

TOWN OF WEST SENECA



Legal Department

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312458

September 10, 2026

ENTERED
Office of Chief Counsel
October 2, 2026
Part of
Public Record

Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Town of West Seneca/Black Bridge - Our File No.: 2030-60
Docket No: 36873
UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY —CONTROL— NORFOLK SOUTHERN CORPORATION
AND NORFOLK SOUTHERN RAILWAY COMPANY

Sir/Madam:

The Town of West Seneca submits the following with respect to the proposed acquisition of Norfolk Southern Railway by Union Pacific Corporation. The Town is concerned about an abandoned railway bridge that has not been operational for over a decade. While the tracks on both sides of the bridge have been removed, the bridge itself, which continues to deteriorate constitutes an attractive nuisance and an environmental problem. Additionally, since it remains in existence without any purpose or maintenance, it increases flooding risks by virtue of ice jams every Spring and trees and other debris being trapped at the bridge supports thereby increasing the threat to local neighborhoods that experience flooding and similar damage.

Most recently, at another similarly situated bridge in the area, a child gained access to another abandoned bridge and was injured. The Town has been obligated through its insurance company to defend that claim and it is probable that a similar incident could occur at this site because the railway has consistently ignored requests for remediation. Those requests have been made in writing for a number of years and orally, all to no avail. Continuing to ignore this liability situation places both the Town and the owner of the property at peril and for no legitimate reason in light of the simplicity of the removal of this known hazard.

From an environmental perspective, allowing the continued deterioration of the bridge negatively impacts the water quality in the area and only adds to the contamination of both the water and the surrounding landscape. While notice of these concerns have been raised numerous times, the railway has remained unresponsive.

Since the bridge is clearly not needed for transportation purposes, the Town respectfully objects to the merger/consolidation of the railways unless as a condition of any approval, the Surface Transportation Board requires the prompt removal of the bridge. Thank you for your anticipated courtesy and consideration.

Very truly yours,

TOWN OF WEST SENECA

A handwritten signature in black ink, appearing to read "Chris G. Trapp", with a stylized flourish at the end.

Chris G. Trapp
Town Attorney

CGT/rgg

CERTIFICATE OF SERVICE

I certify that I have this day served copies of this document via electronic mail on the Secretary of Transportation, the Attorney General of the United States, and Applicants' representatives as well and all other parties of record.

A handwritten signature in cursive script, appearing to read "Rylee Garrigan", is written over a horizontal line.

Rylee Garrigan

October 2, 2026