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Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Comment on Docket No. FD 36873: Proposed Acquisition of Norfolk Southern by Union Pacific

Dear Chair and Members of the Board:

We, the undersigned organizations serving communities in Pittsburgh and Southwestern Pennsylvania, oppose the acquisition of Norfolk Southern by Union Pacific. We call for a freight rail system that is designed to protect the people who live in close proximity to it. The merger is not in the public interest because it would worsen risks that the freight rail system already poses to our health, safety, and environment. More train traffic and a vastly expanded railroad company that is more difficult to regulate would increase chronic and potentially devastating risks to our communities. Safety and health concerns have not been addressed for the people in our region who shoulder significant railroad burdens and tragedies, as witnessed by Norfolk Southern's choice to burn five tank cars of vinyl chloride after its derailment in East Palestine, Ohio.[1,2] The STB should also ensure the long-term commitment to health care and accountability for residents impacted by the Norfolk Southern derailment and chemical disaster in East Palestine. Because our region is vulnerable to Norfolk Southern's freight rail system, we ask the Board to hold an accessible, in-person public hearing in

Pittsburgh, and to resolve the concerns described below through safety and environmental risk assessments and enforceable requirements.

Southwestern Pennsylvania communities live with excessive risks imposed by the current Freight Rail System, which the Proposed Merger would Increase

Norfolk Southern's freight rail lines pass through our residential neighborhoods, along our rivers and streams which are the drinking water for tens of thousands of people, and next to critical public infrastructure.[3,4] Allegheny County is home to 1.25 million people, about two-thirds of whom live within one mile of a rail line. Across Pennsylvania, more than 7.4 million people do too.[5,6] Near the iconic "Point" of Downtown Pittsburgh, Norfolk Southern lines pass within a mile or less of all three professional sports venues of the Steelers, Pirates and Penguins; hospitals; schools; universities; highways; bridges; museums; our Convention Center; and the seat of City-County government. These rail corridors bring diesel emissions and hazardous materials through communities that already face heavy industrial pollution and health burdens.[7,8] The people who live closest to the tracks have the least say in what rolls past their homes, and have everything to lose if something goes wrong.

How Union Pacific's merger plan would make our public health and safety risks worse

Our region has seen the effects of Norfolk Southern's choice to externalize risk to communities. Union Pacific has the worst safety record of any Class 1 railroad in the country.[25,26] As the larger company, its culture and safety practices has the likely potential to become those of the merged railroad.

The application shows that within 5 years of a merger, Southwestern Pennsylvania would see a significant increase in freight rail traffic on Norfolk Southern lines. This means our communities will experience more diesel pollution from locomotives, which give off cancer-causing pollutants, soot, and greenhouse gases.[27] Allegheny County already fails federal clean air standards for fine particle pollution.[28,29] More train traffic also means more noise and vibration, more potential delays to passenger trains, first responders, or commuters at blocked crossings, and more stress on our rail infrastructure. Each of these adds health and safety risks to communities that already bear a disproportionate environmental health burden.

The application includes no enforceable plan to improve community health by switching to zero-emission locomotives, equipment, or trucks. It plans to convert only 5 locomotives out of thousands. Yet the technology exists: Union Pacific deployed two battery-electric locomotives in California this year, built by Pittsburgh-based Wabtec[30] at its union plant in Erie.[31]

A Merger Would Increase the Risk of HazMat Trains to our Communities

The current freight rail system obscures hazmat train data from the general public, and even first responders may not be adequately equipped for the profound devastation potential. We know that a significant volume of Norfolk Southern's hazmat trains pass through our densely populated areas, and this would all be Union Pacific in an acquisition. More than 10 million tons of chemicals, petroleum products, and coal travel by rail in our state each year, and Norfolk Southern is Pennsylvania's largest freight railroad by far.[9] Our region is part of Norfolk Southern's "Premier Corridor," which carries about 28 percent of Norfolk Southern's chemical shipments through Beaver County's Conway Rail Yard, into Pittsburgh and across the state. We learned the hard way that Southwestern Pa and Pittsburgh are on the OxyVinyls route, which transports toxic vinyl chloride, the chemical Norfolk Southern deliberately burned in East Palestine.[10,11] An estimated 40 to 50 percent of all Bakken crude oil trains pass through Pittsburgh on their way to East Coast refineries.[13] Following the devastating oil train fire in Lac-Megantic, Pittsburgh's fire chief expressed concern about 10,000 train cars of Bakken crude oil per week rolling through the City.[12]

As University of Pittsburgh researchers put it, there is "a low frequency of hazardous material release," but "profound potential consequences when such releases occur."[15] Derailment disaster is a visceral concern of our residents. In the five years prior to East Palestine, the Pittsburgh area had eight other major derailments.[17] In 2022, a Norfolk Southern derailment in Harmar Township, Allegheny County, spilled about 3,000 gallons of petroleum products and an unmeasurable amount of plastic pellets near neighborhoods and commercial districts, into a stream near the Allegheny River.[19] When the 2023 Norfolk Southern train derailed in East Palestine, it was 40 miles short of reaching the City of Pittsburgh. The chemical release contaminated Pennsylvania water, soil and homes, and the toxic smoke plume blanketed skies over Beaver County and even reached the City of Pittsburgh.[16] The Pitt researchers found that derailments in vulnerable communities were 35 times as likely to release hazardous materials. They also found that 77 percent of derailments happened within a quarter mile of a stream.[18]

Norfolk Southern has neglected our rail bridges

Rail bridges are among the most vulnerable parts of rail infrastructure. Under federal rules, the railroad that owns a bridge is responsible for inspecting and maintaining it.[20] Norfolk Southern owns 1,209 rail bridges in Pennsylvania, and Allegheny County has 111 of them, more than any other county in Pa.[21] In 2024, Rail Pollution Prevention Pittsburgh hired a certified engineer to inspect 20 rail bridges in Pittsburgh neighborhoods. All but one are owned by Norfolk Southern, and 11 were in "Poor" or

"Serious" condition.[22] A 2023 inspection for the City of Binghamton, New York, found the same problem. Of 25 privately owned rail bridges there, 22 owned by Norfolk Southern, 12 had serious structural or safety concerns.[23] Two independent engineering reports, in two different states, point to a practice of neglect by Norfolk Southern. Other Southwestern Pennsylvania counties host a high number of Norfolk Southern's rail bridges in Pennsylvania: Greene County (70); Beaver (52); Westmoreland (52); Indiana (39); Washington (30); Fayette (19); Lawrence (17); Armstrong (12, including one rated "Serious" in the RP3 Bridge Inspection Report).[21] All of these would transfer to Union Pacific in a merger.

A hazmat train crossing a neglected bridge over a river, a highway, or in our neighborhoods carries a potential for devastation. Without an enforceable commitment to properly refurbish, replace, and maintain rail bridges, communities are left at high risk. More, longer, and heavier trains in the Union Pacific acquisition plan would wear rail bridges down even faster. Moreover, the PA DEP projects an increase in extreme weather events, which means even more stress on bridges that are already failing.[24]

<u>We Ask the Surface Transportation Board to:</u>

- **Hold an accessible, in-person public hearing in Pittsburgh,** so that impacted residents have a meaningful opportunity to participate. Accessibility should include: scheduling the hearing on a weekend at a reasonable hour, at least a full week away from major holidays; at a venue that is accessible by public transportation and has good acoustics; offer ASL and language translation.
- **Fully evaluate the risks of hazmat trains and physical infrastructure.** Evaluate, in safety implementation plans and environmental impact reviews, the risks to the community from moving hazardous materials over aging rail bridges and other infrastructure, including the continued use of older DOT-111 tank cars. We also request that the Board re-evaluate the application's hazmat traffic numbers Southwestern PA counties based on local statistics and make the data public. The application plans for a significant increase in train car traffic, yet shows zero increase in hazmat cars except for a 1.4-mile segment in Pittsburgh.[14] We wonder if this is an error.
- **Fix the rail bridges.** Require publicly available, independent, and certified inspections of Norfolk Southern rail bridges; binding investment to refurbish or replace any bridge rated below "Satisfactory"; and create an enforceable maintenance schedule so bridges do not fall into disrepair again.
- **Protect our health and grow local jobs.** Conduct thorough environmental impact reviews of the Conway Rail Yard and Pitcairn Intermodal Yard, including air pollution, noise, and the safety effects of cutting Yard Master positions at

Conway. Make the details of increased air emissions and environmental impacts available to the public. Reduce PM2.5 pollution in trackside communities and support Pennsylvania jobs by requiring a transition to electric locomotives and trucks.

- **Demonstrate long-term commitment to residents impacted by Norfolk Southern's derailment and chemical disaster in East Palestine.** The National Transportation Safety Board (NTSB) chair called this disaster "100% preventable."[32] We call for the immediate implementation of all safety recommendations made by the NTSB made after the derailment. Give survivors the lifelong health care and health monitoring they need and deserve, and require Norfolk Southern to fulfill its commitments immediately, including the nearly half of a $600 million class-action settlement it still has not paid.[33]

Southwestern Pennsylvania deserves a freight rail system that prioritizes the safety, health, and well-being of the people who live and work nearby. Union Pacific's plan to acquire Norfolk Southern would increase potentially catastrophic risk to our community safety, health, well-being, and environment. An expanded railroad, with its increased concentration of power and influence, may be more challenging to hold accountable for its impacts to community members. We therefore oppose this proposed transaction. We call for rigorous safety and environmental assessments that include the transport of hazardous materials by rail and neglected outdated infrastructure. We call for improvements to the rail system to ensure community safety and health protections.

Sincerely,

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APPENDIX

Norfolk Southern-owned Rail bridges by PA County sorted by the number of bridges per county:

- NS owns 1209 Rail Bridges in Pennsylvania
- Of all the Counties in PA, Allegheny has the most NS-owned rail bridges with 111. That's more than 9%. **111/1209=0.0918**

Yellow = SWPA County

Ranking by Qty	County	Above Railroad	Above Road (underpass)	Above Water	Total Result
1	Allegheny	11	77	23	111
2	Berks	2	48	29	79
3	Montgomery	6	39	27	72
4	Greene		23	37	60
5	Dauphin	3	28	26	57
6	Cumberland	1	25	29	55
7	Beaver	4	14	34	52
8	Westmoreland		27	25	52
9	Lancaster		10	40	50
10	Northampton		7	38	45
11	Cambria	1	17	22	40
12	Northumberland		7	33	40
13	Indiana		14	25	39
14	York		10	25	35
15	Blair		8	24	32
16	Huntingdon		9	23	32
17	Washington		9	21	30
18	Erie	2	10	17	29
19	Lehigh	1	13	15	29
20	Franklin		20	8	28
21	Chester	2	13	11	26
22	Clinton		2	23	25
23	Perry	2	5	16	23
24	Fayette		1	18	19
25	Lawrence	1	4	12	17
26	Lycoming		3	12	15
27	Philadelphia	3	10	2	15
28	Mifflin		7	6	13
29	Armstrong		8	4	12
30	Lebanon		7	4	11
31	Mercer		1	10	11
32	Bucks	1	7	1	9
33	Cameron		1	8	9
34	Carbon			9	9
35	Luzerne	1	2	5	8
36	Snyder		1	4	5
37	Somerset		2	3	5
38	Crawford			4	4
39	Montour			3	3
40	Juniata			2	2
41	Bradford			1	1
	Total Result	**41**	**489**	**679**	**1209**

Table: Breathe Project with assistance from FracTracker Alliance based upon: Federal Railroad Administration. "Railroad Bridges." *U.S. Department of Transportation Data*, data.transportation.gov/Railroads/Railroad-Bridges/nv2b-wzsm.

Top 10 PA Counties with most NS-owned bridges

#1 Allegheny (111)

4 Greene (60)

#7, tie - Beaver & Westmoreland (52)

Allegheny has the most Norfolk Southern-owned railroad bridges of all Counties in PA
4 Southwestern Pa Counties are in the Top 10 Counties with most NS-owned rail bridges
4 Southwestern Pa Counties --Allegheny, Greene, Beaver, Westmoreland -- are in the Top 10 Counties for NS-owned rail bridges in Pa

Rank	County	Above Railroad	Above Road (underpass)	Above Water	Total Result
1	**Allegheny**	**11**	**77**	**23**	**111**
2	Berks	2	48	29	79
3	Montgomery	6	39	27	72
4	**Greene**		**23**	**37**	**60**
5	Dauphin	3	28	26	57
6	Cumberland	1	25	29	55
7	**Beaver**	**4**	**14**	**34**	**52**
8	**Westmoreland**		**27**	**25**	**52**
9	Lancaster		10	40	50
10	Northampton		7	38	45

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