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BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36873

UNION PACIFIC COPORATIONS AND
UNION PACIFIC RAILROAD COMPANY
–CONTROL–
NORFOLK SOUTHERN COPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY

November 17, 2026

Surface Transportation Board
395 E St., SW
Washington, DC 20423

Re: IMCC Comments Regarding the Proposed Union Pacific and Norfolk Southern Merger

Dear Members of the Board:

On behalf of the Intermodal Motor Carriers Conference (IMCC), we submit these comments regarding the proposed merger of Union Pacific and Norfolk Southern. The IMCC is an affiliated conference of the American Trucking Associations (ATA), representing the subset of ATA members who operate at our nation's ports and inland intermodal facilities.

IMCC takes no position in support of or in opposition to the proposed transaction. Our purpose is to ensure that the Board's review fully considers issues critical to intermodal motor carriers, particularly their ability to select the chassis provider that best meets their operational and commercial needs. If the Board approves the transaction, we respectfully request that it expressly condition approval on the combined company permitting motor carriers to use the chassis provider of their choice.

Chassis choice for motor carriers is a key element of efficient freight movement, particularly for international containers shipped in merchant haulage on an inland point intermodal bill of lading. In these movements, the shipper has contracted with an ocean carrier for shipment of a container from an overseas location to a port facility and then via rail to an inland destination. A motor carrier then is contracted by the shipper to pick up the container at the railhead for delivery to the final destination. Chassis choice allows

motor carriers to ensure that these containers move in the most economical, efficient and reliable manner possible.

The Board should evaluate the proposed transaction from the perspective of the entire intermodal movement, including the motor carriers that move containers to and from rail terminals. Chassis choice is an important part of that evaluation. Motor carriers must be able to select equipment providers based on service, availability, reliability, and price, rather than have that choice dictated by commercial arrangements made by the railroad or by ocean shipping lines in the case of international containers. The Board should consider how terminal access rules, equipment arrangements, and operating practices could affect that freedom following a merger.

Chassis choice protection must also be meaningful in practice, not merely a statement of policy. It must apply throughout the combined company's intermodal network and address both direct restrictions as well as operational limitations that make chassis choice impractical. The operational limitations are significantly enhanced at wheeled facilities where containers are placed directly on pre-positioned chassis. While technically a motor carrier may have the opportunity to exercise choice through obtaining a flip, the process of moving a container from one chassis to another, the cost both in time and money of such a flip very often makes choice unworkable.

These operational questions and the impracticality of exercising choice, especially at wheeled facilities, places additional responsibility on the Board. If a merger is approved, the Board must ensure that the new entity utilizes grounded facilities wherever possible, especially in markets where each entity operated their own facility. In these locations, such as Memphis, the Board should ensure that decisions regarding which facility will be utilized by the merged operation result in the most efficient operation for all concerned parties, including motor carriers and shippers, not just the railroad. Chassis choice is a critical component of efficiency and should be a crucial part of the determination regarding future facilities.

IMCC would urge the Board to consider including the language below in any conditional approval of the merger request.

As a condition of approval, the combined company shall permit intermodal motor carriers serving its intermodal terminals to use the chassis provider of their choice, including carrier-owned or carrier-leased chassis. The combined company shall not require use of a designated or preferred chassis provider, condition terminal access or service on that use, or impose discriminatory charges, delays, or operating requirements based on a motor carrier's selection of chassis provider. Any safety, equipment compatibility, insurance, or interchange requirements shall be reasonable, transparent, and applied on a nondiscriminatory basis, and shall not be used to circumvent this condition. The combined company shall implement this requirement at terminals it operates or controls and shall not enter into or enforce agreements that defeat this protection.

To make this protection enforceable, the Board should require the combined company to publish its chassis choice policy and applicable terminal requirements, establish a clear process for promptly resolving motor carrier complaints, and remain subject to Board oversight of compliance. Implementation should coincide with the commencement of combined operations so that motor carriers are not left without protection during integration.

Our request should not be construed as an endorsement of the merger or a conclusion that this condition alone would resolve all issues presented by the transaction. Rather, we ask the Board to ensure that, whatever its ultimate decision, the interests of intermodal motor carriers receive full consideration. If approval is granted, an explicit and enforceable chassis choice condition should be part of that decision.

Thank you for considering these comments.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing *IMCC Comments* to be served by email or by first-class mail, postage pre-paid, on the Secretary of Transportation, the Attorney General of the United States, and Applicant representatives, Administrative Law Judge Jenifer Soulikias and all Parties of Record in this proceeding.

/s/ Jonathan Eisen
Jonathan Eisen
Intermodal Motor Carriers Conference

Date: November 17, 2026