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**BEFORE THE**
**UNITED STATES SURFACE TRANSPORTATION BOARD**

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STB FINANCE DOCKET NO. 36873

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UNION PACIFIC CORPORATION AND
UNION PACIFIC RAILROAD COMPANY

—CONTROL—

NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY

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# COMMENTS FROM BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN OFFICERS, GENERAL COMMITTEES OF ADJUSTMENT AND STATE LEGISLATIVE BOARDS

The Brotherhood of Locomotive Engineers and Trainmen ("BLET"), a Division of the Rail Conference of the International Brotherhood of Teamsters, hereby files the attached 38 Comments prepared by various Officers, General Committees of Adjustment, and State Legislative Boards of the BLET. These comments from employee representatives across our nation uniformly express their opposition to the UP-NS merger and urge the Board to reject the Application. We submit this collection of Comments, which are individually bookmarked for ease of reference, so their views can be heard in the Board's review of the proposed merger.

Respectfully submitted,

Date: November 18, 2026

s/ *Joshua D. McInerney*
*Joshua D. McInerney*
*General Counsel for BLET*

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused copies of the foregoing document and following attachments to be served to representatives of all Parties of Record as of the date of this filing by email using the addresses on the service list for this proceeding.

Date: November 18, 2026 /s/ *Joshua D. McInerney*

# Brotherhood of Locomotive Engineers and Trainmen

**A Division of the Rail Conference of the International Brotherhood of Teamsters**

***Amtrak General Committee of Adjustment***

***Amtrak / KCS / KRSV / Caltrain / Metrolink***

**Patrick W. Darcy Jr**
General Chairman

1 Evergreen Ave, Suite LL-5
Hamden, CT
Telephone:203.691.5535
Fax:203.691.5566
E-Mail:pdarcyjr@yahoo.com


**COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER**
**Surface Transportation Board | Finance Docket No. 36873**

November 16, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET), Amtrak General Committee of Adjustment 030, representing approximately 2300 locomotive engineers employed by Amtrak, Metrolink, Keolis Commuter Services-Boston, Virginia Rail Express and Caltrain, across forty-six (46) states. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

I submit these comments in opposition to the proposed Union Pacific Railroad (UP)-Norfolk Southern Railway (NS) merger because of its serious implications for railroad employment, collective bargaining rights, workforce stability, and safe operations.

**Workforce Reductions and Employment Commitments**

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026-a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the

"guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

**Limitations of "Jobs for Life"**

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

**Collective Bargaining Agreements and Seniority**

Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

**Line Sales and Smaller-Railroad Transfers**

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock-equivalent protections for affected employees.

**Staffing, Experience, and Safe Operations**

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420-421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. Service did not return to normal until August 1998. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

**Market Power and the Public Interest**

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP-NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

**Amtrak General Committee and Territorial Impacts**

The operational consequences of the proposed merger cannot be evaluated solely by examining freight movements over the combined UP-NS system. Amtrak and numerous commuter rail operations depend upon freight-owned infrastructure, shared corridors, interconnected terminals, and dispatching arrangements to maintain reliable passenger service. As demonstrated by the operational failures following the Union Pacific-Southern Pacific merger, the consolidation of major freight networks can produce extensive congestion, crew shortages, and prolonged service disruptions. The Applicants' proposal to operate longer freight trains while reducing crew starts raises legitimate concerns regarding the ability of passenger rail operations to maintain reliable schedules over shared infrastructure. These concerns are particularly significant to Amtrak's interconnected national network, where delays originating on one portion of the system can affect subsequent train movements and operations far beyond the territory where the initial disruption occurred. Congress recognized the importance of reliable intercity passenger rail service through the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), which established performance oversight and enforcement mechanisms addressing delays attributable to host railroads. Although PRIIA does not specifically govern railroad mergers, its passenger service performance and enforcement provisions, together with Amtrak's statutory preference under 49 U.S.C. § 24308(c), establish important protections that must be considered when evaluating the operational consequences of the proposed merger. Moreover, 49 U.S.C. §11324(b) expressly requires the Board consider the adequacy of transportation to the public, making the potential effects upon Amtrak's national passenger rail network directly relevant to its public-interest determination.

These concerns are particularly significant to the approximately 2,300 locomotive engineers represented by this General Committee, whose responsibilities encompass: Amtrak's national passenger and commuter operations and commuter rail services operated by Metrolink, Keolis Commuter Services-Boston, Virginia Railway Express, and Caltrain. Freight congestion and dispatching interference can, and has, resulted in prolonged on-duty periods, disrupted crew rotations, increased exposure to federal hours-of-service limitations, and additional operational demands upon locomotive engineers responsible for transporting passengers safely and efficiently. For the traveling public, these same disruptions can translate into missed connections, delayed arrivals, canceled travel arrangements, and unreliable commuter and intercity service. The Applicants must therefore demonstrate how their proposed operating plan will protect existing passenger rail operations while maintaining adequate staffing, operational flexibility, and compliance with applicable federal safety requirements.

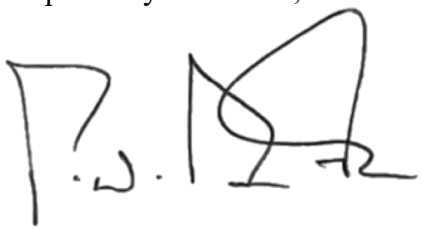
The economic consequences of these potential disruptions likewise extend beyond the freight industry. The existing record of the Union Pacific-Southern Pacific merger identifies approximately $1.1 billion in lost sales and additional freight costs in Texas alone, demonstrating railroad operational failures can impose substantial costs upon businesses and the communities which they serve. In the present proceeding, similar disruptions could impose additional expenses upon Amtrak and commuter rail operators, while passengers may incur costs associated with missed connections, alternative transportation, lodging, childcare, and lost employment

opportunities. Moreover, the reduction in freight competition identified herein raises additional concerns regarding increased shipping rates which may, ultimately, be passed along to consumers throughout the country; these consequences are not independent of one another. Railroad employees and their families are also consumers, commuters, and members of the communities affected by higher transportation costs and unreliable rail service. The Board's public-interest determination must therefore account for potential cumulative effects of this merger upon passenger rail reliability, railroad employees, and the economic interests of constituents nationwide.

**Conclusion**

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific-Norfolk Southern merger.

Respectfully submitted,



Patrick W. Darcy, Jr.
General Chairman
Amtrak General Committee of Adjustment 030
Brotherhood of Locomotive Engineers and Trainmen

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as Chairman of the Arizona State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent the legislative and regulatory interests of locomotive engineers and trainmen throughout Arizona. Our members safely operate the freight trains that move goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

## Railroad Safety and Operational Risk

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

I also bring firsthand experience to this concern. I was working in the railroad industry during the 1996–1998 Union Pacific–Southern Pacific merger and personally witnessed significant service disruptions and delays during the integration. During that period, crews also frequently experienced extended duty periods, regularly exceeding 12 hours on duty. I personally experienced several trips lasting 18 hours on duty. These conditions raised serious concerns about crew fatigue and employee safety. Those were not simply projections on paper; they were real operational problems experienced by the people moving the trains. That experience informs my concern about how an even larger integration could affect employees, customers, and communities in Arizona. My observations are consistent with contemporaneous federal findings documenting serious service disruptions beginning in 1997 and continuing into 1998 (Federal Trade Commission, Union Pacific/Southern Pacific Rail Merger: A Retrospective, citing GAO findings).

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

## Rail Workers and the "Jobs for Life" Promise

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work

opportunities" under collective bargaining agreements and merger implementing agreements, and implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system, or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

Nor does the guarantee protect the size of the workforce. UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself based on post-merger traffic or performance. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition while forcing the employees who remain to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

### State and Regional Impacts — Arizona

Arizona is directly affected by this transaction. Union Pacific's Sunset Route crosses southern Arizona through Yuma and Tucson, linking the ports and markets of Southern California with Texas and points east. Union Pacific also serves the Phoenix metropolitan area and the Nogales international gateway. These routes support intermodal shipments, agricultural products, building materials, automotive traffic, and cross-border trade. Reliable rail service matters not only to large shippers but also to small businesses and communities that depend on timely deliveries (Arizona Department of Transportation, Arizona Freight Plan, 2023).

The Surface Transportation Board's own environmental-review materials identify Arizona rail lines, yards, and intermodal facilities as potentially experiencing operational changes above the Board's environmental-review thresholds, and identify proposed merger-related capital improvements in Arizona. These are reasons for a detailed, location-specific examination of changes in train frequency, train length, rail-yard activity, noise, emissions, grade-crossing occupation, and effects on adjacent neighborhoods. The existence of a proposed project or an environmental-review threshold does not establish that a particular impact will occur; the Applicants should disclose corridor- and facility-level projections so Arizona communities can evaluate those risks (STB, UP–NS Environmental Impact Statement project website, Transaction overview).

Grade crossings and emergency access are especially important to Arizona communities. On the Sunset Route and connecting lines through Yuma, Maricopa, Pinal, and Pima Counties, changes in train frequency or train length could increase the duration or frequency of blocked crossings where road alternatives are limited. A blocked crossing can delay fire, ambulance, and law-enforcement response, as well as school transportation and daily traffic. Before approval, the Board should require crossing-specific assessments, emergency-response consultation, and workable measures to prevent or mitigate prolonged blockages, rather than assuming that increased network efficiency will resolve local access issues.

Railroad employees must also be considered at the local level. Any consolidation of crew districts, changes in crew-change points, longer runs, altered pools or extra boards, or transfers of positions could affect Arizona-based locomotive engineers, trainmen, and their families. Even when a railroad offers continued employment elsewhere, the elimination or relocation of a local position removes wages and purchasing power from an Arizona community. The Board should demand Arizona-specific

disclosures of anticipated crew-base changes, staffing needs, fatigue exposure, training, maintenance capacity, and the practical consequences of the Applicants' conditional "jobs for life" commitment.

Arizona's international operations require particular scrutiny. At Nogales, rail activity intersects with customs and border-security procedures, inspections, and coordination between U.S. and Mexican operations. The Applicants should demonstrate how any proposed operating changes would preserve safe interchange procedures, reliable communication, qualified crews, adequate inspections, and coordination with federal agencies. I am not suggesting that the merger has already changed conditions at Nogales; I am requesting that the Board assess the potential effects before authorizing systemwide changes.

Arizona is currently advancing planning for potential intercity passenger rail service between Phoenix and Tucson through the Federal Railroad Administration's Corridor Identification and Development Program. As this proposal advances, it is important that any potential changes to Union Pacific's freight operations, train lengths, dispatching practices, or infrastructure capacity be evaluated for their possible effects on future passenger rail development. The Surface Transportation Board should consider whether the proposed merger could affect Arizona's ability to pursue these long-term transportation investments (Arizona Department of Transportation, Phoenix–Tucson Intercity Passenger Rail Corridor Study).

## Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Darice L. Gilliam
Chairman, Arizona State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
Teamsters Rail Conference

# Brotherhood of Locomotive Engineers and Trainmen

**GENERAL COMMITTEE OF ADJUSTMENT**
**BURLINGTON NORTHERN SANTA FE - MONTANA RAIL LINK**

KENT PSOTA
*GENERAL CHAIRMAN*

215 W. OAK STREET, SUITE 500
FORT COLLINS, CO 80521
TEL (817) 338-9010

*VICE-CHAIRMEN*
**JESS NELSON**
**JASON SCANLAN**
**JEFF GRIMES**
**BRIAN FRANSEN**

*SECRETARY-TREASURER*
**LUKE MYERS**


## COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment 150, representing approximately 3,650 locomotive engineers and trainmen employed by BNSF Railway on the former Chicago, Burlington & Quincy; Great Northern; Northern Pacific; and Spokane, Portland & Seattle rail lines.

Our committee's jurisdiction encompasses a substantial portion of the BNSF Railway system, spanning 15 states across the northern and central United States, from the Pacific Northwest through the Northern Rocky Mountains and Great Plains into the Midwest. Our members operate over BNSF's northern routes connecting Chicago, the Twin Cities, and the Pacific Northwest, as well as key rail corridors serving the major transportation gateways of Chicago, St. Louis, and Kansas City. These routes are vital components of the nation's freight rail network, supporting interstate commerce and the movement of agricultural products, energy resources, manufactured goods, and other essential commodities.

Our members are not employed by Union Pacific or Norfolk Southern. Nevertheless, the proposed merger presents serious concerns for the employees I represent. The transaction threatens to divert traffic and work away from our property, potentially displacing employees who would not automatically receive the merger-related labor protections afforded to the Applicants' employees. It also threatens to diminish the competitive routing options currently available to shippers along our lines.

BNSF Railway has submitted its own comments in opposition to the proposed merger. The comments presented here reflect the independent views and concerns of BLET General Committee of Adjustment 150 and are submitted solely on behalf of the locomotive engineers and trainmen we represent, and not on behalf of BNSF Railway in any capacity. Our position is based on the potential effects of this transaction on our members' employment opportunities, working conditions, and collective bargaining rights.

The Applicants' revised traffic diversion analysis, filed with the Surface Transportation Board on April 30, 2026, projects that approximately 303,000 carloads and intermodal units annually would be diverted from BNSF Railway to the proposed combined Union Pacific–Norfolk Southern system, including approximately 211,000 intermodal units. These figures, reported by *Trains News Wire* on April 30, 2026, represent a greater projected traffic loss than that of any other competing railroad. These projections are particularly concerning to our committee because BNSF's Northern Transcontinental route, over which our members operate, serves as a critical freight corridor connecting the Pacific Northwest ports with Chicago and eastern markets. In a joint announcement issued April 2, 2025, BNSF Railway, Norfolk Southern, and the Northwest Seaport Alliance confirmed enhanced intermodal service connecting the ports of Seattle and Tacoma with eastern destinations through the railroads' Chicago interchange.

The proposed merger would place Norfolk Southern under common control with Union Pacific, creating a substantial economic incentive to favor single-line UP–NS movements over existing BNSF–NS interline service. Such diversions could reduce traffic volumes over the rail corridors our members operate, adversely affect locomotive engineer and trainman employment opportunities, and undermine the competitive viability of established interchange routes. These concerns warrant careful examination by the Board, particularly in light of the Applicants' own projections of substantial traffic diversions from BNSF.

While the Applicants have quantified the traffic they expect to divert from BNSF, their analysis does not appear to adequately address the consequences for employees of the connecting carriers that would lose that traffic. On our property, reduced traffic volumes can translate directly into fewer crew starts, reductions in pool and extra-board assignments, abolished positions, and the displacement of engineers and trainmen from their home terminals. Unlike employees of the Applicants, our members would not automatically be entitled to merger-related labor protections merely because traffic and associated work are diverted away from BNSF. These potential employment consequences should not be overlooked simply because the affected employees work for a railroad that is not a party to the transaction.

Our lines also carry substantial volumes of grain, sugar, and other agricultural commodities from the Northern Plains to eastern markets. Much of this freight moves over BNSF to gateways such as Chicago, St. Louis, and Kansas City, where shippers currently have access to interchange connections with Norfolk Southern and CSX. The proposed merger would eliminate Norfolk Southern as an independent eastern Class I connection. In an August 26, 2026, letter to the Board, Michael Barth, Vice President of Transportation and Logistics for United Sugar Producers and Refiners Cooperative, explained that its facilities in Minnesota, North Dakota, and Wyoming rely primarily on BNSF and Norfolk Southern to transport sugar to eastern markets. The cooperative expressed concern that the proposed merger would increase its transportation costs, diminish competitive routing alternatives, and create incentives for the combined railroad to favor traffic originating on Union Pacific. These concerns have direct implications for our members because traffic diverted away from existing BNSF interchange routes can also mean the loss of the work associated with those movements.

Under 49 C.F.R. § 1180.10, the Applicants' Service Assurance Plan must address operational changes and potential service disruptions affecting connecting railroads, including operations at

major gateways. These requirements have direct implications for the crews who operate through those gateways. Congestion on a merged carrier's network can delay connecting carriers' trains at interchange points, cause crews to exhaust their available hours of service under federal law, and increase the time engineers and trainmen spend away from their home terminals. The service disruptions following the Union Pacific–Southern Pacific merger demonstrated that the operational consequences of a major railroad consolidation can extend well beyond the merging carriers themselves.

The Board's decision will also have implications beyond this proposed transaction. Under 49 C.F.R. § 1180.1(i), the Board must consider the potential cumulative impacts and crossover effects associated with major railroad mergers, including the likelihood of responsive transactions by competing carriers. Approval of the proposed UP–NS merger could place substantial competitive pressure on BNSF and other remaining Class I railroads to pursue similar combinations. The engineers and trainmen I represent could then face the prospect of additional consolidations affecting their employment, collective bargaining agreements, seniority rights, and established working arrangements. Labor protections dependent upon implementing agreements that have yet to be negotiated, or arrangements that remain subject to subsequent modification, should not be regarded as an adequate substitute for clear and enforceable employee protections.

Our committee supports the Brotherhood and the General Committees representing employees on Union Pacific and Norfolk Southern in the concerns they have raised regarding employee protections, collective bargaining rights, and the potential consequences of combining these two railroad systems. Although our members work for a competing carrier, the interests of railroad employees should not be divided by corporate boundaries when a transaction of this magnitude threatens to reshape the industry in which we all work.

Under 49 U.S.C. § 11324(b)(4), the Board must consider the interests of rail carrier employees affected by a proposed transaction. That statutory consideration is not expressly limited to employees of the Applicants. The potential consequences for employees of connecting and competing carriers, including those whose work may be reduced or eliminated through traffic diversion, deserve meaningful consideration in the Board's evaluation.

For these reasons, I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Should the Board nevertheless approve the transaction, I urge it to preserve meaningful and competitive interchange opportunities at the Chicago, St. Louis, and Kansas City gateways; require the Applicants to address the reasonably foreseeable employment consequences for employees of connecting carriers; and establish effective oversight of gateway and terminal operations, including congestion, interchange delays, and the resulting impacts on crews employed by other railroads.

The locomotive engineers and trainmen I represent may experience significant consequences from this transaction despite being employed by neither Applicant. Their livelihoods, working conditions, and continued employment opportunities are no less deserving of consideration

because they work for a competing railroad. I respectfully ask that the Board give these interests the full and careful consideration they warrant.

Respectfully submitted,



Kent Psota
General Chairman Brotherhood of Locomotive Engineers and Trainmen
General Committee of Adjustment 150
215 West Oak Street
Suite 500
Fort Collins, Colorado 80521
psota@bletonline.com

**KYLE W. KING**
*General Chairman*
*BNSF(SLSF) - MNA*

**Brotherhood of Locomotive Engineers and Trainmen**

P.O. Box 50
Checotah, OK 74426-0050
Office 918-926-6868
Cell 918.899.7347
E-mail kyle@bletgca.org

Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

November 17, 2026

**Re: Docket No. FD 36873**
**Union Pacific Corp. – Control –**
**Norfolk Southern Corp.**
**Comments in Opposition**

Filed via STB E-Filing

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment 180 (GCA 180). Our committee represents approximately 750 locomotive engineers and trainmen on the former St. Louis–San Francisco Railway (Frisco) lines of BNSF Railway and on the Missouri & Northern Arkansas Railroad (M&NA), across ten states. Our members do not work for Union Pacific or Norfolk Southern. I write because the proposed merger would reach them anyway, and because the families and businesses along our lines would pay for it as well.

Our members' work does not stop at the Applicants' property lines. BNSF crews on our committee run over Union Pacific track every day, including between Pine Bluff, Arkansas and Longview, Texas, under trackage rights the Board granted as a condition of the 1996 Union Pacific–Southern Pacific merger. Those crews work on lines they do not dispatch or maintain, and their hours on duty, time away from home, and earnings depend on how the owning railroad runs its railroad. A combined UP–NS would control those lines as part of a far larger system with its own priorities. At Memphis, Birmingham, Kansas City, and St. Louis, our former Frisco lines meet UP or NS, and traffic we handle today could shift to single-line UP–NS routes, taking crew starts with it. On the M&NA, our members work for a short line that interchanges with UP at Kansas City and at Newport, Arkansas; the routing and pricing decisions of the combined carrier would decide how much work those crews have. I cannot tell the Board today exactly how many jobs on our property these changes would cost, and neither can the Applicants, because they have not examined the effects on connecting

carriers' employees. That is the point: these risks are real, and nobody has measured them.

BNSF has also opposed this transaction, and I want to be clear that these comments are not offered on its behalf. BNSF's concern is competition for traffic. Ours is the livelihoods, contract rights, and safety of the people who move it, and we would raise the same concerns about any Class I merger, including one involving BNSF.

The Applicants' employment promises deserve close scrutiny. Union Pacific projects 1,200 net new union jobs by Year 3. Yet STB Form 1246 data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026, a loss of 22,975 positions, or 31.4 percent. The promised jobs would replace about one in twenty of those, and nothing requires UP to create them unless the Board makes them a condition. Union Pacific has also refused to commit to filling vacancies. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, the combined railroad would lose about 1,760 train crew positions every year without furloughing anyone. The last time Union Pacific absorbed a major railroad, its job losses ran nearly twice what it told the Board to expect.

Union Pacific's "Jobs for Life" offer is not the protection its name suggests. The guarantee holds only if an employee accepts whatever work is offered under implementing agreements that have not yet been negotiated, anywhere on a 43-state system. An engineer whose job is moved a thousand miles away must uproot his family or give up the guarantee. Union Pacific has reserved the right to revise the offer based on post-merger traffic or performance, which means the protection could weaken just when employees need it most. And where UP leases lines to other operators, as it has said it will, employees could be required to accept less pay and fewer benefits for the same work. My members have a direct stake in how the Board treats this offer. If the Board accepts it as adequate here, it will become the standard offered to railroad employees in the next merger, including ours.

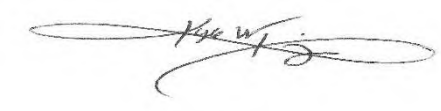
The Board should look just as closely at what the combined railroad plans to sell. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class III railroad receive no statutory protection at all, and those affected by a sale to a Class II carrier receive at most one year of severance. Norfolk Southern's CEO has reportedly suggested that up to 15,000 miles, roughly a quarter of the combined network, could be sold. Our committee knows short-line railroading firsthand. Our M&NA members have a union contract because they organized, not because the law protected them, and most short-line employees have no such contract. Workers whose lines are sold off face lost jobs, lower wages, and lost health and retirement benefits. Shippers and towns on those lines face less investment and less service.

The Applicants also plan to run fewer crews on longer trains, including longer trains on the legacy NS network. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Union Pacific already runs trains of three miles or more, longer than most passing sidings. Longer trains are harder to handle, they block grade crossings longer in the towns they pass through, and when they derail the consequences are larger. When Union Pacific last merged, congestion overwhelmed its crews and its customers for more than a year. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it safely.

Finally, this merger matters to people who will never set foot on a locomotive. Freight rail carries the grain, fuel, building materials, chemicals, and consumer goods that ordinary Americans depend on, and the cost of moving them is built into what families pay at the store and on their utility bills. In 1980 there were 33 Class I railroads; today there are six. A combined UP–NS would control roughly half of the freight rail market for most of what it hauls. Freight rail rates have already risen 44 percent over twenty years after inflation. A farmer, a manufacturer, or a small town served by a single railroad has nowhere else to go when rates rise or service falls off, and when rail service fails, that freight moves to trucks on public highways. The communities along our lines are the kind of places that feel those effects first and recover last.

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider the interests of carrier employees affected by this transaction, and that standard is not limited to the Applicants' own workforce. The Applicants have not given enforceable assurances on staffing, attrition, relocation, contract rights, or line sales, and they have not accounted for the employees of connecting and tenant carriers at all. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger. If the Board does not deny it, the Board should at a minimum require full Board review, with New York Dock–equivalent protections, of every future sale or lease of lines to a Class II or Class III carrier, and require the Applicants to account for the effects on crews of connecting and tenant carriers before any approval.

Respectfully submitted,



Kyle W. King
General Chairman
BLET General Committee of Adjustment 180
BNSF(SLSF) – MNA

# Brotherhood of Locomotive Engineers and Trainmen

Rob Cunningham
Chairman

Jeremy McFather
Vice Chairman

Bart Jones
Secretary/Treasurer

101 N. Beverly
Crowley, Texas 76036

PH: 817-426-9003
Fax: 817-259-2468


## COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment 40, representing approximately 3,400 locomotive engineers and trainmen across 11 states on BNSF Railway's former Atchison, Topeka and Santa Fe territory, as well as the engineers and trainmen on two Class III railroads operated by OmniTRAX, the Great Western Railway of Colorado and the Panhandle Northern Railroad.

Although our members are not employed by Union Pacific or Norfolk Southern, the proposed merger could have significant consequences for their employment, earnings, and working conditions. I submit these comments in opposition to the transaction because I do not believe the effects on employees of competing and connecting railroads have been adequately addressed.

BNSF has opposed this transaction based on its effects on competition. I am not submitting these comments on behalf of BNSF. My responsibility is to the locomotive engineers and trainmen represented by this Committee. Their employment and working conditions depend on maintaining a competitive and reliable railroad network, regardless of which railroad owns the tracks they operate over.

The Applicants' revised traffic analysis projects that approximately 303,000 carloads and intermodal units currently handled by BNSF would be diverted to the combined railroad annually. Approximately 211,000 of those, roughly 70 percent, are intermodal units, the core business of the former Santa Fe Transcon between the West Coast and Chicago. The locomotive engineers and trainmen represented by my Committee handle significant volumes of that traffic, including freight moving east through existing interchange arrangements.

The Applicants present this diversion as evidence of increased competition. For the employees who handle that traffic today, fewer trains can mean fewer crew starts, reductions in pool and extra-board

positions, abolished assignments, and displacement from the terminals where they work and live. The Applicants measured the traffic they expect to take from BNSF, but they did not examine what losing that work would mean for those employees. Unlike employees of the merging carriers, our members would not ordinarily receive merger-related employee protections simply because traffic was diverted away from BNSF.

Our members also have a direct operating relationship with Union Pacific. On the former Santa Fe territory, BNSF engineers and trainmen regularly operate over Union Pacific-owned track at numerous locations in California, Colorado, Texas, and Louisiana. On those lines, dispatching, maintenance, traffic volumes, and operating decisions controlled by another railroad affect our members' ability to move trains safely and efficiently.

Some of BNSF's trackage rights over Union Pacific were established as conditions of the 1996 Union Pacific-Southern Pacific merger to preserve competition. In July 2026, the Board set final terms for BNSF's terminal trackage rights in the Lake Charles, Louisiana, area, rights that arise from that transaction.

The proposed merger would place Union Pacific and Norfolk Southern under common control, with the potential to change traffic patterns and operating priorities throughout the combined system. When traffic is delayed or terminals become congested, the consequences extend beyond the railroad controlling the track. Crews can spend hours waiting on trains, run out of hours under federal limits, and require additional crews to finish the work, disrupting scheduled assignments and keeping engineers and trainmen away from home longer than anticipated.

The service failures following the Union Pacific-Southern Pacific merger demonstrated how quickly the integration of major railroad systems can disrupt operations well beyond the immediate territory involved. The Board's rules require the Applicants' Service Assurance Plan to inform connecting railroads of operational changes that might affect their operations, including operations involving major gateways. 49 C.F.R. § 1180.10. The Board should require a credible plan addressing the effects of this transaction on BNSF and other railroads operating over the Applicants' tracks, including specific measures to address congestion, crew delays, and operational disruptions.

Our Committee also represents the engineers and trainmen of the Great Western Railway of Colorado and the Panhandle Northern Railroad, both operated by OmniTRAX. Great Western interchanges with BNSF and Union Pacific, while Panhandle Northern interchanges with BNSF, and our members' jobs on these properties depend on the freight that moves through those connections. The Board's regulations require merger applicants to address the transaction's effects on connecting railroads, including Class II and Class III carriers, and their ability to sustain essential services. 49 C.F.R. § 1180.7.

There is also the broader concern of what this transaction could mean for future railroad consolidation. Under 49 C.F.R. § 1180.1(i), the Board must consider the cumulative effects of a major merger, including how competing carriers may respond. Approval of this transaction could create additional pressure for consolidation, with potential consequences for existing agreements, seniority districts, assignments, and employment opportunities.

I also support the concerns raised by the Brotherhood and the General Committees representing employees on Union Pacific and Norfolk Southern regarding employee protections, collective bargaining rights, and the consequences of combining these two properties.

Under 49 U.S.C. § 11324(b)(4), the Board must consider the interests of rail carrier employees affected by a proposed transaction. Those interests should include employees of competing and connecting carriers whose jobs and working conditions may be affected by the merger.

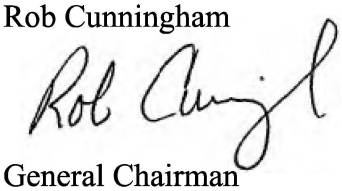
For these reasons, I respectfully urge the Board to deny the proposed Union Pacific-Norfolk Southern merger.

Should the Board approve the transaction, I ask that it require enforceable conditions preserving existing trackage rights and competitive access, examine the consequences for employees of competing and connecting railroads, and establish meaningful oversight of operations on tracks shared with other carriers. That oversight should include the effects of congestion, crew delays, and service disruptions on employees of those railroads.

The locomotive engineers and trainmen I represent should not be overlooked simply because their employer is not one of the Applicants. The consequences of this merger could extend well beyond the boundaries of Union Pacific and Norfolk Southern, and those consequences deserve serious consideration before the Board makes its determination.

Respectfully submitted,

Rob Cunningham



General Chairman
GCA #40
BNSF/ATSF, GWR,PNR

**BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN**

General Committee of Adjustment No. 160

Former C&S, FW&D, CRI&P/JTD

2012 Carson Ave | La Junta, CO 81050

Troy R. Martin, General Chairman | (719) 469-8353

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

Surface Transportation Board | Finance Docket No. 36873

November 17, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment 160, representing approximately 350 locomotive engineers and trainmen across five states on BNSF Railway's former Colorado & Southern, Fort Worth & Denver, The Joint Texas Division.

Although our members are not employed by Union Pacific or Norfolk Southern, the proposed merger could have significant consequences for their employment, earnings, and working conditions. I submit these comments in opposition to the transaction because I do not believe the effects on employees of competing and connecting railroads have been adequately addressed.

The Organization's opposition is not limited to the potential consequences for employees represented by this General Committee. GCA 160 also supports the broader concerns raised by the Brotherhood of Locomotive Engineers and Trainmen and its General Committees representing employees of Union Pacific and Norfolk Southern regarding employment security, preservation of collective bargaining rights, seniority protections, forced relocation, and the adequacy of the Applicants' proposed employee protective arrangements.

The proposed transaction must be evaluated not only in terms of projected operating efficiencies and competitive effects, but also in terms of its consequences for railroad employees throughout the affected network. Those consequences include both the direct effects on employees of the merging carriers and the indirect effects on employees of competing and connecting railroads.

BNSF has opposed this transaction based on its effects on competition. I am not submitting these comments on behalf of BNSF. My responsibility is to the locomotive engineers and trainmen represented by this Committee. Their employment and working conditions depend on maintaining a competitive and reliable railroad network, regardless of which railroad owns the tracks they operate over.

The Applicants' revised traffic analysis projects that approximately 303,000 carloads and intermodal units currently handled by BNSF would be diverted to the combined railroad annually. Approximately 211,000 of those, roughly 70 percent, are intermodal units. The locomotive engineers and trainmen represented by my Committee handle significant volumes of that traffic, including freight moving east through existing interchange arrangements.

The Applicants present this diversion as evidence of increased competition. For the employees who handle that traffic today, fewer trains can mean fewer crew starts, reductions in pool and extra-board

Where the Applicants anticipate diverting substantial traffic from a competing railroad, the Board should examine the reasonably foreseeable consequences for employees currently performing that work. For our members, lost traffic is not merely a competitive concern between railroads; it may mean lost crew assignments, earnings, employment opportunities, and established working conditions.

positions, abolished assignments, and displacement from the terminals where they work and live. The Applicants measured the traffic they expect to take from BNSF, but they did not examine what losing that work would mean for those employees. Unlike employees of the merging carriers, our members would not ordinarily receive merger-related employee protections simply because traffic was diverted away from BNSF.

Our members also have a direct operating relationship with Union Pacific. On the former C&S, JTD, FWD territory, BNSF engineers and trainmen regularly operate over Union Pacific-owned track at numerous locations in Colorado, Texas. On those lines, dispatching, maintenance, traffic volumes, and operating decisions controlled by another railroad affect our members' ability to move trains safely and efficiently.

Some of BNSF's trackage rights over Union Pacific were established as conditions of the 1996 Union Pacific-Southern Pacific merger to preserve competition.

The proposed merger would place Union Pacific and Norfolk Southern under common control, with the potential to change traffic patterns and operating priorities throughout the combined system. When traffic is delayed or terminals become congested, the consequences extend beyond the railroad controlling the track. Crews can spend hours waiting on trains, run out of hours under federal limits, and require additional crews to finish the work, disrupting scheduled assignments and keeping engineers and trainmen away from home longer than anticipated.

The service failures following the Union Pacific-Southern Pacific merger demonstrated how quickly the integration of major railroad systems can disrupt operations well beyond the immediate territory involved. The Board's rules require the Applicants' Service Assurance Plan to inform connecting railroads of operational changes that might affect their operations, including operations involving major gateways. 49 C.F.R. § 1180.10. The Board should require a credible plan addressing the effects of this transaction on BNSF and other railroads operating over the Applicants' tracks, including specific measures to address congestion, crew delays, and operational disruptions.

There is also the broader concern of what this transaction could mean for future railroad consolidation. Under 49 C.F.R. § 1180.1(i), the Board must consider the cumulative effects of a major merger, including how competing carriers may respond. Approval of this transaction could create additional pressure for consolidation, with potential consequences for existing agreements, seniority districts, assignments, and employment opportunities.

Union Pacific has promoted a “Jobs for Life” commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers’ combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975

positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific– Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight. Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system. Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective

conditions imposed by the Board are enforceable and beyond the carrier's power to revise. Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

I also support the concerns raised by the Brotherhood and the General Committees representing employees on Union Pacific and Norfolk Southern regarding employee protections, collective bargaining rights, and the consequences of combining these two properties.

Under 49 U.S.C. § 11324(b)(4), the Board must consider the interests of rail carrier employees affected by a proposed transaction. Those interests should include employees of competing and connecting carriers whose jobs and working conditions may be affected by the merger.

For these reasons, I respectfully urge the Board to deny the proposed Union Pacific-Norfolk Southern merger.

Should the Board approve the transaction, I ask that it require enforceable conditions preserving existing trackage rights and competitive access, examine the consequences for employees of competing and connecting railroads, and establish meaningful oversight of operations on tracks shared with other carriers. That oversight should include the effects of congestion, crew delays, and service disruptions on employees of those railroads.

If approval is granted, the Board should consider enforceable conditions addressing existing trackage rights and competitive access; employee protections and collective bargaining rights; the effects of traffic diversion on crew starts, pool and extra-board positions, and earnings; operational safeguards for shared tracks; the enforceability of employment assurances; and the employee consequences of future line sales or leases.

The locomotive engineers and trainmen I represent should not be overlooked simply because their employer is not one of the Applicants. The consequences of this merger could extend well beyond the boundaries of Union Pacific and Norfolk Southern, and those consequences deserve serious consideration before the Board makes its determination.

Respectfully,



Troy R. Martin General
Chairman BLET GCA
160 BNSF/C&S, JTD,
FWD

Colorado State Legislative Board

Brotherhood of Locomotive Engineers and Trainmen

A Division of the International Brotherhood of Teamsters/ Teamsters Rail Conference

**Surface Transportation Board | Finance Docket No. 36873**

November 16, 2026

Chairman and Members of the Board,

I serve as Chair of the Colorado State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. As Chair, I represent the legislative and regulatory interests of Colorado's BLET locomotive engineers and trainmen. Our members safely operate the freight trains and the passenger trains that move goods, commodities and public essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

## Railroad Safety and Operational Risk

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, already much longer than the typical passing sidings for the majority of our state's sidings, especially in the mountainous regions of Colorado.

The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including the Union Pacific–Southern Pacific merger which I experienced first-hand, as well as the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

## Rail Workers and the "Jobs for Life" Promise

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

Nor does the guarantee protect the size of the workforce. UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself based on post-merger traffic or performance. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition while forcing the employees who remain to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

## State and Regional Impacts

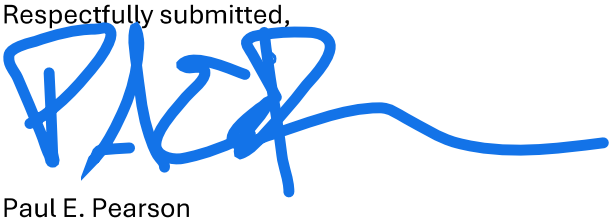
The Union Pacific currently operates an east-west mainline across Colorado from the Colorado/ Utah State Line to the Colorado/Kansas state line (Grand Jct., to Burlington, Colorado), as well as a north-south mainline which runs from the Colorado/New Mexico state line to the Colorado/Wyoming state line (Pueblo to Cheyenne, Wyoming). The Union Pacific has intimated that the north/south mainline would be a prime candidate to spin off to a Class 2 or Class 3 shortline, impacting the jobs, lives and families of our members in Pueblo, Denver, Lasalle and into Cheyenne, Wyoming.

We've already seen the impact of PSR here in Colorado, as it is typically a challenge to have two trains to make a meet between Cheyenne and Denver, as one, sometimes both, exceed the maximum siding capacity on the Greeley Subdivision. In addition, there are over 100 rail crossings between Denver and Cheyenne, for example, and it is already almost impossible to stop a train somewhere that isn't blocking a public road crossing. This can seriously impact first responders as well as the general public.

## Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. After experiencing the UP-SP merger firsthand, and seeing how PSR has impacted not only our Colorado membership but the general public of Colorado as well, I respectfully yet vehemently urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



Paul E. Pearson

Chair, Colorado State Legislative Board

Brotherhood of Locomotive Engineers and Trainmen/Teamsters Rail Conference

# BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

A Division of the Rail Conference of the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Conrail SAA/CSXT Northern District General Committee of Adjustment

**Patrick Driscoll**
General Chairman


November 15, 2026

Re: **COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC NORFOLK SOUTHERN MERGER Surface Transportation Board | Finance Docket No. 36873**

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment (GCA) 300 Conrail SAA/CSXT Northen District, representing approximately 700 locomotive engineers and trainmen employed by both Conrail Shared Assets Area and CSXT across Maine, Massachusetts, New Jersey, New York, Pennsylvania, Michigan and Ohio. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

I submit these comments in opposition to the proposed Union Pacific Railroad (UP)–Norfolk Southern Railway (NS) merger because of its serious implications for railroad employment, collective bargaining rights, workforce stability, and safe operations.

### Workforce Reductions and Employment Commitments

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or


950A Union Road• Suite 318• West Seneca, New York 14224
Phone : (716) 771-1029 • Email : Driscollblet1@verizon.net

disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

### Limitations of "Jobs for Life"

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

## Collective Bargaining Agreements and Seniority

Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional

employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

### Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

### Staffing, Experience, and Safe Operations

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. Service did not return to normal until August 1998. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

### Market Power and the Public Interest

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

### General Committee and Territorial Impacts

Our General Committee of Adjustment (GCA) represents approximately 700 locomotive engineers and trainmen employed by Conrail Shared Assets Area (SAA) and CSXT, working throughout Maine, New Jersey, Massachusetts, New York, Pennsylvania, Michigan, and Ohio. Our collective bargaining agreements govern the working conditions and compensation of locomotive engineers employed by Conrail SAA and CSXT.

The proposed merger raises significant concerns for our membership, particularly those employees working on Conrail SAA. This railroad is jointly owned by CSXT and Norfolk Southern (NS). When Conrail was divided in 1999, both NS and CSXT recognized that the strategic rail assets serving Detroit, , New Jersey, and Philedlphia, were simply too important to be placed under the exclusive control of either railroad. Consequently, an agreement was reached to jointly own and operate these assets while preserving the ability of both railroads to interchange traffic. (See Surface Transportation Board, Finance Docket No. 33388.)

The possibility of these jointly owned assets being transferred or otherwise affected by the proposed Union Pacific (UP) acquisition raises serious competitive concerns. UP could potentially gain a significant advantage over CSXT in several strategically important locations, fundamentally altering the competitive balance that the 1999 Conrail transaction was designed to preserve.

Having personally experienced the operational consequences of the 1999 Conrail transaction, Finance Docket No. 33388, I can assure the Board that the transition was anything but seamless. On June 1, 1999, I was assigned to operate from Buffalo, New York, to Willard, Ohio. However, I did not operate a train into either terminal again until sometime in October. During this period, trains were parked throughout the Chicago main line, which extends from Albany, New York, to Chicago, Illinois.

On one particular assignment, I was called to operate a train from Willard, Ohio, to Buffalo, New York. After being on duty for more than eleven hours, I had traveled only 75 miles, reaching Cleveland, Ohio. Rather than being transported to my designated originating terminal in Buffalo, I was placed in a hotel in Cleveland. Eight hours later, I was called to re-crew the very train I had been forced to leave hours earlier.

I was transported by cab to the train, only to discover that the locomotive had run out of fuel. A fuel truck was dispatched, and after another eleven hours on duty, the locomotive was finally fueled. We once again secured the train and were relieved without having moved it a single foot. Unfortunately, this was not an isolated incident. It was a common occurrence during the operational meltdown that followed the Conrail transition. Numerous parked trains ran out of fuel, further compounding an already chaotic situation.

Equally troubling was the inability to adequately serve customers. As a Union representative, I routinely heard accounts from our members who arrived at customer facilities only to encounter understandably frustrated customers. In some instances, customers had gone several days without rail service; in others, I was told that service had been interrupted for weeks. These were not simply inconveniences for railroad employees. They represented significant disruptions to businesses that depend on reliable rail transportation to conduct their operations.

Based on the information made available to us, UP has not adequately addressed the future of these strategically important terminals and the employees who operate there. This lack of clarity creates substantial uncertainty for the locomotive engineers and trainmen whose livelihoods depend on these operations.

UP, as far as what I've read, has not made any comments on these critical terminals, creating significant concerns for locomotive engineers working at these critical locations. For example, will Conrail SAA still exist or will the UP gain exclusive rights to essential ports located in the Northeast portion of the country? If UP gains control over these vital ports what will become of the hundreds of train and engine employees at these locations?

These concerns are not merely hypothetical. The existing Conrail arrangement was established to preserve competition, protect access to strategically important rail infrastructure, and allow both CSXT and Norfolk Southern to serve their respective customers. Any change that gives UP preferential access or operational control over these assets could fundamentally undermine that arrangement.

It is reasonable to anticipate that UP would place the interests of its own operations ahead of those of a competing railroad, particularly CSXT. That possibility raises legitimate questions about whether CSXT would continue to enjoy the same level of access and interchange opportunities it has historically relied upon. This is precisely the type of competitive disadvantage that warrants careful scrutiny by the Board.

The Surface Transportation Board should not underestimate the potential consequences of disrupting an established operating arrangement that has existed for decades. The 1999 Conrail transition provides a firsthand example of how significant operational disruptions can affect

railroad employees, customers, and the efficient movement of freight. We should not repeat those mistakes or allow the uncertainty surrounding this acquisition to jeopardize the livelihoods of hundreds of railroad employees working at Conrail/ CSXT or any competing railroad.

### Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Patrick Driscoll

Patrick Driscoll, BLET General Chairman
Conrail SAA/CSXT Northern District GCA 300
Brotherhood of Locomotive Engineers and Trainmen
*A Division of the International Brotherhood of Teamsters*
716-771-1029 Office
Driscollblet1@verizon.net

# BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

GENERAL COMMITTEE OF ADJUSTMENT
CSX Transportation - Eastern Lines
P.O. Box 3986 - Florence, SC 29502-3986

Phone: 843.407.1060

**CHRIS HYDE**
General Chairman

**JAMIE TRUESDALE**
Vice General Chairman

**ROBBIE CLARK**
General Secretary / Treasurer


**November 15, 2026**

## COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment 720, representing approximately 1000 locomotive engineers and trainmen employed by CSX Transportation Railroad across Virginia, North Carolina, South Carolina, Georgia, Alabama and Florida. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

I submit these comments in opposition to the proposed Union Pacific Railroad (UP)–Norfolk Southern Railway (NS) merger because of its serious implications for railroad employment, collective bargaining rights, workforce stability, and safe operations.

### Workforce Reductions and Employment Commitments

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO,

UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

**Limitations of "Jobs for Life"**

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**Market Power and the Public Interest**

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

**General Committee and Territorial Impacts**

Our General Committee represents approximately 1000 locomotive engineers and trainmen on CSX Transportation Eastern Lines in Virginia, North Carolina, South Carolina, Georgia, Alabama and Florida. The collective bargaining agreements governing locomotive engineers represented by the BLET CSXT Eastern Lines General Committee of Adjustment contain specific provisions addressing seniority rights, terminal operations, crew districts, extra boards, work assignments, and the establishment or relocation of terminals. These include, but are not limited to, Articles 12 (Seniority), 82 (Extra Boards), 83 (Establishing Terminals), and 84 (Interdivisional Service) of the CSXT/BLET Single System Agreement, together with applicable implementing agreements, side letters, and established practices.

The proposed merger of Union Pacific (UP) and Norfolk Southern (NS) raises significant concerns for locomotive engineers employed by CSX Transportation throughout its Eastern Lines territory. Although CSX is not a party to the proposed merger, the creation of a competing transcontinental railroad could substantially alter existing freight traffic patterns, interchange arrangements, and operating practices throughout the eastern United States.

Of particular concern is the potential diversion of freight traffic currently handled by CSX to the combined UP/NS system, including traffic moving through major CSX terminals and operating corridors serving Rocky Mount, Hamlet, Florence, and other locations within the Eastern Lines

jurisdiction. Such diversions could result in reduced train starts, the abolishment or consolidation of regularly assigned positions, reductions in extra board staffing, changes to crew districts, and the potential displacement of locomotive engineers from their existing assignments or seniority districts.

My concerns are also informed by firsthand experience as a CSX locomotive engineer during the 1999 Conrail acquisition and division of operations between CSX and Norfolk Southern. I personally witnessed the operational difficulties associated with that transaction, including crew shortages, disruptions to established operations, and the challenges of integrating additional traffic and territories into an existing railroad network. The consequences were not limited to management or corporate operations; they were experienced directly by locomotive engineers and other operating employees who were required to contend with the resulting uncertainty and operational difficulties. That experience demonstrated how a major railroad consolidation can produce consequences for employees that are not fully anticipated or adequately addressed during the approval process. It also reinforces my concern that the proposed UP/NS merger could create similar disruptions, not only for employees of the merging carriers but also for employees of competing railroads such as CSX.

Additionally, changes in interchange traffic, routing arrangements, and competitive operating practices could prompt CSX to pursue operational consolidations, modifications to existing crew districts, the establishment or relocation of terminals, or the transfer of work traditionally performed by employees represented by this Committee. These changes could implicate contractual seniority protections, employee displacement rights, terminal establishment provisions, and applicable requirements governing changes in operations.

The Organization is particularly concerned that the economic consequences of the proposed merger could extend beyond employees of UP and NS and adversely affect employees of competing carriers who would not necessarily receive the same labor protections afforded to employees directly involved in the transaction. Accordingly, any assessment of the proposed merger must consider its potential impact on CSX employees, including the loss of work opportunities, reductions in earnings, forced displacement, increased travel distances, and disruption of established seniority and contractual rights.

The potential for traffic diversion is particularly concerning because the proposed merger is intended, in part, to attract additional freight traffic to the combined UP/NS network. Although the specific effects on CSX Eastern Lines operations have not been established, the possibility of substantial changes in traffic patterns warrants careful examination. The Organization therefore submits that the Surface Transportation Board must examine the proposed transaction's potential consequences for employees of competing carriers and should not assume that employment protections negotiated for UP and NS employees adequately address the interests of CSX locomotive engineers.

The lessons learned from the 1999 Conrail transaction demonstrate the importance of evaluating both the anticipated economic benefits and the potential operational and employee consequences of major railroad consolidations before they occur.

**Conclusion**

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Chris Hyde
General Chairman, General Committee of Adjustment 720 – CSXT Eastern Lines
Brotherhood of Locomotive Engineers and Trainmen
Email: cr.hydeblet@gmail.com
Cell: 252-903-3089

# Brotherhood of Locomotive Engineers and Trainmen

*A Division of the Rail Conference–International Brotherhood of Teamsters*

General Committee of Adjustment - Northern Rail Lines • CSX Transportation • MARC/MDOT
13500 Sutton Park Drive S. • Suite 501 • Jacksonville, FL 32224
Phone: (904) 543-8101 • Fax: (904) 543-8119

**Brian J. Farkas**
**General Chairman**

David R. Woods
First Vice General Chairman

Matt Brandon
Second Vice General Chairman


## COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 16, 2026

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I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment 070 – CSXT Northern Rail Lines, representing approximately 1,000 locomotive engineers and trainmen employed by CSX Transportation across nine (9) states. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

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History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

**Limitations of "Jobs for Life"**

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

**Collective Bargaining Agreements and Seniority**

Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

**Line Sales and Smaller-Railroad Transfers**

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start,"

and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

**Staffing, Experience, and Safe Operations**

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. Service did not return to normal until August 1998. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

**Market Power and the Public Interest**

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

**General Committee and Territorial Impacts**

Our General Committee represents approximately 1,100 locomotive engineers and trainmen on CSX Transportation in nine (9) states, twenty-seven (27) divisions, twenty-nine (29) terminals, and twelve (12) seniority districts. The merger may potentially affect members working in the Chicago and Rose Lake terminals, Indianapolis crews that interchange with the Union Pacific at Salem, Illinois, all within the Western Seniority District. This may negatively impact transfer assignments in Chicago, along with road starts from all pools terminating in Rose Lake, Illinois, which are handled by crews across five (5) seniority districts. The potential loss of rail traffic will result in reduced operations across these five (5) seniority districts, which will negatively impact members who may be furloughed or relocate as a result.

**Conclusion**

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



Brian J. Farkas
General Chairman, General Committee of Adjustment 070 – CSXT Northern Rail Lines
Brotherhood of Locomotive Engineers and Trainmen
(904) 543-8101
b.farkas@bletnrlgca.org

**Brotherhood of Locomotive Engineers and Trainmen**

**A Division of the Rail Conference - International Brotherhood of Teamsters**

GENERAL COMMITTEE OF ADJUSTMENT - CSXT WESTERN RAILROAD LINES
P.O. BOX 49, ETOWAH, TENNESSEE 37331-0049
PHONE: (423) 263-0909 FAX: (423) 263-0910

REPRESENTING
Divisions 26, 30, 38, 41, 78, 101, 129, 140, 156, 190, 204, 271, 275, 332, 365, 463, 489, 495, 547, 610, 698, 742, 781, 782, and 830.

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General Chairman

DAVID W. ENGLE
1st Vice General Chairman

DAVID P. FITZGERALD, JR.
Secretary/Treasurer

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# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 16, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment (GCA) 740 Western Lines, representing approximately 1250 locomotive engineers and trainmen employed by CSXT, Terminal Railway Alabama State Docks, and Indiana Rail Road Company across Virginia, West Virginia, Kentucky, Tennessee, Alabama, Georgia, Indiana, and Pensacola, Florida.

Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

I submit these comments in opposition to the proposed Union Pacific Railroad (UP)–Norfolk Southern Railway (NS) merger because of its serious implications for railroad employment, collective bargaining rights, workforce stability, and safe operations.

## Workforce Reductions and Employment Commitments

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling

vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

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The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

### General Committee and Territorial Impacts

Our General Committee of Adjustment (GCA) represents approximately 1,250 locomotive engineers and trainmen employed by CSXT, Terminal Railway Alabama State Docks, and Indiana Rail Road Company, working throughout Virginia, West Virginia, Kentucky, Tennessee, Alabama, Georgia, Indiana, and Pensacola, Florida. Our collective bargaining agreements govern the working conditions and compensation of locomotive engineers employed by these railroads.

The proposed Union Pacific (UP) and Norfolk Southern (NS) merger raises significant concerns for our membership, particularly those employees working on Terminal Railway Alabama State Docks, which is owned by the State of Alabama and located in Mobile, Alabama, providing essential rail service in and around the Port of Mobile. Terminal Railway Alabama State Docks has been referenced in connection with the proposed UP/NS merger and has publicly announced its opposition to the transaction. The concerns expressed include the potential loss of revenue for the railroad and its customers, which could ultimately result in a reduction in the number of employees necessary to maintain operations and, potentially, threaten the railroad's long-term viability if UP gains control over essential interchange business.

Likewise, Indiana Rail Road Company, which is primarily owned by CSXT, could experience a substantial reduction in interchange business because of the proposed merger. Such a reduction could result in significant revenue losses, leading to employee furloughs or, worse, permanent reductions in the number of railroad employees needed to maintain operations. These are legitimate concerns that directly affect the livelihoods of the locomotive engineers and trainmen represented by our Organization and must not be overlooked by the Surface Transportation Board.

When Conrail was divided in 1999, both NS and CSXT recognized that certain strategic rail assets were simply too important to be placed under the exclusive control of either railroad. Consequently, an agreement was reached to jointly own and operate these assets while preserving the ability of both railroads to interchange traffic. (See Surface Transportation Board, Finance Docket No. 33388.)

The possibility of these jointly owned assets being transferred, controlled, or otherwise affected by the proposed UP acquisition of NS raises serious competitive concerns. UP could potentially gain a significant competitive advantage over CSXT, Terminal Railway Alabama State Docks, and Indiana Rail

Road Company at several strategically important locations, fundamentally altering the competitive balance that the 1999 Conrail transaction was designed to preserve. The Board should carefully examine whether the proposed merger would undermine these longstanding arrangements and place competing railroads and their employees at a substantial disadvantage.

I personally experienced the operational consequences of the 1999 Conrail transaction, Finance Docket No. 33388, and I can assure the Board that the transition was anything but seamless.

On June 1, 1999, I was assigned to operate trains between Etowah, Tennessee, and Corbin, Kentucky. However, following the transaction, I did not operate a train into either terminal again for several months due to the massive rail congestion that developed across the system. The congestion made it virtually impossible for trains to enter or depart terminals, resulting in trains being parked throughout the railroad, crews being caught by the Hours-of-Service limitations, and employees being stranded for hours awaiting transportation to an off-duty point.

It became a common occurrence for crews called from their home terminal at Etowah, Tennessee, to operate trains toward the away-from-home terminal at Corbin, Kentucky, to travel only a short distance before being stopped in a siding due to congestion. Crews would remain on their trains for hours before being instructed to secure them and wait for transportation to an off-duty location. In many instances, after observing their required rest, those same crews were transported back to the very trains from which they had been relieved the previous day.

I specifically recall being called from Etowah to operate a train to Corbin. After departing Etowah, we traveled approximately eight (8) miles north to the first siding at Englewood, Tennessee, where we remained until reaching our Hours of Service limit. We were then instructed to secure the train and wait several additional hours for transportation back to Etowah.

After observing our required rest, we were transported back to the same train at Englewood and resumed our trip toward Corbin. On that occasion, we made it only as far as Faber, just outside the Corbin terminal, where we again sat until reaching our Hours of Service limit. Once again, we were required to secure the train and wait for transportation to the hotel, extending our time away from home well beyond the hours actually spent operating the train.

These were not isolated incidents. Similar operational delays occurred daily for months following the 1999 Conrail transaction. The resulting congestion severely disrupted railroad operations, exhausted available crews, and prevented trains from moving efficiently across the system.

Based on my firsthand experience, I am deeply concerned that approval of the proposed UP/NS merger could result in operational congestion and service disruptions even more severe than those experienced following the 1999 Conrail transaction. The magnitude of this proposed merger and the potential disruption of existing interchange arrangements raise legitimate questions about whether the railroads involved could maintain reliable operations during and after the transition.

Equally troubling was the inability to adequately serve customers. As a Union representative, I routinely heard accounts from our members who arrived at customer facilities only to encounter understandably frustrated customers. In some instances, customers had gone several days without rail service; in others, I was told that service had been interrupted for weeks.

These were not simply inconveniences for railroad employees. They represented significant disruptions to businesses that depend on reliable rail transportation to conduct their operations. When rail service becomes unreliable, customers suffer, businesses lose revenue, and the employees of both the railroads and the industries they serve face potentially serious economic consequences.

The Board should recognize that these operational failures were experienced by the very employees responsible for moving the nation's freight. Those of us who worked through the Conrail transition understand firsthand how quickly a major railroad restructuring can disrupt operations and how difficult it can be to restore dependable service once widespread congestion develops.

Based on the information made available to our Organization, UP has not adequately addressed the future of these strategically important terminals, the existing interchange arrangements, or the employees whose livelihoods depend on these operations. This lack of clarity creates substantial uncertainty for locomotive engineers and trainmen employed by CSXT, Terminal Railway Alabama State Docks, and Indiana Rail Road Company.

Of particular concern is whether Terminal Railway Alabama State Docks and Indiana Rail Road Company will continue operating under their existing arrangements or whether UP could obtain exclusive or preferential access to essential ports, terminals, and interchange locations. Equally important is how such changes would affect CSXT's ability to interchange traffic and compete across its network.

If UP gains control over these vital ports and interchange locations, what will become of the hundreds of train and engine employees whose employment depends upon the continued movement of this traffic? Will these railroads continue to receive the same volume of interchange business? Will CSXT retain the same competitive access it currently enjoys? What assurances will be provided that employees will not suffer furloughs or permanent job losses as a consequence of traffic being diverted to the merged railroad?

These are fundamental questions that must be answered before the Board considers approving a transaction of this magnitude.

These concerns are not merely hypothetical. The existing Conrail arrangement was established to preserve competition, protect access to strategically important rail infrastructure, and allow both CSXT and Norfolk Southern to serve their respective customers. Any change that provides UP with preferential access or operational control over these assets could fundamentally undermine that arrangement and create substantial competitive disadvantages for the railroads identified herein.

It is reasonable to anticipate that UP would prioritize the interests of its own operations over those of a competing railroad, particularly CSXT. That possibility raises legitimate questions about whether CSXT would continue to enjoy the same level of access and interchange opportunities upon which it has historically relied. It also raises serious concerns regarding the ability of Terminal Railway Alabama State Docks and Indiana Rail Road Company to maintain existing traffic volumes and employment levels.

The Board should not assume that the interests of competing railroads, their customers, or their employees will be adequately protected simply because the applicants anticipate operational efficiencies or economic benefits from the proposed transaction. Those anticipated benefits must be

weighed against the potential loss of competition, reduced interchange opportunities, diminished customer service, and the resulting consequences for railroad employment.

The Surface Transportation Board should not underestimate the potential consequences of disrupting established operating arrangements that have existed for decades. The 1999 Conrail transition provides a firsthand example of how significant operational disruptions can affect railroad employees, customers, and the communities that depend upon reliable freight transportation.

Our Organization is particularly concerned that the proposed merger could concentrate control over essential rail infrastructure and interchange traffic in a manner that disadvantages competing railroads and ultimately threatens the employment of the locomotive engineers and trainmen we represent.

Our Organization does not believe that promises of improved efficiency and expanded service are sufficient to justify a merger of this magnitude without enforceable protections for the railroads, customers, and employees who could be adversely affected.

For these reasons, our General Committee of Adjustment opposes the proposed UP/NS merger and respectfully urges the Surface Transportation Board not to approve the transaction.

## Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



Keith Kerley
General Chairman, General Committee of Adjustment (GCA) 740 Western Lines
Brotherhood of Locomotive Engineers and Trainmen
*A Division of the International Brotherhood of Teamsters*
*423-263-0909 Office*
kkerley@blewesternlines.com

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

**November 16th, 2026**

Chairman and Members of the Board:

I serve as President of Division 778 of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent an Iowa division of locomotive engineers and trainmen located in Des Moines, Iowa. In Des Moines, both Union Pacific and Norfolk Southern operate as rail carriers. Our members safely operate the freight trains that move goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

## Railroad Safety and Operational Risk

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP–NS would

hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

### Rail Workers and the "Jobs for Life" Promise

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system, or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

Nor does the guarantee protect the size of the workforce. UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself based on post-merger traffic or performance. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition while forcing the employees who remain to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

### State and Regional Impacts

Iowa's freight rail network is vital to the state's agricultural economy. Union Pacific (UP) operates major corridors across Iowa, including its east-west mainline and north-south Spine Line through Des Moines. Farmers depend on rail to move corn, soybeans, and other products to market. Railroads also transport hazardous materials, including ethanol, anhydrous ammonia, fertilizers, and industrial chemicals, making safe and reliable operations essential.

Hurting Iowa Taxpayers: In the Des Moines region, taxpayers helped fund a transload facility built on the promise of access to multiple rail carriers, including Norfolk Southern. Could reduced competition following the merger undermine that investment or jeopardize valuable matching grants?

Hurting Iowa Farmers: The American Farm Bureau opposes the proposed UP-NS merger. Its concerns deserve serious consideration. If the merger benefits Iowa farmers and the agricultural economy, why does the nation's leading farm organization oppose it?

Safety and Service Concerns: UP's rail yards and mainline operations demonstrate the importance of reliable freight service. Long trains, blocked crossings, and delays affecting public transportation and emergency responders are existing concerns. The merger could bring additional train traffic, longer trains, and operational changes. These potential impacts deserve careful review. More rail traffic concentrated on fewer rail miles could also threaten service reliability.

Protecting Iowa Communities and Jobs: Iowa communities and businesses depend on reliable rail service, safe crossings, and timely deliveries. Public investments in rail infrastructure, emergency response, and economic development deserve protection. Iowa needs a railroad that invests in its workers and communities rather than relying on continued job cuts

### Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Sean Scott
President, BLET 778
Des Moines, Iowa
(515) 681-7301
seancscott@hotmail.com

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

**Shane Hubbard**
***Chairman***
Indiana State Legislative Board
Brotherhood of Locomotive Engineers & Trainmen
International Brotherhood of Teamsters/Rail Conference

849 S. Meridian St.
Indianapolis, IN 46225

Office: (317) 986-7503
Fax: (317) 986-7502
Mobile: (812) 385-6969
Email: Chairman@bletinslb.org
www.bletinslb.org

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as Chairman of the Indiana State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent the legislative and regulatory interests of locomotive engineers and trainmen throughout Indiana. Our members safely operate the freight trains that move goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

## Railroad Safety and Operational Risk

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

## Rail Workers and the "Jobs for Life" Promise

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and

implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system, or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

Nor does the guarantee protect the size of the workforce. UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself based on post-merger traffic or performance. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition while forcing the employees who remain to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

The Applicants' own publicly filed employee-impact exhibits provide concrete evidence of workforce restructuring in Indiana. In Electronic Appendix A, the craft-employee projections for Indiana identify, respectively, 3, 2, and 0 positions abolished; 30, 31, and 28 positions created; and 5, 4, and 0 positions transferred across the exhibits' three numbered columns. The projected transfers involve locomotive mechanical positions at Fort Wayne, with destinations described only as "Various." Electronic Appendix B separately projects reductions of 10, 11, and 0 Indiana management positions, with no offsetting management positions created in Indiana. These are separate projections, not figures to be added across columns. (Applicants' Public Employee Impact Exhibits, UP-83/NS-81, STB Filing No. 311854, July 27, 2026, Electronic Appendices A and B.)

The craft projections also anticipate train-crew position creation at Elkhart (9, 7, and 7), Peru (11, 10, and 4), Fort Wayne (5, 4, and 4), and Princeton (4, 2, and 5), respectively. Those projections should be evaluated alongside the Applicants' plan to lengthen legacy NS trains and reduce first crew starts. A forecast of added positions does not itself establish that crews will be adequately staffed, that the positions will be sustained, or that service and safety will improve. The Board should require verifiable staffing and service commitments and a clear explanation of the Fort Wayne transfers and Indiana management reductions.

**State and Regional Impacts — Indiana**

Indiana sits at a critical junction of the national freight network. Norfolk Southern's Chicago Line and other northern Indiana corridors connect the Chicago gateway with eastern markets, while routes through Fort Wayne link additional industrial communities. These lines support automotive, steel and metals, grain, aggregates, and other manufacturing supply chains. Disruptions in Indiana can ripple far beyond the state.

Norfolk Southern's Elkhart Terminal is a particularly important example. The carrier describes Elkhart as one of its largest hump yards and reports more than 450 employees there. In February 2025, Norfolk Southern reported that the yard typically handled 1,800 to 1,900 railcars per day. Its own description identifies Elkhart as a major processing point for westbound freight headed to Chicago interchanges and eastbound freight moving across the Norfolk Southern system. The Board should examine how proposed changes in train length, train starts, traffic patterns, and yard operations would affect Elkhart's capacity,

employees, and service reliability.

The Board's environmental review materials expressly identify Indiana among the states where merger-related changes to rail lines, yards, or intermodal facilities could exceed thresholds for environmental review, and among states where Applicants propose capital improvements. That makes Indiana-specific scrutiny essential. Longer trains and changes in train frequency could affect grade-crossing occupancy, emergency access, and communities near busy corridors. The Applicants should be required to provide location-specific projections, credible mitigation measures, and a detailed account of impacts on local train crews and maintenance personnel before the Board considers approval.

Indiana's businesses and communities should not bear the consequences of integration failures on a network of unprecedented size. The proposed transaction must be judged against demonstrable benefits for Indiana shippers, railroad workers, and the public—not simply systemwide efficiency projections.

**Conclusion**

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Shane Hubbard
State Legislative Board Chairman
Indiana State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
Phone: (812) 385-6969
Email: chairman@bletinslb.org

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

**November 16th, 2026**

Chairman and Members of the Board:

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## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

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Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

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Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself based on post-merger traffic or performance. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition while forcing the employees who remain to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

### State and Regional Impacts

Iowa's freight rail network is vital to the state's agricultural economy. Union Pacific (UP) operates major freight corridors across Iowa, including its east-west mainline and north-south Spine Line through Des Moines. Farmers rely on rail to get products to market. Besides corn and soybeans, railroads haul hazardous biofuels, such as ethanol, and other hazardous fertilizers, including anhydrous ammonia. These routes transport grain, corn, soybeans, ethanol, fertilizer, chemicals, and manufactured goods, connecting Iowa businesses to national markets and export terminals along the Mississippi River.

Hurting Iowa taxpayers: in the Des Moines region, a taxpayer-funded transload facility was built on the promise of service from multiple rail carriers. One of those carriers is Norfolk Southern. Will taxpayers lose out on valuable matching grants because of reduced market competition?

Hurting Iowa farmers: as you may know, the American Farm Bureau is opposed to a UP-NS merger. If it were in the best interests of Iowa Farmers, and our economy, wouldn't they support the merger?

Union Pacific's rail yards and mainline operations illustrate the importance of safe and reliable freight service. Long trains, blocked highway-rail crossings, and potential delays to emergency responders are existing railroad safety concerns. Any potential increase in train length, traffic volume, or operational changes resulting from the proposed Union Pacific–Norfolk Southern merger should be carefully evaluated. Significant existing crossing delays, some of which delay public transportation and first responders, should be considered in impacts that may result from the merger. Generating more rail traffic on fewer rail miles threatens current service levels.

Iowa communities and businesses depend on reliable rail service, safe grade crossings, and timely freight deliveries. State and local investments in crossing improvements, emergency response, and economic development require a railroad system that invests in workers and their communities—not job cuts as Union Pacific has done in recent years.

### Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Ross Grooters
State Legislative Board Chairman
Iowa State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
(515) 689-3229
IA_SLBChairman@outlook.com

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

Long Island General Committee of Adjustment

2459 Ocean Avenue, Suite B
Ronkonkoma, NY 11779

Phone: 631.813.2234
Fax: 631.813.2238

Gilman J. Lang
General Chairman

Eric F. Martin
1st Vice General Chairman

Duane M. O'Connor
2nd Vice General Chairman
Secretary-Treasurer

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment 420/Long Island General Committee, representing approximately 600 locomotive engineers and trainmen employed by the Long Island Rail Road (LIRR) and the New York and Atlantic Railway (NYA) across Long Island, New York and Manhattan. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

I submit these comments in opposition to the proposed Union Pacific Railroad (UP)–Norfolk Southern Railway (NS) merger because of its serious implications for railroad employment, collective bargaining rights, workforce stability, and safe operations.

## Workforce Reductions and Employment Commitments

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an

employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

### Limitations of "Jobs for Life"

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

### Collective Bargaining Agreements and Seniority

Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

### Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a

Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

### Staffing, Experience, and Safe Operations

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. Service did not return to normal until August 1998. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

### Market Power and the Public Interest

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the

combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

## General Committee and Territorial Impacts

The proposed merger between Union Pacific and Norfolk Southern has the potential to trigger a domino effect of further consolidation throughout the railroad industry, as competing Class I carriers may feel compelled to pursue mergers of their own to remain competitive.

While the Long Island Rail Road and New York & Atlantic Railway are not directly involved in the proposed merger, the locomotive engineers we represent could nevertheless experience the consequences of an increasingly consolidated railroad industry. As larger carriers seek to eliminate redundancies, streamline operations, and reduce labor costs, the resulting pressure could extend to smaller freight railroads such as NYA, potentially affecting interchange operations, freight volumes, employment opportunities, and the long-term stability of railroad jobs.

Of particular concern is the potential impact on freight operations within the New York metropolitan region, where an already complex and heavily utilized rail network must accommodate freight movements alongside the nation's busiest commuter railroad, the Long Island Rail Road.

Further consolidation of the freight industry could fundamentally alter existing traffic patterns, interchange arrangements, and operational demands, potentially placing additional strain on an infrastructure network that is already operating under significant capacity constraints. Any increase or redistribution of freight traffic without corresponding infrastructure improvements could further complicate the movement of both passenger and freight trains, creating additional operational challenges, congestion, and safety concerns for the locomotive engineers we represent.

Furthermore, continued consolidation could establish industry-wide precedents regarding crew staffing, operational efficiencies, and labor agreements that may eventually influence management decisions at both NYA and the LIRR.

Perhaps even more concerning is the cumulative impact that widespread railroad consolidation and associated layoffs could have on the Railroad Retirement System. Unlike Social Security, Railroad Retirement relies heavily on payroll taxes contributed by active railroad employees and their employers.

A substantial reduction in the number of active railroad workers across the industry would diminish the contribution base supporting the system, potentially placing additional financial pressure on an already challenged workforce-to-retiree ratio. These consequences would not be confined to the employees of the merging railroads but could ultimately affect railroad workers, retirees, and their families throughout the entire industry.

For these reasons, the potential consequences of this merger, particularly the precedent it could establish for further industry consolidation, must be evaluated beyond the immediate interests of the carriers involved and with careful consideration of its long-term impact on railroad employment, operational safety, regional transportation infrastructure, and the financial stability of the Railroad Retirement System.

## Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this

merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



Gilman J. Lang
General Chairman
Brotherhood of Locomotive Engineers and Trainmen
LIRR-General Committee of Adjustment
2459 Ocean Avenue, Suite B
Ronkonkoma, NY 11779
Office# 631-813-2234
Cell# 631-873-6491

**COMMENTS IN OPPOSITION TO THE PROPOSED**
**UNION PACIFIC–NORFOLK SOUTHERN MERGER**

**Surface Transportation Board | Finance Docket No. 36873**

11-16-2026

Chairman and Members of the Board:

I serve as Chairman of the Michigan State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent the legislative and regulatory interests of locomotive engineers and trainmen throughout Michigan. Our members safely operate the freight trains that move goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

**Railroad Safety and Operational Risk**

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that

the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

**Competition and Supply Chain Reliability**

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of

combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

**Rail Workers and the "Jobs for Life" Promise**

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system, or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

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**State and Regional Impacts**

Affected areas in Michigan by this potential merger will dramatically change the rail industry throughout our state of Michigan. Our iron ore ports in Detroit will become obsolete due to the major congestion that will come with the monopoly caused by this merger. Right now the Canadian National and CSX are having issues with servicing customers due to crew shortages and poor track conditions due to maintenance of way shortages and ability to respond to signal issues and track issues. Our rail infrastructure in Michigan cannot handle the train lengths that are currently being run by the Canadian National, CSX and the Norfolk Southern Railroads. Crossings are being continuously blocked due to lack of track space in these receiving yards in Flat Rock, Toledo, Rouge and Oakwood yards in metro Detroit. Communities in metro Detroit have had to build multiple fire houses to service both sides of the tracks directly related to blocked crossings. Customers in Michigan are having issues getting serviced due to the railroads' poor scheduling and inability to move trains efficiently throughout the state. A yard in metro Detroit Norfolk Southern Oakwood yard has issues with the train length in the fact that employees get blocked daily at the only entrance and exit point in the yard, which is particularly disturbing because this yard services the Marathon refinery. These employees have no emergency escape route when the trains are being staged for departure blocks the only way in and out of the yard. Passenger rail in Michigan would also be affected due to freight traffic taking precedence over passenger transit, which in turn would directly affect our state's economy and tourism. Which our state depends on throughout the year. I feel that this merger would be detrimental to our state and economy as well as all of the ports around the Great Lake state and I urge the board to take serious consideration in denying this merger request.

**Conclusion**

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

BJ Trumble
State Legislative Board Chairman
Michigan State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
BJ Trumble
C: 269-420-0387
E: bjtrumble2030@gmail.com

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

136 Torrey Pines Ct.
Mankato, MN 56001

Cell: 507.420.9012
bletmn@gmail.com

**JOEL J. MUELLER**
Chairman - Minnesota State Legislative Board

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

**November 16, 2026**

Chairman and Members of the Board:

I serve as Chairman of the Minnesota State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent the legislative and regulatory interests of locomotive engineers and trainmen throughout Minnesota. Our members safely operate the freight trains that move goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

## Railroad Safety and Operational Risk

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP–NS would hold approximately 50 percent of the

freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

### Rail Workers and the "Jobs for Life" Promise

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system, or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

Nor does the guarantee protect the size of the workforce. UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself

**BROTHERHOOD OF LOCOMOTIVE ENGINEERS & TRAINMAN**
*A Division of the Rail Conference - International Brotherhood of Teamsters*
**Missouri State Legislative Board**

Timmy L Morgan – Chairman
1052 Private Road 1006
Clifton Hill, MO 65244
Cell – (660) 998-3200
Email – bletmoslb@gmail.com

Brian J Young – Secretary - Treasurer
P.O. Box 454
Fulton, MO 65251
Cell – (314) 497-5944
Email – st.moslb@gmail.com

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 15, 2026

Chairman and Members of the Board:

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**State and Regional Impacts-**

The State of Missouri will be one of the most affected by this merger. Two parallel lines run through Missouri from St. Louis to Kansas City: one on the north side of the Missouri River and the other on the south side. The UP has already committed to leasing the south line to the CN Rwy. That will cost two seniority districts and over 200 UP jobs between St. Louis and Kansas City alone. The UP/NS merger has already announced that they will shut down the Norfolk Southern Yard in Kansas City and the Luther Yard in St. Louis. That will cost over 200 jobs at Norfolk Southern, not to mention the automotive plants such as the Claycomo Ford Plant and the GM plant in Wentzville that will be short-lined and potentially cost over 80 jobs in those areas. The UP/NS merger has announced that they will use the Kansas City to Decatur, IL, line as its middle conveyor belt. Moberly, MO is where I work out of and there are two seniority districts that will be combined to make one long seniority district, which results in half of the men being used. We currently have about 150 employees in transportation in the Moberly area, so that will result in about 75 good-paying jobs being cut in a very small community that relies on these jobs to survive. I work one of the two locals that operate out of Moberly and the UP has already proven that they will do away with those jobs and give them to Short-line railroads. Our customers on the Norfolk Southern from Kansas City to St. Louis will be forced to stop using the railroad as their main source of transportation unless they pay a premium price for service. That will result in more job losses outside of the railroad job losses. I have talked to several of the customers and they are worried that they will not be serviced as in the past. Most of them have already started looking for other ways to transport their products; unfortunately, most of our customers have to move their products via the railroad due to weight restrictions on Missouri highways. It takes about 3 semi-trucks to carry what you can haul in one covered hopper on the railroad. The agriculture industry will suffer with higher prices or be forced to transport its commodities at a substantial cost to get its products from the farm to the table. Missouri, in short, will be adversely affected by this merger with significant job losses and increases in cost to operate.

**Conclusion**

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks

to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Timmy Morgan
State Legislative Board Chairman
Missouri State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
Email: blemoslb@gmail.com
Cell: (660) 998-3200

**Nebraska State Legislative Board**
**Brotherhood of Locomotive Engineers and Trainmen**

Chairman
Adam Hausman
1503 Lakeshore Drive
Beatrice, Ne 68310
402-239-0846
E-mail <hausman3638@hotmail.com

COMMENTS IN OPPOSITION TO
THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

Surface Transportation Board | Finance Docket No. 36873

Date:11-17-2026

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Adam Hausman
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402-239-0846
E-mail <hausman3638@hotmail.com

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E-mail <hausman3638@hotmail.com

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

**Nebraska State Legislative Board**
**Brotherhood of Locomotive Engineers and Trainmen**

Chairman
Adam Hausman
1503 Lakeshore Drive
Beatrice, Ne 68310
402-239-0846
E-mail <hausman3638@hotmail.com

Rail Workers and the "Jobs for Life" Promise

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system, or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

Nor does the guarantee protect the size of the workforce. UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more

than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself based on post-merger traffic or performance. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition while forcing the employees who remain to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

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**Brotherhood of Locomotive Engineers and Trainmen**

Chairman
Adam Hausman
1503 Lakeshore Drive
Beatrice, Ne 68310
402-239-0846
E-mail <hausman3638@hotmail.com

State and Regional Impacts — **Before the Surface Transportation Board**
**Nebraska's Freight Network, Operational Risks, and the Adverse Impacts of the Proposed UP-NS Merger**

I submit these comments on behalf of the Brotherhood of Locomotive Engineers and Trainmen (BLET) members in Nebraska. Nebraska is not merely a pass-through state for the proposed Union Pacific–Norfolk Southern combination; it is home to the single most critical classification facility in the national rail network and a dense concentration of rail-served agricultural and industrial shippers. The proposed merger threatens to concentrate control, lengthen trains, and diminish the competitive check that currently exists—all at a time when state and local governments are investing heavily in rail-related safety.

**Nebraska's Freight Corridors and Rail-Served Economy**

Nebraska's rail system is dominated by UP and BNSF, supplemented by short lines. The state's 2023 Freight Plan identifies rail-served industries across manufacturing, agriculture, and energy, including Case IH, Hornady Manufacturing, Lindsay Corporation, Omaha Public Power District, and Sustainable Beef. Agricultural markets are a primary driver of rail demand. In David City, Ag Processing Inc. operates a soybean processing facility with 13.6 miles of on-site track, processing over 50 million bushels annually and loading a 110-car unit train every three to four days. In July 2026, AGP shipped the first-ever U.S. unit train of soy oil from this facility to West Coast biofuel markets.

The economic stakes for Nebraska shippers are already visible in rate disputes. In May 2026, UP filed a complaint with this Board alleging that BNSF canceled longstanding reciprocal switching rates for unit grain trains at Nebraska locations including Hastings and Lincoln, raising per-car costs from $105 to $295—a 281% increase. At Grand Island, switching rates for freight from the JBS plant reportedly rose from $295 to $1,395 per car, a 472% increase. These disputes illustrate how sensitive Nebraska's agricultural and industrial shippers are to rail pricing and access conditions. A merger that further concentrates market power will not improve that dynamic.

**Nebraska State Legislative Board**
**Brotherhood of Locomotive Engineers and Trainmen**

Chairman
Adam Hausman
1503 Lakeshore Drive
Beatrice, Ne 68310
402-239-0846
E-mail <hausman3638@hotmail.com

**A Facility Illustrating the Importance of Safe and Reliable Operations: Bailey Yard**

Bailey Yard in North Platte is the clearest illustration of how a single facility concentrates both economic importance and operational risk. Covering 2,850 acres with 315 miles of track, it handles an average of 135 to 139 trains and over 10,000 cars daily. More than 2,600 North Platte residents work at the yard—over 10 percent of the city's population. The yard fuels and services more than 8,500 locomotives per month. Any disruption—derailment, labor dispute, or dispatching failure—radiates across the national network. For North Platte, safe and reliable operations at Bailey Yard are inseparable from the community's economic stability.

**Documented Concerns: Train Length, Emergency Access, and Economic Impacts**

Emergency access and blocked crossings are documented concerns in Nebraska independent of the merger. In January 2025, the City of Grand Island received federal planning funds specifically to address "unreliable travel routes and emergency response delays caused by frequent train traffic" across 17 rail crossings. State Senator Mike Jacobson introduced LB37, the Railroad Safety Act, which would prohibit blocking a public crossing for more than 10 minutes and require railroads to offer hazardous materials response training to fire departments every three years. These legislative and planning efforts reflect existing local frustration.

Train length is a related concern. BLET National President Mark Wallace has warned that the merger would result in "miles-long slow-moving trains on the main line," while smaller routes and short lines absorb traffic the merged carrier finds less profitable. The concern is not merely congestion but the safety consequences of longer trains at crossings, particularly for emergency responders delayed by a train that cannot be quickly broken or moved.

Economic impacts center on reduced competition. The BLET and Teamsters Rail Conference are founding members of the Stop the Rail Merger Coalition, which includes the American Farm Bureau Federation and the American Chemistry Council.

**Nebraska State Legislative Board**
**Brotherhood of Locomotive Engineers and Trainmen**

Chairman
Adam Hausman
1503 Lakeshore Drive
Beatrice, Ne 68310
402-239-0846
E-mail <hausman3638@hotmail.com

The coalition has warned that the merger would reduce railroad competition, raise costs for farmers and manufacturers, and put supply chains at risk. For Nebraska—a state heavily dependent on rail for agricultural exports—reduced competition could translate into higher shipping rates for grain cooperatives and processors like AGP. BLET President Wallace framed the choice starkly: "For rail customers it will be a choice between 'Hell or the highway.'"

**Distinguishing Existing Conditions from Merger-Attributable Changes**

Existing conditions include frequent train traffic causing emergency response delays in Grand Island and other communities; state legislative efforts to penalize blocked crossings and mandate hazmat training; and a rail network already dominated by two Class I carriers. These problems predate the merger.

Changes reasonably attributable to the merger include: further consolidation of dispatching and operational control into a single transcontinental carrier, reducing the competitive check that exists today; diversion of traffic to short lines and secondary routes while main-line trains grow longer and slower; and the loss of jobs or forced transfers for Nebraska rail workers as merger synergies are extracted. The Surface Transportation Board has itself raised concerns about whether UP has attempted to retaliate against stakeholders participating in this proceeding—a governance concern that bears directly on whether Nebraska communities can meaningfully voice their interests.

**State and Local Investments Depend on a Predictable Railroad**

Nebraska's investment in grade separations—including $66.7 million for a viaduct in Lincoln to eliminate two at-grade crossings and $600,000 for the Omaha-to-Lincoln corridor study covering 73 crossings—demonstrates that state and local governments are already committing public funds to compensate for the safety and mobility burdens of rail traffic. These investments assume a railroad partner that operates predictably and safely. A merger that concentrates control, lengthens trains, and reduces competitive pressure undermines that assumption.




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**Brotherhood of Locomotive Engineers and Trainmen**

Chairman
Adam Hausman
1503 Lakeshore Drive
Beatrice, Ne 68310
402-239-0846
E-mail <hausman3638@hotmail.com

For Nebraska and for BLET members, the UP-NS merger is not a neutral restructuring. It is a consolidation that would diminish accountability at the very moment when state and local governments are being asked to invest more in rail-related safety. Nebraska needs a rail system that is safe, dependable, and responsive to the communities it runs through. The proposed merger moves the industry in the opposite direction. I urge the Board to subject this application to the most rigorous scrutiny and to deny the application.

Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

**Adam Hausman**
Nebraska State Legislative Board Chairman
Brotherhood of Locomotive Engineers and Trainmen
1503 Lakeshore Drive
Beatrice, NE 68310
Phone: (402)239-0846
E-Mail: Hausman3638@hotmail.com

BROTHERHOOD OF LOCOMOTIVE ENGINEERS & TRAINMAN
*A Division of the Rail Conference-International Brotherhood of Teamsters*
**Nevada State Legislative Board**

November 16, 2026

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

**RE: Formal Opposition to Proposed Union Pacific–Norfolk Southern Merger (STB Docket No. FD 36873)**

Dear Members of the Surface Transportation Board:

On behalf of the Brotherhood of Locomotive Engineers and Trainmen (BLET) Nevada State Legislative Board, representing locomotive engineers and trainmen across Northern and Southern Nevada, we submit this formal comment urging the Board to **reject the proposed $85 billion merger between Union Pacific (UP) and Norfolk Southern (NS)**. Combining these two Class I railroads would create an unchecked transcontinental monopoly controlling over 40% of U.S. freight rail traffic—posing severe threats to rail safety, our members' livelihoods, Nevada's supply chains, and the communities we serve. [1]

## 1. Illusory Labor Protections and Threats to Nevada Rail Jobs

Union Pacific's own filings admit to **1,138 direct job cuts and 546 employee transfers** in the first three years alone. While UP touts a conditional "Jobs for Life" guarantee to win regulatory approval, our union knows firsthand that this promise contains critical loopholes that put Nevada railroaders in jeopardy: [1, 2]

- **No Protection Against Forced Relocations:** The carrier's pledge promises only a job somewhere on a 52,000-mile network—not in our members' home terminals. As traffic patterns shift and Precision Scheduled Railroading (PSR) policies consolidate operations, crews based in **Sparks, Winnemucca, Elko, and Las Vegas** face the ongoing threat of forced relocations out of state or forfeiture of their protections.
- **The Short-Line Spin-Off Loophole:** Once temporary regulatory conditions expire, nothing prevents the merged carrier from leasing or selling local yards, branch lines, and industrial leads—such as those serving Las Vegas, Henderson, and Northern Nevada—to lower-wage, non-union short-line operators, permanently stripping workers of Class I union contracts and federal New York Dock protections. [1]

- **Chronic Fatigue and Safety Risks:** Aggressive headcount reductions and ever-longer trains already strain crew availability across Nevada's desert corridors. Further consolidation risks repeating the severe staffing shortages, worker exhaustion, and safety hazards that have plagued prior Class I mergers.

## 2. The Unlearned Lessons of the 1996 UP–Southern Pacific Merger: Devastation in Nevada and Portola, California

Nevada and neighboring Sierra border communities are living proof of the long-term economic and workforce destruction caused by Union Pacific mega-mergers. The 1996 UP–Southern Pacific consolidation eliminated **4,909 jobs** and transferred **2,132 workers** nationwide (including nearly **2,000 lost positions in California alone**), triggering a catastrophic Western rail service meltdown that stranded freight across Sparks and crippled regional supply chains. [1, 2]

In Northern Nevada, consolidating parallel lines across **Sparks, Winnemucca, and Elko** eliminated duplicate yard operations, extended crew runs, forced family relocations, and led to the abandonment of vital regional infrastructure such as the Reno-Stead to Hallelujah Junction branch line.

Just 45 miles across the state line in **Portola, California**, Union Pacific consolidation turned a thriving division point into a cautionary economic casualty:

- **Wiped-Out Railroad Payrolls and Jobs:** Historically, Portola was the lifeblood division point and locomotive maintenance hub for the Feather River Route, employing hundreds of union engineers, conductors, machinists, carmen, and clerks. Following UP's acquisition of Western Pacific and its 1996 absorption of Southern Pacific, UP consolidated locomotive servicing and crew terminals into Roseville, California, and Sparks, Nevada—vacating Portola's diesel shops and yard facilities and stripping the small mountain community of its primary source of family-wage union jobs. [1, 2]
- **Severe Financial and Municipal Tax Base Loss:** Because railroad wages anchored Portola's local economy, the loss of division-point operations, crew layovers, and shop payrolls triggered a multi-decade financial decline. Local businesses, housing values, and municipal tax revenues were hollowed out as railroad families were forced to transfer out of Plumas County to follow their seniority, leaving behind a volunteer railroad museum on the site of what was once a vital operational hub. [1]
- **Traffic Diversion and Severed Regional Links:** Once UP gained control of SP's parallel Donner Pass route, it diverted priority freight away from the Feather River corridor through Portola and abandoned the branch connection between Reno-Stead and Hallelujah Junction—permanently degrading rail service and economic prospects along the Sierra border.

## 3. Deeper Monopoly Pricing and Zero Infrastructure Investment in Nevada

- **100% Captive Market in Southern Nevada:** Southern Nevada (Las Vegas, Henderson, North Las Vegas, and Apex) is already a single-railroad captive market served exclusively by Union Pacific. Absorbing Norfolk Southern

eliminates cross-country routing competition, handing the merged carrier unchecked pricing leverage over goods entering and leaving Clark County.

- **Higher Consumer Costs and Retaliatory Pricing:** Historical rail consolidation has driven inflation-adjusted freight rates up by over 40% in two decades. Furthermore, publicly released remarks from UP leadership threatening shippers with rate hikes of "3 or 4 extra percent to teach you a lesson" for opposing the merger demonstrate how a dominant carrier wields monopoly power over captive regions.
- **Complete Exclusion from Merger Capital Projects:** According to STB environmental review filings, UP and NS have earmarked merger-related infrastructure upgrades across 17 states, leaving **Nevada completely excluded** despite our state's critical role as a primary freight bridge between West Coast ports and the rest of the nation.
- **Threats to Passenger Rail:** Increased freight train lengths and mainline congestion directly jeopardize on-time performance for Amtrak's *California Zephyr* through Northern Nevada and undermine future passenger rail expansion in Southern Nevada.

For the safety of our crews, the financial survival of rail communities like Sparks, Winnemucca, Elko, Las Vegas, and Portola, and the integrity of the national rail network, this merger is not in the public interest. The BLET Nevada State Legislative Board respectfully urges the Surface Transportation Board to deny the application in Docket No. FD 36873.

Respectfully submitted,

**Emidio Gonzalez Jr.**
Chairman, BLET Nevada State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
egblet158@gmail.com | (775) 771-4145

**NEW JERSEY TRANSIT GCA**
200 W Webster Ave Apt C8
Roselle Park, NJ 07204

**Thomas Haas**
General Chairman

Phone: 908.310.4566
www.njtblet.com
ble171lc@gmail.com

**COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER**

Surface Transportation Board | Finance Docket No. 36873

November 16, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment 555, representing approximately 500 locomotive engineers employed by New Jersey Transit across New Jersey, New York and Pennsylvania. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

I submit these comments in opposition to the proposed Union Pacific Railroad (UP)–Norfolk Southern Railway (NS) merger because of its serious implications for railroad employment, collective bargaining rights, workforce stability, and safe operations.

**Workforce Reductions and Employment Commitments**

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding; nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling

vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

Limitations of "Jobs for Life"

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

**Collective Bargaining Agreements and Seniority**

Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may

prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

**Line Sales and Smaller-Railroad Transfers**

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

**Staffing, Experience, and Safe Operations**

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length

grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. Service did not return to normal until August 1998. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

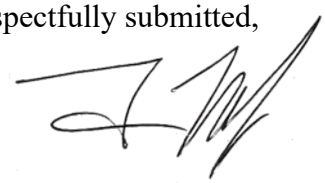
**Market Power and the Public Interest**

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

**Conclusion**

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



Thomas Haas
General Chairman, General Committee of Adjustment 555 – New Jersey Transit
Brotherhood of Locomotive Engineers and Trainmen

Respectfully submitted,

Scott Bunten
General Chairman, General Committee of Adjustment 580, Norfolk Southern Eastern Lines
Brotherhood of Locomotive Engineers and Trainmen
P. O. Box 873, Lexington VA, 24450 540-570-0046

# BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

A Division of the Rail Conference of the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

NS Northern Lines / W&LE / CF&E
General Committee of Adjustment

Robert W. Peters – General Chairman
(260) 210-4500
peters@blet-ns.com


## COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment #590 NS Northern Lines/CFER, representing approximately 1300 locomotive engineers and trainmen employed by Norfolk Southern Railroad and Chicago, Fort Wayne & Eastern Railway across Illinois, Indiana, Iowa, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, and Pennsylvania. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

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Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

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Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

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Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

### Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and Freight Waves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.
The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. Service did not return to normal until August 1998. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

## Market Power and the Public Interest

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

## General Committee and Territorial Impacts

This General Committee represents approximately 1,300 locomotive engineers and trainmen on Norfolk Southern covering ten states and major rail hubs such as Chicago, Kansas City, and Conway (Pittsburg). Our agreements address every aspect of employment including seniority rights and which craft employee will operate locomotive consists and trains. While Trainmen (Remote Control Operators) may operate locomotives to perform limited switching operations within terminal limits, Locomotive Engineers are highly skilled and operate long, heavy trains within terminals and over the road. Our agreements ensure that the most highly trained and most skilled employee, the Locomotive Engineer, operates the trains where the greatest risk to the public exists.

For example, the Locomotive Engineer operating the train that derailed in East Palestine was held blameless for the incident. Review of the locomotive event recorder indicated that he handled the train in strict accordance with Norfolk Southern rules. A lessor skilled employee operating the same train could have significantly increased the severity of the derailment. The proposed acquisition of Norfolk Southern by the Union Pacific jeopardizes the agreement that ensures that a Locomotive Engineer will operate over the road trains for the foreseeable future.

It is difficult to assess the effects of the acquisition due to the vagueness of the merger application. The application focuses mainly on just two routes represented by this committee: 1) the former Wabash from Kansas City to Toledo onto the former NYC route from Toledo to Conway (Pittsburg), and 2) the former NYC route from Chicago to Conway. It is clear that the new entity will focus on the coast-to-coast traffic at the expense of the north-south traffic, shorter haul traffic, and local customers. Line segments and terminals that service less lucrative short haul and local customers, such as Mingo Junction, Ohio, and Jackson, Michigan, (as examples) may be sold off to Class II or Class III carriers. Such sales will result in fewer employees and substandard compensation while reducing customer service and increasing shipping rates.

Following each merger, the new entities have descended into chaos and have disrupted the supply chain. Immediately following the Union Pacific acquisition of the Southern Pacific during the late 1990's, the Union Pacific was unable to handle its own traffic and was forced to reroute trains onto Norfolk Southern at New Orleans. Norfolk Southern operated those trains across its system and delivered them to the Union Pacific in Chicago. Rerouting the trains significantly increased transit time, fuel consumption, and strained manpower resources. Immediately following the acquisition of Conrail by Norfolk Southern and CSX, Norfolk Southern also descended into chaos. Norfolk Southern was unable to call the correct crews to operate its trains. For example, it called crews in Toledo, Ohio, to operate trains that were located in Fort Wayne, Indiana. In many instances, trains sat for days at a time unable to move. Recovery from the chaos takes months. Should the same chaos occur following the proposed acquisition of Norfolk Southern, the impact to the supply chain will rival the impact COVID had.

The Union Pacific is currently the least safe railroad as measured by FRA standards. Norfolk Southern is only slightly better overall. Combining the two railroads with the worst safety records will not improve the safety performance of the new entity; it will only get worse. The new entity will continue to emphasize productivity and profit over safety.

## Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Robert W. Peters
General Chairman, General Committee of Adjustment #590 NS Northern Lines/CFER
Brotherhood of Locomotive Engineers and Trainmen
2282 Happy Valley Road
E. Springfield, PA 16411
260-210-4500
peters@blet-ns.com

Brotherhood of Locomotive Engineers and Trainmen
Ohio State Legislative Board

A Division of the International Brotherhood of Teamsters Rail Conference

JOHN ESTERLY, CHAIRMAN
500 South Front Street, Suite 1100, Columbus, Ohio 43215
Phone: (614) 284-5876
E-Mail: chairman@ohslb.org

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as Chairman of the Ohio State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent the legislative and regulatory interests of locomotive engineers and trainmen throughout Ohio. Our members safely operate the freight trains that move goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

## Railroad Safety and Operational Risk

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately

9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

### Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers

pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

### Rail Workers and the "Jobs for Life" Promise

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system, or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

Nor does the guarantee protect the size of the workforce. UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself based on post-merger traffic or performance. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition while forcing the employees who remain to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

### State and Regional Impacts — Ohio

Ohio stands to experience substantial changes in freight operations under the proposed merger. According to the Applicants' environmental master data tables, as corrected by the second errata (EI-34309, filed September 9, 2026), gross freight tonnage across 90 rail segments beginning or ending in Ohio is projected to increase approximately 29 percent, from 63,956 to 82,386 million gross ton-miles. On the Chicago Line between Toledo and Cleveland, average daily trains would rise from 41.9 to 53.0; on the Cleveland Line from Alliance to CP-116, from 36.1 to 49.3; and on the Fort Wayne Line through East Palestine toward Sebring, from 37.2 to 50.5. These increases would place additional demands on infrastructure, crews, dispatching, and communities already managing busy rail corridors.

Grade-crossing access and emergency response deserve particular attention. At Walbridge Road in Walbridge, Ohio, the source data identify 721 existing blocked-crossing reports, including 614 blockages exceeding one hour and one exceeding a full day. These are pre-merger conditions, not consequences of the proposed transaction, but they demonstrate the vulnerability of local access routes before additional rail traffic and potentially longer trains are introduced. In Maple Heights, the McCracken Road crossing is identified as seventh among Norfolk Southern crossings nationwide on the Federal Railroad Administration's accident-prediction ranking, with five reported accidents over five years. The Board should examine how additional trains, train length, and crossing occupancy could affect emergency

vehicles, school transportation, and residents, including at crossings outside the environmental review thresholds.

The proposed transaction would also shift activity onto Ohio's roads and freight facilities. Applicants project daily truck movements at the Toledo Airline terminal increasing from 102 to 414 and at Sharonville from 185 to 590; projected increases are also identified at Rickenbacker near Columbus (648 to 945), Maple Heights near Cleveland (288 to 460), and Cincinnati's Gest Street terminal (212 to 261). Toledo Airline Yard carload activity is projected to rise from 183 to 356 per day. These changes warrant detailed review of road congestion, pavement and bridge impacts, truck safety, air quality, and the ability of local governments to absorb added traffic. The merger's claimed network benefits should not be accepted without assessing who bears the resulting costs.

Ohio's manufacturing, automotive, chemical, agricultural, and logistics sectors rely on dependable rail service. In a state still confronting the consequences of the East Palestine derailment, additional traffic through the same region demands particular scrutiny. The Board should require a corridor-by-corridor assessment of safety, emergency access, hazardous-materials preparedness, workforce capacity, and practical shipper alternatives, together with meaningful mitigation and investment commitments. State and local investments in grade crossings, emergency response, and economic development depend on a railroad system that remains safe and dependable.

## Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

John S. Esterly
State Legislative Board Chairman
Ohio State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
Phone: (614) 284-5876
Email: chairman@ohslb.org

Brotherhood of Locomotive Engineers and Trainmen
A Division of the Rail Conference of the International Brotherhood of Teamsters

Oklahoma State Legislative Board
3321 E Jersey St
Broken Arrow, OK 74014

N. Shane Bragg
Chairman
nsb2448@gmail.com
(417) 255-6312

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

## Surface Transportation Board

### Finance Docket No. 36873

November 17, 2026

Chairman and Members of the Board:

I serve as Chairman of the Oklahoma State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent the legislative and regulatory interests of locomotive engineers and trainmen throughout Oklahoma. Our members safely operate the freight trains that transport the goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents significant risks to railroad safety, supply chain reliability, market competition, and the communities that depend upon freight rail service.

## Railroad Safety and Operational Risk

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching systems, crew management, train operations, and infrastructure maintenance across a network of that scale presents substantial safety and operational challenges. Federal data indicate that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns regarding the coaching of employees on their responses.

Longer trains, reduced staffing levels, and operating practices associated with Precision Scheduled Railroading raise additional concerns regarding safety, operational flexibility, and network resilience. Union Pacific routinely operates trains measuring 15,000 feet or longer, with some exceeding three miles in length, well beyond the capacity of many

passing sidings, which generally range from 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains that exceed available siding capacity frequently stop on mainline track, where a single train can simultaneously block three to five grade crossings and delay ambulances, fire trucks, law enforcement personnel, and other emergency responders. The Applicants plan to bring these trains to the Norfolk Southern network; their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by approximately 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, involving a train approximately 9,300 feet in length, illustrates the significant consequences that a major railroad accident can impose upon communities, emergency responders, and local economies. The Board should require compelling evidence that the combined railroad can safely manage the proposed operating changes, including adequate staffing levels, maintenance resources, infrastructure capacity, and emergency-response coordination.

# Competition and Supply Chain Reliability

Freight rail service is critical to agriculture, manufacturing, energy production, and interstate commerce. However, the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today, only six remain, effectively operating as regional duopolies across much of the country, with UP and BNSF dominating western markets and NS and CSX dominating eastern markets. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP-NS would hold approximately 50 percent of the freight rail market for many of the commodities it hauls, creating de facto monopoly conditions in numerous regions. Such market concentration would provide the combined railroad with tremendous leverage in establishing rates, service terms, and other commercial conditions for its customers. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for many of the commodities it transports would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay prevailing rates. Those increased transportation costs would not be borne solely by shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how railroad service failures can directly threaten businesses, disrupt production schedules, and jeopardize essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because service deficiencies have driven customers to the highway. Many captive shippers, particularly those transporting bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even fewer competitive alternatives and less negotiating leverage.

Past major railroad integrations, including Union Pacific-Southern Pacific and the division of Conrail, experienced substantial service disruptions. Following the Union Pacific-Southern Pacific merger, shipments that normally required three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated approximately $1.1 billion in lost sales and additional freight costs to the Texas economy alone. The Applicants contend that new single-line routes and reduced interchange requirements will improve freight movement; however, those claims must be carefully evaluated against the operational risks associated with integrating two large railroad systems. A disruption on a network of this

size could impact shippers and consumers across the country. With fewer competitors available, many shippers would have little or no practical alternative for rail service.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval could also encourage additional industry consolidation as the remaining Class I railroads pursue mergers of their own, further reducing competition across the freight rail sector. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

# Rail Workers and the “Jobs for Life” Promise

Union Pacific has promised current employees a "job for life" with the combined railroad; however, the conditions attached to that promise substantially limit its practical value. The guarantee is conditioned upon employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and those implementing agreements may supersede agreements currently in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose position is relocated must follow that work, potentially hundreds or thousands of miles across a 43-state system, or accept a voluntary furlough and forfeit the guarantee. While the employee may technically retain employment, the community loses the job, the associated income, and the local tax revenue that supports schools, public services, and economic activity. Nor does the guarantee preserve the overall size of the workforce.

UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own Chief Executive Officer, UP and NS could lose approximately 1,760 train crew positions each year, substantially exceeding the 1,200 jobs referenced in UP's non-binding three-year projections. UP has also reserved the right to modify the guarantee based upon post-merger traffic levels or operational performance. In practice, the "guarantee" permits the combined railroad to reduce its workforce over time through attrition while requiring remaining employees to relocate in order to maintain employment. The UP-Southern Pacific merger demonstrates where this can lead: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce declined by 6,491 between 1997 and 2001, nearly twice the projected amount, even with New York Dock protections in place. A conditional and revocable employment promise is no substitute for enforceable employee-protective conditions imposed by the Board.

# State and Regional Impacts

Oklahoma's freight transportation system is anchored by major highway, rail, waterway, and air corridors that connect the state to domestic and international markets and support agriculture, energy production, manufacturing, and logistics industries.

## Major Freight Corridors

**I-35 Corridor:** The north-south Interstate 35 corridor, combined with the BNSF Railway main line, carries some of the highest freight volumes in the state, particularly between the Texas border and Oklahoma City.

**I-40 and I-44:** These east-west interstate corridors connect Oklahoma to Texas, Kansas, and Gulf Coast markets, serving as critical transportation arteries for agricultural and energy commodities.

**BNSF, Union Pacific, and CPKC Rail Lines:** More than 2,500 miles of Class I railroad service connect Oklahoma to Canada, Mexico, and major U.S. port facilities.

**MKARNS (McClellan-Kerr Arkansas River Navigation System):** A 445-mile navigable waterway that transports more than 4 million tons of freight annually, including fertilizer, steel, grain, and petroleum products.

## Ports and Inland Waterways

**Port of Catoosa (Tulsa):** The nation's furthest inland all-weather, ice-free port, handling bulk commodities such as grain, fertilizer, steel, and petroleum.

**Other inland ports:** Oklahoma maintains four inland ports, with Catoosa serving as the state's principal freight hub.

**MKARNS:** Supports cost-effective bulk freight movement, with the U.S. Army Corps of Engineers deepening channels to 12 feet to accommodate heavier loads.

## Intermodal Terminals

**Oklahoma City International Airport and Tulsa International Airport:** Both are Foreign Trade Zones, offering air cargo and multimodal connections.

**Rail-to-truck terminals:** Short-line rail connections feed directly into plants, ports, and industrial parks.

**Logistics hubs:** Facilities such as the BNSF Logistics Center provide integrated rail, truck, and warehousing services that facilitate multimodal freight movement throughout the region.

## Rail-Served Industries

**Energy:** Oil, natural gas, and coal extraction, transportation, and processing.

**Agriculture:** Grain, cotton, and livestock products.

**Manufacturing:** Steel production, chemical manufacturing, and machinery production.

**Construction materials:** Cement, aggregates, and building products.

## Agricultural and Energy Markets

**Agriculture:** Oklahoma's central location and access to rail and water transportation support the movement of grain, cotton, and livestock products to domestic and international markets.

**Energy:** Oklahoma's oil, natural gas, and coal supply chains depend upon integrated rail, pipeline, and trucking networks, with facilities such as the Port of Catoosa handling significant volumes of bulk energy products.

### Economic Impact

In 2017, Oklahoma moved 435.5 million tons of freight worth $300.1 billion annually; projections through 2045 indicate growth to 588.5 million tons and $497.6 billion. The state's multimodal transportation network is critical to its role as a logistics hub located nearly equidistant from New York, Los Angeles, Mexico City, and Toronto. The proposed UP/NS merger could place significant constraints on Oklahoma's economy due to the risk of rail congestion and service disruptions similar to those experienced following previous Union Pacific mergers. Such disruptions would not only affect freight movement throughout the state but could also have substantial consequences for agriculture and industries served by both BNSF and Union Pacific. The merger could also create hardships for small businesses and short-line railroads that depend upon reliable and predictable interchange service. I would be remiss if I did not again emphasize the financial hardships that could be imposed upon Union Pacific employees who may be required to relocate hundreds of miles to retain employment under the company's "job for life" commitment. The prospect of employees and their families being compelled to relocate from small communities to larger population centers with little advance notice raises serious concerns, not only for those families but also for the long-term economic viability of the communities they leave behind. Many small communities depend on these workers and their families for tax revenue, school enrollment, local commerce, and overall economic stability. Oklahoma has already experienced similar concerns following the CPKC merger, which threatened the relocation of nearly 200 employees from a small Oklahoma community to another state.

# Rail Network and Connections

Rail transportation carries approximately 10 percent of the freight tonnage that originates or terminates in Oklahoma and supports an estimated 87,300 jobs, $5.2 billion in labor income, and $24.5 billion in business output across rail-dependent industries.

Oklahoma has approximately 3,244 active route miles served by 23 freight railroads: three Class I carriers, 20 short-line railroads, and two industrial switching operators at ports. Oklahoma's central location provides vital connections to West Coast gateways, Texas and Gulf Coast markets, and Midwest distribution centers.

The state currently lacks a broadly marketed public intermodal terminal. Existing facilities include a private Altus container yard, limited BNSF transload/intermodal service at Flynn Yard in Oklahoma City, and statewide transload sites. Of 31 maritime terminals, 15 have rail service, concentrated around Catoosa, Muskogee, and Inola.

Class I carriers provide long-haul service, while short-line railroads provide critical first- and last-mile access to industries, ports, and other freight generators.

If approved, the proposed Union Pacific-Norfolk Southern merger could significantly alter routing patterns, interchange arrangements, and intermodal service throughout Oklahoma.

BNSF and Union Pacific maintain four major rail interlockings within Oklahoma that serve as important gateways for regional and national freight traffic.

# Constraints and Safety Risks

Rail operating conditions vary significantly by track classification, infrastructure characteristics, signaling systems, and corridor function. Vertical-clearance restrictions can limit the movement of double-stack containers and high-capacity automotive railcars, although most Class I routes are capable of accommodating Plate F equipment.

Oklahoma has 9,445 rail crossings, approximately 92 percent of which are at grade, including roughly 260 public at-grade crossings located on major highways. Blocked crossings remain an ongoing concern in communities such as Claremore, Davis, Moore, Enid, and Mannford.

Longer freight trains, which can reach approximately 14,000 feet in length, can exceed existing siding capacity and prolong blocked crossings, adversely affecting local mobility and emergency-response access.

Rail incidents have generally remained between 70 and 90 annually; Oklahoma recorded approximately 73 total rail incidents in 2024, down from roughly 91 in 2023. Highway-rail crossing incidents declined from 46 in 2021 to 38 in 2024. Tulsa, Oklahoma, and Cleveland Counties accounted for approximately 27 percent of all statewide at-grade crossing incidents between 2020 and 2024.

# Freight Volumes and Commodities

Rail moved approximately 300.7 million tons in 2024 and is projected to move 477.2 million tons by 2050, when it is expected to surpass trucking as Oklahoma's largest freight mode by tonnage.

Through traffic constitutes the largest share of rail activity, reinforcing Oklahoma's important role in national supply chains.

The leading rail commodities by tonnage are broken stone/riprap, bituminous coal, and fiber/paper/pulpboard. Rail transportation also handles substantial volumes of aggregates, sand, industrial chemicals, fertilizers, agricultural commodities, and other bulk materials essential to Oklahoma's economy.

Rail is positioned for substantial growth; however, realizing its full capacity and reliability benefits will require addressing clearance, crossing, siding, intermodal-access, and safety constraints.

# Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service reliability, competition, affected employees, and the communities that depend upon rail transportation. For the foregoing reasons, I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific-Norfolk Southern merger.

Respectfully submitted,

**N. Shane Bragg**
State Legislative Board Chairman
Oklahoma State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
(417) 255-6312

BROTHERHOOD OF LOCOMOTIVE ENGINEERS & TRAINMEN
Pennsylvania State Legislative Board
*A Division of International Brotherhood of Teamsters Rail Conference*

Adam Kaufman
Chairman
Pennsylvania Legislative Board
434 Willoughby Run Rd.
Rochester, PA 15074
(724) 622-4732
Lrblet325@gmail.com

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:
I serve as Chairman of the Pennsylvania State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent the legislative and regulatory interests of locomotive engineers and trainmen throughout Pennsylvania. Our members safely operate the freight trains that move goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

## Railroad Safety and Operational Risk

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan

states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

### Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

### Rail Workers and the "Jobs for Life" Promise

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system, or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

Nor does the guarantee protect the size of the workforce. UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself based on post-merger traffic or performance. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition while forcing the employees who remain to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

### State and Regional Impacts: Pennsylvania

Pennsylvania is central to Norfolk Southern's eastern network, and our members bear the consequences of consolidation decisions made far from the Commonwealth. Conway Yard near Pittsburgh, Enola Yard near Harrisburg, and the Juniata Locomotive Shop in Altoona are the terminals and shops through which much of that traffic is classified, serviced, and kept moving. These facilities took shape under the Pennsylvania Railroad, and they have already absorbed decades of consolidation and job loss through Conrail and the operating changes that followed. Altoona once employed as many as 18,000 workers at its locomotive shop and today employs about 400. Union Pacific has not demonstrated that another round of consolidation will strengthen these facilities or the families who depend on them. Consolidation of this kind has predictable consequences for workers. When a combined railroad rationalizes terminals, crew bases, and shops, facilities that perform similar work compete for survival, and employees at the facilities that lose are furloughed or required to relocate. Rail labor organizations operating in Pennsylvania have raised this concern publicly. The IBEW, which represents the electrical workers who maintain locomotives and

train-control systems, opposes the merger in part because its Harrisburg and Enola members do not want to be forced to move to keep railroad jobs. As discussed above, the "job for life" promise offers no protection against this outcome, because a job relocated hundreds of miles away is of no benefit to the community built around the terminal. For BLET members, consolidation of Pennsylvania terminals could mean longer runs, unfamiliar territory, changes to home terminals and crew districts, and erosion of seniority protections negotiated over many years.

Pennsylvania's terrain compounds these risks. Trains crossing the Allegheny Mountains, including the route through the Altoona area and the Horseshoe Curve, operate on steep grades and sharp curvature that demand engineers with thorough territorial knowledge, disciplined train handling, and well-maintained locomotives and braking equipment. Longer trains, thinner crews, and reduced maintenance capacity pose the greatest risk in mountain operations, where an error in train makeup, power distribution, or braking can result in a runaway or derailment. These trains also pass through river valleys and communities where homes, highways, and emergency responders are close to the tracks, leaving little margin for error. Qualification on mountain territory cannot be substituted by crews unfamiliar with it, and reassigning crews without that experience would introduce avoidable safety risk. The Board should not approve this merger without enforceable conditions that preserve Pennsylvania terminals, shops, and crew bases, prohibit forced relocations, protect existing collective bargaining agreements and seniority, and require operating limits on train length and crew size on mountain grades.

## Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Adam Kaufman
State Legislative Board Chairman
Pennsylvania State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
Teamsters Rail Conference

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

**11/16/2026**

Chairman and Members of the Board:

I serve as Chairman of the Texas State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent the legislative and regulatory interests of locomotive engineers and trainmen throughout Texas. Our members safely operate the freight trains that move goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

## Railroad Safety and Operational Risk

### Scale and Safety Record

The proposed combination would create a railroad of approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Two data points deserve the Board's attention:

- Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024.
- The Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

### Longer Trains and Operating Practices

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns:

- Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet.
- The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows.
- Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police.
- The Applicants plan to bring these trains to the Norfolk Southern network. Their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421).

The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, shows the consequences a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce, yet the industry that serves these sectors is already highly concentrated.

**Market Concentration**

- In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East.
- The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives.
- The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

**Pricing Power**

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Freight rail rates have already risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately consumers in the prices of everyday goods.

**Service Reliability**

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's record warrants scrutiny:

- UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control.
- In 2022, the Board issued emergency service orders in response to inadequate UP service to Foster Farms.
- Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

**Lessons from Past Mergers**

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, caused substantial service disruption. After the UP–SP merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country, and with fewer competitors, those shippers would have nowhere else to turn.

**Broad Opposition and the Board's Standard**

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as its major merger standards require. The evidence indicates that this merger would do the opposite.

## Rail Workers and the "Jobs for Life" Promise

### What the Guarantee Actually Says

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story:

- The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, which can override the agreements now in effect on the pre-merger properties.
- The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred.
- An employee whose job is moved must follow it, potentially hundreds or thousands of miles across a 43-state system, or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

### No Protection for Workforce Size

- UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability.
- At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections.
- UP has reserved the right to change the guarantee itself based on post-merger traffic or performance.

In practice, the "guarantee" lets the combined railroad shrink its workforce steadily through attrition while forcing remaining employees to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

## State and Regional Impacts

Texas's freight network is anchored by highway, rail, and waterborne routes that connect industrial centers, ports, and border crossings. Texas moves billions of tons and trillions of dollars of freight annually, according to TxDOT, making it a critical link in the global supply chain.

### Major Freight Corridors

- **I-45:** Links Houston, Dallas–Fort Worth, and San Antonio, moving manufactured goods, energy products, and agricultural commodities.
- **I-35:** Connects Austin, San Antonio, and the Gulf Coast, supporting regional trade and logistics.
- **I-20 and I-10:** North–south and east–west arteries linking major metro areas and ports.
- **Border freight lanes:** Laredo, Eagle Pass, El Paso, and Brownsville crossings are critical for U.S.–Mexico trade.

### Ports and Intermodal Terminals

Texas hosts major Gulf Coast and inland ports, and has over 100 intermodal facilities connecting trucks, rail, and ships.

- **Port of Houston:** Largest U.S. port by container volume, with deepwater facilities for global trade.
- **Port of Corpus Christi:** Key for energy exports and agricultural goods.
- **Port of Brownsville:** Major cross-border freight gateway.
- **Houston Ship Channel:** Supports petrochemical, energy, and manufacturing supply chains.

- **Houston Intermodal Terminal and Dallas–Fort Worth Intermodal Terminal:** Major hubs for container, bulk, and regional rail-truck distribution.
- **Inland ports:** Rio Grande Valley and Permian Basin facilities provide direct ship-to-rail transfers.

**Rail Service and Freight**
Texas leads the U.S. in freight rail mileage (10,340 miles) and freight rail employees.

- **Top originated commodities:** chemicals, nonmetallic minerals, petroleum products, steel, stone, and intermodal cargo.
- **Top terminated commodities:** coal, crushed stone, plastics, motor vehicles, corn, ethanol, and wheat.
- **Border rail hubs:** Laredo, Eagle Pass, El Paso, and Brownsville handle large volumes of U.S.–Mexico trade.

**Agricultural and Energy Markets**
Texas's freight system supports major agricultural exports (corn, wheat, cotton, livestock) and energy commodities (crude oil, refined products, LNG, natural gas).

- **Agriculture:** Rail and truck networks move farm products to processing plants, ports, and export terminals.
- **Energy:** Rail and pipeline systems move crude, refined products, and chemicals to Gulf ports and domestic markets; LNG export terminals (e.g., Sabine Pass, Port Arthur) integrate with port and rail infrastructure.

**In summary:** Texas's freight corridors, ports, intermodal hubs, and rail networks are strategically positioned to serve energy, agriculture, manufacturing, and trade markets, with ongoing investments, guided by the 2027 Texas Freight Mobility Plan, aimed at enhancing efficiency, resilience, and economic impact.

## Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.
Respectfully submitted,

**Ben Wright**
State Legislative Board Chairman
Texas State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
Benwright@txslb.org
817-613-7244

*Brotherhood of Locomotive Engineers and Trainmen*
*A Division of the Rail Conference-International Brotherhood of Teamsters*
**General Committee of Adjustment - UPRR Central Region**
**Kyle Bagby – General Chairman**
**BLET Hazelwood Office, 320 Brookes Drive-Suite 115, Hazelwood, MO 63042 Phone 314-895-5858**
**Email – genchairupcr@gmail.com**

S.D. Thibodeau
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B.J. Young
SECRETARY-TREASURER

**COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER**

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) Union Pacific–Central Region General Committee of Adjustment, representing more than 1,500 members in 19 Divisions. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

I submit these comments in opposition to the proposed Union Pacific Railroad (UP)–Norfolk Southern Railway (NS) merger because of its serious implications for railroad employment, collective bargaining rights, workforce stability, and safe operations.

## Workforce Reductions and Employment Commitments

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

### Limitations of "Jobs for Life"

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

### Collective Bargaining Agreements and Seniority

Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

### Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

### Staffing, Experience, and Safe Operations

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone.

Service did not return to normal until August 1998. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

**Lessons of the 1996 Union Pacific–Southern Pacific Merger**

I was working as a locomotive engineer when Union Pacific and Southern Pacific combined in 1996, and I personally lived through the consequences of that transaction. My concern about another major consolidation is therefore not theoretical. The service interruptions and deterioration in operating conditions that followed the UP–SP merger demonstrated the consequences when operational integration moves faster than the railroad's ability to provide sufficient crews, facilities, and dependable service.

The historical record independently confirms the severity of that experience. During integration in 1997, congestion that began in the Houston and Gulf Coast area spread across the western rail network, causing extensive delays and disruptions that continued into 1998. The Surface Transportation Board conducted hearings, required operational reporting, and issued emergency service orders. See Union Pacific/Southern Pacific Merger, Finance Docket No. 32760, and Rail Service in the Western United States, Ex Parte No. 573; see also U.S. General Accounting Office, Railroad Regulation, GAO/RCED-99-93 (1999), ch. 5.

Safety suffered as well. In its rulemaking concerning safety integration plans, the Federal Railroad Administration described how post-merger workforce reductions of 1,500 or more employees, inadequate infrastructure and equipment, and increased traffic contributed to congestion, overworked supervisors and train crews, greater exposure to injuries and incidents, and an increase in accidents and incidents. FRA attributed that increase to management decisions emphasizing labor consolidation, operating efficiencies, and productivity goals. See 63 Fed. Reg. 72225 (Dec. 31, 1998), Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, Acquisitions of Control, and Start Up Operations.

In 1997, two locomotive engineers were killed while on duty on the territory where I worked. On July 2, 1997, Brother Michael E. Brown, a member of BLE Division 81, died in a collision involving two Union Pacific freight trains at Kenefick siding near Delia, Kansas. The National Transportation Safety Board investigated that collision in Railroad Accident Report NTSB/RAR-99/04. Its findings addressed the failure to stop at a signal and deficiencies in safety defenses, including crew resource management and measures to prevent or mitigate train collisions.

On December 11, 1997, Brother J. L. "Joe" King, also of BLE Division 81, was killed on duty in Topeka, Kansas, when he was struck by a passing train during switching operations. His death is documented in the Federal Railroad Administration's 1997 Railroad Employee Fatalities report.

These were not abstract statistics to those of us working on the railroad. They were fellow locomotive engineers who reported for duty and never returned home. I do not claim that federal investigators determined that the merger directly caused either fatality. Nevertheless, these deaths occurred during the difficult post-merger period that I personally experienced, and the documented safety issues in the Kenefick investigation underscore the need for independent scrutiny of the Applicants' integration plans.

The Board should require detailed, independently verifiable safeguards addressing staffing, fatigue, employee training, territorial qualification, crew resource management, and operating changes, with meaningful oversight before and throughout any integration. The experience of 1997 demonstrates why employee safety cannot be treated as a secondary consideration or left solely to promises of post-approval efficiency. (See NTSB Railroad Accident Report NTSB/RAR-99/04; FRA, 1997 Railroad Employee Fatalities.)

These findings are particularly relevant to the present application. The Applicants' anticipated operating efficiencies, crew-district changes, work transfers, and staffing assumptions must be tested against the demonstrated risk that merger-related workforce reductions and rapid operating changes can impair both service and safety. The Board should require a detailed, independently reviewable integration and staffing plan; an FRA-reviewed safety integration plan; specific measures for crew qualification, fatigue, training, and terminal capacity; and enforceable performance and safety monitoring before approving any transaction of this magnitude. After-the-fact oversight alone did not prevent the serious disruptions following the 1996 merger.

### Market Power and the Public Interest

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

**Central Region GCA — Specific Territorial and Contractual Impacts**

For the more than 1,500 members in the 19 Divisions represented by this General Committee, the proposed merger raises immediate questions about the preservation of existing work and negotiated protections. Our GCA administers negotiated agreements governing seniority, crew assignments, extra boards, terminal operations and the allocation of work. Although the Applicants have not established every specific operational change that would affect our territory, the proposed combination raises concrete questions about whether existing Central Region work and contractual protections would be preserved.

Changes to the combined railroad's operating structure could directly affect the seniority and terminal rights our members rely upon. Any consolidation of terminals, rerouting of trains, changes to interchange operations, or integration of crew districts could change where Central Region engineers report, which employees are entitled to particular assignments, and which seniority rosters control the work. Shifting work outside existing districts could also complicate the GCA's responsibility to enforce agreements and represent affected employees. The Applicants should identify proposed changes by terminal, seniority district, and assignment. Any resulting implementation must recognize and preserve the Organization's right to select the applicable collective bargaining agreement; that selection is not a decision for the Applicants.

The effects of the merger must also be measured by what happens to existing crew pools, extra boards, and terminal-specific calling arrangements. New through routes or traffic diversions may reduce starts at one terminal while increasing demands elsewhere. Such changes can affect earnings, time away from home, qualification requirements, and the order in which employees are called. They may also produce disputes about whether work belongs to a particular board or district. The Applicants should disclose projected crew starts, terminal changes, board adjustments, and qualification needs before implementation, with meaningful opportunities for the affected General Committees to review those plans.

The March 21, 2001 Revised Standards for Preemption of Collective Bargaining Agreements provide an important contractual limitation on merger-related changes. Under the Consolidation or Coordination provisions, where the affected work is covered by two or more collective bargaining agreements, the involved Organization or Organizations may select which of those agreements will govern. The Applicants do not possess that selection right. If a single agreement is not selected within the applicable New York Dock negotiating period, the agreement provides for selection by an arbitrator based on the agreement most beneficial to the affected employees. (Consolidation or Coordination, paragraph 2, pages 4–5.)

The same standards limit the extent to which an agreement selected by the Organization or arbitrator may be modified, and they prohibit treating consolidation or coordination as authority to impose a system-wide collective bargaining agreement. A proposed change in seniority district size requires the Carrier to demonstrate operational justification and a public transportation benefit in light of the impact on employees. Employees retain seniority dates on territory where previously held, and they cannot be forced to a new location until they have exhausted seniority at their home location. (Consolidation or Coordination, paragraph 1, pages 3–4; paragraphs 2 and 5, pages 4–5.)

The standards also distinguish a consolidation or coordination from a defined transfer of work. For a qualifying transfer of work more than 30 miles to another location, the agreement applicable at the receiving location governs; seniority integration remains subject to the specified agreement and dispute-resolution procedures. The Organization does not contend that its selection right applies identically to every possible line sale, trackage-rights grant, or transfer. Instead, the Applicants must identify the actual operational change and the governing contractual process before asserting that any existing agreement may be overridden. (Transfer of Work, paragraphs 1–3, page 6.)

These protections are especially material to the possible consolidation of Kansas City–Jefferson City and St. Louis–Jefferson City operations, changes affecting West Labadie, and the potential diversion of existing UP work to CN or NS. The Board should require sufficient operating detail to determine whether a proposal constitutes consolidation or coordination, a transfer of work, or another transaction, and should not treat merger approval as permission to disregard the applicable contractual standards.

These operational changes must be evaluated within the framework of the collective bargaining agreements already in force. Our GCA should not be required to accept changes to seniority, board jurisdiction, crew districts, or working conditions merely because the Carrier characterizes them as operational integration. Any proposed implementing agreement must be evaluated against the existing contractual rights of the affected employees and the applicable statutory process. A general promise of continued employment cannot substitute for the preservation of negotiated rights or adequate protections against forced relocation and loss of earnings.

**Canadian National Trackage Rights in Kansas City and St. Louis**

The potential redistribution of railroad work in our territory is further complicated by an agreement between Union Pacific and Canadian National (CN) associated with the proposed merger. Under the July 22, 2026 agreement, subject to STB approval and consummation of the merger, CN would obtain rights to serve customers between Kansas City and St. Louis, use of Union Pacific's Neff Yard in Kansas City, and Norfolk Southern's ownership interests in the Kansas City Terminal Railway Company and the Terminal Railroad Association of St. Louis. CN has also identified proposed overhead trackage rights between Tuscola, Illinois, and East St. Louis, Illinois. These are not merely abstract competitive remedies; they may change the railroad operations and assignments in and around terminals where our members work.

Approximately 1,000 locomotive engineers in the Kansas City and St. Louis areas combined could be affected by these changes. This substantial concentration of represented employees makes it especially important that the Board examine how proposed trackage rights, terminal restructuring, and the contracting or transfer of railroad operations could affect existing crew assignments, seniority rights, and negotiated working conditions. The Organization does not suggest that all 1,000 engineers will be displaced; rather, their potential exposure warrants a specific assessment of employment and work-jurisdiction impacts in both terminal areas.

The Board record provides a specific documentary basis for this concern. The Applicants submitted the July 22, 2026 binding settlement memorandum of understanding with CN in their July 27, 2026 supplemental filing (UP-80/NS-78, supplemental pages 202–211). CN subsequently described its anticipated responsive application in its September 9, 2026 filing (CN-30, STB Filing No. 312280). That filing identifies potential divestiture to CN of UP's Kansas City Line between Rock Creek Junction and Twelfth Street in St. Louis, with overhead trackage rights or haulage arrangements as alternatives, and a potential lease or acquisition of Neff Yard, in whole or in part, with a purchase option. These are proposed merger-related arrangements, not completed transfers or rights already granted by the Board. The July settlement and CN's later filing must be examined together, including any differences between the settlement framework and the specific relief CN ultimately seeks.

The proposed merger also raises a separate concern regarding the possible divestiture of a Kansas City–St. Louis rail route. The merger-related documents contemplate the potential disposition of one of the parallel routes serving these markets. The Organization understands that CN has identified acquisition of the route as a possible outcome, but does not represent that a sale to CN has been finalized or that a legally enforceable right of first refusal has been established. The Board should require the Applicants to produce the governing agreements and identify any preferential purchase, negotiation, or first-refusal rights granted to CN.

The consequences of such a transfer could be substantial. The Kansas City–St. Louis corridor is currently operated through separate Union Pacific crew districts between Kansas City and Jefferson City (approximately 160 miles) and between St. Louis and Jefferson City (approximately 133 miles). A successor operator could seek to move traffic over a single longer crew district, potentially eliminating existing UP crew starts and changing the work performed by engineers in both terminals.

West Labadie illustrates the contractual consequences. According to the Organization's operational analysis, the Kennis Awards and the separation of existing seniority districts have prevented Union Pacific from eliminating an additional crew start at Jefferson City. A transfer of the route to another

carrier could create an opportunity to establish a single Kansas City–West Labadie crew district and achieve through a transaction an operating arrangement that UP has not secured through negotiations. The Board must examine whether such a result would undermine existing bargaining rights and negotiated crew district protections.

The Organization also identifies a potential effect on coal traffic moving from the Powder River Basin through Kansas City and St. Louis to the Metropolis, Illinois, and Paducah, Kentucky, area. UP currently handles portions of this movement through existing crew districts, including St. Louis Pool 1. From approximately 2005 to 2010, UP delivered coal trains to CN in St. Louis for onward movement to the destination area. A new arrangement allowing CN to handle the traffic over a longer route could eliminate UP assignments even though the coal traffic itself continues to move.

The same risk extends to intermodal and manifest traffic. The Organization's route analysis identifies the possibility of Kansas City–Chicago intermodal traffic being shifted from UP's St. Louis–Joliet route to Norfolk Southern lines through Moberly and Springfield, Illinois. Kansas City–St. Louis manifest traffic currently destined for the Alton and Southern yard could likewise be rerouted over NS. Other operations, including the St. Louis–Pine Bluff and Memphis corridor, may face future transfer or contracting proposals. These are potential operating scenarios requiring disclosure and examination, not announced decisions by the Applicants.

The Organization's analysis identifies a scenario in which the transfer of UP's Tuscola, Illinois–Kansas City route could eliminate approximately 500 St. Louis Hub jobs and affect other employees in the area. That figure is a scenario-based estimate, not an announced reduction. Given that approximately 1,000 locomotive engineers work in the Kansas City and St. Louis areas combined, the Board should require a corridor-by-corridor and terminal-by-terminal accounting of jobs, crew starts, seniority rights, and work that could be transferred to CN, NS, or another operator.

The proposed CN rights could change the distribution of train and yard work, crew starts, extra-board utilization, seniority and territorial rights, and the administration of existing collective bargaining agreements. The granting of trackage rights to another carrier does not, by itself, establish which employees will perform each movement. That question must be answered with specific operating plans rather than assumptions about job creation or competitive benefits.

The Board should require the Applicants to produce the definitive agreements implementing the July 22, 2026 CN settlement; identify the precise route, ownership, operating, dispatching, yard-use, and haulage provisions sought in CN-30; and provide a before-and-after accounting of UP and CN train starts, engineer assignments, crew districts, extra-board requirements, and work at Neff Yard and along the Kansas City–St. Louis corridor. Any proposal to transfer ownership or operation of the line should be separately evaluated for its effect on existing collective bargaining agreements, seniority rights, and negotiated work protections.

To determine the actual impact on our members, the Board should require the Applicants and CN to identify the routes and terminals to be used; whether CN or UP crews will handle each category of movement; whether existing UP assignments or crew starts will be reduced, transferred, or reclassified; how Neff Yard and Kansas City and St. Louis terminal operations will be staffed; and whether changes will require new crew districts, qualification requirements, reporting points, or implementing agreements. The Board should also require disclosure of projected train volumes and crew starts by carrier, including the effect on Central Region pools and extra boards.

Any Board-approved trackage-rights arrangement must therefore include enforceable safeguards against using the transaction to avoid existing bargaining obligations. The Central Region GCA requests notice of and an opportunity to address operational changes affecting its territory, full disclosure of proposed crew and terminal arrangements, and preservation of applicable collective bargaining and employee protective rights, subject to the governing statutory process. The Board should not conclude that CN's expanded access is harmless to employees merely because it is presented as a remedy for shipper competition. Sources: CN–UP joint announcement, July 22, 2026; CN announcement of anticipated STB conditions, September 10, 2026.

1946 Local Freight Agreement — Six-Day Service and Protected Assignments

A further, concrete concern is the potential loss of local freight service maintained under the August 10, 1946 Memorandum Agreement between Missouri Pacific Railroad and the signatory labor organizations, commonly referred to as the 1946 Local Freight Agreement. Section 1 provides that local freight train service will operate over each covered subdivision six days per week, either daily or tri-weekly, with specifically identified exceptions. Section 8 permits adjustments to schedules and assignments to meet service requirements, but addresses reductions from daily to tri-weekly service while maintaining six-day coverage. These are negotiated service obligations, not merely forecasts of traffic or discretionary staffing targets.

The agreement also states that it continues in effect until changed or canceled as provided in the Railway Labor Act, as amended. The Organization has not agreed to surrender these protections. Union Pacific has sought relief from this agreement, and the Organization is concerned that transferring affected operations to CN could eliminate UP local freight assignments and avoid obligations that UP has been unable to modify through collective bargaining.

The historical purpose of the agreement reinforces the concern. A September 8, 1955 memorandum by General Chairman J. H. McDonald explains that the 1946 agreement followed earlier attempts to reduce local freight service and assign its work to other freight crews. The memorandum describes Section 8 as allowing schedule adjustments to meet service requirements, not as authorization to discontinue local freight trains when the service requirements justify their operation. This supporting memorandum is evidence of the Organization's contemporaneous understanding; it does not replace the executed agreement's terms.

The agreement protects local freight service on covered subdivisions rather than specifying a fixed headcount. Nevertheless, removal of the service obligation could put existing engineer assignments and their associated work at risk. The precise effect of a CN purchase, lease, trackage-rights arrangement, or other transfer depends on the affected subdivisions, the transaction structure, and applicable labor protections; the Organization does not assert that any such transfer has already occurred or that the 1946 agreement automatically binds CN.

Before approving any arrangement that could shift this work, the Board should require UP and CN to identify the covered subdivisions and currently operated local assignments; disclose the existing six-day schedules, crew starts, and staffing; explain which carrier would perform each local service after the transaction; and specify whether and by what enforceable mechanism the August 10, 1946 obligations would be preserved. The Board should also examine whether the proposed structure would permit the Applicants to circumvent the bargaining process by eliminating work protected under the

agreement. Merger-related employee compensation protections alone are not equivalent to preserving negotiated service obligations.

**Union Pacific Transfer of Kansas City Operations to Jaguar Transport**

The concern that existing Union Pacific work could be transferred to another operator is grounded in an arrangement Union Pacific has already made in Kansas City. In February 2025, Kansas City West Bottoms Railroad, LLC, a railroad under the Jaguar Transport Holdings ownership structure, filed to lease and operate UP-owned trackage adjacent to the KC Metro Big Mary Subdivision and the State Line Yard Tracks. The Surface Transportation Board filings specifically identify Kansas City West Bottoms Railroad as replacing Union Pacific as the operator of approximately 1.25 miles of rail line. See STB Finance Dockets FD 36834 and FD 36835; 90 Fed. Reg. 9943-44 (Feb. 19, 2025).

The scope of that arrangement was further described in Union Pacific's March 27, 2025 announcement, which stated that it had leased approximately four miles of track and 12 acres of property in central Kansas City to Jaguar Transport, which would provide local industrial rail service while UP concentrated on long-haul movements. This was an actual reassignment of railroad operating responsibility to a Class III carrier, not a hypothetical merger scenario. The published filings and announcement do not establish the number of Central Region locomotive engineer positions affected, and the Organization does not assign an unsupported figure. Nevertheless, the transaction demonstrates the mechanism by which existing UP operations can be placed under another carrier without the underlying rail traffic disappearing.

In light of this documented transfer, the Board should require the Applicants to disclose whether comparable arrangements are contemplated elsewhere in Kansas City or throughout Central Region territory, including the disposition of existing road, yard, and local assignments; the carrier whose employees would perform the work; changes to reporting points and seniority rights; and any proposed employee protective arrangements, while recognizing that the Organization selects the applicable collective bargaining agreement. A promise of continued employment elsewhere is not a substitute for examining whether established work and assignments are being transferred away from the employees who presently perform them.

Armourdale Yard and Rail Link Intermodal Ramp Switching

Another Kansas City development illustrates why expanded rail facilities do not necessarily translate into work performed by Union Pacific employees: in July 2025, Union Pacific opened its expanded Kansas City Intermodal Terminal at Armourdale Yard, replacing the former Neff Yard intermodal terminal. Union Pacific publicly described the facility as having approximately twice the capacity of the former terminal, with additional room for expansion. The Carrier has emphasized the importance of Kansas City to its intermodal growth plans.

Despite this investment, the Organization understands that Union Pacific contracted intermodal ramp switching at Armourdale to Rail Link, Inc., a Genesee & Wyoming company. The Organization requests that the Applicants disclose the terms and scope of this arrangement, identify which employees perform the ramp switching, and explain whether any work or positions previously assigned to Union Pacific employees were affected.

Considered together, the Jaguar Transport and Rail Link arrangements show how Union Pacific can expand or maintain railroad business while another operator performs part of the work. Jaguar assumed

local rail operating responsibility over UP trackage in Kansas City; Rail Link performs contracted intermodal ramp switching at the expanded Armourdale facility, according to the Organization's information. These examples raise substantial questions about whether projected traffic growth and employment assurances will preserve work for Union Pacific locomotive engineers.

These practices warrant a complete accounting, and the Board should require the Applicants to disclose all existing and proposed contracts, leases, or operating arrangements with outside railroads in Central Region territory, including Jaguar Transport Holdings and Rail Link, Inc.; identify the assignments and employees affected; and explain how the projected employment benefits of the merger account for work performed by other carriers or contractors.

Accordingly, the continued existence or expansion of railroad operations cannot be treated as meaningful employment protection if the work associated with those operations is transferred to outside companies rather than performed by the Carrier's own employees.

The same scrutiny must extend to projected operational savings and the possible loss of existing crew starts. A terminal-by-terminal analysis is necessary for Kansas City, St. Louis, and other affected Central Region locations. Projected traffic growth or newly created positions elsewhere cannot offset, without further examination, the loss of existing engineer assignments, road crew starts, or yard and local work within our seniority districts. The Applicants should disclose the operational changes underlying any claimed efficiencies, including changes to interchange traffic, yard activity, routing, and the distribution of assignments.

To assess these risks in practical terms, the Organization needs specific information about the proposed operations. Before reaching a public-interest determination, the Board should require an identification of each affected Central Region terminal, pool, extra board, seniority district, and crew district; projected pre- and post-merger crew starts and assignments; anticipated CN operations and crew responsibilities between Kansas City and St. Louis; proposed changes in terminal limits and reporting points; and any employee protective arrangements they propose. Where the Revised Standards give the Organization the right to select an agreement for consolidation or coordination, that choice belongs to the Organization, subject to the agreement's arbitration procedure—not to the Applicants. Without this information, the Organization cannot meaningfully assess whether the transaction would preserve work and negotiated protections for the members it represents.

These unresolved questions warrant direct scrutiny by the Board. Before approving this transaction, the Board should require the Applicants to identify all proposed changes affecting the Central Region GCA, including affected terminals and divisions; changes in seniority or work jurisdiction; projected crew starts and staffing by board; expected relocations; and any intended modifications to existing agreements. Those disclosures should distinguish firm plans from possible future changes and provide a meaningful basis for affected employees and their representatives to evaluate the consequences. Without that information, the impact on our GCA and its members cannot be adequately assessed. The Board should specifically require disclosure of any contemplated Kansas City–St. Louis line sale, the identity and rights of any prospective purchaser, and the projected consequences for existing Union Pacific crew districts, including the West Labadie, coal, intermodal, and manifest operations.

## Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



Kyle J. Bagby
General Chairman, Union Pacific–Central Region General Committee of Adjustment
Brotherhood of Locomotive Engineers and Trainmen

**BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN**

***General Committee of Adjustment, Union Pacific – Eastern District***

**7313 E. Winterberry St.**
**Wichita, KS 67226**

**Chad M Lambert**
General Chairman

**Cell: 316.259.5970**
**clambert@bleted.org**

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment, Union Pacific Eastern District (UPED), representing approximately 894 locomotive engineers and trainmen employed by Union Pacific Railroad across Nebraska, Wyoming, Colorado, Kansas, and Iowa. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

I submit these comments in opposition to the proposed Union Pacific Railroad (UP)–Norfolk Southern Railway (NS) merger because of its serious implications for railroad employment, collective bargaining rights, workforce stability, and safe operations.

I also write from personal experience. When the Union Pacific–Southern Pacific merger was approved, I was working as a trainman between Herington, Kansas, and Kansas City, Missouri. I saw firsthand what happened to the crews and the service when that integration outran the Carrier's ability to staff and operate its network, and I describe that experience below.

## Workforce Reductions and Employment Commitments

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain

workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

These projections also start from a baseline that is already too small. On our territory, we have found that Union Pacific does not have enough manpower today to staff the boards adequately to protect today's traffic, as described below. Any crew projection built on that baseline assumes a workforce the Carrier has not maintained even without a merger.

## Limitations of "Jobs for Life"

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic

terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

## Collective Bargaining Agreements and Seniority

Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

Our own territory shows why that scrutiny matters. Our work/rest board agreements place the responsibility for staffing those boards solely on the Carrier, and our implementation plans bar the Carrier from staffing one board at a lower level only to have it supplemented by another. Union Pacific does exactly that on a recurring basis, as described below. If the Carrier will not honor the agreements it has today, the Board should not rely on implementing agreements that have yet to be negotiated to protect our members after the merger.

## Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our Committee, this is not a hypothetical concern. We have already lived through a merger-related line abandonment. Before the Union Pacific–Southern Pacific merger, the line between Pueblo, Colorado, and Herington, Kansas, carried the through traffic of the Denver and Rio Grande Western Railroad, and later Southern Pacific, under trackage rights granted as a condition of the 1982 Union Pacific–Missouri Pacific merger. That line was operated under Automatic Block Signal (ABS) and Track Warrant Control (TWC) rules, trains could run at maximum speeds of 60 miles per hour, and the track was maintained to support those speeds. As part of the Union Pacific–Southern Pacific merger, this Board approved Union Pacific's abandonment of the 122.4-mile segment of that line between Towner and North Avondale (NA) Junction, Colorado (Docket No. AB-3 (Sub-No. 130)), and the State of Colorado purchased that

segment from Union Pacific in 1998. Union Pacific moved the line's traffic north to its Kansas Pacific (KP) line, which runs east out of Denver to Topeka, Kansas.

The KP line was not ready for that traffic. Between Denver and Salina, Kansas, it was operated as dark territory under Track Warrant Control, with a maximum train speed of 49 miles per hour. Because of the lack of maintenance on that segment, many trains operated at 10 miles per hour for many miles, including one 10-mile-per-hour stretch that ran for 80 miles, and those conditions lasted for two to three years. It was not uncommon for it to take four crews to move a single train from Sharon Springs, Kansas, to Salina, Kansas, a distance of roughly 242 miles. Those delays did not fall on crews alone. Every train held to 10 miles per hour, or waiting on a fresh crew, was carrying a customer's freight, and those customers waited along with it.

The effects of that abandonment on customers are still being argued today. In a lawsuit filed in January 2026 against Union Pacific and the Kansas and Oklahoma Railroad, which remains pending, Weskan Grain, the Colorado Pacific Railroad, and Kansas and Colorado farmers allege that while the Towner line was unusable, shippers had to send their grain east to a Union Pacific line and then back west, adding miles and cost. They further allege that after the line was restored, the railroads used interchange charges to keep shippers from using it. Union Pacific denies those allegations, and no court has ruled on them. We note the case only because it shows how long the consequences of a merger-related abandonment can follow the shippers and communities that depend on the line.

Our members paid the price. Engineers whose home terminal was Hoisington, Kansas, had to relocate to Salina, Kansas, to keep working. With that history, we fear something similar could happen as a result of this merger: lines sold or abandoned, traffic shifted onto routes that are not prepared for it, and engineers forced to uproot their families to follow the work.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should, at a minimum, condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

## Staffing, Fatigue, and Safe Operations

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

Union Pacific is not meeting that standard today. On our territory, the problem is most acute on the corridor between the Omaha Metro Complex and Cheyenne, Wyoming. Instead of keeping enough engineers on its work/rest boards, the Carrier routinely covers its shortages by cross-protecting and supplementing those boards with engineers from other boards. When a board is understaffed and another board is used to fill its vacancies, the engineers on the supplementing board are drawn away from the work their own board was established to protect, and that work in turn falls to someone else.

This is a safety problem, not just a contract problem. These boards have no set on-duty time, and engineers are called on two hours' notice. When the boards are improperly staffed, engineers cannot know when their service will be needed. That makes it difficult for an engineer to plan rest and be properly rested when called, resulting in a fatigued engineer at the controls of a train.

Since July 2026, our General Committee has repeatedly put the Carrier on written notice of this recurring pattern and has requested board adjustments. Unfortunately, the Carrier sees nothing wrong with how it is staffing these boards, despite our repeated objections. This problem is not limited to our territory; several Union Pacific General Committees are now jointly documenting the same practice on their properties.

Union Pacific has taken the Precision Scheduled Railroading (PSR) model of doing more with less to a new level. If the Carrier will not adequately staff its existing network today, the Board should not accept its assurance that it will staff a combined network covering 43 states while handling more traffic.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

## Lessons from the Union Pacific–Southern Pacific Merger

The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. Service did not return to normal until August 1998.

I saw the same thing firsthand in Kansas City. Shortly after the merger took effect, Union Pacific began consolidating its operations, and the Kansas City terminal was one of the locations where that occurred. Union Pacific moved much of its switching work out of the SP yard and over to its

18th Street and Neff yards. As a result of those decisions, trains began to be held outside of Kansas City for long periods of time.

It became so common that crews on our run would ask the westbound trains we met where the line of trains waiting to get into Kansas City began. Many times, the answer was somewhere between Lawance, Kansas, and Topeka, Kansas (approximately 60 miles west of Kansas City). I remember one trip in particular. We had just departed our home terminal of Herington, and the dispatcher put us in the first siding east of there, White City. When we asked the first train we met where the line began, the crew told us we had found it. Trains were lined up from Kansas City to White City (approximately 135 miles), trying to get into the Kansas City terminal. At its worst, a crew would deadhead to their train, get on it, and never move. Sometimes the Carrier relieved crews before they reached their hours-of-service limit, but other times they did not, and crews remained on their trains well past the hours-of-service limit, waiting for relief.

The Applicants now propose a similar consolidation in the same terminal. Their Amended Application calls for consolidating the manifest work now handled at Norfolk Southern's North Kansas City Yard into Union Pacific's 18th Street Yard, with North Kansas City retained for local trains and traffic shuttled between the two yards. The Operating Plan also identifies 18th Street as one of the manifest yards expected to see an increase of 126 cars per day (Amended Application, Vol. 2, Operating Plan ¶ 882). Individuals familiar with the operations at 18th Street Yard have told us that the yard is already operating at or near its capacity. Kansas City also sits on one of the main east-west routes identified in the merger application. If this consolidation fails the way the last one did, the delays will not stay inside the terminal. They will back up across the lines our members operate, just as they did after the Union Pacific–Southern Pacific merger.

Nor is this only history. On May 6, 2022, this Board ordered Union Pacific and Norfolk Southern, along with BNSF and CSX, to file service recovery plans. On June 13, 2022, the Board directed those carriers to correct deficiencies in their plans and to report their monthly progress in increasing the size of their workforces. On June 17, 2022, the Board issued an emergency service order directing Union Pacific to meet specific service commitments to a single shipper, Foster Farms. Both Applicants have already struggled to staff and serve their separate networks. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

## Market Power and the Public Interest

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

## Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. What I saw after the last merger, and what our members experience today, tell me that the Applicants' assurances should not be taken at face value. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Chad M Lambert

General Chairman-BLET
UP/Eastern District

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

*General Committee of Adjustment, Union Pacific – Southern Region*

835 SW Alsbury Blvd., Suite H
Burleson, TX 76028
Office: 817.439.7140
Fax: 888.202.7756
gcoffice@bletsr.org

**GENERAL CHAIRMAN**
Scott Alexander

**VICE GENERAL CHAIRMEN**
John Prokop
Tyler Gray
Kevin DeArment
Randy Willis

**SECRETARY-TREASURER**
Jason Ogden

**COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER**

**Surface Transportation Board | Finance Docket No. 36873**

November 17, 2026

Chairman and Members of the Board:

I serve as General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET) General Committee of Adjustment Union Pacific – Southern Region, representing approximately 1,580 locomotive engineers and trainmen employed by Union Pacific Railroad across portions of Texas, Oklahoma, Louisiana, Arkansas, and Kansas. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing wages, seniority, assignments, and working conditions.

I submit these comments in opposition to the proposed Union Pacific Railroad (UP)–Norfolk Southern Railway (NS) merger because of its serious implications for railroad employment, collective bargaining rights, workforce stability, and safe operations.

**Workforce Reductions and Employment Commitments**

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own

CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

**Limitations of "Jobs for Life"**

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

**Collective Bargaining Agreements and Seniority**

Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of

work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

**Line Sales and Smaller-Railroad Transfers**

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

**Staffing, Experience, and Safe Operations**

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended

Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. Service did not return to normal until August 1998. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

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The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

**General Committee and Territorial Impacts**

Our General Committee represents approximately 1,580 locomotive engineers on Union Pacific Railroad throughout Texas, Oklahoma, Louisiana, Arkansas and portions of Kansas, including the Dallas/Fort Worth, Houston, San Antonio, Shreveport, and New Orleans areas, as well as the international gateways at Laredo and Eagle Pass. Our collective bargaining agreements govern seniority rights, crew districts, terminal operations, work assignments, and related working conditions.

The proposed merger raises significant concerns regarding the potential elimination, consolidation, and realignment of locomotive engineer positions throughout our territory. The Applicants' Operating Plan identifies projected reductions in yard activity at Dallas, Fort Worth, San Antonio, and Houston, as well as the consolidation and rerouting of interchange traffic in New Orleans and surrounding terminals. These changes could result in abolished yard and local assignments, reduced road crew starts, displacement of locomotive engineers, and the transfer of existing work between terminals.

Additionally, proposed changes to through-freight operations involving Shreveport, the Meridian Speedway, and Mexico traffic moving through Laredo, Eagle Pass, and San Antonio raise concerns regarding the realignment or consolidation of existing crew districts, changes to home terminals, and potential employee relocations. The Applicants also expressly contemplate future changes to crew districts and terminal limits while identifying substantial savings from reduced road, yard, and local crew requirements.

Although the Applicants project increased traffic following the merger, the number of locomotive engineer positions that may be eliminated, displaced, or relocated within our territory must be evaluated against the existing collective bargaining agreements, seniority districts, and established work assignments. The Organization maintains that projected systemwide traffic growth should not obscure the potential loss of existing positions or adverse changes to the working conditions and contractual rights of our members.

**Conclusion**

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



Scott Alexander
General Chairman
BLET UPSR GCA

**Brotherhood of Locomotive Engineers & Trainmen**
Union Pacific Western Lines & Pacific Harbor Line, Inc.
1902 Orange Tree Lane, Suite 110
Redlands, CA 92374
(909) 792-1200
(909) 792-1211 FAX

B.P. Carr
General Chairman

**COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER**

**Surface Transportation Board | Finance Docket No. 36873**

November 16, 2026

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**General Committee and Territorial Impacts**

As General Chairman of the Brotherhood of Locomotive Engineers and Trainmen (BLET), Union Pacific Western Lines and Pacific Harbor Lines General Committee of Adjustment, I represent locomotive engineers and trainmen working throughout Union Pacific's western territory and on Pacific Harbor Line. Our General Committee negotiates, administers, and enforces collective bargaining agreements governing seniority, crew assignments, compensation, working conditions, and other employment rights.

Our committee has firsthand experience with the workforce and operating challenges already confronting Union Pacific employees. Those challenges include inadequate staffing, shortages in available extra-board personnel, disputes over vacancy procedures, and the

difficulty of obtaining predictable work and rest. The proposed merger raises serious questions about whether these existing problems will be addressed or compounded by the integration of another Class I railroad.

Our committee has repeatedly raised concerns about insufficient staffing and the Carrier's reliance on employees from other assignments to cover vacancies. At Tucson, Arizona, for example, we have addressed ongoing staffing and balancing concerns involving the RE72 pool, including repeated cross-protection of assignments. These issues affect the predictability of work, the availability of rest, and the ability to maintain adequate coverage without disrupting other assignments.

Our committee has also raised staffing and vacancy concerns at locations including Yermo and Dunsmuir, California, and elsewhere in our territory. These are existing operational concerns, not consequences we attribute to the proposed merger. They demonstrate why the Board should require a specific and enforceable plan to maintain sufficient qualified locomotive engineers at each affected terminal, rather than relying on systemwide employment projections.

A promise to avoid involuntary furloughs does not, by itself, maintain adequate staffing. If positions vacated through retirement, resignation, or other departures are not filled, the workforce can shrink even while the remaining employees are told their jobs are protected. Fewer available employees may mean more disruptions to assignments, increased reliance on cross-protection, and greater difficulty obtaining time away from work.

Our concern is that the Applicants' proposed employment assurances do not adequately address staffing at individual terminals or guarantee replacement of departing employees. The Board should distinguish continued employment somewhere on a combined system from maintaining the qualified workforce necessary to perform the work where it exists.

Existing collective bargaining agreements establish seniority districts, crew districts, terminal rights, assignments, and related working conditions. Changes to terminals, the redistribution of traffic, or the elimination or transfer of assignments can have consequences far beyond the number of jobs shown in a systemwide projection.

An engineer who must exercise seniority at a distant location to remain employed has not necessarily been protected from the hardship of the transaction. Our members have established their homes and family lives around the assignments and rights earned over years of railroad service. Any integration plan must be examined for its specific effects on those rights and on the communities in which employees live.

My concerns about the proposed Union Pacific–Norfolk Southern merger are informed not only by my responsibilities as General Chairman, but also by my own experience as a locomotive engineer who lived through the Union Pacific–Southern Pacific merger.

Following that merger, all of the railroad jobs at my location were moved to Roseville, California. I did not have sufficient seniority to hold an assignment at my existing location. To continue my railroad career, I had to move my family nearly 100 miles. My wife had to leave her job, and my daughter had to leave her school and attend a new one.

Those changes affected far more than my work assignment. In addition to leaving our home and community, we left behind my mother and father and my brother, as well as my wife's parents and brother. We lost the everyday closeness and support of our extended families. Although I continued working, that did not erase the loss of my wife's employment, the disruption to my daughter's education, the separation from our families, or the personal and financial burden placed on our household.

I know firsthand that the availability of another railroad position is not the same as protecting an employee's established livelihood. As General Chairman, I am concerned that the members I represent could be placed in similar circumstances if assignments are moved or abolished as a result of this proposed merger. The Board should evaluate the real effects of forced relocation on employees and their families, not merely whether an employee remains on the payroll.

Our committee is involved in significant disputes with Union Pacific over implementation and enforcement of negotiated work and rest provisions, including the 11/4 Work/Rest Agreement. We have sought implementation at locations such as Dunsmuir and Yermo, where our organization has maintained that the relevant cross-protection issues should not prevent implementation.

Our committee has also challenged vacancy practices involving the use of conductors to cover locomotive engineer work before available qualified engineers have been exhausted. These disputes illustrate the importance of enforceable agreements and the practical difficulties of resolving staffing and assignment issues under the current operating structure. The proposed merger could introduce additional complexity involving assignments, terminal rights, and crew operations before existing disputes have been resolved.

Adequate staffing is a safety issue as well as an employment issue. Locomotive engineers must safely operate long and heavy trains, often across demanding terrain and through busy terminals. Shortages and unpredictable assignments can interfere with meaningful rest and make it harder to maintain reliable operations.

The Applicants should be required to explain how they will preserve adequate staffing, qualification, training, and opportunities for rest at individual terminals while implementing their proposed operating changes. Efficiency projections alone do not establish that the resulting staffing levels will be safe or sustainable.

Our General Committee is concerned that the proposed merger could be used to justify terminal consolidations, reassignment of work, reductions through attrition, or transfers of operations that adversely affect existing seniority rights and collective bargaining protections. We seek meaningful, enforceable assurances concerning staffing, home terminals, crew districts, existing agreements, and the treatment of employees whose work is transferred or abolished.

The experience of our members with present staffing and contractual disputes, together with my personal experience during the Union Pacific–Southern Pacific merger, demonstrates why a general promise of continued employment is not sufficient. Before approving a transaction of this magnitude, the Surface Transportation Board should carefully examine the specific territorial effects on locomotive engineers and trainmen and the practical protections available to them and their families.

**Conclusion**

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Brian Carr

Brian Carr
General Chairman
UPWL & PHL GCA

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN
*General Committee of Adjustment, Union Pacific – Western Region*

1804 Washington Avenue
La Grande, Oregon 97850
Cell: 541.993.1274
gcoffice@wrgca.com

**GENERAL CHAIRMAN**
William Wallace

**VICE GENERAL CHAIRMEN**
Matt Keene
Cameron Towle
Jared Worthington

**SECRETARY-TREASURER**
Chad Holub

November 16, 2026

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**Surface Transportation Board | Finance Docket No. 36873**

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train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

### Limitations of "Jobs for Life"

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

### Collective Bargaining Agreements and Seniority

Our collective bargaining agreements govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

### Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and Freight Waves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

### Staffing, Experience, and Safe Operations

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

The Applicants also plan to run fewer crews on longer trains. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. The Applicants' operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Union Pacific–Southern Pacific merger shows how quickly an integration can overwhelm crews and service. Beginning in 1997, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. Shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. Service did not return to normal until August 1998. The Board should not approve an integration of far greater scale without a credible, enforceable plan to staff it.

## Market Power and the Public Interest

The merger's effects would also reach the shippers and consumers our members serve. The industry is already highly concentrated: in 1980, there were 33 Class I railroads, and today there are six, operating as a duopoly in most of the country. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many areas and giving it enormous leverage over customers in setting rates and service. Freight rail rates have already risen 44 percent over 20 years after adjusting for inflation, far outpacing trucking. With less competition, the combined railroad would face little pressure to restrain rates or to invest in reliable service and the crews needed to provide it.

## General Committee and Territorial Impacts

Our General Committee represents approximately 800 locomotive engineers and trainmen employed by the Union Pacific Railroad, Portland & Western Railroad, and Portland Terminal Railroad across five states. Our Committee administers and enforces collective bargaining agreements governing wages, working conditions, seniority rights, crew assignments, and other contractual protections affecting the employees we represent.

Our General Committee has already experienced firsthand the consequences of transferring Class I railroad operations to a short line carrier. This experience is particularly relevant to the concerns raised regarding the proposed Union Pacific–Norfolk Southern merger, the potential for additional short lining, and the limitations of the employment protections being offered by the Applicants.

On December 10, 2024, a filing was made to lease Union Pacific's terminal operations in Eugene, Oregon, to the Central Oregon & Pacific Railroad (CORP), a subsidiary of Genesee & Wyoming (G&W). This transaction preceded the July 29, 2025, announcement of the proposed Union Pacific–Norfolk Southern merger by more than seven months.

The transfer of these operations resulted in the displacement of locomotive engineers and trainmen who had been working in Eugene. These employees were required to exercise their seniority to continue working, in some cases as far north as Seattle, Washington, approximately 280 miles from their established terminal and homes.

This was not simply a change in which railroad operated the terminal. The employees did not lose their established assignments because the railroad work disappeared. Rather, their positions were displaced because Union Pacific elected to transfer the operation of that work to another carrier. The employees were then left to deal with the consequences of that business decision.

Engineers and trainmen who had established their homes, raised their families, and built their lives in the Eugene area were suddenly faced with the prospect of relocating hundreds of miles away simply to continue working. These employees and their families were given little or no advance notice to prepare for such a significant disruption. They were effectively placed in a position where they had to choose between

uprooting their families, maintaining separate living arrangements hundreds of miles from home, or potentially losing their ability to continue working in their chosen profession.

The financial and personal consequences of such displacement cannot be overlooked. Relocating a household, finding suitable housing, transferring children between schools, addressing a spouse's employment, and managing the financial burden of an unexpected move are not matters that can reasonably be resolved with little or no notice. Yet these are precisely the circumstances our members faced as a direct consequence of the transfer of railroad operations to a short line carrier.

This experience demonstrates a fundamental weakness in the Applicants' proposed employment assurances. The promise of continued employment does little to protect an employee who must relocate hundreds of miles to maintain that employment. An employee may technically remain employed while losing the established assignment, home terminal, and stability upon which that employee and their family have relied. The ability to exercise seniority elsewhere should not be confused with meaningful protection of an employee's existing employment and livelihood.

Although the Eugene transaction preceded the announcement of the proposed merger, it provides a concrete example of the consequences that can arise when Class I railroad operations are transferred to short line carriers. The proposed merger raises serious concerns that similar transfers could occur on a much broader scale. While the extent of any future short lining has not been established, the potential for additional sales or leases of railroad properties warrants careful examination, particularly given the consequences our members have already experienced.

Of additional concern is the recently announced restructuring of Genesee & Wyoming into three geographically distinct holding companies while remaining under common ultimate ownership. G&W already controls numerous Class II and Class III railroads, and this restructuring raises questions regarding how railroad classifications are determined when multiple carriers operate under common ownership and potentially coordinated operational control.

Under 49 CFR Part 1201, families of railroads operating as a single, integrated rail system are treated as a single carrier for classification purposes. While common ownership alone does not necessarily establish an integrated railroad system, the creation of separate corporate entities should not, by itself, determine whether those operations warrant separate classifications.

The Organization believes the Surface Transportation Board should examine whether the potential transfer of additional Class I railroad properties to commonly controlled short line carriers could result in operations being divided among multiple Class II and Class III carriers while continuing to function as part of a larger integrated railroad system. Such an examination should consider not only the regulatory classification of these carriers, but also the implications for collective bargaining agreements, seniority rights, employment protections, and regulatory oversight.

Our concern is not simply which railroad's name appears on the locomotive, or which corporate entity operates the property. Our concern is what happens to the employees whose work is transferred, whose

established assignments are eliminated, and whose families are forced to bear the consequences of decisions made without meaningful consideration of their livelihoods.

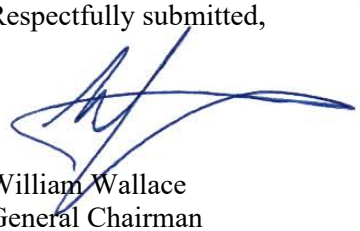
The experience of our members in Eugene demonstrates that these consequences are neither speculative nor insignificant. The Organization is not suggesting that short line railroads or their ownership by larger holding companies is inherently improper. However, the Board must consider whether approval of the proposed merger could facilitate additional transfers of railroad operations that would subject employees to the same hardships already experienced by our members.

Our General Committee has already witnessed what happens when Class I railroad operations are transferred to a short line carrier. Employees who had established their lives and families in one community were forced to seek employment approximately 280 miles away, with little or no advance notice, simply to continue working. Before approving a merger of this magnitude, the Board must examine not only the employment assurances offered by the Applicants, but also the potential consequences of future short lining and the protections that will be afforded to employees whose work may be transferred to another carrier.

## Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must consider railroad employees' interests and applicable labor protections. The availability of traditional protective conditions does not itself establish that this merger serves the public interest. The Applicants have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



William Wallace
General Chairman
BLET UPWR GCA

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

**November 17, 2026**

Chairman and Members of the Board:

I serve as First Vice President of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. In that role, I help the National President represent all our members working at freight, commuter, and passenger railroads throughout the United States. I also assist General Committees of Adjustment in negotiating and enforcing collective bargaining agreements, and I work with State Legislative Boards on safety and regulatory matters on behalf of locomotive engineers and trainmen on all the railroads across the United States. I have thirty-three (33) years of experience in the rail industry, including service as locomotive engineer, Local Chairman, General Chairman, Vice President and First Vice President.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to the jobs and collective bargaining rights of rail workers, to railroad safety, and to the shippers, consumers, and communities that depend on freight rail.

## Workforce Reductions and Employment Commitments

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

## Limitations of "Jobs for Life"

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee and every member it represents,

because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

### Collective Bargaining Agreements and Seniority

The collective bargaining agreements that BLET General Committees negotiate and enforce govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

### Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

## Railroad Safety, Staffing, and Operations

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that “UP/NS will increase train lengths of legacy NS trains,” a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. Integration itself also strains crews. After the Union Pacific–Southern Pacific merger, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination, and should not approve an integration of this scale without a credible, enforceable plan to staff it.

## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce, yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, and the four largest control

approximately 90 percent of the U.S. freight rail market. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country and giving it enormous leverage over customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less pressure to restrain rates, and those higher costs would pass through to farmers, manufacturers, energy producers, and ultimately American consumers.

Market power also weakens a railroad's incentive to provide reliable service. UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network. That same year, the Board issued emergency service orders in response to inadequate UP service to Foster Farms. Integration magnifies these risks. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone, and service did not return to normal until August 1998. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems, on a network where many captive shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that it would do the opposite.

## My Experience with Previous Rail Mergers

I have personally lived through the division of Conrail between CSX and Norfolk Southern (1999) as a locomotive engineer. After the merger took effect, CSXT had to hire hundreds of train and engine employees in 2000 and 2001 to meet the needs of service for the newly merged railroad. For years, CSXT could not move a train from point A to point B with just one crew. It took multiple crews to simply move a train a short distance of 130 miles. Many times, I would expire on the hours-of-service law, get minimum FRA rest at the hotel or my home, and be called to work the same train I left eight (8) hours earlier. This type of work was exhausting, especially so since there were no off days and the minimum required FRA rest was only eight (8) hours. It was about 2003, some four (4) years later, before the train and engine service employees work schedule returned to normal. Based on that experience, I am concerned that these same problems could recur, or be worse, on a combined UP–NS network of roughly 50,000 route miles across 43 states.

## Territorial, State, and Community Impacts

As First Vice President, I work with the General Committees and State Legislative Boards representing members on all the railroads in the United States. The merger could affect every freight, commuter and passenger railroad at some point once the operating plan of the merged railroad goes live. Our members working for the combined UP/NS network could have their agreements and seniority districts consolidated. The merged railroad could require hundreds of our members to relocate to keep their jobs and guarantee associated with their New York Dock protections. Train and engine service employees working inside the watershed area of the combined company, which includes Chicago, St. Louis, Kansas City, Memphis, Little Rock, and New Orleans, could be severely impacted as changes

are made by the new company. The rail lines that the new company deems of no value could be spun off to short-line railroads causing our members to have to make a choice of staying with the smaller railroad or relocate with the merged railroad. These types of decisions will have long lasting effects on the communities in which the member and his/her family leaves and on the one they relocate to with the new company.

Communities all along the route of the combined UP/NS network will see longer trains that will block crossings more frequently and for longer periods of time. This means emergency personnel could have difficulty responding in a timely manner to emergencies on the other side of the UP/NS railroad track. Community members and their kids could miss doctors' appointments, ballgames, school or important meetings due to a blocked crossing. The Board should take all of this into consideration before they make a final decision on the merger application.

### Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must evaluate the public interest, competition, and the interests of affected employees, including applicable labor protections. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation, and they have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. My own experience with previous mergers confirms that promises made at the outset of an integration are no substitute for enforceable protections. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,


## Garrison Best

Garrison Best
First Vice President
Brotherhood of Locomotive Engineers and Trainmen
best@ble-t.org

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 16, 2026

**Chairman and Members of the Board:**

I serve as Vice President of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. In that role, I am assigned to assist the General Chairmen along with being the director of the NRAB First Division on behalf of locomotive engineers and trainmen on CPKC, CNRR, IHB across the central United States. I have 39 years of experience in the rail industry, including service as locomotive engineer, various manager positions, local chairman, General Chairman, and now Vice President.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to the jobs and collective bargaining rights of rail workers, to railroad safety, and to the shippers, consumers, and communities that depend on freight rail.

## Workforce Reductions and Employment Commitments

Union Pacific has promoted a “Jobs for Life” commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers’ combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern’s own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the “guarantee” allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

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depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

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Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

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### Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

**Railroad Safety, Staffing, and Operations**

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that “UP/NS will increase train lengths of legacy NS trains,” a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. Integration itself also strains crews. After the Union Pacific–Southern Pacific merger, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination, and should not approve an integration of this scale without a credible, enforceable plan to staff it.

**Competition and Supply Chain Reliability**

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce, yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I

railroads; today there are six, operating as a duopoly in most of the country, and the four largest control approximately 90 percent of the U.S. freight rail market. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country and giving it enormous leverage over customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less pressure to restrain rates, and those higher costs would pass through to farmers, manufacturers, energy producers, and ultimately American consumers.

Market power also weakens a railroad's incentive to provide reliable service. UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network. That same year, the Board issued emergency service orders in response to inadequate UP service to Foster Farms. Integration magnifies these risks. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone, and service did not return to normal until August 1998. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems, on a network where many captive shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that it would do the opposite.

**My Experience with Previous Rail Mergers**

I have personally worked through the NS-CSX-CONRAIL (1999) merger, and I am currently assisting the General Chairman of CPKC in the aftermath of the CP – KCS merger (2023). I worked as a manager with NS in 1999 and as Vice President with the CPKC merger.

The NS/CONRAIL was an inherent disaster. Trains were lost; trains sit for weeks on day one the entire inventory was lost when they flipped the switch. One prime example was Toledo Ohio; a FORD auto parts train was lost for two-weeks blocking two major highways the entire time and no manager or dispatcher knew the train was there.

The CPKC merger was supposed to be an easier transaction. But, three years later, the management is declining New York Dock arbitration claims, enforcing Section 4 arbitration to take what they cannot obtain through negotiations, aggressively demanding operational changes through force instead of negotiations and next up is forced closure of terminals that will result in hundreds of employees uprooting their families just to stay employed or go seek other employment.

Mergers create unsafe networks with more trains, congestion, and derailments. As National Chairman of the BLET Safety Task Force, we send investigators to incidents that the NTSB sends teams. The data we have shown the two rail carriers with the most incidents are Union Pacific and Norfolk Southern. If this merger is allowed, the newly joined coast-to-coast railroad will be the most unsafe rail

carrier with 75% of the incidents in the U.S. A monster train traveling through one of the major cities on the most unsafe railroad, is another East Palestine waiting to happen.

### Territorial, State, and Community Impacts — Customize for Your Region

As Vice President, I work with the General Committees and State Legislative Boards representing members on CPKC, CNRR, IHB in central U.S. The merger could affect Chicago, the U.S. rail gateway, Kansas City, Memphis, and New Orleans directly. These locations will have to have implementing agreements where one side will be on the losing end of the Carrier's need for latitude around agreements. The so called "jobs for life" is a joke on the front to obtain verbal and written support from labor unions. But these lifetime jobs are also in the application that will be provided. But what is the job for life? Will it be at your current position, a different role somewhere else? No one in either NS or UP will answer that question on the record. Why not? They do not want the information released to the public. As seen in the public now, the UP will do anything to force this merger even to the point of threatening shippers. What else are they prepared to do to get their way? I cannot see a way to support this merger and the negative effects on workers, seniority, cities, and the safety of rail employees and communities.

### Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must evaluate the public interest, competition, and the interests of affected employees, including applicable labor protections. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation, and they have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. My own experience with previous mergers confirms that promises made at the outset of an integration are no substitute for enforceable protections. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



L. Randy Fannon

Vice President
Brotherhood of Locomotive Engineers and Trainmen
fannon@ble-t.org

276-698-4388

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 16, 2026

Chairman and Members of the Board:

I serve as Vice President of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. In that role, I assist General Committees of Adjustment in negotiating and enforcing collective bargaining agreements as well as participating in Public Law Boards and Mediation on behalf of locomotive engineers and trainmen on both Class 1 Railroads and Regional Railroads across a large portion of the United States. I have over 53 years of experience in the rail industry, including service as locomotive engineer, Local Chairman, General Chairman, and National Vice President.

I submit these comments in ***opposition*** to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to the jobs and collective bargaining rights of rail workers, to railroad safety, and to the shippers, consumers, and communities that depend on freight rail.

## Workforce Reductions and Employment Commitments

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

History also shows that merger employment projections understate the losses. In the Union Pacific–Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

## Limitations of "Jobs for Life"

Union Pacific's "Jobs for Life" offer is, in substance, an involuntary furlough agreement, not an employee protective arrangement. The guarantee is conditioned on employees accepting available work opportunities in accordance with applicable collective bargaining agreements and implementing agreements. That qualifier matters to every General Committee and every member it represents, because merger implementing agreements can override provisions of the collective bargaining

agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

### Collective Bargaining Agreements and Seniority

The collective bargaining agreements that BLET General Committees negotiate and enforce govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

### Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

## Railroad Safety, Staffing, and Operations

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that “UP/NS will increase train lengths of legacy NS trains,” a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. Integration itself also strains crews. After the Union Pacific–Southern Pacific merger, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination, and should not approve an integration of this scale without a credible, enforceable plan to staff it.

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Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that it would do the opposite.

## My Experience with Previous Rail Mergers

I have personally lived through / represented members through the Burlington Northern–Santa Fe merger (1995), as your role at the time a locomotive engineer, Local Chairman, General Chairman. Those railroads made all sorts of commitments and promises as to what the employees would gain from such a merger.

There are still lingering effects on the BN-SF merger.  There are members who had to relocate, exercise seniority elsewhere, or leave the industry; jobs abolished and not restored; congestion, service breakdowns, or crews held away from home or running out of hours; changes in safety practices. Based on that experience, I am concerned that the same problems could recur, or be worse, on a combined UP–NS network of roughly 50,000 route miles across 43 states].

## Territorial, State, and Community Impacts

As Vice President, I work with the General Committees and State Legislative Boards representing members on numerous railroads in several different states. The merger could affect terminals, yards, interchange points, crew districts, seniority districts, or lines at risk of sale or lease. [with that comes effects on members and agreements, such as relocation requirements, roster consolidations, or abolished assignments. In addition, these mergers created devastating effects on communities, such as major freight corridors, grade crossings, emergency access, hazardous materials routes, rail-served employers, ports, or intermodal terminals.

**Conclusion**

Under 49 U.S.C. §§ 11324 and 11326, the Board must evaluate the public interest, competition, and the interests of affected employees, including applicable labor protections. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation, and they have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. My own experience with previous mergers confirms that promises made at the outset of an integration are no substitute for enforceable protections. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Rick Gibbons
Vice President
Brotherhood of Locomotive Engineers and Trainmen
7126 N Norton Avenue, Gladstone, MO 64119
(216) 372-6263

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

**November 17, 2026**

Chairman and Members of the Board:

I serve as Vice President of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. Two of my primary responsibilities are to 1) assist subordinate bodies within the Brotherhood in the negotiation and enforcement of collective bargaining agreements and 2) to work with state legislative boards addressing safety and regulatory matters. I do such on behalf of locomotive engineers and trainmen at the Union Pacific Railroad, Pacific Harbor Line, Metra Railroad and Utah Railway. My jurisdiction spans across 23 states.[1] I have more than twenty-seven (27) years of experience in the rail industry, including service as a car cleaner and locomotive engineer. Prior to serving the BLET in my current capacity, I held positions as secretary-treasurer, local chairman and general chairman.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to the jobs and collective bargaining rights of rail workers, to railroad safety, and to the shippers, consumers, and communities that depend on freight rail.

**Workforce Reductions and Employment Commitments**

Union Pacific has promoted a "Jobs for Life" commitment and projected 1,200 net new union jobs by Year 3. Yet STB Form 1246 employment data show that the two carriers' combined union workforce fell from 73,128 in June 2016 to 50,153 in June 2026—a decline of 22,975 positions, or 31.4 percent. The promised 1,200 positions equal only about 5.2 percent of that ten-year reduction. Those projections are not binding: nothing requires UP to create the 1,200 jobs unless the Board imposes them as enforceable conditions.

*History also shows that merger employment projections understate the losses. In the Union Pacific–*Southern Pacific merger, UP told the Board to expect a net loss of 3,387 jobs, plus 2,132 jobs transferred to new locations. STB data show the combined workforce actually fell by 6,491 between January 1997 and December 2001, nearly twice the projection, even with New York Dock protections and five years of formal Board oversight.

Attrition is another critical issue. A promise not to furlough current employees does not maintain workforce levels if vacancies are left unfilled. Union Pacific has refused to commit to backfilling vacancies, and its proposal allows positions vacated through retirement, death, transfer, or disability to go unfilled. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition, while the employees who remain are forced to relocate to keep their jobs. The Board should not equate an employment assurance with an enforceable commitment to maintain sufficient qualified crews across the system.

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[1] AZ, AR, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NV, NM, OK, OR, TN, TX, UT, WA, WI and WY

told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

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**Surface Transportation Board | Finance Docket No. 36873**

11/17/2026

Chairman and Members of the Board:

I serve as Vice President of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. In that role, I am currently assigned to CSXT (CSX) and assist the four (4) General Committees of Adjustment in negotiating and enforcing collective bargaining agreements and work with State Legislative Boards on safety and regulatory matters on behalf of locomotive engineers and trainmen on CSX, Conrail Shared Assets, Terminal Railway Alabama State Docks, Indiana Rail Road, Winston-Salem Southbound Railroad and Maryland Area Regional Commuter (MARC)/Alstom across 25 states mainly east of the Mississippi River and Canadian provinces of Ontario and Quebec. I have 35 years of experience in the rail industry, including service as a brakeman, conductor, locomotive engineer, Local Chairman, and General Chairman.

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## Limitations of “Jobs for Life”

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agreements. That qualifier matters to every General Committee and every member it represents, because merger implementing agreements can override provisions of the collective bargaining agreements now in effect on the pre-merger properties. The value of UP's "guarantee" therefore depends on implementing agreements that have not yet been negotiated and that could rewrite the very terms our members rely on.

The Applicants' employee-impact exhibits contemplate both the creation and the transfer or abolition of jobs. The train crew exhibits identify 324 positions transferred or abolished and 1,648 created. An offer of a position at a distant location is not equivalent to preserving an engineer's current terminal, home, or livelihood. Under UP's offer, an employee whose position is transferred or abolished must relocate, potentially hundreds or thousands of miles across a 43-state system, or accept a different position to remain employed. An employee who cannot uproot a family must take a voluntary furlough and forfeit the guarantee altogether. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue. The Board should examine how many employees would be required to relocate, what happens if they cannot move, and whether the stated assurances are enforceable.

The offer also leaves UP free to revisit its own promise. It includes a clause allowing UP to change the guarantee based on post-merger traffic or performance, so the protection could weaken precisely when a disrupted integration puts employees at greatest risk. And where UP leases portions of the network to other operators, as it has indicated it will, the offer would allow UP to require employees to accept reduced earnings and benefits for the same work on the leased-off lines.

Attrition-based job security arrangements are not new to this industry. Earlier agreements covering locomotive firemen, including the 1972 national firemen's settlement and Article XIII of the 1985 national agreement, steadily reduced the workforce over time, yet even they contained provisions on training, promotion, and rehiring. UP's proposal omits even those basic terms. Projections and conditional promises are not protections. Only employee protective conditions imposed by the Board are enforceable and beyond the carrier's power to revise.

### Collective Bargaining Agreements and Seniority

The collective bargaining agreements that BLET General Committees negotiate and enforce govern seniority districts, assignments, terminal rights, crew districts, compensation, and working conditions. Integrating two Class I railroads may prompt disputes over seniority rosters, terminal consolidations, crew operations, and the distribution of work. These are substantive contractual issues, not mere administrative details. Traditional employee protections may provide compensation for certain transaction-related harms, but they do not necessarily preserve every assignment or contractual arrangement. The Board should scrutinize the Applicants' specific integration plans and their effects on existing agreements.

### Line Sales and Smaller-Railroad Transfers

Since the Washington Job Protection Agreement of 1936, railroads and their unions have protected or compensated employees affected by transactions between carriers, and the Board has historically imposed the New York Dock conditions in Class I mergers. The ICC Termination Act of 1995, however, created an exception for smaller carriers. Under 49 U.S.C. § 10902, employees affected by a line sale to a Class II carrier receive at most one year of severance pay, and those affected by a sale to a Class III carrier receive no statutory protection at all. The combined railroad is likely to use that exception. UP CEO Jim Vena told short-line operators in 2025 that UP's lease of an Oregon line to a Class III railroad was "just the start," and FreightWaves reported in 2026 that NS CEO Mark George expected potential line sales of up to 15,000 miles, roughly 25 percent of the combined network. The buyers are typically subsidiaries of large holding companies such as Genesee & Wyoming, Watco, OmniTRAX, and Patriot

Rail, which use their Class III subsidiaries to acquire lines free of labor protections and full Board review.

For our members, these transactions go to the heart of collective bargaining. Most Class III railroad employees are not represented, and Class III holding companies have resisted organizing at every step; on one Genesee & Wyoming property, nearly half the workforce was fired after a successful organizing campaign. Employees whose work moves to a Class III carrier face job loss and relocation without compensation, wage cuts of tens of thousands of dollars, higher health and welfare contributions, and the loss of health coverage and retirement benefits. Union Pacific has declined to commit to protecting employees from these effects. If the Board does not deny the application, it should at a minimum condition any approval on full Board review of every future sale or lease of lines by the combined carrier to a Class II or Class III railroad, with New York Dock–equivalent protections for affected employees.

## Railroad Safety, Staffing, and Operations

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Qualified locomotive engineers and trainmen are essential to safe and reliable freight service. Workforce reductions, terminal changes, extended absences from home, and disrupted assignments can undermine retention and operational continuity. The Applicants should demonstrate how they will maintain adequate qualified crews throughout the combined network while delivering their projected traffic growth.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that “UP/NS will increase train lengths of legacy NS trains,” a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). For engineers and trainmen on the legacy NS network, that means fewer assignments and longer trains that are harder to handle safely.

The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. Integration itself also strains crews. After the Union Pacific–Southern Pacific merger, mile-long trains sat on sidings with no crew aboard after crews ran out of hours under federal limits, and one engineer near Houston waited four hours at a single red signal. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination, and should not approve an integration of this scale without a credible, enforceable plan to staff it.

## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce, yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, and the four largest control approximately 90 percent of the U.S. freight rail market. The combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country and giving it enormous leverage over customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less pressure to restrain rates, and those higher costs would pass through to farmers, manufacturers, energy producers, and ultimately American consumers.

Market power also weakens a railroad's incentive to provide reliable service. UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network. That same year, the Board issued emergency service orders in response to inadequate UP service to Foster Farms. Integration magnifies these risks. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone, and service did not return to normal until August 1998. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems, on a network where many captive shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that it would do the opposite.

## My Experience with Previous Rail Mergers

I have personally lived through the Burlington Northern-Santa Fe (BNSF) merger in 1995. I just began working for Burlington Northern (BN) in February 1994 and was working as a brakeman and conductor at the onset of merger talks. No one knew how the merger would affect us and there were numerous unanswered questions and speculation about terminals shutting down, lines being sold, displaced employees, and etc. Both railroad CEOs touted the merger as being an end-to-end merger with minimal effect on workers, better customer service, a safer railroad, with greater efficiencies which would benefit workers because of the gain in traffic and customers.

In Enid, OK we operated trains to Tulsa, OK and Waynoka, OK out of the same pool. The trains that ran to Waynoka, OK where interchanged with the Santa Fe Railroad (SF) and those trains were destined to or coming from Amarillo, Texas and beyond. Immediately after the merger was approved the new BNSF started making major changes. BNSF, through an Implementing Agreement (number 3) began running Enid, OK crews through Waynoka, OK to Amarillo, TX and Amarillo, TX crews through Waynoka, OK to Enid, OK. This would separate the one pool we had in Enid, OK and create two pools, one going solely to Tulsa, OK and the other to Amarillo, TX and increased the mileage from 68 miles to 274 miles. By increasing the miles this created more held away from home time at Amarillo, TX for the Enid, OK crews and the same for Amarillo, TX crews in Enid, OK.

Prior to the merger, the SF employees at Enid, OK had one job working in the yard and serving customers and a one local that ran to Arkansas City, KS. Through another Implementing Agreement (number 15), BNSF shut down the former BN yard and moved crews to the former SF yard. After the move was completed, the former SF local was abolished because of changing traffic patterns. Those employees were forced to work out of either Arkansas City, KS, or Oklahoma City, OK being a one-hour (1) and 30-minute drive or two (2) hour drive, respectively.

Because Enid, OK was a crew change point for former BN employee's, trains stopped and would sometimes set-out and pickup cars and locomotives. When this work was performed several crossings were blocked along with the Union Pacific (UP) interlocker which meant BN trains would have North and South automobile traffic blocked and UP trains had East and West automobile traffic blocked. After the move in yards all switching took place at the former SF yard at 10th street which now caused North and South automobile traffic being blocked while switching occurred in the yard. As a note, no crossings were blocked at the former BN yard because of the location and how the yard was situated.

Former BN engineers and conductors at Enid, OK also held seniority in Oklahoma City, OK. The Oklahoma City crew base operated trains to Tulsa, OK, on the Sooner Subdivision and to Quanah, TX, on the Chickasha Subdivision, which also hosted local jobs between Oklahoma City and Quanah. The Oklahoma City yard had yard jobs working around the clock, building trains, and serving customers. In 1998, about three (3) years after the merger, BNSF sold the Sooner and Chickasha Subdivisions and the yard to the State of Oklahoma, which chose WATCO, a shortline conglomerate, to operate both subdivisions and the yard. After the sale, some employees and jobs moved to the former SF yard in Oklahoma City, but not all, some jobs were abolished and employees were furloughed. The sale also included a branch line from Pawnee, OK, to Stillwater, OK, which former SF crews worked on a local based at Oklahoma City. WATCO began operating that line as well, and BNSF subsequently abolished the job.

The Implementing Agreement that allowed BNSF to move the former BN employees to the former SF yard in Enid, OK was the same agreement that allowed the former BN employees to work some jobs at the SF yard. These Implementing Agreements were done at other locations where both BN and SF had yards and runs, they wanted to consolidate. Locations such as Chicago, IL, Ft. Worth, TX, Amarillo, TX, Houston, TX, La Junta, CO, and Kansas City, just to name a few. Traffic patterns changed moving traffic from one line to another forcing those that lost traffic to find work at other locations or be furlough because they may not have seniority on the line traffic was moved to. BNSF continued to make changes years after the merger. When yards are shut down and lines or sold/leased to shortline operators, usually there are no protections for employees. Employees are sometimes simply out of work or forced to move and work at locations that may be hundreds of miles away which can be devastating for families.

While working in Enid, OK, I worked with displaced former BN employees. These employees worked out of Amory, MS, Mobile, AL and Pensacola, FL. The mainline ran from Amory, MS to Kimbrough, AL where the line split and continued to Pensacola, FL in one direction and Mobile, AL in the other direction. The entire line was leased except for 50 miles from Amory, MS to Columbus, MS. Those working in Pensacola, FL and Mobile, AL had no positions and had to find other locations to work and start their seniority over. Some found work in Amory, MS and others moved to Memphis, TN, Chaffee, MO, Tulsa, OK, and Longview, TX. Pensacola, FL to Tulsa, OK is approximately 800 miles and Mobile, AL to Tulsa, OK is approximately 738 as examples. This illustrates the burden place on employees and their families especially with no financial protection involved in line sales or leases.

Although I worked for BNSF, I watched the 1996 UP-SP merger meltdown. In 1998 BNSF gained temporary trackage rights over the UP between Ft. Worth, TX and Longview, TX because of a maintenance blitz on BNSF's Thayer Subdivision in Missouri. BNSF routed some California to

Memphis, TN and Birmingham, AL traffic around Thayer, MO to keep trains moving. Since our crew based was affected by the rerouting of traffic in Enid, OK some choose to temporary work out of Ft. Worth, TX to Longview, TX. I have never seen so many trains parked in sidings. Many trains did not have locomotives because UP needed them somewhere else because the entire railroad was shutting down. BNSF was forced to call crews for their trains sitting on UP trackage to ensure UP did not rob the trains of its locomotives. UP had no crews to run trains and the crews they had were just sitting on trains with no place to go. The meltdown started in Houston, TX and slowly crept West and then North. Based on what I have seen and experienced, I am concerned that the same problems could recur, or be worse, on a combined UP-NS network of roughly 50,000 route miles across 43 states.

## Territorial, State, and Community Impacts

As Vice President, I work with four (4) General Committees and several State Legislative Boards representing members CSX, Conrail Shared Assets, Terminal Railway Alabama State Docks, Indiana Rail Road, Winston-Salem Southbound Railroad and Maryland Area Regional Commuter (MARC)/Alstom across 25 states mainly east of the Mississippi River and Canadian provinces of Ontario and Quebec. This merger could affect locations such as Chicago, IL, New Orleans, LA, Memphis, TN, Birmingham, AL, and many other locations where UP and Northern Southern (NS) either interchange or have yards at the same location as CSX and the above-mentioned railroads.

I personally spoke with the Terminal Railway at the Alabama State Docks, and they are concerned about the potential change in traffic patterns and how their customers would be affected. This could have a trickle-down effect on employees and their families. It appears if the merger were to be approved the newly combined UP-NS would sell or lease several thousand miles of track to shortline operators. This would negatively impact workers, their families, and the communities they serve. Some shortline operators do not have the resources to maintain track to the same standards as Class I railroads, in turn subjecting communities and employees to derailments and potential hazardous material spills. Some of the routes may not be sold or lease and may become dormant resulting in a loss of jobs, no rail service for industries and a downturn in the local economy.

There is no doubt trains will become longer and block more crossings. Many communities have sidings where train meets occur several times a day. Train crews do their absolute best to stay off crossings while waiting for another train until it is absolutely necessary to block crossings. Trains have become so long it is almost impossible to stay clear of crossing. Some communities can become severed by these long trains and emergency response personal cannot reach people in need of their help.

During the week of October 27, 2026, CSX experienced a system software outage that disrupted crew location/status tracking, crew calling pay time tickets and Hours of Service documentation. CSX also lost reliable car inventories and movement histories, delayed identification of the location, status, and routing of hazardous-material cars, including cars containing toxic inhalation hazards, flammables, or other regulated commodities including the inability to track military shipments. This potentially, jeopardized National Security and the safety of the public. Incomplete or outdated train-consist and hazardous-material information could impede timely, accurate information to train crews, dispatchers, first responders, and emergency planners during a derailment, leak, fire, or evacuation.

Had such a disruption occurred during a military mobilization, natural disaster, or other national emergency, the consequences could have extended directly to our nation's ability to respond effectively and protect its interests. The potential for widespread operational paralysis underscores the dangers of becoming increasingly dependent upon technological systems without maintaining adequate safeguards, contingency procedures, and a skilled workforce capable of responding when those systems fail.

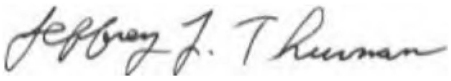
This outage happened on CSX which has 20,000 route miles compared to the nearly 50,000 route miles this merger would create. Having an outage of this magnitude on a combined UP-NS railroad would be devastating to this country and the American people.

Conclusion

Under 49 U.S.C. §§ 11324 and 11326, the Board must evaluate the public interest, competition, and the interests of affected employees, including applicable labor protections. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation, and they have not supplied adequate enforceable assurances concerning staffing, attrition, relocation, contractual rights, or potential line transfers. My own experience with previous mergers confirms that promises made at the outset of an integration are no substitute for enforceable protections. I respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,

Jeffrey L. Thurman



Vice President
Brotherhood of Locomotive Engineers and Trainmen
7061 East Pleasant Valley Road
Independence, Ohio 44131
thurman@ble-t.org
417-860-4396

# COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

**Surface Transportation Board | Finance Docket No. 36873**

November 16, 2026

Chairman and Members of the Board:

I serve as Chairman of the Wisconsin State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of the Teamsters Rail Conference. I represent the legislative and regulatory interests of locomotive engineers and trainmen throughout Wisconsin. Our members safely operate the freight trains that move goods and commodities essential to our state's economy.

I submit these comments in opposition to the proposed merger of Union Pacific Railroad (UP) and Norfolk Southern Railway (NS). This unprecedented consolidation presents serious risks to railroad safety, supply chain reliability, competition, and the communities that depend on freight rail.

## Railroad Safety and Operational Risk

The proposed combination would create a railroad spanning approximately 50,000 route miles across 43 states. Integrating dispatching, crew management, train operations, and infrastructure maintenance at that scale presents substantial safety challenges. Federal data show that Union Pacific accounted for approximately 31 percent of reported railroad accidents and incidents in 2024. In addition, the Federal Railroad Administration halted a 2024 Union Pacific safety culture assessment amid concerns about coaching employees on their responses.

Longer trains, reduced staffing, and operating practices associated with Precision Scheduled Railroading raise additional concerns. Union Pacific already routinely operates trains of 15,000 feet or more, some over three miles long, well beyond typical passing sidings of 10,000 to 12,000 feet. The National Academies of Sciences, Engineering, and Medicine found that derailments related to train makeup and handling increase as train length grows. Trains too long for sidings end up stopped on the main line, where a single train can block three to five grade crossings at once and delay ambulances, fire trucks, and police. The Applicants plan to bring these trains to the Norfolk Southern network: their operating plan states that "UP/NS will increase train lengths of legacy NS trains," a change they estimate would reduce annual first crew starts by about 7.2 percent (Amended Application, Vol. 2, Operating Plan ¶¶ 420–421). The Norfolk Southern derailment in East Palestine, Ohio, which involved a train approximately 9,300 feet long, demonstrates the consequences that a serious railroad accident can impose on communities and emergency responders. The Board should require convincing evidence that the combined railroad can safely manage the proposed operating changes, including adequate train crews, maintenance resources, and emergency-response coordination.

## Competition and Supply Chain Reliability

Freight rail is critical to agriculture, manufacturing, energy production, and interstate commerce. Yet the industry that serves these sectors is already highly concentrated. In 1980, there were 33 Class I railroads; today there are six, operating as a duopoly in most of the country, with UP and BNSF in the West and NS and CSX in the East. The four largest railroads control approximately 90 percent of the U.S. freight rail market, and many shippers already have limited practical rail alternatives. The

combined UP–NS would hold approximately 50 percent of the freight rail market for most of the commodities it hauls, making it a de facto monopoly in many parts of the country.

That market share would give the combined railroad enormous leverage over its customers in setting rates and terms of service. Railroads already exercise substantial pricing power: freight rail rates have risen 44 percent over the past 20 years after adjusting for inflation, far outpacing trucking. A railroad controlling half the market for most of what it hauls would face even less competitive pressure to restrain rates, and shippers served by a single railroad would have little choice but to pay what it charges. Those higher costs would not stop with shippers. They would pass through to farmers, manufacturers, energy producers, and ultimately to American consumers in the prices of everyday goods.

Market power also weakens a railroad's incentive to provide reliable service. Union Pacific's service record warrants scrutiny: UP imposed more than 1,000 service embargoes in 2022, compared with 27 in 2017, and 98 percent of Class I service embargoes that year were attributed to congestion on UP's own network, a problem entirely within the railroad's control. In 2022, the Board also issued emergency service orders in response to inadequate UP service to Foster Farms. These examples illustrate how service failures can threaten businesses and essential supply chains. Since 2010, the Class I railroads have lost intermodal market share to trucking because poor service has driven customers to the highway. Many captive shippers, particularly those moving bulk commodities, do not have that option, and a larger, less responsive railroad would leave them with even less leverage.

Past major railroad integrations, including Union Pacific–Southern Pacific and the division of Conrail, experienced substantial service disruption. After the Union Pacific–Southern Pacific merger, shipments that normally took three to four days took 30 to 45 days, and the Railroad Commission of Texas estimated about $1.1 billion in lost sales and added freight costs to the Texas economy alone. The Applicants claim that new single-line routes and fewer interchanges will improve freight movement, but those claims must be tested against the operational risks of combining two large systems. A disruption on a network of this size could reach shippers and consumers across the country. With fewer competitors, those shippers would have nowhere else to turn.

Shippers in agriculture, automotive, chemicals, oil and gas, manufacturing, power generation, and construction share these concerns. Forty chemical company CEOs have warned that the merger would limit freight transportation options, and more than 60 trade associations and chambers of commerce have opposed it. Approval would also likely trigger further consolidation as the remaining carriers pursue mergers of their own, reducing competition even further. The Board should examine whether customers would retain meaningful choices in rates and service, not merely theoretical routing options, and whether the merger would enhance competition as required under the Board's major merger standards. The evidence indicates that this merger would do the opposite.

### Rail Workers and the "Jobs for Life" Promise

Union Pacific has promised current employees a "job for life" with the combined railroad, but the fine print tells a different story. The guarantee is conditioned on employees accepting "available work opportunities" under collective bargaining agreements and merger implementing agreements, and implementing agreements can override the agreements now in effect on the pre-merger properties. The Applicants' own employee impact exhibits show that a substantial number of positions will be abolished or transferred. An employee whose job is moved must follow it, potentially hundreds or

thousands of miles across a 43-state system or take a voluntary furlough and give up the guarantee. The worker may keep a job, but the community loses the job, the paycheck, and the local tax revenue.

Nor does the guarantee protect the size of the workforce. UP has refused to commit to filling positions vacated through retirement, death, transfer, or disability. At the 8 percent annual attrition rate cited by Norfolk Southern's own CEO, UP and NS would lose about 1,760 train crew positions every year, more than the 1,200 jobs UP has promised over three years in non-binding projections. UP has also reserved the right to change the guarantee itself based on post-merger traffic or performance. In practice, the "guarantee" allows the combined railroad to shrink its workforce steadily through attrition while forcing the employees who remain to relocate to keep their jobs. The UP–Southern Pacific merger shows where this leads: UP told the Board to expect a net loss of 3,387 jobs, but the combined workforce fell by 6,491 between 1997 and 2001, nearly twice the projection, even with New York Dock protections in place. A conditional, revocable promise is no substitute for enforceable employee protective conditions imposed by the Board.

### State of Wisconsin and Regional Impacts

Declining customer service under PSR - Union Pacific's implementation of PSR has raised concerns about the frequency and reliability of local freight service. Customers who once received daily service may now receive service only two or three times per week.

For Wisconsin businesses, this can mean:

- Delays in receiving raw materials and shipping finished products.
- Increased inventory and storage costs.
- Reduced flexibility in production schedules.
- Greater dependence on trucks and competing transportation providers.
- Potential loss of confidence in rail transportation.

Reducing local train operations - Reducing local train assignments, consolidating service days, and minimizing locomotive and equipment requirements may reduce railroad operating expenses. However, those savings need to be evaluated against the economic consequences for customers. A railroad can improve its operating ratio while simultaneously making its service less attractive to the businesses that depend on it.

The proposed Union Pacific-Norfolk Southern merger - Another concern is the relationship between customer support for the proposed merger and the possibility of increased costs or diminished service for customers who oppose it. Customers should be able to express concerns about a merger without fearing retaliatory pricing or discriminatory service treatment. Any allegations of retaliation should be examined against documented statements, rate changes, service records, and applicable regulatory requirements.

Employee retaliation concerns - There is also a legitimate question about whether employees who raise operational concerns, advocate for customers, or disagree with management decisions could face adverse employment consequences. Railroad employees often have firsthand knowledge of how service reductions affect communities and customers. Their perspectives deserve consideration.

The bigger question: Who is PSR actually serving? This is perhaps the most important question. If a railroad reduces its workforce, locomotive availability, local train frequency, and customer access to service, it may improve certain financial measurements while undermining the transportation network that customers originally invested in.

**Customer service should be measured not simply by operating ratios, train velocity, or reduced operating expenses, but also by consistency, reliability, accessibility, and the railroad's commitment to the communities it serves.**

## Conclusion

Under 49 U.S.C. § 11324, the Board must evaluate the public interest, competition, and the interests of affected employees. The Applicants have not demonstrated that the claimed benefits outweigh the risks to safety, freight service, and the communities that depend on rail transportation. I respectfully urge the Surface Transportation Board to deny the proposed Union Pacific–Norfolk Southern merger.

Respectfully submitted,



Chuck Schulz
State Legislative Board Chairman
Wisconsin State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
2768 Oakwood Circle
Oshkosh, WI
chairman@wislb.org
(920)-410-2953

# Brotherhood of Locomotive Engineers and Trainmen

*A Division of the Rail Conference-International Brotherhood of Teamsters*

General Committee of Adjustment • Union Pacific Railroad - Northern Region
501 North 2nd Street • Suite 2 • Clinton, Iowa 52732
Phone: (563) 243-9313 • Fax: (563) 243-1109

R. E. CROW
GENERAL CHAIRMAN

K. J. CUMMINS
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C. J. WAGNER
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## COMMENTS IN OPPOSITION TO THE PROPOSED UNION PACIFIC–NORFOLK SOUTHERN MERGER

Surface Transportation Board | Finance Docket No. 36873

November 18, 2026

Chairman and Members of the Board:

I submit these comments on behalf of the Brotherhood of Locomotive Engineers and Trainmen (BLET) Union Pacific Northern Region General Committee of Adjustment. We respectfully urge the Board to deny the proposed Union Pacific–Norfolk Southern merger. Our Committee represents Union Pacific locomotive engineers in the Chicago area and on routes into Wisconsin and Iowa, as well as in Minnesota and at South Morrill, Nebraska, and Bill, Wyoming. We administer agreements governing seniority, crew districts, assignments, reporting points, and working conditions.

### Workforce Reductions and Employment Commitments

The Applicants' projection of 1,200 net new union jobs by the third year does not tell our members how many engineer positions would remain at the terminals where they work today. The Board should require a terminal-by-terminal accounting of engineer positions expected to be created, abolished, transferred, or left vacant, along with the assumptions about retirements, attrition, and replacement hiring. A systemwide increase can occur while individual terminals lose assignments and employees are displaced.

### Limitations of the Jobs for Life Promise

An engineer whose assignment is abolished may be offered work at a distant location. Moving to keep working can mean selling a home, disrupting a spouse's employment, or maintaining a second household. An engineer may have enough seniority to work elsewhere while having no assignment left within commuting distance. The Applicants should identify how many employees would have to relocate, what work those employees could actually hold, and what enforceable protections would apply if they could not move.

The Board should also examine whether the promise requires the Applicants to fill vacancies. If vacant positions can be left unfilled, the number of jobs at a terminal can decline through attrition even as the carrier continues to employ the workers it has displaced.

**Collective Bargaining Agreements and Seniority**

The prior Union Pacific–Chicago and North Western merger provides a concrete example from our own territory. The 1996 BLE merger implementing agreement and its questions and answers addressed which extra boards would cover particular points in the Chicago Terminal Complex. The Chicago questions and answers identify Proviso, Global I, and Yard Center separately and describe how the boards were to cover work at locations including West Chicago and Waukegan. The agreement illustrates the level of detail required to determine who protects particular work and where engineers report.

If Chicago-area work is consolidated or interchange traffic is rerouted under the proposed merger, the Applicants should identify the affected yard assignments, local jobs, road pools, extra boards, and reporting points. On the routes between Chicago, Wisconsin, and Iowa, and in Minnesota, a change in where trains are made up, turned over, or relieved could shift crew starts and affect which engineers can hold the resulting work. The Board should require the Applicants to identify the existing rosters and agreements affected by each proposed change and explain how prior rights and existing assignments would be addressed in negotiations with the employees' representatives.

**General Committee and Territorial Impacts**

A dispute at Bill, Wyoming, illustrates another issue the Board should examine. Our Committee has challenged the use of through-freight coal crews to transport and deliver sand cars in the South Morrill–Bill territory. The Committee's position is that the work belongs to local or unassigned service. If an operating plan counts on consolidating work or reducing crew starts, the Applicants should identify whose assignments would absorb that work and what agreements govern it. A projection of crew savings cannot establish that the proposed reassignment is permissible under the agreements.

**Line Sales and Transfers to Smaller Railroads**

A sale or lease can move the work to a different employer while leaving the engineer on the original carrier's roster with fewer assignments to bid on. The Western Region General Committee's comments describe what happened after operations were transferred at Eugene, Oregon. Its members faced the prospect of going approximately 280 miles to continue working. That experience warrants asking the Applicants which properties they may sell or lease, how much work could be transferred, and what would happen to affected employees' assignments, pay, benefits, and seniority.

If the Board approves the transaction, we ask it to require advance disclosure and review of merger-related line sales or leases and to require protections equivalent to New York Dock for affected employees as a condition of approval.

**Staffing and Safe Operations**

A reduction in road, yard, or local crew starts can leave fewer qualified engineers available to cover vacancies, relieve crews approaching hours-of-service limits, or respond to service disruptions. Changes to Chicago terminal operations can also have consequences beyond the yard where the change begins. The Applicants should show how they would staff existing and proposed crew districts, qualify engineers on unfamiliar territory, and provide timely relief without relying on reductions in staffing that have yet to be justified.

**Market Power and the Public Interest**

The Applicants point to the advantages of single-line service. The Board should test those projections against actual terminal capacity, staffing, and the rail options that would remain available to shippers after the merger. A new network map alone cannot show whether the combined railroad can move traffic reliably through Chicago or whether shippers would retain practical alternatives if service deteriorates.

**Conclusion**

In reviewing the proposed transaction under 49 U.S.C. §§ 11324 and 11326, the Board must consider the interests of affected employees and the protections that would apply. The Applicants should be required to establish how the merger would affect existing jobs, assignments, seniority, and working conditions at the terminals and on the crew districts involved. On this record, the Union Pacific Northern Region General Committee of Adjustment respectfully requests that the Board deny the application.

If the Board nevertheless grants approval, we request enforceable conditions requiring disclosure of employment and operating changes by terminal and crew district, notice and bargaining before changes affecting represented employees are implemented, and meaningful protections for employees displaced by a consolidation, relocation, or transfer of work.

Respectfully submitted,

Richard E. Crow
General Chairman
BLET Union Pacific Northern Region General Committee of Adjustment
recrow@bletupnr.net