



Joshua Wayland
Surface Transportation Board
Environmental Filing, Docket No. FD 36500
c/o VHB
940 Main Campus Drive Suite 500
Raleigh, NC 27606

Mr. Wayland,

Air Alliance Houston (AAH) submits the following comments concerning the Draft Environmental Impact Statement (DEIS) for the proposed merger of Canadian Pacific (CP) and Kansas City Southern (KCS) Railways, Docket No. FD 36500. As proposed, the pending acquisition will have major impacts on the air quality, chemical security, and mobility of residents of Houston and Harris County, Texas. Much of these burdens will fall on our region's environmental justice (EJ) communities. AAH is a non-profit advocacy organization dedicated to reducing the public health impacts of air pollution and advancing EJ. As such, we are deeply concerned about the proposed merger for the reasons described below.

Houston/Harris County is the largest and most diverse population center on the pathway of the proposed merger and one of only two ozone nonattainment areas to be impacted. According to Appendix P, EJ Analysis, it appears that direct outreach to community leaders was conducted in certain areas, but not in Houston/Harris County. This is despite the fact that Harris County is home to many large and diverse EJ communities, certainly in comparison to other communities along the pathway.

This merger is anticipated to bring an additional eight trains through Houston/Harris County daily, adding 31.5 tons of nitrogen oxide (NOx) emissions to our air annually. NOx plays a major role in the production of ozone, and the Houston area has been recently reclassified to severe nonattainment for ozone. Ozone pollution in Houston has trended upwards every year except 2020. This year is no exception - the region has already had 23 high ozone days. Furthermore, in the last month alone (since September 6), the Texas Commission on Environmental Quality (TCEQ) has issued 19 Ozone Action Days for the Houston/Harris County area. Increasing NOx emissions will inevitably increase ozone pollution in the Houston area as well - worsening all sorts of health outcomes and making it even harder to reach attainment levels. While NOx emissions in Houston have been trending downwards overall, the increase in emissions from these added trains would be concentrated in the areas adjacent to the railyards. These communities - Fifth Ward, Kashmere Gardens, Near Northside, Settegast - are home to large EJ populations that are already overburdened with multiple sources of VOC pollution. We request you update the NOx and VOC emissions assessment in the EIS with new severe nonattainment

de minimus standards and require CP/KCS to reduce emissions and/or provide funding to Houston/Harris County to mitigate the air quality impacts to health in EJ communities.

Chemical security is a serious concern for the Houston/Harris County area. CP, one of the corporations seeking to merge, has had four derailments in 2022 alone. Given the fact that one railcar associated with this merger can haul up to 27,000 gallons of crude oil, CP's recent derailment history is a major cause for concern.

Additionally, many of the freighters running up and down the proposed acquisition route will transport bitumen, or crude oil extracted from tar sands. If a freight train carrying bitumen were to derail, the consequences would be devastating—even more so than a traditional oil spill. Tar sands oil spills are more difficult and more costly to clean. They result in the release of benzene, a dangerous carcinogen, into the air. Tar sands oil sinks to the bottom of rivers and lakes, suffocating wildlife and polluting the water, and hardens in the sun on land. CP's four derailments this year alone make this disaster scenario all the more troubling.

Community Engagement, Survey Results, and Mitigation

On October 11 and 13, 2022, AAH conducted in-person blockwalking in potentially impacted neighborhoods. Staff talked to roughly 30 residents and gave out ~75 one-pagers about the proposed merger. Overall, residents were completely opposed to the merger and generally disinterested in mitigation. Some did provide specific mitigation suggestions such as street safety improvements and demanding trains stop idling on railroad tracks. The main concerns included noise, long detours, emergency service concerns, increased pollution, people losing their jobs being late due to idling trains, and people getting hurt trying to cross the tracks. One woman's daughter said she could not access METROLift, a special van service for people with disabilities, because the trains would prevent the van from getting where it needed to go.

Between October 4 and October 14, we also distributed a survey online and in-person asking Houston/Harris County residents about their views on the potential merger. Below is a summary of the survey results; we have attached a more detailed breakdown of the survey and results as an appendix to this letter.

The survey received 119 responses. The most frequently cited concern was traffic delays, which includes emergency service delays, followed by increased emissions, pedestrian and bicyclist safety, and derailment. Noise was also a frequently cited concern during many of our conversations with residents and on the survey's write-in questions.

Funding the planning, design, and construction of alternate routes for drivers, cyclists, and pedestrians was the most chosen selection for potential mitigation, closely followed by improving at-grade crossings/creating elevated crossings in high-traffic areas. Other mitigation options that received support from more than half of the respondents included air monitor

funding/install/maintenance; air filtration for schools, healthcare facilities, and public buildings; and training for Houston/Harris County fire departments to respond to potential chemical spills.

Based on community feedback and our air quality and chemical disaster concerns, AAH strongly opposes the merger between CP and KCS. If this merger is to go forward, we request the companies also be required to fund necessary improvements to local infrastructure to enhance mobility as well as fund air filtration systems, air monitoring, emergency response training, and quiet zones in areas identified by communities and local entities. We have been told that Union Pacific owns the tracks that CP/KCS will be using through Houston/Harris County, and that such mitigation is not possible. The increased train traffic, air pollution impact, and derailment risk more than justifies the need for mitigation on transportation and environmental merits. EJ communities will be especially affected by the merger and subsequent increase in train traffic, and therefore funding should be provided to mitigate these impacts and ensure CP and KCS are acting as good neighbors.

We urge you to address the listed concerns, incorporate feedback received from impacted residents through our survey and outreach, and consider mitigations along the lines suggested by residents and Houston/Harris County representatives. Please feel free to contact us at any time for additional information.

Regards,

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**Air Alliance Houston
Freight Rail Merger Survey Responses**

Survey Dates: 10/4/22 to 10/14/22

Total Responses: 119

Zip codes with the most responses:

- 77003 (Second Ward/East End)
- 77009 (Near Northside)
- 77023 (Eastwood/East End)
- 77026 (Fifth Ward/Kashmere Gardens/Near Northside)
- 77020 (Fifth Ward)

These zip codes account for 55 out of 119 responses (46.2%)

Concerns: (Choose 3) What are your top concerns regarding the rail merger?

The most frequent concern was traffic delays, which includes emergency service delays, followed by emissions, ped/bike safety, and derailment. Noise was unfortunately missed on our list but was a frequently cited concern during many of our conversations with residents and in the Other section of the survey. There was also one comment regarding flooding stated as another concern.

Options	Total Responses	Percent
Traffic delays (commutes, emergency services, evacuation)	100	84%
More emissions	70	59%
Pedestrian and bicyclist safety	67	56%
Possibility for derailment and spills	64	54%
Wear and tear on existing infrastructure	34	29%
Other: Please specify	8	7%

Mitigation: (Choose 5) The federal government can require the railroad companies in the merger to provide funding or plans to mitigate their impacts to communities. What specific mitigation would you like to see?

Funding planning, design and construction of alternate routes for drivers, cyclists and peds was the most chosen selection, closely followed by improving at-grade crossings/creating elevated crossings in high-traffic areas. Other mitigation options that received more than 50% of the responses included air monitor funding/install/maintenance; air filters for schools, healthcare facilities and public buildings; and training for city/county fire departments to respond to potential chemical spills.

Options	Total Responses	Percent
Improve alternative traffic routes for all road users	81	68%
Improve at-grade crossings, elevate crossings	76	64%
Fund air monitoring equipment	68	57%
Fund air filtration in schools, healthcare facilities and public buildings	65	55%
Fund chemical spill response training	59	50%
Improve monitoring of stalled trains	57	48%
Fund air filtration systems in homes	53	45%
Develop a fund for asthma-related health issues	37	31%
Fund chemical spill transport emergency response training	36	30%
Add visual warnings to improve warning signals	26	22%

Other Ideas: Do you have any other ideas to help reduce the impacts of the rail merger?

1. Noise
 - 1.1. Create “quiet zones” in neighborhoods affected where conductors are not allowed to blow whistles to maintain or improve quality of life.
 - 1.2. Poll communities about noise pollution and proactively, where desired, create more quiet zones
 - 1.3. Fund the implementation of quiet zones
 - 1.4. Limit use of train horns.
 - 1.5. Reduce the noise at night. Trains run 24/7 and 2nd Ward is primarily a residential neighborhood and the conductors blare the horns for long periods of time between midnight- 5am when most people are sleeping
 - 1.6. Sound levels in these brown and black communities are too loud. These sounds are also blasted during the night hours. It is annoying that it seems it’s done purposely and with a racial power trip manner.
2. Route
 - 2.1. Take freight out of the city! And turn that rail into a commuter rail with a walking/biking path next to it! But also we need corporate responsibility for these communities that are being impacted by freight train pollution!
3. Traffic delay and safety
 - 3.1. There need to be specific windows during the day when it’s unacceptable for trains to cross through the city. We’re stopped during rush hours in the morning and afternoon every day sometimes for more than 30 minutes with no notice. I’ve seen emergency vehicles stuck behind trains multiple times. I’ve also come across completely dysfunctional train stops where the arms don’t come down and the lights are perpetually down. All train crossings should be elevated stops so that pedestrians, cyclists, and drivers do not have to directly encounter them.
 - 3.2. [TRAFFIC] Install AI or other tech to send alerts and reroute maps to traffic stopped at rail-crossings
 - 3.3. address existing issues caused by stalled trains before making an already difficult situation worse - insufficient alternate routes, delays for emergency services, pollution from idling cars, lack of safe pedestrian crossings
 - 3.4. These types of projects should consider the neighborhood they are passing through, if an overpass or underpass is considered, it should take into account the neighborhood's character, historic fabric and the impact this may create. In addition, these infrastructure projects should consider

multiple uses, for example any overpass should be visualized to accommodate vehicles, bikes, pedestrians so that more than one issue is addressed.

- 3.5. In the past, an elevated crossing over the rail tracks was not allowed; this will change for all locations?
- 3.6. Build a bridge over the train track so cars won't have to wait until the train passes!
- 3.7. Having a set schedule for the trains and making the information easily available through a website.
- 3.8. Keep those trains from blocking traffic and school buses
4. Signage
 - 4.1. Digital signs at crossing notifying commuters of the approximate time of blockage and alternate routes
 - 4.2. Multilingual signage, community education as to the effects of trains to the environment
5. Chemical safety
 - 5.1. [CHEMICALS] Fund legislation/ordinance changes to ensure First Responders are told what's on a site before they enter it. They currently are not aware in the event of a disaster
6. Labor
 - 6.1. Agree to Union requests about staffing
7. Engagement
 - 7.1. Stay engaged with community leaders and community meetings
 - 7.2. Find out what communities are most impacted and provide needed funding to assist and offset the impact of these trains
 - 7.3. My hope is that they listen to our concerns and make necessary changes for the community of Houston. Especially around the low income brown and black communities who usually live within walking distance of these trains.
8. General comments
 - 8.1. Trains are a necessary part of our transportation system especially as we move to take more cars off the road. It's not the train itself that's bad, it's the lack of regulation.
 - 8.2. Agree with the options and focus on design AND funding requests on the front end of this potential merger.
 - 8.3. Many people walk alone and impact to pedestrian life; concern of pollution
 - 8.4. Limit trains, renewable energy
 - 8.5. No trains sitting in our burdened communities with hazardous waste on the railroad tracks

9. Oppose rail merger period:
 - 9.1. I oppose this rail merger. No more trains!
 - 9.2. Don't merge at all! The community is already suffering!
 - 9.3. Don't do it?