



Carol Webb
City Administrator
City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
Cwebb@muscatineia.gov
(563) 264-1550 Voice

DATE: December 17, 2021

TO: Joshua Wayland, Surface Transportation Board, c/o VHB

FROM: Carol Webb, City Administrator – Muscatine, Iowa *CW*

RE: Submission for Docket No. FD 36500
Canadian Pacific Railway Limited, Control of Kansas City Southern

The City of Muscatine respectfully submits the following comments regarding Docket No. FD 36500 related to an application filed on October 29, 2021 by Canadian Pacific Railway, Limited, et al. (CP) and Kansas City Southern et al. (KCS) seeking authorization for CP to acquire KCS.

It is our understanding that as part of the approval process, the Surface Transportation Board must evaluate the potential impacts of the proposed acquisition on the environment and the first step in that process is to identify any potential environmental impacts related to the proposed merger of CP and KCS.

Muscatine's concerns identified to date include:

1. The City of Muscatine (the City) was notified via email on November 12 regarding the potential merger of CP and KCS and that scoping comments were due on December 17, 2021. Thirty days is not an adequate time to complete a review of the 4,000 plus page filing to the docket and to consider the breadth and scope of the potential impacts. The City is concerned that adequate time has not been given to sufficiently identify the scope of both negative and beneficial impacts.
2. Muscatine is located on a section of combined railway that will experience a 225% increase in the number of trains per day (from 6.38 to 20.78 trains) and a 100% increase in the millions of annual gross ton miles (from 18.33 to 36.87). This transaction related growth exceeds identified thresholds and will undoubtedly impact the City in multiple ways, however an insufficient amount of time has been provided to thoroughly identify those impacts.
3. The main railway through Muscatine includes 15 crossings, ranges from one to four tracks, and experiences a combined crossing traffic count of over 14,500 cars per day. In addition, there are five rail spurs located within Muscatine, some of which also experience a significant amount of traffic. The City is concerned that a three-fold increase in rail traffic will lead to more blocked crossings and consequently significantly more traffic congestion. Blocked crossings pose significant community safety risks, particularly where trains hinder roadway and pedestrian movement for extended periods. Drivers and pedestrians may attempt to clear the crossing before a train arrives or may seek an alternate route in an unsafe manner.

4. Muscatine is the location of several major industries. While an increase in railway access may be beneficial for shipping and receiving, blocked crossings often make people late for work, school and appointments, and may impact workforce productivity.
5. There is a significant distance (2.35 miles) between crossings that are safe for pedestrians in the Southern portion of Muscatine (the Dick Drake Way and Hershey Trail Spur Crossings). While there are four crossings between these two – none of those are safe for pedestrians to use. The lack of safe crossings impedes the City's ability to achieve its goals related to non-motorized transportation within the community.
6. The railroad main line separates the downtown business district from the 465 parking spaces that exist in Riverside Park. These spaces represent 32.6% of all public parking spaces including on street parking in the downtown area, 42% of all non-leased public parking in the downtown area, and 70% of all free-to-park spaces in the downtown area. While there have been recent improvements to the rail crossing in this area, more would need to be done to retain access and mitigate the impact of increased train traffic to accessing parking, events and amenities.
7. The City of Muscatine operates two fire stations, a police department, a hazard materials response unit, and the only ambulance service in the community which must utilize rail crossings to respond to calls for service. Blocked crossings lengthen the response time for emergency vehicles. In addition, the Fire Department supports one major industry that can be accessed by only one route in and out. Consequently, a blocked crossing may cause an unacceptable delay in responding to an emergency for that industry.
8. The City is concerned that the additional train traffic will increase the potential for hazardous materials releases within the community.
9. The City has made significant investments in riverfront amenities and services, including a park, two event centers, a marina, a boat harbor, and a riverfront trail system. The City is also pursuing the development of additional community amenities along the riverfront, including an amphitheater to host community events. A significant increase in train traffic will impact the community's access and enjoyment of such amenities.
10. Muscatine provides emergency services to the riverfront and utilizes the boat launch at Riverside Park to assist with water emergency rescues along the Mississippi River (a federal waterway). Additional train traffic may impede the ability of the City to assist in riverfront emergencies.
11. While the downtown portion of the City of Muscatine is located within a railroad quiet zone, the upstream and downstream portions of the community do not have a quiet zone designation. A three-fold increase in train horn noise will be significantly disruptive to residents, business, and to wildlife in the area.
12. Vibrations from a three-fold increase in train traffic may have a detrimental effect on properties within Muscatine, particularly historic buildings. Some properties have already reported damage to their buildings as a result of vibrations from the current train traffic.

13. Local air pollution and emissions as a result of the projected three-fold increase in train traffic is of significant concern. The riverfront and downtown business district are thriving centers of our community in which the City has significantly invested in recent years. Any air pollution that results from an increase in rail traffic needs to be mitigated.

While the City of Muscatine recognizes the commerce and potential decreased emission benefits of the proposed merger of CP and KCS, the City has concerns with the potential economic, recreational, transportation, and quality of life impacts that the proposed merger may have on Muscatine. The potential impacts should be identified and mitigated as part of the merger permitting process.

We look forward to working with you to ensure that Muscatine continues to be a safe and thriving community.

Sincerely,

Carol A. Webb

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