November 12, 2025

Subject: Comments and Input from Non-Party Members, Proposed Union Pacific and Norfolk Southern Merger, Docket Number: FD 36873

The Rail Passengers Association, the Environmental Law & Policy Center, the Southern Rail Commission, and Transportation for America welcomes the opportunity to submit this comment on Decision No. 5 in Docket No. FD 36873 based on the significant interest of our 127,000 members, donors, and supporters who travel on Amtrak and the millions of people who travel by rail every year in the United States. Our organizations further trust that this comment will be accepted as of the date of this filing, due to the fact that the October 16, 2025, date for comments on this decision would have been tolled during the duration of the government shutdown.

As members of the Surface Transportation Board (STB) have already acknowledged in various public settings, including recent Senate testimony, the contemplated Union Pacific (UP)-Norfolk Southern (NS) merger would be the largest in the history of U.S. railroading, and certainly the largest that the STB has ever had to consider. The scale of this proposed transaction and the scope of the transaction's potential effects are truly unprecedented.

A survey of the UP and NS networks shows how many services, passengers, and Amtrak-served communities this merger has the potential to affect:

- The UP and NS networks hosted 25 of 44 total Amtrak State-Supported and Long-Distance routes, or 57 percent;
- These 25 Amtrak routes carried more than 11.3 million passengers in 2024, or 63 percent of all Amtrak State-Supported and Long-Distance ridership; and
- Of the 69 routes selected by the Federal Railroad Administration to be part of the Corridor Identification and Development Program, 33 currently travel or would travel over UP or NS trackage – just short of 48 percent.

[For additional details on Amtrak routes, ridership, and host railroad delays, see "Appendix A" of this filing.]

The Board's regulations at 49 C.F.R. § 1180.1 require, among other factors, full consideration of "potential benefits…and potential harms" from a proposed transaction, "harm to essential services" and "conditions that can be imposed to mitigate or offset harm to the public interest." Further, the regulations expressly cite "public participation in the merger review process." Our organizations strongly urge the Board to consider formally soliciting substantive stakeholder comments to the docket in this proceeding and holding public hearings involving stakeholders so that those inputs are considered appropriately in this transaction.

We would also observe that the procedural schedule outlined in Decision 5 does not expressly contemplate comments and input from non-party stakeholders (although it also does not expressly exclude such comments). However, the Board notes in its decision that "Substantive filings not contemplated by the procedural schedule are disfavored. Evidence attached to filings that are not contemplated by the procedural schedule will not necessarily be considered in any Board decision on the merits."

Given the unprecedented nature of this transaction and the enormous consequences of the Board's decision, the undersigned organizations ask the Board to clarify its intent as to whether "substantive filings" from non-party stakeholders are contemplated by the procedural schedule, and if not, whether such stakeholder filings would be "disfavored." We further ask that the Board include a mechanism for considering substantive filings from stakeholders in its process for reaching a decision on the merits, as part of its commitment to the requirement for "public participation in the merger review process."

In addition, the potential for a public hearing on the transaction is only offered as a "TBD" as needed at the end of the proceeding. Again, given the unprecedented scale and scope of this proposed transaction, our organizations would ask the Board to consider conducting public hearings in this matter, and on a schedule that permits Board and staff to fully evaluate testimony from those hearings to inform any final decision.

For these reasons, we also support the 390-day schedule for review outlined by the Board, and oppose the expedited schedule requested by UP in its Oct. 20 filing.

Sincerely,

/s/ Jim Mathews
Jim Mathews, President & CEO
Rail Passengers Association

/s/ Knox Ross
Knox Ross, Chair
Southern Rail Commission

/s/ John Spain
John Spain, Vice Chair
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Appendix A - Proposed Merger and Amtrak Routes & Ridership

Host Railroad	Route	2024 Ridership	Total Host Responsible Delays - 12 Month Average (Oct. 2025)	Largest Delay Category (Oct. 2025)	Second Largest Delay Category (Oct. 2025)
NS	Blue Water	174,800	**1090**	DMW	FTI
NS	Capitol Limited	163,100	843		
NS	Cardinal	93,000	**1374**	PTI	FTI
NS	Carolinian	347,400	650	PTI	DCS
NS	Crescent	303,100	871	FTI	PTI
NS	Floridian	298,300	883	FTI	PTI
NS	Lake Shore Ltd.	398,400	**911**	FTI	RTE
NS	Pennsylvanian	233,900	621	DSR	FTI
NS	Pere Marquette	94,400	**1309**	DCS	PTI
NS	Piedmont	358,200	647	PTI	FTI
NS	Richmond / Newport News / Norfolk	1,029,600	482	RTE	DCS
NS	Roanoke	334,300	548	PTI	FTI
NS	Silver Star	388,100	396		
NS	Wolverine	425,800	**1783**	FTI	DSR
UP	California Zephyr	351,100	**1025**	DSR	FTI
UP	Capitol Corridor	1,011,500	574	PTI	DCS
UP	Cascades	938,400	**1571**	DSR	FTI

UP	Coast Starlight	358,500	**1443**	DSR	FTI
UP	Lincoln Service	586,100	**1079**	PTI	FTI
UP	Lincoln / Missouri		**1024**	PTI	FTI
UP	Missouri	187,700	**1065**	FTI	PTI
UP	Pacific Surfliner	1,981,000	**1096**	PTI	DCS
UP	San Joaquins	906,400	**1118**	PTI	DSR
UP	Sunset Ltd.	76,900	**1266**	FTI	DSR
UP	Texas Eagle	325,700	**1498**	FTI	DSR