



Surface Transportation Board
Washington, D.C. 20423-0001

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Public Record

May 29, 2026

The Honorable Sylvia R. Garcia
2419 Rayburn House Office Building
Washington, DC 20515

Dear Representative Garcia,

Thank you for your recent letter regarding the proposed merger of Union Pacific (UP) and Norfolk Southern (NS) (together, Applicants). We appreciate hearing your views on the importance of blocked crossing data and the proposed merger's potential effects on local communities. We want to assure you that the Surface Transportation Board (STB or Board) will conduct a rigorous and comprehensive review of the transaction as required by law.

As you know, in considering whether a major merger transaction is in the public interest, the Board considers various goals, including effective competition, carrier safety and efficiency, adequate service for shippers, environmental safeguards, and fair working conditions for employees. 49 C.F.R. § 1180.1(b). Under the National Environmental Policy Act (NEPA) and related environmental laws, the STB must examine potential environmental impacts in deciding whether to approve a transaction as proposed, deny the proposal, or approve it with conditions, including appropriate environmental mitigation conditions (such as those pertaining to grade crossings). 49 C.F.R. § 1180.1(f)(1).

The STB's environmental review is an important part of the agency's broader consideration of a proposed transaction, and, if certain traffic thresholds are exceeded, the potential for a merger to have impacts associated with blocked crossings will be part of that environmental review. Applicants must provide, as part of the environmental review process, information on the measures they plan to take to address potentially blocked crossings resulting from merger-related operational changes or increased rail traffic, as well as a Safety Integration Plan (SIP), developed in consultation with the Federal Railroad Administration, to ensure that safe operations would be maintained throughout the merger implementation process. 49 C.F.R. §§ 1180.1(f)(3), 1180.8(a).

In making a final decision on the merits of a proposed transaction and any conditions—including environmental conditions—that must be imposed if the transaction is approved, the Board takes into account the entire record before the agency, including the record on the transportation merits, all public comments received, and the environmental review record, which includes recommended mitigation measures that the Board may choose to adopt and impose as conditions on the merger.

On May 28, 2026, the Board accepted for consideration the Applicants' revised major merger application filed on April 30, 2026. In the decision accepting the revised application, the Board held the proceeding in abeyance, including the environmental review, and ordered Applicants to submit supplemental information by July 27, 2026, on several aspects of the revised application that the Board found are unclear or underdeveloped at this stage of the proceeding. The Board did this to ensure that it has the information necessary to thoroughly evaluate—and the public has an adequate opportunity to comment on—whether the transaction is in the public interest.

In the decision accepting the revised application, the Board also stated that the agency will evaluate Applicants' SIP and blocked crossings plan during the EIS process. Applicants' SIP will be made available for public review and comment during the EIS process, and Applicants' blocked crossings plan is available on the Board's website under Environmental Comments (comment EI-34241). The Board also has a website to provide information to the public about the environmental review process, including the schedule for review and opportunities for public participation, available on the Board's merger resources page. The agency will engage the public early in the environmental review process and hold at least 12 in-person public meetings and several virtual meetings, and it intends to hold at least one such in-person meeting in Houston. The Board's Office of Environmental Analysis will send out thousands of letters requesting preliminary comments on the transaction from appropriate federal, state, Tribal, and local agencies. In a future decision, the Board will establish an appropriate procedural schedule for the remainder of the proceeding, including a time period for public comments on the merits of the transaction.

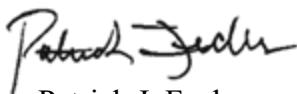
Because this is a pending matter, we cannot comment further; however, please be assured that the Board will conduct a thorough and fair review of the evidence and argument and consider whether the transaction serves the public interest, consistent with applicable law. The Board's review will include a rigorous assessment of potential competitive effects, economic efficiencies, service impacts, environmental consequences, and other key considerations, including the impacts on local communities, and will consider blocked crossing issues as part of both the environmental analysis and the overall evaluation of the transaction.

The Board's review process includes opportunities for public participation and comment, and the Board encourages public participation from all interested parties. 49 C.F.R. § 1180.1(m). A copy of your letter and this reply have been placed in the public docket. If you or your staff have any questions, please contact Ms. Janie Sheng, Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

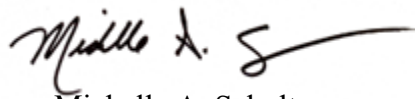
Sincerely,



Karen J. Hedlund
Member



Patrick J. Fuchs
Chairman



Michelle A. Schultz
Vice Chairman