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Office of Chief Counsel
November 23, 2026
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36873

UNION PACIFIC CORPORATION AND
UNION PACIFIC RAILROAD COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY

COMMENTS AND REQUEST FOR CONDITIONS OF THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Pursuant to 49 U.S.C. § 11325 and Decision No. 30 in the above-captioned proceeding, the Washington Utilities and Transportation Commission (UTC) hereby submits comments on the proposed acquisition of control (Transaction) of Norfolk Southern Corporation and Norfolk Southern Company (NS) by Union Pacific Corporation and Union Pacific Company (UP; collectively, the "Applicants"), as reflected in the Amended Railroad Control Application filed April 30, 2026, as supplemented July 7 and July 27, 2026, (collectively, the "Application").

As the regulatory agency responsible for railroad crossing safety in Washington State, the UTC supports Section 5 of the comments and request for conditions submitted by the Washington State Department of Transportation (WSDOT) on November 18, 2026. *Union Pac. Corp.—Control—Norfolk S. Corp.*, FD 36873 et al., ID 313002 at 15–17.

WSDOT's comments in Section 5 ("Highway-Rail Grade Crossing Delays and Confidentiality Concerns") state that delays at highway-rail grade crossings can have a profound effect on local communities, impairing travel and lengthening emergency response times. The effect of increased train counts and train length due to the merger needs to be understood. UTC

supports WSDOT's proposed condition that the Applicants be required to work with regulatory agencies in Washington to reduce the incidence of blocked at-grade crossings, initially prioritizing those crossings already identified as higher risk in UTC's Washington Highway-Rail Grade Crossing State Action Plan.

UTC also supports WSDOT's requests that Applicants be required (1) to monitor the incidence of blocked at-grade crossings and adjust priorities in accordance with the severity of blockages; (2) to report to Washington state regulatory agencies, including the UTC, at least quarterly on at-grade crossing blockages; (3) to provide regulatory agencies in Washington state and affected local jurisdictions access to the operational data necessary to evaluate merger-related impacts at highway-rail grade crossings; and (4) to coordinate with affected public agencies to identify and mitigate increased crossing delays, including impacts to emergency response, vehicular traffic, and local transportation networks resulting from merger-related changes in train frequency, length, or operations.

RESPECTFULLY SUBMITTED this 23rd day of November 2026.

NICHOLAS W. BROWN
Attorney General of Washington

/s/ *Jeff Roberson*, WSBA No. 45550
Senior Assistant Attorney General
Office of the Attorney General
Utilities and Transportation Division
P.O. Box 40128
Olympia, WA 98504-0128
360-810-0509
jeff.roberson@atg.wa.gov

Counsel for the Washington Utilities and
Transportation Commission

CERTIFICATE OF SERVICE

I certify that I have this day served copies of the foregoing Comments and Request for Conditions to be served electronically or by first-class mail, postage pre-paid, on the Secretary of Transportation and upon all parties of record in this proceeding.

/s/ *Elizabeth DeMarco* November 23, 2026

(49 U.S.C. 721, 5 U.S.C. 553)

cc: All Parties of Record (via email or first class mail)

cc:

The Honorable Sean Duffy
Secretary of Transportation
c/o Matthew L. Yanez
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, DC 20590
Via e-mail: matthew.yanez@dot.gov

The Honorable Todd Blanche
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Antitrust Division, Room 3109
Washington, DC 20530

c/o Assistant Attorneys General
Patricia Crowley Corcoran
Don Amlin
450 Fifth St. NW, Suite 8000
Washington, DC 20530
Via e-mail: don.amlin@usdoj.gov

Union Pacific Corporation and Union Pacific Railroad Company
Michael L. Rosenthal
James O'Connell
Kevin M. Kelly
Pegah Nabili
Derek Ludwin

Matthew J. Glover
Laura Flahive Wu
Covington & Burling LLP
One CityCenter, 850 Tenth Street, N.W.
Washington, DC 20001
Via e-mail: mrosenthal@cov.com; joconnell@cov.com; kkelly@cov.com; pnabili@cov.com; dludwin@cov.com; mglover@cov.com; lflahivewu@cov.com

Norfolk Southern Corporation and Norfolk Southern Railway Company
Raymond A. Atkins
Matthew J. Warren
Carrie Mahan
Allison C. Davis
Marc Korman
Nicole Booth
Stephen S. Laudone
Sidley Austin LLP
1501 K Street, N.W. Washington, DC 20005
Via e-mail: ratkins@sidley.com; mjwarren@sidley.com; carrie.mahan@sidley.com; allison.davis@sidley.com; mkorman@sidley.com; nicole.booth@sidley.com; slaudone@sidley.com

The Honorable Jenifer Soulikias, Administrative Law Judge
Via e-mail: alj.soulikias.inbox@stb.gov

All Other Parties of Record via email, express mail, or first-class mail, postage prepaid.