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November 18, 2026
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November 18, 2026

Surface Transportation Board
Office of Proceedings
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 the Northwestern Indiana Regional Planning Commission (NIRPC).

Dear Chairman and Members of the Board,

On behalf of the Northwestern Indiana Regional Planning Commission (NIRPC), a Metropolitan Planning Organization (MPO) and Council of Governments (COG) in Lake, Porter, and La Porte counties in Indiana, I submit the following comments related to Union Pacific (UP) Railroad's proposed acquisition of Norfolk Southern (NS) Railroad.

Our 3-county region in Northwest Indiana along the southern shores of Lake Michigan, neighboring the nation's third largest city, is a critically important freight corridor between Chicago and the broader Great Lakes and East Coast regions. NS has long been an integral part of our freight landscape and has often been a great partner with our region's 41 cities and towns. NS owns and operates on 240.5 miles of trackage in our region, more mileage than any other railroad.[1]

The documents filed with the NSB indicate that the NS projects an increase in the number and length of trains passing through Northwest Indiana as a result of the proposed merger. The Chicago Line is already heavily trafficked, with between 70 and 90+ trains per day. One junction on this line, Porter Junction, sees greater than 110 trains per day. Any increase in trains, therefore, will have significant impacts on the communities of Northwest Indiana. NIRPC has identified six issues of concern to Northwest Indiana which are related to the proposed merger: safety, congestion, access to communities, air quality, noise/vibration, and passenger rail impacts. Should the STB approve the merger, NIRPC encourages the Surface Transportation Board (STB) to address these issues in the Environmental Impact Statement (EIS) proposed to be conducted in accordance with the Notice of Intent (NOI).

## 1) Safety

Safety is NIRPC's number one priority, and rail-related safety presents a unique issue to our region. Our region is home to 675 public at-grade rail crossings, with NS owning or operating trains on 247 of them.[2] Since FRA began collecting rail incident data in 1975, there have been a total of 1,221 incidents on these crossings, with 158 fatalities and 441 injuries. 43 incidents have involved a

[1] *NWI 2050+* Freight Chapter (https://www.in.gov/nirpc/files/4-Freight-FINAL.pdf) p. 205.
[2] FRA Crossing Inventory.

pedestrian.[3] Table 1 below shows the top 10 NS operating at-grade crossings by number of incidents recorded since 1975 along with a date of the most recent recorded incident.

Table 1: Top 10 Norfolk Southern At-Grade Crossings by Number of Incidents Since Jan 1975

| Rank | Crossing ID | Street | City | Railroad Line | Incidents | Fatalities | Injuries | Most recent |
|---|---|---|---|---|---|---|---|---|
| 1 | 522646H | Clark Rd | Gary | Chicago Line | 34 | 2 | 2 | Nov 2025 |
| 2 | 326879R | Dickey Rd | East Chicago | IN Harbor Belt | 32 | 0 | 4 | May 2012 |
| 3 | 478683R | Colfax St | Gary | Fort Wayne Line | 30 | 2 | 12 | Jul 2018 |
| 4 | 478679B | Chase St | Gary | Fort Wayne Line | 26 | 5 | 15 | Mar 2013 |
| 5 | 478677M | Grant St | Gary | Fort Wayne Line | 24 | 0 | 13 | Aug 2026 |
| 6 | 478693W | Kennedy Ave | Hammond | Fort Wayne Line | 23 | 3 | 11 | Jun 2012 |
| 7 | 522602H | Orchard Ave | La Porte | Chicago Line | 22 | 1 | 0 | Feb 2025 |
| 8 | 522639X | County Line Rd | Gary | Chicago Line | 20 | 5 | 1 | Sep 2025 |
| 9 | 478692P | 169th St | Hammond | Fort Wayne Line | 19 | 3 | 14 | Nov 2025 |
| 10 | 478650D | CR 600 N | Union Township | Fort Wayne Line | 19 | 2 | 1 | Sep 2025 |

*Source: FRA Highway-Rail Grade Crossing Incidents Reports*

At-grade crossing safety concerns include not only those incidents that are recorded in the data listed above, but also the increased emergency response times that are caused by rail crossing blockages that impede emergency service providers from reaching sites.

NIRPC also notes an increase of 24.6 carloads of hazardous materials is projected on a segment of the Kankakee line through the cities of Hammond and East Chicago. Approximately ¾ of a mile of this segment is directly adjacent to a residential area.

As safety mitigation, NIRPC requests UP/NS to contribute financial resources to Operation Lifesaver as well as commit to assisting local units of government with funding grade separation projects and to take all appropriate measures to reduce the potential for and the impacts of hazardous material spills.

## 2) Congestion

More frequent and longer trains resulting from the proposed merger would directly cause more frequent and longer gate-down times at the 247 at-grade crossings in the region where NS currently

[3] FRA Highway-Rail Grade Crossing Incidents, accessed at https://data.transportation.gov/stories/s/Highway-Rail-Crossing-Incidents-Landing-Page/9hnw-nt86/.

operates. Table 2 below shows the applicant's stated segment increases in trains per day (TPD) and millions of annual gross ton miles (mGTMs) within the NIRPC region.

Table 2: UP/NS's Stated Segment Merger-Related Increases in TPD and MGT/mile

| Segment ID and Railroad/Location | Community Geographic Location | Trains per Day (tpd) | | | Million Gross Tons/Mile (MGT/mile) | | |
|---|---|---|---|---|---|---|---|
| | | Transaction Growth | % Transaction Growth | Year 5 with Transaction | Transaction Growth | % Transaction Growth | Year 5 with Transaction |
| 10058 NS Chicago Line, MP 516.9 to MP 502.8 | Chicago 47th St (IL) to CP 502 / Indiana Harbor | 4.82 | 7% | 72.64 | 29 | 28.3% | 131.4 |
| 10059 NS Chicago Line, MP 502.8 to MP 482.2 | Indiana Harbor through Gary to Porter (CP 482) | 4.4 | 5% | 89.13 | 28.4 | 20.2% | 168.6 |
| 10060 NS Chicago Line, MP 482.2 to MP 421.6 | Porter through LaPorte County to Elkhart, IN | 4.39 | 7% | 67.65 | 28.4 | 19.6% | 173.2 |
| 12349 Amtrak Michigan Line (NS trackage), MP 143.1 to MP 228.5 | CP-BO, Michigan, to Michigan City | 0 | 0% | 0.53 | 0.1 | 82.4% | 0.3 |
| 12690 Amtrak Michigan Line (NS trackage), MP 228.5 to MP 240.7 | Michigan City to Porter (CP 482) | 0 | 0% | 0.65 | 0.2 | 83.9% | 0.4 |
| 11355 CSX Chicago Sub (NS trackage), MP 252.4 to MP 246.6 | Hammond to Clarke Jct (Gary) | 0 | 0% | 1.59 | 0.2 | 59.2% | 0.5 |
| 12140 NS Chicago District, MP 445.7 to MP 441.8 | Clarke Jct to Tolleston (Gary) | 0 | 0% | 1.59 | 0.5 | 59.2% | 1.3 |
| 12692 NS Chicago District, MP 255.1 to MP 256.4 | Gary to Tolleston | 0 | 0% | 1.59 | 0.2 | 59.2% | 0.5 |

*Source: STB Union Pacific Acquisition of Norfolk Southern Data Explorer*

NIRPC has long identified at-grade crossing related congestion and the associated air quality impacts from idling vehicles and the economic impacts from lost productivity as a regional concern. In 2013, NIRPC completed the *Northwest Indiana At-Grade Crossing Report* (https://www.in.gov/nirpc/files/Northwest-IN-At-Grade-Crossing-Report_Final-2.pdf). Six out of the top 15 highest priority crossings from that report involved NS at-grade crossings. The report indicated that those six crossings accounted for 87.8 hours of motorist delay per day. It is important to note that these figures for motorist delay only account for motorists queuing for the at-grade crossings, not delay caused by rerouting to a grade separated crossing or an unoccupied at-grade crossing.

### 3) Access to Communities

The proposed merger would further reduce already limited access to communities within the NIRPC region.

In the Town of Ogden Dunes, the Norfolk Southern Chicago Line crosses Hillcrest Road at-grade. Because Ogden Dunes is bordered by Lake Michigan to the north and the Indiana Dunes National Park to the east and west, the Town is only accessible from the south and Hillcrest Road is the primary access point. Increased blockages of this at-grade crossing present a significant barrier for emergency responders. Additionally, Hillcrest Road is the only convenient route for Ogden Dunes residents to reach the community's South Shore Line commuter rail station either by car, by bike, or on foot. It also serves as a link on the Marquette Greenway, a regional trail that is planned to connect Chicago to Southwest Michigan. NIRPC and the communities of Northwest Indiana have devoted substantial resources to the development of this trail and have requested a safe pedestrian crossing at Hillcrest Road, which NS has repeatedly denied.

In the City of Whiting, the Chicago Line at-grade crossings along Front Street, between 119th Street and Park Road, severely disrupt access to vital community assets, including the City's Lakefront Park and the lakefront water purification plant and operations for BP Whiting Refinery, which is the 8th largest refinery in the U.S. and the largest in the Midwest. Trains frequently block these crossings, holding track and loading rail cars multiple times per day, which hinders vehicle and pedestrian movement to and from key areas. With more than 100,000 estimated visitors to Whiting's Lakefront Park annually, a serious life and safety risk exists should emergency services be needed during a blockage. Further, the blockages are a frequent and contentious issue for local residents, BP employees, and contractors, some of whom have been blocked for hours with no other recourse than to wait helplessly until the train finally moves through the crossing.

The Chicago Line also bisects other key community districts and recreational areas including the Indiana Dunes National Park's West Beach, the entire downtowns of the Town of Chesterton, the Town of Porter, and the City of La Porte. As noted above, within Porter and Chesterton, the Chicago Line passes through Porter Junction, which already sees more than 110 trains per day. Most of these critical community areas lack convenient grade separated options.

Between December 2018 and October 2019, NIRPC convened a Rail Crossing Task Force in response to the great concern of our communities with increased instances of blocked at-grade rail crossings since the Indiana Supreme Court struck down the ability of communities to ticket stopped trains. In some notable cases receiving national attention, school children were literally crawling under train cars and over couplings to get to school on the other side. *The Commission remains strongly opposed to any action that would increase the frequency or duration of blockages at these at-grade crossings that divide communities and prevent access for emergency responders and essential community services.*

As mitigation for these access concerns, NIRPC requests that UP/NS contribute financial resources to the affected communities along the Chicago Line for grade separation projects.

### 4) Air Quality

Lake and Porter Counties are in a Clean Air Act non-attainment area for Ozone. This means that if the Surface Transportation Board's Office of Environmental Analysis (OEA) proceeds with its Notice of Intent (NOI) to conduct an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for threshold triggered segments on the proposed merger, eight segments would warrant review as shown in Table 2 above, all in Lake and Porter Counties or predominately in the State of Michigan in the case of segment 12349. While La Porte County is now in attainment for Ozone, NIRPC requests that OEA apply the same environmental review thresholds to La Porte County as Lake and Porter Counties and therefore analyze the La Porte County Chicago Line and Amtrak segments as part of the EIS. This consistency would better satisfy the understanding of our community members and build greater trust throughout the review process.

While NIRPC acknowledges that shifting freight movement from truck to rail, as is likely to result from this proposed merger, would have a net positive impact on criteria pollutant emissions, locomotive emissions and increased motorist delay could have localized negative impacts. As mitigation for air quality impacts, NIRPC requests that UP/NS require locomotives to meet zero or Tier-4 Locomotive Emissions Program standards by the end of the three-year post-merger monitoring period for locomotives that operate on the environmentally reviewed segments. NIRPC also requests that UP/NS install several air quality monitoring sensors near major at-grade crossing locations or allow the Indiana Department of Environmental Management (IDEM) to install monitors at these locations.

### 5) Noise/Vibration

Operating more frequent and longer trains would worsen noise and vibration impacts near the tracks. While residents and businesses located near the tracks have already priced in the costs of these impacts pertaining to the existing frequency and train lengths, UP/NS should be expected to bear some of the costs involving increases to noise and vibration. A few communities have explored the application process for quiet zones along the NS Chicago Line in the past decade (Chesterton, La Porte, and Ogden Dunes) but were unsuccessful. Their concerns about noise and vibration leading to interest in quiet zones still exist, and those concerns would be magnified if STB approves the UP/NS merger as stated in the application. As noise and vibration mitigation, NIRPC requests that UP/NS commit financial resources for the additional infrastructure needed to accommodate quiet zones should communities pursue such applications.

### 6) Passenger Rail Impacts

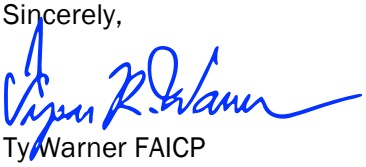
Five Amtrak services utilize the NS Chicago Line through the NIRPC region: The Wolverine, Blue Water, Pere Marquette, Lake Shore Limited, and the Floridian. The first three of these branch off the NS Chicago Line onto Amtrak-owned rail at Porter Junction, while the latter two utilize the NS Chicago Line through eastern Porter County and La Porte County until exiting the NIRPC region in St. Joseph County. The Wolverine line stops at the Hammond-Whiting Amtrak Station. Additionally, the Midwest Connect passenger rail initiative that is currently in the FRA's Corridor Identification and Development Program would utilize the NS Fort Wayne Line.

While the UP/NS merger application states that the "merger will not result in any adverse impact to passenger operations," even if overall capacity on the affected segments would be able to absorb freight growth without impacting overall demand for passenger rail traffic, there would still be in an increase in potential conflict points between freight and passenger rail and increased risk of

schedule interference. The overall impact would likely mean at least marginally more delays on passenger rail service and decreased convenience for passenger rail customers.

In conclusion, NIRPC is committed to ensuring that the entire freight rail system operates safely, efficiently, and responsively to the needs of our region. NIRPC thanks the STB for granting the opportunity to provide comments and for UP and NS to have the opportunity to consider them. We trust that all the parties are as committed as NIRPC is to the safety and quality of life of our residents and businesses and that they will address our concerns accordingly.

Sincerely,



Ty Warner FAICP
Executive Director
Northwestern Indiana Regional Planning Commission

Certificate of Service

I hereby certify on this 18th day of November, 2026 that a copy of the foregoing Comments have been served by email on all parties of record in this proceeding, Finance Docket No. 36873.

Tyson Warner FAICP
Executive Director
Northwestern Indiana Regional Planning Commission