November 15, 2026

The Honorable Patrick J. Fuchs, Chairman

The Honorable Karen J. Hedlund, Member

The Honorable Michelle A. Schultz, Member

The Honorable Richard Kloster, Member

Surface Transportation Board (Docket No. FD 36873)
395 E Street SW
Washington, DC 20423

312993

ENTERED
Office of Chief Counsel
November 18, 2026
Part of
Public Record

RE: Docket No. FD 36873

Dear Chairman Fuchs, Commissioner Hedlund, Commissioner Schultz, and Commissioner Kloster:

The Borough of Metuchen appreciates the opportunity to submit comments on the proposed merger of Union Pacific (UP) and Norfolk Southern (NS).

Metuchen is a borough of 15,000 residents located 22 miles southwest of New York City covering 2.84 square miles in Middlesex County, New Jersey.

The Borough does not take a position on the merger. However, should the Commission approve the merger, we urge you to conduct a comprehensive review and analysis of the proposed merger and ensure that the combined railroad thoroughly address all potential impacts on the communities that host UP and NS infrastructure through concrete and enforceable mitigation measures.

More specifically, the Borough urges the Board the to conduct a comprehensive review and analysis of the proposed merger that addresses all its potential impacts on the communities that host UP and NS infrastructure. Should the Board eventually approve this merger, Metuchen urges the Board to identify concrete and enforceable mitigation measures to address negative impacts identified by the Board's review and analysis.

Impacts that the Borough urges the Board to review and analyze include but are not limited to air quality, noise, mobility, safety, and emergency response operations and response times. We also requests that the Board evaluate the transportation of hazardous waste by the proposed merged railroad and its potential impact on communities, including strong community right to know provisions that allow local officials and first responders to prepare for potential incidents.

A single-track section of the Port Reading Secondary of Conrail's North Jersey Shared Assets Division, which is majority owned by NS, runs through Metuchen. It bisects residential and commercial neighborhoods and passes directly next to Metuchen High School and to the athletic fields of Saint Joseph High School.

The interactive map on STB's Environmental Impact Statement (EIS) website for the proposed merger identifies the line through Metuchen as a *"segment that exceed the Board's thresholds for air quality analysis."* The Borough therefore anticipates that the Board will evaluate the air quality impacts of the merger on Metuchen, particularly its impact on residential neighborhoods and schools.

At the broadest level, the Borough urges the Board to conduct a comprehensive review and analysis of the proposed merger that addresses all its potential impacts on the communities that host UP and NS infrastructure. Should the Board eventually approve this merger, the Borough urges the Board to identify concrete and enforceable mitigation measures to address negative impacts identified by the Board's review and analysis.

Impacts that the Borough urges the Board to review and analyze include but are not limited to air quality, noise, mobility, safety, and emergency response operations and response times. The Borough also requests that the Board evaluate the transportation of hazardous waste by the proposed merged railroad and its potential impact on communities, including strong community right to know provisions that allow local officials and first responders to prepare for potential incidents.

In addition, although not identified in the maps and materials provided by the Board for this proceeding, the Borough notes that NS has trackage rights on the Northeast Corridor owned by Amtrak. The four-track Northeast Corridor runs through the heart of the Borough. Metuchen is served by frequent New Jersey Transit commuter trains that provide Borough residents and visitors with direct access to Midtown Manhattan and other destinations. This commuter rail service is foundational to the Borough's economy, and the Borough therefore urges the Board to ensure that the proposed merger, if finalized, has no adverse impacts on intercity and commuter passenger rail service.

Metuchen recognizes that federal law gives the Board full authority to regulate railroads under the Interstate Commerce Clause of the Constitution. However, as the Board itself recognized in its recently issued Policy Statement on Jurisdiction and Preemption Under the ICC Termination Act[1], those laws are not intended to give the railroads carte blanche.

[1] https://www.stb.gov/resources/preemption-policy/

As the Board outlines in its Policy Statement, they recognize that in a complex, modern society, there are multiple public interests that public policy must address:

> *"…railroads should not use ICCTA preemption as an excuse to be unresponsive to local public officials. Consistent with the rail transportation policy of the United States government (set forth at 49 U.S.C. 10101), railroads, as regulated entities, should seek to engage in good communication, information sharing and cooperation with the communities they serve and operate within. State and local governments may have legitimate interests in the development of, among other things, passenger rail and trails within rights of way where allowed, for the benefit of both rail carriers and local communities.[2]"*

Please contact our Borough Administrator, Melissa Perlstein at mperilstein@metuchen.com if you have any questions or would like additional information about how this merger might impact the Borough of Metuchen.

Sincerely,

Jonathan M. Busch
Mayor

cc: Parties of Record

[2] https://www.stb.gov/resources/preemption-policy/