

BEFORE THE SURFACE TRANSPORTATION BOARD  
DOCKET NO. FD 36873  
UNION PACIFIC RAILROAD CO. & NORFOLK SOUTHERN RAILWAY CO. MERGER

ENTERED  
Office of Chief Counsel  
July 31, 2026  
Part of  
Public Record

## Regulatory Noncompliance On Conrail Heritage Lines: PR-2 and PR-3 Mandates

The applicants stand in direct noncompliance with surface transportation regulations by failing to submit a mandatory passenger rail impact analysis and Service Assurance Plan for contested corridors. Despite explicit mandates to address routes projecting a significant increase in train traffic, the applicants have completely omitted the required train modeling evidence, a dispatching plan for handling post-merger traffic increases and an analysis of anticipated freight traffic schedules. By ignoring these directives, they have failed to demonstrate that they possess sufficient capacity to support projected freight increases while maintaining current passenger service levels along shared networks. The spatial and historical extent of these shared networks is illustrated in the figures below, which contrast the original Conrail division boundaries (Figure 1) with Norfolk Southern's present day footprint across the regional corridor (Figure 2).

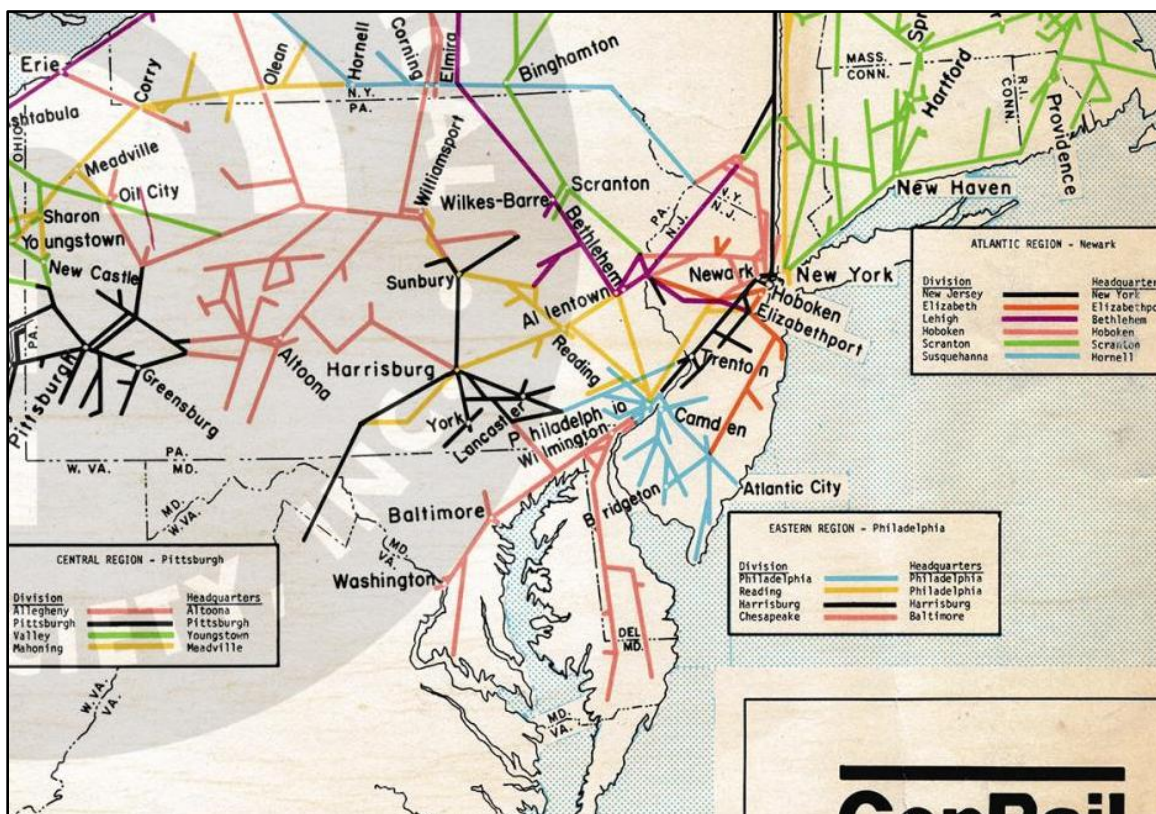
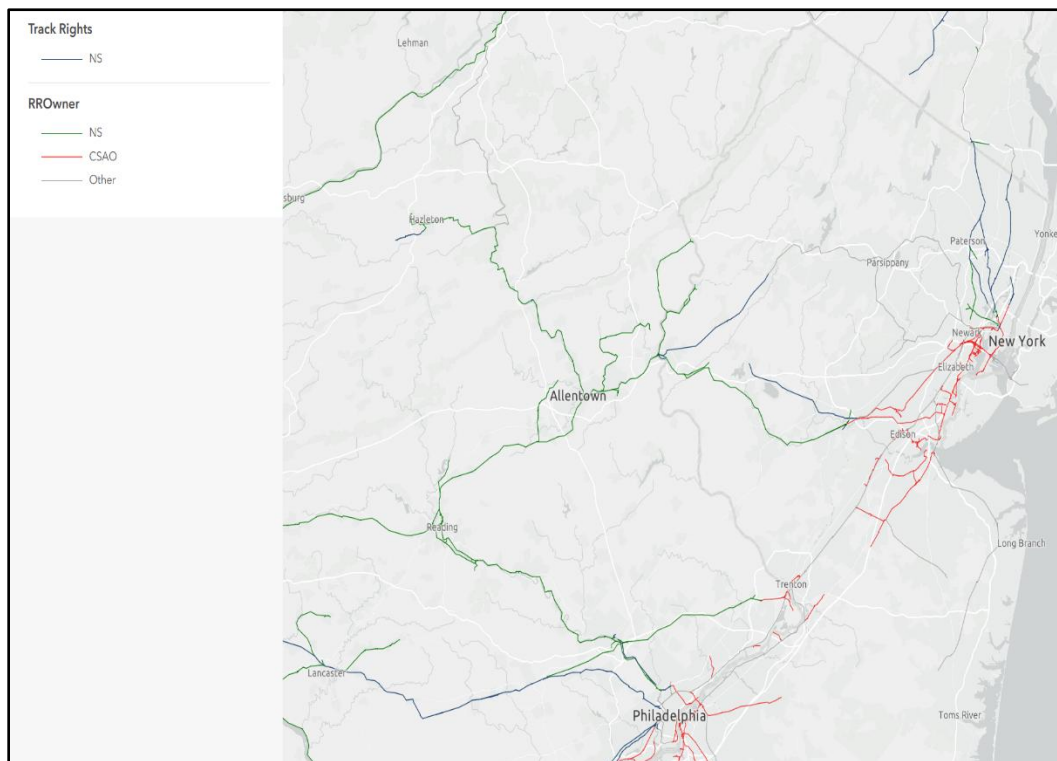


Figure 1: Original 1976 Conrail System Divisions and Inherited Corridors

This regulatory failure completely ignores Conrail's deep historical ties to passenger transit and the paramount importance of the public interest. Formed in 1976 by bankrupt operators like the Lehigh Valley Railroad, the Reading Company and Penn Central, Conrail inherited a network built for heavy passenger service as explicitly mapped in Figure 1. When assets were later divided, Norfolk Southern absorbed crucial trackage rights along the Lehigh Line into Pennsylvania (Figure 2). This footprint includes fractured historic routes, such as the unrestored segment between Bethlehem and Coopersburg. Because these lines natively hosted passenger trains, the infrastructure remains deeply intertwined with local commuter ecosystems.



*Figure 2: Network Ownership and Norfolk Southern Trackage Rights*

Compounding this regulatory noncompliance, Norfolk Southern seems unaware of its own network inventory and local rights of way, ignoring active Lehigh Valley Planning Commission (LVPC) passenger rail studies. The Lehigh Valley Passenger Rail Feasibility Analysis identifies candidate corridors connecting Allentown and Bethlehem to regional networks, detailed in Figure 3, where modeling should account for at least a three day three night service pattern per regional precedent. By overlooking these multi corridor planning efforts and baseline expectations where they hold trackage rights and operational control, Norfolk Southern shows a clear disconnect from local transit initiatives and refuses to account for passenger restoration in its merger modeling.

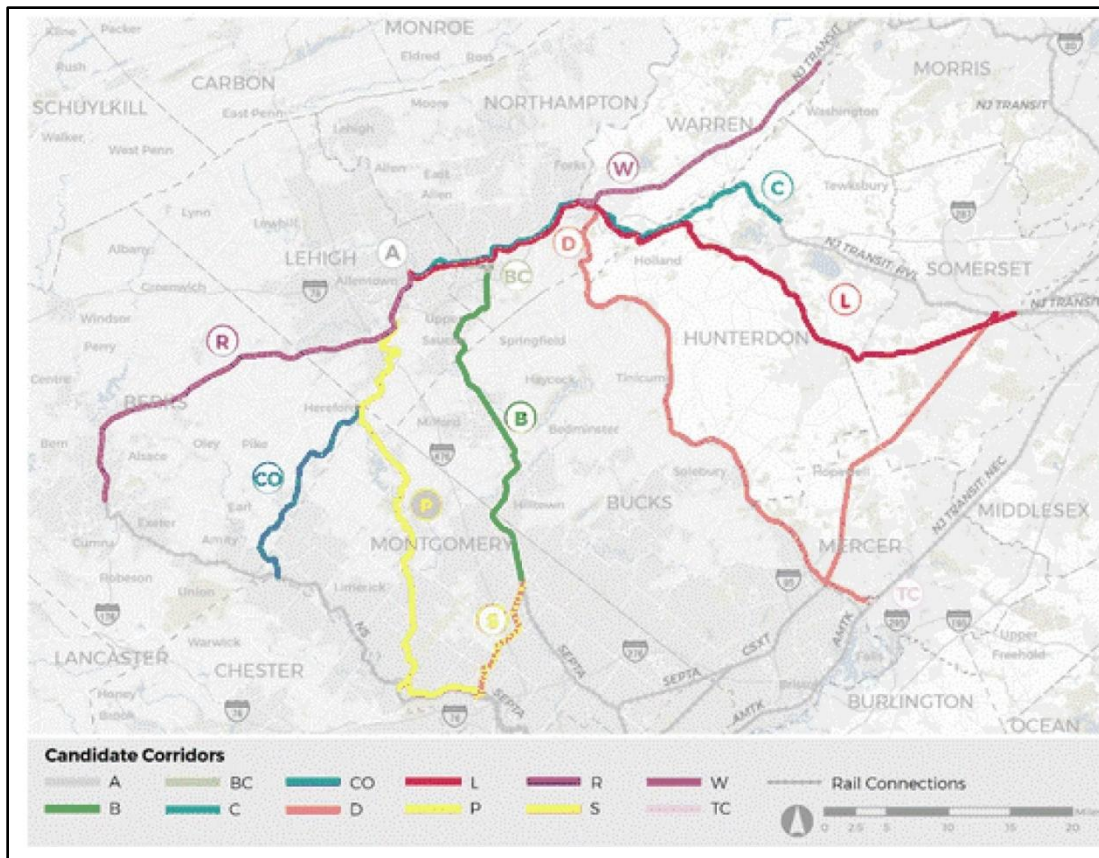


Figure 3: LVPC Passenger Rail Feasibility Analysis Candidate Corridors

The core of the applicant's noncompliance lies in their reliance on superficial data to satisfy complex operational mandates. The applicants previously asserted that their lines have sufficient capacity to support projected freight increases while maintaining passenger service. However, the only information provided to support that assertion is a worksheet detailing the maximum daily capacity of isolated rail line segments. Analyzing corridor capacity in piecemeal sections masks network bottlenecks and completely ignores the fluid end to end dispatching reality required for regional passenger integration. Static maximum daily train capacity metrics completely fail to illustrate how dynamic passenger trains with specific schedules and higher speeds will actually interact with heavy freight traffic.

A detailed narrative and rigorous operational analysis is needed for these Conrail heritage corridors just as urgently as the PR-1 mandate requires for the Heartland Flyer service. Yet unlike the Heartland Flyer, regional passenger restoration along the Lehigh Line has been systematically stalled by these exact freight operational hurdles for so long that the route remains an unnamed transit initiative. By withholding comprehensive line wide modeling evidence and dispatching plans, Norfolk Southern obscures whether shared infrastructure can accommodate these service expansions, effectively stalling viable transit extensions before meaningful capacity analysis can even begin.

To rectify this glaring omission, the Surface Transportation Board must compel the applicants to fulfill the PR-2 and PR-3 mandates in their entirety before this merger proceeding can advance. The statutory responsibility of the Board requires safeguarding the broad public interest, which is inherently tied to the preservation, viability and expansion of regional passenger rail networks. Norfolk Southern cannot hide behind trackage rights or complex shared infrastructure agreements to evade strict federal reporting requirements. Furthermore, they cannot dismiss the deeply rooted public necessity for regional transit restoration across eastern Pennsylvania and the greater Mid Atlantic. Allowing the applicants to proceed with fundamentally incomplete data sets a dangerous regulatory precedent that prioritizes corporate expediency over critical community infrastructure needs.

The Board must require a full submission of line wide train modeling evidence, updated dispatching protocols and a comprehensive Service Assurance Plan that explicitly integrates the active Lehigh Valley Planning Commission candidate corridors. This required modeling must transcend static daily capacity metrics and instead reflect the dynamic reality of modern mixed traffic rail operations. It is absolutely imperative that the applicants demonstrate exactly how high speed passenger trains will be dispatched alongside their aggressively projected freight traffic surges. The revised submission must include detailed operational timetables, precise network bottleneck identification and a clear enforceable methodology for resolving operational conflicts without degrading existing or planned commuter service levels.

Until the applicants definitively prove that their projected post merger freight surges will not obstruct baseline passenger rail restoration efforts, their application remains fundamentally incomplete and completely fails to satisfy basic federal regulatory standards. The Surface Transportation Board possesses the explicit authority and the regulatory mandate to ensure that historic Conrail heritage lines are not permanently monopolized by unchecked freight congestion. The surrounding municipalities and regional planners have invested heavily in designing the restoration of these vital commuter links. The Board must hold the applicants completely accountable to the public interest by demanding transparent, comprehensive and fully validated operational evidence. Approving this merger application without securing these critical environmental and operational reviews would permanently sever the Lehigh Valley from its rightful passenger transit future.

Respectfully submitted,

Colin Finney, Individual Party of Record

Dated: July 31<sup>st</sup>, 2026

I hereby certify that a copy of the foregoing document was served electronically upon all parties of record in Docket No. FD 36873

/s/ Colin Finney