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October 14, 2026

Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: **Docket No. FD36873** Union Pacific Corporation and Union Pacific Railroad Company and Norfolk Southern Corporation and Norfolk Southern Railway

Dear Members of the Surface Transportation Board ("STB"):

The Village of Voorheesville, New York (hereinafter, "the Village") submits these comments in opposition to the proposed merger (the "Application") of Norfolk Southern Corporation (hereinafter, "Norfolk Southern") and Union Pacific Corporation. For the reasons set forth below, the Village asks that the Application be rejected—or, alternatively, if the merger is to be approved, that any approval include appropriate conditions and limitations to fully address the Village's concerns.

Located in Albany County, New York, where Norfolk Southern recently rebuilt an unused rail line and constructed a new "level junction" between that rail line and an existing CSX Transportation, Inc. ("CSX") rail line, the Village is already significantly impacted by Norfolk Southern's operations—which have been a matter of significant concern over the year. Indeed, by correspondence dated July 20, 2021, the Village previously communicated to the Surface Transportation Board ("STB") concerns that the Village had with a prior application that was before it, involving the proposed construction of a new level junction between CSX rail lines and then unused Norfolk Southern line within the Village. Among the Village's concerns were that the level junction and reactivated Norfolk Southern line would exacerbate longstanding quality-of-life and public safety issues associated with train traffic in the community.

As a result of the Village's concern about that prior application, in December 2021, CSX and Norfolk Southern executed a "Settlement Agreement" with the Village. "[I]n consideration of the representations, warranties and agreements of CSX[] and [Norfolk Southern] as set forth" in the Settlement Agreement—which were the result of extensive negotiations between the parties—the "Village [] withdr[e]w its [] opposition to th[at] [p]roposed [t]ransaction and its request for conditions to the STB's approval." And that Settlement Agreement was then filed with the STB. The STB then expressly cited to the Settlement Agreement in its April 14, 2022 decision (Docket

No. FD 36472, Dec. No. 9) on the prior application—and specifically ordered that the proposed transaction be approved, subject to the Settlement Agreement.

Since the Settlement Agreement was entered into, and the STB issued its prior approval, CSX has worked to fulfill its commitments to the Village (and representations to the STB). Norfolk Southern, regrettably, has not.

Pursuant to Section 2(e) of the Settlement Agreement, for example, Norfolk Southern expressly agreed to "stage its trains and to operate through the NSR Crossing in such a manner to minimize potential impacts on the Village." In addition, Norfolk Southern agreed to "meet with Village and County public safety personnel to discuss how best to address and accommodate any public safety challenges that may result from the reestablishment of" Norfolk Southern's connection with the CSX rail line. Over the past two (2) years, however, Norfolk Southern has made no attempt whatsoever to fulfill these obligations—and, in fact, has made clear that it has no intention whatsoever of doing so. Instead, Norfolk Southern has taken steps to actively undermine basic safety within the Village.

In particular, Norfolk Southern has constructed a "crew change facility" within the Village—without any appropriate governmental review or approvals. The construction of this crew change facility has caused other existing businesses within the Village to be in violation of local zoning and subdivision laws. And despite Norfolk Southern's having previously communicated to Village officials (and the STB) that Norfolk Southern's trains would travel through the community at approximately 25 miles per hour—to minimize disruptions to crossings—Norfolk Southern has begun using the crew change facility as a location where its specialty trains are brought to a complete stop and crews swapped out.

The Village notes that Norfolk Southern's use of the crew change facility already causes Norfolk Southern trains to block surface crossings within the Village for significant periods of time—as Norfolk Southern's trains are brought to a stop; paused at the crew change facility; and then brought back up to speed from that complete stop, until the last of the cars at the rear of each train clears the Village crossings. And during these periods of time, Norfolk Southern's use of the crew change facility results in portions of the Village (including youth sports facilities) being cut off from emergency and other services.

Norfolk Southern's operations in this regard present an obvious threat to public health, safety and welfare of our community—and are completely inconsistent with Norfolk Southern's prior representations (including to the STB). The use of the crew change facility and regular stoppage of trains with the Village (while surface crossings are blocked) in no way "minimize[s] [the] potential impacts on the Village" of the transaction that the STB previously approved. Moreover, and despite actually making conditions within the community worse, Norfolk Southern has yet to make any attempt at all to "meet with Village and County public safety personnel to discuss how best to address and accommodate any public safety challenges."

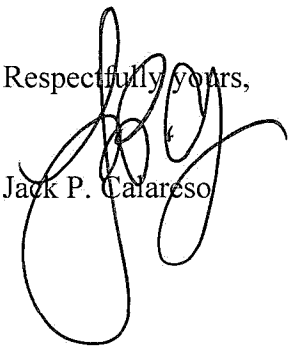
Norfolk's current violation of the Settlement Agreement is the subject of a pending Complaint for Investigation pending in front of the STB (Docket No. FD 36472 (Sub-No. 6). The

Village respectfully submits, however, that the latest proposed Application would greatly exacerbate the significant negative impacts that Norfolk Southern's operations currently have on public health, safety and welfare of its residents. The merger would result in the addition of even more high intensity traffic within the Village—and result in even more instances of at-grade crossings in the Village being blocked. And in light of Norfolk Southern's prior bad faith, and ongoing refusal to fulfill its prior contractual commitments to the Village (and its representations to the STB), the Village cannot have any confidence that Norfolk Southern will take—on its own—any meaningful steps to mitigate the public safety and other negative consequences that the latest proposed merger is likely to cause.

The Village respectfully urges that the Application be rejected in its entirety—because the significant, negative impacts on the Village that will occur are simply not justified by the Applicants' commercial interests. And to the extent any version of the Application (that provides for the increased traffic) is approved in the future, the Village respectfully requests that appropriate conditions be imposed such that the Village's significant public safety and quality of life concerns for its residents are addressed—at the Applicants' expense.

Thank you in advance for your attention to this matter. If there is any additional material or information we can provide to you regarding our concerns, please just let us know.

Respectfully yours,



Jack P. Calareso

JPC/ans

cc: All Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing comments in opposition to the proposed merger to be served electronically or by first-class mail, postage prepaid, on the Secretary of Transportation, the Attorney General of the United States, Applicants' representatives, Administrative Law Judge Jenifer Soulikias, and all parties of record in this proceeding at the time of this filing.

Respectfully submitted,

Dated: Albany, New York
October 14, 2026

GLEASON, DUNN, WALSH & O'SHEA, P.C.

By: _____

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