MIPRC
Midwest Interstate Passenger Rail Commission

701 E. 22nd Street
Suite 110
Lombard, Illinois 60148
tel: 630.925.1922
fax: 630.925.1930
www.miprc.org
miprc@miprc.org

Chair
Jennifer Murray, Wisconsin

Vice Chair
Scott Smith, Missouri

Financial Officer
Cory Davis, Kansas

Director
Laura Kliewer

Bringing Together State Leaders from Across the Region to Advocate for Passenger Rail Improvements

The Midwest Interstate Passenger Rail Commission is a seven-state interstate compact commission that promotes, coordinates and supports regional improvements to passenger rail service.

Our member states include Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri and Wisconsin.

Secretariat services provided by The Council of State Governments' Midwestern Office
CSG MIDWEST

November 18, 2026

ENTERED
Office of Chief Counsel
November 18, 2026
Part of
Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD
DOCKET NO. FD 36873
UNION PACIFIC RAILROAD COMPANY AND NORFOLK SOUTHERN RAILWAY COMPANY — CONTROL AND CONSOLIDATION

From: Midwest Interstate Passenger Rail Commission

Introduction

The Midwest Interstate Passenger Rail Commission (MIPRC) is an interstate compact dedicated to developing and expanding passenger rail service in the Midwest into a regional network. Its member states are Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, and Wisconsin. Nebraska, North Dakota, Ohio, and South Dakota are eligible to join the compact.

Within MIPRC's member states, **five of nine state-supported passenger routes providing daily service are hosted by Union Pacific and Norfolk Southern**:

1. *Lincoln Service* (Chicago-St. Louis), 4 roundtrips daily*
2. *Missouri River Runner* (St. Louis-Kansas City), 2 roundtrips daily*
3. *Pere Marquette* (Chicago-Grand Rapids, Mich.), 1 roundtrip daily
4. *Blue Water* (Chicago-Port Huron, Mich.), 1 roundtrip daily
5. *Wolverine* (Chicago-Detroit/Pontiac, Mich.), 3 roundtrips daily

(*One *Lincoln Service* and one *Missouri River Runner* roundtrip frequency operates as a joint through train between Chicago and Kansas City.)

Additionally, **five of eight long-distance passenger trains serving the Midwest are hosted by Union Pacific and Norfolk Southern**:

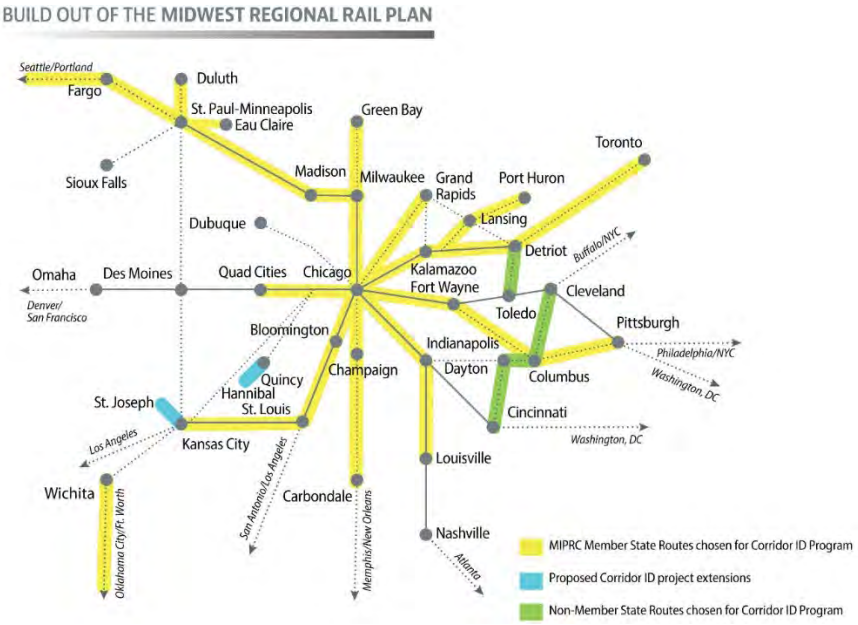
1. *Cardinal* (Chicago-Indianapolis-Cincinnati-Washington, D.C.-New York City), 3 roundtrips per week
2. *Floridian* (a combined *Capitol Limited*, Chicago-Cleveland-Pittsburgh-Washington, D.C.; and *Silver Star*, New York City-Washington, D.C.-Savannah, Ga., Miami/Tampa), 1 roundtrip daily
3. *Lake Shore Limited* (Chicago-Cleveland-Buffalo-Boston-New York City), 1 roundtrip daily
4. *Texas Eagle* (Chicago-St. Louis-Little Rock-San Antonio), 1 roundtrip daily
5. *California Zephyr* (Chicago-Omaha-Denver-Emeryville, CA), 1 roundtrip daily

MIPRC, its member states and other Midwestern states participated in a regional planning process led by the Federal Railroad Administration (FRA) from 2015 to 2021 – a process that resulted in the Midwest Regional Rail Plan (MWRRP) released by the FRA and MIPRC in 2021. The MWRRP is a "high-level" vision of what the Midwest's regional passenger rail network could be by 2040.

The MWRRP envisions increased frequencies on all current state-supported services, as well as new passenger rail routes.

Midwestern states subsequently submitted projects on corridors included in the MWRRP to the FRA's Corridor Identification and Development (Corridor ID) Program's inaugural round of funding.

Twenty-two of the current FRA Corridor ID Program projects are located in the Midwest, and these projects are all building out the MWRRP. (see map below and Appendix).



The Midwest involvement in the Corridor ID Program, aligns with Sec. IV of the Rail Passengers' Association's (RPA) Summary of Argument in its Sept. 9, 2026, filing, "Comments of the Rail Passengers' Association and Response in Support of the Joint Shipper Associations' Motion for Summary Denial," that, "Applicants have not evaluated reasonably foreseeable passenger development." This is supported by the fact that **62 percent of current Corridor ID projects (43 of 69) will potentially use UP or NS infrastructure** [p. 4 of RPA's summary argument].

The application ignores current and future passenger rail and economic development opportunities. Under RPA's analysis of the proposed merger in the Midwest, the critical Chicago-Porter, Ind., corridor would see five additional freight trains per day, while the Porter-Toledo, Ohio, and Toledo-Cleveland corridors would each see seven additional freight trains per day. [Sec. II B, pp. 9-10] Current passenger routes using the Chicago-Porter corridor include the state-supported *Blue Water*, *Pere Marquette* and *Wolverine*; and the long-distance *Floridian* and *Lake Shore Limited*. Moreover, the state-supported *Blue Water*, *Pere Marquette* and *Wolverine* are among the **nine Midwestern routes currently in the Corridor ID Program that utilize and/or plan to utilize UP or NS infrastructure**. UP and NS should include forecasts of future passenger rail services, alongside forecasted freight trains to fully understand the effects of a merger today on future rail line capacity.

The other Midwestern Corridor ID projects that plan to use UP or NS infrastructure are Chicago-St. Louis, Chicago-Indianapolis, Chicago-Fort Wayne, Ind.-Columbus-Pittsburgh, Milwaukee-Madison, Wis.-Eau Claire, Wis.-St. Paul, Eau Claire-St. Paul, and daily *Cardinal* (Chicago-Washington, D.C.-New York City service.

Additionally, two other Midwest routes planned along UP-owned corridors are proceeding outside the Corridor ID process: the forthcoming Illinois DOT-funded Chicago-Rockford service, which is currently in the design phase, and the Milwaukee Area–Racine–Kenosha (MARK) regional service in southeast Wisconsin.

Overall, UP and NS should preserve reasonable capacity for passenger rail projects.

MIPRC Proposed Conditions

As RPA notes, the Surface Transportation Board has broad authority to condition a Class I consolidation to mitigate or offset public-interest harm. 49 U.S.C. § 11324(c); 49 C.F.R. § 1180.1(d). **MIPRC agrees with RPA that general promises from UP and NS to comply with existing law, communicate with passenger operators, and revisit problems after deterioration, are inadequate here. UP and NS should have tighter post-merger conditions and oversight.**

RPA proposes 12 conditions that should be included in any approval of the proposed UP-NS merger (Sec. IV, p. 23). **MIPRC, with input from its member state DOTs, agrees with RPA** (with some important Midwest distinctions, marked in blue) **that any approval should, at minimum, require the following as conditions of said approval:**

1. **Preservation of Existing Passenger-Service Rights and Remedies.** As a condition of approval, the Board should require that consummation of the transaction not extinguish, impair, supersede, or otherwise diminish any existing passenger-service right, remedy, settlement obligation, contractual commitment, or other protection applicable to either Applicant. Those protections should remain enforceable against the appropriate successor entity according to their terms, subject to subsequent modification by the parties or lawful action by an agency or court with jurisdiction. This condition would preserve, rather than expand, existing rights and remedies.
2. **Transparent good-faith modeling consistent with statutory intent.** Any freight-passenger interaction analysis used to support any action or decision executing the transaction or future route decisions made as a result of the transaction must include a modeling approach based on the "unreasonable impairment" standard in 49 U.S.C. §24308, rather than "zero impact."
3. **Passenger operating demonstrations.** Before implementing train changes on a passenger-used corridor, UP/NS must provide a route- and terminal-specific operating analysis showing anticipated freight windows, passenger conflicts, meets and passes, yard and terminal capacity, maintenance windows, and contingency operations. This would allow states supporting passenger rail service to identify capacity investments that will alleviate impacts to their passenger rail service from additional freight trains.
4. **Existing-service performance floors.** UP-NS must meet enforceable route-level standards for host-responsible delay and endpoint on-time performance, with no route permitted to use an already deficient pre-merger result as its compliance floor.
5. **Public reporting.** UP-NS must publish monthly route- and host-segment passenger-performance reports, merger-related train-count changes, capacity utilization, infrastructure status, and identified passenger conflicts in a consistent format suitable for comparison with pre-merger benchmarks.
6. **Objective intervention triggers.** The conditions must define delay, utilization, terminal-dwell, missed-connection, and project-schedule thresholds that automatically require corrective action, rather than leaving intervention to internal discretion.
7. **Expedited passenger dispute resolution.** Amtrak, commuter authorities, states, and corridor sponsors must have access to an expedited Board-supervised procedure for disputes over dispatching, access, performance, capacity studies, and infrastructure requirements.
8. **Capacity investment commitments.** UP-NS must fund all infrastructure required to prevent merger-related degradation of existing passenger service. If Applicants rely on a third-party project to support their Growth Plan, they must provide equivalent capacity if that project is delayed, altered, or canceled.
9. **Project-specific commitments.** Any project used to establish post-merger fluid capacity must have enforceable completion dates, transparent milestones, contingency measures, and passenger-protective remedies.

10. **Passenger rail capacity. ~~Corridor ID capacity preservation.~~** UP-NS must provide capacity to accommodate ~~identify and preserve reasonable capacity for~~ Corridor ID projects and other state plans' passenger rail projects and must participate promptly and in good faith in planning~~,~~ studies, design, construction and operations ~~studies~~.
11. **Independent validation.** Capacity models, material assumptions, and post-merger passenger-impact analyses must be available to affected passenger operators and qualified reviewers under appropriate protective arrangements, with independent validation where the Board relies on them. All parties must have access to any modeling, data inputs, results, scenarios, and assumptions, subject to those parties executing appropriate undertakings to safeguard confidential material. This would permit all parties to participate equally in the modeling and resulting analysis and would ensure good-faith public-interest principles are maintained.
12. **Continuing oversight and supplemental relief.** Due to the scope of a combined, post-merger UP-NS entity, passenger conditions should remain subject to the Board's oversight for a minimum of 10 years, with authority to extend oversight, modify conditions, require capital work, or impose operational remedies if expected passenger protections do not materialize.

In Conclusion

UP and NS have vague assurances in their application about having enough capacity to handle current levels of passenger rail service, and they lack any serious considerations for planned passenger rail service expansions – many of which are being pursued within the FRA's Corridor Identification Program. The full potential of freight and passenger services are not analyzed appropriately.

Given the obvious interest MIPRC and its member states have in any post-merger reality (assuming approval of the merger application by the Board) and the building out of the Midwest Passenger Rail Plan through projects in the Corridor ID Program or other publicly funded projects, MIPRC respectfully requests that the Board approach the application with the utmost caution and scrutiny.

Should the Board see fit to approve the merger application, MIPRC respectfully requests that the Board require the conditions outlined above as a pre-condition of approval.

The Commission appreciates the opportunity to submit comments and thanks the Board for your consideration.

/s/Laura Kliewer
Director

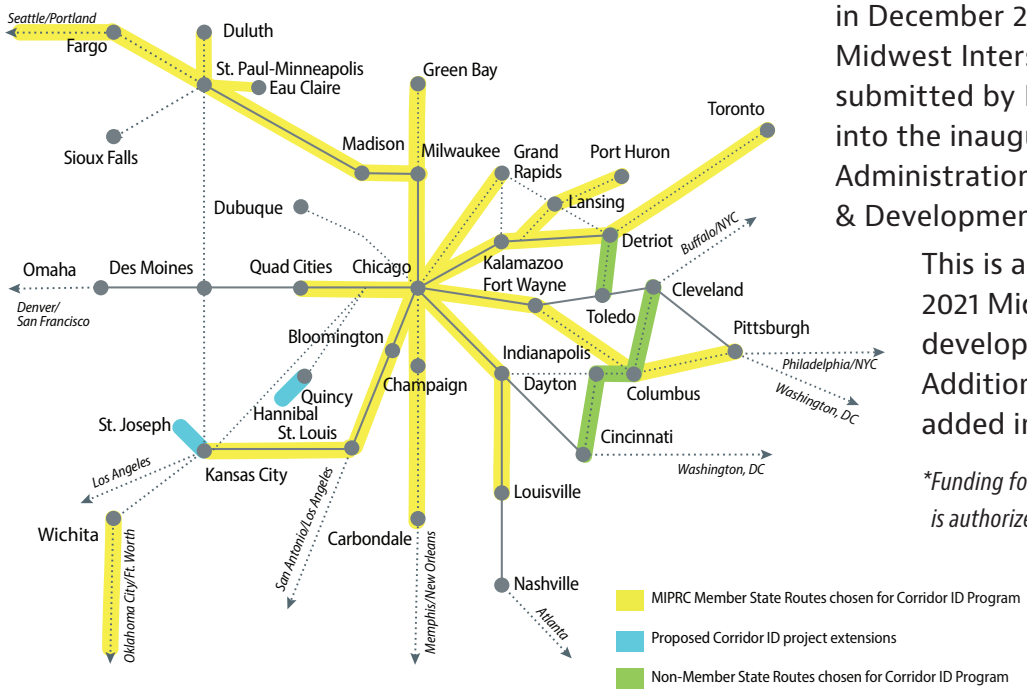
CC: Parties of Record

Appendix

First Steps Towards the Midwest's 40 Year Vision

The Corridor Identification & Development Program supports plans for 20 new routes and services

MIDWEST REGIONAL PLAN – BUILD OUT



Midwestern passenger rail plans got a major boost in December 2023. Twenty routes endorsed by the Midwest Interstate Passenger Rail Commission and submitted by MIPRC member states were accepted into the inaugural round of the Federal Railroad Administration's Corridor Identification & Development (Corridor ID) Program.*

This is a major step toward build-out of the 2021 Midwest Regional Rail Plan, which was developed by the FRA at MIPRC's request. Additional Midwestern routes may be added in future rounds of the program.

**Funding for the Corridor Identification & Development Program is authorized by the Infrastructure Investment & Jobs Act of 2021.*

LONG-DISTANCE ROUTES

> Restoration of the *North Coast Hiawatha* (Chicago-Seattle via Bismarck, North Dakota)

> Daily *Cardinal* service (currently 3 days/week, Chicago-Indianapolis-Cincinnati-Washington, D.C.)

MIPRC MEMBER STATES

Illinois:

> Chicago-Quad Cities (new service)

> Chicago-Carbondale *(Illini/Saluki)* improvements

> Chicago-St. Louis *(Lincoln Service)* improvements

Indiana:

> Indianapolis-Chicago (improvements, additional frequencies)

> Indianapolis-Louisville expansion (new service)

> Chicago-Ft. Wayne-Columbus-Pittsburgh (new service)

Kansas:

> Wichita-Newton, KS (*Heartland Flyer* extension*)* new service

Michigan:

> Grand Rapids-Chicago (*Pere Marquette*) improvements and additional frequencies

> Port Huron-Chicago (*Blue Water*) improvements and additional frequencies

> Detroit-Chicago (*Wolverine*) improvements and expansion to Toronto, Ontario

Minnesota:

> Twin Cities-Duluth (*Northern Lights Express)* new service

Missouri:

> Chicago-Quincy (*Illinois Zephyr/Carl Sandburg*) extension to Hannibal, MO

> St. Louis-Kansas City-St. Joseph (improvements/new service).

Wisconsin:

> Milwaukee to Chicago (*Hiawatha*) additional frequencies

> *Hiawatha* extension from Milwaukee to Green Bay (new service)

> Milwaukee-Madison-Eau Claire-Twin Cities (new service)

> Eau Claire-Twin Cities (new service)

> Twin Cities-Milwaukee-Chicago *(Borealis)* second frequency (to be a 3rd daily train between those cities)

NON-MIPRC MEMBER STATES

Ohio:

> Cincinnati, Columbus, Cleveland, Dayton (new service)

> Cleveland-Toledo-Detroit (new service, also supported by Michigan's DOT)

Cooperation in Action: This ***Charger*** has just brought a ***Hiawatha*** train into Milwaukee from Chicago. The consortium of Midwestern states – Illinois, Michigan, Missouri, and Wisconsin – cooperate under MIPRC's authority to jointly own and operate modern ***Charger*** locomotives and ***Venture*** train cars on state-supported passenger rail routes.



Incubator for Passenger Rail Expansion

The Corridor Identification and Development program is the primary "incubator" for passenger rail expansion outside of the Northeast Corridor.

Under the program, the sponsor of each chosen route receives $500,000 in seed money, with no non-federal matching funds required, and works closely with the FRA to begin the first stage of service development and planning.

Inclusion in the federal Corridor ID Program is a 3-Step collaborative process:

1 $500,000 seed money

Pays for a project sponsor to create a scope of work, schedule and budget for a service development plan *(no non-federal match required)*

2 Service Development Plan

Created by the project sponsor and includes an inventory of capital projects required in the corridor *(10% non-federal match required)*

3 Capitol Project Clearance

Preliminary engineering and National Environmental Policy Act clearance for the capital projects identified in Step Two *(20% non-federal match required)*

Projects that clear all three steps will be prioritized for future construction funding through the Federal-State Partnership for Interstate Passenger Rail program.

Sustained federal investment in these (and other) passenger rail programs – both during the remaining life of the IIJA and in subsequent surface transportation legislation at or near their fully-authorized levels will be critical for the successful build out for the Midwest Regional Rail Plan.

MIPRC is ready, willing and able to be a partner and source of information to you in ongoing efforts to build a truly regional passenger rail network in the Midwest.

For more information contact Laura Kliewer at 630.925.1922 or via email lkliewer@miprc.org



Cooperation in Action: Built by Siemens in Sacramento, modern ***Charger*** locomotives, pulling new ***Venture*** cars are now carrying passengers on Midwestern state-supported passenger rail routes — a result of the ongoing federal-state funding partnership.

www.miprc.org

MIPRC
Midwest Interstate Passenger Rail Commission