

BEFORE THE SURFACE TRANSPORTATION BOARD

Docket No. FD 36873

ENTERED
Office of Chief Counsel
September 17, 2026
Part of
Public Record

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY

— CONTROL —

NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY
COMPANY

**COMMENT OF LINDSAY WILLIAMS ON THE INDEPENDENCE OF SUPPORT
LETTERS RELIED UPON IN THE APPLICATION, AND RENEWED REQUEST FOR
CERTIFICATION AND DISCLOSURE**

September 17, 2026

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

To the Members of the Board:

I am a resident of Eastwood, in Houston's East End. I live alongside Union Pacific's East Belt, West Belt, and Galveston Subdivision lines, adjacent to the Settegast and Englewood yard complex. I have previously filed in this docket on blocked grade crossings.

I write now about a narrower question: whether the letters of support that Applicants have placed before the Board are what they are represented to be. I do not ask the Board to disregard any person's opinion of this transaction. I ask the Board to require that the record disclose who is speaking, and to require that support offered a year ago be reaffirmed against the application as it now stands.

Specifically, I ask the Board to:

1. Require Applicants to certify, under 49 C.F.R. §§ 1104.3 and 1180.4, that each letter of support relied upon in the Application remains valid and authorized as of the date of the Amended Application, and to identify any letter that has been withdrawn, retracted, or was submitted without the signatory's authorization. This renews the request already made in filings 311248 and 311298.
2. Require Applicants to file a disclosure schedule identifying, for each organizational letter of support, any board or officer position held by an Applicant or an Applicant's employee in the signing organization, and any membership, dues, sponsorship, grant, or other financial relationship between an Applicant and the signing organization, during the twenty-four months preceding the letter.
3. Segregate letters from organizations with Applicant representation or Applicant funding from any tally of independent third-party support, so that the Board's public interest finding under 49 C.F.R. § 1180.1(c) rests on a record that distinguishes the two.

The balance of this comment supplies the basis for these requests, and responds to three factual assertions recently published by one of the signatories.

I. The North Houston Association letter, at Application Volume 3, page 1874

Applicants filed, as part of the Application, a letter of support dated September 25, 2025 from the North Houston Association, addressed to Chairman Fuchs and copied to Member Schultz and Member Hedlund. It appears at Volume 3, page 1874. Marlisa Briggs, President, and Kim Sachtleben, Board Chair, signed it. It describes the Association as a regional business association representing "more than 150 professional services firms and industry leaders" across Harris, Montgomery, and Waller Counties, and it expresses "full support" for the transaction.

The letter's own masthead lists the Association's Board of Directors. The final entry on that list reads: "Richard A. Zientek, Union Pacific Railroad."

Mr. Zientek is Union Pacific's Senior Director of Public Affairs. He remains listed on the North Houston Association's board of directors today. As a result, one of the letters Applicants placed before the Board as third-party support for this transaction was written by an organization on whose governing board an Applicant's senior public affairs officer sits.

I do not suggest that this is improper, and I make no allegation about Mr. Zientek's conduct. Trade and regional business associations commonly seat member-company representatives, and Union Pacific's participation in Houston-area civic organizations is longstanding and public. The point is narrower and goes only to weight: a letter from an organization in which the Applicant holds a governance seat is not independent third-party support, and the Application does not identify it as anything else. The relationship is discoverable only by a reader who notices a single line in a sidebar on the letterhead.

The Board weighs expressions of public and community support in determining whether a transaction is consistent with the public interest. The evidentiary value of such a letter depends entirely on whose voice it is. Where the Applicant sits on the board of the organization writing in its favor, the Board should know that from the face of the filing, not from the letterhead's fine print.

II. The same relationship went undisclosed in a public advocacy campaign addressed to this community

On September 15, 2026, the Houston Business Journal published a guest commentary by Ms. Briggs titled "North Houston group backs Union Pacific-Norfolk Southern merger as freight solution," which had appeared in the paper's print edition on September 11, 2026. The commentary argues for the transaction, addresses "some community leaders" who have raised concerns, and identifies the author only as "the president of the North Houston Association." It does not disclose that Union Pacific holds a seat on that Association's board.

I do not ask the Board to police the press, and the Board has no occasion to. I raise the commentary for two reasons directly relevant to this docket. First, it shows that the September 2025 letter was not an isolated courtesy: the organization is actively campaigning for the

transaction in the affected community a year later, as the comment deadline approaches. Second, it shows that the undisclosed relationship is not confined to a page in Volume 3. The residents whose neighborhoods are at issue here are being addressed by an organization whose board includes the Applicant, without being told so.

That is a matter the Board can address, in the only way that belongs to the Board: by requiring the disclosure on the record that the public did not receive.

III. The letter is stale as well as affiliated, and this is not an isolated defect

The North Houston Association letter is dated September 25, 2025. It therefore predates the Application filed in December 2025, the Amended Application, and every subsequent revision to the evidence supporting them.

The scale of those revisions is documented by other parties in this proceeding. In filing 312315, BNSF, CPKC, and CSX informed the Board that "[t]he Application has now changed four times, and three times since the Board accepted it as complete," that "Applicants have now submitted more than 200 pages of 'errata' in the last 50 days," and that on one weekend alone Applicants "submitted 2,446 new or replacement files that totaled 272 GB of data." On September 11, 2026, in filing 312310, Applicants corrected the Supplemental Verified Statement of David T. Hunt, the author of the diversion study. On September 15, 2026, in filing 312336, Applicants represented that they "will not submit additional changes to the diversion study prior to the November 18 comment deadline."

No organization that wrote in September 2025 can have read the application that the Board will decide. That is not a criticism of the signatories. It is why the Board should not count their letters as current evidence of public support without certification that they remain valid.

This record already contains two other categories of support-letter defect. In filing 310831, USD Group LLC, a Houston shipper that had supported the transaction in September 2025, stated that "[a]fter review of the filing in December," it "does not, by this submission, take a position for or against any specific merger proposal." The Commission had to submit that retraction twice, five weeks apart, "for purposes of ensuring inclusion in the public docket." In filing 310966, Commissioner Rodney Ellis of Harris County Precinct 1 stated that a support letter filed October 21, 2025 listing him among an organization's Board of Advisors was one that "neither I nor my office reviewed, authorized, or approved."

Withdrawn support. Unauthorized support. And now affiliated support, presented without identifying the affiliation. Each of these is a reason to require the certification and disclosure requested above before any of these letters is counted.

IV. Three assertions in the September 15 commentary do not survive this record

Because the commentary is an advocacy document circulated in the affected community by a signatory to a filed support letter, I ask the Board to have the following on the record alongside it.

A. "Houston, where only UP operates."

The commentary states that the transaction "is not about reducing competition in Houston, where only UP operates." Houston is served by Union Pacific, BNSF Railway, and CPKC, and by the Port Terminal Railroad Association, of which those carriers are voting members. Applicants' own FRA Form 71 filings establish the point at the crossings at issue in my neighborhood: crossing 288039B (Polk Street, East Belt Subdivision, MP 9.720) and crossing 288129A (Commerce Street, West Belt Subdivision, MP 233.500) are each reported as UP, BNSF, and KCS crossings.

If the intended meaning was that Norfolk Southern does not operate in Houston, that is correct and unremarkable. As published, the sentence misdescribes the Houston rail market to a Houston readership. More to the point for this docket, it frames the Houston question incorrectly. The harm residents here have documented does not arise from an overlap between the merging carriers. It arises from the additional volume this transaction routes over Union Pacific track that is already at capacity.

B. "The proposed merger should not be blamed for long-standing debates regarding rail-grade crossings and air quality."

This inverts the analysis NEPA requires. A degraded baseline is not a reason to disregard an increment; it is the reason the increment must be studied. Cumulative effects analysis exists precisely so that a new action is evaluated against existing conditions rather than against an empty field.

The Master Data Tables Applicants transmitted to the Office of Environmental Analysis on September 9, 2026 make the stakes concrete. The Settegast intermodal facility (yard code B 372_UP) is reported to rise from 242 units per day to 610 units per day in Year 5, a 140.2 percent increase attributable to the transaction that exceeds the Board's thresholds under 49 C.F.R. § 1105.7(e)(5). Every rail line segment inside the Houston terminal complex that carries those units to and from that facility, the full East Belt, the full West Belt, the Settegast Yard connections, and the Tower 26, Tower 85, Tower 87, Basin Yard, Congress Yard, Booth Yard, and Lockwood connectors, is marked as not exceeding thresholds.

The additional volume reaches Settegast over the track and leaves the same way. The commentary's position that pre-existing crossing and air quality conditions are a separate conversation is the same analytical move that produces a study area covering a facility and none of the track serving it. I have asked the Office of Environmental Analysis to correct that in separate comments on the scope of the Environmental Impact Statement, and I renew the request here.

C. "Houston has secured federal and state funding for multiple rail grade separation projects — investments that address the root causes of crossing delays."

Texas has received federal grade separation funding, and I do not dispute that. But based on TxDOT's published project list for the Federal-State Partnership for Intercity Passenger Rail awards, the twelve funded Texas projects include one in Harris County (the Rail Safety and Mobility Project on the Sunset Limited Route) and three in Fort Bend County (the Union Pacific crossings of US 90 and South Gessner Road, Dairy Ashford Road, and Eldridge Road). None appears to be located on the East Belt Subdivision, the West Belt Subdivision, or the Galveston Subdivision, where the reported blockages in this record are concentrated. The federal award to the East End specifically was made to Harris County in January 2025 to assess crossing safety and planning work, not construction.

If Applicants intend to rely on public grade separation funding as an answer to the crossing impacts of this transaction, I ask the Board to require them to identify, by U.S. DOT crossing inventory number, each funded grade separation within the affected Houston corridors, together with its funding source and construction schedule.

I also ask the Board to note the more basic problem with the argument. Public money already appropriated for crossing safety does not mitigate a private transaction's incremental harm. Any condition the Board imposes should include a non-supplanting requirement, so that funds committed by Applicants are additional to, and do not replace, reduce, or offset, funding already appropriated, programmed, awarded, or committed by the City of Houston, Harris County, the Houston-Galveston Area Council, the Texas Department of Transportation, or any federal program.

V. What the commentary concedes, and what the Board should do with it

The commentary is not uniformly adverse to the residents' position. Its author writes that "[s]ome community leaders have raised valid concerns that should be addressed, and residents deserve input on noise, health and safety concerns, along with environmental impacts," and that federal regulators should "conduct extensive environmental and traffic studies while engaging our communities to provide necessary assurances, implement safety commitments and ensure continuity in affected neighborhoods."

I ask the Board to take that concession at face value. A supporter of this transaction, and one filed in the Application as evidence of the public interest, states on the public record that a thorough environmental study, community engagement, assurances, and safety commitments are warranted. I agree. The disagreement is only about whether those commitments are voluntary or enforceable.

They should be enforceable. Assurances that cannot be measured, located, or enforced are not conditions. I have submitted, and continue to urge, condition language that defines the mitigation area geographically and by U.S. DOT crossing inventory number, fixes an eligible project list at

the outset, requires a documented nexus and non-supplanting certification, sets a minimum commitment rather than a percentage of an undefined total, reports by crossing location rather than in aggregate, measures compliance using municipal crossing sensor data rather than self-reported data alone, and gives affected local governments and Super Neighborhoods standing to petition for enforcement.

VI. Conclusion

Applicants have placed roughly two thousand letters of support before the Board. Three things are now established on this record about that body of evidence: at least one supporter withdrew to neutrality after reading the application; at least one public official says a letter was filed in his name without authorization; and at least one signing organization seats an Applicant's regional public affairs director on its board, without that being disclosed in the Application or in the organization's subsequent public advocacy.

None of this requires the Board to find misconduct. It requires only that the Board ask the Applicants to certify what they have filed and disclose the relationships behind it before weighing that evidence. I respectfully request the relief set out at the beginning of this comment.

Thank you for your consideration.

Respectfully submitted,

Lindsay Williams
1322 Milby St.
Houston, TX 77003
williams Lindsay123@gmail.com

EXHIBITS

Exhibit A — Letter of the North Houston Association to Chairman Patrick J. Fuchs, September 25, 2025, as filed at Application Volume 3, page 1874, showing the Board of Directors list on the letterhead.

Exhibit B — Marlisa Briggs, "North Houston group backs Union Pacific-Norfolk Southern merger as freight solution," Houston Business Journal, September 15, 2026 (print edition September 11, 2026).

CERTIFICATE OF SERVICE

I certify that on September 17, 2026, a copy of the foregoing comment was served by electronic mail on all parties of record in Docket No. FD 36873.

/s

Lindsay Williams

FOR THE EXCLUSIVE USE OF HELLO@EASTENDDISTRICT.COM

From the Houston Business Journal:
<https://www.bizjournals.com/houston/news/2026/09/15/union-pacific-norfolk-southern-oped-marlisa-briggs.html>

SUBSCRIBER CONTENT:

Transportation • Guest commentary

North Houston group backs Union Pacific-Norfolk Southern merger as freight solution



Image: North Houston Association

Marlisa Briggs is the president of the North Houston Association.
COURTESY/NORTH HOUSTON ASSOCIATION

By Marlisa Briggs – North Houston Association
Sep 15, 2026

Listen to this article 4 min

Story Highlights

- The Houston area moves billions of tons of freight annually through rail and intermodal transportation.
- A single freight train removes several hundred trucks from roads by traveling nearly 500 miles per gallon.

- The North Houston Association supports a Union Pacific and Norfolk Southern merger to strengthen supply chain efficiency.

Editor's note: This article initially was published as a Biz Voice guest commentary in the Sept. 11, 2026, print edition of the Houston Business Journal. The views and opinions expressed in this article are those of the guest columnist and do not necessarily reflect the views or positions of the Houston Business Journal.

The larger Houston area moves billions of tons in freight each year through intermodal modalities, powering Texas' position as a [world economic leader](#).

NEW MEMBER PERK: PORTFOLIO

Curated Benefits from Premium Brands

Enjoy exclusive discounts on business services, travel, and everyday essentials with Portfolio.

[ACCESS MY SAVINGS](#)

Rail infrastructure is crucial for moving bulk goods long distances, supported by more than 800 miles of freight track in the Houston area alone. It has real advantages over trucking – higher load capacity, better fuel efficiency and less highway congestion and deterioration.

By train, one ton of freight can travel nearly 500 miles per gallon of fuel. That's three to four times more fuel efficient than trucks, meaning a single freight train can remove several hundred trucks from the road. But trucks continue to [dominate](#) the freight industry at great risk to citizens on our highways.

In 2022 alone, there were [more than 168,000 truck crashes](#) nationwide, 4,766 of them fatal.

At the [North Houston Association](#), we focus on transportation solutions that strengthen mobility and economic opportunity across the region. We believe the [proposed](#) Union Pacific and Norfolk Southern merger deserves strong consideration. It would create the first truly transnational railroad in the United States, linking the western and eastern halves of the country under a single, continuous line.

Integrating these networks – which have little to no pre-existing network

overlap – is not about reducing competition in Houston, where only UP operates, but about connecting complementary systems to improve efficiency. The merger could reduce interchange delays, improve service reliability and provide seamless single-line service from coast to coast.

For Houston and the broader Texas economy, a unified rail corridor could strengthen port connectivity, lower shipping costs, enhance supply chain resilience and make rail a more competitive alternative to long-haul trucking.

Some community leaders have raised valid concerns that should be addressed, and residents deserve input on noise, health and safety concerns, along with environmental impacts. However, the proposed merger should not be blamed for long-standing debates regarding rail-grade crossings and air quality. Instead, we can allow federal regulators, as they do with every rail merger, to conduct extensive environmental and traffic studies while engaging our communities to provide necessary assurances, implement safety commitments and ensure continuity in affected neighborhoods.

Merger aside, our region also has other tools to address systemic rail-grade crossing issues. Houston has secured [federal](#) and [state funding](#) for multiple rail grade separation projects – investments that address the root causes of crossing delays.

Beyond our region, the merger would deliver broad national benefits: Strengthening the U.S. supply chain's resilience and efficiency enhances its competitiveness and expands access to domestic and international markets. And because an integrated rail network would shift long-haul freight from highway to rail, it would reduce emissions and repairs as well as traffic congestion and accidents, easing the burden on our first responders.

Marlisa Briggs is the president of the North Houston Association.

Unlock Your Membership Advantage

Member-Only Tools & Resources

LEARN MORE

BOARD OF DIRECTORS

Kim Sachtleben, PE
Chair
Pape-Dawson

Dan Kolkhorst, PE
Vice Chair
The Howard Hughes Corporation

Jeanne Jullien
Treasurer
UES

Robb Fishman AICP/REM
Secretary
KCI Technologies, Inc.

Ed Shackelford, PE
Immediate Past Chair
San Jacinto River Authority

Alan Black, PE
Quiddity Engineering

Matt Brannen, PE
BGE, Inc.

John Dean, AICP
TNP, Inc.

Telfryn John, PE
GeoScience Engineering & Testing, Inc.

Tim Joniec
Houston Airport System

Michael Kasmiersky
Lincoln Property Company

Michael Kurzy, PE
Baxter and Woodman, Inc.

Mark Linabury
Greater East Montgomery County Chamber

Dimitri Millas
Norton Rose Fulbright US LLP

LeAnne Napolillo, PE
HNTB Corporation

Tony Sartori, PE
HALFF Associates

Shelley Serres, PE
Lockwood, Andrews & Newnam, Inc.

Todd Stephens
The Woodlands Township

Derron Vincik, PE, LEED AP
PGAL

Richard A. Zientek
Union Pacific Railroad



September 25, 2025

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

RE: Support for Union Pacific and Norfolk Southern Merger, Docket Number: FD 36873

Dear Chairman Fuchs:

On behalf of the Board of Directors of the North Houston Association (NHA), we would like to express the organization's full support for the proposed merger between Union Pacific Norfolk Southern.

NHA is a regional business association that advocates on matters of infrastructure and development in Harris, Montgomery and Waller Counties. We represent more than 150 professional services firms and industry leaders within our 1,800 square miles.

Freight rail is a cornerstone of our state's economy, safely moving the goods that power our industries, support our farmers and connect our communities to markets across the nation and the world. Union Pacific has long been an essential transportation partner for our state, providing efficient, reliable and cost-effective service to businesses large and small. The American freight rail network is not only critical to our economic growth – it is also one of the most sustainable modes of transportation available, helping reduce highway congestion and emissions.

The proposed merger offers a unique opportunity to strengthen this network and deliver tangible benefits for shippers, consumers and communities, including:

- Improved Service Reliability: More direct routes and greater operational flexibility will help prevent service disruptions and improve schedule dependability.
- Reduced Transit Times: Eliminating certain interchanges will speed the movement of goods, helping our businesses reach customers faster and more competitively.
- Increased Investment: The transcontinental railroad will be better positioned to invest in modern infrastructure, advanced technology and enhanced safety systems.
- Expanded Reach: The broader geographic footprint will open new markets for our state's products and strengthen supply chain resilience.

This merger is about more than just railroads – it's about securing the future of our transportation network, supporting economic development and ensuring American freight rail remains globally competitive.

We respectfully urge the Surface Transportation Board to give full and favorable consideration to this proposal, recognizing the benefits it will bring to our state and the national economy.

Best regards,

Marlisa Briggs
President

Kim Sachtleben
Board Chair

cc: Member Schultz and Member Hedlund