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December 28, 2021

Surface Transportation Board
 Docket No. FD 36500

RE: Canadian Pacific Acquisition of Kansas City Southern Environmental Impact Statement

To Whom it May Concern:

The City of Dubuque has grave concerns regarding the impact that the proposed merger of the Canadian Pacific (CP) and Kansas City Southern (KCS) Railroads will have in our community. We were informed by Canadian Pacific Representatives at a meeting on November 11, 2021, that as a result of the merger, trains traveling through Dubuque will at least double.

Estimated Current Daily Train Count	6 - 9
Post-merger Estimated Daily Train Count	12 - 18

Dubuque already has challenges with the current nine (9) trains per day. The proposed merger will have real and tangible negative impacts on Dubuque and specifically on the mostly low-income residents who live adjacent to the tracks in the heart of our downtown and the businesses in the same general area. The City has identified the following negative impacts related to the proposed merger:

AFFECTED AREA

The affected area of the City of Dubuque covers a distance along the CP mainline tracks of 2.85 miles and then continues along a section of Canadian National Railroad (CN) tracks for a distance of 1.1 miles that CP must utilize to continue its route south along the Mississippi River. The affected area includes a mix of industrial, commercial, and residential developments, all located on or immediately adjacent to the CP mainline track, the CP rail yard, and the CN mainline track.

WATER RESOURCES

The CP mainline rail and rail yard is located within the City's 6.5 square mile Bee Branch Creek Watershed and crosses on top of several major stormwater culverts that convey water either directly to the Mississippi River or to the Bee Branch Creek open channel which directly connects to the Mississippi River. Additional train traffic and rail car loadings will only accelerate the rate of structural fatigue and increase maintenance costs needing be expended to ensure these culverts remain in service so that threats to flooding over 1,100 homes and businesses are avoided. Between 1999-2011, six Presidential Disaster

Declarations were issued with total damage estimates of \$70 million which caused the City to initiate the over \$240 million Bee Branch Creek Flood Mitigation Project with much of the flooding being caused by the “dam” created by the railroad tracks.

HISTORIC/ARCHAEOLOGICAL RESOURCES

The National Mississippi River Museum & Aquarium, a Smithsonian affiliated museum, sits immediately adjacent to the CN mainline tracks that will carry additional CP trains through Dubuque. The museum building complex includes the Dubuque Freight House which was built by the Chicago, Burlington and Northern Railroad (CB&N) in 1901, and was listed on the Nation Register of Historic Places in 1979. The CP mainline tracks also run immediately adjacent to the Crescent Community Healthcare Center which is located inside of the historic Metz Manufacturing Company which was listed on the National Register of Historic Places in 2021. The Crescent Community Health Center provides high-quality, equitable, and affordable medical and dental care with a specific focus on disadvantage residents. On a daily basis impacts from higher train speeds and increased train volumes result in increased ground vibrations which in turn over time leads to structural damage and accelerate the end of service life for adjacent buildings and city infrastructure.

WATER SUPPLY AND DISTRIBUTION SYSTEMS

The source of potable water in Dubuque is the City of Dubuque’s water supply which complies with the Safe Drinking Water Act (SDWA). The city’s water is supplied by five shallow and four deep wells producing an average of eight million gallons per day. The system has three elevated storage tanks, three standpipes and one reservoir with a total of 16.2 million gallons of capacity plus 1.7 million gallons of storage in reservoirs at the water treatment plant. All water supplied in the city is treated at our single water treatment plant located at 1902 Hawthorne Street. The main treatment plant building parallels and abuts the CP mainline rail for a distance of 330 feet and is located approximately 30 feet from the nearest mainline rail. A single train derailment accident occurring adjacent to the water plant would instantly cut of drinking water supply to over 60,000 residents, thousands of businesses, two hospitals, nursing homes, and schools result in immediate noncompliance with the Safe Drinking Water Act.

ENVIRONMENTAL JUSTICE (Executive Order 12898)

The proposed merger would result in disproportionate adverse human health or environmental impacts relative to minority and low-income populations. In March of 2021, Dubuque published the Dubuque Community Equitable Poverty Reduction & Prevention Plan. Eight nationally recognized determinants of poverty were used to measure poverty levels in Dubuque. Of those categories the CP merger will negatively impact Economic Security, Transportation, Affordable & Safe Housing, and Health: Brain and Physical. The CP mainline and CP railyard are immediately adjacent to Dubuque’s two most economically disadvantaged census tracts, Tracts 1 and 5. Additional train traffic within these census tracts will make attracting new business growth and jobs more difficult; travel to jobs, healthcare, education, and having access to food more difficult; negatively impact housing prices; and increase resident’s stress levels due to the increased use of train horns, including throughout the night, at the numerous adjacent rail crossings and within the rail yard itself.

AIR QUALITY

Air quality data for Dubuque is obtained from the Potosi, Wisconsin air quality monitor. In the years 2006 – 2010, air quality levels for our area were measured above the PM 2.5 annual design value, also known as “non-attainment”. In response to rising PM 2.5 levels, a regional

task force was established to work with the City of Dubuque, the Dubuque Metropolitan Planning Organization, Greater Dubuque Development Corporation and the private sector. The task force implemented programs between 2008 to 2019 to reduce emissions in the region. The programs were divided into four categories: Transportation which includes all modes; Water Treatment; Public Outreach; and Private Sector Improvements. As a result of the local partnerships and after tens of millions of dollars were invested, the PM 2.5 levels dropped from an annual high of 12.3 in 2006-2008 to currently below 8.0 MG/M3.

The CP mainline and CP railyard are located in the heart of the former “non-attainment” area covering downtown Dubuque and immediately adjacent to our two most disadvantaged census tracts. Diesel locomotive trains are a known large source of PM 2.5 emissions, and the increased train traffic will create real and adverse public health effects to Dubuque residents.

NOISE POLLUTION

Local ambient noise levels will increase as a result of increased train traffic. The existing rail traffic occurs at all hours of the day and night. CP controls 11 crossings (9 at grade) in Dubuque and must travel over two (2) additional CN at grade crossings. Increased train traffic and the sounding of train horns at all at-grade crossings and within the CP rail yard will cause negative health effects to adjacent residents. As a result of existing train traffic, city staff have received multiple requests from residents to do something about the use of train horns. In response, the Dubuque City Council has authorized funding to complete the initial phase of a Quiet Zone study within the northern half of downtown Dubuque.

HAZARDOUS OR TOXIC SUBSTANCES

Trains on an almost daily basis travel through Dubuque carrying hazardous materials that can be recognize by reading their hazardous materials placards. Frequently carried hazardous or toxic substances through Dubuque include ammonia, ethanol, and highly explosive light petroleum products. On any given day, one can observe on the railroad tracks running through downtown Dubuque broken or missing fish plate bolts, railroad spikes missing from tie plates, sleepers that have heaved out of position, and contaminated ballast that allows excessive vertical movement of the steel rail when trains pass over them. The suspect overall condition of the railroad tracks throughout Dubuque in combination with higher train counts of trains carrying hazardous or toxic substances increases risks of a catastrophic event to unacceptable levels.

TRANSPORTATION (Streets, Parking and Traffic)

The CP and CN mainline rail tracks bisect Dubuque’s downtown area. Access to areas on both sides of the tracks are critical to maintaining Dubuque as a viable, livable, and equitable place to live, work, and play. CP and CN have a long and sordid history over many decades of blocking key east–west road crossings in the heart of downtown Dubuque. There are regular occurrences when not just moving trains block tracks for minutes, but when parked trains block road crossings for hours. When a crossing is blocked, critical emergency services are stopped without advanced notice, residents’ access to employment, healthcare, and recreational amenities are interrupted, and many of the employers in the greater downtown area incur additional costs related to interruptions to the supply chain. Dubuque has invested over \$150 million in the 1-mile long Bee Branch Greenway to alleviate flooding impacts and create a linear park, over \$100 million has been invested in the Historic Millwork District through public private partnerships and over \$500 million in public private partnerships has been invested in the Port of Dubuque. All three of these areas either cross

or abut the CP mainline track through Dubuque. Increased blocking of at grade crossings used to access these areas will cause substantial negative impacts to the Dubuque tourism industry, commercial businesses, and residents.

PUBLIC SAFETY

The increase in train traffic without constructing new overpasses will severely impact the response of ambulance, fire, and police services.

DIRECT, INDIRECT, AND CUMULATIVE EFFECTS

Cumulative impacts result from the incremental impacts of a proposed action when added to other past, present, and reasonably foreseeable future actions (40 Code of Federal Regulations [CFR] Section 1508.7). Indirect impacts are those that are caused by a proposed action, but that may occur later in time or farther removed in distance, relative to the primary impacts of the proposed action (40 CFR Section 1508.7).

The primary negative effects to Dubuque as a result of the proposed Canadian Pacific acquisition of and merger with Kansas City Southern would be a permanent decrease in the quality of life for its residents, and create negative economic impacts to the Dubuque travel and tourism industry and downtown commercial and industrial businesses. Overall, the proposed merger combined with past, present and foreseeable impacts, will result in a significant cumulative impact.

MITIGATION

To preserve the future integrity of critical regional infrastructure, recreational amenities, and residents' quality of life in Dubuque, the City is only supportive of the proposed merger between the Canadian Pacific and Kansas City Southern Railroads under the following conditions:

1. Canadian Pacific funds and constructs an overpass at 14th Street following the City of Dubuque's existing preliminary concept plan.
2. Canadian Pacific funds and constructs a Quiet Zone throughout the community.
3. Canadian Pacific creates an impact barrier between the railroad tracks and the limits of railroad right-of-way to protect the city water plant.
4. Canadian Pacific commits to installing Centralized Traffic Control (CTC) advanced technology to minimize the blocking of crossings as it manages its shared track arrangement with Canadian National.
5. Canadian Pacific identifies a location outside of Dubuque where it will stop and queue trains when there is a need to stop a train for anything other than an emergency situation, in order to minimize blocked train crossings in Dubuque's urban area.
6. Posted train speeds are lowered to 20 miles per hour throughout Dubuque's urban area to mitigate ground vibrations.

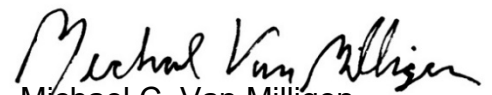
7. Canadian Pacific funds and constructs an over or underpass at the Jones Street crossing which design will be subject to the review and approval of the City of Dubuque.
8. Canadian Pacific funds and constructs a pedestrian separated grade crossing at a location to be selected by the City of Dubuque.
9. The safety conditions of the railroad's infrastructure be examined and evaluated by the appropriate federal regulators, and the necessary corrective actions be imposed.

The City of Dubuque requests that Canadian Pacific must be held accountable to protect communities along their tracks from substantial harm, by mitigating the environmental impacts listed above, through methods including but not limited to separated grade crossings, restricted speeds, and upgraded tracks, crossings, and safety features.

The City also requests that a member of the Surface Transportation Board visit Dubuque in person prior to a decision on this merger to view first-hand how the merger will have a disastrous impact on this community.

In closing, the City of Dubuque asks for balance among the interests of the railroad, industry, and the citizens and businesses of Dubuque, recognizing that the railroad and communities must co-exist and work together.

Sincerely,


Michael C. Van Milligen
City Manager

cc: U.S. Senator Charles E. Grassley
U.S. Senator Joni Ernst
U.S. Congresswoman Ashley Hinson
U.S. Department of Transportation Secretary Pete Buttigieg
Governor Kim Reynolds
Iowa Department of Transportation Director Scott Marler
Iowa State Senator Pam Jochum
Iowa State Senator Carrie Koelker
Iowa State Representative Shannon Lundgren
Iowa State Representative Charles Isenhardt
Iowa State Representative Lindsay James
President & CEO Dubuque Area Chamber of Commerce Molly Grover
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