



Surface Transportation Board
Washington, D.C. 20423-0001

July 22, 2026

The Honorable Tammy Baldwin
141 Hart Senate Office Building
Washington, DC 20510

Dear Senator Baldwin,

Thank you for your recent letter regarding your concerns about stakeholder participation in proceedings before the Surface Transportation Board (Board or STB). The Board takes very seriously allegations of potential retaliation or other conduct that could discourage participation in agency proceedings, including the proposed Union Pacific (UP)-Norfolk Southern (NS) merger. The Board is committed to ensuring that its proceedings remain open to meaningful participation by all interested persons, and it does not tolerate conduct intended to intimidate, retaliate, or otherwise discourage public participation. Such conduct would be fundamentally inconsistent with the integrity of the Board's processes and its ability to carry out its statutory responsibilities.

Accordingly, where an interested person believes that statements or conduct by another participant are intended to threaten and discourage participation in a Board proceeding, the person should promptly bring those concerns, along with any relevant facts or supporting information, to the agency's attention. The Board encourages stakeholders to contact the agency's Office of Public Assistance, Government Affairs, and Compliance (OPAGAC) regarding intimidation, retaliation, or other improper conduct. OPAGAC can receive such concerns on a confidential basis and/or facilitate their referral to the appropriate Board officials for consideration consistent with the Board's procedures and statutory responsibilities.¹

The Board encourages all interested persons to participate in its proceedings. In the proposed UP-NS merger specifically, the proceeding already has more than 500 individual filers, including notices of intent to participate. As might be expected from a proceeding of this magnitude, the proposed UP-NS merger has among the highest number of parties in any proceeding since the Board's creation, and the deadline to file notices of intent to participate has not passed. Of the total, individual shippers represent the largest share of businesses that have filed to become party to the UP-NS merger proceeding. In addition, more than two dozen shipper organizations, collectively representing thousands of shippers across the network, have filed notices of intent to

¹ OPAGAC's Rail Customer and Public Assistance (RCPA) service frequently and effectively addresses shipper and other stakeholder concerns or complaints about railroad actions, oftentimes through direct engagement with relevant railroad personnel. Over the past four quarters, RCPA has worked to resolve about 100 railroad service, practice, rate, and other contentious matters, which typically arise independent of any Board proceeding.

participate, among other filings. The Board has also received notices of intent to participate from more than two dozen individual short line railroads and 11 labor unions.

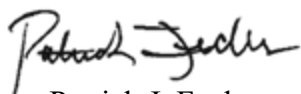
Meaningful participation from a broad array of stakeholders strengthens the Board's decisions. Considering a wide range of perspectives facilitates informed decisions that further the Rail Transportation Policy that Congress set forth in 49 U.S.C. § 10101. The Board's proceedings are characterized by strong public participation, including shippers, carriers, labor, suppliers, state and local governments, intercity and commuter passenger rail interests, and other stakeholders, whose contributions inform Board decision-making.

Indeed, individual shippers and other stakeholders frequently make a significant impact on the Board's decisions. For example, the Board's hearing on demurrage, which involved contentious changes to railroad practices, generated testimony and other filings from nearly 40 individual shippers, providing specific details about service and commercial dynamics with individual carriers. Following that hearing, the Board took four actions to improve the applicable regulatory framework, with the Board frequently and directly citing shipper testimony to support its decisions.² From proceedings ranging from embargoes to competitive access to proposed transactions, testimony and other filings from individual firms and others have provided critical insights and valuable information.

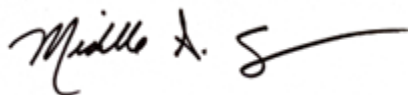
The Board remains steadfast in its commitment to conduct all agency proceedings with fairness, transparency, and impartiality. We are aware of the reported statements by UP CEO Jim Vena. While any statements related to a particular proceeding will be addressed in the appropriate docket, the Board expects all participants in agency proceedings to refrain from statements or conduct that could deter public participation or potentially influence interested persons to provide information or views that do not reflect their own judgment.

Thank you again for sharing your concerns and for your continued interest in the Board's work. The Board is committed to carrying out the STB's statutory responsibilities in a manner that promotes confidence in the integrity of its proceedings. If you or your staff have any questions, please contact Ms. Janie Sheng, Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

Sincerely,



Patrick J. Fuchs
Chairman



Michelle A. Schultz
Vice Chairman



Karen J. Hedlund
Member



Richard J. Kloster
Member

² See Policy Statement on Demurrage & Accessorial Rules & Charges, EP 757 (STB served Apr. 30, 2020); Demurrage Billing Requirements, EP 759 (STB served Apr. 30, 2020); Demurrage Billing Requirements, EP 759 (STB served Apr. 6, 2021); Exclusion of Demurrage Regulation from Certain Class Exemptions, EP 760 (STB served Feb. 28, 2020).