Transportation for America

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The Honorable Patrick J. Fuchs
Chairman, Surface Transportation Board
395 E Street SW
Washington, DC 20423

Before The
Surface Transportation Board

Docket No. FD 36873

Union Pacific Corporation and Union Pacific Railroad Company
-Control-
Norfolk Southern Corporation and Norfolk Southern Railway Company

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Comments and Request for Conditions of Transportation for America

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Dear Chairman Fuchs,

Transportation for America (T4A) is a national non-profit that works to expand passenger rail across the United States. T4A works closely with interstate passenger rail compacts, including the Southern Rail Commission, on initiatives such as Amtrak's Mardi Gras service, the extension of Amtrak's Crescent to Dallas-Fort Worth, and the establishment of service between Baton Rouge and New Orleans. Transportation for America's Senior Policy Advisor has more than 35 years of experience in passenger rail and served as Chairman of Amtrak's Board of Directors from 1998 to 2003. While freight rail success is central to the merger discussion, our comments focus specifically on how the merger would impact passenger rail service, particularly on-time performance (OTP), customer service, and future passenger rail expansion.

Ensuring Passenger Rail Public Interest

First and foremost, the Applicants must demonstrate that the transaction will advance public interest. In doing so, the Board must consider the impact of the proposed merger on both present and future passenger rail service. Under its regulations, the Board must further "ensure that any approved transaction would promote a competitive, efficient, and reliable national rail system", ensure "that essential freight, passenger, and commuter rail services are preserved whenever feasible," and ensure that the merger "strengthen, not undermine, the rail network to advance the nation's economic growth and competitiveness." It is the responsibility of the Board to consider and weigh whether the proposed merger would meet these standards.

Introduction

Passenger rail is a boon to the nation. Its ability to launch new services, increase frequencies, connect communities, and drive economic activity is tremendous and serves the public interest. Interstate Rail Compacts such as

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the Southern Rail Commission, and passenger rail services at-large, rely on host freight railroads as partners. Without strong relationships, OTP and customer service decline, delays mount, and economic growth stalls. Far too often host railroads actively delay passenger trains, undermining the substantial public investment in passenger rail. Union Pacific and Norfolk Southern must be held accountable for collaborating effectively with passenger rail providers. The STB must require Union Pacific and Norfolk Southern to commit to improving OTP and delivering new services, and it must hold them accountable for meeting those commitments. Vague assurances are not enough. UP and NS must understand that failure to deliver will result in real consequences for their company and brand. We, and the passenger rail community, will not stand by as two Class I railroads with poor passenger rail track records merge without enforceable accountability measures.

We are also concerned by the public comments from Union Pacific leadership. UP CEO Jim Vena's recent "joke" that UP would raise freight rates for shippers who oppose the merger is deeply troubling. While our primary focus is passenger rail and its expansion, threats of retaliation against participating stakeholders should concern everyone. These remarks underscore the need for clear, enforceable accountability measures covering OTP, customer service, and passenger rail expansion, should the STB approve the merger.

The UP-NS merger would have major national implications for passenger rail. Union Pacific and Norfolk Southern have long been among the worst host railroads for Amtrak on-time performance (OTP). Federal law requires freight railroads to give Amtrak trains preference over freight trains because Congress determined that people should be given priority over freight, yet UP and NS have historically failed to comply. In July 2024, the U.S. Department of Justice sued NS for failing to give Amtrak's Crescent the preference the law requires. Overnight, NS's host railroad OTP vastly improved. Before the lawsuit, Norfolk Southern's portion of the Crescent

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route, Crescent 19, had an on-time performance of 22-24%. In 2023, only 24% of southbound Crescent Route passenger trains traveling on Norfolk Southern-controlled track arrived at their destination on time. Overnight the Crescent's OTP skyrocketed. By FY2024 Q2 Crescent 19 was operating with 58% OTP and by FY2025 Q1 its OTP was 77%. Since then, Crescent train OTP has stalled and remains in the mid-70s.

Today, most Amtrak routes hosted by UP and NS fall short of the 80 percent Customer OTP standard in the Federal Railroad Administration's Metrics and Standards rule. In FY 2026 Q2, Customer OTP on the UP-hosted Sunset Limited, California Zephyr, and Texas Eagle was 62, 67, and 67 percent, respectively. Freight train interference (FTI) was the leading cause of delay on the Sunset Limited and Texas Eagle and the second-leading cause on the California Zephyr. These results prove poor OTP is a choice, and it is one that can be changed. Should Union Pacific and Norfolk Southern merge, the STB must require the new entity to meet the 80 percent Customer OTP threshold. We respectfully ask that our enumerated requests be included in any accepted merger proposal.

Transportation for America provides policy support for the Southern Rail Commission (SRC). We worked with the SRC, federal officials, and other partners to restore passenger rail service to the Gulf Coast. Amtrak's Mardi Gras Service, launched in August 2025, carried 145,000 riders in its first full year. That is more than double the revised projection of 70,000 and more than four times the initial projection of 33,000. The service also generated $5.3 million in ticket revenue. Beyond the numbers, it has strengthened communities, boosted economic activity, and connected cities and people across the region. Transportation for America has a real stake in the Gulf Coast. The Mardi Gras Service, the Crescent, the Sunset Limited, and the communities they serve would all be affected by this merger. Vague assurances and broad commitments to maintain the current quality of passenger rail service are not sufficient. Given UP's and NS's records as two of the worst host railroads for OTP, simply maintaining today's service is not

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acceptable. Union Pacific and Norfolk Southern must commit to improving OTP and to expanding passenger rail nationwide.

Our requests from the proposed merger are simple and concrete. Union Pacific and Norfolk Southern must commit to honoring Amtrak's statutory right to preference, which has been federal law for more than 50 years. Since 2020, the Federal Railroad Administration's Metrics and Standards rule (49 CFR Part 273) has set a minimum Customer OTP standard of 80 percent for any two consecutive calendar quarters. The NS-hosted Crescent and the UP-hosted Sunset Limited both fell below that threshold in FY 2026 Q1 and Q2. Maintaining the current level of service does not meet the federal standard and is not enough for the merger to serve the public interest. Should the STB approve the merger, the combined railroad must be held to federal law, substantially improve OTP, and expand passenger rail nationwide.

Infrastructure Requests

Union Pacific and Norfolk Southern must cooperate with Amtrak, the SRC, and other partners to ensure infrastructure that supports passenger rail growth along the I-20 corridor between Dallas, Texas, and Meridian, Mississippi, and on the connecting routes, is implemented. Across the corridor, UP/NS must commit to working with all interested parties to increase capacity between Shreveport, Louisiana, and Dallas, Texas, to enable passenger rail growth. Along the corridor, specific locations also need targeted improvements. This comment highlights two in Mississippi; the Meridian terminal and the Jackson Switch Tender. At Meridian, UP must make specific infrastructure enhancements to the Meridian terminal aimed at improving overall fluidity and reducing operational pinch points. Specifically, UP/NS must support the following four infrastructure requests at Meridian, briefly described below:

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1) Opportunities to modernize selected control points and interlockings to support more flexible routing and coordinated operations among railroads using the terminal.
2) Identify options to address a small number of high-impact grade crossings that may help reduce blockages and improve conditions for both rail operations and the surrounding community.
3) The switch tender upgrade and NS double-tracking will improve NS fluidity, reduce NS/CPKC conflicts, and increase interchange capacity between NS and the Meridian Speedway/CPKC.
4) Grade crossing elimination will allow for longer trains to be staged without blocking roadways.

The specific infrastructure projects listed below, at Meridian (Projects #1-4) and Jackson (Project #5), are tangible and realistic infrastructure requests that UP/NS must develop and support.

Meridian, Mississippi

Project #1 – NS Double Track and Anticipated Benefits:

1) Improves passenger rail reliability by reducing terminal congestion;
2) Increases network resilience by allowing parallel freight movements, reducing cascading delays during disruptions;
3) Reduces risk of roadway blockages as trains spend less time stopped within the terminal area.

Project #2 – Extend Lead & Power 8 of the Meridian Switch Tenders and Anticipated Benefits:

1) Extend NS switching lead ~5,500’ to the CPKC diamond to allow parallel moves through Meridian Yard;
2) Increases speed of restoration of switches through Meridian interlocking and improves fluidity;

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3) Increases operational consistency across multiple railroads operating through the terminal.

Project #3 – Elimination of Grade Separate of 49th Avenue and Anticipated Benefits:

1) Improves public safety by eliminating vehicle-train conflict at a heavily utilized at-grade crossing while supporting both freight and passenger rail operations;

Requested commitments for Project #3:

a) Require UP to contribute the local match towards a federal/state grant;
b) Consider closures at 11th and 8th Ave.

Project #4 - Require UP/NS to Invest in Longer Siding along the Meridian Speedway and Anticipated Benefits:

1) The siding provides interchange and meet points for trains, crew change, and fueling locations. The current siding is too short at 7500' and is not usable for most trains.

Jackson, Mississippi

Project #5 – Adjust the Track Arrangement at the Jackson Switch Tender to Restore Use of Former Platform 3 at Jackson Union Station and Anticipated Benefits:

In Jackson, the Meridian Speedway uses a 0.44 mile segment of CN's main line, known as the Jackson Switch Tender, under trackage rights. CN controls and dispatches the Jackson Switch Tender. (Surface Transportation Board, Decision No. 6 Docket No. FD 36732, served Oct. 17, 2024, at 5-6) The Meridian Speedway is a joint venture between CPKC and NS (Application,

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App. Vol. 2, p. 675), and Applicants plan to route a new Southern California-Southeast intermodal train pair over the Meridian Speedway (App. Vol. 2, p. 696). Today, Amtrak trains in both directions must make a backup move at Jackson Union Station. A slight track adjustment at the Jackson Switch Tender crossing, allowing use of former Platform 3, would eliminate that backup move in both directions.

1) Eliminated the backup move that Amtrak trains in both directions must make today at Jackson Union Station;
2) Shortens station dwell and overall trip time for passenger trains on the Meridian Speedway;
3) Improved passenger rail reliability by removing a reverse move through a busy rail junction;
4) Reduces interference with CN and Meridian Speedway freight trains, as passenger trains no longer need to occupy the Jackson Switch Tender and CN main line for a backup move.

Requested commitment for Project #5:

a) Require UP/NS, through NS's interest in the Meridian Speedway joint venture, to work with CPKC, CN, the City of Jackson, and Amtrak to design and fund the track adjustment at the Jackson Switch Tender so passenger trains can use former Platform 3;
b) Require that the track adjustment be completed before the proposed Amtrak service on the Meridian Speedway begins.

Other Applicant Projects on the Crescent Route

There are several proposed UP infrastructure projects on the Crescent route near Meridian that would have incredible impacts on passenger rail and the region. The STB must require additional mitigation and ensure the following items are successfully completed.

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1) Lumberton Siding Extension (NO&NE Subdivision MP NO112.1 to NO115.3). Applicants plan to upgrade and extend the siding at Lumberton to a clear length of 15,000 feet. The project will include constructing 1.7 miles of new siding track, upgrading the passing siding to accommodate speeds of 40 mph, from 15 mph, and replacing the existing spring switches with #20-power/dispatcher-controlled switches at each end of the siding. This segment of track will also be upgraded to CTC. Applicants estimate this project will cost $22 million and will be completed by the end of Year 3.
2) North End Meridian Double Track (Birmingham Subdivision MP AG289.7 to AG292.7). Applicants plan to extend the Meridian double track north from CP Breyer by constructing three miles of new track. Applicants estimate this project will cost $28.6 million and be completed by the end of Year 3.
3) Toomsuba Siding Extension (Birmingham Subdivision MP AG279.1 to AG 282.2). Applicants plan to upgrade and extend the siding at Toombusa to a clear length of 15,000 feet. The project will include constructing 1.5 miles of new siding track and upgrading the existing track to accommodate speeds of 40 mph, from 15 mph. Applicants estimate this project will cost $23.3 million and be completed by the end of Year 3.

It is essential that UP/NS commit to the infrastructure improvements listed above. In any such merger, UP and NS must commit to short term infrastructure requests and long-term delivery of strong on-time performance (OTP), customer service, and the expansion of passenger rail. Should UP/NS abide by short term infrastructure requests but fail with regard to long-term passenger rail support, UP/NS must be held accountable with clear and tangible consequences and not be allowed to only make vague assurances. UP/NS must understand that failure to deliver on both short and long-term passenger rail commitments would result in negative consequences for their company and brand. As the STB became aware in the

hearings regarding CSX and Amtrak service on the Gulf, refusal to cooperate and delay must not be allowed to kill viable passenger rail expansions.

Should the Surface Transportation Board deem this merger serves the public interest, we humbly ask you to incorporate and make binding all of our requests within the merger agreement.

Respectfully submitted,

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VERIFICATION

I, John Robert Smith, declare under penalty of perjury that I am Senior Policy Advisor of Transportation for America; that I am authorized to submit this filing on its behalf; that I have read the foregoing; and that, to the best of my knowledge, information, and belief, the factual statements made on behalf of Transportation for America are true and correct.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2026, I served a copy of the foregoing Statement of Position on all Parties of Record in Docket No. FD 36873. Service was made by electronic mail to all Parties of Record for whom an email address is listed on the official service list maintained by the Surface Transportation Board. Parties of Record for whom no email address is listed were served by First-Class Mail, postage prepaid.

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cc: Parties of record