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BNSF Opposes Proposed UP-NS Merger

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To: Bryan Wilson <countyjudge@burnetcountytexas.org>

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Greetings,

You may have already heard Union Pacific Railroad intends to merge with Norfolk Southern Railway, but we want to make sure you know BNSF Railway's **strong opposition** to the proposed merger. The Surface Transportation Board (STB) standards require any merger to enhance freight rail competition, service, and be in the public interest. The UP-NS merger would concentrate nearly half of the nation's freight under one railroad, raising serious questions about long-term impact on rail competition, service reliability and the prices paid by American consumers and businesses. As a Texas-based company with our headquarters in Fort Worth, we hope you will join us in voicing your opposition to this proposed merger to the STB through the process outlined here.

The last time UP merged with another railroad, it **cost the Texas economy more than $1 billion.**

For this merger plan, once the application is filed later this week, BNSF will thoroughly review the UP application, but one needs only look at UP's past service meltdowns and anti-competitive behavior through prior mergers as evidence for how the largest rail merger in history will play out if allowed to move forward. More information can be found at https://www.bnsf.com/ship-with-bnsf/preserve-rail-competition, but here are two salient illustrations:

- When Union Pacific merged with Southern Pacific nearly 30 years ago, the ensuing service meltdown is estimated to have **cost the Texas economy more than $1 billion** (that's nearly $2 billion in 2025 dollars).
- BNSF has pursued legal action repeatedly over 24 years to enforce UP/SP merger access rights after UP has belayed or denied access rights established as a condition of their merger, including to serve Texas businesses seeking competitive rail service options. BNSF has prevailed in 70% of the cases that had to be brought before the STB demonstrating that BNSF was not asking for more than what was granted in the original merger concessions. Even when granted, delays often stretch for months or years, eliminating real competition.

BNSF recently wrote the Texas Legislature expressing our opposition to the merger. Statements from BNSF CEO Katie Farmer and BNSF CMO Tom Williams may also be of interest to you.

In addition to BNSF, many customers, CEOs, chambers and trade associations are opposing this merger.

- The Fort Worth Chamber and North Texas Commission have written letters to the STB expressing concern over likely harms resulting from the merger.
- The merger has drawn strong opposition from shipper groups including the Rail Customer Coalition, American Chemistry Council (ACC), and ACC member CEOs, as well as from other railroads, all of whom warn that reduced competition will lead to higher prices and degraded service.
- **Attorneys General** from nine states (FL, IA, KS, MS, MT, OH, ND, SD, TN) have sent a letter to the Surface Transportation Board urging a "thorough and exacting" review of the merger. Wall Street Journal: Several State Attorneys General Oppose Railroad Merger
- **54 Republican legislative leaders from 24 states** have sent a letter to the STB letter expressing concerns about the UP-NS merger and "its long-term impact on competition, service reliability, and the cost of doing business in America." FreightWaves: Rail merger could raise prices, hurt US ability to compete, say GOP legislators
- And here are some links to editorials weighing in on the merger from conservative voices, including **former Trump advisors:**
  - TownHall: The Mega-Rail Merger That Could Derail American Energy Dominance
  - Daily Examiner: When railroads get too big, America gets run over
  - Washington Times: Don't allow the Union Pacific-Norfolk Southern merger
  - **60 Trade organizations** expressed their concerns in a letter to the STB.
  - **18 Senators** stressed the need to ensure competition in rail industry and the potential impacts on U.S. ag producers. Sen. Hoeven news release, Oct. 31, 2025

We urge you to resist any calls to support this planned merger because it will diminish freight rail competition, service quality, safety, and quality of life for the public. We encourage you to protect freight rail competition and make your voice heard by appealing to the STB to thoroughly scrutinize the proposed UP-NS merger and reject any application that does not meet the board's exacting standard of enhancing freight rail competition and risks supply chain resilience and economic stability.

Please don't hesitate to reach out to me if you have any questions.

Thank you,
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