

September 17, 2026

VIA EMAIL

Elizabeth Webster
Surface Transportation Board
395 East Street SW
Washington, DC 20423

RE: Docket No. FD 36873 Union Pacific Norfolk Southern Railway – Preliminary Consultation

Dear Elizabeth Webster:

Thank you for the opportunity to review and comment on the Docket No. FD 36873 Union Pacific (UP) Norfolk Southern (NS) Railway project (Project). The Project consists of UP's acquisition of NS, which would create the country's first transcontinental railroad. The UP operates approximately 32,880 miles of rail line in 23 states in the western two-thirds of the United States. The 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. The 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 runs 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. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Safety and Emergency Management:

The agency is concerned that an increase in hazardous materials rail traffic within Minnesota could increase the potential for significant derailments and associated hazardous material releases. In addition, the agency is concerned that Union Pacific no longer has a Qualified Individual (QI) located in Minnesota. The QI is now based in Nebraska, which could significantly increase the time required for the QI to respond to a release or other high-consequence incident in Minnesota. The agency is concerned that this increased response time could adversely affect critical on-site decision-making and response activities during the immediate aftermath of a derailment, hazardous material release, or other high-potential-consequence event.

Additionally, the Association of American Railroads' ongoing litigation concerning fees established under Minn. Stat. § 299A has resulted in railroads not currently paying the fees, leaving the preparedness activities authorized under Minn. Stat. § 115E without an identified source of funding. As a result, the MPCA's ability to conduct essential rail emergency preparedness activities, including plan reviews, inspections, and exercises, is already at risk. In the event of a merger, the agency would anticipate a need for increased oversight and inspections of Union Pacific operations in Minnesota. However, the agency's ability to provide that increased level of oversight may be constrained by the existing funding uncertainty associated with the ongoing litigation. This combination of increased hazardous materials

traffic, potentially longer QI response times, and constrained preparedness resources could reduce the state's overall level of preparedness and response capability for significant rail incidents.

Wastewater:

No proposed capital improvement projects appear to be in Minnesota.
Some rail traffic may increase, but is likely to have minimal impact on wastewater generation.

401 Certification:

The impact areas are already regulated sites and would depend on federal actions.

Traffic:

For Minnesota, UP's environmental filings project:

- A 227% increase in truck traffic at the Minneapolis Twin Cities Intermodal Yard, equal to approximately 107 additional trucks per day.
 - This is a significant increase in an Environmental Justice area. In addition, the University of MN East Bank campus is located just SW of the rail yard. We are very concerned about the air pollution due to increased truck traffic. If traffic congestion becomes a concern, air pollution would increase. Another concern is noise pollution – especially given there are off-campus student residences nearby.
- A 114% increase in truck traffic at the St. Paul Auto Ramp, equal to approximately 56 additional trucks per week.
 - This too is an EJ area with significant noise and air pollution already. There is a regulatory concern: this area used to be a non-attainment area under the Clean Air Act for Particulate Matter smaller than 10 microns (PM10). The regulatory implications are unclear. However, rail and truck traffic emit significant PM10.

We appreciate the opportunity to review this Project. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit actions by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this Project, please contact me by email at chris.green@state.mn.us or by telephone at 507-476-4258.

Sincerely,

Chris Green

This document has been electronically signed.

Chris Green
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

CG:kj

cc: See next page.

cc: Kirk Koudelka, MPCA
Anna Hotz, MPCA
Korey Southerland, MPCA
Brian Timerson, MPCA
Katrina Hapka, MPCA
Wayne Cords, MPCA
Ryan Ricci, MPCA
Colin Heintzman, MPCA
Melinda Neville, MPCA
Deepa deAlwis, MPCA
Lauren Dickerson, MPCA
Nicole Peterson, MPCA
Julie Henderson, MPCA
David Sahli, MPCA
Jeffrey Hedman, MPCA
Colin Boysen, MPCA
Matthew Moon, MPCA
Bill Wilde, MPCA
Kirsten Barta, MPCA
Brian Timerson, MPCA