

Excelsior Springs, Missouri
Rail Merger Meeting

Moderated by Candice Andre
VHB Engineering
Wednesday, September 14, 2022
6:00 p.m.
Remote Proceeding

The Montgomery Event Venue
425 S. Thompson Avenue
Excelsior Springs, MO 64024

Reported by: Devin Richmond
JOB NO.: 5420832

A P P E A R A N C E S

List of Attendees:

Candice Andre, Senior Project Manager, VHB
Engineering, NC

Joshua Wyland, Office of Environmental Analysis,
Surface Transportation Board

P R O C E E D I N G S

The town of Excelsior Springs, Missouri Rail Merger Meeting was held on Tuesday, September 14, 2022, commencing at 6:00 p.m., proceeding remotely over Zoom, before Devin Richmond, a notary public.

MR. SPEAR: So my name is Steven Spear. I've been a resident of Excelsior Springs my entire life of 55 years. While I currently served as Mayor pro tem on our city council, I'm here as a concerned citizen of our community, and not representing the City of Excelsior Springs. I have too many concerns to detail this evening, so I will just mention just a couple.

The first is under the topic of drugs. There are numerous cases of utilizing freight trains for transportation of illegal and dangerous drugs, especially those originating out of Mexico. If anyone has ridden a train, such as Amtrack, you're probably fully aware that there is almost no security screening process on this mode of public transportation. One can only imagine how much more lenient the security

1 screening process is for freight trains.

2 On July 11, 2022, United States Customs
3 and Border Protection officers seized 174 pounds of
4 methamphetamine concealed in the crossbeams of a
5 railcar during a routine inspection at the U.S./Mexico
6 border.

7 In May of 2020, NBC News reported that
8 another railroad company, Union Pacific, was fined
9 \$388,000,000 dollars by the United States Government
10 citing huge amounts of marijuana and cocaine being
11 found on freight railcars entering the United States
12 from Mexico. The railroad refused to pay the fine,
13 stating that the company had no knowledge of criminals
14 stashing illegal drugs on trains. The railroad stated
15 it cannot be expected to quote, "send unarmed
16 personnel into Mexico to battle drug cartel," end
17 quote. The railroad was partially successful in their
18 argument. Rather than paying \$388,000,000 they would
19 not admit to any wrongdoing, but did agree to pay
20 \$40,000 in exchange for the United States to release
21 ten of their seized railcars.

1 NBC also reported that over a five year
2 period, between 2001 and 2006, four and one half tons
3 of illegal drugs were seized from the freight trains
4 at the U.S./Mexico border, which according to their
5 estimation represented only a small fraction of drugs
6 actually making their way to the U.S. by way of
7 freight trains.

8 The next topic, switching to hazardous
9 materials. Oh, okay. Twenty-four seconds left, so am
10 I okay? Okay.

11 Hazardous materials according to the
12 Federal Railroad Administration, there were more than
13 9,000 train derailments over just a six-year period
14 between 2010 and 2016. With a possible pending
15 railroad strike, we are all once again reminded of the
16 cost cutting focus by the railroad industry. The top
17 three reasons for derailment: (1) Track related
18 issues, (2) Equipment failure, and (3) human error.

19 Just a couple days ago, September 12th,
20 Norfolk Southern just announced that it intends to
21 start parking hazardous shipments across the U.S.

1 ahead of a possible strike. And also, Norfolk
2 Southern, just two days ago, had a multi-train
3 collision that happened in Rome, Georgia that resulted
4 in diesel fuel spills.

5 September 7, 2022, in Hampton, Iowa a
6 train derailment happened which resulted in 65,000
7 gallons of asphalt being spilled into the local
8 waterways. Excelsior Springs is a community that
9 prides itself in the history of our waters and
10 underground springs.

11 The potential 450% increase in rail
12 traffic through this community is a risk simply not
13 worth taking. In my opinion, the only benefit
14 provided by this merger is for the railroad itself,
15 and not our community. This merger provides no
16 benefit to Excelsior Springs, to our schools, or to
17 our citizens. We are only left with the real
18 documented risk that happened by the thousands on a
19 regular basis. Thank you.

20 MS. ANDRE: Raise your hand, and then
21 I'll call on you to come up. And we just need you to

1 state your name clearly for the record. So I'll open
2 it up. Who would like to make any comments? Sure.
3 Come on up.

4 MR. HOUSER: Good evening. My name is
5 Doug Houser. And I was overhearing a lot of the data
6 that the it looks like the study did. And one of
7 things that occurred to me was that, you know -- and
8 my wife, by the way, is the contract attorney. So she
9 reviewed the summary pretty carefully before the
10 presentation. And overall, it sounds like the overall
11 takeaway is that there's very little impact on this --
12 you know, as a result of this merger.

13 But the way I look at it is, you have
14 an average of four trains a day coming through
15 Excelsior Springs. And that's going to increase
16 anywhere from 18 to 22 trains, which if you average
17 that out, that's about a 500% increase.

18 And so, what that means is that while
19 you may be taking 60,000 trucks off the road a year,
20 those 60,000 trucks aren't driving through Excelsior
21 Springs. Okay. We are going to be exposed to 500%

1 more noise, 500% more air pollution from these trains,
2 500% greater increase of a collision, 500% increase in
3 traffic delays, and on, and on, and on. And I think
4 that this study doesn't take into effect or take into
5 account the individual impacts on towns like ours that
6 this merger is going to have.

7 So for me, this has very little meaning
8 to me, because it doesn't really tell us how it's
9 going to effect Excelsior Springs. And like this
10 gentleman said, all of the benefits from everything
11 I've been able to understand are going to accrue to
12 the railways, and not anything to us. It's only going
13 to -- we're just going to be in a -- holding the bag
14 for all the potential side effects that come from this
15 merger.

16 So I think that something should be
17 done on some sort of individual basis per town to
18 assess those types of risks and include that in the
19 mitigation potential of the reports. Because it seems
20 like you're taking an overall perspective and using
21 overall averages and numbers that don't make any sense

1 to people that live in towns that these are directly
2 affecting in terms of their exposure to these various
3 risks.

4 MS. ANDRE: This will be formally in
5 the record. So please feel free, even if you think
6 you have 30 seconds of comments. This is what we're
7 here for, is to hear your thoughts and your concerns
8 on it. So, please. Yes, sir. Come on up.

9 MR. DAVIDS: My name is John Davids
10 [ph]. I'm here to represent over 100 people in
11 Excelsior that live within a block and half to two
12 blocks of one the railroad tracks. And the way the
13 trains are coming through now, I can feel the ground
14 shaking, though I am, probably like I said a good two
15 blocks. I live in the last block of one street. The
16 last block on the other street comes up to the corner,
17 and then the corner, and the cul-de-sac. There is
18 about for or five homes there that have been there for
19 years. They are probably a block or closer to the
20 railroad tracks. And they are already about to go
21 nuts from what they hear from the trains.

1 We feel that within a year's time, if
2 this happens, we'll have to pay someone to buy our
3 property. Because who wants to live in a rail depot
4 or whatever you want to call it? Our property value
5 will drop like a rock. And the environmental aspect,
6 with being that close to the train tracks, if there
7 is, which sooner or later there will be, some type of
8 a rail derailment, God only knows what they are
9 hauling in those tankers and things, and what damage
10 it will do to the population and the people.

11 This gentleman here hit it right on the
12 head with what surveillance you're talking about.
13 Nobody's actually thought about this. That train is
14 going to come clear up out of the bottom of Mexico,
15 and all through Mexico, and all the way up through,
16 and make a path down through Canada. What kind of
17 people and what kind of things are going to enter some
18 of those box cars that are hauling through our
19 community? Now, I don't know how many small towns or
20 towns there would be along the way. I do know
21 Excelsior is one of them. And the possibility of

1 people hiding on those trains, Excelsior not being
2 being really a super place to start railing up, and
3 what kind of security and everything will we have
4 within our town because of that? So this is most of
5 the things that I want you to talk to the public about
6 here in Excelsior. Take for example, this gentleman
7 taking care of the environment and everything. So
8 we'll see what happens. Thank you very much.

9 UNIDENTIFIED SPEAKER: I live within a
10 quarter mile of the train here in Excelsior. And when
11 you mentioned the vibration concerns or what the
12 impacts, the amount of certain things. I walk
13 underneath one of our extremely old bridges every day
14 with my six-year-old son to go to school. So I know
15 this isn't a question and answer, but this is for
16 consideration, like, are those going to be upgraded
17 or, you know, 'cause, I mean, Excelsior is a rather
18 old city? And a lot of older construction around the
19 railroad station or around our rail bridges and things
20 like that. So just for consideration if that's going
21 to be addressed. Because the one that I'm next to,

1 there's barely enough room for one car to fit through.
2 I mean, it's super, super tiny. So just if you guys
3 could consider that to be important. Thank you.

4 MS. MEANS: My name is Holly Means
5 [ph]. Well, I just have a couple concerns. I have
6 several that are not environmentally related. We live
7 about 50 yards from a railroad crossing, and I have
8 little kids. And so, of course, one of them is very
9 adventurous and I've seen him wandering outside of our
10 fence. So, of course, that's my main concern, but
11 that isn't really, you know, for this conversation.

12 But I'm thinking about the increase in
13 traffic being potentially average a train an hour. If
14 the numbers that I've heard are correct, that is going
15 to be very -- that is going to interfere with our
16 sleep. It already does interfere with our sleep. You
17 know, just being at a crossing. So I can only imagine
18 that other people like me, that's going to affect
19 their quality of living.

20 And another concern that I have is I
21 know that there are several emergency personnel

1 vehicles that are going over that crossing many times
2 a day. So I don't know if that's up your alley. But
3 that is a concern also, is how is that going to affect
4 getting to life or death situations because of this
5 merger? So they're -- those are my two concerns, and
6 so.

7 MS. PAGE: My name is Deborah Page
8 [ph]. And I don't know if you all have checked into
9 this future railroad strike, which is definitely more
10 than likely going to happen on Friday. But one of the
11 number one concerns with these men on these trains is
12 the length. And they are definitely adding cars to
13 the train. Right now, they are approximately three to
14 three and a half miles long, and the future is to five
15 miles. And in the process of it, they are wanting to
16 eliminate another person off of the train. Right now
17 there is only two for these trains at that length. So
18 that is a big factor. And when you're talking 21
19 trains going through a town, and then sitting for the
20 controllers ahead of other trains, and then
21 controlling the tracks, you will end up with trains

1 sitting at the crossings, and blocking traffic,
2 emergency vehicles. And so, it does affect other
3 things, not just the environment, but other quality of
4 life in this city.

5 Then also, I know the signal is
6 definitely, definitely a concern. And I have someone
7 that just went through training yesterday for this. I
8 mean, they have to put on environmental suits for
9 this. It's diesel. It can wipe out the whole Kansas
10 City area. It's not -- so if anything was to happen
11 here, and it is on the trains, there's no question.
12 No question at all about it. That's my concerns. So
13 you all need to really, really do your research on
14 this strike. Because it is not for the wages. It's
15 not just for sick pay, or just days off. There is a
16 lot more underlying in this strike.

17 MR. GUCH: John Guch [ph]. The one
18 thing that most people I've been talking to about the
19 train, you know, they're not so terribly against the
20 railroad doing the line from Mexico up for
21 transportation and everything. But what we don't

1 understand is aren't there alternate routes somewhere
2 that goes through farmland and country and everything,
3 and doesn't have to barrel it's way through every
4 small town between here and Canada? Has anyone looked
5 into that to see if there are alternative routes that
6 would work out fine and not disrupt communities?

7 MR. HOUSER: I just wanted to come back
8 and emphasize one more point that I think -- I'm
9 sorry. Oh, my name is Doug Houser. The point that
10 this lady made a few minutes ago, I've been thinking
11 about this just from a math perspective again. And
12 I'm not sure exactly how many railroad crossings we
13 have in Excelsior. Do you happen to know?

14 UNIDENTIFIED SPEAKER: Six.

15 MR. HOUSER: Six. So if we have six
16 railroad crossings, and there are between 18 and 22
17 trains coming through here everyday, let's say it's an
18 average of 20. That's 120 times every single day
19 those train horns are going to be blaring. Those
20 vibrations are going to be felt, and the -- how many
21 times the traffic is going to be impacted every single

1 day. And so it's, like, again, who benefits, because
2 it certainly doesn't look us. Not that we have be
3 have to benefit, but do we have to bear those kind of
4 costs with no recourse? That doesn't seem fair to me.
5 And I live a half a mile away from the train tracks,
6 but there are two within a half a mile of my house.
7 So I work from home, and I'll be hearing those 120
8 blasts all day and all night, and every day. So I
9 feel really sorry for people who live very close to
10 the tracks. Because that is really going to impact
11 their quality of life.

12 MS. ANDRE: This is what want to hear
13 from the community. Does anyone else --

14 UNIDENTIFIED SPEAKER: And I have a
15 simple question. And I don't mean to sound snarky, at
16 all. I just -- my question is, are the comments that
17 are made in this public community meeting going to
18 have any impact at all on two major corporations doing
19 the merger?

20 MS. ANDRE: Okay. We just have one
21 thing before people leave. I just wanted to share we

1 do have a virtual meeting scheduled this coming
2 Monday, September 19th. So it's very similar in the
3 format. You'll hear Josh giving the same information,
4 but it will be open for comments. If you have a
5 neighbor, a community member that couldn't participate
6 tonight, please share it with them that that community
7 meeting is another opportunity to hear the
8 presentation and share the comments.

9 So the link is on the project's
10 website. If you take one of the flyers there's a QR
11 code, there's a link to it there. So if you go to the
12 project website it'll be easy to find. It's a link.
13 And it's actually kind of interesting, 'cause you hear
14 comments from a lot of different communities since
15 it's open to everybody. So we would love for people
16 to join. All right. If anybody does decide that they
17 want to make a comment, please just come and get one
18 of the team members. Thanks everyone for your time
19 tonight. It was wonderful to be with you guys.

20 (Whereupon, the meeting concluded at
21 8:01 p.m.)

CERTIFICATE OF DEPOSITION OFFICER

I, DEVIN RICHMOND, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

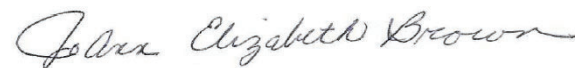


DEVIN RICHMOND

Notary Public in and for the
State of Missouri

CERTIFICATE OF TRANSCRIBER

I, JOANN BROWN, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JOANN BROWN

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[interesting - p.m.]

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