazardous Materials Release and Fire, East Palestine, Ohio, February 3, 2023, at 1–3, 97–112 (2024), <https://www.nts.gov/investigations/AccidentReports/Reports/RAR2402.pdf>.

² Ass'n of Am. Railroads, Railroad Facts 2024 Edition, at 3, 48 (2024), <https://www.aar.org/wp-content/uploads/2024/10/AAR-Railroad-Facts-2024.pdf> (historical table on page 48 listing 33 Class I railroads in 1980; page 3 confirms current total of 6 following the 2023 CP-KCS merger).

³ U.S. Surface Transp. Bd., Quarterly Workforce Indicators – Class I Railroads, Sept. 2025 data, at Table 1 (Sept. 2025 average employment 144,800) & Historical Summary (1980 average ≈507,000), <https://www.stb.gov/reports-data/economic-data/quarterly-workforce-indicators/>.

⁴⁴ Brotherhood of Locomotive Eng'rs & Trainmen & SMART-Transportation Div., National Freight Rail Workforce Report 2024, at 12–15, 22 (Oct. 2024), <https://ble-t.org/wp-content/uploads/2024/10/National-Freight-Rail->

and contributed to stagnant real wages, excessive mandatory overtime, chronic understaffing, and heightened safety risks that endanger workers, communities, and the public.

We request that the STB require detailed, verified responses to the following questions from the applicants and make those responses publicly available and transmitted to Congress at least 60 days before any decision.

A. Previous and Proposed Mergers

1. With respect to both Norfolk Southern and Union Pacific, for each merger, acquisition, or large transaction since 1980⁴ please provide a detailed breakdown of:
 - a. Both the voluntary and STB-imposed commitments about worker protections, job retention, pay, benefits, and safety investments;
 - b. How those commitments were or were not enforced;
 - c. Whether or not any of those commitments are still in place;
 - d. The extent to which they were fulfilled, according to subsequent employment data, safety incident reports, and compliance records; and
 - e. How, if at all, service quality, employment levels, safety performance, and other worker-related conditions change following each transaction.
2. What is the STB's overall assessment of the efficacy and durability of these past merger-related voluntary commitments and imposed conditions, according to compliance records, enforcement experience, labor outcomes, safety trends, and broader industry developments?
3. How do the independent and combined operations of Norfolk Southern and Union Pacific currently affect the rail workforce, safety, and service reliability, and how would reducing the two largest remaining non-paired carriers to one entity alter those impacts relative to any claimed public benefits?
4. What are the current levels of labor availability, crew staffing, and operational resilience at both carriers? What existing vulnerabilities in these areas could be affected by a merger, and how would that impact shippers, workers, and the public?

B. Worker Safety

1. What is the current safety record of both Norfolk Southern and Union Pacific, how do they differ, and what do they reveal about existing operational pressures?
 - a. What is the current state of track maintenance, crew staffing, and inspection practices under Precision Scheduled Railroading at both carriers?

[Workforce-Report-2024.pdf](#) (documenting approximately 30–33% reduction in train & engine service and maintenance-of-way employment across the six remaining Class I carriers from 2014–2023).

⁴ Including but not limited to the 1982 formation of Norfolk Southern Corporation, the 1999 Conrail transaction, the 2015 Delaware & Hudson South Line acquisition, and any others.

- b. How have cost-management strategies and staffing levels in the last 20 years affected safety-critical functions and risks related to track inspection, fatigue management, and hazardous-materials handling, and how could further consolidation alter these dynamics?
 - c. What are the current safety programs being utilized by Norfolk Southern and Union Pacific? What are the effectiveness metrics of each, and what is the plan to identify the most effective strategy and integrate it across the system?
2. How will the integration of two large networks, overlapping territories, workforce consolidation, and the pursuit of merger-related cost savings affect existing safety risks and concerns, including derailment, injury, and incident rates? What operational and integration risks exist in overlapping territories, and how could a merger affect the likelihood or severity of service disruptions?
 3. Following the February 2023 Norfolk Southern derailment in East Palestine, Ohio, what specific company-wide, verifiable policy changes to operations, safety, and maintenance—as well as improvements to reporting, crew training for hazardous materials, and cooperation protocols with local first responders—has Norfolk Southern implemented? How will this enforcement be affected by the financial and operational pressures of a merger?
 5. How is the merger, particularly the operational integration and workforce consolidation, likely to affect the overall efficacy, prioritization, and funding of Norfolk Southern’s post-East Palestine safety initiatives and remediation efforts?

C. Worker Competition

1. For both Union Pacific and Norfolk Southern, what are the current hiring, furlough, and retention trends for craft employees?⁵ What is the current reliance on mandatory overtime and what are the current staffing levels? How has the existing level of employer competition, or lack thereof, influenced these trends and practices, and how would further consolidation affect them? How do these trends and practices differ, and how would those differences be resolved if the two companies merge?
2. How do average wage growth, employee health-insurance contributions, and retirement benefits offered by Norfolk Southern compare to those offered by Union Pacific, particularly in bottleneck or interchange terminals, for example, Chicago, St. Louis, Kansas City, New Orleans, and Memphis, where workers currently have access to only one of the two carriers?
3. How would reducing the number of Class I employers from six to five nationally affect collective-bargaining leverage and wage outcomes for the major rail unions under the existing national handling structure?
4. In regions served by only one Class I carrier under the existing Eastern (CSX/Norfolk Southern) and Western (BNSF/Union Pacific) duopolies, what measures, if any, do Norfolk Southern and Union Pacific currently employ to ensure competitive wages and adequate staffing?

⁵ Including conductors, engineers, maintenance-of-way, mechanical, and others.

5. What is the estimated net change in full-time-equivalent unionized craft positions over the first five years following the merger, broken down by craft and geographic region?
6. In what specific regions and crafts would the merger eliminate a worker's only alternative Class I employer and create a highly concentrated local labor market?

E. Labor Protections in Divestitures, Successor Obligations, and Enforcement

1. What have been the past practices of Norfolk Southern and Union Pacific on labor obligations, neutrality agreements, and card-check recognition when the companies transfer rail lines or operations,⁶ and how could a merger affect union representation rights for transferred employees? How would an increase in such transactions post-merger affect worker job security?
2. How do successor protective arrangements currently apply to operational changes at Norfolk Southern and Union Pacific, and how many additional workers would become subject to displacement, furlough, or benefit loss under a merged system?
3. What is the current structure, staffing, and track record of timeliness and effectiveness of labor-protective dispute-resolution processes, and how would a significant increase in affected workers impact capacity?
4. How do the labor and safety data currently made publicly available by Norfolk Southern and Union Pacific compare, and how would merger-related integration affect transparency regarding employment impacts, benefit payments, and safety performance?
5. What impact would the proposed merger have on employment levels at interchange or belt railways that typically handle interchange between the east and west railroads, and what protections would be granted for those affected by job reductions as a result of the merger?
6. What are the current headcounts for Norfolk Southern and Union Pacific, and does either intend to reduce those headcounts prior to the merger, should it be approved? What steps are being taken to prevent this, and have there been any reductions throughout 2025 before the merger announcement?

We appreciate the Board's attention to these critical issues and look forward to receiving the applicants' verified responses to all questions well before any decision.

Very respectfully,

⁶ Including line sales, leases, or spin-offs to both Class I carriers and Class II/III short-line carriers.



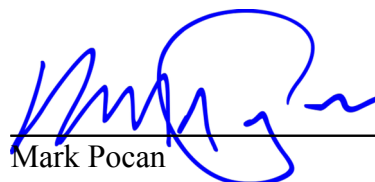
Chris Deluzio
Co-Chair
Monopoly Busters Caucus



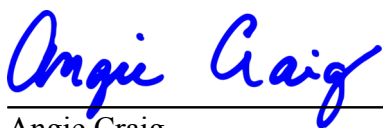
Donald Norcross
Member of Congress
Co-Chair, Congressional
Labor Caucus



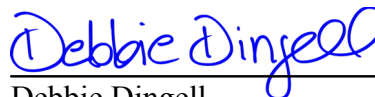
Pramila Jayapal
Co-Chair
Monopoly Busters Caucus



Mark Pocan
Member of Congress
Co-Chair, Congressional
Labor Caucus



Angie Craig
Co-Chair
Monopoly Busters Caucus



Debbie Dingell
Member of Congress
Co-Chair, Congressional
Labor Caucus



Patrick Ryan
Co-Chair
Monopoly Busters Caucus

cc:

The Honorable Sean P. Duffy, Secretary, Department of Transportation

The Honorable David Fink, Administrator, Federal Railroad Administration

The Honorable Gail Slater, Assistant Attorney General, Antitrust Division, Department of Justice