

Congress of the United States

Washington, DC 20515

February 4, 2026

The Honorable Patrick Fuchs
Chairman
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

The Honorable Michelle Schultz
Vice Chair
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423 310838

The Honorable Karen Hedlund
Member
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

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Office of Chief Counsel
February 5, 2026
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Public Record

Dear Chairman Fuchs:

We write to encourage the Surface Transportation Board (“STB,” or “the Board”) to conduct a rigorous and comprehensive review of the proposed merger between Union Pacific Railroad (UP) and Norfolk Southern Railway (NS) to ensure it enhances competition and is clearly in the public interest.

We also want to underscore at the outset that the responsibility to demonstrate clear, measurable, and substantial benefits for domestic manufacturers, agricultural producers, the energy sector, and the American consumer—all of whom rely on an efficient, competitive, and cost-effective freight rail system—rests squarely with the applicant railroads. Absent such a showing, the Board should not permit this transaction to proceed.

UP and NS have now submitted their application to the Board seeking formal approval to create a 55,000-mile railroad handling almost half the nation’s rail freight. Such additional consolidation and market share concentration in an industry that has seen 30 Class I railroads reduced to six since the industry was partially deregulated in 1980 could decrease already limited options for shippers around the country. A number of those shippers are still complaining about railroad pricing and service issues since the last major round of industry consolidation in the mid to late 1990s and early 2000s.

As you are aware, complaints about increased market power and major service disruptions resulting from those past mergers generated tremendous backlash from rail customers, employees, passenger rail operators and riders along with communities cut in half by congested rail lines. This prompted the Board in 2001 to rewrite the rules by which any future mergers between Class I railroads would be judged. Importantly, the new rules place a significant burden on would-be merging parties to demonstrate how the transaction would, among other requirements, enhance competition for rail shippers, ensure reliable rail service, and be in the interest of the public.

The U.S. Department of Agriculture as one example was a key stakeholder back then in helping shape the Board’s revised merger rules. In particular, USDA emphasized in written comments

that future rail mergers must not simply preserve but enhance competition among and between railroads:

“Rather than just preserving competition, the Board should use enhancement of competition as a deciding factor [when reviewing mergers]. To USDA, effective competition “to meet the needs of the public” must include effective inter-railroad competition – the kind that minimizes the number of captive shippers and the need for regulatory control over rates and services.”

As representatives of states and congressional districts that rely on competitive and reliable rail service to move goods essential to the U.S. economy, we have a strong interest in ensuring transactions that could concentrate market power, reduce competition, or degrade service are carefully scrutinized. Also, and consistent with the Trump Administration’s pro-growth economic agenda, we remain keenly focused on ensuring government decision-making does not result in the costs of goods and services going up for American businesses and consumers.

Some of us are already hearing initial concerns about the UP-NS application and its lack of serious and meaningful commitments to enhance competition and protect against service meltdowns. In light of this, the Board must consider with extreme care the potential risks posed by this transaction to determine whether it meets the public interest test.

Thank you in advance for taking on the critical responsibility to safeguard competition, reliability and resilience across the nation’s freight rail system.

Sincerely,



Dusty Johnson
Member of Congress



Derek Schmidt
Member of Congress



Aaron Bean
Member of Congress



Michael Cloud
Member of Congress



Gabe Evans
Member of Congress



Julie Fedorchak
Member of Congress



Dan Newhouse
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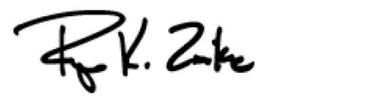
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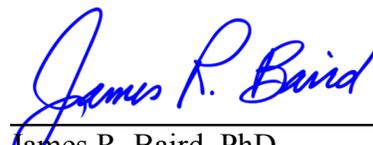
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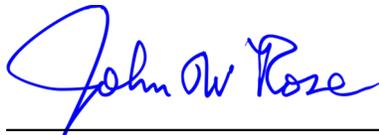
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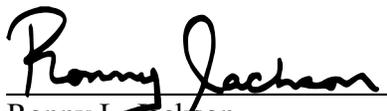
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