

June 8, 2026

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The Honorable Patrick Fuchs
The Honorable Michelle Schultz
The Honorable Karen Hedlund
The Honorable Richard Kloster
Surface Transportation Board
395 E Street, NW
[Washington, DC 20423](#)

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

Re. The Rail Users' Network's concerns regarding the UP-NS Proposed Merger – Docket Number FD36873

Dear Chairman Fuchs, Vice-Chairman Schultz, and Member Hedlund:

The Rail Users' Network, the national nonprofit, all-volunteer organization representing long distance, regional and commuter rail passengers and rail transit riders, is opposed to the merger of Union Pacific and Norfolk Southern.

Our concerns include the adverse affect on passengers who travel on Amtrak trains that will operate on the proposed new rail system, the safety of residents who live along the right of way of the proposed rail line, and the impact it will have on the welfare of freight customers by eliminating competition, disrupting service, weakening the U.S. supply chain, and increasing transportation rates.

As rail advocates, the key question is whether the merger will lead to better on-time passenger train performance on the tri-weekly Sunset Limited and Cardinal routes, and whether the "Union Pacific Transcontinental Railroad" will accommodate potential daily service on these two lines.. Given their past history and record, we question whether the merger will actually lead to improved service. We are aware that two years ago Amtrak and UP settled their dispute regarding on-time performance of the Sunset Limited which operates over UP's tracks. This led the STB to close its investigation. However, no specifics have been mentioned regarding the resolution of this matter, and there is no guarantee against recurrence after the merger takes place.

We also have concerns about UP's claims that it would require approximately a \$1 billion in new infrastructure investments to establish daily long-distance service on the Sunset route because of capacity constraints. The accuracy of the UP's position has been raised since in its application, in which it claims that it has available capacity for more than 100,000 freight carloads with modest infrastructure investments. We believe this is a necessary requirement that must be addressed before the STB approves the merger. We believe it is UP's and NS's responsibility to make the needed investments to ensure that daily passenger service can be restored on both the Sunset and Cardinal routes.

NS also has a poor on time record for passenger trains operating over its tracks. The federal Department of Justice recently reached a settlement regarding its handling of Amtrak's Crescent, which operates on NS-owned or managed tracks between Alexandria, VA and New Orleans. A case was brought into federal court two years ago contending that NS regularly failed to give the Crescent preference over freight trains as required by law. This not only harms and inconveniences passengers, but also negatively affects Amtrak's financial performance. When asking for a dismissal of the case in January, NS argued that the government was taking an "extreme interpretation of passenger train right of preference." NS said the Justice Department "complaint depends on the idea that freight railroads must totally clear their tracks for approaching Amtrak trains, the same way D.C.-area commuters must clear the road for the President's motorcade—even if the result is a massive traffic jam."

There is also the issue of NS and UP's recent safety record. NS's record was dismal even before the East Palestine, Ohio train derailment, which released toxic chemicals into the environment, seriously impacting the community's health and safety. This evidently first came to light in response to a Fox news I-team request regarding NS safety records, which showed that NS had agreed to pay the federal government \$1,348,710 to settle hundreds of alleged violations of safety rules. Federal regulators have also blasted Union Pacific for running unsafe trains. Just one month after the fiasco in East Palestine, UP had its own accident. A runaway train carrying iron ore reached a reported 118 mph before it derailed in Kelso, California. It's fortunate that no one was injured. UP, which is the largest freight carrier, also received a blistering letter from the FRA which was signed by Amit Bose, the FRA's Administrator in September 2023. The agency had inspected East Departure Yard in North Platte, Nebraska that summer and found that "more than 70% of the train engines had safety defects, as did 20% of the cars - defect ratios twice the national average." Conditions didn't improve when inspectors returned and found locomotives with defects still in use. The company "had not displayed a sense of urgency to improve local and car conditions.", the letter said.

Even though more than two years have passed since the derailed train spewed toxic gases across eastern Ohio, neither UP or NS have joined a voluntary federal "close call" program designed to reduce rail hazards and prevent accidents. Only two railroads, BNSF and NS, have launched partial trials, but neither have fully joined. The federal working group formed to negotiate railroad participation has been disbanded.

Another concern is the impact that the proposed merger will have on the nation's economy. The Freight Rail Customer Alliance (FRCA) which represents 3500 chemical, manufacturing, agricultural and energy companies, has long been opposed to consolidation of the rail industry. Its opposition is based on past experiences resulting in "higher fees and rates and unreliable service." It is also concerned about the market power that railroads have, even though the industry "has shrunk from 40 Class 1 carriers to six with four handling 90% of the U.S. rail freight." According to an FRCA spokesperson, Ann Warner, the growth in market power has also included forcing shippers into contracts that not only fall outside the STB's regulatory jurisdiction, but also lack protection from poor service and increased fees. It is also unclear how the STB's tougher merger rules would benefit larger shippers who move bulk freight, such as coal

or grain in unit trains that are dedicated to moving a single commodity. The American Chemistry Council (ACC), which represents its member companies, has also raised serious concerns about the negative impacts that the proposed merger will have on American manufacturing. It is closely watching the proposed terms of the deal and stated that it will actively oppose any merger that fails to significantly enhance competition between railroads.

The impact that the merger could have on railroad workers is also of great concern. At least four major unions representing railroad workers are currently opposed to the proposed merger. The Transport Workers Union of America which represents NS car men in various locations in the Midwest and other locations, has expressed concern about the creation of a coast-to-coast railroad that would cover more than 50,000 miles and employ more than 52,000 people. The TWU's President, John Samuelson, has called UP's safety record "shameful", and has said "There is no world where the Union Pacific should be controlling a coast-to coast rail network. A supersized Union Pacific would be catastrophic for TWU rail workers, shippers, and the safety of millions of Americans who live and work near freight rail lines."

The Brotherhood of Locomotive Engineers and Trainmen (BLET), a key division of the Teamsters, also strongly opposes the deal. They argue the merger overstates benefits and minimizes potential harm. They also remain concerned about poor safety cultures and job protection failures. Brotherhood of Maintenance-of-Way Employees Division also strongly opposes the transaction. Alongside the BLET, they represent over half of the unionized workers at UP and NS. The Brotherhood of Railroad Signalmen has officially urged the Surface Transportation Board to reject the merger, "citing concerns about market power concentration and safety risks tied to fewer skilled workers covering larger territories." In addition, the Transport Workers Union (TWU) announced a strong, explicit opposition to the combination.

Rail Workers United (RWU) issued a formal resolution and statement "opposing any and all mega-rail mergers between rail giants, such as Union Pacific and Norfolk Southern." According to RWU General Secretary Nick Wurst, no other countries in the world outside of North America do huge rail corporations not just run the trains, but own the tracks, yards, signals, shops and other infrastructure. "Allowing a handful of privately held, extremely wealthy and powerful corporations, unaccountable to no one but the shareholders, is not in the interest of railroad workers, passengers, shippers, trackside communities nor the nation as a whole."

Given all of the evidence and likely outcomes described above, we urge the STB to reject the proposed merger of UP/NS. We appreciate this opportunity to express our concerns and trust that they will be recognized and taken into account as a decision is made, not in the interest of UP and NS but of those who make it run and those who depend on rail travel.

Sincerely,

"/s/" Richard H. Rudolph

Richard H. Rudolph, Ph.D.

Chairman, Rail Users' Network

"CC: Parties of Record"