



SLOVER & LOFTUS LLP

ATTORNEYS AT LAW

September 21, 2026

Via E-Filing

Elizabeth Webster

Surface Transportation Board (Docket No. FD 36873)

395 E Street SW

Washington, DC 20423

Re: Docket No. FD 36873, *Union Pacific Corporation and Union Pacific Company – Control – Norfolk Southern Corporation and Norfolk Southern Railway Company; Preliminary Consultation*

Dear Ms. Webster:

The Commuter Rail Division of the Northern Illinois Transit Authority d/b/a Metra (“Metra”) provides these initial comments on the potential impacts of the proposed merger of Union Pacific (“UP”) and Norfolk Southern (“NS”), in response to the request for preliminary consultation comments of the Office of Environmental Analysis (“OEA”) in its letter dated August 19, 2026.

Metra provides passenger rail service in the greater Chicago region. Its service is an integral part of the Chicago regional economy serving daily commuters who use Metra to get to-and-from work and other passengers who use Metra, as an alternative to the automobile, to move around the metropolitan area. The proposed transaction seeks to substantially increase freight traffic over Metra’s lines, including the UP West line, one of Metra’s most significant lines in terms of ridership, running from the Ogilvie Transportation Center in downtown Chicago to Elburn, IL, and the NS SouthWest Service line, running from Union Station downtown to Manhattan, IL. Metra’s service over these lines is relied on by the public, and its service supports the economic and environmental health of northeastern Illinois, southeastern Wisconsin, and northwestern Indiana.

NEPA requires the Board to conduct a rigorous, “hard look” analysis of the impacts of the proposed transaction on Metra’s service and on the Chicago region as a whole as part of its environmental analysis. Applicants project increases of up to 14 through freight trains per day over Metra’s UP West line alone but propose zero capital investments in that line or the NS SouthWest Service line, or elsewhere in the Chicago region, claiming that the involved lines have “sufficient” and “ample” capacity to support the substantial new freight traffic volumes proposed. Metra’s

preliminary review of the operating plan shows that the Applicants' capacity analysis is flawed, deficient, and devoid of any rail simulations. Applicants have systematically understated the anticipated train volumes, and have assumed, unrealistically, that Metra will not seek to add traffic in the future.

The STB's May 28, 2026, Decision (at 32) directed Applicants to:

[PR-3] Address, in the passenger impact analysis and SAP, how the UP and NS lines used to host passenger services have sufficient capacity to support projected freight increases while maintaining current passenger service levels. Supplemental information could include, for example, a dispatching plan for handling post-merger traffic increases, train modeling evidence showing passenger rail impacts (or the lack thereof), and an analysis of the anticipated freight traffic schedules and how they impact the existing passenger services.

Applicants failed to provide any meaningful supplemental capacity analysis or operations assessment as ordered to evaluate its passenger-hosting segments.

To fulfill its requirements under NEPA, the Board must conduct the required analysis, including an adequate assessment of the impacts of the proposed transaction based on accurate data. The Board should not rely on Applicants' unsupported representations made without reliable data for the incorrect conclusion that the proposed transaction will have little impact on Metra's passenger rail service. Applicants did not engage in standard rail traffic controller ("RTC") modeling, which the Board insists that shippers seeking rate relief perform to demonstrate that their operating plan is feasible and that their network infrastructure is sufficient. Sufficient analysis must be conducted during the environmental review to ensure that Applicants' desire to increase freight volumes over Metra's lines is appropriately weighed against Metra's public interest requirement to provide high-quality and expanded service to its commuters and other passengers.

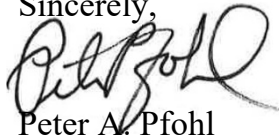
Metra requests that the scope of study include potential passenger service delay and growth opportunity restrictions. Also, the review should include the type of analysis that the Board ordered in its May 28, 2026, Decision, but Applicants have failed to provide, including sufficient "train modeling showing passenger rail impacts, and an analysis of the anticipated freight traffic schedules and how they

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impact the existing passenger services.” Applicants’ claims regarding the lack of adverse impact to vital regional passenger service lines, including the UP West and the NS SouthWest Service lines, should be validated and verified by RTC modeling conducted by OEA and its contractor. Additionally, appropriate site visits and field studies are required.

Such elements and analysis are reasonably necessary to substantiate Applicants’ conclusions that no new improvements, operational/dispatching modifications, or any other changes are needed to resolve any possible capacity issues and negative impacts to Metra’s service. Absent such thorough review, the transaction, without appropriate conditions, has the real potential to increase the frequency and duration of delays to Metra’s passenger trains, and create substantial adverse environmental, social, economic, and safety impacts.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Pfohl", written over the printed name.

Peter A. Pfohl

Robert D. Rosenberg

*Attorneys for Commuter Rail Division of the
Northern Illinois Transit Authority d/b/a Metra*