



SUPER NEIGHBORHOOD 64 & 88

GREATER EASTWOOD, LAWDALE, & WAYSIDE

311248

May 1, 2026

Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Chief Counsel
May 1, 2026
Part of
Public Record

**RE: STB Finance Docket No. FD 36873, Union Pacific / Norfolk Southern Merger
Application — Comment on the Revised Application Filed April 30, 2026**

To Chairman Fuchs and Members of the Surface Transportation Board:

I submit this comment on behalf of Super Neighborhoods 64 and 88, representing approximately 23,000 residents in Houston's Greater Eastwood, Lawndale, and Wayside neighborhoods. We filed formal comments on December 29, 2025, regarding the original UP-NS application. That filing was among the record materials informing the Board's unanimous decision on January 16, 2026 (PR-26-02) to reject the application as incomplete.

We've reviewed the applicants' Revised Application dated April 30, 2026, and submit this comment identifying material gaps as they relate to Houston. We respectfully request that the Board decline to find the application complete until the missing information is entered into the record.

While the Revised Application addresses some Board concerns, on the issues most critical to Houston's East End, it remains materially unchanged from the application previously rejected. The filing continues to lack localized detail sufficient to support informed public review.

1. Blocked-crossing requirement is unaddressed

Section 1180.8(a)(2) requires disclosure of measures to address potentially blocked crossings arising from merger-related operational changes or traffic increases. The Revised Application addresses this requirement in a single paragraph at App. Vol. 1, p. 101. The operative statement defers all substantive analysis to the environmental review process.

Although that deferral is permitted, it has a direct procedural consequence: the completeness record and public comment period close without any substantive blocked-crossing analysis. The Office of Environmental Analysis will develop this information later, on a separate timeline. As a result, the public is asked to comment without access to core operational impacts.

The Eastwood Civic Association has documented conditions at FRA crossing 859522Y on the Galveston Subdivision from November 2021 through April 2026. In March and April 2026,



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between 30 and 34 percent of trains blocked the crossing, with average stoppages of approximately 30 minutes. Traffic at this location increased 27 percent between 2022 and 2025.

The Revised Application does not analyze how the proposed traffic increases will affect these conditions or adjacent crossings.

We request that the Board require a substantive § 1180.8(a)(2) blocked-crossing exhibit before closure of the comment period. That exhibit should include pre- and post-merger forecasts for all UP-served Harris County crossings, segment-level blockage analysis, and proposed mitigation measures.

2. Failure to acknowledge Houston air-quality threshold exceedances

Houston-Galveston-Brazoria is a severe ozone non-attainment area under the Clean Air Act. Under 49 C.F.R. § 1105.7(e)(5)(ii), an air-quality analysis is required when thresholds are exceeded for rail traffic, train frequency, or yard activity.

Applicants' own Electronic Appendices Q, R, S, and T indicate multiple threshold exceedances:

- Englewood Yard shows a 20.15% increase in workload (App. Vol. 2, Electronic Appendix Q), exceeding the 20% yard threshold.
- Settegast Yard shows a 148.95% increase in lift activity (Electronic Appendix R), well above the threshold.
- The Lafayette Subdivision (Dawes to Tower 87) shows an increase of 5.00 trains per day (Electronic Appendix T), exceeding the 3-train threshold.

Where thresholds are met, § 1105.7(e)(6) requires noise analysis and identification of sensitive receptors. The Revised Application identifies none.

Schools (including Lantrip Elementary and Eastwood Early High School), churches, residential blocks, and other sensitive uses in the corridor are not identified.

The application's environmental discussion promotes network-level benefits without disclosing localized, Houston-specific impacts.

We request that the Board require written acknowledgment of threshold exceedance in Houston and direct the Environmental Impact Statement to quantify air and noise impacts at the segment and yard level, including identification of all sensitive receptors within one-half mile of affected corridors.



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3. Omission of Englewood–Settegast cancer cluster

The Englewood-Settegast Yard complex includes the former Houston Wood Preserving Works site, which operated from approximately 1911 through 1984 and involved creosote and pentachlorophenol contamination. Contaminants migrated into soil and groundwater beneath more than 110 homes in Kashmere Gardens.

The Texas Department of State Health Services confirmed elevated cancer rates, including lung, esophageal, larynx, bronchus cancers, and childhood leukemia, in 2019 and 2021. The Houston Health Department and EPA maintain public information on the site and associated cancer cluster. The City of Houston established a Relocation Strike Team in 2023 and authorized \$5 million for voluntary relocation.

The Revised Application proposes a 20.15% expansion at Englewood Yard and a 148.95% expansion at Settegast Yard. It does not address existing contamination, documented health disparities, or environmental justice conditions in surrounding communities.

We request an environmental justice analysis covering Fifth Ward, Kashmere Gardens, Northside, and East End communities, including cumulative impacts of proposed operational increases.

4. Insufficient land-use and right-of-way disclosure for Settegast expansion

The application describes Settegast expansion as “558 paved parking stalls and PGT Lite automated gate technology” (SAP ¶ 98, App. Vol. 2 ≈ p. 917), with a capital cost of \$34.4 million.

The application does not identify possible right-of-way impacts, displacements, or anticipated acquisition plans associated with the proposed expansion.

Available information suggests the project may affect public right-of-way along Kirkpatrick Road, which provides access to a depository facility serving nearby residents. Despite the potential for direct community impacts, no public consultation has been disclosed.

Applicants should be required to provide parcel-level disclosures detailing all right-of-way impacts, affected properties and uses, alternatives considered, and community engagement efforts. Where such engagement has not occurred, the Board should require applicants to conduct meaningful outreach before further consideration.

5. Questionable support letter integrity

The Revised Application carries forward approximately 2,000 letters of support from October–November 2025 and continues to rely on them in present-tense form to support its public-interest showing. These letters predate release of the Operating Plan, Service Assurance Plan, and traffic forecasts in Electronic Appendices Q–T.



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Two docketed filings demonstrate subsequent withdrawals or corrections:

- STB filing 310966 (Mar. 10, 2026): Harris County Precinct 1 Commissioner Rodney Ellis states a Trees For Houston letter (App. Vol. 3, p. 2144) listed his name on its Board of Advisors, but that "neither I nor my office reviewed, authorized, or approved that letter," and that Trees For Houston's use of his name does not "confer authority to speak on my behalf or to imply my support for this merger in any way." Commissioner Ellis stated that he stands with the residents of Settegast and Greater Fifth Ward in demanding environmental justice and accountability from Union Pacific.
- STB filing 310831 (Feb. 4, 2026): USD Group LLC retracts its prior support and takes no position. USD Group's original September 2025 letter was a letter of support. The follow-up letter retracts that position, concluding: "USD Group does not, by this submission, take a position for or against any specific merger proposal."

We request that the Board require certification under § 1104.3 and § 1180.4 that all listed support remains valid as of the Revised Application filing date, and that withdrawn or disavowed letters be excluded from any public-interest tally.

6. Houston is disproportionately impacted relative to mitigation commitments

Table 14 (App. Vol. 2 ≈ p. 931) identifies \$923,273,000 in merger-related capital. Houston receives \$34,421,000 for Settegast Yard—3.7% of total—despite being a principal growth location identified in applicants' own data.

Beyond capacity expansion at Settegast, the application identifies zero mitigation investment addressing blocked crossings.

7. Precedent supports heightened scrutiny

The 2023 CPKC merger included extensive mitigation conditions, including service oversight, operational restrictions, and quiet-zone funding. The UP-NS proposal is significantly larger but lacks comparable conditions.

The 1996 UP-SP merger resulted in the "Houston meltdown," which disrupted rail service nationwide and led to major economic impacts in Texas. The Board subsequently revised its merger rules in 2001 in response to those failures.

The Revised Application places Englewood Yard as a contingency node within the Service Assurance Plan while simultaneously projecting substantial increases in baseline activity at Englewood and Settegast. No analysis is provided of combined stress scenarios.

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We request that the Board require a direct accounting of how the current operating plan avoids repetition of the 1996 failure modes.

Request Summary

We respectfully request that the Board:

- Decline to find the application complete absent a Houston-specific blocked-crossing exhibit filed before the close of public comment
- Require acknowledgment of § 1105.7(e)(5)(ii) threshold exceedances in Houston and segment-level air/noise analysis
- Require a Houston-specific environmental justice analysis addressing Fifth Ward, Kashmere Gardens, Northside, and East End
- Require parcel-level disclosure of Settegast expansion impacts
- Require re-certification of all support letters and exclusion of disavowed filings
- Require blocked crossing mitigation commitments
- Impose conditions comparable in scope to the 2023 CPKC merger, adjusted for scale.
- Conduct public hearings in Houston's East End

The Board found the original Application incomplete. The Revised Application improves structure but still fails to address several core issues affecting Houston. We respectfully request that the Board hold this filing to the same standard.

Thank you for your consideration.

Respectfully,



Lindsay Williams

President, Super Neighborhoods 64 and 88

cc: All Parties of Record



October 21, 2025

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

Subject: Support for Union Pacific and Norfolk Southern Merger, Docket Number: FD 36873

Dear Chairman Fuchs:

As a community stakeholder in the greater Houston region, reliable rail service is essential for our local economy, businesses and residents. The proposed Union Pacific–Norfolk Southern merger offers an opportunity to strengthen these connections and deliver long-term benefits.

The merger promises faster, more dependable service, reduced congestion and expanded market reach for our businesses. It also means continued investment in rail infrastructure – enhancing safety, creating jobs and ensuring our community remains competitive in a growing economy.

On behalf of Trees For Houston, I respectfully ask the Surface Transportation Board to approve this merger so we can take advantage of the efficiencies, investments and opportunities it will bring - connecting our communities regionally, nationally and across the globe.

Sincerely,

cc: Member Schultz
Member Hedlund

Chairman
Rhett Rentrop
President
Tom Flaherty
Vice Presidents
Barton Kelly
Larry W. Nettles
Treasurer
Pat McCelvey
Secretary
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Seth Flechsig
Mack Fowler
Debbie Gregg
Lauren Griffith
Olive Allen Hughes
Tai G. Ingram
Shawn Jackson
Bill King
Doug Knaus
Marc Laborde
David Marks
Laura Mayer
Tim McConn
Sarah Newbery
David Ott, Jr.
Lindsay Parker
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John M. Kirksey, Jr.
Shelton Mitchell
Vivie O'Sullivan
Francey Hawkins Pengra
Susan Sample
Jason Sexton
George Wm. Strake III
Brad Trentham
Duncan K. Underwood
Joe Bill Whittenburg
Carla Wyatt
John T. Young, Jr.

HARRIS COUNTY
COMMISSIONER RODNEY ELLIS



PRECINCT ONE
PUBLIC SERVICE • FAIR OPPORTUNITY • EQUAL JUSTICE

February 25, 2026

FD 36783

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

310966

ENTERED
Office of Chief Counsel
March 10, 2026
Part of
Public Record

Dear Chair Patrick J. Fuchs,

It has come to my attention that on October 21, 2025, Trees for Houston submitted a letter to the Surface Transportation Board in support of the proposed Union Pacific–Norfolk Southern merger and listed “Rodney Ellis” among its Board of Advisors. While my office values the organization’s work, neither I nor my office reviewed, authorized, or approved that letter, and Trees for Houston’s use of my name as an “Advisor” does not confer authority to speak on my behalf or to imply my support for this merger in any way.

My position has been and remains clear: I stand with the residents of Settegast and Greater Fifth Ward in demanding environmental justice, including meaningful reductions in emissions and particulate matter that harm families, and real accountability from Union Pacific and other polluters operating in and around these communities. Any proposed action that risks increasing heavy traffic, air pollution, or cumulative health burdens in these neighborhoods is a matter of serious concern, and I will continue to evaluate it through that lens of community health, equity, and environmental protection for frontline neighborhoods.

Please consider this letter a clarification of my position for the record and an explanation that Trees for Houston’s prior correspondence should not be interpreted as reflecting my views or speaking on my behalf. Going forward, any communication that appears to convey my position, or that references my name, office, or title in support of this or any related policy matter, should be based solely on statements issued or expressly approved of by me and my office.

We value our relationship with Trees for Houston and look forward to discussing this matter further to ensure continued alignment in our shared commitment to equity and environmental stewardship.

Sincerely,

Rodney Ellis



USD GROUP

310831

ENTERED
Office of Chief Counsel
February 4, 2026
Part of
Public Record

02/03/2026

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Docket No.: FD 36873

Subject: Follow-up to previously submitted letter commenting on the proposed Union Pacific and Norfolk Southern Merger

Dear Chief of Case Administration,

Previously, prior to the formal application submittal in December, USD Group LLC submitted a letter of support in September regarding the proposed UP and NS merger, highlighting the importance of rail to our economy and the criticality of developing new and unique supply chain solutions for shippers across our country and its citizens – an example being the proposed merger. After review of the filing in December, this letter was transmitted to the Board on December 29, 2025 for inclusion in the public record. Today, we are resubmitting this letter for purposes of ensuring inclusion in the public docket. There are a few areas that need special attention in review related to both proposed concessions as well as potential impacts to competitive routings – both if not constructive, could pose negative impacts to shippers and the industry at large.

We understand that the application was rejected on January 19, 2025 due to incompleteness. If and when a revised application is accepted for review, any claimed benefits should be subject to careful verification and enforceable implementation.

As a reminder, our company depends on efficient, reliable, and cost-effective rail service to meet the needs of joint customers and to ensure the safe, timely delivery of products across the country. At USD Group, we develop supply chain solutions across a wide range of commodities, modes of transport and transportation lanes to markets both nationally and internationally, working with all the Class 1 Railroads. The American freight rail network is a critical component of our supply chain, allowing us to move large



volumes efficiently and sustainably. We understand the importance of rail to our business and our national economy. We also understand firsthand how these rail networks need new investments, and new commitments for growth and innovation.

Since the proposed merger announcement in July 2025, many positive rail network enhancements have transpired through the good work of our Class 1 Railroads, examples:

- BNSF & CSX collaboration launching faster, seamless intermodal services, like those connecting the Pacific Northwest (PNW) to Chicago and the Ohio Valley/Northeast
- BNSF's new Phoenix-Atlanta intermodal services aiming to convert trucking traffic to rail for increased intermodal growth
- CPKC's & CSX's rail network alliance with focus on the Southeast and the proposed new service linkage to Mexico – Southeast Mexico Express

These enhancements, and others not listed, show that rail mergers are not the only way to improve service reliability, reduce transit times and expand market reach/access. As previously stated, there are many ways in which rail service can and must be enhanced, including actions like those listed above and others such as increased investment in capacity, implementation of improved technologies and focus on more streamlined communications between carriers and its shippers. It is critical that these actions be actionable and priorities for our rail network.

Again, if and when a revised merger application is accepted for formal review, any proposed benefits must be verified and implemented successfully. Taking trucks off the road and creating more cost-effective efficiencies benefit all in the rail supply chain. Similarly, UP and NS propose that the merger provides a pathway to more efficient single-line service options as well as unified operating routing and national network connectivity, if true, both benefit the future of goods movement in the US. Proper consideration of enhanced competition through open gateway commitments and pricing are a must and could unlock some latent benefits to the supply chain.

That said, there is validity in the posed challenges with regards to a transcontinental merger triggering wide reaching permanent restructuring of the industry and a resulting rail network with a disproportionately advantaged carrier, putting truth to Keith Creel's, CPKC President and CEO, comments that: "This will likely result in an unnecessary

wave of railway mergers that today is not the best way to support American businesses nor the public interest, and has the potential to create more issues than it solves", adding legitimacy to BNSF's positions regarding the merger creating "too much market power, limiting shipper choice and creating an increase in captive shippers". It is also important to note that historic follow-through on past merger commitments has not been perfect, creating increased risk regarding the potential for negative impacts associated with this proposed change to our rail landscape, not to mention potential near-term impacts associated with its implementation if done poorly. In short, a mass consolidation of the 6 Class 1 railroads to effectively 2 could be an unintended consequence that needs careful consideration.

Given the above, it is critically important that the STB review all the facts and sort out all the fiction. The facts must prevail and guide not only the STB, but the industry at large towards the right decision and ultimate trajectory of arguably our most important supply chain network in the United States. We again want to make clear the understanding that regulatory review is an important part of this process, and we urge the relevant authorities to carefully consider the facts, both positive and negative, that impact this merger, and how it will influence businesses like ours and the broader economy to include any potential unintended consequences.

USD Group does not, by this submission, take a position for or against any specific merger proposal. Rather, this letter is intended to preserve in the public record the categories of issues that we believe warrant careful scrutiny should a revised application be accepted for review.

Thank you for your service to our great Country, your task here is very important and will no doubt have a lasting impact on our collective future. We stand ready to do our part to ensure a positive outcome with this decision and in support of our supply chain and goods movement in the United States.

Sincerely,



Joshua D. Ruple

EVP & COO, USD Group LLC
811 Main, Suite 2800
Houston, TX 77002
www.usdg.com

CERTIFICATE OF SERVICE

I hereby certify that I have caused this document to be served electronically or by first class or express mail, postage pre-paid, on all parties of record in this proceeding.



Joshua D. Ruple
February 3, 2026

Monthly Summary: Train Throughput & Blockages

Crossing: Eastwood & Rusk (859522Y - GALVESTON SUB)

2021	Month	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	Jun 2021	Jul 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Total 2021	Average
	# of Trains	-	-	-	-	-	-	-	-	-	-	148	152	300	150
	# of Trains w/ Blockage >10 Minutes	-	-	-	-	-	-	-	-	-	-	59	63	122	61
	% of Trains w/ Blockage >10 Minutes	-	-	-	-	-	-	-	-	-	-	40%	41%	41%	41%
	Total Duration of Blockages (hrs)	-	-	-	-	-	-	-	-	-	-	87.82	51.50	139.32	69.66
	% of month w/ a Blockage	-	-	-	-	-	-	-	-	-	-	12%	7%	10%	10%
	Longest Single Blockage (Hours)	-	-	-	-	-	-	-	-	-	-	8.63	3.80	8.63	6.22
	Avg. Length of Blockage (Minutes)	-	-	-	-	-	-	-	-	-	-	87.82	48.28	136.10	68.05
	# of days in month											30	31	61	31

Monthly Summary: Train Throughput & Blockages

Crossing: Eastwood & Rusk (859522Y - GALVESTON SUB)

2022	Month	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Total 2022	Average
	# of Trains	160	166	188	161	168	157	141	166	165	135	101	114	1822	152
	# of Trains w/ Blockage >10 Minutes	41	48	63	60	62	58	54	69	57	26	27	39	604	50
	% of Trains w/ Blockage >10 Minutes	26%	29%	34%	37%	37%	37%	38%	42%	35%	19%	27%	34%	33%	33%
	Total Duration of Blockages (hrs)	35.23	45.23	72.85	45.32	48.83	87.43	75.97	73.95	62.25	18.03	28.57	29.10	622.77	51.90
	% of month w/ a Blockage	5%	7%	10%	6%	7%	12%	10%	10%	9%	3%	5%	5%	7%	7%
	Longest Single Blockage (Hours)	2.63	4.38	4.70	5.70	3.68	6.50	6.02	6.80	4.10	2.25	5.50	3.28	6.80	4.63
	Avg. Length of Blockage (Minutes)	49.16	71.54	68.30	45.32	58.45	90.45	84.41	74.42	65.53	33.81	63.48	44.77	749.64	62.47
	# of days in month	31	28	31	30	31	30	31	31	30	29	22	24	348	29
											*2 days missing	*8 days missing	* 7 days missing		

Monthly Summary: Train Throughput & Blockages

Crossing: Eastwood & Rusk (859522Y - GALVESTON SUB)

2023	Month	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Total 2023	Average
	# of Trains	131	121	148	153	N/A	165	180	189	180	190	184	N/A	1641	164
	# of Trains w/ Blockage >10 Minutes	39	51	55	59	N/A	67	69	55	39	61	58	N/A	553	55
	% of Trains w/ Blockage >10 Minutes	30%	42%	37%	39%	N/A	41%	38%	29%	22%	32%	32%	N/A	34%	34%
	Total Duration of Blockages (hrs)	29.45	40.97	39.22	34.50	N/A	39.43	44.97	33.68	28.02	53.97	37.92	N/A	382.12	38.21
	% of month w/ a Blockage	4%	6%	5%	5%	N/A	5%	6%	5%	4%	7%	5%	N/A	5%	5%
	Longest Single Blockage (Hours)	6.63	11.65	3.32	3.45	N/A	5.35	3.72	3.22	5.43	7.78	4.37	N/A	11.65	5.49
	Avg. Length of Blockage (Minutes)	45.31	48.20	42.78	35.08	N/A	34.79	39.10	36.75	43.10	53.08	39.22	N/A	417.42	41.74
	# of days in month	31	28	31	30		30	31	31	30	31	29		302	30
						* no data this month							*no data this month		

Monthly Summary: Train Throughput & Blockages

