



February 24, 2023

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Martin Oberman  
Chairman  
Surface Transportation Board  
395 E St., S.W.  
Washington, DC 20423-0001  
*(Delivered via email)*

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Dear Chairman Oberman:

It was my pleasure to welcome board members and staff of the Surface Transportation Board to Harris County last October as they conducted a site visit to better understand the impact of the proposed merger of Kansas City Southern and Canadian Pacific freight corporations on our region.

Although I am pleased that the recently published Final Environmental Impact Statement (FEIS) includes an expanded analysis of the merger on Harris County communities, I was disappointed that the document did not encourage the board to mandate mitigation beyond the low-cost and low-impact measures suggested by the applicants. These measures are insufficient to protect residents in our region from potential impacts of the merger, including but not limited to additional chemical exposure and blocking emergency vehicles at railroad crossings.

The FEIS also deemed a derailment unlikely along the pathway of the proposed merger unlikely and expressed confidence that any spills could be quickly contained. Understandably, the Norfolk Southern disaster unfolding in Ohio as well as the recent derailment in Splendora, Texas has heightened concerns about derailments in the Harris County region.

Regulatory oversight in the form of mandated mitigation has the power to reduce the risk of derailments, improve the ability to respond to disasters, and address chronic issues like stalled trains. While the ownership of tracks in Harris County complicates the development of equitable and proportional mitigation, it does not make it impossible. If anything, the complexity of mitigation is proof of the enormous impact that freight activity has on the health, safety, and mobility of Harris County residents.

I remain hopeful that the Surface Transportation Board will join me in advocating for residents of Harris County and use its full power to ensure our region receives meaningful mitigation.

Respectfully,

A handwritten signature in black ink that reads "Rodney Ellis". The signature is written in a cursive style with a large, sweeping initial "R".

Commissioner Rodney Ellis