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ENTERED
Office of Chief Counsel
September 9, 2026
Part of
Public Record

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September 9, 2026

NOPB-2

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: **Docket No. FD 36873**
Union Pacific Corporation and Union Pacific
Railroad Company -- Control -- Norfolk Southern
Corporation and Norfolk Southern Railway Company

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is the **Description of Anticipated Responsive Application of New Orleans Public Belt Railroad Commission for the Port of New Orleans (NOPB-2)**, dated September 9, 2026.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter. Kind regards.

Respectfully submitted,

/s/ *Audrey E. Lane*

Audrey E. Lane
Attorney for New Orleans Public Belt Railroad
Commission for the Port of New Orleans

AEL: MAM

Attachment

cc: Parties of Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

UNION PACIFIC CORPORATION AND
UNION PACIFIC RAILROAD COMPANY
– CONTROL –
NORFOLKSOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY

**DESCRIPTION OF ANTICIPATED RESPONSIVE APPLICATION
OF NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS**

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**ATTORNEYS FOR NEW ORLEANS
PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS**

Dated: September 9, 2026

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

UNION PACIFIC CORPORATION AND
UNION PACIFIC RAILROAD COMPANY
– CONTROL –
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY

**DESCRIPTION OF ANTICIPATED RESPONSIVE APPLICATION
OF NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS**

Pursuant to Decision No. 30 served August 18, 2026, in this proceeding, New Orleans Public Belt Railroad Commission for the Port of New Orleans (“NOPB”) hereby provides the following description of its anticipated application responsive to the Revised Application filed by Union Pacific Corporation (“UPC”), Union Pacific Railroad Company (“UP”) (collectively, “Union Pacific”), Norfolk Southern Corporation (“NSC”), and Norfolk Southern Railway Company (“NS”) (collectively, “Norfolk Southern”) (Union Pacific and Norfolk Southern collectively, “Applicants”) for authority for UPC (i) to acquire control of NSC, and through NSC of NS and NS’s rail carrier subsidiaries,¹ and (ii) to control UP and NS and consolidate the rail operations of UP and NS.

INTRODUCTION

NOPB is an existing Class III switching and terminal railroad that interchanges with all six Class I railroads and serves the Port of New Orleans and surrounding industries. NOPB is a statutory governmental entity of the State of Louisiana, independent of the Port of New Orleans.

¹ As a simplifying measure, in this filing, “NS” is used as an umbrella term for any and all NS subsidiary companies and subsidiary operating railroads.

The “primary and specific purpose [of the NOPB] ... is to promote economic growth and development in trade and commerce through the operation of a neutral switching and terminal carrier for the New Orleans rail gateway.” La. R.S. 33:4530(D). For over 100 years, NOPB and its public predecessors have provided a neutral and independent means of moving traffic between Class I railroads, and through the Port of New Orleans and the national rail network.

NOPB and the Board of Commissioners of the Port of New Orleans (“Port NOLA”) are strategically aligned public entities with a shared responsibility for maintaining the competitiveness of the New Orleans freight gateway. NOPB currently provides on-dock switching services to Port NOLA’s breakbulk and project cargo terminals, intermodal service at Port NOLA’s Uptown container terminal, and facilitates access between the Uptown terminals and all six Class I railroads. NOPB seeks to ensure that Port NOLA’s Louisiana International Terminal (“LIT”), an upcoming transformative container terminal that is being built in St. Bernard Parish, receives the same neutral, independent and competitive rail access.

DESCRIPTION OF ANTICIPATED RESPONSIVE APPLICATION

NOPB anticipates filing a responsive application and request for conditions seeking new nonexclusive trackage rights over: (i) the NS Back Belt Line (including portions of track in and around NS’s Oliver Yard) and portions of the NS Chalmette Branch to allow NOPB contiguous access to serve the new LIT via that route (*see* Figure 1), and (ii) tracks and facilities to, through, within and connecting to UP and BNSF’s adjacent Avondale Yard facilities to permit interchange with both railroads at Avondale as well as access, including sufficient head room, to the adjacent port facilities and any current and future customers between and/or near Avondale Yard and the Mississippi River (*See* Figure 2). The rights NOPB intends to seek would enable it

to provide neutral and independent rail service to the LIT, as it currently does to Port NOLA's Uptown terminals. This preserves competitive access to other Port NOLA facilities, and maintains efficient interchange among the six Class I railroads while continuing to serve the New Orleans gateway as it was statutorily created to do.

Figure 1

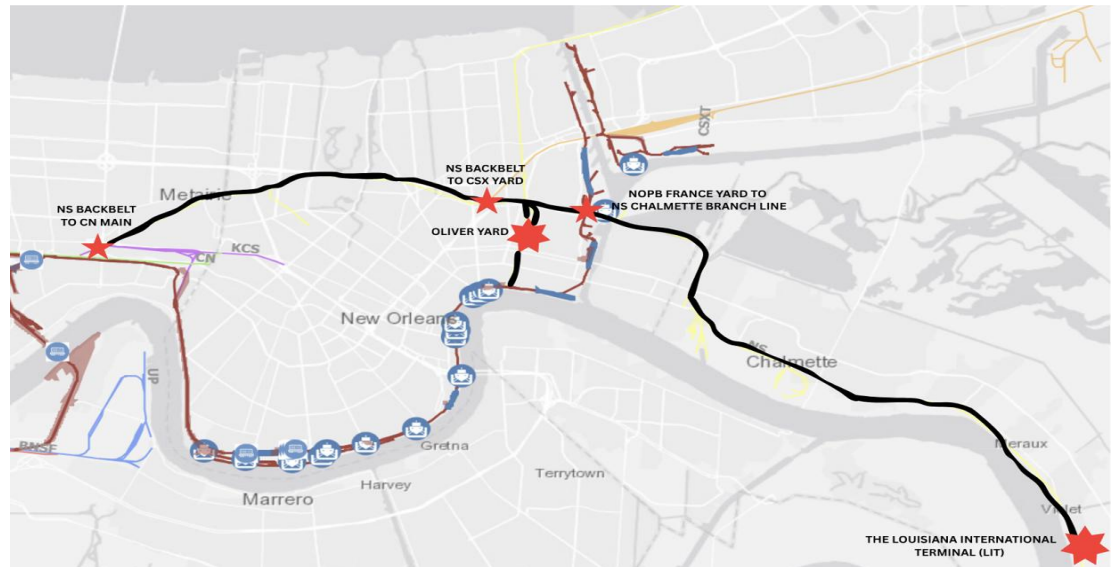
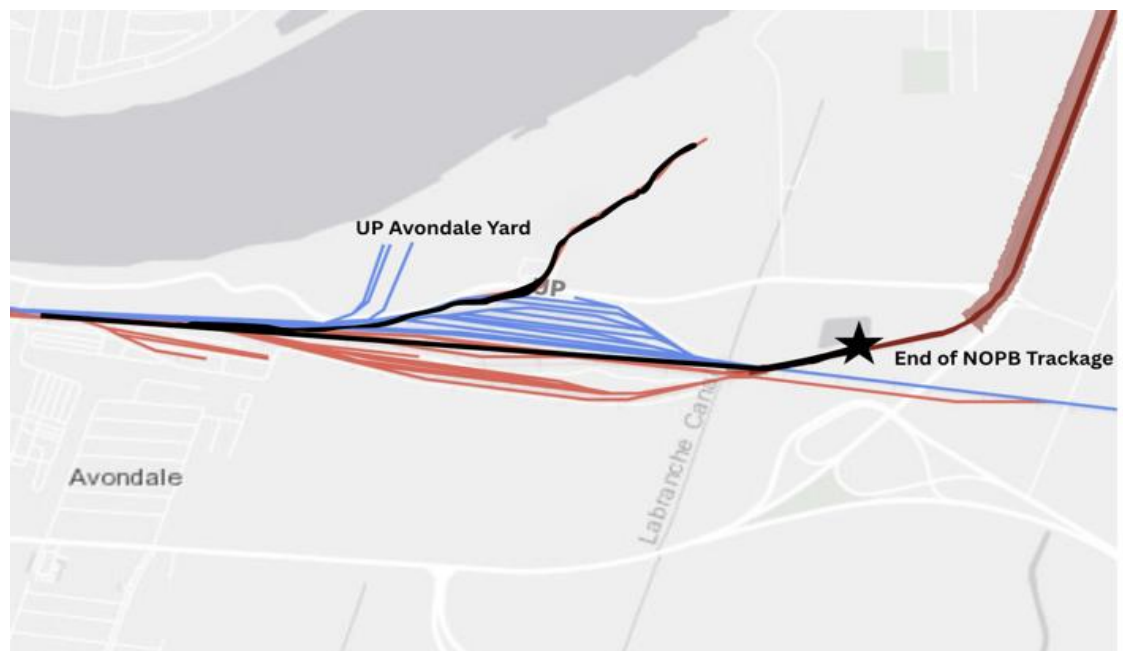


Figure 2



The proposed UP-NS merger would give a single Class I access and operational control over the NS Chalmette Branch Line, the publicly-owned LIT, the NS Back Belt, the UP Avondale Yard, the Huey P. Long rail bridge and other important New Orleans gateway access points.² That consolidation would give the merged UP-NS system both the ability and economic incentive to favor its own traffic and restrict, delay, disadvantage, or increase the cost of NOPB movements and movements involving competing Class I railroads to and from port facilities and between the Class I railroads.

Since the early 1900s, through its publicly-owned predecessors, NOPB has been the established neutral and independent rail carrier in the New Orleans gateway. The NOPB has experienced operating personnel, long-standing relationships and interchange arrangements with all six Class I carriers, and the operational capability necessary to provide neutral service to LIT and other port-related facilities with access to multiple carriers. Granting the requested rights to NOPB would both expand and enhance competition by leveraging the well-established and neutral existing terminal carrier.

NOPB's requested rights are narrowly tailored to address those UP-NS merger-related competitive harms and the rights sought will not displace existing carriers or eliminate existing operating rights. Instead, granting NOPB the rights it seeks will preserve and enhance rail competition by allowing the established neutral and independent terminal railroad to continue to serve port facilities and customers on nondiscriminatory terms and facilitate interchange between all Class I railroads.

² NS currently dispatches and controls the Chalmette Branch Line and the Back Belt while UP currently dispatches and controls Avondale Yard and the Huey P. Long Bridge.

CONCLUSION

Without granting NOPB these requested trackage rights, approval of the UP-NS merger will allow a single commercially interested railroad to control NOPB's access to LIT and several of the most important routes, interchange points, and yard facilities within the New Orleans gateway and the country. That concentration would threaten neutral and independent Port of New Orleans's current and future services, reduce the practical service ability and capacity of other Class I railroads to compete for port traffic, and undermine the competitive benefits associated with LIT.

Granting NOPB the requested rights will directly address merger-related harms. It will provide LIT, other port facilities, and customers in the New Orleans gateway with durable, neutral and independent access to the national rail network; preserve and enhance competition among all six Class I railroads as required by the merger; improve gateway connectivity; and protect the state and federal investment being made in the Port of New Orleans.

Respectfully submitted,

/s/ Audrey E. Lane

By: _____

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**ATTORNEYS FOR NEW ORLEANS
PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS**

Dated: September 9, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September, 2026, a copy of the foregoing
**Description of Anticipated Responsive Application of New Orleans Public Belt Railroad
Commission for the Port of New Orleans (NOPB-2)** was served by electronic mail upon all
Parties of Record.

/s/ *Audrey E. Lane*

Audrey E. Lane