



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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MEMORANDUM

TO: Surface Transportation Board's Office of Environmental Analysis (OEA)

FROM: Valent Lassiter, Chesapeake Bay Preservation Act Locality Liaison

DATE: September 21, 2026

SUBJECT: SCOPING: Union Pacific Corporation and Union Pacific Company – Control – Norfolk Southern Corporation and Norfolk Southern Railway Company; Preliminary Consultation

We have reviewed the Scoping request submittal for the proposed project and offer the following comments regarding consistency with the provisions of Virginia's *Chesapeake Bay Preservation Area Designation and Management Regulations* (Regulations):

The Regulations establish criteria that will provide for the protection of water quality, and that also will accommodate economic development. All counties, cities and towns in Tidewater Virginia shall comply with the Regulations. "Tidewater Virginia" means the following jurisdictions: the counties of Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland, and York, and the cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, and Williamsburg. Other local governments not in Tidewater Virginia may use the criteria and conform their ordinances as provided in this chapter to protect the quality of state waters in accordance with § [62.1-44.15:75](#) of the Code of Virginia.

The Union Pacific Corporation (UPC), Union Pacific Railroad Company (UP), Norfolk Southern Corporation (NSC), and Norfolk Southern Railway Company (NS) filed a revised application with the Surface Transportation Board (Board) seeking authority for (1) the acquisition of control by UPC of NSC, and through NSC of NS and NS's rail carrier subsidiaries, and (2) the resulting common control by UPC of UP and NS and the consolidation of the rail operations of UP and NS.

According to Applicants, UP's acquisition of NS would create the country's first transcontinental railroad. UP operates approximately 32,880 miles of rail line in 23 states in the western two-thirds of the United States. UP has eight principal routes: three anchored in Chicago, three anchored in

Los Angeles, one between border crossings in Mexico and Chicago, and one between Seattle and Los Angeles. NS operates approximately 19,200 route miles in 22 eastern states and the District of Columbia. Four principal routes are the core of NS's network. Three run between Chicago, Atlanta/Chattanooga, and the Northeast, and a fourth runs from Chicago to Norfolk. If the Board authorizes the Transaction, UP and NS would combine into a single rail system to be known as Union Pacific. The Transaction would be mostly "end to-end" because the existing UP and NS systems only overlap in Missouri and Illinois.

Section 9VAC25-830-150(B)(1) of the Regulations exempts the construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with the following:

1. Conformance with the Virginia Erosion and Stormwater Management Regulation (9VAC25-875).
2. An erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality; or
3. Local water quality protection criteria at least as stringent as the above state requirements.

Provided the project adheres to the above-referenced requirements, the proposed activity would be consistent with the *Chesapeake Bay Preservation Act* and the Regulations.