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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

Comments in Opposition and Request for Conditions of the City of Detroit

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

November 18, 2026

The City of Detroit (the "City") submits these comments under 49 U.S.C. § 11325 and Decision No. 30. The City opposes the proposed acquisition of control of Norfolk Southern ("NS") by Union Pacific ("UP") (together, the "Applicants") as presented in the Revised Application. If the Board nonetheless approves the Transaction, the City requests that it do so only with the conditions below.

Protecting the Public Interest
A merger of two Class I railroads must serve the public interest, including the adequacy of transportation to the public. 49 U.S.C. § 11324(b)(1). Applicants bear the burden of showing gains that outweigh merger-related harms. 49 C.F.R. § 1180.1(c). The Application does not meet that burden for operations in Detroit and across the country:

1.) **The Application lacks Detroit-specific analysis and does not allow the City to fully assess the impacts on increased train and truck traffic.** As previously stated in our response to the Office of Environmental Analysis (OEA), the traffic inputs the Applicants submitted on July 27, 2026, appear incomplete. Only segments of rail under control of UP or NS are included in the assessment and omit data on Conrail traffic and crossings.
2.) **The Application proposes no mitigation or capital investment for Detroit or Michigan.** According to Applicants' submitted data, Detroit is expected to see an increase of over 100.6 percent in truck traffic through a newly established Los Angeles-to-Detroit line. Yet the Applicants offer no capital improvements for viaducts or at-grade crossings at Conrail crossings within the City.
3.) **Michigan's passenger rail service risks.** Applicants plan to add four to five freight trains per day between Chicago and Porter, IN, on the Amtrak Wolverine, Blue Water, and Pere Marquette lines. Again, no investment is planned or offered by the Applicants on a passenger rail segment that is already experiencing capacity issues.

Requested Conditions
If the Board approves the Transaction, the City requests the following conditions:

1.) **Public-projects coordination unit**: Dedicated UP/NS staff with grant-program expertise who also have authority over design review and daily operating issues.
2.) **Community Liaison for the Detroit area**: As executed in the CPKC merger, where the Board required liaisons in Chicago and Houston, a liaison for the full oversight period who consults with community leaders, attends public meetings, conducts periodic outreach to mayors and local officials, and is the point of contact for crossing, noise and operations concerns, with [semi-annual] reporting to the Board and the City.
3.) **Protection of FRA-funded Detroit projects.** The merged railroad must honor existing NS commitments to Detroit RECHARGED (the Livernois Intermodal Facility project, funded with millions of dollars from federal, state and local partners) and CLEAR Detroit (the Central–Lonyo crossing project, funded in part by an FRA Railroad Crossing Elimination grant of about $5 million). Commitments include match funds for grant programs, yard and track access, construction schedules, FRA coordination and community engagement, and the merged railroad must give the City and MDOT advance notice of operational changes affecting either project.
4.) **Passenger rail.** Preserve existing Michigan intercity service and its planned expansion, comply with Amtrak's dispatching preference under 49 U.S.C. § 24308(c), make near-term improvements on the Chicago–Porter and Chicago–Elkhart segments, and uphold existing trackage rights and leases.
5.) **Truck traffic analysis and mitigation.** Require the Applicants to (a) provide corrected baseline and projected truck volumes for the Livernois intermodal facility and other Detroit-area terminals, including the traffic assumed from Detroit RECHARGED; (b) analyze, with the City and MDOT, the combined effect of intermodal-related truck traffic and truck traffic from the Gordie Howe International Bridge on Detroit streets and highways, including congestion, noise and air quality in Southwest Detroit and other affected neighborhoods; (c) adopt measures to mitigate the Transaction's contribution to that traffic, such as truck routing, gate and queuing management, off-peak operations, and funding for roadway improvements at named locations; and (d) report truck volumes at Detroit-area terminals.

Reservation of Rights

The City reserves the right to supplement these comments, including in reply by February 16, 2027, after review of the Applicants' supplemental information, responsive applications and the environmental analysis, and in light of the Board's November 4, 2026 decision regarding participation and alleged retaliation.

Conclusion

The City of Detroit respectfully requests that the Board deny the application as presented or, in the alternative, approve the Transaction only if it imposes the conditions requested above.

Respectfully submitted,



Mary Sheffield, Mayor

City of Detroit