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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

ILLINOIS COMMERCE COMMISSION
REQUEST FOR MERGER CONDITIONS

The Illinois Commerce Commission (Commission) is the state agency responsible for rail safety and has statutory jurisdiction over public highway-rail crossings in Illinois. In accordance with the Surface Transportation Board's Procedural Schedule adopted as Decision No. 30 in Docket No. FD 36873, served on August 18, 2026, the Staff of the Illinois Commerce Commission's Rail Safety Section (Commission Staff) respectfully submits its requests for conditions.

Commission Staff has reviewed the Application, Surface Transportation Board (STB) resources, and associated filings with specific attention to highway and rail safety and offers the following.

1. The proposed transcontinental merger between Union Pacific Railroad Company (UP) and Norfolk Southern Corporation (NS) is a transaction of massive national significance, with Illinois and the City of Chicago at the epicenter of the impact. With over 7,400 miles of railroad track, 53 carriers, including all six class one railroads, and over 10,000 public highway-rail crossings, Illinois and Chicago will experience immediate effects which will reshape infrastructure, commerce, economic development, and transportation networks across the entire country. As

noted, the combined presence includes three principal routes anchored in Chicago by UP, and four principal routes in Illinois by NS. This combined merger and the effects, specifically for Illinois, are unique due to the UP and NS system overlaps which provide Applicants with numerous connections and is home to some of the nation's largest intermodal facilities.

2. On September 21, 2026, Commission Staff provided a letter in response to the STB's Office of Environmental Analysis (OEA) request for comments on the scope of the Environmental Impact Assessment. The letter is included as Attachment 1.

3. **If the Application is approved, Commission Staff respectfully requests the STB impose as a condition of approval that the Applicants provide separate and specific statewide points of contact to Commission Staff. Commission Staff believes that separate UP-NS employees are needed in the Chicago, Springfield (or Decatur), and East St. Louis Metro regions with direct authority to address issues as they arise in Illinois.** This is similar to what was provided by the STB Docket No. FD 36500 (CP/KCS merger) but accounts for the greater size and scope of the UP-NS Application. The contact information for the UP-NS employees should be provided to Commission Staff, Illinois Department of Transportation personnel, and local agencies.

4. **If the Application is approved, Commission Staff respectfully requests the STB impose as a condition of approval that the Applicants provide quarterly reports for two years assessing its operational goal of Day One Readiness and made available on the STB's website.** Specifically, changes in operation, notification procedures, and handling a single UP-NS system should be detailed highlighting lessons learned and areas of improvement. The reports should be provided in the STB docket and provided to Commission Staff. The reports should include but are not limited to the following items:

- Chicago Integrated Rail Operations Center (CIROC) – assessment of changes of staffing, rail yard usage, communications (internal/external), and chain of command as part of the UP-NS integration.

- Performance of the UP-NS Emergency Notification System with NS dispatched territories integrated with UP's systems. In regard to blocked crossing impacts and plans for the Emergency Notification Systems (ENS), the applicants noted the transition will include a period when the NS 24-hour emergency phone number will be transferred to UP. Ultimately, all ENS signs will need to be changed and the railroad "shall establish and maintain a toll-free telephone service by which the railroad can directly and promptly receive telephone calls from the public reporting specific information" per CFR 234.303. The reports should identify what checks are in place for forwarding, and ensuring proper information is provided to personnel in (former) NS territories and documented per CFR 234.103. The reports should identify each ENS call where corrective actions were needed, what the resolution entailed, and how the concern was closed or mitigated to ensure safety concerns have been addressed.

- Emergency Planning, Response, and Communication to Communities and Emergency Management Agencies. The Safety Integration Plan (SIP) notes UP and NS are actively working to update their Emergency Response Plans and procedures for hazardous material and other incidents. The Applicants also noted their intent to expand safety training programs to communities. The quarterly reports should identify the training and outreach that has taken place over the impacted lines and detail the curriculum. The reports should also summarize all incidents, associated response, and lessons learned to ensure all areas with higher train volumes and/or an increase in hazardous material corridors are adequately staffed, trained, and monitored.

5. **If the Application is approved, Commission Staff respectfully requests the STB impose as a condition of approval a 10-year oversight period.** This is similar to STB Docket No. FD 36500 (CP/KCS merger) that included a 7-year oversight period. Given the scope and nature of the current UP-NS application, Commission Staff requests the STB implement a 10-year oversight period with conditions to mitigate safety impacts and further evaluation at 5-years, 7.5-years and 10-years.

Public Data provided by the UP-NS should include:

a. Total number of all trains at each crossing, including passenger, hazmat, and high hazard and flammable liquid (HHFT) trains
b. Average length of freight trains and length of single longest train

c. Number of freight trains over 7,500', 11,000', and 15,000'
d. Warning device activations: total time and average gate down time per event
e. Number of false activations and activation failures
f. Response time for issues pertaining to report of malfunction (CFR 234.103)
g. Average response time in minutes
h. Number of blockages over ten minutes
i. Percent of all activations with a blockage over ten minutes
j. Total duration of all blockages exceeding ten minutes
k. Average duration of a blockage exceeding ten minutes

6. **If the Application is approved, Commission Staff respectfully requests the STB impose as a condition of approval that the Applicants may not block public highway-rail crossings for over 10 minutes by a stationary train**. Currently, there are no federal rules or statutes regarding blocked railroad crossings. State laws on the matter have consistently been preempted. Railroads may identify operating rules; however, when occurrences take place, there is no recourse. With the unanticipated (unknown or undocumented) changes to train-operations, crew change points, and lack of restrictions on both train length and blocked crossings, this merger will not only allow for more trains but also longer trains, increasing the risk and time for interactions between train-vehicle and train-pedestrian. In Illinois, from 2024 through the present, there were a combined 1,457 reports regarding blocked crossings (344-NS and 1,113-UP) submitted to the FRA's Blocked Crossing Portal. Outside of the FRA Blocked Crossing Portal, Commission Staff is also aware of other areas where concerns have been identified, and it is unclear how the acquisition may impact the crossings. The list below is not inclusive of all blocked crossings in Illinois; however, it identifies some of the longest and most frequent blockages which will be impacted by a merger:

Location 1:
-Maywood at 1st Ave. and 5th Ave / Melrose Park at Wolf Rd., and Elmhurst at York Rd., near UP's Proviso Yard-Global 2 (growth +30.6% truck traffic and 28.3% / +12 trains)

FRA blocked crossing reports: From 2024 through the present, there were 48 reports of blocked crossings including first responders and emergency services. 25 of those reports ranged between 1 and 2 hours. The reports also note blockages over 2 hours and pedestrians crawling on, between, or under trains.

Note: No improvements are proposed as part of the Applicants' measures for these locations.

Location 2:
-Chicago Stock Yards/"Back of the Yards" at Racine Ave. and Morgan St. near NS's Ashland Yard (growth 195%/+14 trains)

FRA blocked crossing reports: From 2024 through the present, over 14 reports including first responders and emergency services. Multiple reports range between 1 and 6 hours.

Note: No improvements are proposed as part of the Applicants' measures for these locations.

Location 3:
-Chicago/Hegewisch "Chicago Mixing Center"- Burnham Ave. (identified growth 56% truck traffic)

FRA blocked crossing reports: From 2024 through the present, over 46 reports including first responders and emergency services. Multiple reports ranged between 2 and 6 hours and indicated pedestrians crawling on, between, or under stopped trains.

Note: No improvements are proposed as part of the Applicants' measures for these locations.

Location 4:
-Village of Sauget and City of East St. Louis (Gateway Yard) These crossings will be impacted and are not identified as locations in the Applicants' filings as being impacted.

Location 5:
-The Village of Albers, at the single at-grade crossing, will be impacted and is not identified as a location in the Applicants' filing as being impacted.

7. **If the Application is approved, Commission Staff respectfully requests the STB impose as a condition of approval that the Applicants install remote monitors at all UP-NS public highway-rail crossings with active warning devices.**

8. **If the Application is approved, Commission Staff respectfully requests the STB impose as a condition of approval that the Applicants install gates, Constant Warning Time circuitry, and remote monitors at all passive and flasher only public highway-rail crossings impacted by the transaction**.

9. **If the Application is approved, Commission Staff respectfully requests the STB impose as a condition of approval**, **that the Applicants shall complete a Viaduct Integrity and Public Safety Analysis for the City of Chicago**. The analysis should include repairs, improvements and/or replacements to address the increased strain on these strategic rail and roadway assets. This is for public safety (falling debris, drainage, deterioration and crumbling structures) as well as addressing the lifespan of the structures that will see an increase in number of trains or million Gross Ton Miles (mGTM). A report detailing the findings and schedule of needed repairs and upgrades should be provided within 24 months if the application is approved. The report should be shared with the Commission, Illinois Department of Transportation, and the Chicago Department of Transportation.

The Surface Transportation Board should impose the above conditions to protect local communities, safeguard emergency response operations, and guarantee public safety from the risks of blocked railroad crossings, communication difficulties, and other challenges from an approved merger. By establishing a clear, proactive mechanism for federal oversight and penalties, these conditions empower the STB to mandate compliance with their order.

Respectfully Submitted,

/s/ Martin W. Burzawa
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Dated: November 18, 2026

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing Illinois Commerce Commission's Request for Merger Conditions with the Surface Transportation Board and served a copy upon the assigned Administrative Law Judge and all parties of record to this proceeding by electronic mail or by mail, as applicable, on November 18, 2026.

/s/ Martin W. Burzawa
Martin W. Burzawa
Transportation Chief Counsel
Illinois Commerce Commission

ATTACHMENT 1

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Jonathan Feipel *Executive Director*

September 21, 2026

Surface Transportation Board: Office of Environmental Analysis
Attention: Danielle Gosselin, Acting Director
395 E Street, S.W.
Washington, D.C. 20423-0001
Filed Via - http://www.stb.gov/

RE: Finance Docket No. 36873, Union Pacific Corp., et al. – Control – Norfolk Southern Corp. at al. – Scoping Comments, Staff of the Illinois Commerce Commission

Dear Office of Environmental Analysis:

The Illinois Commerce Commission (Commission) is the state agency responsible for rail safety and has statutory jurisdiction over public highway-rail crossings in Illinois.

The proposed transcontinental merger between Union Pacific (UP) and Norfolk Southern (NS) is a transaction of massive national significance, with Illinois and the City of Chicago at the epicenter of the impact. With over 7,400 miles of railroad track, 53 carriers, including all six class one railroads, and over 10,000 public highway-rail crossings, Illinois and Chicago will experience immediate effects which will reshape infrastructure, commerce, economic development, and transportation networks across the entire country. As noted, the combined presence includes three principal routes anchored in Chicago by UP, and four principal routes in Illinois by NS. This combined merger and the effects, specifically for Illinois, are unique due to the UP and NS system overlaps which provide applicants with numerous connections and is home to some of the nation's largest intermodal facilities.

Commission Staff has reviewed the Application for the referenced docket with specific attention to highway and rail safety. In response to the Office of Environmental Analysis (OEA) request for scoping comments, Commission Staff requests the following areas are included and studied in greater detail as part of the environmental review process.

General Study Items

1. For the corridors identified in the filing meeting or exceeding STB thresholds for increase in the number of trains or million Gross Ton Miles (mGTM), an analysis of the proposed train lengths is needed **identifying the maximum train lengths proposed**. The analysis should include public highway-rail crossings impacted over these territories as a result of increased train counts and longer trains, especially those near rail facilities where slow speed operations may be in place. Locations are included below, with others discussed below in Comment 5.

Location 1:
-Maywood at 1st Ave. and 5th Ave / Melrose Park at Wolf Rd., and Elmhurst at York Rd., **near UP's Proviso Yard-Global 2** (growth +30.6% truck traffic and 28.3% / +12 trains)

FRA blocked crossing reports: From 2024 through the present, there were 48 reports of blocked crossings including first responders and emergency services. 25 of those reports ranged between 1 and 2 hours. The reports also note blockages over 2 hours and pedestrians crawling on, between, or under trains.

Note: No improvements are proposed as part of the applicants' measures for these locations.

Location 2:
-Chicago Stock Yards/"Back of the Yards" at Racine Ave. and Morgan St. **near NS's Ashland Yard** (growth 195%/+14 trains)

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Note: No improvements are proposed as part of the applicants' measures for these locations.

Location 3:
-Chicago/Hegewisch "Chicago Mixing Center"- Burnham Ave. (identified growth 56% truck traffic)

FRA blocked crossing reports: From 2024 through the present, over 46 reports including first responders and emergency services. Multiple reports ranged between 2 and 6 hours and indicated pedestrians crawling on, between, or under stopped trains.

Note: No improvements are proposed as part of the applicants' measures for these locations.

2. While the application provides the operational goal of "Day One Readiness", greater details are needed as part of the Safety and Operation Integration Plans (SIP, OIP) and with STB's environmental review. Specifically, changes in operation, notification procedures, and handling a single UP-NS system. The applicants should provide information regarding the following before Day One:

   - Chicago Integrated Rail Operations Center (CIROC) – what is planned for staffing and what changes are proposed in communications and chain of command as part of the UP-NS integration.

- Emergency Notification System – in regard to blocked crossing impacts and plans for the Emergency Notification Systems (ENS), the applicants noted the transition will include a period when the NS 24-hour emergency phone number will be transferred to UP. Ultimately, all ENS signs will need to be changed and the railroad "shall establish and maintain a toll-free telephone service by which the railroad can directly and promptly receive telephone calls from the public reporting specific information" per CFR 234.303. What checks will be in place for forwarding, and ensuring proper information is provided to personnel in (former) NS territories and documented per CFR 234.103? How will the corrective actions be communicated to ensure safety concerns have been addressed? How will NS dispatched territories handle integration with UP's systems?

- Emergency Planning, Response, and Communication to Communities and Emergency Management Agencies. The SIP notes UP and NS are actively working to update their Emergency Response Plans and procedures for hazardous material and other incidents. The Applicants also noted their intent to expand safety training programs to communities. This is most welcome, but further details should be identified as part of OEA's efforts to ensure all areas with higher train volumes and/or an increase in hazardous material corridors are adequately staffed, trained, and monitored.

Crossing Safety and Crash Analysis

3. As part of the merger, the risk increases with the number of interactions between train-vehicle and train-pedestrian. Crossings will be occupied more frequently and for longer durations as trains counts increase. Additionally, a number of these corridors are shared-use corridors with local commuter operations (Metra) and national operations (Amtrak).

   Commission Staff requests STB-OEA project increased incidents and accidents over a ten-year monitoring timeframe which should be presented as number of incidents per year **by subdivision**. Commission Staff also request STB-OEA consider trespass and suicide incidents during the past 5 years and estimate potential increases in risk to trespass and suicide incidents and recommend appropriate mitigation measures. The focus should include UP's Geneva Subdivision and specifically Lombard, DeKalb, Geneva, Elburn; and in the City of Springfield at Iles Ave. where the NS and UP subdivisions meet.

4. The Environmental Impact Statement should include a section on UP and NS viaducts in the City of Chicago focusing on structural integrity, as well as public safety under the rail bridges.

Delay, Blocked Crossings & Emergency Response

5. Commission Staff requests motorist, pedestrian, and emergency response delay studies be completed and include **peak hour analyses** at affected public crossings

including Chicago Terminal, NS's Springfield and Lafayette Subdivision, and the St. Louis Terminal. The analysis should include impacts at nearby intersections and should account for **maximum proposed train lengths and not an average sample over a 24-hour period**. Commission Staff requests the STB not use aggregates or averages across the nation or State for modeling Illinois and the Chicagoland area with unique operating characteristics.

In Illinois, from 2024 through the present, there were a combined 1,457 reports regarding blocked crossings (344-NS and 1,113-UP) submitted to the FRA's Blocked Crossing Portal.

Outside of the FRA Blocked Crossing Portal, Commission Staff is also aware of other areas where concerns have been identified, and it is unclear how the acquisition may impact the crossings. These include crossings in the Village of Sauget (IL Rte. 3), Village of Albers, and near the East St. Louis/Gateway Yard. These crossings will be impacted; however, they are not identified as locations in the applicants filing as being impacted.

6. Currently, there are no federal rules or statutes regarding blocked railroad crossings. State laws on the matter have consistently been preempted. Railroads may identify operating rules; however, when occurrences take place there is no recourse. As part of the merger STB-OEA should mandate crossings are not blocked for over 10 minutes by a stationary train.

7. Emergency route analysis should not be limited to only routes provided with designation in FRA's "6180.71 - U.S. DOT Crossing Inventory Form" under part V item 10. This item does not fully reflect Emergency Service Routes. Commission Staff suggest using the "State Highway" data field under FRA 6180.7 Part V Item 3 in addition to broaden the scope. Maximum train lengths should be analyzed on these routes as outlined above in Comment 5.

Mitigation

8. In STB Docket o. FD 36500 (CP/KCS merger) the STB approval and decision included a 7-year oversight period. Given the scope and nature of the current UP-NS application, Commission Staff requests the STB implement a 10-year oversight period with conditions to mitigate safety impacts and further evaluation at 5-years, 7.5-years and 10-years.

Data provided by the UP-NS should include:

a. Total number of all trains at each crossing, including passenger, hazmat, and high hazard and flammable liquid (HHFT) trains
b. Average length of freight trains and length of single longest train
c. Number of freight trains over 7,500', 11,000', and 15,000'
d. Warning device activations: total time and average gate down time per event
e. Number of false activations and activation failures
f. Response time for issues pertaining to report of malfunction (CFR 234.103)

g. Average response time in minutes
h. Number of blockages over ten minutes
i. Percent of all activations with a blockage over ten minutes
j. Total duration of all blockages exceeding ten minutes
k. Average duration of a blockage exceeding ten minutes

9. Commission Staff believes all UP and NS crossings equipped with active warning devices should have remote monitors.

10. All passive and flasher only public highway-rail crossings impacted by the transaction shall be upgraded with gates, Constant Warning Time circuitry, and remote monitors.

11. STB OEA should require that the UP and NS provide a Viaduct Integrity and Public Safety Analysis for the City of Chicago. The analysis should include repairs, improvements and/or replacements to address the increased strain on these strategic rail and roadway assets. This is for public safety (falling debris, drainage, deterioration and crumbling structures) as well as addressing the lifespan of the structures that will see an increase in number of trains or million Gross Ton Miles (mGTM).

12. Impose a mitigation for the UP-NS to provide specific statewide points of contact. Commission Staff believes that separate UP-NS employees are needed in the Chicago, Springfield, and East St. Louis Metro regions with direct authority to address issues as they arise in Illinois.

Thank you for your consideration of the comments above. Representatives from this office are available for reviews, or other meetings. If you have any questions, please contact Christopher Murauski, Rail Safety Program Administrator at (630) 947-6283 or via email at Christopher.Murauski@illinois.gov.



JONATHAN FEIPEL
EXECUTIVE DIRECTOR
ILLINOIS COMMERCE COMMISSION