Port Newark Container Terminal, LLC
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November 18, 2026

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Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY

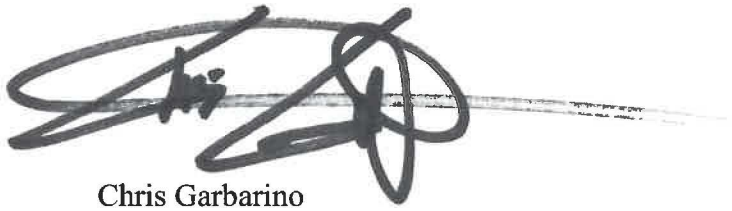
--CONTROL—

NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY

COMMENTS OF PORT NEWARK CONTAINER TERMINAL LLC.

Port Newark Container Terminal LLC (PNCT), a containerized marine terminal in the Port of New York and New Jersey, respectfully submits the opening Comments regarding the above-captioned proceeding and any related sub-proceedings before the Surface Transportation Board.

Duly submitted,



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I. INTRODUCTION AND SUMMARY

Port Newark Container Terminal (PNCT), located in Port Newark, New Jersey, occupies 272 acres and handles more than 1,700,000 twenty-foot equivalent containers annually. The terminal is operated by Port Newark Container Terminal, LLC, which is a joint venture between Ports America and Terminal Investment Limited under a long-term lease agreement with the Port Authority of New York and New Jersey (PANYNJ).

In July 2011, PNCT and the site's owner, PANYNJ, executed an amended and restated agreement of lease with respect to the terminal, providing operating control of the terminal to PNCT through November 30, 2050.

As a key component of the New York – New Jersey port complex expansion released by the PANYNJ "Port Master Plan 2050", Port Newark Container Terminal is committed to additional private investment exceeding $700M+ which will jumpstart additional 40% increase future capacity expansion of the Port Newark Peninsula and double intermodal volume capability for Port Newark and the greater Port of New York and New Jersey port complex . PNCT's vision is to be the terminal of choice on the US East Coast, differentiated by speed of handling, efficiency, commitment to safety and sustainable practices, reliability, and quality of service.

II. ANALYSIS

Port Newark Container Terminal is the heaviest user of intermodal in the entire Port of New York and New Jersey on a percentage basis, with nearly 25.0% of all container traffic moving into and out of its facility via rail. The current Port of New York and New Jersey average is 15.0%. This concentration of cargo is beneficial to the surrounding urban community of Newark, NJ, both from an infrastructure congestion and environmental standpoint (less truck traffic on major roadways).

Daily efficient and timely intermodal service of our existing 9,500' of rail working track is critical for PNCT to move volume effectively and consistently employ the longshore workforce. These daily movements are largely handled by the local switching railroad, Conrail, a joint venture between Norfolk Southern and CSX Railroads.

Port Newark Container Terminal must work on a real-time basis with no surge capacity available due to the current available rail yard capacity of 4 tracks (9,500') of working track. Any service interruption means that the capacity available on any given day disappears completely and cannot be "surged" or "caught up with" on the next day to make up for the previous day's service interruptions.

Conrail's operational support is critical to this end, as they act as both the first and last mile bridge for intermodal movement in the Port of New York and New Jersey. In fact, Conrail, tasked with servicing the major terminals within New York / New Jersey, seems to consistently lack the required resources to reliably service the existing demand and volume swing in the Port of New York and New Jersey. Crewing issues/shortages and locomotive power remain consistent issues that directly affect daily rail operations at Port Newark Container Terminal.

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The applicants propose to "support merger-related growth in the New York / New Jersey market" by reopening the currently idle Norfolk Southern E-Rail Terminal located in Elizabeth, NJ for domestic freight. This does nothing to address international intermodal cargo service and the required bandwidth to support port generated intermodal traffic and keep the entire New York – New Jersey port complex competitive in the race for discretionary intermodal volumes that have alternatives up and down the east coast of the United States.

III. REQUESTED RELIEF

The applicants do not specifically address how they intend to resolve the current known gaps experienced by jointly operated Conrail in the current operating environment. The applicants also do not specifically address how they plan to enhance prospects to support growth in the future for jointly operated Conrail. In fact, suggesting a domestic facility enhancement will somehow fix or enhance the New York / New Jersey market for international intermodal cargo is nonsensical.

History has verifiably shown that in cases of railroad mergers of the past, quite the opposite has occurred; a significant service and reliability degradation that has taken months to years for industry to recover from.

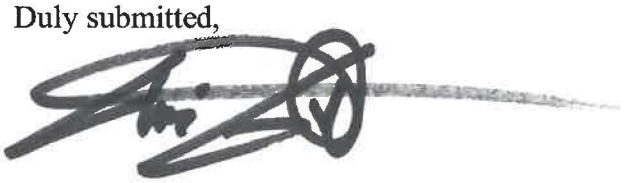
Without specific commitments related to service reliability, duration, and resources (both locomotive power and crewing related specifically to Conrail) that are both measurable and appropriate, the applicants have not adequately addressed how a proposed merger will address the current shortfall in service and improve it in the future.

IV. CONCLUSION

The UP-NS proposed merger is a step in the wrong direction for both service and competition. The applicants have not shown an understanding of the current operating environment shortfalls within the Port of New York and New Jersey and how a proposed merger would: 1) address the current environment more effectively and 2) enhance future requirements proactively.

For these reasons, Port Newark Container Terminal does support the proposed merger and further requests the revised application be denied.

Duly submitted,



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Cc: Parties of Record