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

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

PRELIMINARY COMMENTS IN OPPOSITION TO THE REVISED APPLICATION AND REQUEST FOR CONDITIONS OF THE PORT OF NY/NJ SUSTAINABLE SERVICES AGREEMENT

Pursuant to 49 U.S.C. § 11325 and Decision No. 30 in the above-captioned proceeding, the Port of NY/NJ Sustainable Services Agreement ("PONYNJSSA"), FMC Agreement No. 201175 hereby submits these comments and requests for conditions on the proposed acquisition of control (the "Transaction") of Norfolk Southern Corporation and Norfolk Southern Company ("NS") by Union Pacific Corporation and Union Pacific Railroad Company ("UP"; collectively, the "Applicants"), in support of the comments submitted by the Port Authority of New York and Jersey ("Port Authority"), via its letter to Chairman Fuchs, Vice Chairman Schultz, Board Member Hedlund, and Board Member Kloster dated November 18, 2026.[1]

[1] The PONYNJSSA supports the comments of the Port Authority as if they were fully restated herein and reserves its rights to supplement these comments in a future filing.

PONYNJSSA's Interest in the Matter

The PONYNJSSA is a discussion agreement filed with the Federal Maritime Commission that became effective on December 6, 2007. Its purpose is to permit its members to meet, discuss and agree on matters that relate to promoting environmentally sensitive, efficient, and secure marine terminal operations in the Port of New York and New Jersey ("PONYNJ"). The members of the PONYNJSSA are container terminal operators in the PONYNJ including APM Terminals Elizabeth LLC, Maher Terminals LLC, Port Liberty Bayonne LLC, Port Liberty New York LLC, Port Newark Container Terminal LLC, and Red Hook Container Terminal LLC.

Certain members of the PONYNJSSA are owned by ocean carriers that contract directly with rail service providers for certain cargo that is transported through the PONYNJ. All PONYNJSSA members handle rail cargo either at their on-dock marine terminal rail facilities or rail yards in close proximity to their marine terminals. The PONYNJSSA's marine terminal operator members and their ocean carrier parent companies have invested over $3 billion in port infrastructure improvements including rail facility and equipment over the last 20 years.[2] This private sector investment is anticipated to increase significantly over the next 20 years. From 2026 through 2035, it is anticipated that the PONYNJSSA's members and their parent companies invest an additional $1.2 billion in planned private terminal-operator investments focused on container-handling capacity.[3]

The PONYNJ is an Economic Engine for the Nation That Improves the Quality of Life

Investments in the PONYNJ yield significant returns to the region and nation. Notwithstanding the fact that the PONYNJ provides cost-effective, efficient, and environmentally

[2] *See* https://www.panynj.gov/port/en/our-port/port-development/terminal-improvements.html
[3] *See* https://muniintel.com/articles/panynj-port-finance

sensitive cargo handling services that not only service its port region, which represents 22% of the U.S. population and a similar proportion of the U.S. GDP but inland destinations

In 2024, the PONYNJ generated in the 31-county port region[4]:

- 277,800 direct jobs;
- Nearly 580,000 total jobs;
- Over $47.2 billion in personal income;
- Close to $163.7 billion in business activity; and
- Over $18.1 billion in federal, state, and local tax revenues, with local and state tax revenues of nearly $6.7 billion and federal tax revenues of nearly $11.5 billion[5]

The cumulative impact of cargo operations in the PONYNJ for the period 2020 through 2024 alone resulted in $563 million in personal income and $1.3 billion in regional business activity.[6]

This Economic Engine is Dependent on Sustaining and Ultimately Enhancing Cargo Volumes

This great news economic story is dependent on the continued ability of cargo handling service providers in the PONYNJ to provide top-tier services not only to the port region but to inland destinations. This will require an expansion of existing rail service, not a contraction as may occur if the merger is permitted without service level conditions. PONYNJSSA members echo the concerns raised by the Port Authority that issues related to the potential merger's impact on the

[4] The 31-county port region includes the States of New York and New Jersey, New York City and a four-county area in eastern Pennsylvania. *See* Anne Strauss Wieder, *The 2025 Report on the Economic Value of the New York – New Jersey Port Industry*, at 4, available at: https://sanynj.org/wp-content/uploads/2025/10/2025_SANYNJ_Economic_Impact_Study.pdf

[5] *See id.* at 5.

[6] *See id.* at 6.

PONYNJ have not been adequately addressed in the application. The PONYNJSSA also fears that the merger may result in a reevaluation of the private sector investment in the PONYNJ. Thus, the PONYNJSSA joins with the Port Authority in seeking conditions on the proposed merger that will ensure the necessary levels of rail service in the PONYNJ into the future.

Dated: November 18, 2026

Respectfully Submitted,

/s/Carol N. Lambos

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CERTIFICATE OF SERVICE

I certify that I have served by electronic mail copies of the foregoing Preliminary Comments and Request for Conditions upon all parties of record in this proceeding who accept service by electronic mail on this 18th day of November, 2026. I certify that I will serve all other parties by first-class mail on the 18th day of November, 2026.

Dated: November 18, 2026

By: */s/ Carol N. Lambos*