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Chairman Martin J. Oberman
Surface Transportation Board
395 E Street SW
Washington, DC 20423

RE: Docket # FD 36500

Dear Chairman Oberman and the Surface Transportation Board,

Thank you for the opportunity to provide testimony on docket number FD 36500 at the Public Hearing on Thursday, September 29, 2022. As Director of Sierra Club's Clean Transportation for All campaign, I'm writing to follow up on that testimony, which I am submitting in written form attached as an addendum to this letter.

We continue to seek assistance from the Surface Transportation Board in pushing Canadian Pacific (CP) to be a better neighbor to citizens living near their facilities and a better partner with local units of government trying to serve their constituents. This is especially important in the context of a proposed merger that will lead to job losses and harm the local economy in the Minneapolis/Saint Paul area.

You have received letters and/or written correspondence from both members of congress representing Saint Paul (Rep. Betty McCollum) and Minneapolis (Rep. Ilhan Omar) asking for your help in this because CP has been unwilling to engage with local officials in good faith.

This is needlessly frustrating to Minnesotans because there are actions that CP could take to benefit the Minneapolis/Saint Paul region that **would not adversely affect CP, or the businesses they serve, in any way whatsoever.**

The best example of CP's reflexive obstructionism is the huge missed opportunity to connect the incredibly popular Midtown Greenway over the Mississippi River, so this amenity can serve residents of Minneapolis, Saint Paul and beyond. The river bridge in question (Short Line Bridge L5733) was built for two sets of tracks, but the second set of tracks was removed many years ago. The bridge has been [studied](#) and it has been confirmed by respected engineering firm Kimley-Horn and Associates, Inc. that the downstream half of the bridge could easily accommodate a bicycle/pedestrian facility without disrupting the one train a day on the upstream half of the bridge.

There is no physical impediment to making this crucial connection over the Mississippi River, and CP has never claimed otherwise. Funding is not the impediment to progress either. Local officials in Minneapolis and Saint Paul have a proven record of raising funds needed to build well-loved and award-winning rails-to-trails facilities, including

support from Federal partners. But they cannot finally start moving forward until they have a reasonable easement or other shared use agreement with CP.

When CP was last willing to talk with Hennepin County officials regarding the river bridge (over a decade ago), CP sought to shift the cost and/or liability for their own activities onto the public taxpayers. CP expected Hennepin County to buy the bridge (which CP would continue to use for rail operations) while accepting a liability agreement that no public sector attorney could recommend to an elected official. CP's demands were so unreasonable that Hennepin County explored building its own new bicycle/pedestrian bridge over the Mississippi River which would run adjacent to the existing CP bridge.

We have no reason to believe that CP's behavior will change unless pushed by a federal entity like the STB. Just last week in its communications with Congresswoman Omar, CP dismissed our shared concerns by claiming that CP is getting "adequate use" of their three segments of right of way in Hennepin County including the river bridge.

This claim is suspect in all cases and demonstrably false in the case of the river bridge. **Nobody, including CP, is getting any use out of the downstream half of the river bridge.**

We urge you to require CP to be a good neighbor and help bring a long desired clean transportation corridor to the Twin Cities. This can be accomplished without any negative impact on CP's ability to serve its customers.

Sincerely,



Katherine J García
Director, Clean Transportation for All
Sierra Club

Cc: All Parties of Record

ADDENDUM:

**Sierra Club Testimony to STB on Docket No. FD 36500: CP/KCS Rail Merger
September 29, 2022**

Chairman Oberman and the Surface Transportation Board,

My name is Katherine García. I am the Director of Sierra Club's Clean Transportation for All campaign. The Sierra Club is the most enduring and influential grassroots environmental organization in the United States. We amplify the power of our three million members and supporters to defend everyone's right to a healthy world.

This proposed merger will have a profound environmental and economic impact throughout the nation.

For example, in many parts of the country, rail traffic shipping hazardous, dirty crude oil from Canada to Mexico will increase - threatening rural ecosystems, suburban communities, and dense urban neighborhoods.

The merger will also have major economic impacts. For example: The CP headquarters in Minneapolis, Minnesota will move to Kansas City, Missouri. This will result in over 200 jobs and an estimated \$15 million in wages being lost from the Twin Cities. This will have a lasting and devastating impact on the economy of the region.

Any consideration of a railroad merger should both recognize the effects of that merger and also incorporate actions to mitigate those impacts. It should also factor in past behavior of the railroads and call upon them to be good neighbors to impacted communities.

In the Minneapolis/Saint Paul region, where the job losses will be largest, a broad coalition of local elected officials have reached out to their congressional representatives seeking mitigations. These local officials are understandably frustrated that CP has been unwilling to repurpose long-unused right-of-way for the public good.

You have already received this [letter](#) from U.S Representative Betty McCollum (who represents Saint Paul) and tomorrow the office of U.S Representative Ilhan Omar (who represents Minneapolis) will be testifying here calling on you to get the railroads to be better neighbors, and to specifically help mitigate the impact of job losses by repurposing four sections of unused right of way.

Your efforts on this matter will not be wasted. The Twin Cities have a well-earned reputation as a model for the most rails-to-trails projects in the U.S. As just one example, the Midtown Greenway in Minneapolis is so popular with people walking and biking that it carries more daily users than 90% of city streets. It is such a valuable community amenity that it has inspired a huge development

boom of housing called “Bicycle Oriented Development” or BOD for miles directly adjacent to the corridor.

Minneapolis’s tax base has benefited greatly from this and the whole region benefits from the housing provided. There is a brand new trail just across the Mississippi River that, with a stroke of CP’s pen, could easily be connected to create a seamless bicycle highway connecting Minnesota’s Capitol City to its larger Twin City.

The two cities of Minneapolis and Saint Paul would love to connect these two trails and share the direct and indirect economic and public health benefits of that connection. But they have been stymied by CP even though there is available empty right of way and a bridge over the Mississippi River that has lacked a second set of tracks for many, many years.

How the STB handles this proposed merger will determine whether impacted local communities only experience the downsides of economic losses or whether compensating upsides can be delivered by a railroad that behaves like a partner and a neighbor.

Please listen to the long list of local elected officials and their congressional representatives, McCollum and Omar.

I urge that you use this historic chance – a once in a lifetime opportunity – to bring CP to the negotiating table, to listen to two Members of Congress and 22 State and City elected officials, to secure public benefits to reduce the harms of this proposed merger for Minnesota and every community impacted.

Thank you for holding this hearing and for this opportunity to testify.