BROTHERHOOD of LOCOMOTIVE ENGINEERS and TRAINMEN

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Office of Chief Counsel
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Surface Transportation Board
395 E Street SW
Washington, DC 20423

November 13, 2026

RE: Finance Docket No. 36873 Opposition to the Union Pacific/Norfolk Southern Merger

Our stake in this decision

As the BLET State Legislative Board Chairman for Illinois, a locomotive engineer, and for the locomotive engineers I represent, this proceeding is not an abstract debate about corporate scale. Every day, crews move trains through Illinois communities, across public crossings, past schools and homes, and through yards and terminals where a mistake can change lives. Our members have to live with the consequences of decisions made far from the locomotive cab. So do their families, the shippers whose plants depend on reliable service, and the emergency responders who must reach an incident when minutes matter.

We oppose approval based on the present showing. The Board should require independently verifiable, merger-specific benefits and a convincing demonstration that competitive alternatives, employee safety, passenger operations, and local communities will be protected. Promises about an eventual coast-to-coast system cannot substitute for that proof.

The applicants must prove the merger is necessary—not just attractive to them

The applicants claim approximately $3.5 billion in annual shipper savings, more than two million truckloads diverted to rail, faster single-line service, and approximately 1,200 net new craft jobs by year three. We are highly skeptical of the Union Pacific's claim of taking two million trucks off of our highways and putting them on rails. Historically mergers have led to more trucks on the road as the carriers shrank their physical plant and capacity to seek more profitable business models, giving up business to long haul trucking. The last merger between Canadian Pacific and Kansas City Southern also promised job creation but as of yet they still have a net job loss. The applicant provides projections, not established outcomes. Their relevance depends on credible baselines, distribution of benefits, implementation costs, and whether comparable improvements could be achieved through commercial cooperation, better interchange performance, investments, or other less competitively harmful means. Former STB Chairman Martin J. Oberman's October 2026 Trains opinion, "UP-NS Still Has a Long Way to Go," provides a useful question for the Board: has the merger's necessity and public benefit actually been demonstrated?

Shippers and consumers need genuine choices

Illinois agriculture, chemicals, manufacturing, and intermodal businesses depend on more than nominal track access. They need usable gateways, fair switching, dependable car supply, and credible alternative routings when service fails. Combining major western and eastern networks may change the bargaining power of rail-dependent customers even where no single facility formally moves from two carriers to one. We ask the Board to investigate reported allegations that Union Pacific leadership threatened adverse commercial treatment of shippers who did not support the merger. Shippers should be able to participate confidentially without fear that a railroad controlling their access to market can punish their candor. Costs from less effective competition do not stop at the loading dock. They can be reflected in fertilizer, food, energy, building materials, and manufactured goods. The Board should demand commodity- and route-specific analyses, not merely an aggregate promise of savings.

Union Pacific safety failures warrant independent scrutiny

FRA's 2021 special audit raised serious concerns about Union Pacific derailments, securement, operating-rule testing, and the reliability of internal compliance measurements. An employee who is told that everything is safe on paper but sees different conditions on the ground is put in an impossible position. A safety program is only as useful as the honesty of its measurements. If a railroad cannot reliably identify violations on its existing system, the Board should not assume it will do so on a far larger integrated one. In 2024 FRA suspended a Union Pacific safety-culture assessment amid reports that employees had been coached on responses and told to report contacts with inspectors. Union Pacific disputed an intent to interfere. That dispute should be evaluated fairly, but the interruption itself is a significant regulatory event.

The Board should also examine the final outcomes, not simply the allegations, in OSHA and Federal Railroad Safety Act whistleblower proceedings. Injury and hazard reporting is an early-warning system. When workers fear punishment for reporting, hazards can remain hidden until they injure someone.

Norfolk Southern and East Palestine: the human cost of failure

The NTSB found that a failed wheel bearing initiated the February 2023 East Palestine derailment and concluded that the subsequent vent-and-burn of vinyl chloride tank cars was unnecessary. It identified problems in information provided to incident command.

East Palestine should not be reduced to a line in a safety dashboard. Residents had to make decisions about their homes and families under conditions of uncertainty. First responders relied on information provided during an emergency. Illinois communities along hazardous-material routes deserve assurance that detector performance, consist information, incident-command communication, and emergency drills will improve in practice—not merely be described in a merger plan.

A merger can intensify fatigue and operational risk

The applicants' revised projections include approximately 1,156 fewer craft positions required from efficiencies by year three, offset in their forecast by traffic-related growth of approximately 1,229 net craft positions. Those systemwide projections do not show what happens to a particular engineer, terminal, or community.

A job hundreds of miles away is not the same as a job preserved at home. Attrition can leave fewer employees to cover the same work, increase deadheads, stretch territories, and reduce predictable rest. Those are safety issues, not simply bargaining issues. The Board should require craft- and terminal-specific staffing, qualification, fatigue, and relocation assessments before permitting operational consolidation.

The Union Pacific–Southern Pacific integration experience is a warning about the operational consequences of an inadequately controlled merger. Historical service deterioration, crew strain, and supervision concerns justify staged integration and enforceable stop-work or corrective-action thresholds.

Illinois and Chicago cannot be treated as collateral effects

Illinois is one of the two states where the networks overlap. The Chicago gateway depends on independent routing and interchange opportunities, while Metra, Amtrak, freight yards, terminals, local roads, and hazardous-material corridors share constrained space. STB environmental-review materials identify potentially significant changes in Illinois.

When a train blocks a crossing, a dispatcher's efficiency calculation is not what a parent sees while waiting to pick up a child, or what a paramedic sees when an ambulance cannot reach a patient. Longer or more frequent trains may impose costs on municipalities that never receive the railroad's projected savings. The applicants should fund crossing mitigation, alternate emergency routes, and first-responder coordination before traffic increases occur.

CMAP has raised questions about Metra's UP-West corridor, the Heritage Corridor, terminal truck movements, and local redevelopment. The applicants' projected truck-to-rail diversion could coexist with more truck trips around individual Illinois terminals. A coalition's approximately 400% Centreville truck-traffic estimate is an advocacy calculation requiring independent verification, not an STB finding.

Control of the Peoria & Pekin Union Railway deserves separate examination because neutral terminal access can determine whether central Illinois industries have meaningful competition.

Our members do not oppose progress. We oppose asking working people, shippers, and communities to assume risks that the applicants have not convincingly measured or justified. The Board should demand proof before allowing a transaction that may be difficult to unwind once crews, terminals, customers, and operating systems have been combined.

Illinois passenger rail: public investment and proven progress

Illinois has not waited for private railroads to deliver better passenger transportation. Over more than two decades, the State, federal government, local partners, Amtrak, and Metra have invested in faster trains, modernized tracks, safer crossings, expanded service, and more dependable connections. Those achievements represent public money, public planning, and a commitment to the people who rely on trains to reach jobs, schools, medical care, and family. The Board must evaluate whether this merger would impair those investments, not merely whether the applicants predict that freight capacity is sufficient.

The Chicago–St. Louis corridor illustrates what Illinois stands to protect. A multiyear project costing approximately $1.96 billion delivered 110-mph Lincoln Service operations in 2023. The program required substantial infrastructure and safety work on a corridor hosted in significant part by Union Pacific. IDOT described the achievement as the culmination of a decades-long effort; it earned a 2024 regional transportation award. Illinois residents have already paid to create this passenger-rail capability. A merger

that changes train volumes, dispatching priorities, maintenance windows, or available capacity should not erode the value of that investment.

Illinois has also broadened the reach of its passenger network. The Chicago–Milwaukee–St. Paul Borealis service began in May 2024 through a multistate partnership. Illinois has committed $275 million toward restoration of Chicago–Rockford service, with the announced plan envisioning two daily round trips, and $225 million toward Chicago–Quad Cities service. Those Rockford and Quad Cities commitments are planned projects, not evidence that the proposed trains are already operating. They demonstrate that Illinois is still building its passenger network and needs the freight network to remain compatible with that expansion.

Metra is equally important. Its services connect hundreds of communities and carry workers into and across the Chicago region. The Union Pacific West Line is a particularly relevant example because passenger and freight operations share constrained infrastructure. Earlier UP-West improvement work sought to reduce conflicts between the two. The Chicago Metropolitan Agency for Planning has now identified the applicants' projection of additional freight traffic on the busiest UP-West segment and warned that the current merger analysis does not cover every relevant passenger route, including the Heritage Corridor. This is a documented analytical gap, not proof that specific trains will be delayed.

The available operating data underscore why assurances alone are insufficient. Amtrak reports FY2025 customer on-time performance of 65.1 percent for Lincoln Service and 66.8 percent for Wolverine; Blue Water was 68.8 percent. Those route-wide measures cannot be attributed solely to Union Pacific or Norfolk Southern, and they do not establish a merger effect. They do establish that reliability is already a material concern on important Illinois-serving routes, including routes hosted in part by the applicants. Adding freight demand without transparent corridor-specific analysis risks undermining the improvements Illinois has sought to achieve.

A passenger train that misses its slot is not just a line in an operating report. It can mean a worker arriving late, a student missing a connection, a family losing hours together, or a traveler deciding that rail is no longer dependable. The public pays for rail improvements because those outcomes matter. When Illinois invests in more frequent and faster trains, the public reasonably expects those improvements to endure. A private merger should not be permitted to consume the capacity that public investment was intended to create.

Passenger-rail safeguards the Board should require

Before approving any merger-related increase in freight traffic, the Board should require a jointly reviewed, route-by-route capacity and dispatching study with IDOT, Metra, Amtrak, and relevant host railroads. That study should address the UP-West Line, the Chicago–St. Louis corridor, and other Illinois passenger corridors with direct or indirect merger exposure, including operations over third-party tracks. It should disclose projected train counts and lengths, time-of-day conflicts, planned terminal changes, infrastructure constraints, and realistic disruption scenarios.

The Board should also require enforceable baseline protections for passenger schedules and customer on-time performance; transparent monthly reporting; independent review of material deterioration; advance construction and maintenance coordination; and a capital-before-volume rule wherever projected freight growth would otherwise consume needed passenger capacity. Passenger operators and public agencies should have an expedited means of seeking relief, and the applicants—not Illinois taxpayers—should fund merger-caused mitigation. These are proposed conditions, not existing commitments established by the record.

The applicants may reasonably argue that better freight fluidity and targeted capital projects could benefit passenger trains as well. The proper response is to test those benefits with operational evidence and binding commitments. A national claim of improved freight efficiency does not answer whether a particular Metra train, Lincoln Service departure, or future Rockford connection can operate reliably at the times Illinois needs it.

Requested findings and relief

We request denial unless the applicants carry the heightened public-interest burden with independently verifiable evidence. Specifically, the Board should require: (1) a shipper retaliation inquiry and protected reporting channel; (2) origin-destination and commodity-specific competition testing; (3) independent FRA-informed safety assessment and public correction milestones; (4) craft- and location-specific staffing, fatigue, and training plans; (5) a Chicago gateway and Peoria/Pekin neutral-access analysis; (6) Illinois segment-level train, crossing, hazmat, truck, and passenger impacts; and (7) a demonstration that claimed benefits cannot reasonably be obtained through less harmful alternatives.

If approval is considered notwithstanding these deficiencies, the Board should impose independent safety monitoring, anti-retaliation protections for workers and shippers, enforceable passenger and gateway standards, applicant-funded crossing and emergency-response mitigation, public performance reporting, and retained jurisdiction. Conditions should not be a substitute for denial where the statutory standard is unmet.

Respectfully submitted,



Cory Martin
State Board Chairman-Legislative Director
Illinois State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen

BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY—CONTROL—NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2026, I caused a true and correct copy of the **Comments in Opposition of the Brotherhood of Locomotive Engineers and Trainmen, Illinois State Legislative Board**, in Finance Docket No. 36873, to be served upon all parties of record identified on the applicable Surface Transportation Board service list, together with the additional recipients designated in the Board's procedural orders.

Service was accomplished by electronic mail to those recipients who consented to email service and by first-class United States mail or other authorized means to recipients for whom electronic service was not acceptable, in accordance with 49 CFR § 1104.12.

I further certify that service was made upon the designated representatives of Union Pacific Railroad Company and Norfolk Southern Railway Company, the Secretary of Transportation, the Attorney General of the United States, and the assigned Administrative Law Judge, as required by the Board's procedural orders.

Respectfully submitted,



Cory Martin
Brotherhood of Locomotive Engineers and Trainmen
Illinois State Legislative Board

Date: November 13, 2026