

Scoping Comments on the Environmental Impact Statement Regarding the Canadian Pacific Acquisition of Kansas City Southern

Dr. Bradley Dice, resident of Liberty, Missouri

SUMMARY

The proposed acquisition of the Kansas City Southern (KCS) railroad by Canadian Pacific (CP) is projected to increase traffic on the rail line in east Liberty, MO from **3.83 trains per day to 18.41 trains per day**. This will have broad effects on safety, noise, air quality, wildlife, and other environmental concerns in my hometown of Liberty, Missouri and surrounding areas. I thank the Surface Transportation Board (STB) and Office of Environmental Analysis (OEA) for the opportunity to submit these scoping comments. I have prepared this document to describe the projected impact of this acquisition on Liberty and its surrounding environment and provide comments about a range of concerns that I hope will be studied and fully considered in an Environmental Impact Statement (EIS).

According to the [acquisition EIS website's Overview page](#), "The largest change would occur on the CP mainline between Sabula, Iowa and Kansas City, Missouri, which would experience an increase in rail traffic of approximately 14.4 additional trains per day, on average." That is, the section of the rail line serving my community of Liberty, MO is the most greatly affected by the proposed merger. The use of the rail line will **increase by over 480%**. The rail lines are located within 100 meters of many homes in my community. Therefore, it is crucial that residents' concerns in Liberty, MO and nearby areas are considered in the Environmental Impact Statement.

In my comments in this document, I underline all statements describing concerns I believe should be considered and alternatives I believe should be evaluated in the scope of the EIS.

This document can be viewed online with embedded links at <https://bit.ly/cpkc-dice-comments>.

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BACKGROUND

I am a resident of Liberty, Missouri. I was recently alerted to the effect of this acquisition on the stretch of railroad passing through my town, which crosses my property:

The City has been notified of the proposed

acquisition of Kansas City Southern by Canadian Pacific. This would bring an estimated average 14.41 additional trains through our community daily. The Surface Transportation Board is taking comments until Jan 3: <https://www.cp-kcsmergereis.com/>

<https://twitter.com/LibertyMissouri/status/1474092468480405504>

Heaviest Traffic Increases Will Pass Through Liberty, MO

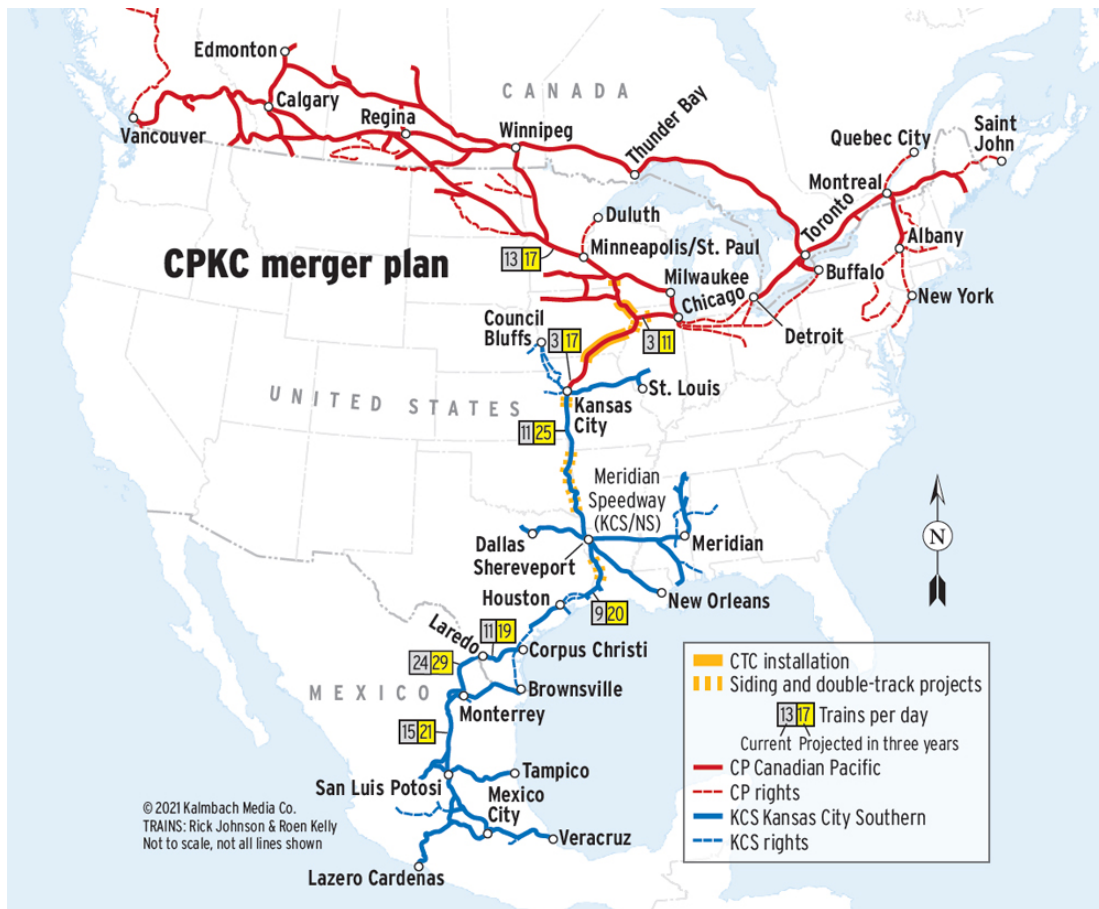


Figure 1: Combined CP/KCS Rail Network (from trains.com)

The map in Figure 1 displays the combined CP/KCS rail network (trains.com: [CP and KCS project dramatic rise in daily train counts](#)). At the heart of this network is Kansas City, which connects the lines moving north and south. The greatest increase is in the stretch just north of Kansas City, which comes through Liberty, MO. The map in Figure 2 shows where this line runs through

Liberty, taken from the [interactive map](#) linked on the [EIS project website](#).

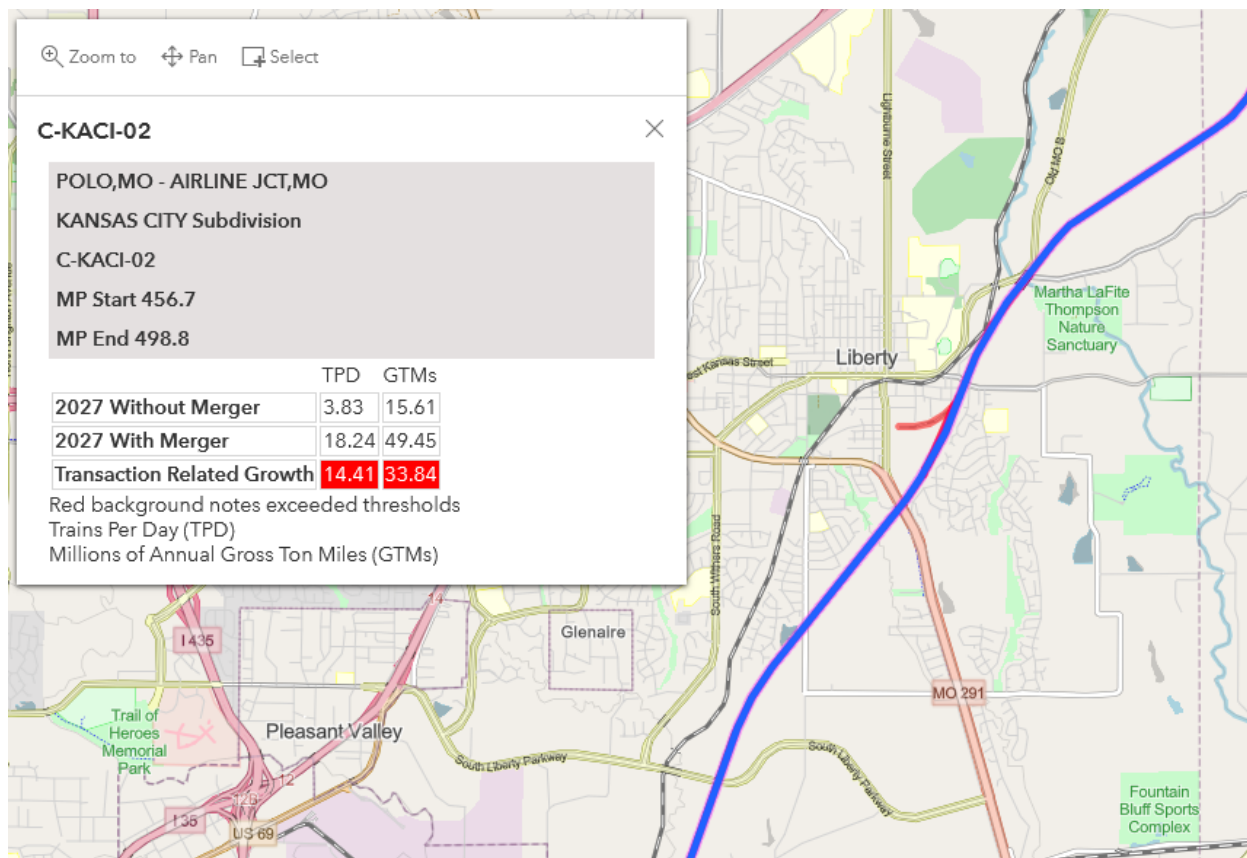


Figure 2: CP/KCS Rail Path Through Liberty, MO (from [ArcGIS interactive map](#))

Along this rail line's path through Liberty, MO are the Martha Lafite Thompson Nature Sanctuary, Rush Creek, areas supported by federal and state conservation programs, and hundreds of homes, raising concerns about pollution, safety, and environmental justice. In this document, I discuss these and other areas of environmental concern from the perspectives of safety and derailments, hazardous and harmful materials, emissions and air quality, conservation and protected species, noise and vibration, and hidden environmental impacts that should be considered in the EIS scope.

Relevant Documents

I preface these comments by pointing to a few references that I cite repeatedly. These comments reference the acquisition Application, which is a 4,342 page PDF document with a file size of 1 gigabyte. The Application document is available here:

https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1635796798218/303143.pdf

I also cite Document EI-31354, a response to the Office of Environmental Analysis's Information Request No. 1. That PDF document (279 pages) is available here:

https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1638895857572/EI_31354.pdf

Finally, I cite Document EI-31587, a response to the Office of Environmental Analysis's Information Request No. 2. That PDF document (36 pages) is available here:

https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1640200831255/EI_31587.pdf

All other references are included as direct links in the document text. This document can be found with links properly embedded at <https://bit.ly/cpkc-dice-comments>.

SCOPING COMMENTS

Safety and Hazardous and Harmful Materials

Significant Threat of Derailment Accidents from Increased Traffic

Train derailments can and do occur with surprisingly high frequency. Last week (December 20, 2021), Napton, Missouri saw 40 rail cars derail carrying mixed commodities ([Fox 2](#)). In August, a train carrying F-150 pickup trucks derailed near Hannibal, Missouri ([Detroit Free Press](#)). In the Hannibal derailment, Cpl. Justin Dunn of the Missouri State Highway Patrol Troop B stated, "The crazy thing is, this is the third train derailment we've had this year. [...] It's kind of where we're wondering what's going on. We haven't gotten to the bottom of it. Their (railroad) personnel comes in and does their own investigation and figures out the cause and what substantiates the issue. They clean up their derailments on railroad property." Recent derailments in Iowa including Mills County, IA on Dec. 3, 2021 ([KETV 7](#)) and Carlisle, IA on Nov. 2, 2021 ([Des Moines Register](#)) spilled 30,000 gallons of corn syrup and train cars full of plastic pellets into local waterways. Derailments are particularly dangerous when hauling hazardous materials.

Document EI-31354 states on page 91 (OEA Information Request 1-F, Hazardous Materials, Kansas City Subdivision - Segment C-KACI-02) that the acquisition would **increase the annual number of train cars carrying hazardous material through Liberty, MO from 21,000 (no acquisition) to 70,000 (with acquisition)**, a transaction-related increase of 49,000 train cars per year, by 2027. Total rail car traffic volumes would increase from 189,000 cars/year (no acquisition) to 664,000 cars/year (with acquisition), a transaction-related increase of 475,000 cars/year, by 2027. The increased amount of hazardous material poses varied and complex risks that the EIS should consider, particularly from the perspectives of how derailment or spills may impact soil contamination, water contamination, and long-lasting damages from continuous exposure. Later

in this document, I discuss the proximity of this rail line to residential communities, where a hazardous material spill would be disastrous.

Increased Rail Shipments of Crude Oil Through Missouri

According to Document EI-31587, Class 3 flammable liquids "annually [make] up over 50% of hazardous material shipments." Below, I discuss how the acquisition will dramatically increase the shipment of crude oil (categorized as a Class 3 flammable liquid) through Liberty, Missouri. The Verified Statement of Jonathan Wahba and Michael J. Naatz on pages 283-284 of the Application Vol. 1 states, "the single-line efficiencies will be appealing enough to attract more than 16,000 cars of crude from other rail routes to an integrated, single-line CP/KCS service." Page 282 of the Application indicates this crude oil will largely be moving from "the Oil Sands of Alberta and the Bakken oilfields in North Dakota [to] refineries in the U.S. Gulf region [...]."

Additionally, consider this paragraph of projections from Document EI-31587 section E.1:

"As discussed in the Brown/Zebrowski Verified Statement filed with the Merger Application, the expected merger-related hazardous material increase on the CPKC network is driven by three key diversions of rail traffic now moving on other Class I carriers: (1) the movement of liquefied petroleum gas from Alberta and other production regions to Mexico; (2) the movement of products from Gulf-Coast chemical plants to the areas where they are used; and (3) the transportation of bitumen and crude oil from Alberta to the Gulf Coast. The merger is also expected to accelerate the shift away from flammable crude oil toward non-hazardous "DRUbit," from which the flammable diluent has been removed. See Wahba/Naatz Verified Statement (filed with the Merger Application)."

From the statements of Wahba & Naatz in the Application and Document EI-31587, we see **the increase in rail traffic will include a sizable component of crude oil carried from Canada to the southern United States through Liberty, Missouri.** It is mentioned that this crude may be in a less flammable form with diluent removed, called DRUbit™. However, the mere *expectation of economic forces driving a shift* from crude oil to a less flammable form is not a good basis for determining environmental impact. The application admits that "the volume of crude oil shipments from source to refinery is determined by macroeconomic forces that will not be affected by the Transaction," (App. Vol. 1, Page 280) so it is reasonable to assume that similar (and hard to predict) economic forces should not be a basis for assuming a transition to DRUbit™ or other forms that do not meet the criteria for hazardous material. The EIS should question the application's assumptions about how much crude oil might be carried as Class 3 flammable liquids versus in a diluent-removed form such as DRUbit™ over time to assess the environmental risks posed by the increased traffic of traditional (flammable) crude oil. Furthermore, the EIS

should evaluate the alternative of requiring oil to be carried in a diluent-removed, non-flammable form.

Train Lengths

From 2008 to 2019, average train lengths increased by 25 percent ([GAO-19-443](#)). Train lengths continue to increase, which in turn increases the likelihood of derailment, the potential for significant damage, and the total effect on local residents and wildlife that seek to cross the rail lines. The GAO publication cited above also states that the Federal Railroad Administration "does not currently place limits on freight train length." In Document EI-31587 Table 1, train lengths in the Kansas City subdivision of the rail line are expected to grow from 93.6 cars/train in 2019 to 131.1 cars/train in 2027 if the acquisition takes place, a growth of 40% over 8 years. In addition to considering the impacts of increased number of trains, the EIS should consider how increasing train lengths, particularly of trains carrying crude oil and hazardous materials, heightens the risk of derailment and thus influences the risks of environmental impacts.

Analysis of Recent Derailments in Clay County and Surrounding Areas

TRAIN ACCIDENTS FOR MISSOURI, January 2019 TO September 2021
RAILROAD: ALL TYPE OF TRACK: All

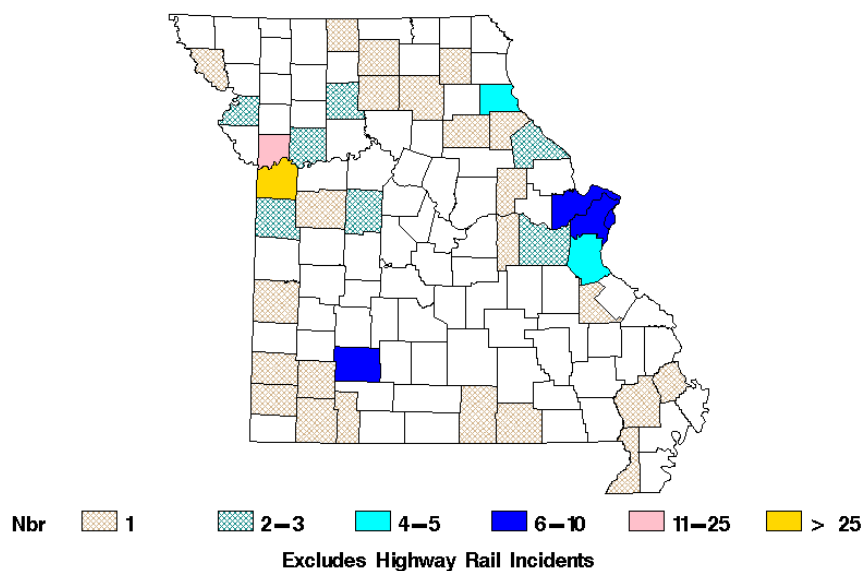


Figure 3: Train Accidents in Missouri, Jan. 2019 - Sept. 2021 (see text)

The map in Figure 3 shows data obtained from the Federal Railroad Administration Office of Safety Analysis (see data source [3.08 Accident Map with Table](#)). Data includes Missouri, Jan. 2019 - Sept. 2021 and excludes highway rail incidents. Table 1, below, shows these values along with

additional information for Clay and surrounding counties with incidents. With 11 derailments during this period in Clay County alone, it is clear that derailment is a matter of "when," not "if." The traffic increases resulting from this acquisition are concentrated in areas that already experience the highest number of derailment incidents in Missouri. With more trains and higher freight volumes, the risk of environmental hazards to our community are significant. The EIS should evaluate preventative measures for reducing this concentration of derailments in Jackson and Clay counties, as it pertains to the rail lines affected by the CP/KCS acquisition.

County	Totals		Type of Accident		
	Accidents	Reportable Damage	Collisions	Derailment	Other
CLAY	15	1,408,310	1	11	3
JACKSON	35	5,082,860	1	25	9
RAY	3	441,000	1	2	-

Table 1: Rail Accidents in Clay and Surrounding Counties, Jan. 2019 - Sept. 2021

Emissions & Air Quality

First, I point to the large scientific body of evidence that air emissions from fuel use are harmful to human health. In 2013, the World Health Organization (WHO) project "Review of evidence on health aspects of air pollution" (REVIHAAP) released a [technical report](#) with a broad overview of how emissions affect human health (see also this list of [WHO publications on air quality](#)). This REVIHAAP report focuses on 24 questions about health effects of particulate matter and ozone, how proximity to roads influences health, effects of NO₂ exposure, and more. The report describes air pollution's impacts on cardiovascular health, respiratory conditions like asthma, and overall mortality, and cites a large body of research that may be relevant to cite in this EIS. The most recent EPA standards for diesel locomotive emissions are published in the [Federal Register as Doc. R8-7999](#). These standards discuss the same air pollutants as the WHO's technical report, including NO_x, ozone, and particulate matter. Because of this strong overlap of pollutants affecting human health and those regulated by the EPA in diesel locomotives, the EIS should consider how increased air emissions from diesel locomotives will affect the health of humans and wildlife surrounding the rail lines.

CP/KCS Locomotive Fleet Lags Behind Current Emissions Standards

Document EI-31587 Section A.3 contains a table with the percentage of the locomotive fleet in each emissions tier, as defined by the EPA. **The Tier 3 and Tier 4 standards, signed in 2008 and published in the [Federal Register as Doc. R8-7999](#), are currently met by only 10% of the total fleet, while 56% of the fleet is below Tier 2. The Tier 4 standards took effect in 2015, yet only 1% of the total fleet is compliant.** The EIS should evaluate an alternative that requires a larger percentage of the fleet to be remanufactured or replaced with locomotives that would reduce emissions and thus pollute less aggressively, as a condition of the acquisition.

Trucks vs. Trains

The acquisition Application Vol. 1, Page 37 claims that "new intermodal rail services will annually divert more than 60,000 long-haul truck shipments to rail." This and other analyses of truck/train tradeoffs cite the Verified Statement of Bengt Mutén, in the Application Vol. 2, Page 203. However, because the claimed environmental benefit from these calculations relies on a theory that increased train traffic will offset truck traffic, this EIS should address assumptions about how that tradeoff will be affected by changes in renewable energy, shifting fuels for trucking, and expected changes in emissions and air quality regulations affecting trucks versus those affecting trains. In particular, the EPA's [Clean Trucks Plan](#), which will issue rules applying to heavy-duty vehicles beginning in 2027, may shift this balance. Furthermore, the EIS should consider whether such a claimed reduction in truck shipments is realistic to expect from increased rail traffic, or whether the additional rail freight will simply result in more goods and commodities reaching their final destination by trucks.

Conservation and Protected Species

Wildlife

The EIS should consider the impacts of increased traffic on local wildlife populations. The area around the rail lines includes an array of habitats for terrestrial and aquatic species. I have observed deer, turkey, geese, mallard ducks, wood ducks, doves, red foxes, beavers, raccoons, groundhogs, bullfrogs, coyotes, bobcats, red tail hawks, rabbits, squirrels, crows, quail, skunks, opossums, muskrats, box turtles, blue herons, and bald eagles on my property. Many of these species have hunting or trapping seasons in the state of Missouri, while others are endangered or protected species. All of them inhabit the area around the rail lines. Next, I will discuss

threatened/endangered species and migratory birds inhabiting the area surrounding the rail lines and the detriments of additional train traffic to their habitat.

Federally Threatened and Endangered Species

Species listed under the Endangered Species Act have a special status.

The EIS should consider the impacts of increased traffic on listed threatened and endangered species that have listed ranges that include the area surrounding the rail lines. Clay County, where I reside, is home to [5 endangered species and 16 migratory birds](#) (see the U.S. Fish and Wildlife Service's [IPaC website](#) for more maps). Additionally, the [U.S. Fish and Wildlife database](#) lists the Red knot (*Calidris canutus rufa*) as a threatened species that uses the area (this species was not listed in the IPaC report, for unknown reasons). Sensitive wildlife can be greatly impacted by increased rail traffic due to the increase in noise and vibration pollution, decrease in air quality from fuel emissions, and ground and water contamination from leaking or spilled harmful materials being hauled.

Migratory Birds

Migratory birds have a special status because of the Migratory Bird Treaty Act.

We have observed Canada Geese and Great Blue Herons ([found across all of Missouri](#)) using the land and water surrounding the rail line on our property, particularly on large ponds that are 400 feet from the rail line. These bodies of water are downhill where they would be affected by water and ground contamination and runoff from, e.g., leaking tanker cars. The EIS should consider the impacts of increased traffic on migratory birds that use the area surrounding the rail lines.

Conflicts with State and Federal Conservation Efforts

The EIS should consider how the environmental effects of this acquisition, particularly increased rail volume, would conflict with federal and state conservation efforts. Historically, Missouri Department of Conservation efforts such as quail habitat restoration under the CP-33 program have invested in wildlife conservation to support the populations of threatened and endangered species. For example, consider the CP-33 program which established [bobwhite quail](#) habitat (listed as a "nearly threatened" species) in many areas near the rail lines. This [webpage from Mississippi State University](#) about the FSA CP-33 program includes the map in Figure 4, below:

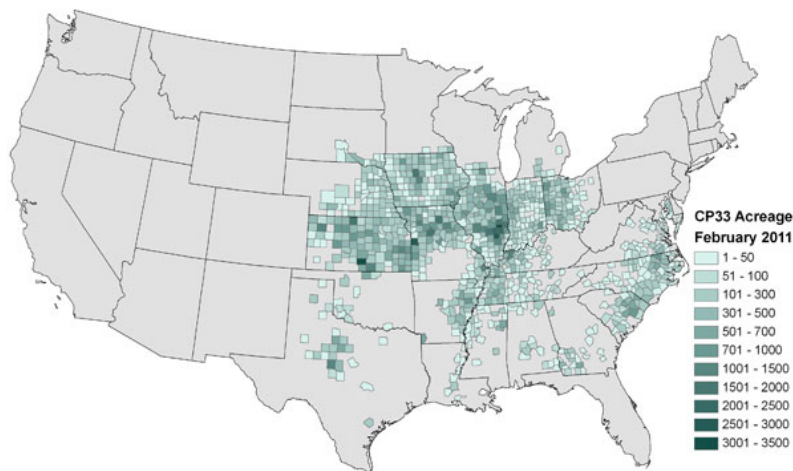


Figure 4: Map of CP33 (Bobwhite Quail Habitat Conservation) Acreage
(<https://www.fwrc.msstate.edu/bobwhite/about-cp33.asp>)

This map demonstrates that historical conservation efforts for bobwhite quail habitat overlap heavily with the regions most affected by the increase in rail traffic due to the CP/KCS acquisition (particularly Missouri, Iowa, and Illinois) and therefore deserves extended analysis of environmental impacts in the EIS. For additional information on similar programs, see this [overview of the U.S. Department of Agriculture Farm Service Agency's Conservation Reserve Program](#) (CRP).

Seven additional native species to Missouri that may be affected by capital projects taking place as a result of this acquisition are listed in Table 1 of [Document EO-3595](#), sent from the Office of Environmental Analysis to the U.S. Fish and Wildlife Service Missouri Field Office. They include the Eastern Prairie Fringed Orchid, Gray Bat, Indiana Bat, Mead's Milkweed, Monarch Butterfly, Neosho Mucket, and Northern Long-eared Bat.

Conflicts with Local Conservation Efforts



Figure 5: The Martha Lafite Thompson Nature Sanctuary (<https://www.naturesanctuary.com/>)

Pictured in Figure 5, above, is the Martha Lafite Thompson Nature Sanctuary (<https://www.naturesanctuary.com/>), a 501(c)(3) organization located on nearly 100 acres, including the grounds of the Missouri Department of Conservation's Rush Creek Conservation Area. **The nature sanctuary's grounds, along with Rush Creek, are directly adjacent to the double-track rail lines passing through Liberty that will see train traffic go from 3.83 to 18.41 trains per day.** The nature sanctuary is home to "[more] than 160 species of birds, 50 species of butterflies, white-tailed deer, bobcats, skinks, frogs, snakes, and a host of other species [...]." The nonprofit and its volunteers take care of "four miles of hiking trails [that] provide the opportunity to explore diverse habitats [including] woodlands, re-created prairie, a frog pond, and the beautiful Rush Creek." All aspects of the Nature Sanctuary's mission to provide "engaging, hands-on environmental and natural science education for all ages, biodiversity of native plants and animals through wise management of our natural resources, understanding that all Earth's inhabitants are part of complex interdependent ecosystems, [and] opportunities for quiet reflection and reconnection with the natural world" would be negatively impacted by the increase in train traffic resulting from the CP/KCS acquisition. The EIS should consider how local (especially nonprofit) conservation efforts, such as those enabled by the Martha Lafite Thompson Nature Sanctuary, would be affected by noise, air pollution, water and ground contamination, and other categories of environmental harm that would be caused by this acquisition.

Noise and Vibration

Reporter Megan Abundis from local television station KSHB 41 interviewed Liberty residents about the acquisition in a story, "[With proposed railroad merger, Liberty officials talk safety, noise around tracks](#)." Below is an excerpt from the story:

People who live in Liberty believe they'll be able to hear the change.

"8-9-10 p.m. at night the trains are blowing their horns. It's very loud, it's very disrupting," said Megan Trembl, who lives near the track. "The dishes in my cabinets will shake and my floors will shake, the house kind of rumbles. I'm kind of used to the vibrations and this point. It isn't bad enough where something falls but it is bad enough where if my family is in the middle of having a conversation we stop because no one can hear anything."

[...]

[Liberty city councilman Jeff] Watt, who lives near the track, says the increase to around 40 trains a day is something he's concerned about.

"My biggest concern is, we all know when we're busy to get somewhere we kind of get impatient," he said, "If we're looking at [40] versus 25 times a day, the crossing arms are down now, we're looking at 40 I just don't want anyone to get impatient and frustrated and try to run around the bars."

This is something Trembl already sees even when trains aren't running.

"People eventually go around the barriers," she said. "They go around the crossing because the crossing guards are down, there clearly is not a train. People are trying to get places, it already [posed] a problem without that train traffic."

Some neighbors want the city to create a quiet zone.

(I contacted Liberty city councilman Jeff Watt, who clarified that the values of 25 and 40 trains per day describe traffic on all railroad lines in Liberty, including lines that are unaffected by this acquisition. The previously cited projections of traffic increasing from 3.83 to 18.41 trains per day applies specifically to the CP/KCS lines.)

These residents' comments indicate that the existing usage of the rail line, at around 3.83 trains per day, dramatically affects the daily lives of Liberty residents. Increasing this traffic to 18.41 trains per day will produce significant noise and vibration, harming residents and wildlife. The EIS should consider the impact of noise and vibration on people and animals living in proximity to the

rail lines. Furthermore, the EIS should consider an alternative that imposes specific requirements on CP/KCS to work with municipalities to instate quiet zones where desired by local communities.

Environmental Justice

The EIS should consider derailment risk, noise pollution, engine emissions, and other factors at a local level, analyzing urban, suburban, and rural communities with homes adjacent to the rail lines. In analyzing risks at the local level, the EIS should consider disparate impacts to at-risk communities based on environmental justice, racial, and economic indicators. Many homes in my community are located within 100 meters of the rail lines, and would be dramatically affected by derailments. For example, searching for zip code [64068 on the Environmental Protection Agency \(EPA\) EJSCREEN tool](#) shows that neighborhoods impacted by increased rail traffic (and the corresponding noise and pollution) are in the 65th percentile of all census tracts for fraction of low-income residents with 38% low-income residents in ID 290470214032 / Block Group 2, Census Tract 214.03, Clay County, Missouri. This area is shown in Figure 6, below.

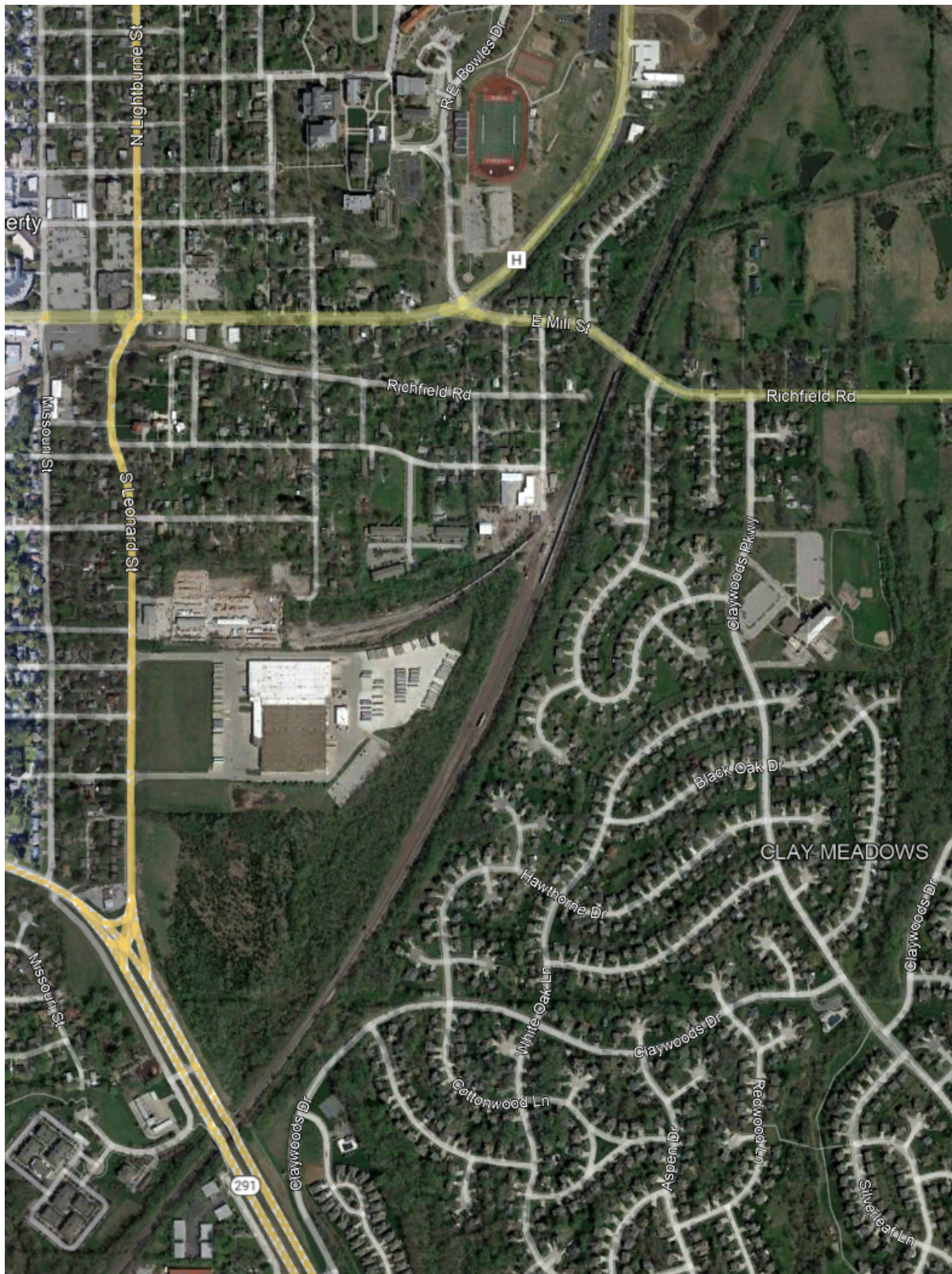


Figure 6: Map of Homes in Census Tract 214.03 Near the CP/KCS Rail Line (Google Earth)

These considerations of environmental justice are even more significant in Kansas City, Missouri's east side along the segment of the rail line in a Non-Attainment status by EPA 2010 Standards for sulfur dioxide. Several census tracts surrounding Kansas City Southern's Knoche Yard in [zip code 64120](#), shown in Figure 7 below, are also in the 80th percentile or higher for the EJSCREEN's Demographic Index (which considers the demographics of low-income and minority residents within a census tract).

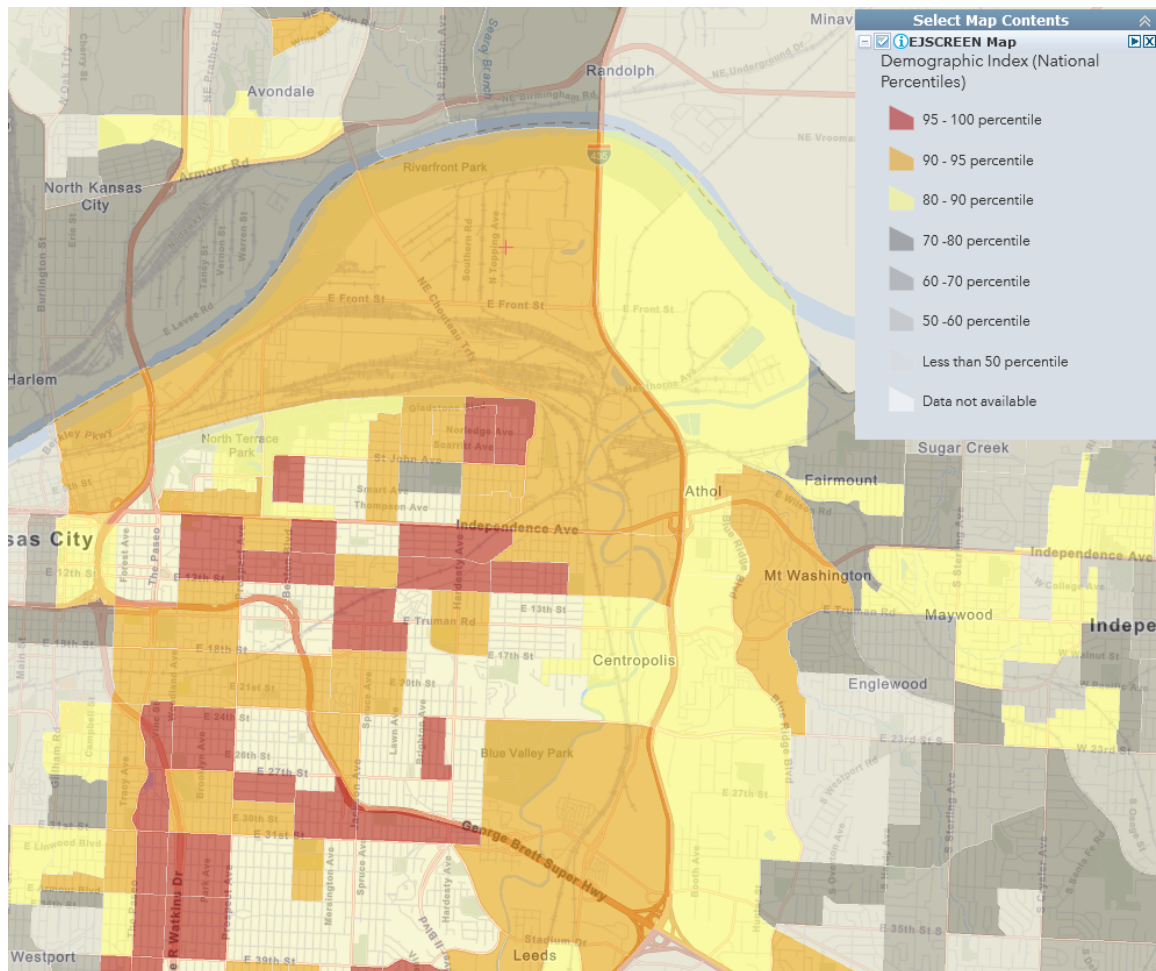


Figure 7: Census Tracts Surrounding KCS' Knoche Yard, Colored by Demographic Index (from EPA EJSCREEN)

Hidden Environmental Impacts of Ancillary Construction and Maintenance

In the CP/KCS acquisition Application Vol. 1, Page 181, the verified statement of Keith Creel (CP's President and CEO) states, "we recognize that we will be increasing the number of trains that operate through certain of our communities [...] We will work hard to be a good neighbor and mitigate potential adverse community impacts [...]." As a part of this desire to be a good neighbor,

CP/KCS will need to work with municipalities on a number of upgrades to crossings. For example, EIS scoping comments submitted by several cities in Iowa and Illinois (see Additional References) include complaints about a lack of upkeep for at-grade crossings. Major capital projects are shown in Document EI-31354 and discussed in Request C of Document EI-31587, but a significant volume of upgrades to local crossings, bridges, and train tracks are likely needed for the dramatic increase in local train traffic along several stretches of the line, particularly from Kansas City to Iowa where the greatest number of new trains will be traveling. The EIS should evaluate the environmental costs of the significant number of smaller capital projects (such as improvements to at-grade crossings) that may be "unplanned" at present but are necessary to complete the acquisition and address the concerns of local municipalities about its projected increases in traffic. Similarly, the EIS should assess projections of the environmental impacts of ongoing maintenance that arises from the increased rail traffic. Collectively, the effects of improvements and long-term maintenance should not be hidden from the assessed environmental impact of this acquisition.

For instance, the at-grade crossing on our property (Crossing 375419W) suffers from problems that have been neglected for several years. Despite numerous conversations with Canadian Pacific requesting a proper replacement of rotten rail ties at the crossing in summer 2020 and summer 2021, the company has failed to perform necessary maintenance. After conversations with a Track Quality Manager at Canadian Pacific, we were told that the number of ties at this crossing is one fewer than necessary between the rails. In a later conversation, a senior employee in the company rudely hung up the phone. In the meantime, the company has simply increased the space between the existing ties (rather than filling in the missing ties), creating dangerous conditions for crossing. We have observed that farm equipment easily gets stuck in the gaps between ties in this poorly maintained crossing. **Currently, the ties at this crossing are loose and rotten. Furthermore, the tracks deflect by several inches at the crossing when trains pass due to an insufficient rock base underneath the ties near the crossing. This failure to address issues after multiple years and repeated efforts not only poses an increased risk of collision and derailment, but a significant hazard to human life, as the traffic is expected to increase by over 480%.** To mitigate the risk of derailment and associated environmental hazards resulting from poor maintenance, the EIS should evaluate an alternative that requires proper inspection of the rail lines with projected increased traffic and gives property owners, municipalities, and other stakeholders a means to ensure accountability for this required maintenance (as current means of requesting improvements to safety have proven ineffective).

Alternatives to Consider

There are many alternatives to consider besides that of "no action," i.e., rejecting the acquisition. A submission from Canadian National Railway Company, [Document EI-31317](#), argues for "a third

option of approval with conditions." Additionally it claims, "OEA's commencement of the scoping process for the EIS without first publishing a draft scope of study for public comment deprives stakeholders of important information necessary to prepare informed comments on the scope of the EIS and would truncate public review in a way that departs from Board precedent." I concur that a draft scope of study would have dramatically improved my ability as a private citizen and stakeholder to prepare meaningful comments, and I would advocate strongly that future EIS processes should provide such a draft scope before opening the scoping comment period. In the absence of a draft scope or explicit list of alternatives the OEA plans to evaluate, I have provided some alternatives throughout this document. Below, I describe a broader set of alternatives that the EIS should evaluate as a means of reducing the environmental impact of the acquisition.

Limited Use

Allowing a limited increase in trains using the rail line would be one means to reduce the environmental impacts considered in the EIS. Because pollution and hazards to safety are directly tied to the number of trains using the rail lines, the EIS should evaluate an alternative that limits the rail lines to a smaller volume of freight than the proposed 33.84 million annual gross ton miles on section C-KACI-02.

Emission Mitigation

Document EI-31587 Section A.3 contains a table with the percentage of the locomotive fleet in each emissions tier, as defined by the EPA. The Tier 3-4 standards, signed in 2008, apply to only 10% of the total fleet, while 56% of the fleet is below Tier 2. The EIS should evaluate an alternative that requires a larger percentage of the fleet to be remanufactured or replaced with locomotives that would reduce emissions and thus pollute less aggressively, as a condition of the acquisition.

Remediation

The direct conflicts of increased traffic and corresponding pollution with local and statewide efforts to promote habitat conservation could be remediated by requiring Canadian Pacific to invest in habitat conservation and watershed management in the most affected areas near the rail lines. The EIS should evaluate an alternative that requires remediation of projected environmental harms (e.g., investment in local conservation efforts) in fragile habitats and in areas expected to see the largest increase in traffic if the acquisition is approved.

ADDITIONAL REFERENCES

-
- Trains.com: [CP and KCS project dramatic rise in daily train counts](#)
 - Project website for information on the Surface Transportation Board's environmental review of the proposed Canadian Pacific acquisition of Kansas City Southern:
<https://www.cp-kcsmergereis.com/>
 - Submissions from other city mayors, city administrators, and city councils concur with several of the claims of this document about safety, poor track maintenance, environmental harms, and noise pollution:
 - Davenport, Iowa: [Document EI-31441](#), [Document EI-31446](#)
 - Bettendorf, Iowa: [Document EI-31444](#)
 - Bensenville, Illinois: [Document EI-31445](#)
 - Schaumburg, Illinois: [Document EI-31399](#)
 - Muscatine, Illinois: [Document EI-31464](#)
 - Itasca, Illinois: [Document EI-31459](#)