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Office of Chief Counsel
November 18, 2026
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Public Record

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VIA E-FILING

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD 36873, Union Pacific Corporation and Union Pacific Railroad Company—Control—Norfolk Southern Corporation and Norfolk Southern Railway Company: Comments of Wi-Tronix, LLC

Related filings: Revised Application (Filing ID 311221); Letter of State Attorneys General (Filing ID 310163); Comments and Request for Conditions of the Commuter Rail Coalition (Filing ID 312844)

Dear Members of the Board:

Wi-Tronix, LLC ("Wi-Tronix"), a party of record in this proceeding, respectfully submits these comments on the proposed acquisition of control of Norfolk Southern ("NS") by Union Pacific ("UP"). Wi-Tronix takes no position on whether the Board should approve the merger. We recognize that a single-line transcontinental network may produce real efficiencies, and we recognize the significant investments both UP and NS have made in rail safety technology. Our goal is to help the Board ensure that, if the merger proceeds, it strengthens the safety technology, operating data, and service measurement on which the entire rail network depends.

We ask the Board to consider four things:

- Preserving the diversity of ideas, independent testing, and industry-wide collaboration that drive continued improvement in rail safety technology.
- Keeping safety systems and shared industry platforms interoperable, secure, and fairly available to every railroad that uses the combined network.
- Measuring service standards, including passenger and commuter on-time performance, with objective, independently validated data.
- Providing oversight long enough to confirm that the benefits UP and NS have described are delivered without degrading safety or service for passenger operators and other railroads sharing the network.

About Wi-Tronix

Wi-Tronix is a privately held rail technology company headquartered in Bolingbrook, Illinois. For more than 20 years, we have designed and built onboard monitoring, event recording, video, and locomotive diagnostics systems for freight railroads, short lines, and passenger and transit operators across North America. Our systems monitor thousands of rail vehicles. Because those fleets operate over one another's track, we see firsthand how safety technology and operating data work across railroad boundaries, which is the focus of these comments. Our interest is in a rail network where safety technology continues to improve for every railroad, regardless of

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which supplier provides it. We value our relationships with the railroads we serve and stand ready to work with them to keep safety systems operating without interruption during any integration.

Innovation in rail safety technology

In their November 14, 2025 letter to the Board (Filing ID 310163), nine state attorneys general raised concerns about the merger's effect on innovation. We do not address the competition issues in that letter; our comments focus only on how rail safety technology continues to improve.

Rail has an unusually stable workforce. The Railroad Retirement Act rewards long, continuous careers, and railroad employees stay with their employer a median of nearly 14 years, compared with 3.9 years for other private-sector workers.[1] That stability is a real strength for safety. Railroads also benefit from working with suppliers, which can bring in new ideas from fields like software, data analytics, and sensors to complement the deep operating expertise of railroad employees.

Rail safety advances through collaboration among railroads, suppliers, labor, and regulators, and through many railroads independently testing new approaches under different operating conditions. Today, each Class I railroad decides for itself which safety technology to test and adopt, so more ideas get tried and the best ones spread across the industry. Remote download of event recorder and onboard camera data, with real-time alerts, is one example of how this works: the technology was first adopted by a single railroad and is now used by Class I, II, and III freight railroads and by passenger and transit operators.

The merger would combine two of the largest of these decision-makers, and their in-house technology teams, under one roof. With fewer independent decision-makers, it will be important to preserve opportunities to test and refine new safety approaches, and to continue the industry-wide collaboration that has carried safety improvements from one railroad to others, including smaller carriers with limited in-house technology resources. We recognize that the technology savings UP and NS expect may be legitimate efficiencies. We encourage them to support those benefits with specific, verifiable commitments and to describe how the combined railroad will continue to evaluate and adopt safety technology from a broad range of sources.

Interoperability, shared platforms, and cybersecurity

The rail network depends on technology that crosses ownership lines. Positive train control, for example, relies on a common communications network so trains can run safely on other railroads' track, and shared industry systems track equipment and car movements for every railroad. UP and NS participate in the governance of several of these shared platforms, so continued neutral, industry-wide governance becomes even more important after a merger.

[1] Association of American Railroads, Freight Rail Facts & Figures, https://www.aar.org/resources/ (last visited Nov. 17, 2026).

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Several requests before the Board, such as trackage rights, terminal access, and service requirements, would put other carriers' trains on the combined network. Those operations depend on compatible train control, communications, dispatching information, and onboard equipment. We take no position on any party's request for access, but if the Board grants access, the related technical requirements should follow industry standards and apply on fair, non-discriminatory terms. Integrating two railroads' train control, communications, and data systems also raises cybersecurity risk. UP and NS should explain how they will protect these systems, and the data shared with other carriers, during and after integration.

Objective measurement of service standards

Several parties, including the Commuter Rail Coalition, have asked the Board to set service standards for the combined network. A standard is only as good as the data used to measure it. Measurement based only on a host railroad's own reports, even when prepared in good faith, can lead to disputes and is difficult for the Board to audit. Railroads already generate objective operating data, including event recorder data, onboard location and time records, positive train control records, and dispatching records. We recommend that any service standard be measured with this kind of data, validated by an independent third party, and shared with the affected parties and the Board. Objective data also protects host railroads by settling disagreements on the facts. Data used for service measurement should be limited to what is needed to evaluate network performance and handled consistently with existing agreements governing onboard recording data.

Passenger and commuter on-time performance

Both UP and NS host passenger and commuter trains, and the Board should ensure that essential passenger services are preserved. Integrating two host railroads with different practices could make scheduling, dispatching, and project coordination less predictable for passenger operators during the transition. Changes to train control, dispatching systems, or onboard equipment requirements could also directly affect passenger service and the safety of the traveling public.

On-time performance is the clearest measure of whether passenger service is being preserved. We ask that the combined railroad track and report on-time performance for each passenger and commuter route it hosts, along with delay minutes and their causes, such as freight-train interference, using objective operating data validated by an independent third party. These reports should be shared regularly with passenger operators and the Board so that problems are identified and corrected early, not after service has already declined.

We generally support the conditions proposed by the Commuter Rail Coalition (Filing ID 312844), which include objective passenger service benchmarks with on-time performance metrics, modeling of existing and planned commuter service, and ten years of performance reporting and Board oversight. Capacity planning for the combined network should leave room not only for more freight traffic but also for future growth in passenger service.

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Long-term oversight

Given the scale of this merger and its effect on shared freight and passenger corridors, we support an oversight period longer than the Board has imposed in past major mergers. During that period, the combined railroad should report annually on safety, technology, interoperability, and service metrics, including passenger on-time performance and service to carriers operating under trackage rights. Claimed safety and technology benefits should be measured against clear baselines, and changes to onboard safety systems during integration should be managed so that safety capability is maintained without interruption.

Summary of requests

Rail safety depends on continued innovation, and that innovation depends on railroads, suppliers, labor, and passenger operators continuing to test new approaches and share operating data across the network. Wi-Tronix respectfully asks the Board to ensure that any approval of the merger addresses:

1. **Innovation in rail safety**: how the combined railroad will continue to test and adopt safety technology from a broad range of sources, including its own teams, other railroads, and suppliers, and share proven safety practices so that improvements continue to reach smaller carriers, passenger operators, and the traveling public. Regardless of the outcome, continued innovation, technology adoption, and industry collaboration will be important to advancing rail safety, efficiency, and long-term growth.
2. **Interoperability and cybersecurity:** whether train control, communications, dispatching data, and onboard equipment requirements remain interoperable, follow industry standards, and apply to other carriers on fair, non-discriminatory terms; whether shared industry platforms remain under neutral governance; and how these systems will be protected from cyber threats during and after integration.
3. **Objective service measurement**: how service standards, including on-time performance for each hosted passenger and commuter route, will be tracked using objective operating data validated by an independent third party, with delay minutes and their causes reported regularly to affected parties and the Board.
4. **Long-term oversight:** an oversight period longer than the Board has imposed in past major mergers, with annual reporting to the Board on safety, technology, interoperability, and service metrics, including service to passenger operators and other carriers sharing the network, measured against pre-merger baselines.

Because railroads already generate most of the data involved, these measures would place modest burdens on the combined railroad and would help ensure that the safety, technology, and service benefits UP and NS have described reach the public and the entire rail network, and that rail safety continues to advance through innovation. Thank you for considering these comments. If you have questions regarding topics discussed in this letter, please contact me at 630-679-9927 or Lawrence.b.jordan@wi-tronix.com.

Sincerely,

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Signed by:
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Lawrence B. Jordan, Jr.
President and Chief Executive Officer
Wi-Tronix, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2026, I caused the foregoing Comments of Wi-Tronix, LLC to be served on the Secretary of Transportation, the Attorney General of the United States, counsel for UP and NS, the assigned administrative law judge, and all other parties of record in this proceeding.

Signed by:
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Lawrence B. Jordan, Jr.

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