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PAUL D. TONKO

U.S. HOUSE OF REPRESENTATIVES
20TH DISTRICT, NEW YORK

COMMITTEE ON ENERGY AND COMMERCE
RANKING MEMBER, SUBCOMMITTEE ON ENVIRONMENT,
MANUFACTURING, AND CRITICAL MATERIALS
SUBCOMMITTEE ON ENERGY, CLIMATE, AND GRID SECURITY
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY

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ENTERED
Office of Chief Counsel
May 1, 2026
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May 1, 2026

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

Dear Chairman Fuchs and Members of the Surface Transportation Board:

I am writing to request that as you consider any merger between two rail companies you prioritize the health and safety of local communities. Railroads have significant impacts on the local economies and infrastructure where they operate, and it is essential that when they interact with local governments, community members, and interested parties, they do so in good faith. This is particularly relevant as you consider a pending merger between the Norfolk Southern and Union Pacific railroads.

On numerous occasions in my district in New York's Capital Region, railroads have refused to properly and meaningfully engage with community concerns regarding ongoing or potential rail service. To this effect, I sent a letter¹ to the Surface Transportation Board on May 9, 2022, regarding several issues brought to my attention by my constituents in relation to CSX's acquisition of railroads owned by Pan Am Railways, Inc. While many of these concerns were eventually addressed, remedial actions were long overdue and followed months and years of advocacy by myself, local officials, and community members.

When our communities are able to partner constructively with railroads, they foster economic development and positive community relations. However, when railroads exploit these agreements in a way that harms community interests, there are few mechanisms for reconciliation. Recently, Norfolk Southern announced plans to build a crew change station in Voorheesville, New York.² While the railroad and village had partnered beginning in 2021 to take advantage of new rail opportunities between Voorheesville and Ayer, Massachusetts, a crew change facility was not formally included as a part of this agreement. Several village officials and community members expressed concern that train lengths could block several railroad crossings, including afternoon dismissal of young children from a nearby elementary school.

¹ <https://tonko.house.gov/news/documentsingle.aspx?DocumentID=3610>

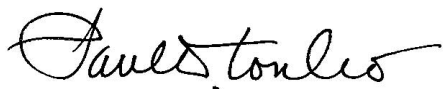
² <https://www.timesunion.com/business/article/voorheesville-withdraws-countersuit-norfolk-21279229.php>

The concerns that I raised in my 2022 letter, specifically regarding trains causing blockages that could reduce emergency service response times, are also present here. While I understand that Norfolk Southern has told a federal judge that the train lengths they plan to utilize will not cause any blockages, I remain concerned that the railroad has already overstepped a previous agreement and may do so again. To that end, I respectfully request that you require a meaningful mechanism for elected officials and community members to register complaints when there is a potential or ongoing disruption, and that such disputes are resolved as quickly and satisfactorily as possible. While some reporting mechanisms exist, such as emergency hotlines, I have heard concerns that they do not have a strong enough enforcement mechanism to ensure that issues, for example idling trains, have been addressed in a proper or timely manner.

I respectfully request that the Surface Transportation Board approve the merger only on these conditions and request that the Board provide an update on the status of the merger at its earliest convenience. Your consideration, consistent with all laws, rules, agency policy and procedure, is appreciated.

Thank you, and I look forward to your reply.

Sincerely,

A handwritten signature in black ink, reading "Paul D. Tonko". The signature is fluid and cursive, with the first name "Paul" and last name "Tonko" clearly legible.

Paul D. Tonko
Member of Congress