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June 1, 2026

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Patrick Fuchs, Chairman
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

ENTERED
Office of Chief Counsel
June 10, 2026
Part of
Public Record

Subject: Concerns Regarding the Proposed Union Pacific–Norfolk Southern Merger

Dear Chairman Fuchs:

On behalf of the Mid America Association of State Transportation Officials (MAASTO), we write to express to the Surface Transportation Board (“the Board”) our collective concern regarding the proposed merger between the Union Pacific (UP) and Norfolk Southern (NS) railroads.

MAASTO member-states recognize the importance of a strong rail network to our region. However, based on our experiences with both UP and NS, we have identified several recurring challenges that, if left unaddressed, could be exacerbated by a merger.

These challenges regularly result in negative impacts on public infrastructure projects and deserve attention in the interest of preserving a safe, effective, and efficient transportation system.

Key Concerns

1. Timeliness of Reviews

Review periods for public projects often stretch not only weeks but months. This can lead to delays on critical infrastructure projects and jeopardize funding. Every stage of the review process (conceptual, 30%, final design reviews, and construction/maintenance agreements) could be streamlined.

2. Enforcement of Railroad Policies

Inordinate enforcement of railroad specific requirements and policies, such as halting work due to minor or misclassified safety issues, have created significant project disruptions. A more practical, balanced, and collaborative approach is needed, especially when violations do not pose immediate risks to railroad operations.

a. On-Site Decision Making Authority

The lack of empowered on-site representatives has led to unnecessary



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delays when attempts are made to address unforeseen construction conditions.

b. Flagger Operations and Coordination

The current flagger system suffers from scheduling issues and unpredictable costs. This is made worse by requirements from railroads for flaggers to be used in low-risk scenarios (e.g., work on enclosed bridge decks).

c. Stability and Transparency of Agreements

Unilateral agreement changes are increasingly common. Policy updates that are clearly communicated, reviewed, and agreed upon by all parties increase fairness and enforceability.

3. Inconsistently Applied Operating Procedures

Varying application of standards has created uncertainty when collaboration between DOTs and railroads is necessary. Policies and federal law are not applied equally, both from state to state and across varying projects.

4. Barriers to Freight Service and Economic Effects

Many service and economic details of the proposed merger are still unclear. Member-state DOTs have a vested interest in ensuring the public is adequately considered during the merger process.

5. Intercity Passenger and Commuter Rail Services

The on-time performance standards and existing operating/rail timetable agreements with Amtrak, commuter, and other intercity passenger rail operators should be maintained. A merger should also not impact proposed future intercity passenger rail service expansion within or between states, especially if being supported under the Federal Rail Administration's Corridor ID program.

6. Community Impacts

Blocked rail crossings create traffic, pedestrian, and emergency vehicle delays that frustrate communities and make them less safe. A proposed merger should not lead to increased blockages.

Path Forward

MAASTO's member-states are committed to working with the Board as well as the railroads involved to ensure that a proposed merger results in improved coordination, efficiency, and safety for all parties.

We respectfully request that our outlined concerns be considered by the Board during its review of this proposed merger.

A copy of this letter is being provided to both UP and NS railroads.



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We appreciate your attention to these matters and welcome the opportunity to provide further input as the process continues

Sincerely,

Signed by:

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Kristina Boardman

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Kristina Boardman, Secretary
Wisconsin Department of Transportation

cc: Jim Vena, CEO, Union Pacific Railroad
Mark George, President & CEO, Norfolk Southern Corporation
MAASTO Board of Directors
MAASTO Strategic Transportation Issues Committee Representatives

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing correspondence has been electronically filed with the Surface Transportation Board and served on all parties of record in this proceeding by electronic mail on this 10th day of June 2026.

s/Patrick Flesch

CC: Parties of Record