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Office of Chief Counsel
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Public Record

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May 17th, 2026

VIA ELECTRONIC FILING
Chairman Patrick Fuchs
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD 36873, Union Pacific Corp., et al. - Control - Norfolk Southern Corp., et al. - Resident Blocked Crossing Comment, Response to Applicants' May 12, 2026, Filing On Merger Application Completeness

To Chairman Fuchs and members of the Surface Transportation Board:

The Board is expected to determine by May 30, 2026 whether Applicants' Amended Application filed April 30, 2026 satisfies the completeness requirements under 49 C.F.R. Part 1180.

I am a resident of the Eastwood neighborhood in Houston's East End, an area directly and materially affected by Union Pacific operations within the Houston rail complex. For the reasons stated below, the Board should decline to find the application complete.

I. Failure to Disclose Required Grade-Crossing Mitigation

Section 1180.8(a)(2) requires applicants to provide information regarding measures to address potentially blocked grade crossings resulting from merger-related operational changes or increases in rail traffic.

Applicants have not disclosed:

- crossing-level impacts,
- projected blockage duration changes, or
- specific mitigation measures tied to anticipated traffic growth

Absent these disclosures, affected communities and the Board cannot meaningfully evaluate public-interest impacts. The omission alone renders the application incomplete.

II. Reliability of Applicant Representations

The enhanced merger rules adopted in 2001 were expressly designed to ensure transparency, evidentiary reliability, and full disclosure before the Board proceeds to substantive review.

Applicants' public representations regarding train lengths and operational impacts before and during the application submission period raise significant concerns regarding the reliability of evidence produced and statements made.

III. The Houston Blocked-Crossing Reality

In Houston's East End, prolonged grade-crossing blockages are not isolated incidents; they occur daily and affect emergency response, mobility, and neighborhood access.

Data from the Federal Railroad Administration's Public Blocked Crossing Incident Reporter show:

- Nine of the ten most-reported blocked crossings nationwide originated in Houston, all located in the East End; and
- In 2025, all ten of the most-reported blocked crossings nationwide were located in Houston's East End.

These conditions form the baseline against which any merger-related traffic increases must be evaluated. Applicants' failure to address them prevents meaningful public-interest review.

IV. Pattern of Inconsistent Public Representations

During the 89th Texas Legislative Session, State District 143 Representative Ana Hernandez introduced HB 1564, addressing lengths of trains operating in Texas.

At an April 3, 2025, hearing before the Texas House Transportation Committee, Senior Union Pacific Public Affairs representative Raquel Espinoza testified in opposition to the legislation while identifying herself as representing Union Pacific.

Later in the same hearing, Espinoza appeared again, this time on behalf of the Texas Railroad Association. This nonprofit promotes rail safety initiatives, including blocked-crossing awareness. She didn't clearly articulate which organization she was representing at that time, and Committee Chair Tom Craddick had to stop proceedings and seek clarification.

The episode illustrates a broader concern relevant to the Board's review. Representatives compensated by Union Pacific have, in public proceedings, presented advocacy under multiple organizational affiliations without clear contemporaneous disclosure, creating the potential for inconsistent or misleading messaging regarding operational impacts and safety issues.

At that same hearing, Union Pacific represented that it operates trains with an average length of 7,500 feet. However, the company's publicly reported quarterly earnings disclosures reflect substantially longer average train lengths:

- 1Q 2024 — 9,287 feet
- 2Q 2024 — 9,544 feet
- 3Q 2024 — 9,580 feet
- 4Q 2024 — 9,462 feet

- 1Q 2025 — 9,490 feet
- 2Q 2025 — 9,689 feet
- 3Q 2025 — 9,801 feet
- 4Q 2025 — 9,729 feet

Supporting materials are provided as Exhibit A.

V. Duty of Candor Before the Board

The Board strengthened merger review procedures following earlier rail consolidations that produced widespread service disruptions. Under Part 1180, applicants bear the burden to demonstrate that:

- projections are credible,
- impacts are fully disclosed, and
- communities and regulators can rely on the evidentiary record

Applicants are obligated to provide truthful, accurate, and complete information under:

- 49 U.S.C. § 11324 (public-interest review);
- applicable federal administrative law standards; and
- federal prohibitions on false statements to federal agencies, including 18 U.S.C. § 1001.

Material omissions or misleading representations undermine the integrity of the administrative record and warrant heightened scrutiny at the completeness stage.

VI. Requested Actions

I respectfully request that the Board:

1. Decline to find the Amended Application complete until Applicants disclose, on the record and at the segment- and crossing-specific level, projected blocked-crossing impacts within the Houston rail complex together with proposed mitigation measures.
2. Open a public-interest record on the conduct of Union Pacific's representatives and retained lobbyists, given the documented inconsistency between their public statements and the company's own filing and publicly disclosed operational data.
3. Require applicants to certify under §§ 1104.3 and 1180.4 that all support letters in the docket remain valid and authorized as of the Revised Application filing date, and exclude from any public-interest tally those letters that have been withdrawn, retracted, or filed without the named party's authorization.
4. Require Applicants to identify which Houston-area capital projects constitute merger-related investment versus pre-existing operational commitments.
5. Exclude from any public-interest accounting support letters that have been withdrawn, retracted, or submitted without authorization.
6. Conduct public hearings in Houston's East End so directly affected residents may present testimony regarding existing operating conditions and anticipated merger impacts.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'N' followed by a series of loops and a final flourish.

Nathaniel Lukefahr
Houston, Texas

cc: Parties of Record

Exhibit A

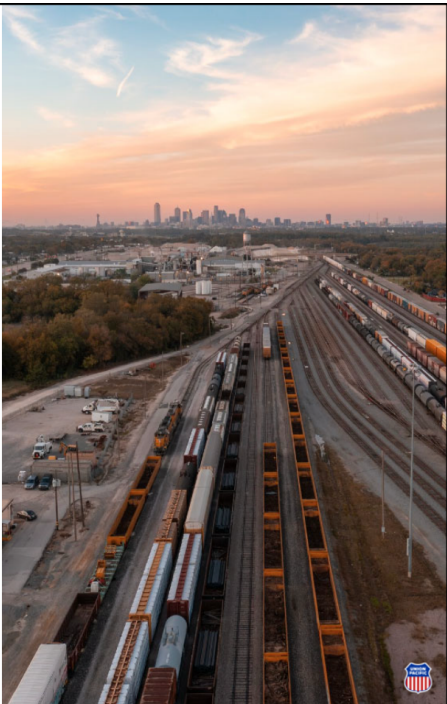
Quarterly Average Train Lengths Reported by Union Pacific — Fiscal Year 2024

FIRST QUARTER 2024

Key Efficiency Metrics

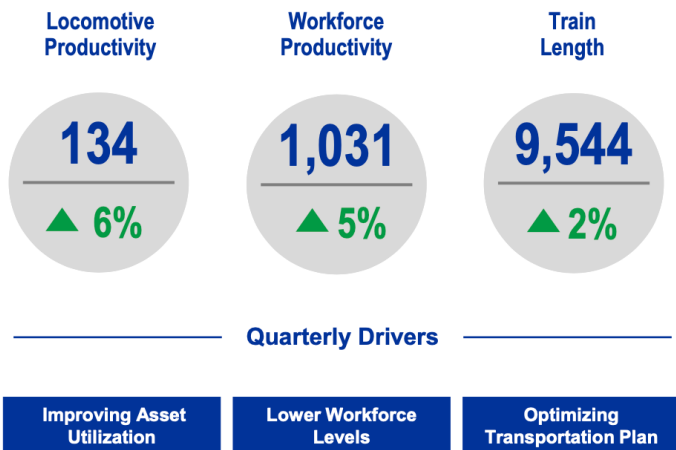


13 Year-over-year change in metrics.

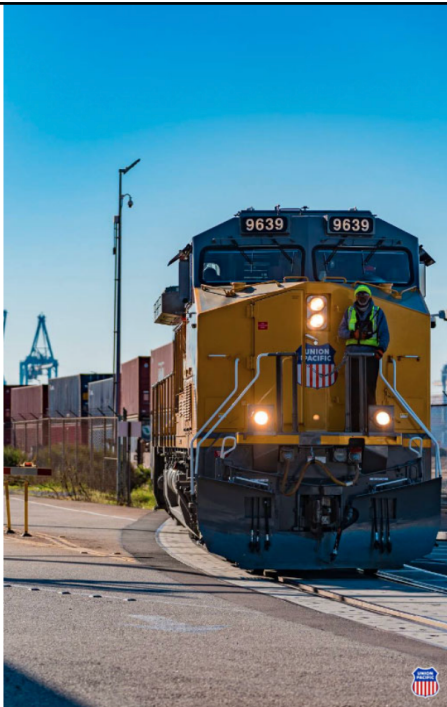


SECOND QUARTER 2024

Key Efficiency Metrics



13 Year-over-year change in metrics.



THIRD QUARTER 2024

Key Efficiency Metrics

Locomotive
Productivity

135

▲ 5%

Workforce
Productivity

1,102

▲ 12%

Train
Length

9,580

Flat

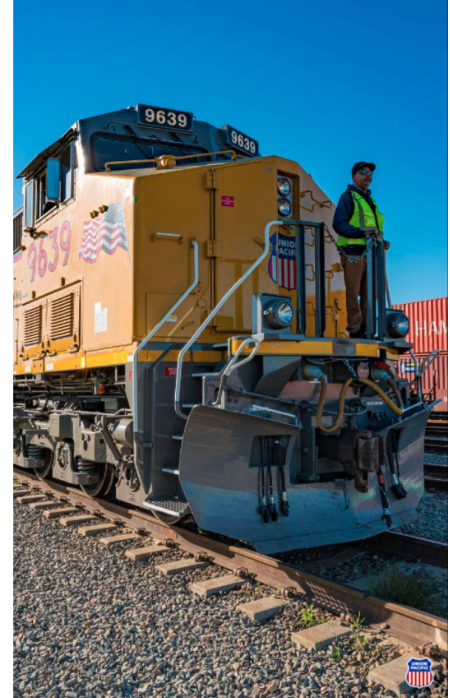
Quarterly Drivers

Reduced Locomotive
Dwell

Lower Workforce
Levels

Optimizing
Transportation Plan

13 Year-over-year change in metrics.



FOURTH QUARTER 2024

Key Efficiency Metrics

Locomotive
Productivity

136

▼ 3%

Workforce
Productivity

1,118

▲ 6%

Train
Length

9,462

▲ 1%

Quarterly Drivers

Utilizing Buffer
Resources

Lower Workforce
Levels

Optimizing
Transportation Plan

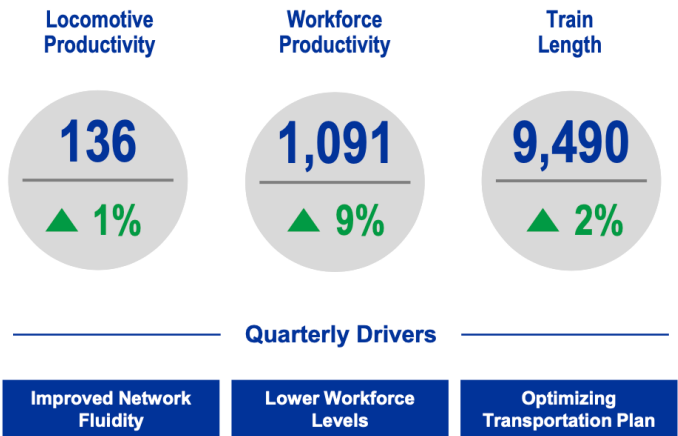
14 Year-over-year change in metrics.



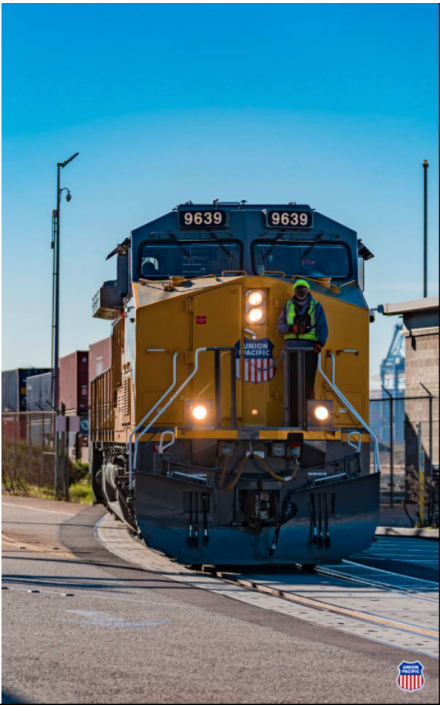
Quarterly Average Train Lengths Reported by Union Pacific — Fiscal Year 2025

FIRST QUARTER 2025

Key Efficiency Metrics

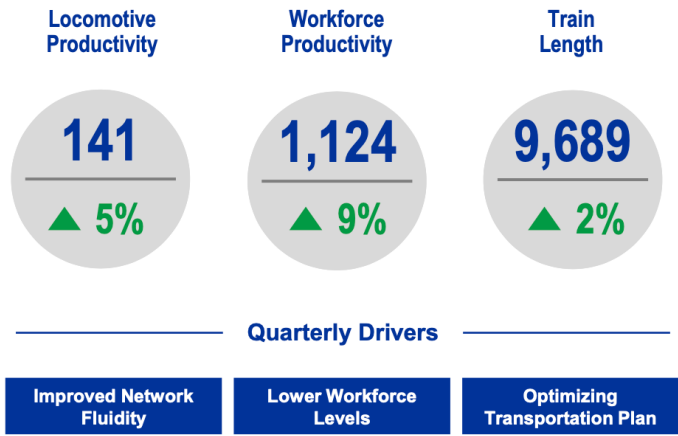


13 Year-over-year change in metrics.



SECOND QUARTER 2025

Key Efficiency Metrics

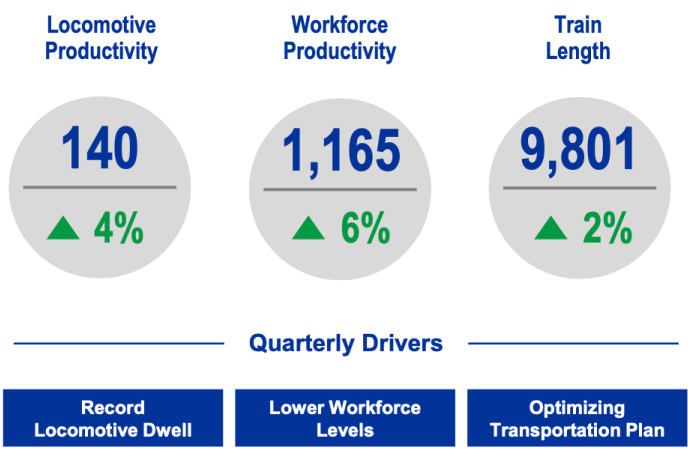


13 Year-over-year change in metrics.



THIRD QUARTER 2025

Key Efficiency Metrics

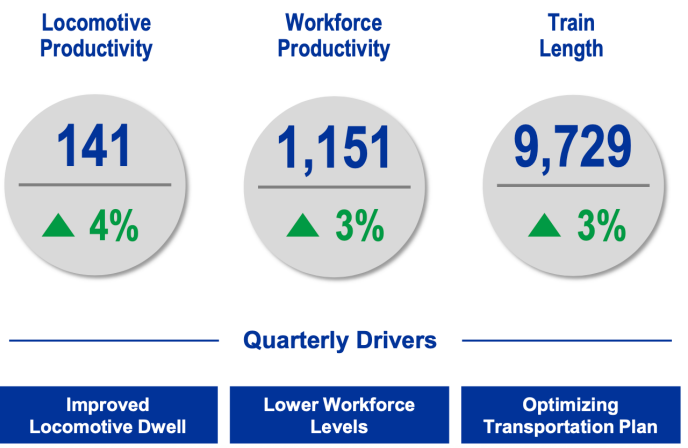


14 Year-over-year change in metrics.



FOURTH QUARTER 2025

Key Efficiency Metrics

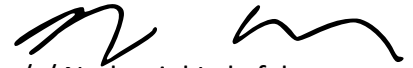


14 Year-over-year change in metrics.



CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 2026, the foregoing comment was filed electronically with the Surface Transportation Board through its e-filing system, which serves all parties of record in this proceeding, including the Secretary of Transportation, the Attorney General of the United States, and Administrative Law Judge Jenifer Soulikias.


/s/ Nathaniel Lukefahr