

ENTERED
Office of Chief Counsel
July 27, 2026
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Public Record
July 27, 2026.

Three former Norfolk Southern Mexicana employees.

Surface Transportation Board.
395 E Street, S.W.
Washington, DC 20423.

Re: STB Docket No. FD 36873 – Issues for Resolution.

To the Members of the Board:

Pursuant to Decision No. 24, the Union Pacific Railroad - Norfolk Southern Railroad Merger.

INTRODUCTION AND INTEREST

We are the three former employees who comprised 100% of the commercial function of Norfolk Southern Mexicana, S. de R.L. de C.V., RFC NOR0211212A5, a fully owned subsidiary of Norfolk Southern Railway Company. Our responsibilities included commercial sales in Mexico and the US, interline coordination, and customer service for traffic interchanged at US/MX rail gateways including Laredo / Nuevo Laredo and Eagle Pass / Piedras Negras.

We file this letter based on personal knowledge from our employment.

II. FACTS FOR THE RECORD

2. On March 11, 2026, Norfolk Southern eliminated its commercial function in Mexico. The three of us were terminated on that date. We were not provided an opportunity to transition customer accounts and pending matters to other US personnel, which may have affected service continuity and business follow up in Mexico and the US.
3. Based on public records of SAT (Mexico's tax authority), Norfolk Southern Mexicana S de R.L. de C.V. remains legally active and registered in Mexico. However, since March 11, 2026, it has operated without any commercial personnel.
4. The commercial office of Norfolk Southern Mexicana had operated continuously for twenty-three (23) years (2003-2026) prior to its elimination. During this period, Union Pacific also maintained a representation office in Mexico. The commercial office of Norfolk Southern Mexicana worked in a coordinated manner with the Union Pacific representation office in Mexico, as well as with representation offices of other Canadian, U.S. and Mexican railroads on cross-border commercial and service matters.
5. The elimination described in paragraph 2 occurred fifty (50) days before Applicants filed their Revised Application on April 30, 2026.

6. In the Revised Application, Applicants state that the transaction will "improve cross-border service with Mexico and grow intermodal traffic at the Laredo gateway."

7. The Revised Application does not appear to contain information regarding the March 11, 2026, elimination of the commercial staff of Norfolk Southern Mexicana, S. de R.L. de C.V., under 49 CFR 1180.6(a)(2)(v) and (vii). We respectfully bring this factual omission to the Board's attention.

8. Chronology of Events in Mexico:

(a) On July 31, 2025, the U.S. supervisor instructed personnel in Mexico to review the contract of the payroll and tax services provider for Norfolk Southern Mexicana, S. de R.L. de C.V., with specific focus on the termination date and cancellation mechanisms, and to negotiate a better service rate. The provider responded in writing that it could offer an improved rate, but a new agreement was never confirmed nor executed.

(b) On December 28, 2025, the provider notified us in writing that it would no longer be able to continue providing services, stating as reason "due to the UP/NS merger process", and that NS was merging with a "restricted company". Upon such notification, the Group Manager requested additional time to seek a transition. The Group Manager was not aware of any actual legal conflict that would prevent the provider from continuing to provide the services.

(c) On January 7, 2026, the provider reiterated its notice that it was under evaluation if they could or not provide their services.

(d) The termination date for the commercial personnel was March 11, 2026. The payroll and tax agency continued to provide services until May 2026 solely to effectuate the PTU (Employee's Profit Sharing) payment, but as of the date of this filing, it is unknown whether it continues to provide services thereafter.

(e) As of this filing, we have no personal knowledge of what restricted status was asserted or whether a conflict review was performed. We note only the facts stated by the provider in its written notice.

(f) To our knowledge, as of March 11, 2026, Norfolk Southern Mexicana ceased to have any commercial personnel in Mexico. We have no personal knowledge of any replacement commercial staff hired by Norfolk Southern in Mexico after that date. Historically, Union Pacific has also maintained a representation office in Mexico, with which we coordinated for 23 years. We are not aware of any public announcement that Union Pacific has closed its office. If that historical pattern continues, the result would be that only one of the two Applicants would maintain a commercial presence in Mexico during the pendency of this proceeding. We provide this information based on our personal knowledge of NS and on publicly known industry presence, for the Board to verify.

We submit these facts for the Board's public interest record regarding cross-border service continuity and whether Applicants have remained fully separate and independent competitors in Mexico during the pendency of this proceeding.

III. DISCLAIMER REGARDING CONFIDENTIAL INFORMATION

This filing is based solely on the personal knowledge of the undersigned, on information provided in the course of employment that is not subject to any confidentiality obligation, and on publicly available information. No confidential, privileged, attorney-client, or non-public proprietary information of Norfolk Southern, Union Pacific, or any of their affiliates or service providers has been disclosed herein. No documents subject to confidentiality agreements are attached.

Certificate of Service:

I hereby certify that on this 27th day of July 2026, the foregoing document was served on all parties of record to this proceeding in STB Docket No. FD 36873.

Respectfully submitted,

/s/ J.A. Morton

/s/ A.P. Martin

/s/ R. Longoria

San Pedro Garza García, N.L. C.P. 66266. Mexico.

Contact for STB Communications: nsmtty1@gmail.com

CC: Parties of Record