

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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**UNION PACIFIC CORPORATION — CONTROL —
NORFOLK SOUTHERN CORPORATION**

COMMENTS OF JACK ALAN BLEIBERG

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EXECUTIVE SUMMARY

This comment proposes that the Surface Transportation Board require the expansion of Conrail Shared Assets Operations into the major freight interchange hubs of the United States — including Chicago, Kansas City, Memphis, New Orleans, St. Louis, Houston, and Atlanta — as a primary condition of approving the UP-NS merger and any subsequent BNSF-CSX merger.

Conrail Shared Assets already works successfully as a neutral, jointly owned terminal and switching company in northern New Jersey, Philadelphia, and Detroit — markets where this Board wisely determined in 1999 that competition was too vital to leave to a single carrier. That same logic applies today to every major freight hub in a merged, two-carrier national network.

The model requires no new legislation, no new capital for equipment, and no new federal entity. It uses an existing legal structure, a proven operational framework, a transferable unionized workforce, and locomotive fleets already common to all carriers involved. It simultaneously addresses shipper competition, workforce transition, and national freight security.

This proposal is presented by a former Conrail locomotive engineer who worked out of the North Jersey Consolidated Terminal and South Jersey Terminal — two of the three existing Shared Assets areas — and who then served as a rail security professional with the Transportation Security Administration.

I. INTRODUCTION

As a former Consolidated Rail Corporation locomotive engineer who operated trains out of the very Shared Assets terminals this proceeding concerns, I write to propose a competition remedy that is practical, proven, and ready to implement: the expansion of Conrail Shared Assets Operations into the major freight hubs of the United States as a primary condition of merger approval. This is not a theoretical construct. It is a model I worked within firsthand — and one that has functioned successfully for more than 25 years.

I am not affiliated with any railroad, shipper organization, or lobbying group. I am a private citizen who spent my career on this railroad network — first as a Conrail locomotive engineer, then as a rail security professional with the Transportation Security Administration. I offer this proposal because the decisions made in this proceeding will shape America's freight rail infrastructure for generations, and because I can speak to the operational realities of this network in ways that few commenters can.

II. THE PROPOSAL

Conrail Shared Assets Operations — the jointly owned neutral terminal company created by this Board in 1999 — should be duplicated city by city into the major interchange hubs where a transcontinental duopoly would otherwise create chokepoints and reduce shipper options. Target cities would include Chicago, Kansas City, Memphis, New Orleans, St. Louis, Houston, and Atlanta, among others.

In each location, Conrail would assume neutral terminal and switching operations on jointly owned infrastructure, with both transcontinental systems — a merged UP-NS and, in case of a later merger, a merged BNSF-CSX — paying equally for access. Shippers in these markets would keep competitive options. Neither transcontinental carrier would control the terminal environment exclusively.

This is not a proposal to create a new Class I railroad. Conrail Shared Assets would not run long-haul trains, compete for over-the-road freight, or require the massive capital investment a new national carrier would demand. It would do exactly what it does today in northern New Jersey, Philadelphia, and Detroit — work terminals neutrally, switch cars efficiently, and give both parent railroads equal access to shippers in dense markets. The legal entity already exists. The regulatory precedent was set by this Board. The Conrail operational model has successfully proven its viability over the past 25 years and should be rolled out across the new network.

III. THE COMPETITIVE LANDSCAPE

The proposed UP-NS merger, if approved, would create a transcontinental railroad controlling half of all U.S. freight moving by rail — including an estimated 45% of container traffic, 47% of automotive shipments, and 56% of metals. Most analysts and industry observers agree this level of consolidation would certainly trigger a corresponding merger between BNSF and CSX, resulting in a national duopoly of two go-everywhere transcontinental systems.

This outcome raises profound concerns about rate competition, shipper choice, and the long-term resilience of the U.S. supply chain. It also raises national security concerns that I am uniquely qualified to address from my time in TSA rail security. Concentrating the movement of half of America's freight through two corporate entities, with major interchange hubs under the control of just two carriers, creates infrastructure vulnerabilities that do not exist in a more distributed, competitive network.

The expansion of Conrail Shared Assets addresses both concerns simultaneously — preserving competitive access for shippers while supporting distributed operational control at the nation's most critical freight junctions.

IV. WHY IT WORKS: A PROVEN MODEL

When Norfolk Southern and CSX divided Conrail in 1999, this Board made a critically historic decision: in three dense metropolitan areas, competition was so vital that neither railroad should control the territory exclusively. The result was Conrail Shared Assets Operations — a jointly owned neutral terminal and switching company that has worked successfully for more than 25 years.

The model works because it is structurally simple. Conrail Shared Assets is jointly owned by its parent railroads. It operates approximately 1,200 miles of terminal trackage. It employs unionized crews. It uses locomotives leased from its parent railroads rather than maintaining its own fleet. It charges both parents equally for access and serves shippers without preference or favoritism.

Under an expanded framework, the ownership structure would simply reflect the new industry landscape. The two transcontinental systems would jointly own and fund Conrail's expanded terminals, exactly as NS and CSX do today. The operational logic is identical. Only the geography changes.

V. A SOLUTION FOR THE WORKFORCE

One of the most significant concerns surrounding Class I mergers is the fate of yard workers whose positions become redundant when two systems merge terminal operations. A guarantee of employment is different from a guarantee of meaningful, productive work — and yard workers deserve both.

An expanded Conrail framework offers a genuine solution. Yard employees — switch tenders, hostlers, car inspectors, and yardmasters — perform exactly the work Conrail

Shared Assets needs. Their skills are directly transferable. Rather than being sidelined on a seniority board at a merged carrier, these workers could transition into Conrail employment, keeping their union membership, their seniority protections, and their livelihoods while filling a direct operational role in the expanded shared assets network.

This transforms a workforce liability into a competitive asset — and it is the kind of outcome that serves the interests of labor, management, shippers, and regulators alike.

VI. EQUIPMENT AND OPERATIONS

As with the existing model, the expanded Conrail network would not require its own locomotive fleet. Power would be leased from both parent transcontinental railroads, exactly as NS and CSX locomotives are used in the current shared assets areas today. All four Class I railroads involved — Union Pacific, Norfolk Southern, BNSF, and CSX — operate mixed fleets of both GE and EMD locomotives. Yard crews across all of these properties are already trained and routinely working with both platforms. There is no retraining burden, no equipment compatibility problem, and no capital outlay required for motive power.

VII. QUALIFICATIONS OF COMMENTER

I held locomotive engineer qualifications on Conrail working out of both the North Jersey Consolidated Terminal and the South Jersey Terminal — two of the three Shared Assets areas that exist to this day. From the NJCT, I was qualified over the following territories: to Selkirk, New York; Allentown, Pennsylvania; Reading, Pennsylvania; Harrisburg, Pennsylvania; Philadelphia, Pennsylvania; and Hagerstown, Maryland. From the South Jersey Terminal, I was qualified over all rail lines of southern New Jersey including the former Pennsylvania-Reading Seashore Lines trackage. My qualifications also extended onto former Baltimore and Ohio Railroad trackage and former Norfolk and Western Railroad trackage — the predecessor properties of what are today CSX Transportation and Norfolk Southern Railway, respectively.

I have operated trains on the predecessor railroads of every eastern Class I carrier at the center of this proceeding. Following my Conrail career, I served as a rail security professional with the Transportation Security Administration, giving me a national security perspective on freight rail infrastructure that further informs this proposal.

VIII. CONCLUSION

The Board has before it a merger of historic scale. The decisions made in this proceeding will echo through the American economy for decades. I respectfully urge the Board to consider the expansion of Conrail Shared Assets Operations as a primary competition condition — not as an afterthought, but as the centerpiece of any approval framework.

The model works. The legal structure exists. The workforce is ready. The equipment is compatible. And the precedent was set by this very Board more than 25 years ago

when it had the wisdom to recognize that some markets are too important to leave to a single carrier.

I am asking the Board to ensure that consolidation comes with genuine, structural, and enforceable competition built into its foundation.

America's freight rail network is a national asset. I respectfully ask the Board to protect it.

Respectfully submitted,

/s/ Jack Alan Bleiberg

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Dated: May 24, 2026

VERIFICATION

I, Jack Alan Bleiberg, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ Jack Alan Bleiberg

Dated: May 24, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May 2026, I am serving the foregoing Comments via the Surface Transportation Board's e-filing system upon all parties of record in this proceeding.

/s/ Jack Alan Bleiberg
