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SAN BERNARDINO COUNTY

# County Administrative Office

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ENTERED
Office of Chief Counsel
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Public Record

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Secretary of the Board
Surface Transportation Board
395 E Street SW
Washington, DC 20423

**RE: Proposed Union Pacific Railroad (UP) and Norfolk Southern Railway (NS) Merger (Finance Docket FD 36873)**

Dear Secretary of the Board:

San Bernardino County appreciates the opportunity to provide comments regarding the proposed merger between Union Pacific Railroad (UP) and Norfolk Southern Railway (NS) in Finance Docket FD 36873. The County does not take a position on the merits of the proposed merger or whether the proposal should be approved. Instead, we wish to ensure the Surface Transportation Board (STB) consider the likelihood of further regional and local impacts this merger will have to our community.

Being the largest geographic county in the country, covering over 20,000 square miles (larger than nine individual U.S. states), the county is a critical component of the national freight movement system. As such, San Bernardino County has significant interests in the transportation infrastructure, communities, and public services that would be affected by any changes and increases in rail operations.

Specifically, the County encourages the STB to carefully evaluate potential merger-related impacts, including changes in train frequency and length; delays at at-grade crossings; roadway congestion; emergency response access; truck traffic associated with freight and intermodal facilities; hazardous materials movement; and long-term infrastructure needs.

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Luther Snoke Chief Executive Officer

Given the County's significant investment in transportation infrastructure, we encourage a comprehensive assessment of transportation improvements or mitigation measures that may become necessary as a result of merger-related operational changes, including:

- Crossing enhancements;
- Grade separations;
- Roadway and mobility improvements and modifications;
- Improvements necessary to maintain emergency response access and public safety; and
- Other transportation infrastructure improvements necessary to address identified merger related impacts.

Where impacts are directly attributable to the proposed merger, associated mitigation responsibilities and costs should be clearly identified and appropriately assigned so they are not shifted to local agencies or taxpayers. The County supports having clearly defined implementation schedules, performance monitoring and reporting requirements as part of the mitigation measures.

It is important to recognize that many communities within the County are already classified as underserved and are designated by state and federal programs as medically and/or socioeconomically disadvantaged. These communities may be particularly vulnerable to the environmental, economic, transportation, and quality-of-life impacts associated with the proposed merger. Accordingly, as part of its review, we respectfully request that the STB look beyond traditional mitigation measures and consider opportunities for the project proponents to make long-term investments in the communities most affected by the merger. Such commitments should be structured through a comprehensive community investment plan focused on improving economic opportunity, public health, infrastructure, mobility, environmental quality, and overall quality of life, with the goal of helping these communities achieve measurable and sustained improvements over time.

The County further encourages the STB to require meaningful coordination between the railroads, local transportation agencies and local governments throughout implementation of any approved transaction. This would include, but is not limited to, early communication regarding operational changes, capital improvements, construction activities, and maintenance work. Early and consistent communication will help local agencies effectively plan for and respond to potential impacts.

San Bernardino County appreciates the opportunity to provide comments at this early stage of the merger proposal. We would respectfully request future opportunities to engage as further information becomes available.

Sincerely,



L. Michael Vu
Assistant Executive Officer
County Administrative Office
San Bernardino County

CC: Parties of Record