

SUPER NEIGHBORHOOD 64 & 88
GREATER EASTWOOD, LAWDALE, & WAYSIDE
311421

May 19, 2026

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

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Office of Chief Counsel
May 19, 2026
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Public Record

**RE: STB Finance Docket No. FD 36873, Union Pacific / Norfolk Southern Merger
Application — Response to Applicants on completeness for Application Filed April 30,
2026**

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. Super Neighborhood 64 and 88, representing the residents of Greater Eastwood, Lawndale, and Wayside in Houston's East End, files this comment before that decision. Our neighborhoods sit directly along Union Pacific's main lines through inner Houston. The conditions Applicants describe as a topic for later environmental review are the conditions we live with every day.

This is also the first transaction the Board will review under its 2001 Major Rail Consolidation Procedures, which require Applicants to demonstrate that a merger will *enhance* competition and serve the public interest. The CP-KCS transaction was adjudicated under the prior, lower standard. The chorus of opposition the Board is now receiving, more than 60 trade associations, BNSF and other Class I carriers, four major rail unions, and bipartisan members of Congress, reflects how much higher the bar now is. Houston's East End joins that record.

Applicants nonetheless 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 grade crossings in the application because the Board did not identify them as a deficiency in Decision No. 9, and that they will instead provide that information later, during environmental review. UP-51/NS-49 at 33 (Section XI). Both positions cannot be true.

Blocked crossings are a substantive merger issue under the Board's own rules.

The Board's merger rules at 49 C.F.R. § 1180.1(c)(2) enumerate the harms the Board must weigh: (ii) harm to essential services, (iii) transitional service problems, and (iv) whether the merger will enhance, not merely maintain, competition. The companion rule at § 1180.1(i) further directs that "[b]ecause there are so few remaining Class I carriers and the railroad industry constitutes a network of competing and complementary components, the Board cannot evaluate the merits of a major transaction in isolation." It must consider cumulative impacts and



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crossover effects. And § 1180.8(a)(2) separately requires Applicants to submit information on measures to address potentially blocked crossings resulting from merger-related changes in operations or increases in rail traffic.

Blocked crossings in dense urban corridors implicate every one of those criteria. They are essential-service harms when ambulances cannot reach hospitals and fire apparatus cannot reach fires. They are transitional service problems that arise when integration produces longer trains, slower speeds, and yard congestion that ripple into surface streets. They are cumulative impacts when each successive merger, CP-KCS in 2023, UP-NS in 2026, and the BNSF-CSX combination most observers expect to follow, adds traffic to corridors already at capacity.

Applicants are correct that some of this information may be developed during environmental review. Permission to develop information later is not the same as a representation that the application is complete, however. 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; describe the impacts on emergency response, school access, and mobility; and propose specific mitigation measures. Applicants have provided none of this for Greater Eastwood, Lawndale, Wayside, or any other densely populated community along their lines.

Houston's East End already lives with the consequences the Chicago region warned this Board about, and the CP-KCS record now confirms.

When the Board considered the CP-KCS transaction in 2022, the City of Chicago and a coalition of western suburbs argued vehemently against adding more freight traffic. They warned the Board that their communities risked suffering the severe railway gridlock, emergency vehicle delays, and environmental issues then plaguing Houston. Houston was held up to this Board, by name, as the cautionary example of what unmitigated freight growth does to a community. Then-Council Member Robert Gallegos (City of Houston, District I) appeared before the Board with first-hand evidence: across the city, the Houston Fire Department reported 905 incidents in 2019 in which first responders were delayed or required to reroute due to trains occupying critical crossings; 974 in 2020; nearly 1,400 in 2021; and nearly 900 by September 27, 2022. See Statement of Robert Gallegos, Resident Comments on the Significance of Blocked Rail Crossings, Docket No. FD 36873 (May 16, 2026); "7 takeaways from STB's hearing on proposed CP-KCS merger," FreightWaves (Sept. 28, 2022).

The Board took those warnings seriously. In approving CP-KCS in March 2023, the Board imposed transaction-specific conditions on blocked crossings, including a ten-minute General Code of Operating Rules limit, train-length reporting, and community liaisons in Chicago and Houston. STB Press Release No. 22-07 (Mar. 15, 2023); CP/KCS Final Decision, FD 36500



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(Mar. 15, 2023). The Board also expressly held that, if "traffic increases prove to be understated and unduly impact communities," it stood ready to issue "supplemental orders addressing capacity and maintaining fluidity in Houston." *Id.*

Two years after that approval, the Board has had to invoke its oversight authority because those conditions are not being met. In a June 17, 2025, letter, the Board documented that CPKC has shown "higher terminal dwell at key yards, slower average velocity, and decreased on-time performance", violating conditions of the original merger approval. STB Letter to Canadian Pacific Kansas City (June 17, 2025). The CP-KCS approval itself added approximately 8 to 11 CPKC trains per day through the Houston terminal area, adding to an already constrained network. Gallegos Statement at 2 (May 16, 2026). Post-approval enforcement has not been adequate to prevent recurrence of the very harms the conditions were designed to mitigate.

The risk is more acute here for two reasons. First, the operating model Applicants employ — known in the industry as precision scheduled railroading, or PSR — produces longer trains operated by smaller crews, which can block roads, "splitting towns in half for an hour or more, sometimes cutting off parts of communities from emergency services, blocking ambulances from reaching the hospital." Erik Peinert & Ashley Nowicki, *The New Railroad Barons*, American Economic Liberties Project (Oct. 2025), at 9. Second, Norfolk Southern, one of the Applicants, was responsible for the February 2023 East Palestine derailment, in which a nearly two-mile train operated by three employees under PSR practices contaminated over a million gallons of drinking water. *Id.* The Board cannot evaluate a merger that doubles NS's footprint without disclosure of how those operating practices would play out in dense urban corridors like the East End.

The community impacts are documented, ongoing, and measurable.

Our residents live with blocked crossings every day. The conditions are already documented:

- *Emergency response.* The Houston Fire Department's own incident reporting shows trains occupying critical crossings have delayed or rerouted first responders 905 times in 2019, 974 in 2020, nearly 1,400 in 2021, and nearly 900 by September 27, 2022. Gallegos Statement at 1–2 (May 16, 2026). These figures predate any merger-related growth in traffic.
- *Operations and modeling.* The TxDOT Houston-Beaumont Region Freight Study: 2024 Update on the UPRR Glidden Subdivision explicitly identifies that prior methodologies "did not define delays at grade crossings due to slower-moving trains, yard movements, or idling trains due to operations issues", precisely the operational changes a merger of this scale would amplify. By 2045, train volume growth alone is projected to increase

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delays within the study area by 37%. TxDOT, Houston-Beaumont Region Freight Study: 2024 Update – Glidden Subdivision (Nov. 2024) at 2, 27.

- *Economic toll.* Regional analysis places projected public costs of blocked crossings in the Houston area at more than \$2.6 billion over twenty years, approximately \$2.3 billion in lost wages and wasted time, \$191 million in idling fuel and emissions costs, and \$146 million in at-grade crossing collision costs.
- *FRA data for the corridor.* FRA Grade Crossing Inventory data for the crossings serving Greater Eastwood, Lawndale, and Wayside show. See Exhibit A for heat maps and specific data on the blocked crossings in the East End of Houston.

These are not hypothetical impacts. They are the baseline conditions on which any merger-related growth would be layered. Applicants have not addressed any of this for our community in the Amended Application.

HISD school closures will compound the harm if blocked-crossing impacts are not disclosed and mitigated.

In April 2026, the HISD board of managers voted to close twelve campuses at the end of the 2025–26 school year, including Cage Elementary, Briscoe Elementary, Franklin Elementary, and others within or adjacent to our Super Neighborhoods. Children whose schools are closing will be redirected to consolidated campuses across the East End with longer walking routes that, for many families, will require crossing UP main lines twice each school day. See HISD Board Resolution on School Closures (April 2026); ABC13, "What HISD schools are closing?" (Apr. 2026). Adding merger-related train length, frequency, or yard activity to those same crossings — without disclosure or mitigation in the application itself — is not an environmental-review afterthought. The question is whether children in this community can safely reach school. See Exhibit B of proposed walking routes for children ages 5-10 to walk over very active railroad lines.

The absence of blocked crossings from Decision No. 9 does not authorize the omission, and unenforceable assurances cannot substitute for it.

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, 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 other Class I railroads have since identified blocked crossings, workpaper deficiencies, missing market share



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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.

Nor can prior expressions of support fill the gap. Form letters submitted months before the merger were publicly disclosed, stating that the 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 Applicant's decision to withhold local grade-crossing impacts and remedies from the very application the Board is asked to review. The Board's own experience confirms that voluntary commitments are not a substitute for enforceable conditions: rail mergers have a long history of unenforceable promises evaporating post-approval, including UP's 1996 job-protection commitments to the United Transportation Union, which lapsed in the same month the Southern Pacific merger closed. Peinert & Nowicki, *supra*, at 11. Only conditions imposed under 49 U.S.C. § 11324(c) at the time of approval bind the merged carrier.

The Board has the authority and the obligation to address these impacts as merger conditions.

The Board has clear statutory authority under 49 U.S.C. § 10101 (rail transportation policy) and 49 U.S.C. § 11324(c) (conditions on control transactions) to impose conditions necessary to ensure that a control transaction serves the public interest, including conditions addressing localized and cumulative impacts in densely populated urban corridors. Approving this transaction without directly addressing blocked crossings in impacted communities would expand freight rail concentration without establishing a corresponding framework of accountability or enforceable safeguards.

Requests

Super Neighborhoods 64 and 88 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 Applicants' lines, including Greater Eastwood, Lawndale, Wayside, and similarly situated East End neighborhoods, under 49 C.F.R. §§ 1180.1(c)(2)(ii)–(iii), 1180.1(i), and 1180.8(a)(2).
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, the resulting impacts on emergency response and school access, and specific mitigation measures.

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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, consistent with the approach the Board took in CP-KCS.
4. If the transaction is ultimately approved, impose enforceable, transaction-specific conditions on blocked crossings under 49 U.S.C. § 11324(c), including, at minimum: (a) the ten-minute limit and reporting framework adopted in CP-KCS, strengthened to reflect the Board's June 17, 2025 enforcement experience with that condition; (b) real-time train movement data sharing with local emergency services and 911 dispatch centers; (c) quarterly public reporting on crossing blockage frequency and duration at identified high-impact locations; and (d) a binding investment commitment in grade separation, signal improvements, or other physical mitigations at crossings identified by the Board as posing elevated public safety risk.
5. Designate a Houston community liaison comparable to the CP-KCS Chicago/Houston liaisons, different from the current Union Pacific Public Relations contacts, with a defined obligation to consult with East End Super Neighborhoods on operational changes that affect blocked crossings, school routes, and emergency access, and a formal complaint resolution process for affected residents and local governments.

The Board is expected to rule on completeness by May 30. With respect, this is the moment to apply the standard of comprehensiveness that the applicants invoked in their own May 12 reply.

Thank you for your consideration. Super Neighborhood 64 and 88 are prepared to provide additional crossing-level data, school routing information, and resident testimony to assist the Board's review.

Thank you for your consideration.

Respectfully,



Lindsay Williams

President, Super Neighborhoods 64 and 88

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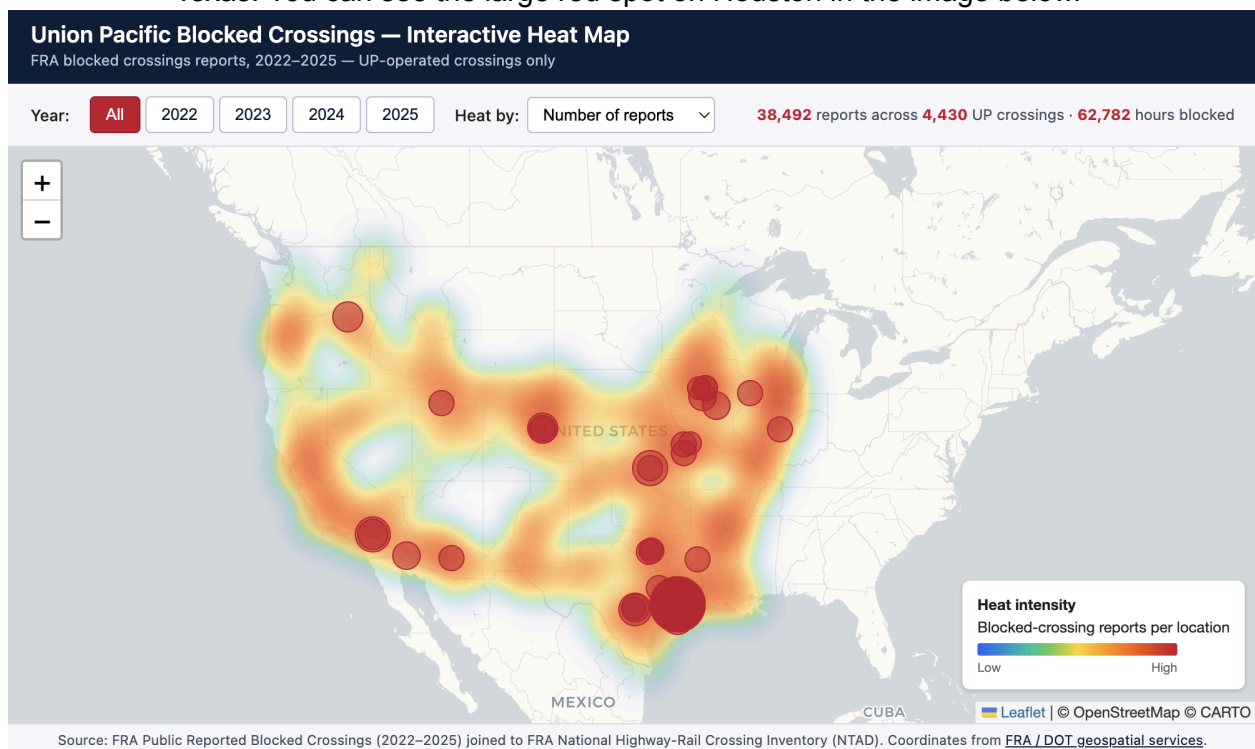
cc: All Parties of Record

EXHIBIT A

Heatmap of Union Pacific Blocked Crossings and FRA Blocked Crossings Supporting Data East End Triangle, Houston, Texas

*Submitted in support of the Comment of Houston Super Neighborhood 64 & 88
STB Finance Docket No. 36873
May 17, 2026*

43% of all UP blocked-crossing reports in the country come from a single city — Houston, Texas. You can see the large red spot on Houston in the image below.

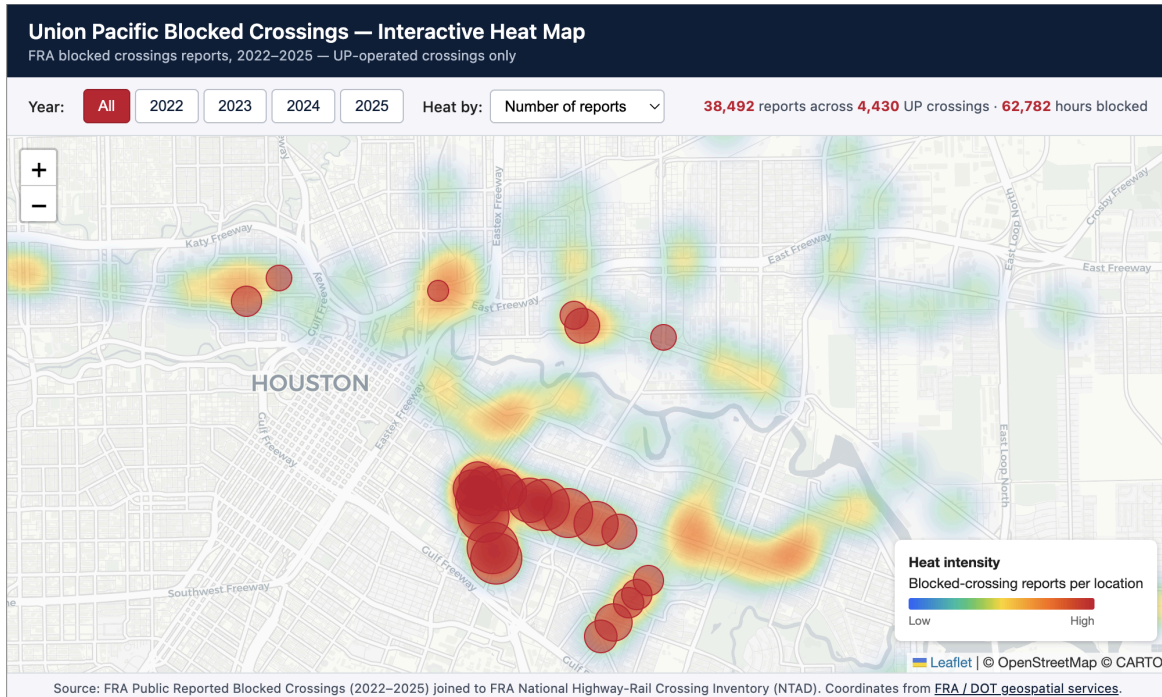


Source: FRA Public Reported Blocked Crossings (2022–2025), joined to the FRA National Highway-Rail Crossing Inventory.

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When you zoom in, you can see the most-reported UP crossings in America are all within a few miles of each other in Houston's East End. This is the famous East End triangle.



FRA Blocked Crossing Data: Five-Year Trend + Q1 2026

Harris County Annual Summary (2021–Q1 2026)

The following table presents all FRA Public Blocked Crossing Incident Reporter data for Harris County, Texas, from 2021 through Q1 2026. The Q1 2026 data covers January 1 through March 31, 2026.

Year	Total Harris Co. Incidents	UP Share	First Responder Incidents	1-Hour+ Blockages	Notes
2021	6,396	97.2%	2,178	3,172	Baseline year
2022	4,209	96.9%	1,781	2,026	
2023	2,644	97.2%	1,112	950	
2024	6,118	97.6%	3,060	2,216	

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Year	Total Harris Co. Incidents	UP Share	First Responder Incidents	1-Hour+ Blockages	Notes
2025	5,278	98.1%	2,100	1,551	Most recent full year
Q1 2026 (actual)	1,531	97.5%	676	660	Jan–Mar 2026
2026 annualized pace	~6,124	~97.5%	~2,704	~2,640	+16% vs. 2025 (total); +70% vs. 2025 (1hr+ blockages)

* *Milby Street and York Street, and Sampson Street figures combine records filed under variant street name spellings (e.g., "Milby Street" and "MILBY STREET") in the FRA database. All figures are sourced directly from the FRA Public Blocked Crossing Incident Reporter.*

Key Trend Observations

- Union Pacific has been responsible for **97–98% of all blocked crossing complaints in Harris County each year** since 2021. This concentration has been consistent and is not improving.
- At the annualized pace of Q1 2026, Harris County will record approximately **~6,124 total incidents** in 2026, a **16% increase over 2025** (5,278 incidents).
- First responder incidents, cases where emergency vehicles were observed by citizens as unable to cross blocked tracks, are on pace for approximately **~2,704 in 2026**, a **29% increase over 2025** (2,100 incidents).
- Long-duration blockages of one hour or more are on pace for approximately **~2,640 in 2026**, a **70% increase over 2025** (1,551 incidents). This is the most alarming trend: extended blockages directly cut off emergency access and isolate neighborhoods.
- What is not in the data: continued video documentation of residents (including children) crawling through or under stopped trains to go about their daily lives.

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National Rankings: Houston Q1 2026

Of the 7,203 total FRA blocked crossing reports filed nationally in Q1 2026, 1,531 (21.3%) came from Harris County, Texas. Houston East End Union Pacific crossings dominate the national rankings:

Rank	Crossing (Street)	Q1 2026 Reports	Annualized Pace	2025 Full Year	Railroad
#1	Eastwood Street	239	~956	937 (#1 nationally)	Union Pacific
#2	Cullen Boulevard	104	~416	314 (#3 nationally)	Union Pacific
#3	Milby Street	163*	~652	273 (#5 nationally)	Union Pacific
#4	Leeland Street	89	~356	337 (#2 nationally)	Union Pacific
#5	McKinney Street	83	~332	234 (#9 nationally)	Union Pacific
#6	York Street	134*	~536	235 (#8 nationally)	Union Pacific
#7	Sampson Street	128*	~512	252 (#6 nationally)	Union Pacific
#8	Oakhurst Street	63	~252	268 (#7 nationally)	Union Pacific

Houston UP crossings hold **11 of the top 15 most-reported crossings nationally** in Q1 2026. Eastwood Street (UP) remains the single most-reported blocked crossing in the United States, with 239 reports in Q1 alone — on pace to exceed its 2025 record of 937 annual reports.

Connection to Proposed UP–NS Merger (FD 36873)

We submit this data in the merger proceeding context for the following reasons:

- The blocked crossing crisis documented above occurred **before any volume increases related to the merger**. UP's own STB application projects a 36.7%–36.8% increase in train volume on the Lafayette/Houston Sub, the primary corridor causing East End blockages. No analysis of how that increase would interact with the existing, already-worsening blockage pattern has been provided.
- The trend data shows conditions are **deteriorating, not stabilizing**. Long-duration blockages (1hr+) are on pace to increase 70% in 2026 relative to 2025, before any merger effect. A 36%+ volume increase on top of this trajectory poses serious public safety implications for communities that have already documented emergency responders being unable to cross.
- Canadian National's formal STB comment noted that UP's application **understated intermodal truck traffic at Settegast Yard** — the primary yard serving this corridor. UP has not disputed CN's figures, only that they 'disagreed'. This raises additional questions about the completeness of UP's impact analysis for the Houston region.

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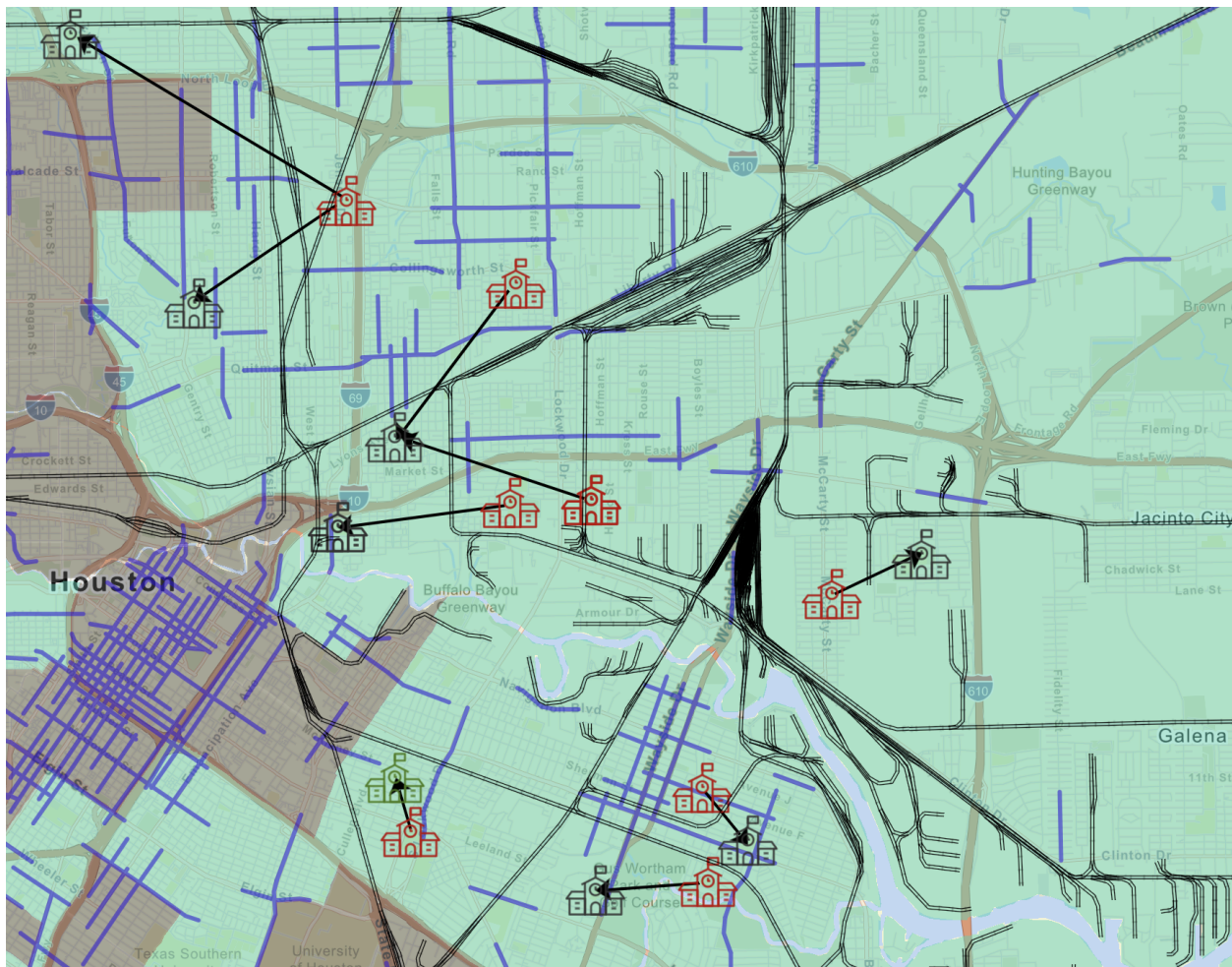
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EXHIBIT B

Map of anticipated school routes for students after HISD Closed Schools East End, Houston, Texas

Special note: HISD does not provide buses for students within 2 miles of school. To see the map in more detail, you can see this link <https://bit.ly/3RKsj96>

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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