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November 18, 2026
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Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD

Union Pacific Corporation and Union Pacific Railroad Company—Control—Norfolk Southern Corporation and Norfolk Southern Railway Company.

Docket No. FD 36873

MOTION TO ACCEPT NOTICE OF INTENT TO PARTICIPATE AND OPENING COMMENTS OF THE CITY OF JERSEY CITY, NEW JERSEY

The City of Jersey City, New Jersey ("City"), respectfully moves the Surface Transportation Board ("Board"), to accept the City's Notice of Intent to Participate and Opening Comments in this proceeding and to add the City's authorized representative to the official service list. Accordingly, the City submits this motion only to ensure that its participation, notice, and comments are accepted and reflected on the record. The City does not request an extension or modification of the procedural schedule.

The City has a direct and substantial interest in this proceeding. Jersey City hosts Norfolk Southern's Croxton intermodal terminal and freight corridors serving residential neighborhoods, businesses, and port facilities. The proposed transaction may affect rail operations, terminal truck activity, public health, environmental conditions, transportation, safety, emergency response, and municipal services within the City.

For these reasons, the City respectfully requests that the Board:

1. Accept the City's Notice of Intent to Participate and Opening Comments;
2. Recognize the City as a party of record unless otherwise ordered;

3. Add the City's authorized representative identified below to the official service list; and

4. Consider the City's comments and requested analysis, mitigation, and conditions in its review of the proposed transaction.

Respectfully submitted,

John McKinney

Supervisory Assistant Corporation Counsel

Law Department

City of Jersey City

280 Grove Street

Jersey City, New Jersey 07302

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Counsel or Authorized Representative for the City of Jersey City, New Jersey

Dated: November 18, 2026

NOTICE OF INTENT TO PARTICIPATE

The City of Jersey City, New Jersey, gives notice of its intent to participate as a party of record in Docket No. FD 36873, *Union Pacific Corporation and Union Pacific Railroad Company, Norfolk Southern Corporation and Norfolk Southern Railway Company*.

The City's interests include the potential effects of changes in rail and terminal operations on local public health, environmental conditions, safety, transportation, emergency response, quality of life, and municipal services. The City's Opening Comments address Croxton, Marion, the

Heights and Journal Square edges, western Downtown, Bergen-Lafayette and Communipaw, Greenville, and the southern port approaches.

The City requests that the following authorized representative be added to the official service list and that all correspondence and service be directed to that representative:

John McKinney

Supervisory Assistant Corporation Counsel

Law Department

City of Jersey City

280 Grove Street

Jersey City, New Jersey 07302

Telephone: 201-547-5229

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Additional service emails: lscorsolin@jcnj.org, kim@jcnj.org, akaplan@jcnj.org

Counsel or Authorized Representative for the City of Jersey City, New Jersey

Respectfully submitted,

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John McKinney

Supervisory Assistant Corporation Counsel

OPENING COMMENTS OF THE CITY OF JERSEY CITY, NEW JERSEY

I. INTRODUCTION

The City requests a thorough assessment of the proposed transaction's effects on freight operations, public health, safety, transportation, environmental conditions, and quality of life. Before determining whether approval is warranted, the Board should require neighborhood-level analysis and enforceable protections addressing adverse effects attributable to the transaction.

Jersey City hosts Norfolk Southern's Croxton intermodal terminal and shared freight corridors serving regional rail and port facilities. Freight infrastructure connects Croxton in the northwest with Greenville yards and port facilities in the south. The Board's review should therefore extend beyond Marion to other neighborhoods adjoining freight corridors, terminal access roads, and related facilities.

II. APPLICANT PROJECTIONS AFFECTING JERSEY CITY

The applicants' September 2026 Second Errata master tables report the following Year 5 projections:

Facility or segment	Without merger	With merger	Merger increment
Croxton terminal Trucks per day	927	1,205	278 per day 30.0%
Jersey City to CP Croxton Segment 12613 • trains per day	16.40	22.71	6.31 per day
Kearny to Jersey City Segment 12266 • trains per day	15.84	22.15	6.31 per day
CP Croxton to Jersey City Segment 12274 • trains per day	1.52	1.89	0.37 per day

These figures are applicant forecasts requiring independent review; they are not observed increases or Board findings of harm. Segments 12266 and 12613 are consecutive links, and their projected increments should not be added as though they represented separate trains affecting a

single location. The source tables identify both segments and Croxton as exceeding applicable review thresholds, while Segment 12274 falls below those thresholds. The projections also do not establish train counts at every street crossing.

For Segments 12715 and 12269, the applicants project no transaction-related increase in daily trains but report increases in million gross ton-miles of 18.9% and 13.2%, respectively, compared with the Year 5 no-transaction case. The Board should require an explanation of whether changes in train length, loading, locomotive use, or operating times could affect nearby residents despite unchanged train counts.

III. AREAS REQUIRING ASSESSMENT

The City requests geographic screening of the following areas based on freight infrastructure and nearby residential uses. Neighborhood names are descriptive and should not be treated as fixed exposure boundaries. The applicants should overlay current rail alignments, anticipated operating changes, truck routes, sensitive land uses, and state-designated overburdened-community areas.

A. Marion and the St. Paul's Avenue–Tonnelle Avenue Area

The review should assess the Northern Branch, CP Marion, rail approaches from Kearny, and nearby homes and streets. It should map the projected 6.31-train increment on Segment 12613 against actual crossings, train-holding locations, and residential areas, including the St. Paul's Avenue crossing within the CP Marion interlocking.

B. Croxton and the Western Heights

The review should assess Croxton terminal, its southern approaches, and residential areas along the Tonnelle Avenue and Routes 1 and 9 corridor. Because the applicants project 278 additional trucks per day at Croxton, the review should identify actual access routes and determine

which movements would remain on regional highways and which could reach local streets. Relevant routes include County Road and connections to Secaucus Road where used. The analysis should not assume that all trucks would travel through Marion or a single residential corridor.

C. Southern Heights and the Journal Square Edge

The review should screen homes and sensitive uses near the Long Dock and Bergen tunnel corridor, tunnel portals, and connecting freight structures. It should evaluate portal emissions and vibration where operations may change, while recognizing that underground tracks can create exposure patterns different from open tracks. The applicants should verify the current use of rail links near Journal Square and the Hilltop and Island areas before assigning impacts.

D. Western Downtown

The review should screen residences and sensitive uses near the National Docks corridor, including the western Village and western Van Vorst Park areas near the Wayne and Bright Street rail structures. It should assess homes, schools, pedestrian routes, and parks near the corridor without presuming uniform effects throughout Downtown.

E. Bergen-Lafayette and Communipaw

The review should assess the National Docks corridor near Grand Street, Pacific Avenue, Communipaw Avenue, and the Liberty State Park edge, including adjoining residential and redevelopment areas. Noise, vibration, emissions, and access to parks and schools should be evaluated wherever transaction-related operations may change.

F. Greenville and the Southern Port Approaches

The review should assess eastern Greenville near the freight corridor, Greenville Yard, Port Jersey and ExpressRail facilities, and connecting truck routes. Screening should include southern

Greenville and Country Village where residences are near Upper Bay and Greenville rail approaches. The analysis should verify municipal and neighborhood boundaries and should not assume that all Greenville residents face the same exposure.

IV. EXISTING CONDITIONS AND CUMULATIVE BURDENS

Residents along existing freight lines report prolonged diesel-powered train idling near homes, diesel exhaust and air-quality concerns, nighttime wheel screeching and other rail noise, and strong odors associated with trains believed to carry waste. Reports include the St. Paul's Avenue–Tonnelle Avenue area in Marion. These reports describe resident experiences; pollutant concentrations, source contributions, shipment contents, and operating causes require verification.

Residents also report concerns about existing truck traffic serving freight and industrial facilities, including congestion, idling, queues, noise, and conflicts with pedestrians and cyclists. A baseline study should quantify current truck movements and identify actual routes and operating times. Future growth unrelated to the transaction should be separated from transaction-related increases, including the projected increase in Croxton truck activity.

Residents have also raised concerns about a separately proposed waste-transfer facility at 25 Van Keuren Avenue. The Board's review should explain how existing sources and reasonably foreseeable projects are treated when establishing baseline conditions and evaluating incremental effects. The status of any separate proposal should be verified before its operation is assumed.

The City does not ask the Board to attribute all existing freight and industrial impacts to the proposed transaction. It asks the Board to assess incremental effects against actual neighborhood conditions, including conditions in overburdened communities, and to avoid relying exclusively on regional averages that may obscure localized exposure.

V. REQUESTED ANALYSIS AND DISCLOSURES

A. Reconciliation of Local Operating Projections

The applicants should provide current geographic data and a plain-language map matching segment identifiers, railroad names, control points, street crossings, tunnel portals, yards, and neighborhoods. They should explain changes since the September 2026 Second Errata tables and distinguish applicant traffic from total traffic on shared corridors, including traffic operated by other carriers. The review should determine whether trains may queue or idle on adjacent segments when Croxton or connecting facilities are congested.

B. Air Quality and Neighborhood Exposure

The review should establish representative existing conditions along affected rail lines and near yards, holding areas, tunnel portals, homes, schools, childcare facilities, senior housing, healthcare facilities, and parks. Appropriate field monitoring, operating data, emissions information, meteorological information, and modeling should be used to evaluate diesel particulate matter, fine particulate matter, nitrogen oxides, and other relevant pollutants.

The analysis should document locomotive types, idling locations and duration, switching, train frequency and length, and daytime and nighttime operations. Baseline, no-transaction, and transaction scenarios should use consistent assumptions and disclose source contributions, uncertainty, and seasonal variation.

C. Traffic Effects

The Board should require an applicants-funded, publicly available traffic-impact study developed in coordination with Jersey City and responsible county and state transportation agencies and subject to independent review. The study should evaluate existing, opening-year, and Year 5 conditions with and without the transaction.

The study should address peak hours, overnight operations, seasonal peaks, empty-container and chassis trips, gate queues, and spillback. It should clarify whether the projected 278 additional trucks per day at Croxton represents vehicles, visits, or one-way movements. It should also map origins, destinations, access gates, and assigned routes, including County Road, Tonnelle Avenue, Routes 1 and 9, regional highways, and any use of St. Paul's Avenue or residential streets.

The study should evaluate intersections, crashes, pedestrian and cyclist safety, pavement and bridge constraints, and emergency access. Any reduction in long-distance highway trucking should be distinguished from increased local drayage.

D. Cumulative Conditions and Distribution of Effects

The review should use neighborhood-specific baseline information and identify the share of any additional burden borne by overburdened communities. It should account for existing highway, industrial, waste-handling, rail, and port sources while distinguishing transaction effects from unrelated growth and separately proposed projects.

E. Waste-Train Odors, Noise, and Vibration

The review should investigate reported waste-train odors using complaint records, inspections, shipment and operating records, and appropriate monitoring. It should identify cargo types where verification is possible, standing locations, dwell times, containment practices, potential odor sources, and relevant weather conditions. Feasible odor controls and measures to avoid prolonged standing near homes should be considered.

Daytime and nighttime noise and vibration baselines should be established at representative residential locations. The analysis should document wheel screeching, braking, switching, coupling, engine noise, vibration, and horn events, including their frequency, duration, timing,

peak levels, and operating causes. Feasible maintenance and operational controls should be evaluated without compromising safety requirements.

F. Capacity and Disruption Scenarios

The review should determine whether Croxton and connecting shared-asset lines can accommodate forecast demand without additional idling, spillover queues, blocked access, or displacement of impacts to other Jersey City corridors. It should address peak periods, equipment failures, severe weather, and integration disruptions, not merely average operating conditions.

G. Benefits and Alternatives

The applicants should quantify any anticipated truck-to-rail shift using consistent assumptions and distinguish reductions in long-distance highway traffic from increases in local drayage. The review should evaluate operating and mitigation alternatives that could achieve freight benefits while reducing neighborhood exposure.

H. Elizabeth E-Rail and Other Capacity Alternatives

The Board should require an applicants-funded comparative feasibility and traffic study, independently reviewed and developed with Jersey City, Elizabeth, and responsible transportation agencies, addressing the possible reopening of the Elizabeth E-Rail intermodal facility and other feasible alternatives to concentrating additional activity at Croxton.

The applicants should confirm their current plans and explain whether Croxton forecasts assume E-Rail reopening. The analysis should address terminal and rail capacity, access roads, rail connections, ownership and operating arrangements, infrastructure condition, equipment, staffing, permits, costs, funding, and a realistic schedule. It should compare operations with and without reopening under consistent demand assumptions and quantify potential changes in Croxton train holding, switching, idling, gate queues, and truck trips.

The review should evaluate effects on Elizabeth and neighboring communities as well as Jersey City. It should not presume that reopening is feasible or that shifting traffic necessarily reduces total impacts. If E-Rail reopening is necessary to prevent excessive demand at Croxton, the Board should require enforceable milestones, capacity and traffic-allocation commitments, monitoring, and a contingency plan for delay or nonperformance.

VI. REQUESTED PROTECTIONS

If the Board determines that approval is warranted, the City requests conditions proportionate to adverse effects attributable to the transaction. Each condition should identify performance standards, responsible parties, reporting schedules, and corrective-action triggers. Depending on the Board's findings, appropriate protections should include:

1. Limits on avoidable locomotive idling and prolonged standing of waste-carrying trains near homes, subject to operational and safety requirements;

2. Cleaner locomotives and terminal equipment, operational controls, and other measures sufficient to address identified transaction-related emissions;

3. Noise and vibration controls, safe truck-routing and queuing requirements, and protections for residential streets, pedestrian access, and emergency access;

4. Baseline and follow-up monitoring of air quality, nighttime rail noise, vibration, waste-train odors, and truck activity at representative locations, with publicly available methods and results;

5. Accessible complaint procedures, investigation of substantiated complaints, and appropriate corrective action;

6. A designated community contact, response deadlines, incident coordination, and consultation with City departments and the City's Environmental Justice Task Force;

7. Periodic reporting of actual train and truck activity compared with forecasts, with enforceable corrective action if impacts exceed those evaluated; and

8. Applicant funding for measures required to address adverse effects attributable to the transaction.

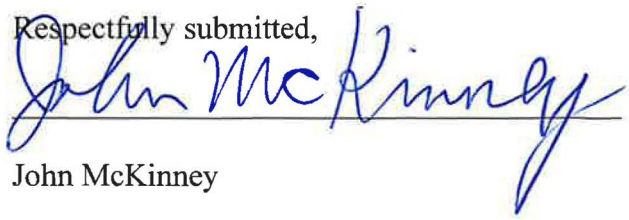
Any voluntary local agreement should supplement, rather than replace, enforceable Board conditions where such conditions are warranted.

VII. COMMUNITY PARTICIPATION AND REQUESTED ACTION

The City requests accessible engagement in affected neighborhoods, translated materials appropriate to community needs, and meaningful opportunities to review local projections and proposed mitigation before relevant decisions are made. The Board should consult the City's Environmental Justice Task Force and appropriate municipal departments and should allow a meaningful response to materially new local information.

Jersey City recognizes the importance of reliable freight transportation and the potential benefits of moving goods by rail. The existing projections nevertheless identify changes that may affect local infrastructure and neighborhoods. The City respectfully requests that the Board independently evaluate those projections, assess the distribution of local benefits and burdens, and require enforceable protections for adverse transaction-related effects before authorizing the proposed transaction.

Respectfully submitted,



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Counsel or Authorized Representative for the City of Jersey City, New Jersey

Dated: November 18, 2026

CERTIFICATE OF SERVICE

I certify that on November 18, 2026, I served a copy of the foregoing Motion to Accept Notice of Intent to Participate, Notice of Intent to Participate, and Opening Comments of the City of Jersey City, New Jersey, including all attachments, on all parties of record in Docket No. FD 36873 using the current official service list by e-mail.

November 18, 2026

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