STATE SENATOR
STEVE SANTARSIERO
10TH SENATORIAL DISTRICT

SENATE BOX 203010
THE STATE CAPITOL
HARRISBURG, PA 17120-3010
717-787-7305
FAX: 717-783-5962

3 TERRY DRIVE, SUITE 200
NEWTOWN, PA 18940
215-497-9490
215-489-5000

Democratic Caucus Secretary

Senate of Pennsylvania

COMMITTEES

STATE GOVERNMENT,
DEMOCRATIC CHAIR
CONSUMER PROTECTION
& PROFESSIONAL LICENSURE
INSTITUTIONAL SUSTAINABILITY
& INNOVATION
JUDICIARY
RULES & EXECUTIVE NOMINATIONS

E-MAIL: SenatorSantarsiero@pasenate.com
FACEBOOK: @SenSantarsiero
X: @SenSantarsiero
INSTAGRAM: @Senator_SteveSantarsiero
WEB: www.SenatorSteveSantarsiero.com

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Office of Chief Counsel
November 18, 2026
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Public Record

November 18, 2026

The Honorable Patrick J. Fuchs
Chairman
Surface Transportation Board
395 E Street SW
Washington, DC 20423

The Honorable Michelle A. Schultz
Vice Chairman
Surface Transportation Board
395 E Street SW
Washington, DC 20423

The Honorable Karen J. Hedlund
Member
Surface Transportation Board
395 E Street SW
Washington, DC 20423

The Honorable Richard J. Kloster
Member
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Docket No. FD 36873 – Union Pacific Corporation and Union Pacific Railroad Company—Control—Norfolk Southern Corporation and Norfolk Southern Railway Company

Dear Chair Fuchs, Vice Chairman Schultz, Member Hedlund and Member Kloster:

We submit these comments regarding Union Pacific's proposed acquisition of Norfolk Southern. We represent communities in Bucks County that would experience substantial increases in freight, hazardous-material, railyard and intermodal truck activity under the applicants' projections.

Our offices previously submitted preliminary comments to the Office of Environmental Analysis identifying issues that should be examined in the Environmental Impact Statement. Those concerns remain unresolved. We are raising them again as part of the Board's consideration of the merger itself because the potential effects on rail safety, emergency-response capacity, local infrastructure and federal oversight are directly relevant to whether this transaction is consistent with the public interest.

The Board's rules require it to consider safety, environmental safeguards, reliable service and other merger-related harms when determining whether a major railroad merger serves the public

interest. At this point, the applicants have not demonstrated how existing infrastructure, local emergency responders and federal oversight resources will safely accommodate the projected increases in Bucks County. We therefore respectfully request that the Board place further consideration of the merger's merits in abeyance until the environmental and safety reviews described below are completed and made available for public review.

The applicants' projections show that this transaction would result in a significant increase in activity in Falls Township and Morrisville Borough. By Year 5:

- Freight volume on the Morrisville Line would increase from 221.85 million gross ton-miles without the transaction to 335.10 million with it, an increase of 51.1%.
- Activity at the Morrisville manifest yard would increase from approximately 86 to 133 cars per day, an increase of 54.3%.
- Truck traffic associated with the Morrisville intermodal terminal on Cabot Boulevard in Falls Township would increase from approximately 322 to 427 trucks per day, adding 105 daily truck trips.
- Annual hazardous-material carloads on the Morrisville Line would increase from 3,106 without the transaction to 7,838 with it.

These figures come from the applicants' July 27, 2026, Updated Master Segment Tables filed with the Board.

Bucks County is a serious ozone nonattainment area under the 2015 federal ozone standard. The lower environmental-review thresholds for nonattainment areas therefore apply. Exceeding the threshold does not necessarily mean that the transaction will cause significant environmental harm. It does mean that these changes are substantial enough to require a serious, Bucks County-specific review.

Our greatest concern is the projected increase in hazardous-material traffic. Moving from 3,106 to 7,838 annual carloads is an increase of more than 150%. The EIS should identify what materials are included in that projection, the quantities involved and the risks that a derailment or release could pose to surrounding communities and natural resources. The Board should also consult with Bucks County and municipal emergency responders about whether they have the training, equipment and information needed to respond to an incident involving these materials.

The EIS should also closely examine the additional truck traffic associated with the merger. An increase of 105 trucks per day may have a much different effect on the roads immediately surrounding the terminal than it does when spread across the region. The EIS should identify which roads these trucks are expected to use, when the additional trips would occur and how they could affect congestion, noise, emissions, roadway safety and nearby neighborhoods.

There is also a broader issue for Pennsylvania. The applicants' updated tables identify numerous Pennsylvania rail segments and facilities that would exceed the Board's environmental-review thresholds.

At the same time, the applicants are proposing transaction-related capital improvements in 17 states, but none in Pennsylvania. We are not suggesting that every increase in activity automatically requires a construction project. However, the applicants should have to explain how existing Pennsylvania infrastructure will safely handle these increases and why no improvements are proposed here. The EIS should examine whether the rail infrastructure, terminal facilities and surrounding roads are adequate for the projected activity and whether the transaction would leave state or local taxpayers responsible for additional infrastructure or emergency-response costs.

The applicants also project that the number of trains on the Morrisville Line will remain at approximately 5.65 per day, despite the 51.1% increase in freight volume. If additional freight will be carried by longer or heavier trains, the EIS should say so and identify what that would mean for rail safety and increased wait times at rail crossings.

The need for caution is heightened by the reduction in federal resources available for rail oversight. The Federal Railroad Administration's FY 2027 budget justification shows its total staffing level declining from 947 full-time-equivalent employees in FY 2025 to 851 in FY 2026, with 833 proposed for FY 2027. Those figures do not tell us how many rail-safety inspectors would be responsible for this corridor, but they raise a basic question that should be answered before the merger moves forward: whether the Federal government will have enough personnel and resources to oversee the increase in freight and hazardous-material traffic projected under this transaction.

Pennsylvania does not have the authority to approve or reject this merger. That decision belongs to the Surface Transportation Board. The Board does, however, have a responsibility to determine whether the transaction is consistent with the public interest and to ensure that its environmental, safety and community impacts are fully understood before allowing it to proceed.

We respectfully request that the Board:

- Place the merits proceeding in abeyance until the Environmental Impact Statement is completed and the Board, in consultation with the Federal Railroad Administration, the Pipeline and Hazardous Materials Safety Administration and other relevant agencies, has evaluated whether sufficient federal oversight resources will be available for the projected increase in activity.
- If the Board declines to pause the schedule, keep the record open and provide parties with an opportunity to submit supplemental merits comments after the environmental and safety reviews are available.
- Require the applicants to identify the hazardous materials expected to travel through Bucks County and assess the risks to surrounding communities and natural resources.

- Determine whether local emergency responders have sufficient training, equipment and information and require the railroad to fund any additional resources made necessary by the transaction.
- Examine expected train lengths, crossing delays, truck routes, emissions and roadway impacts in the Morrisville and Falls Township area.
- Determine whether rail, terminal, crossing or roadway improvements are needed to safely accommodate the projected activity and ensure that state and local taxpayers are not left responsible for merger-related costs.
- Require regular reporting of actual freight, hazardous-material, yard and truck volumes and retain the ability to impose additional mitigation if the applicants' projections prove inaccurate.

These protections should be enforceable conditions of any eventual approval, not matters left for Pennsylvania and Bucks County officials to address after the transaction has taken effect. Until these questions have been answered, Bucks County residents should not be expected to absorb substantially more freight, hazardous-material traffic and terminal truck activity while federal oversight capacity is being reduced, and no corresponding capital improvements are proposed in Pennsylvania.

Thank you for your consideration.

Very truly yours,

Steve Santarsiero
10th Senatorial District
Pennsylvania Senate

Jim Prokopiak
140th House District
PA House of Representatives

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

CERTIFICATE OF SERVICE

I certify that on November 18, 2026, a copy of the foregoing comment was served electronically upon the Secretary of Transportation, the Attorney General of the United States, and Applicants' representatives for Docket No. FD 36873.

Shannon A. Sollenberger, Esq.
Chief Counsel
Senate Democratic Caucus
Senate of Pennsylvania
Room 535 Main Capitol Building
Harrisburg, PA 17120
(717) 787-7683
shannon.sollenberger@pasenate.com

Counsel for Senator Steven J. Santarsiero

Dated: November 18, 2026