



CITY OF HOUSTON

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October 14, 2022

VIA E-FILING

Director Danielle Gosselin
Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

RE: STB Docket No. FD 36500, Canadian Pacific – Kansas City Southern Merger EIS

Dear Director Gosselin,

We submit the following letter in opposition to the proposed merger between Canadian Pacific (CP) Railway and Kansas City Southern (KCS) Railway, given the serious potential for merger-related environmental issues and increased disruption to neighboring communities. If approved by federal regulators, CP-KCS will reportedly funnel additional trains through an increasingly busy Houston railroad complex, which will cause further congestion and exacerbate adverse impacts across numerous communities, including historically underserved and socially vulnerable neighborhoods in the city of Houston. From impacts on public safety, mobility, air quality, and noise, the community's quality of life has been affected in many ways, and the CP-KCS merger will make things worse.

As the Surface Transportation Board (STB) is aware, Union Pacific (UP) and BNSF Railway own most of the tracks in Houston. Both railroad companies have extensive operations and a significant presence in the complex. Over the last few years, communities in Houston, especially those on the east side, have borne the brunt of increasingly busier tracks. Our community has also been impacted by more trains (and longer-length trains) occupying railroad tracks and crossings that block major thoroughfares and neighborhood access points lasting from several minutes to hours at a time. As these trains idle in the middle of our communities, they are not only impeding mobility but also emitting fuel exhaust that degrades the air quality and generating noise and vibrations that are harmful and disruptive to neighboring communities. This is further compounded by the emissions from idling vehicles forced to wait more and more at blocked crossings.

Prolonged blockages and associated disruptions are no longer rare, isolated occurrences. In fact, through a new smart camera pilot program the City of Houston launched, we have documented multiple instances in which major thoroughfares, specifically those vital to Houston Emergency

Response, have been blocked for hours at a time. As of late, a more common occurrence is what is known as a “double blockage”, two trains on a double track blocking the same crossing. This leaves motorists stranded, prompting unsafe motorist and pedestrian behavior, and too frequently forces emergency responders to scramble to find alternate, longer routes. Emergency Service Units respond to multiple neighborhoods in need and a single blocked crossing not only affects those residents in proximity but can cut off services to other communities, causing an impact to life safety.

Across the city, the Houston Fire Department reported 905 incidents in 2019 in which first responders had to reroute or were delayed by trains occupying critical crossings. That number grew to 974 in 2020 and surged to nearly 1,400 reports in 2021. That trend has remained consistent year to date, with almost 900 incidents reported as of September 27, 2022. The number of impacts to emergency response coupled with unsafe motorist behavior has elevated events caused by trains to threaten public safety. This concern and our requests for assistance and solutions have been made to the railroad companies and the Federal Railroad Administration.


The rail network is connected and interdependent; service problems in one area on one railroad can cascade throughout the system. We have seen and experienced congestion-related problems in the Houston network before, and the proposed CP-KCS merger will worsen the situation by adding to an already busy railroad complex. According to the STB’s Draft Environmental Impact Statement (EIS), the merger is expected to bring 8 to approximately 14.4 additional trains per day through the complex. The Houston Terminal is already seeing severe congestion issues with only a minor increase in its yearly average of trains. Even more troubling is the fact that CP-KCS have proposed no infrastructure or capacity expansion projects in Houston to mitigate impacts due to the merger, nor have they proposed any mitigation agreements with local authorities as they have done in other jurisdictions.


This is likely because the applicants, to our knowledge, have not conducted any formal analysis of Houston's capacity to determine whether the existing infrastructure in the Houston complex can handle the increase in traffic. Of the 25 capital improvement projects proposed by CP-KCS, not a single project would take place in Houston or the state of Texas. This is unacceptable. The applicants should not be allowed to add to an already strained railroad complex without fully studying and analyzing the impacts they will cause in Houston and without investing in mitigation. That is why we urge the STB to require the merging entities to jointly commission an independent engineering study to identify needed infrastructure improvements to alleviate regional congestion as part of a supplemental EIS, and to mandate that no additional trains be introduced into the Houston system until study recommendations are acted upon and financed by the applicants.


If the federal government allows this merger to proceed as proposed, with no mitigation investments in Houston by CP-KCS, then the federal government should be prepared to play a leading role in resolving ongoing issues and merger-related problems by investing in solutions and providing more oversight and enforcement. Whether preventing further environmental degradation or reducing blocked crossings and noise, the federal government and its regulating agencies must be responsible for protecting Houstonians from merger-related impacts.


Equally important is the need for CP-KCS to engage local stakeholders, including city and county leaders, emergency officials, environmental advocates, and the community on their plan to responsibly manage increased traffic through the Houston complex and the cascading effects on safety, mobility, and quality of life. We implore the STB to provide a supplemental environmental impact statement that includes an independent capacity study of the Houston system, further analyze the concerns and issues outlined in the EIS, and require CP-KCS to work with City of Houston and Harris County officials to develop plans and mitigation agreements before taking any further action on this matter.


Respectfully,



Sylvester Turner
Mayor

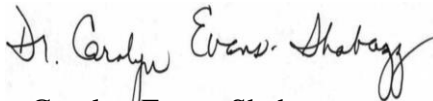

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