



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

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Office of Environmental Analysis

October 17, 2022

**Re: Summary of in-person meetings during Surface Transportation Board site visit
to Harris County, Texas and Houston, Texas on October 12, 2022**

Docketed/Filed in: Docket No. FD 36500, Canadian Pacific Railway Limited, et al.—
Control of— Kansas City Southern et al.

Meeting with Harris County Representatives

Time: 10:00am – 12:00pm

Participants:

Harris County Representatives:

- Harris County Commissioner Rodney Ellis
- U.S. Representative Sheila Jackson Lee
- Lillie Coney, Chief of Staff to Representative Jackson Lee
- State Representative Ron Reynolds
- Jack Hanigriff, East End Rail District
- Sarah Utley, Harris County Attorney's Office
- Elizabeth Hidalgo, Harris County Attorney's Office
- Dr. Latrice Babin, Harris County Pollution Control
- Jose Rivera, Harris County Precinct One
- Erica Lee Carter, Harris County Precinct One
- Zoe Middleton, Harris County Precinct One

Surface Transportation Board Representatives:

- Robert Primus, Surface Transportation Board Member
- Karen Hedlund, Surface Transportation Board Member
- Charles Vance, Attorney Advisor for Member Hedlund
- Josh Wayland, Office of Environmental Analysis, Surface Transportation Board
- Alan Summerville, VHB, contractor for Office of Environmental Analysis
- Ellie McCurdy, VHB, contractor for Office of Environmental Analysis
- Eben Sweetser, VHB, contractor for Office of Environmental Analysis
- Paul Carbone, VHB, contractor for Office of Environmental Analysis
- Lara Seltzer, VHB, contractor for Office of Environmental Analysis
- Nathaniel Rotunno, VHB, contractor for Office of Environmental Analysis

Summary: Participants met at the Harris County Precinct One Central Service Center, followed by site visits to public at-grade roadway/rail crossings (grade crossings) at Lyons Avenue and West Street, and public roads providing access to the Englewood rail yard.

Harris County representatives thanked the Surface Transportation Board (Board) members and the Board's Office of Environmental Analysis (OEA) for visiting Harris County in person. Harris County representatives expressed concern that increased rail traffic resulting from the proposed acquisition of Kansas City Southern Railway (KCS) by Canadian Pacific Railway (CP) could exacerbate existing issues resulting from rail traffic through Harris County, including issues related to air quality, vehicular delay at grade crossings, rail operations safety, and environmental justice. Harris County representatives requested clarification regarding the Board's environmental review process, including environmental review thresholds, schedule for the Environmental Impact Statement (EIS) process, results reported in the Draft EIS, and options for environmental mitigation. Harris County representatives emphasized that many residents of Harris County are minority and low-income individuals.

Office of Environmental Analysis (OEA) staff explained the role of the Surface Transportation Board (Board) in reviewing proposed railroad acquisitions. OEA discussed the Board's environmental review process, including the Board's thresholds for environmental analysis, and explained the criteria that it used to determine the scope of the analysis of Houston in the Draft EIS. OEA explained its process for recommending environmental mitigation to the Board, noting the Board's jurisdiction and OEA's analysis of acquisition-related impacts. Here, OEA explained that, although rail traffic is projected to increase on rail lines in Harris County as a result of the proposed acquisition, options for environmental mitigation are limited, in part, because those rail lines are not owned by CP or KCS.

Board Members thanked Harris County representatives for their participation in the public hearings in this proceeding. Board Members indicated that they are interested in learning about impacts on communities in Harris County from current rail traffic independent of the proposed acquisition. Member Primus discussed jurisdiction related to delay at grade crossings. Member Primus stated that the Board would not issue a final decision on the proposed acquisition until OEA has issued the Final EIS completing the environmental review. Member Primus reiterated that the scope of the Board's environmental review and options for environmental mitigation are limited by NEPA and the Board's environmental regulations. Member Hedlund stated that the Chicago Region Environmental and Transportation Efficiency Program (CREATE) program may provide a model for addressing issues in Houston. Member Hedlund clarified that railroad safety, including the transportation of hazardous materials, generally falls under the jurisdiction of the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration.

Meeting with City of Houston Representatives

Time: 12:00pm – 4:00pm

Participants:

City of Houston Representatives:

- City Council Member Robert Gallegos
- Mayor Sylvester Turner
- Daniel Santamaria, Chief of Staff for Council Member Gallegos
- Chief Samuel Peña, Chief, Houston Fire Department
- Assistant Chief Rodney West, Houston Fire Department
- Assistant Chief Michael Mire, Houston Fire Department
- Jesse Bounds, Mayor's Office of Innovation
- Jack Hanigriff, East End Rail District
- Carol Haddock, Public Works Director
- Veronica Davis, Public Works Deputy Director
- Katherine Parker, Gulf Coast Rail District Executive Director

Surface Transportation Board Representatives:

- Robert Primus, Surface Transportation Board Member
- Karen Hedlund, Surface Transportation Board Member
- Charles Vance, Attorney Advisor for Member Hedlund
- Josh Wayland, Office of Environmental Analysis, Surface Transportation Board
- Alan Summerville, VHB, contractor for Office of Environmental Analysis
- Ellie McCurdy, VHB, contractor for Office of Environmental Analysis
- Eben Sweetser, VHB, contractor for Office of Environmental Analysis
- Paul Carbone, VHB, contractor for Office of Environmental Analysis
- Lara Seltzer, VHB, contractor for Office of Environmental Analysis
- Nathaniel Rotunno, VHB, contractor for Office of Environmental Analysis

Summary: Participants visited a public grade crossing at York Street and Houston Fire Station 18. City of Houston representatives discussed ongoing issues related to grade crossing delay and safety in Houston. City of Houston representatives provided an overview of a pending proposed grade crossing separation project at York Street. City of Houston representatives presented an ongoing pilot program for recording real-time data on blocked at-grade crossings for use by first responders. OEA explained that the specific grade crossings discussed during the site visit are not expected to be affected by the proposed acquisition. Board members expressed general support for the City of Houston's initiatives for addressing ongoing rail traffic issues.

Meeting with Community Representatives

Time: 4:00pm – 5:00pm

Participants:***Community Representatives:***

- City Council Member Robert Gallegos
- Daniel Santamaria, Chief of Staff for Council Member Gallegos
- Jack Hanigriff, East End Rail District
- Veronica Gorczynski, East End District President
- Clay Dippel, Rail Safety Task Force

- Danielle Laperriere, Eastwood Civic Association
- Melissa Beeler, Air Alliance Houston

Surface Transportation Board Representatives:

- Robert Primus, Surface Transportation Board Member
- Karen Hedlund, Surface Transportation Board Member
- Charles Vance, Attorney Advisor for Member Hedlund
- Josh Wayland, Office of Environmental Analysis, Surface Transportation Board
- Alan Summerville, VHB, contractor for Office of Environmental Analysis
- Ellie McCurdy, VHB, contractor for Office of Environmental Analysis
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Summary: Participants met at Segundo Coffee Lab, 711 Milby Street. Community Representatives expressed concern that increased rail traffic resulting from the proposed acquisition could exacerbate existing issues resulting from rail traffic in the Greater East End neighborhoods, including issues related to air quality, vehicular delay at grade crossings, rail operations safety, and environmental justice. Community representatives requested clarification on certain analyses described in the Draft EIS and on opportunities for environmental mitigation. Community representatives stated that the Draft EIS did not consider cumulative environmental impacts, or environmental justice impacts, as required by NEPA and applicable Executive Orders on environmental justice. Community representatives stated that the air quality analysis in the Draft EIS did not acknowledge the recent reclassification of the Houston nonattainment area from ‘Serious’ to ‘Severe’ or account for increased emissions from idling motor vehicles at grade crossings.

OEA explained the status of the environmental review. OEA explained that the Draft EIS specifically considered the contribution of the proposed acquisition to cumulative environmental impacts and impacts on environmental justice populations. OEA explained that the description of existing air quality conditions was accurate at the time it was issued because the reclassification of the nonattainment area was finalized during the Draft EIS public comment period, but that this change could be reflected in the Final EIS. OEA discussed how grade crossing delay was quantified in the Draft EIS and explained that the air quality analysis did account for idling motor vehicles at grade crossings. OEA also explained that grade crossings in East End neighborhoods are not expected to be affected by the proposed acquisition.

OEA summarized the relevant environmental analysis in the Draft EIS, including air quality and grade crossing delay on rail lines in Houston. OEA explained its process for recommending environmental mitigation to the Board and the role of railroad applicants in proposing voluntary mitigation, noting the Board’s jurisdiction and OEA’s analysis of acquisition-related impacts. OEA requested that community representatives submit their comments on the Draft EIS in writing prior to the end of the public comment period to ensure that they would be fully addressed in the Final EIS.

Board members indicated that they are interested in learning about impacts on communities in Houston from current rail traffic independent of the proposed acquisition. Member Primus explained that OEA is undertaking an environmental review of the proposed acquisition that has involved many opportunities for public engagement and comment. Member Hedlund stated that the CREATE program may provide a model for addressing issues in Houston. Member Hedlund discussed jurisdiction related to delay at grade crossings.