

To: efiling@stb.gov

Subject: Comment on Docket No. 36873 – Finney

Re: Docket No. FD 36873

ENTERED
Office of Chief Counsel
January 29, 2026
Part of
Public Record

Dear Office of Proceedings,

I am writing to formally comment on the above referenced docket regarding Norfolk Southern. I am a resident of the Lehigh Valley in Pennsylvania, and I am writing to request that the Board place specific conditions on this transaction to protect our region.

Currently, Norfolk Southern holds a practical monopoly on rail movement through our valley. This lack of competition has created a dynamic where the railroad has no incentive to compromise with our community. This is most evident in the systemic erasure of our region's passenger rail service. While the Lehigh Valley was once a hub for passenger transit, that service was dismantled to prioritize freight exclusivity, forcing our residents to rely on the gridlocked highway system (Route 22 and I-78).

This creates a stark contradiction in Norfolk Southern's public stance. The railroad actively markets itself to investors and federal regulators as an environmentally friendly solution, frequently citing their ability to 'remove trucks from the highway' to reduce emissions. Yet, in the Lehigh Valley, their refusal to share track capacity achieves the exact opposite: it forces an entire metropolitan population of 860,000 people to rely on personal vehicles for intercity travel. They cannot claim to be the solution to highway gridlock while simultaneously acting as the primary barrier to the region's only viable alternative. They profit from a 'green' image while forcing our residents into carbon intensive car dependency.

Because they control the only viable rail corridor, Norfolk Southern has consistently resisted efforts to restore this lost service. While specific restoration plans are still in the conceptual stage, the physical reality is that Norfolk Southern's absolute control over the infrastructure renders any future proposal infeasible by default.

This monopoly power also creates severe safety risks at our grade crossings:

1. **Systemic Access Blocks:** Norfolk Southern frequently parks trains that are up to three miles long across public roads. While I have personally documented this at the Dixon Street crossing in Allentown, where emergency and utility access is cut off, this is not an isolated incident. It is a daily reality at grade crossings across our entire valley, endangering residents and infrastructure in every municipality along the line.
2. **The "Passenger Blockade":** The railroad uses its market dominance to effectively veto any return of passenger service. Without federal intervention, they will continue to prioritize low speed freight storage over the movement of people.

If this merger is approved without conditions, Norfolk Southern will gain even more leverage to keep our region without heavy rail public transportation.

Therefore, I request that the Board condition any approval of this application on the mandatory creation of a "Passenger Rail Pilot Program" for the Lehigh Valley.

This is not just a local request, it is a state funded mandate. As confirmed by State Senator Nick Miller (14th District), the Commonwealth has already secured funding for Phase II of the Lehigh Valley Passenger Rail Transportation Study to operationalize this service. A federal merger approval that ignores this state level investment would effectively allow a private corporation to nullify Pennsylvania's transportation policy.

Specifically, this Pilot Program must guarantee the physical capacity needed to realize the goals of the ongoing Lehigh Valley Passenger Rail Analysis (Phase II) study. Without these binding conditions, any proposal to restore service will remain practically infeasible because Norfolk Southern currently holds total veto power over the necessary infrastructure.

To illustrate this power dynamic, I have included two exhibits below. Figure 1 represents the 'unofficial' vision, a map widely circulated by residents on community forums (Reddit) representing the public's desperate demand for connection. Figure 2 represents the official engineering deliverable from the Commonwealth's Phase I Feasibility Study.



Figure 1: *Unofficial visualization of proposed Lehigh Valley rail corridors circulated on Reddit (March 2023)*

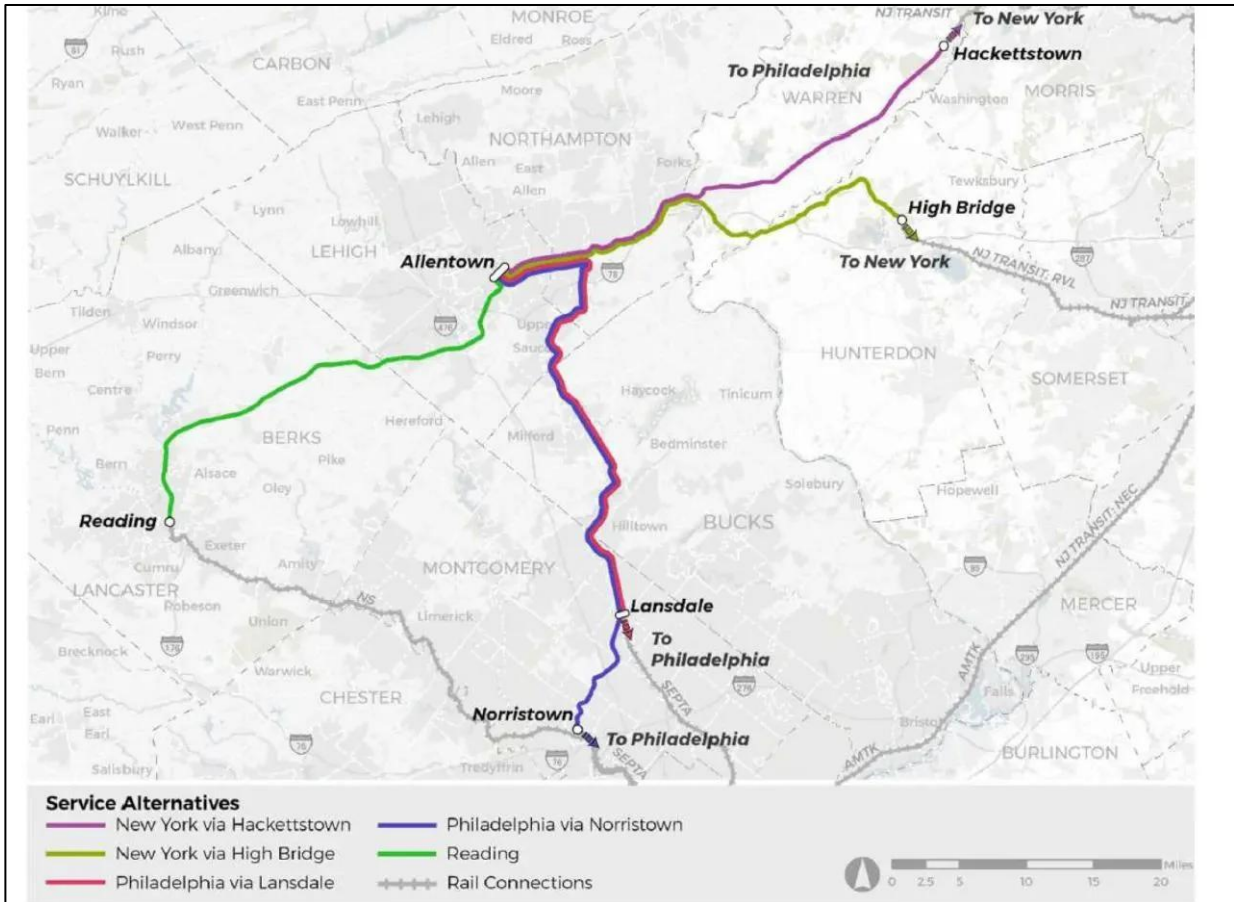


Figure 2: Official configuration from LV Passenger Rail Analysis: Phase I Feasibility Report (March 2024)

While one is a grassroots visualization and the other is a taxpayer funded technical document, they currently suffer from the same fatal flaw: Access being denied by Freight Rail.

Without the Board mandating a Pilot Program, the official government plan in Figure 2 has no more legal reality than the internet thread in Figure 1. The infrastructure exists, and the engineering works; only Norfolk Southern's refusal to share the Right of Way prevents the fantasy from becoming a service.

The divergence between Figure 1 and Figure 2 illustrates a market failure that only the STB can correct. Currently, the Commonwealth of Pennsylvania is investing millions of taxpayer dollars into the Phase II Passenger Rail Analysis to determine the operational details of this restoration. However, without a federal condition mandating access, this public investment is at risk of being rendered useless. If Norfolk Southern is permitted to consolidate further control without a corresponding obligation to share the corridor, they will retain the power to unilaterally veto the results of this state funded study.

Conclusion - The Surface Transportation Board's mandate is to ensure that rail mergers serve the public interest, not just the private efficiency of the carrier. A merger that cements a regional monopoly while actively blocking the restoration of passenger service does not meet that standard.

We ask only that you open the door. By conditioning this transaction on a Passenger Rail Pilot Program, the Board can ensure that the Lehigh Valley's future is determined by public need and engineering reality, rather than the closed-door policies of a single freight operator.

Sincerely,

Colin Finney
233 W. 27th St.
Northampton, PA, 18067

CERTIFICATE OF SERVICE

I hereby certify that on this day, January 29, 2026, a copy of the foregoing document was served by first class mail or electronic mail upon all Parties of Record on the Service List for Docket No. FD 36873.

/s/ Colin Finney