

Necessity of Federal Precedent for Shared Corridor Integration: Transcontinental Passenger Rail Standard

This filing supplements my previous entry (Filing ID: 311871) to explicitly establish standing and clarify why a strict line wide legal interpretation of directive PR 2 ("Conrail's Lehigh Line") is necessary. As demonstrated in the attached geospatial exhibit, zero geographic space exists on this network where Norfolk Southern holds trackage rights over CSAO owned rail; instead, physical ownership cleanly transitions from CSAO terminal infrastructure to Norfolk Southern mainline ownership. Because Norfolk Southern is the outright owner rather than a tenant operator, mapping data reveals that the Board deliberately used the historic term "Conrail" to refer to the continuous regional corridor rather than applying precise modern corporate subdivisions.

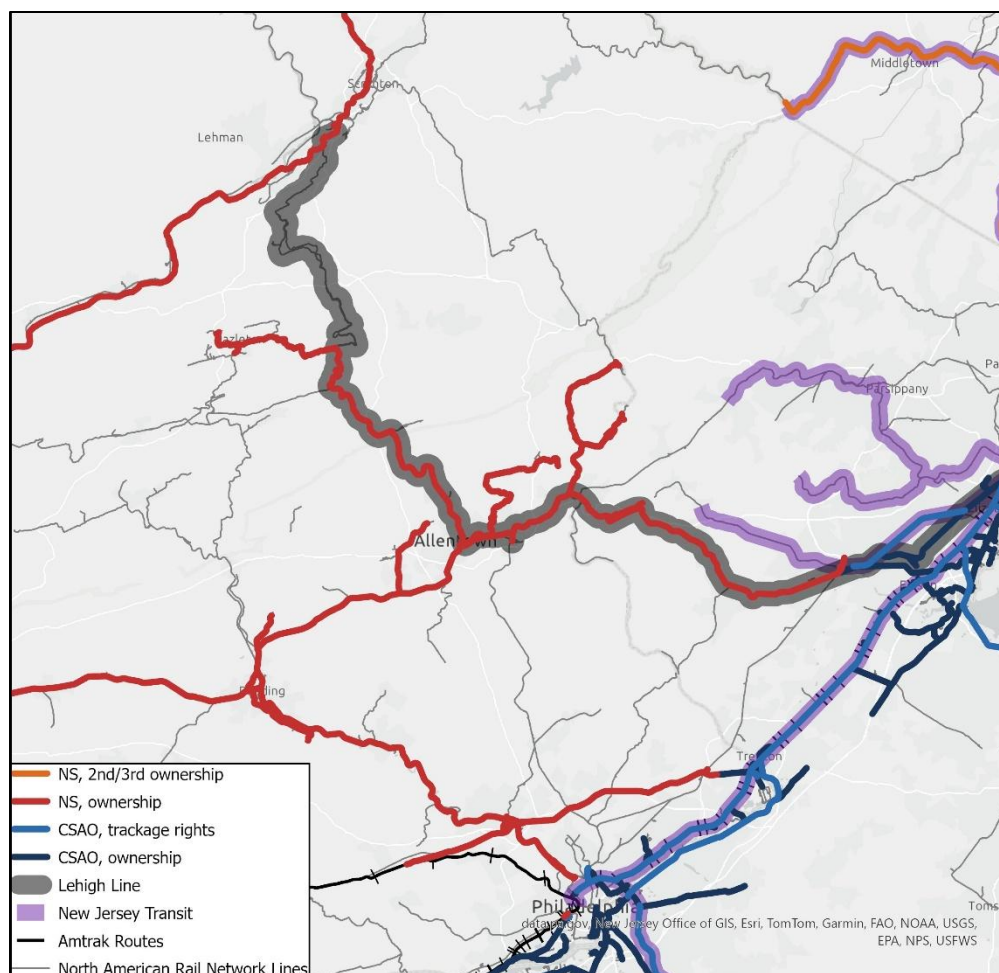


Figure 1. Infrastructure Ownership and Trackage Rights over PA-NJ-NY

This foundational oversight highlights the profound irresponsibility of a transcontinental merger whose technical work omitted Norfolk Southern's trackage rights over CSAO owned rail. The central legal argument of this filing is that transcontinental freight efficiencies must accommodate genuine transportation routes in a dense tri state market, or regulatory scrutiny on shorter localized segments rightly becomes far stricter. If the transaction generates unprecedented operational efficiency, those gains must logically translate into opportunities to segregate, dedicate or dynamically schedule specific corridor segments for passenger movement.

The PA NJ NY tri state region serves as the ultimate test case for these efficiency claims. The sheer volume of passenger demand flowing out of the Lehigh Valley easily matches or exceeds the protected Heartland Flyer corridor. In 2019 alone 17,500 residents in the Allentown Bethlehem Easton metro region commuted 90 or more minutes to work, with thousands relying heavily on intercity bus systems like Trans Bridge Lines. By comparison the Heartland Flyer carried 80,876 annual passengers during its 2025 fiscal year. The Northeast Corridor deserves a reliable westbound spur connecting all of Pennsylvania, especially since the Northeast Corridor can extend and return through Pennsylvania to Harrisburg and onward through Ohio. Norfolk Southern cannot credibly claim a lack of latent capacity when freight trains do not run during large portions of the daytime, meaning an immediate operational solution lies entirely within their property.

1. The Legal Application of "Conrail" vs "CSAO"

Under Decision No. 15, the applicants' reliance on static daily capacity worksheets fails to demonstrate how increased freight surges interact with scheduled passenger rail operations. By limiting submissions to the localized CSAO footprint in North Jersey, the applicants bypassed line wide operational modeling along Norfolk Southern's continuous mainline extending into Pennsylvania. Restricting review to terminal switching ignores that local transit agencies lack statutory operating scope or interstate trackage rights to negotiate directly on Class I freight mainlines, making asset based proxies legally necessary.

2. Evaluating Demand: Intercity Corridors vs Metro Necessities

Comparing PR 2 to PR 1 under directive PR 3 demonstrates that resistance from Norfolk Southern is a systemic avoidance of passenger integration rather than an issue of planning maturity. Projects like the Schuylkill River Passenger Rail Authority (SRPRA) advance intercity service between Reading and Philadelphia under Amtrak partnership and FRA Step 2 status yet face identical Norfolk Southern trackage hurdles. Just as interregional Pennsylvania transport was lost when the Bethlehem Branch was phased out for freight operations, it would return immediately upon reinstatement, proving that true public demand in candidate corridors cannot be accurately gauged using current transit usage statistics alone.

3. Setting a Binding Transcontinental Precedent

This filing calls on the Board to ensure transcontinental freight authority is not granted without securing enforceable passenger rail integration precedents. Permitting complex trackage rights and segmented ownership structures to evade passenger rail modeling establishes a dangerous nationwide loophole.

As the Board's first ever review of an end to end transcontinental railroad merger, this proceeding fundamentally alters the national rail network. Accepting isolated footprint data for a multi-state corridor invites nationwide operational evasion that undermines billions in taxpayer investments through federal corridor programs. A definitive ruling here grants the Board affirmative authority to federally promote corridor restoration nationwide while preemptively shielding these integration standards and abating potential judicial overreach that could otherwise restrict STB oversight. The public interest demands that federal regulatory oversight matches the historic scale of this corporate consolidation.

The Board must hold the applicants to a complete line wide operational review to protect the public interest, safeguard state planning investments and secure the region's passenger rail future.

Respectfully submitted,

/s/ Colin Patrick Finney

Individual Party of Record, Docket No. FD 36873

Dated: August 1, 2026

I certify that I have this day served copies of this document upon all parties of record in this proceeding by electronic mail consistent with 49 C.F.R. § 1104.12(a).

/s/ Colin Patrick Finney

Dated: August 1, 2026