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BEFORE THE SURFACE TRANSPORTATION BOARD

WASHINGTON, D.C.

FINANCE DOCKET NO. 36873

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

COMMENTS AND PETITION FOR THE IMPOSITION OF CONDITIONS: ESTABLISHMENT OF OPEN-ACCESS DIGITAL INFRASTRUCTURE EASEMENTS, TRACKAGE ACCESS FOR DECENTRALIZED COMPUTATIONAL ASSETS, AND CORRIDOR REMEDIATION PROTOCOLS

I. INTRODUCTION & STATEMENT OF INTEREST

Comes now M4 Railcar Group ("Petitioner") and respectfully submits these Comments and Request for Conditions in Finance Docket No. 36873 pursuant to 49 U.S.C. §§ 11323–11325 and 49 C.F.R. Part 1180. The proposed consolidation of Union Pacific Corporation and Union Pacific Railroad Company with Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, "Applicants") would assemble an unprecedented transcontinental Class I monopoly spanning more than 50,000 route-miles. While Applicants assert vast public benefits under their Service Assurance Plan, the sheer concentration of hazardous material (hazmat) routing, Precision Scheduled Railroading (PSR) operating methodologies, and deferred corridor maintenance presents severe systemic tail-risk to rail employees, adjacent communities, and national critical infrastructure.

Summary of Requested Public-Interest Conditions (49 U.S.C. § 11324(d)):
To ensure that the statutory public interest standard is met, the Board should not approve the Transaction without imposing structural, pro-competitive conditions that mandate:

1. **Open-Access Digital Easements:** Open-access digital and computational easements on dormant and secondary rights-of-way (ROW);
2. **Trackage & Siding Access:** Access rights for non-hazardous decentralized computational carts along underutilized spurs and classification sidings; and
3. **Corridor Phytoremediation Buffers:** Binding commitments to allow environmental phytoremediation buffers on brownfield trackage and adjacent parcels.

II. FACTUAL & OPERATIONAL BACKGROUND

1. Capacity Underutilization Under PSR: Following years of aggressive train-lengthening and Precision Scheduled Railroading, Class I carriers have routinely mothballed, downgraded, or abandoned secondary tracks, passing sidings, and local yard spurs to minimize maintenance operating ratios.

2. Critical Infrastructure Convergence: Legacy rail corridors remain the primary physical backbone for transcontinental dark fiber trunks and high-voltage transmission easements.

3. The AI & Edge Infrastructure Bottleneck: National computational expansion and edge data processing are severely constrained by 3- to 7-year grid interconnection delays for conventional stationary data centers. Modular, mobile 5 MW compute chassis (utilizing closed-loop liquid cooling) can deploy on rail spurs within months, utilizing off-track microgrids on acquired adjacent brownfields without drawing from strained municipal water or power grids.

4. Labor and Corridor Health Burdens: Rail workers (represented by BMWE, SMART-TD, BLET, and IBEW) face continuous exposure to legacy soil contaminants (creosote, polycyclic aromatic hydrocarbons, heavy metal particulate) alongside high-risk hazmat operations.

III. ARGUMENT: THE NEED FOR OPEN-ACCESS DIGITAL CORRIDOR CONDITIONS

Under 49 U.S.C. § 11324(c), the Board has the statutory duty to condition merger authority to cure anti-competitive harms, alleviate adverse community impacts, and advance the transportation and public interest policies of the United States.

A. Conditioning Merger Approval on Open-Access Digital Easements

Applicants must not be allowed to monopolize the physical real estate of transcontinental corridors to the exclusion of next-generation infrastructure. The Board has long conditioned Class I transactions on trackage rights, terminal access, and shared infrastructure to prevent anti-competitive bottlenecks. The Board should require Applicants to offer non-discriminatory, open-access commercial easements along their parallel rights-of-way and secondary sidings to third-party operators deploying modular, decentralized computational equipment, fiber interconnects, and clean microgrid power tie-ins.

B. Decoupling Catastrophic Chemical Risk from Corridor Economic Value

A transcontinental rail duopoly concentrates hazardous chemical transport, heightening catastrophic liability across critical choke points. Authorizing parallel, non-hazardous computational traffic allows corridors to generate high-margin utility revenue (compute FLOP throughput, edge data routing) completely isolated from toxic chemical risks. Unlike hazmat freight, an operational disruption to modular compute hardware carries zero risk of chemical evacuation zones, toxic plumes, or Superfund environmental damage.

C. Preserving Rail Craft Labor and Workforce Transition

Applicants have historically achieved merger "synergies" by furloughs, shop closures, and operating crew reductions. Digital rail sidings require high-voltage interconnect servicing, signal maintenance, track stabilization, and mechanical chassis inspections. Conditioning approval on digital siding access creates sustained, high-wage industrial employment for rail union crafts (BMWE, IBEW, BRS, Carmen) supported by tech-sector gross margins rather than freight cost-cutting.

D. Environmental Remediation of Corridor Soils (Phytoremediation)

Federal environmental policy (NEPA) and the Board's Office of Environmental Analysis (OEA) review require full consideration of corridor degradation. Decades of heavy freight and chemical spills have contaminated rail ballast and rights-of-way. As a condition of merger authority, the Board should require Applicants to permit third-party installation of native, deep-root vegetative remediation buffers (such as switchgrass and hybrid poplars) along rights-of-way and adjacent spurs to actively extract ground toxins, stabilize ballast, and shield surrounding communities from industrial dust.

IV. SPECIFIC CONDITIONS REQUESTED

Petitioner respectfully requests that the Surface Transportation Board condition any approval of Finance Docket No. 36873 upon the following binding requirements:

Condition Category	Mandatory Regulatory Requirement
1. Mandatory Secondary Spur & Siding Access	Applicants must establish a standardized, transparent tariff and interconnection framework granting third-party modular computational carts and edge data chassis access to dormant or underutilized sidings and spurs at commercially reasonable rates.
2. Digital & Fiber Right-of-Way Easements	Applicants must grant open-access physical easements across their rights-of-way to allow connection between trackside computational units, parallel dark fiber lines, and adjacent-parcel microgrid substations.
3. Brownfield Environmental Remediation Co-Tenancy	Applicants shall not unreasonably restrict or prohibit the deployment of non-invasive, approved phytoremediation vegetative buffer zones on adjacent easement boundaries to treat historical soil contamination.
4. Labor Craft Exclusivity	All track, mechanical, signal, and electrical infrastructure maintenance performed on computational rail spurs and interconnects within the common carrier footprint shall be performed under existing collective bargaining agreements with recognized rail labor unions.

V. CONCLUSION

For the foregoing reasons, Petitioner urges the Surface Transportation Board to hold Applicants to their statutory burden of serving the public interest and impose the requested conditions on any final decision in Finance Docket No. 36873.

Dated: October 23, 2026

Respectfully submitted

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CERTIFICATE OF SERVICE

I certify that on this 23rd day of October, 2026, I caused copies of the foregoing Comments and Petition for the Imposition of Conditions in STB Finance Docket No. 36873 to be served electronically on all parties of record in STB Finance Docket No. 36873.

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Dated: October 23, 2026