

May 8, 2026

311309

VIA ELECTRONIC FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

ENTERED
Office of Chief Counsel
May 8, 2026
Part of
Public Record

Re: *UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY—
CONTROL—NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY*, Docket No. FD 36873

Dear Members of the Board:

The undersigned represents the New Jersey Transit Corporation (“NJ TRANSIT”) in the above named proceeding and submits this letter on behalf of NJ TRANSIT’s review of the April 30, 2026 application (“Amended Application”) for control by Union Pacific Corporation, the Union Pacific Railroad Company, the Norfolk Southern Corporation, and Norfolk Southern Company (together “Applicants”) and the Board’s request to provide comments on the completeness of the Amended Application by May 8, 2026. NJ TRANSIT filed a Notice of Intent to Participate in this proceeding on November 17, 2025.

NJ TRANSIT covers a service area of 5,325 square miles and is the nation's third largest provider of bus, rail, and light rail transit, linking major points in New Jersey, New York, and Pennsylvania. NJ TRANSIT’s rail operations include twelve commuter rail lines, serve 116 municipalities with rail services, and cover 920.80 directional route miles. On average, NJ TRANSIT rail customers take 197,716 trips on weekdays. NJ TRANSIT operations share right of way and track with Norfolk Southern Railway Company (“NS”) trains along the Lehigh Line¹ through NS’s operations on Conrail Shared Assets Operations (“CSAO”), and along the Southern Tier Line through NS’s trackage rights over NJ TRANSIT’s Main and Bergen County Lines. Finally, in certain areas that NJ TRANSIT owns railroad rights of way, NS retains freight easements and trackage rights.

Based on NJ TRANSIT’s review of the Amended Application, NJ TRANSIT submits the following observations to the Board. First, NJ TRANSIT did not find in the full system impact analysis any plans to accommodate planned traffic increases on lines operated by NS, including

¹ NJ TRANSIT’s Raritan Valley Line operates over a segment of the Lehigh Line as part of NJ TRANSIT’s commuter rail operations.

the CSAO. While the Amended Application projects traffic increases to occur on the CSAO's Lehigh Line as a result of the proposed transaction, the Amended Application includes no analysis of any impacts to passenger trains operating in CSAO territory, including impacts to NJ TRANSIT's operations. The Amended Application additionally lacks information on the Applicants' plans to accommodate those increases on the Lehigh Line, particularly between Manville and Newark, New Jersey.

Second, in the Operating Plan, the Applicants have not provided any data on the transaction's impacts on NJ TRANSIT's commuter operations. Indeed, NS holds operating rights over most of NJ TRANSIT's lines, including its Pascack Valley Line, Bergen Line, Main Line, Montclair-Boonton Line, Morristown Line, Gladstone Branch, and Raritan Valley Line. Increased frequency of freight operations on these lines could materially and negatively impact NJ TRANSIT's commuter operations.

Finally, while the amended Service Assurance Plan acknowledges that NS operates over rail lines owned by NJ TRANSIT pursuant to a trackage rights agreement and states that coordination of operations for those lines is handled locally, NJ TRANSIT did not find any details of those impacts in the Amended Application. NJ TRANSIT is concerned about the lack of information on how Applicants will ensure that NJ TRANSIT can continue to facilitate current levels of commuter services on their lines should the Board approve the transaction.

Through the submission of this letter, NJ TRANSIT is not advancing a position on the acceptance or rejection of the Amended Application and is reserving its right to provide comments later in the proceedings. NJ TRANSIT respectfully requests that the Board review NJ TRANSIT's above comments as part of its consideration of the completeness of the Amended Application. NJ TRANSIT further requests that, if and when the Board sets a procedural schedule for this transaction, that the Board provide ample time for the Applicants' preparation and production of the outstanding information that NJ TRANSIT highlights in this letter, and also that the Board allow ample time for NJ TRANSIT and other interested parties to review and comment on this additional information.

Respectfully Submitted,



Ayelet Hirschhorn

CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of May 2026, served copies of NJ TRANSIT'S Comment Letter on Completeness of Applicant's Amended Application to be served by first-class mail or email on all parties of record in this proceeding, the Secretary of Transportation, the Attorney General of the United States, and Administrative Law Judge Jenifer Soulikias.



Ayelet Hirsch Korn
Kaplan Kirsch LLP
1500 Broadway
Suite 1605
New York, NY 10036
(929) 458-6975
Email: ahirsch Korn@kaplankirsch.com