



1609 State Street • Bettendorf, Iowa 52722-4937 • (563) 344-4000

December 16, 2021

Joshua Wayland

Surface Transportation Board, c/o VHB

Attention: Environmental Filing, Docket No. FD 36500

940 Main Campus Dr., Suite 500

Raleigh, NC 27606

Re: Canadian Pacific/Kansas City Southern Merger Proposal; FD 36500; EIS Scoping

Dear Mr. Wayland:

The City of Bettendorf, Iowa ("Bettendorf") is one of the fastest growing cities in the State of Iowa, with a 2020 population of nearly 40,000. Bettendorf is part of the Quad-Cities region, a metropolitan area with a population of approximately 475,000, and is located on the Mississippi River. Bettendorf is predominantly a residential city, with a vibrant and developing downtown area, strong commercial businesses, critical industrial businesses (most of which are primarily located adjacent to the Mississippi River), and a burgeoning sports tourism industry. The Canadian Pacific ("CP") mainline follows the Mississippi River for the entire southern portion of our city¹.

Bettendorf has serious concerns about the proposed merger between CP and Kansas City Southern (the "Transaction") and the impact the Transaction will have on our city. We respectfully request that the issues set forth in this letter, and all aspects of the Transaction, are considered in the scoping of the EIS and ultimately in the substance of the EIS.

We recognize the complexity of the proposed Transaction and we appreciate the significant amount of work facing the Surface Transportation Board ("STB") in analyzing the potential impact on all communities and constituencies affected by the Transaction. However, there are certain unique aspects of Bettendorf that should be highlighted at the outset. First, Bettendorf appears to be one of the most significantly impacted cities. The proposed Transaction will result in more than a 300% increase in freight rail traffic in Bettendorf. See Appendix A to Volume 2, p. 2-363 (Trains Per Day by Subdivision), to CP/KCS Merger Application, filed October 29, 2021. Assuming seven (7) minutes for an 8500 foot train to clear, the city will go from approximately 49 minutes of through rail traffic to over 2 ½ hours of through rail traffic every day. This does not account for the trackage rights granted to other companies on the CP line. This additional rail traffic will directly affect homeowners that live near the tracks, commercial business, industrial businesses, and people living in or traveling to the Quad-Cities to enjoy our riverfront.

Additionally, the CP line in Bettendorf is located directly adjacent to the Mississippi River. This results in the complete separation of certain land on the river side of the tracks while the freight trains traverse the tracks, or during the numerous instances of trains sitting stationary on the tracks. Many residents,

¹ Note that Bettendorf is located on an approximately 40 mile stretch of the Mississippi River that flows east/west.

businesses, and public recreation amenities on the river side of the tracks have only one ingress/egress point, and the tripling of rail traffic will significantly impact these areas. In fact, Bettendorf has only one (1) grade-separated crossing over the CP line, located at George Theunen Drive in our downtown. The proximity to the Mississippi River increases environmental risks and damage in the event a derailment occurs. Finally, Bettendorf has significantly invested in its riverfront, and has plans to do more. The riverfront has been a target area that our City Council has identified in its annual goals for many years. They have invested heavily in this goal, and have expressed resolve to continue to do so. Cutting off certain portions of the riverfront with such a significant increase in rail traffic has the potential to be detrimental to economic development of these areas.

SAFETY

The proposed Transaction presents several significant safety concerns. To assist in assessing the safety issues in Bettendorf, we attach maps identifying the at-grade crossings in the city. Please note the following issues:

1. *Police, Fire, Emergency Medical Services.* The impact to public safety as a result of delay in police, fire, and EMS is a critical concern. Potential delays in police, fire, and EMS response times are present at each crossing set forth on the attached maps, and as articulated above, the potential issue is magnified by the fact that accessing the land on the river side of the tracks is difficult or impossible from the river. To address the access issue for these services, we suggest consideration of one or more vehicle overpasses and pedestrian overpasses. Particular public safety concern exists for the following:
 - a. 31st Street, 33rd Street and 35th Street crossings – Businesses accessed from these crossings handle hazardous materials, including a large fuel tank farm, a chemical distributor, and two (2) steel casting companies. These crossings are frequently blocked with stopped trains, causing back up onto State Street.
 - b. 62nd Street crossing – This location experiences long delays, including long stoppages. We have anecdotal evidence of employees of businesses located in this area climbing through stopped trains to get to work.
 - c. 12th Street and 13th Street crossings – Several commercial businesses are located on the river side of the CP line accessed from these crossings. Additionally, these crossings provide access to Leach Park and the Leach Park boat ramp.
2. *Pedestrian impact.* The CP tracks are adjacent to a very popular recreational trail along the Mississippi River. The tripling of rail traffic will pose additional risk, both in terms of people crossing the tracks to get to the trail and in receiving EMS services if injured. The 13th Street crossing poses a high risk. This is the main access point to Leach Park and the Leach Park boat ramp. Additionally, with the recent completion of the I-74 bridge project, the largest infrastructure project in the State's history, Bettendorf is constructing a 5-acre urban park that is bisected by the CP line. The urban park will provide access (via a ramp near Grant Street or a new elevator closer to the Mississippi River) to a pedestrian trail over the Mississippi River (attached to the new bridge). The elevator gives those with disabilities convenient access to the pedestrian trail. Parking for the urban park will be at Leach Park or a city-owned parking lot west of the bridge. The urban park and a one-of-a-kind pedestrian trail over the Mississippi River is expected to be a large tourist attraction. We request a thorough review of this area and the safety issues that will arise with a tripling of rail traffic.

Further, it should be noted that the intersection of the American Discovery Trail and the Mississippi River Trail in Bettendorf is an important tourism attraction and the safety of the users of these trails should be evaluated. A pedestrian walkway over the CP tracks should be considered for the 12th Street/13th Street area (a vehicle overpass at this location is likely difficult from an engineering standpoint).

3. *Potential derailments.* The Quad-Cities area has had two derailments since 2020. One near Warren Street in Davenport, Iowa on December 7, 2021, and another near Jones Street in LeClaire, Iowa on January 3, 2020. We request a full evaluation of CP's track system in Bettendorf, recommended improvements, and a schedule of such improvements.
4. *Hazardous material safety.* We request that a full evaluation of movement of hazardous materials, and a specific analysis of the unique characteristics of Bettendorf, including proximity to single-family and multi-family residential developments and the proximity to the Mississippi River.
5. *Barge/Train collisions.* We are aware of communication between our local Emergency Planning Council and the U.S. Coast Guard regarding certain collisions or near collisions between barges parked against the Mississippi River bank and trains on the CP line. We request that this issue be evaluated in the EIS.
6. *River rescue considerations.* Bettendorf is located on Navigation Pool 15 of the Mississippi River (between Lock and Dam 14 and Lock and Dam 15). This is a high use area of the river from both a barge perspective and pleasure craft use perspective. The Bettendorf Fire Department operates one (1) river rescue boat and two (2) swiftwater rescue boats. Access to the Leach Park boat ramp for launching of the city's river rescue apparatus should be evaluated, and safety issues considered.

NOISE AND VIBRATION

We receive frequent questions and complaints regarding noise and vibration resulting from rail traffic on the CP mainline. We request that the EIS fully analyze the impact on residents living near the CP line. This includes, but is not limited to, residents along River Drive, multi-family residents in downtown Bettendorf, guests at hotels near the CP line (the Isle Casino is particularly close to the tracks), and residents on Elm Street, Fenno Road, River Bend Road, Marigil Lane, Schutter Lane, and Harbor Drive. Quiet zones should be considered for the most-affected areas.

LAND USE AND ECONOMIC DEVELOPMENT

As described above, all land on the south side of the CP tracks (i.e., between the tracks and the Mississippi River) is impacted by a 300% increase of rail traffic. Bettendorf has only one (1) grade-separated crossing and it will be significantly more difficult to access the riverside property. We request a full analysis of the land use impact and recommend evaluation of the provision of additional grade-separated crossings, both vehicle and pedestrian.

We are particularly concerned about the impact on parcels immediately east and west of the Isle Hotel. With the completion of the I-74 Bridge, city staff has been in negotiations with the property owner of

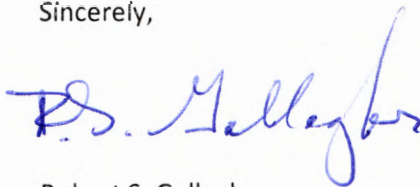
said parcels, for a 40-acre commercial project to completely revitalize the riverfront. This increased rail traffic will have a significant negative impact on the negotiations. Additionally, the parcel due west of the new I-74 bridge is contemplated for an entertainment district. The proposed Transaction would materially impact such project.

WATER RESOURCES

Note that the Iowa American Water plant is located on East River Drive in Davenport, Iowa. This critical infrastructure is immediately adjacent to the CP line. The impact of increased rail traffic should be evaluated in connection with the delivery of services by Iowa American Water Company and the protection and safety of this infrastructure.

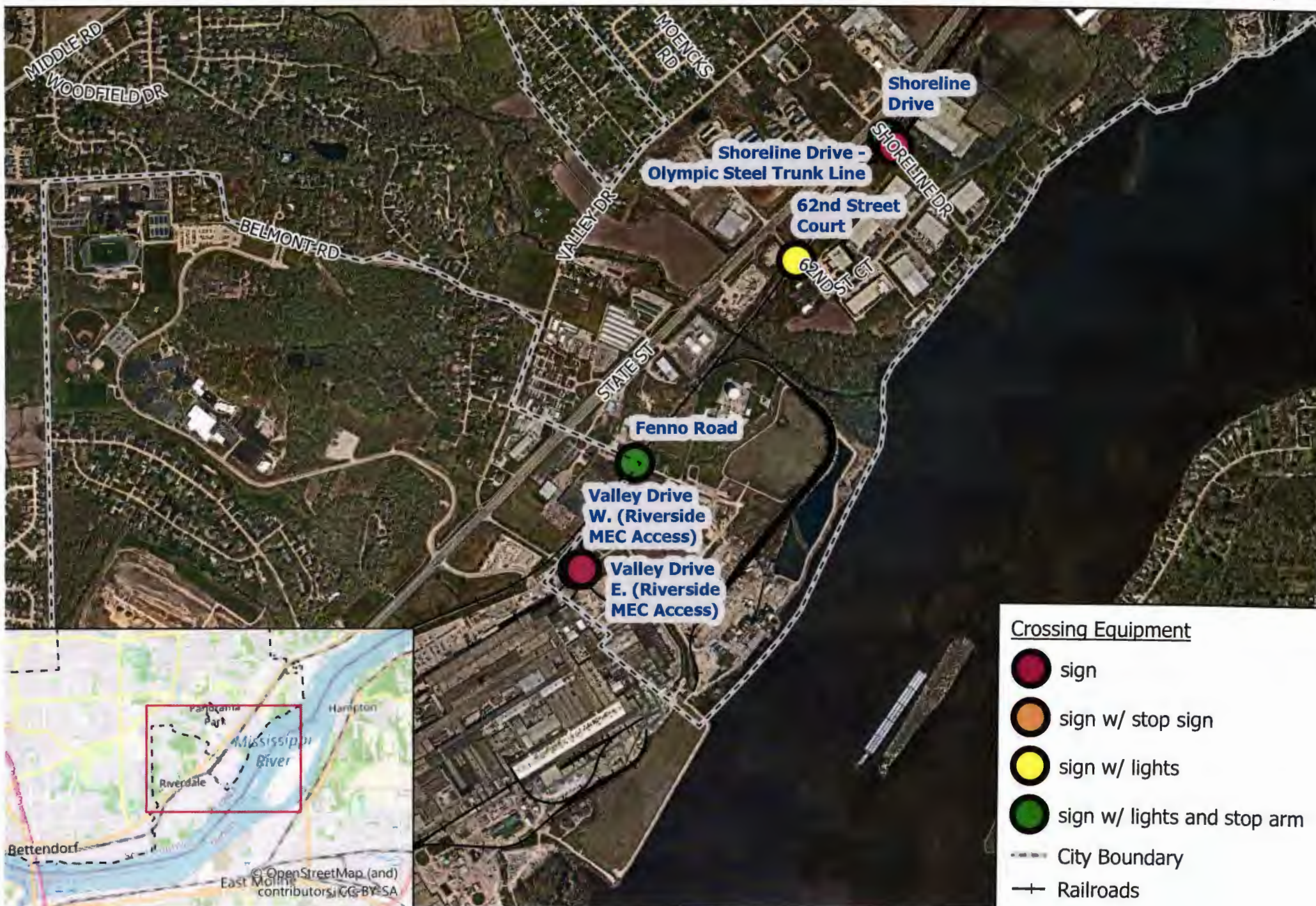
We appreciate the opportunity to provide comment on the scoping of the draft EIS. Please note that the City of Bettendorf, Iowa is signatory to a joint letter to the STB requesting additional time to comment on EIS scoping. The issues set forth in this letter are not all-inclusive, as the Transaction has the potential to impact the City of Bettendorf, its residents, businesses, and visitors, in many ways not identified in this letter. The City of Bettendorf reserves the right to supplement this letter in the event additional public comment time is granted. If there are any questions regarding the issues set forth in this letter, please do not hesitate to contact me.

Sincerely,



Robert S. Gallagher
Mayor, City of Bettendorf
563-344-4005
bgallagher@bettendorf.org

Attachments



Crossing Equipment

-  sign
-  sign w/ stop sign
-  sign w/ lights
-  sign w/ lights and stop arm
-  City Boundary
-  Railroads

