ALLIANCE-2

BEFORE THE
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY

-CONTROL-

NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY

OPENING COMMENTS AND REQUEST FOR CONDITIONS OF THE WESTERN CHICAGOLAND MERGER OVERSIGHT ALLIANCE

The Western Chicagoland Merger Oversight Alliance ("Alliance") consists of the Chicago metropolitan area Villages of Berkeley, Glen Ellyn, Lombard, Villa Park and Winfield, and the Cities of Elmhurst, Geneva, and Wheaton. The communities have executed a Memorandum of Understanding to collectively participate in this merger proceeding. The Alliance hereby submits its Opening Comments and Request for Conditions pursuant to the procedural schedule established by the Surface Transportation Board ("Board" or "STB").

The Alliance communities are situated along tracks owned and operated by Union Pacific Railroad Company ("UP") in the western suburbs of Chicago. According to publicly available data,[1] the merger of UP and Norfolk Southern Railway Company ("NS") as proposed is expected to result in daily train traffic rising from 77.11 to 84.01 trains—an increase of roughly 9%.

[1] https://stoptherailmerger.com/community-impact-map/

However, train frequency only tells part of the story. These communities will also absorb an approximate 36% surge in total freight volume, jumping from 74.851 million to 101.723 million gross tons annually. This stark disparity between the increase in train frequency and the increase in freight tonnage indicates a deliberate shift toward significantly longer and heavier trains.

Accordingly, the Alliance communities implore the Board to very closely analyze and to affirmatively address the following impacts the proposed merger will have on the Alliance communities:

- Road crossings blocked by stopped or slow-moving trains
- Crossing safety
- Noise and vibration
- Pedestrian safety at or near railroad crossings
- Other impacts from the presence of more frequent and longer trains.

The Alliance intends to actively participate in the environmental review of the transaction, in response to the Notice of Intent to Prepare an Environmental Impact Statement when it is issued by the Office of Environmental Analysis ("OEA"). That participation will include providing input on any voluntary mitigation measures that the Applicants propose, and any mitigation measures being considered by OEA. However, it is the Board who ultimately determines what conditions are place on a rail merger pursuant to 49 U.S.C. §11324(c), and since the November 18, 2026 filing date includes "requests for conditions," the Alliance provides as Attachment 1 to these comments a summary of conditions that its communities believe should be placed on any approval of the proposed merger that the Alliance anticipates suggesting that OEA recommend to the Board. In general, the Board should condition any approval of the merger on the benchmark mitigation frameworks related to urban previously imposed by the Board in its March 15, 2023 decision

approving the merger of Canadian Pacific Railway and the Kansas City Southern Railroad in STB Docket No. 36500, with certain exceptions noted in the Attachment.

Respectfully submitted,

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ATTACHMENT A

CONDITIONS SOUGHT BY THE
WESTERN CHICAGOLAND MERGER OVERSIGHT ALLIANCE

1. **General Provisions & Compliance Reporting**

- **Good Faith Engagement:** UP/NS will continue to engage in good faith with the Communities, listen to local input regarding operational shifts, and maintain these negotiated terms.
- **Regulatory Adherence:** UP/NS will strictly follow all applicable Federal Railroad Administration (FRA) and OSHA construction and operational safety regulations to minimize localized risks.
- **Quarterly Reporting:** UP/NS shall submit quarterly progress and compliance reports to the Communities regarding these mitigation measures. This reporting window will span at least ten (10) years, or one year after any localized capital improvements are completed, whichever is longer.

2. **Freight and Passenger Rail Safety**

- **Hazmat and SIP Compliance:** UP/NS will strictly comply with all FRA and Pipeline and Hazardous Materials Safety Administration regulations for hazardous materials. It will maintain and update its Safety Integration Plan (SIP) in coordination with the FRA. Immediate notifications will be given to local emergency agencies in the event of a reportable hazmat release.
- **TRANSCAER Workshops:** UP/NS will fund and conduct local Transportation Community Awareness and Emergency Response Program (TRANSCAER) workshops for emergency responders in any requesting community. This includes granting rapid, real-time access to the AskRail application.
- **Firefighter Training Funding:** UP/NS will fund the participation of two qualified firefighters from each of the seven Communities to attend railroad-focused emergency response training at the Security and Emergency Response Training Center (SERTC) in Pueblo, Colorado. UP/NS will cover all aspects of the training including, but not limited to, course registration, travel, room, per diem, and associated backfill costs.
- **Emergency Asset Allocation:** UP/NS will audit its emergency response equipment assets across the region and add new assets to enhance localized emergency response times for the Communities.

3. Grade Crossing Safety and Delay Mitigations

- **Crossing Projects Funding:** UP/NS will collaborate with the Communities and the Illinois Commerce Commission (ICC) to secure funding for safety-enhancing crossing mitigation projects.
- **No 10 Minute Periods for Blocked Crossings.** The Board must reject a voluntary mitigation measure by which Applicants would operate under the General Code of Operating Rules rule numbers 6.32.6 (Blocked Public Crossings) and 6.32.4 (Clear of Crossings and Signal Circuits), which provide that, when practical, a standing train or switching movement must avoid blocking a public crossing longer than 10 minutes and, when practical, cars, engines and other equipment should not be left standing closer than 250 feet from a road crossing when there is an adjacent track. The Alliance submits there is no scientific or regulatory basis the 10-minute time interval. Rather, the 10-minute period is an outdated "rule" invented more than 16 years ago by the General Code of Operating Rules Committee (GCOR), an organization made up entirely of railroads, without any prior study or scrutiny by non-railroads or the public before or since its adoption. Moreover significantly, 10 minutes is more than twice the minimum time first responders state they must have for them to do their jobs. Any such mitigation measure must not establish a blockage time in excess of five minutes.
- **Standing Equipment –** UP/NS agrees that when practical, cars, engines and other equipment should not be left standing closer than 250 feet from a road crossing when there is an adjacent track.
- **Alternative Access & Construction Detours:** If property access is blocked more than once a week by a stationary train for over 5 minutes and 20 seconds, UP/NS will partner with community to identify and utilize an alternative access route. During track construction, UP/NS will consult local officials on detours and attempt to keep at least one traffic lane open for emergency vehicles.
- **Dispatch Notifications:** UP/NS will promptly notify Community Emergency Services Dispatching Centers whenever a moving or stationary UP/NS train occupies a road crossing in any Community crossing for a period of at least 5 minutes and 20 seconds. UP/NS agrees it will not seek to apply General Code of Operating Rules rule number 6.32.6 (10-minute rule) to moving or stationary trains that occupies a road crossing.

4. Noise, Vibration, and Quiet Zones

- **Quiet Zone Maintenance Funding:** UP/NS will fund the infrastructure improvements necessary to allow any community with an existing Quiet Zone to maintain that designation, should UP/NS traffic increases cause the zone to fall out of FRA compliance. For communities without Quiet Zones, UP/NS will proactively assist and fund any interested community in achieving a Quiet Zone.

- **Track Maintenance Standards:** Rail and rail beds will be rigidly maintained to American Railway Engineering and Maintenance-of-Way Association (AREMA) standards to minimize localized noise and vibration.

- **Operational Noise Reductions:** UP/NS will deploy safe operating procedures that naturally minimize noise, including:
    - Inspecting rail car wheels to minimize wheel flats.
    - Grinding rough rail surfaces to provide a smooth interface.
    - Regularly maintaining locomotives and keeping mufflers functional.
    - Consolidating or removing unnecessary track switches.
    - Lubricating curves where safe, efficient, and helpful to nearby residential receptors.

5. **Environmental, Air Quality, and Chemical Compliance**

- **Emissions Standards & Anti-Idling:** UP/NS will comply with all US EPA emissions standards for diesel-electric locomotives when purchasing or rebuilding units. UP/NS will implement an explicit anti-idling policy covering both ongoing rail operations and local construction equipment.
- **Material Recycling & Phase 1 Assessments:** UP/NS will use established standards for recycling/reusing construction ballast and rail ties. For regional capital projects, UP/NS will follow ASTM E1527-05 standards for Phase 1 Environmental Site Assessments, escalating to Phase 2 and state agency coordination if soil or groundwater contamination is encountered.
- **Herbicides and Invasive Species:** Any herbicides used for ROW vegetation control must be EPA-approved, applied by licensed individuals, and managed to prevent drift. UP/NS will not knowingly use federally- or state-listed invasive weed species in seed mixes for revegetating disturbed ROW areas.

6. **High-Tech Infrastructure & Local Coordination:** UP/NS will fund, install, and execute advanced smart-corridor technologies across the Communities' rail lines (coordinating with Metra where trackage rights overlap) to achieve the following:

- **Predictive Mobility Systems:** Interconnected with existing railroad crossing signals to deliver advanced digital notice of blocked crossings directly to local citizens, police, fire, and rescue dispatchers.

- **ITS Interconnects:** Advanced Warning Signs placed at strategic roadway locations, as designated by the Communities, to give drivers real-time information about occupied crossings so they can proactively reroute.

- **Positive Train Control (PTC) Wireless Tie-ins:** Technology integrated at crossings adjacent to local Metra platforms to minimize unnecessary activation of crossing lights and gates while passenger trains are actively boarding.

- **Dedicated Community Liaison:** UP/NS will establish and fund a dedicated Community Liaison position for a period of ten (10) years. The liaison's direct contact info (name, phone, email) will be provided to all mayors and local managers. This individual will be required to attend local public meetings and conduct periodic outreach to municipal leadership. This individual will be responsive to all community requests and empowered by UP/NS to effectively enact change.

7. **Data Collection and Reporting:** To accurately evaluate the ongoing operational impacts of rail traffic on local infrastructure, traffic congestion, and emergency response times, UP/NS agrees to establish a comprehensive data collection and sharing framework for all tracks intersecting the boundaries of the Communities containing the following categories of data at a minimum:

- **Required Metrics:** UP/NS shall automatically track, log, and maintain verifiable digital, machine readable records for the following data points at every at-grade crossing within the jurisdiction of the Communities:
    - **Train Volume:** The total number of daily freight, passenger, and switching trains traversing the corridor between Proviso and Elburn.
    - **Train Length:** The precise length (measured in feet) and total car/locomotive count of each individual train.
    - **Gross Ton Miles:** The total weight of a loaded train multiplied by the distance traveled between Proviso and Elburn.
    - **Gate-Down Duration:** The exact entry/exit timestamps and total elapsed duration (in minutes and seconds) that the crossing gates are fully or partially deployed down for each train movement, idling event, or switching operation.

- **Reporting Frequency & Format:** UP/NS shall compile this data into a standardized, machine-readable format (e.g., CSV or Excel) and transmit it to the designated municipal representatives of the Communities and the Community Liaison on a monthly basis.

- **Sensor Infrastructure Integration:** Where current signaling infrastructure lacks the capability to measure precise gate-down durations, UP/NS agrees to fund and install necessary monitoring sensors or logging software upgrades.

- **Historical Audit Access:** UP/NS shall retain this data for a rolling period of no less than ten (10) years and grant the Communities' designated engineering or public safety consultants access to the raw logs on request.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November 2026, a copy of the foregoing Opening Comments was served on all parties of record on the official service list for Docket No. 36873, and Administrative Law Judge Soulikias.

/ss/ Thomas W. Wilcox
Thomas W. Wilcox