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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. – Reply Regarding the Completeness of the Amended Application and the Treatment of Blocked Crossings

To Chairman Fuchs and members of the Surface Transportation Board:

The Board is expected to decide by May 30, 2026, whether the Amended Application in this docket is complete. I am a resident of Houston's East End, living near the Union Pacific main lines, and ask the Board to look closely at a contradiction at the center of the Applicants' May 12, 2026, reply on completeness (UP-51/NS-49).

Applicants assert that the Amended Application is "comprehensive and complete." UP-51/NS-49 at 4. In the same filing, they explain that they have not addressed blocked at-grade crossings in the application because the Board did not identify them as a deficiency in Decision No. 9, and will instead provide that information later, during environmental review. UP-51/NS-49 at 33 (Section XI). Both positions cannot be true.

An application that defers material disclosures is not, by its own terms, comprehensive and complete.

The Board's rules at 49 C.F.R. § 1180.8(a)(2) require Applicants to submit information on measures they will take to address potentially blocked crossings resulting from merger-related changes in operations or increases in rail traffic. Applicants are correct that those rules permit some of this information to be developed during environmental review. But permission to develop information later is not the same as a representation that the application is comprehensive and complete.

A truly comprehensive application would identify, by neighborhood and by crossing, where merger-related operational changes and traffic growth are projected to increase blockage frequency, duration, and timing. It would describe the impacts on emergency response, school access, and mobility. And it would propose specific mitigation. Applicants have provided none of this for Houston's East End or any other densely populated community along their lines. Deferring this disclosure to a later phase will significantly hinder other stakeholders' ability to assess the application's merits, understand risks, and propose mitigation.

The East End already lives with the consequences of unmitigated rail operations.

Houston's East End is a dense, historically underserved community where Union Pacific main lines cross streets that connect residents to schools, the closest emergency rooms, fire stations, METRO bus routes, and grocery stores. Today, residents already experience trains stopped across at-grade crossings for extended periods, splitting the neighborhood and forcing ambulances, fire apparatus, and school buses to reroute or wait. Any merger-related growth in train length, train frequency, or yard activity along these lines will compound the impacts already borne disproportionately by this community. These are precisely the kinds of effects that 49 C.F.R. § 1180.8(a)(2) directs Applicants to identify and address, and that residents of affected neighborhoods need to see in the application itself in order to comment meaningfully on it.

Example video documented evidence of Houston East End Quality of Life impacts due to stopped trains:

- <https://bit.ly/4tmzDVw> - documents a man trying to bring his child through the stopped train.
- <https://bit.ly/4eM2C1z> - showing many people just trying to move about their daily lives around stopped trains, including throwing groceries through the stopped train.
- <https://bit.ly/4dhxZQA> - woman rolls under a moving train to avoid getting stopped (watch the lower right corner)
- <https://bit.ly/4tD4fT2> - Metro buses impacted by a multitude of stopped trains
- <https://bit.ly/42Belc7> - School bus stopped by a train blocking a crossing
- <https://bit.ly/3Rh77r8> - Fire truck trying to beat a UP train in the East End

Board precedent confirms that blocked crossings are substantive matters, not merely NEPA issues.

In the most recent Class I control proceeding, the Board did not treat blocked crossings as a topic to be handled exclusively through environmental review. In approving the CP-KCS transaction in March 2023, the Board imposed conditions specifically addressing blocked crossings, including a requirement under the General Code of Operating Rules that trains avoid blocking public crossings for longer than 10 minutes, and established ongoing monitoring of community concerns about blocked crossings and train lengths. See STB Press Release No. 23-07 (Mar. 15, 2023). The Board's willingness in CP-KCS to impose enforceable, transaction-specific conditions on blocked crossings demonstrates that this issue is properly addressed as part of the substantive review of the transaction, not deferred wholesale to NEPA submissions. The same approach is warranted here, and the information needed to design those conditions belongs in the application.

The absence of blocked crossings from Decision No. 9 does not authorize the omission.

Applicants treat the fact that Decision No. 9 did not specifically cite blocked crossings as authorization to omit them. That reasoning would undercut the very purpose of public comment on completeness. Decision No. 9 identified discrete deficiencies, including the merger

agreement schedules under 49 C.F.R. § 1180.6(a)(7), forward-looking market share projections, and the TRRA classification, but the Board did not purport to enumerate every gap exhaustively, nor could it before the public comment period. Affected residents, local governments, and Class I railroads have since identified blocked crossings, workpaper deficiencies, missing market share datasets, and other gaps not listed in Decision No. 9. The comment process exists precisely to allow the Board to weigh those gaps before deeming the application complete.

Past public commitments cannot substitute for the regulatory record.

Form letters submitted months before merger details were made public stated that Applicants have a "genuine commitment to the people and neighborhoods" along their lines in Houston (App. Vol. 3, p. 1856: New Hope Housing). That claim is difficult to reconcile with the Applicants' decision to withhold local grade-crossing impacts and remedies from the very application the Board is asked to review. Letters submitted before key merger details were known cannot substitute for substantive analysis. The Board's completeness determination should rest on what is in the application, not on prior expressions of support made without the information the application itself omits.

Requests

I respectfully ask the Board to take the following actions.

On completeness:

1. Hold that the Amended Application is not complete with respect to blocked crossings in densely populated communities along the Applicants' lines, including Houston's East End and similar neighborhoods.
2. Require Applicants, before the application is deemed complete, to disclose by neighborhood and by crossing the projected post-merger frequency, duration, and timing of blockages at at-grade crossings in those communities, and to propose specific mitigation measures.

On the substantive scope of the proceeding:

3. Treat blocked crossings as a substantive matter in this proceeding, alongside (not solely within) the Board's environmental review process.
4. If the transaction is ultimately approved, impose enforceable, transaction-specific conditions on blocked crossings and tailor those conditions to the dense, historically underserved communities most affected.

Thank you for your consideration. I am happy to provide additional information about my community's experience if it would assist the Board's review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lindsay Williams', with a stylized, cursive script.

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cc: Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2026, the foregoing document was served to all parties of record to this proceeding.

/s/ Lindsay Williams