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Office of Chief Counsel
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Public Record

August 25, 2026

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

The Honorable Michelle Schultz
Vice Chair
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

The Honorable Karen Hedlund
Member
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

The Honorable Richard J. Kloster
Member
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Dear Chairman Fuchs, Vice Chair Schultz, Member Hedlund, and Member Kloster:

As the Surface Transportation Board (STB) considers the proposed merger between Union Pacific Railroad (UP) and Norfolk Southern Railway (NS), the National League of Cities would like to request an extension of the September 4, 2026, notices of intent to participate deadline to allow additional time to conduct proper notification and outreach to cities, towns and villages who have rail crossings impacted by the merger but do not follow the proceedings of the Surface Transportation Board closely. The schedule was made available on August 18, 2026, and local governments would need to indicate their intention to participate in the proceedings by September 4, 2026. This period of less than 30 days time also overlaps when many American families and workers take leave in addition to the Labor Day holiday weekend. Leaving insufficient time for communities to assess the impact of the merger is unfortunate, especially given the number of impacted places that have not had business before the STB before so may be unfamiliar with your participation deadlines unless alerted otherwise.

While some local governments have indicated their intention to participate in the proceedings or are considering doing so, we estimate that more than 12,000 of the nearly 19,500 local governments host railroads in their communities. According to the proposal, the merger would impact local governments in at least 43 states meaning that majority of America's communities with rail crossings have yet to determine if they will be participating based on the public docket. **We respectfully request that STB extend your period for notices of intent to participate to be submitted until September 30, 2026, to allow ample time for awareness of the deadline to be shared.**

Since the STB does not formally notify other state and local government entities of a merger where they will be impacted, we must ask the STB to put their attention on the clarity and accessibility of the proceedings to ensure quality information is provided from municipal governments to inform your decision-making. To our knowledge, STB has not offered any educational sessions specific to communities who will be impacted by the merger to discuss the process and data the STB is using to evaluate the merger especially given that brand new standards will be used in this merger. Providing these types of basic education activities after the participation deadline would render them ineffective so **we urge STB to show good faith in reviewing public documentation on the participation process for improvements and providing educational resources during September before the participation deadline has passed.**

We will continue to do our part to educate and inform local government leaders about the pending merger proposal, and we welcome participation by the STB and would be glad to promote STB's educational activities. We appreciate the STB's role as an independent body in the proposed merger evaluation and your commitment to ensure the public's safety and interests are considered fully and transparently.

Thank you,

National League of Cities

CERTIFICATE OF SERVICE

This is to certify that a copy of the National League of Cities' request for an extension of the Notice of Intent to Participate deadline has been electronically filed with the Surface Transportation Board and served on all parties of record in this proceeding on this 25 day of August 2026.

Brittney Kohler

Brittney Kohler
National League of Cities