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

Re: Finance Docket No. 36873, Union Pacific Corporation and Norfolk Southern Corporation, Control and Merger

Comment on the inconsistent traffic data and the adequacy of the environmental review for the Houston region

I. Introduction and Summary

This comment addresses a documented pattern in Applicants' filings: three successive, inconsistent sets of Houston-area traffic projections, the original application (December 19, 2025), the Amended Application (April 30, 2026), and an errata filing (July 27, 2026), each of which reduces the share of traffic growth attributed to the merger in the Houston region, and each of which, through that attribution, narrows the scope of environmental review under 49 C.F.R. § 1105.7(e)(5). The practical result is that the environmental record now excludes the crossings, yards, and line segments where Houston's rail impacts are concentrated, including, per the Federal Railroad Administration's own blocked-crossing complaint data, the twenty most-reported blocked crossings in the region, none of which appears in Applicants' crossing analysis.

I do not ask the Board to resolve intent. I ask the Board and OEA to require Applicants to reconcile their own filings, to justify a methodology whose outputs repeatedly land just below regulatory review triggers, and to exercise OEA's discretion to scope the environmental review to where the impacts demonstrably are. These requests are specified in Part VIII.

II. Applicants Have Filed Three Inconsistent Sets of Houston Data

The record now contains three vintages of Houston figures:

Houston metric	Original application (Dec. 19, 2025)	Amended Application (Apr. 30, 2026)	Errata (Jul. 27, 2026)
Settegast Yard merger-added trucks per day	+516 (246 → 762; +209.8%) (EI-34157 at 18)	+360 (242 baseline; 254 Year-5 no-merger → 614; +141.7%) (EI-34228)	+353 (→ 607; +139.0%) (EI-34263; change flagged only by footnote 7)
Lafayette Sub, MP 353–327.7 (seg. 10526)	+36.7% train volume (EI-34153)	+5.00 trains/day (25.73 → 32.02) (EI-34224)	Trains/day unchanged; merger tonnage revised 356.41 → 354.32 mGTM
Houston Sub at Tower 87, MP 353–356.8 (seg. 11249)	+36.8% train volume (EI-34153)	+5.00 trains/day (23.90 → 30.10) (EI-34224)	Trains/day unchanged; merger tonnage 98.68 → 98.10 mGTM
Merger-added carloads, seg. 10525 / 10526 / 11249	—	146,686 / 160,824 / 160,400	146,330 / 160,467 / 160,043
Merger-added carloads, Beaumont Sub (10505) / Glidden Sub (10541)	—	29,011 / 60,186	27,842 / 58,974

Three aspects of the July 27 errata warrant the Board's attention. **First**, the errata cover letter (EI-34262) affirmatively describes only two changes, one segment and two intermodal ramps, none in Texas, newly exceeding thresholds, while the downward revisions to Houston-area merger tonnage, carloads, and truck counts shown above are disclosed nowhere in narrative form; they are discoverable only through footnote 7 (“One or more rail line segment/yard volume measure has changed with errata filing”) and a cell-by-cell comparison of the superseded tables. **Second**, these revisions follow Applicants' representation to the Board on May 26, 2026 that “nothing in that process has changed the results of Mr. Hunt's traffic diversion study by so much as a single carload or intermodal unit.” UP-62/NS-60 at 1. Whether or not the diversion study and the Operating Plan tables are formally distinct workpapers, the Board is entitled to a coherent account of why Houston's merger-attributable carloads have now changed twice since April 30. **Third**, every revision, in every vintage, moves Houston's merger-attributable figures in the same direction: down.

III. The Increment Pattern Places Houston's Urban Core Just Below Review Thresholds

Harris County and the surrounding Houston area are designated severe nonattainment for ozone. Under 49 C.F.R. § 1105.7(e)(5), as restated in Applicants' own submission (EI-34223), environmental documentation is required for line segments in nonattainment areas with a merger-related increase of three or more trains per day or a 20% increase in gross ton-miles; for rail yards, a 20% increase in carloads; for intermodal facilities, an increase of 50 trucks per day or 10%.

In the Amended Application's master segment tables, merger-related train increments in the Houston region are uniformly round figures, and their placement relative to the 3.0 trains-per-day trigger follows a consistent geography: the three segments east of Tower 87, largely traversing rural Liberty, Chambers, and Jefferson Counties, are assigned exactly +5.00 trains per day and are analyzed; every segment in Houston's urban core is assigned between +1.88 and +2.29 trains per day and is not:

Segment (EI-34263)	Baseline TPD	Merger add (TPD)	Year-5 total	Exceeds § 1105.7(e)(5)?
Lafayette Sub 10525 / 10526; Dawes–Tower 87 (11249)	18.01 / 25.73 / 23.90	+5.00 each	23.91 / 32.02 / 30.10	YES (analyzed)
Lockwood–Tower 87 (12396) — East End	42.02	+2.29	46.43	NO
Tower 87–Houston (12449) — highest-volume segment in the city	58.71	+2.06	63.76	NO
Lockwood–Tower 26 (12403) — East End	41.79	+2.03	45.93	NO
Tower 26–Chaney Jct (124481); Chaney–Eureka (124482)	28.68	+2.00 each	32.10	NO
Eureka Jct–East Jct (124483)	23.68	+1.88	26.73	NO
Glidden Sub (10541); West Junction (12725)	32.48 / 28.05	+2.00 each	36.09 / 31.44	NO
Beaumont Sub–Settegast Jct (10505)	11.85	+1.00 (merger mGTM +33.5%)	13.43	NO
Withers–Tower 112 (11606) (San Antonio)	27.39	+2.98	31.72	NO (0.02 below trigger)

I take no position on how these increments were derived; that is precisely the problem. Operational traffic forecasts do not ordinarily produce uniform whole-number increments that sit two-hundredths of a train below a regulatory trigger. If the increments reflect a defensible assignment methodology, Applicants can document it. The consequence of the pattern, however, is concrete: environmental analysis of grade crossings, noise, and quiet zones stops at Tower 87 and never enters the East End, the West Belt, or the Settegast corridor, even though Applicants' own Year-5 totals show traffic on those segments rising to the highest levels in the city (e.g., 58.71 → 63.76 trains per day at Tower 87–Houston).

IV. Applicants' Own Operating Plan Contradicts Their Environmental Tables: Englewood Yard

Electronic Appendix Q to Applicants' Amended Application Operating Plan workbook (filing 311221) is titled “Manifest Yards With 20% Increase” and lists Englewood (Houston) at 2,044 → 2,456 cars per day, a 20.1% increase. The environmental Master Data Table for manifest yards (A3) filed the same day (EI-34227), and again with the July errata (EI-34263), lists no Houston yard whatsoever. The apparent mechanism is the environmental methodology's division of the same growth into “organic” and “transaction” components, with only the transaction component tested against the 20% nonattainment trigger. The result is that the largest classification yard in Houston, identified by Applicants' own operating appendix as a 20% growth facility, in a severe ozone nonattainment area, is absent from environmental review. Applicants should be required to reconcile these two filings on the record.

V. The Review Boundary Excludes 98.5% of Houston's Documented Blocked-Crossing Problem

The Federal Railroad Administration's Blocked Crossing Incident Reporter provides a federal record of where blocked-crossing impacts actually occur. I matched every FRA blocked-crossing report at a Union Pacific crossing in the nine-county Houston region from January 2021 through June 2026, 25,196 reports at 652 distinct crossings, against the 68 crossings included in Applicants' environmental crossing analysis (Master Data Table G1, EI-34229/EI-34263), using the FRA crossing inventory identifiers common to both datasets. The results:

Of 25,196 FRA blocked-crossing reports, 371, 1.5%, occurred at crossings within Applicants' environmental analysis. The remaining 98.5% occurred at crossings excluded from review. None of the region's twenty most-reported crossings appears in Applicants' analysis. All twenty are located in Houston's East End and Fifth Ward, on the segments assigned merger increments of +1.88 to +2.29 trains per day described in Part III.

The severity documented in these reports underscores what the review boundary excludes: 10,985 reports cite blocked or delayed first responders; 11,634 cite pedestrians climbing on, under, or through stopped trains; 897 reference schoolchildren or school access, including

reports that children climb over stopped trains to reach school; 3,570 report blockages of two hours or longer. The trend is worsening: the first six months of 2026 alone produced 4,003 reports, the highest rate on record, before any merger-related traffic increase. Exhibit A sets out the top twenty crossings; the complete crossing-level dataset accompanies this comment.

FRA reports are voluntary public reports rather than sensor measurements, and counts reflect reporting activity as well as blockage frequency.

VI. Additional Unexplained Designations

Segment 10505 (Beaumont Sub into Settegast Junction) shows a merger-related gross ton-mile increase of 33.5%, above the 20% nonattainment trigger, yet is designated as not exceeding Board thresholds. Portions of this segment traverse Liberty County, which lies within the Houston severe ozone nonattainment area. Applicants should identify the attainment designation applied to each Houston-region segment and the basis for that designation.

VII. The Significance for Houston

Houston is one of the largest rail hubs on the applicants' combined system map, and its East End neighborhoods, predominantly Hispanic, working-class communities that are the textbook subjects of environmental-justice review, already bear the region's heaviest rail burden. Under Applicants' own Year-5 projections, the merger era brings roughly 24–26% more trains than today through the Tower 87 corridor and 139% more daily trucks at Settegast, concentrated in these same neighborhoods. The original application allocated no main-line capacity investment to Houston. Applicants' blocked-crossing submission (EI-34241) describes existing voluntary programs and commits to nothing new. If the environmental record is permitted to exclude the very crossings, yards, and segments where these impacts concentrate, on the strength of attribution accounting that Applicants have now revised three times, then the communities with the most at stake will have had the least review. The environmental review is presently in abeyance, and OEA's Information Request No. 4 has no operative deadline (EO-4103); the scoping record is therefore still open, and these deficiencies can still be cured.

VIII. Requested Actions

I respectfully request that the Board and OEA:

1. Require Applicants to file a complete reconciliation of the three vintages of Houston-area data, original application, Amended Application, and July 27 errata, including a change log identifying every Houston-region figure that changed, the magnitude, and the operational reason, rather than a footnote incorporation by reference.
2. Require Applicants to document the methodology that produced the segment-level merger increments in the Houston region, including why increments take uniform

whole-number values and how traffic entering the region at +5.00 trains per day distributes to +1.88–2.29 on every urban-core segment.

3. Exercise OEA's discretion under 49 C.F.R. § 1105.7(d) to scope the environmental review to include the Houston urban-core segments (including segments 12396, 12403, 12449, 124481–124483, and the West Belt and Settegast corridors) and site-specific analysis of the most-reported crossings identified in Exhibit A, notwithstanding the threshold designations.
4. Require Applicants to reconcile Electronic Appendix Q (Englewood: +20.1%) with environmental table A3 (no Houston yards), and to include Englewood Yard in environmental review or explain on the record why a facility their own appendix identifies as a 20% growth yard in a severe nonattainment area is excluded.
5. Require Applicants to state the attainment designation applied to each Houston-region segment, including segment 10505 (merger gross ton-miles +33.5%, designated below-threshold).
6. Hold a public hearing in Houston before the environmental review advances, as the Board announced, with enough time for residents to plan to attend and at a reasonable time, such as an evening or weekend.
7. If the transaction is ultimately approved, impose enforceable conditions including funded grade separations at the most-reported crossings, blocked-crossing performance standards with public reporting and remedies, operational limits through the East End corridor, air-quality monitoring at Settegast and Englewood, and a community oversight mechanism — not reliance on the voluntary programs described in EI-34241.

Applicants' Houston numbers have changed three times in eight months, always downward, with the latest revisions disclosed only by footnote. Their own operating appendix contradicts their environmental tables. And the federal government's blocked-crossing record shows that the review boundary Applicants have drawn excludes 98.5% of Houston's documented problem. The Board should require Applicants to reconcile their filings, and OEA should scope its review to the impacts the record already demonstrates.

Respectfully submitted,

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Exhibit A — Twenty Most-Reported UP Blocked Crossings, Houston Region (FRA Blocked Crossing Incident Reports, Jan. 2021 – Jun. 2026), None Included in Applicants' Environmental Analysis

Rank	FRA Crossing ID	Street (all City of Houston, Harris County)	Total reports	2+ hour blockages	First-responder impacts	Pedestrians climbing
1	859522Y	Eastwood Street	2,905	278	567	698
2	288224V	Leeland Street	1,441	188	950	885
3	288226J	Milby Street	1,383	188	1,009	829
4	288221A	Cullen Boulevard	1,354	156	878	869
5	859523F	Lockwood Street	1,100	207	651	697
6	288227R	McKinney Street	929	96	708	655
7	859524M	Dumble Street	810	127	407	458
8	859521S	Oakhurst Street	794	127	473	489
9	859518J	Milby Street (2nd crossing)	774	102	447	473
10	288228X	York Street	662	71	474	449
11	288050B	Lawndale Street	612	161	96	180
12	288229E	Sampson Street	592	51	409	401
13	859516V	Sampson Street (2nd crossing)	584	87	317	332
14	859517C	York Street (2nd crossing)	547	84	302	325
15	859527H	Altic Street	507	79	332	363
16	755640L	Hirsch Road	461	103	211	256
17	859519R	(Private crossing, East End)	452	78	338	354
18	288051H	Telephone Road	439	104	76	141
19	288039B	Polk Street	405	92	54	61
20	288046L	Leeland Street (2nd crossing)	380	105	49	67

Match key: FRA crossing inventory ID, identical in FRA reports and Applicants' G1 tables. Full dataset and methodology accompany this comment (FRA_Reports_vs_UP_Review_Coverage.xlsx). Counts are voluntary public reports; see Part V caveat.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July, 2026 the foregoing document was served on all parties of record to this proceeding.

/s/ Lindsay Williams