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Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
– CONTROL –
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY

COMMENTS OF THE NATIONAL CONFERENCE OF FIREMEN AND OILERS IN SUPPORT OF THE PROPOSED TRANSACTION

The National Conference of Firemen and Oilers ("NCFO"), 32BJ/SEIU, respectfully submits these comments in support of the proposed acquisition of Norfolk Southern Corporation ("NSC"), and Norfolk Southern Railway Company ("NS") by Union Pacific Corporation ("UPC"), Union Pacific Railroad Company ("UP"), (collectively "Applicants") ("the Proposed Transaction"). *Union Pacific Corporation and Union Pacific Railroad Company—Control—Norfolk Southern Corporation and Norfolk Southern Railway Company*, Finance Docket No. 36873, Amended Railroad Control Application ("Amended Application"), (Apr. 30, 2026).

On July 30, 2025, Applicants notified the Surface Transportation Board ("STB" or "the Board") of their intent to seek approval of the Proposed Transaction under 49 U.S.C. §§ 11323-25. Applicants filed their initial Application on December 19, 2025, and subsequently submitted an Amended Application on April 30, 2026. NCFO previously expressed its support for the Proposed Transaction by letter to the Board dated November 25, 2025.

NCFO represents the crafts or classes of mechanical service employees on both UP and NS, and therefore has a substantial interest in this proceeding. Of particular importance to NCFO are the employment protections it negotiated with UP to safeguard its members against the

potential adverse consequences of the merger. Specifically, NCFO negotiated a historic Jobs for Life Agreement with UP, dated November 10, 2025, providing career-long employment protections for covered NCFO members working in mechanical service on UP and NS at the time of the merger, protecting them from involuntary furlough. These guarantees are particularly significant given the history of railroad consolidations and their potential consequences for affected employees. Unlike the traditional employee protective conditions established in *New York Dock Railway—Control—Brooklyn Eastern District Terminal*, 360 I.C.C. 60 (1979), which generally provides up to six-year labor protection for employees adversely affected by a transaction, NCFO's agreement is intended to preserve employment throughout the covered employees' remaining careers.

Congress expressly directs the Board to consider "the interest of rail carrier employees affected by the proposed transaction." 49 U.S.C. § 11324(b)(4). NCFO believes that these career-long employment guarantees meaningfully address Congress's concern for affected railroad employees by providing a level of job security that extends substantially beyond traditional merger protections. The agreement also demonstrates that the anticipated benefits of railroad consolidation can be pursued while safeguarding the employment of the workers whose efforts will be essential to the combined railroad's success.

NCFO also recognizes the broader advantages of establishing a unified transcontinental railroad. By integrating UP's and NS's largely complementary networks, the Proposed Transaction presents opportunities to improve service, attract additional freight traffic, and strengthen rail transportation's competitiveness with other modes of transportation. Increased traffic and expanded operations, in turn, have the potential to create additional employment opportunities, including for mechanical service employees, and contribute to the long-term

strength of the railroad industry. Realizing these benefits will depend upon the successful integration of the two railroads and continued cooperation between Applicants and the labor organizations representing affected employees. NCFO therefore emphasizes the importance of honoring its negotiated employment guarantees and other applicable labor protections throughout the implementation of the Proposed Transaction.

For the foregoing reasons, NCFO respectfully supports approval of the proposed Transaction and requests that the Board condition its approval upon Applicants' compliance with NCFO's negotiated Jobs for Life Agreement, applicable *New York Dock* employee protective conditions, cramdown agreement, and the employment-related commitments and representations made by Applicants in this proceeding.

Respectfully submitted,

s/ Michael Pistone
Michael Pistone
President, NCFO

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been e-filed this 18th day of November, 2026, via the STB's e-filing system, and served upon the parties of record by email or in the manner specified.

/s/Erika A. Diehl-Gibbons
Erika A. Diehl-Gibbons