

To: Surface Transportation Board
From: Eastwood Civic Association
Date: May 18, 2026

Re: Finance Docket No. 36873, Response to applicant on completeness of application

To Chairman Fuchs and Members of the Surface Transportation Board:

The Eastwood Civic Association represents over 2,900 homes in the Greater Eastwood subdivision of Houston's East End. We submitted formal comments on October 21, 2025, regarding the original Union Pacific and Norfolk Southern application, and we appreciate the Board's January 16, 2026, decision (PR-26-02) finding the application incomplete. We have reviewed the Revised Application filed on April 30, 2026, and submit this comment to express our continued concern that the Revised Application cannot be considered complete until the issue of blocked crossings receives the substantive treatment this proceeding requires, before approval, rather than being deferred to environmental review.

Eastwood Has the Most-Reported Blocked Crossings in the United States.

According to Federal Railroad Administration data, the East End Triangle surrounding Greater Eastwood has the highest concentration of reported blocked crossings of any community in the United States. For the twelve months preceding September 16, 2024, eight of the top ten reported crossings nationally, including all of the top eight, were within the Triangle. The most-reported crossing in the country, Eastwood Street at the Galveston Subdivision (FRA crossing 859522Y), recorded 842 reports during that period.

Union Pacific operates 100% of these blocked crossings, controls roughly 95% train movements through the Houston Complex, and is the applicant for the proposed merger. The FRA data, therefore, reflects the operating decisions of the very railroad whose expansion is now before the Board.

Our community has documented conditions at crossing 859522Y continuously from November 2021 through April 2026. In March and April 2026, 30–34% of trains blocked the crossing for more than ten minutes, with average stoppages of roughly thirty minutes. A single train can simultaneously block every at-grade crossing in the Triangle, leaving only freeway access in and out of the neighborhood. Traffic through this crossing is up 27% from 2022 to 2025, and the merger anticipates further growth on top of that baseline.

The Conditions on Which Any Merger Growth Would Be Layered Are Already Untenable.



These statistics translate into daily impacts that the Revised Application's deferred environmental review has not, and at the deferred stage cannot, evaluate in the context of the public interest.

Emergency services. The Houston East End Triangle R.A.I.L.S. Study (Sept. 2024) documents that Houston Fire Department crews are delayed or rerouted by blocked crossings in the East End Triangle approximately 96 times per month, adding up to ten minutes to emergency response times. Fire Station 18, located inside the Triangle, depends on three at-grade crossings designated as critical mutual-aid routes for adjacent fire districts, all three of which a single blocked train can render impassable simultaneously. Citywide, the Houston Fire Department recorded 905 emergency-response delays caused by blocked crossings in 2019, 974 in 2020, and nearly 1,400 in 2021. See Statement of Robert Gallegos, Resident Comments on the Significance of Blocked Rail Crossings, Docket No. FD 36873 (May 16, 2026). The trend predates this merger; the merger would compound it.

Children and schools. Several schools sit within or directly adjacent to the East End Triangle, including Lantrip Elementary, Eastwood High School, Stephen F. Austin High School, Yolanda Black Navarro Middle School, and multiple KIPP campuses. Attendance zones extend across the Galveston Subdivision and West Belt, requiring many students to cross UP main lines on foot or by bus twice each school day. R.A.I.L.S. Study at 20. Teachers and residents have documented children crawling under and over stopped trains to reach school on time, and some HISD schools have applied disciplinary action to students who arrive late because of train blockages. *Id.* That is the operational reality on which any merger-related traffic growth would be layered.

Operational responsibility. Applicants commonly invoke the argument that "the trains were here first" in rail proceedings. For most affected communities, that may be a fair starting point. For Greater Eastwood, it is not: our deed-restricted community has been established since 1913, and our residents have built lives across these tracks for more than a century. Even where rail does predate a community, the pattern of longer trains, parked trains, and operating practices that produces the documented conditions in our neighborhood today is recent. The community has not changed. The operating model has.

Grade separations are valuable when warranted and help on most days of the year. But grade separations alone do not solve the blocked-crossing problem; they relocate it. When trains have nowhere to move, Union Pacific simply parks them adjacent to the new infrastructure. Each additional underpass that the City of Houston, Harris County, the State of Texas, or federal grant programs fund and build relieves Union Pacific of the operational pressure to keep trains moving. The result is a perverse incentive: the more public infrastructure built around UP's operations, the less UP is required to address the underlying fluidity problem.



Union Pacific tells the public it is "in the business of moving trains." The conditions documented at crossing 859522Y and across the East End Triangle do not reflect that. This is an operational problem the railroad must solve as part of merger review, not a burden the Board should permit to be shifted to the municipal entities and residents who already live with the consequences of UP's current operations.

The Deferral Is Incompatible With the Board's Own Merger-Review Framework.

The Board's rules at 49 C.F.R. § 1180.8(a)(2) require applicants to disclose measures addressing blocked crossings from merger-related operational changes or traffic increases. The Revised Application addresses this requirement in a single paragraph at Volume 1, page 101, deferring all substantive analysis to the environmental review process.

That deferral is incompatible with the Board's own merger-review framework. The merger rules at 49 C.F.R. § 1180.1(c)(2) require the Board to weigh (ii) harm to essential services, (iii) transitional service problems, and (iv) whether the transaction will enhance, not merely maintain, competition. Section 1180.1(i) further directs that "[b]ecause there are so few remaining Class I carriers and the railroad industry constitutes a network of competing and complementary components, the Board cannot evaluate the merits of a major transaction in isolation"; it must consider cumulative impacts and crossover effects. Blocked crossings in dense urban corridors are essential service harms when ambulances and fire apparatus cannot reach residents; they are transitional service problems when integration produces longer trains and yard congestion that ripple into surface streets; and they are cumulative impacts when CPKC's 2023 traffic increase and any UP-NS growth load successively onto the same crossings. Deferring the analysis leaves the Board without the very information its own rules require it to weigh.

The procedural consequence is direct. The completeness record and public comment period close without any substantive blocked-crossing analysis on the docket; the Office of Environmental Analysis will develop that information later, on a separate timeline. The public is therefore asked to comment on a merger application without access to the operational impacts that most directly affect our community.

For a community already shouldering the country's highest documented burden of blocked crossings — and given that local Union Pacific representatives have described the Houston complex as "the heart of the franchise" — this gap in the record is substantial. The blocked-crossing question is not peripheral to the merger, as Applicants suggest. For Houston's East End, it is the central question.

The Board Has Already Treated This Issue as a Substantive Merger Matter.



The Board's most recent Class I control proceeding directly establishes that blocked crossings are properly addressed at the merger-review stage, not deferred wholesale to environmental review. In approving the CP-KCS transaction in March 2023, the Board imposed transaction-specific conditions on blocked crossings, including a requirement under the General Code of Operating Rules that trains avoid blocking public crossings for longer than 10 minutes; train-length reporting to enable the Board to monitor community concerns; and ongoing community liaisons in both Chicago and Houston. STB Press Release No. 22-07 (Mar. 15, 2023); CP/KCS Final Decision, FD 36500 (Mar. 15, 2023). The Board further held that, if "traffic increases prove to be understated and unduly impact communities," it stood ready to issue "supplemental orders addressing capacity and maintaining fluidity in Houston." *Id.*

Those CP-KCS conditions are not currently being met. In a letter dated June 17, 2025, the Board noted that CPKC has shown "higher terminal dwell at key yards, slower average velocity, and decreased on-time performance", violating its own merger conditions. STB Letter to Canadian Pacific Kansas City (June 17, 2025). For this Board to defer the blocked-crossing analysis in a much larger transaction, without addressing the conditions on which it approved a smaller one, would set a record sharply inconsistent with the Board's own enforcement experience. The information necessary to design enforceable conditions belongs in the application itself, where stakeholders can evaluate and respond to it on the record.

The Board Cannot Move Forward Without This Information.

Our community cannot meaningfully participate in this proceeding without the data necessary to evaluate how the proposed merger will affect blocked crossings in Houston. The Revised Application neither analyzes how increases in traffic will affect conditions at the most-reported crossings in the country nor identifies any mitigation specific to the blockage problem.

Applicants' own Electronic Appendices Q, R, S, and T indicate Houston will absorb significant additional rail volume: a 20.15% workload increase at Englewood Yard, a 148.95% increase in lift activity at Settegast Yard, and five additional trains per day on the Lafayette Subdivision between Dawes and Tower 87. Each projection has direct implications for grade-crossing delays throughout the Houston Complex, including the East End Triangle.

Rail operations through the Complex are interconnected. Movements on one line force trains on other lines to hold, and yard congestion at one facility cascades through the network. Adding volume to any single line produces blocked-crossing impacts well beyond that line — yet the Revised Application contains no complex-wide analysis of these cascading effects, nor any segment- or crossing-level analysis of their implications. Without that analysis, the public, affected communities, and the Board itself



lack the information needed to evaluate whether the merger serves the public interest in the most affected regions.

Standard methodologies further understate the problem. They calculate blocked-crossing time as a function of average train length and speed and do not capture trains that stop completely for extended periods. Our 2024 data showed 27% of trains stopped completely at crossing 859522Y, with an average stoppage of 48 minutes. Any methodology that omits stopped trains will substantially undercount Houston's operational reality, and the Board should require any subsequent analysis to address that gap directly.

Other Commenters Have Identified Additional Material Omissions.

The blocked-crossing gap is part of a broader pattern. The New York State Department of Transportation, in its May 7, 2026, comment, identifies two additional omissions that further support a finding of incompleteness.

First, the Revised Application omits one of two Norfolk Southern routes between New York and Massachusetts, the Southern Route between approximately Voorheesville, NY, and Worcester, MA, from the network map and the Electronic Appendices supporting the Operating Plan, in violation of 49 C.F.R. §§ 1180.6(a)(6), 1180.8(b)(1), and 1180.8(b)(5). This matters because Applicants' own density data shows traffic between Binghamton and the Albany area increasing by nearly 50,000 annual cars and 5 million annual gross tons under the growth scenario, with a portion expected to continue into Massachusetts.

Second, the Revised Application omits any discussion of merger impacts on commuter passenger rail service on the NS-controlled Port Jervis Line in southern New York, where Metro-North operates service under contract for New Jersey Transit. That omission violates 49 C.F.R. §§ 1180.8(b)(2) and 1180.10(b), and the Board already directed Applicants to address omitted passenger services in Decision No. 9.

These omissions, identified by a state transportation agency representing a major affected jurisdiction, reinforce our request that the Board decline to find the Revised Application complete until the gaps are addressed. The Houston blocked-crossing gap and the New York network and passenger-service gaps reflect a pattern in which information directly relevant to affected communities is missing from the public record.

The Underlying Capacity Claims Warrant Closer Scrutiny.

Beyond completeness, we share concerns raised by other commenters about the operational assumptions in the Revised Application. Applicants project that the merger will move approximately 2.1 million truckloads to rail. Industry observers note this volume implies substantial additional intermodal trains and would require corresponding expansion of intermodal terminal capacity, port and inland container facilities, locomotive



fleets, railcar inventory, and crew rosters. The Revised Application provides no phased buildout plan demonstrating how existing infrastructure absorbs this growth, nor a timeline for the projected modal shift.

The application also does not address current crew availability, conductor shortages, or how the combined railroad would sustainably staff the projected traffic increases. The industry has documented difficulty hiring and retaining train and engine personnel under existing practices, and the application does not explain how the merger resolves those constraints, rather than amplifying them.

For Houston, where current operations already produce the most-reported blocked crossings in the country, any growth plan that adds intermodal volume before demonstrating capacity to handle it risks repeating the operational problems that followed the 1996 Union Pacific–Southern Pacific merger. Houston bore the brunt of those problems then, and our community asks the Board to require a clear accounting of how this merger avoids the same outcome.

Public Comment Is Needed in This Proceeding.

The Revised Application characterizes public comment as available "if needed." For the communities most directly affected, public comment should be required. The East End Triangle has the highest documented blocked-crossing burden in the United States, and any merger that increases traffic through Union Pacific's Houston operations will be felt first and most deeply by residents who already navigate daily blockages on their way to school, work, medical care, and emergency services.

The Board's process depends on public comment to develop a record reflecting on-the-ground operational reality — something Applicants' modeling cannot substitute for. Houston residents have systematically tracked train movements at affected crossings for years, and that documentation is precisely the kind of information the Board needs to evaluate the merger against the public-interest standard in 49 C.F.R. § 1180.4(c)(8). Limiting public comment would deprive the Board of evidence that would otherwise be unavailable.

We respectfully ask the Board to confirm that meaningful public comment will be provided in this proceeding, with adequate time and within the City of Houston, so that affected communities can review the application materials and respond on the record.

Requests



The Eastwood Civic Association respectfully requests that the Surface Transportation Board take the following actions before finding the Revised Application complete:

1. Decline to find the Revised Application complete with respect to blocked crossings, under 49 C.F.R. §§ 1180.1(c)(2)(ii)–(iii), 1180.1(i), 1180.4(c)(8), and 1180.8(a)(2), until Applicants file a substantive blocked-crossing exhibit covering all Union Pacific-served crossings in Harris County, with pre-merger and post-merger forecasts at the segment level and at the individual crossing level for the East End Triangle.
2. Require the exhibit to use a methodology that accounts for stopped trains and extended blockages, given their documented prevalence in the Houston Complex.
3. Require the exhibit to include proposed mitigation measures responsive to the documented conditions at the East End Triangle crossings, given their established status as the most-reported in the country and the fact that the majority of those reports involve Union Pacific operations.
4. Direct Applicants to address the additional specific omissions identified by other commenters, including the New York State Department of Transportation, before the application is considered complete.
5. Require a phased capacity buildout plan that demonstrates how projected traffic growth will be absorbed across infrastructure, equipment, and crew resources, with particular attention to the Houston Complex, before any operational benefits are credited to the merger record.
6. Extend the public comment period after the additional information is filed so that affected communities have a meaningful opportunity to review and respond to the operational analysis on the record.
7. Conduct public hearings in Houston's East End to receive testimony from residents and local officials directly affected by the proposed traffic increases.

The Eastwood Civic Association recognizes the Board's responsibility to evaluate this merger based on the complete record. Our community has provided five years of crossing-level documentation, FRA reports establishing national outlier status, and on-the-ground evidence of impacts on emergency response, schools, and structural resilience, the very information that Applicants chose to defer. Where the central operational impact in our community goes undisclosed by the very railroad whose expansion is before the Board, that record is not yet sufficient. We ask the Board to require the missing information before this filing is found complete.

Thank you for your consideration.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lindsay Williams".

Lindsay Williams
President
Eastwood Civic Association

cc: All Parties of Record



CERTIFICATE OF SERVICE I hereby certify that on this 18th day of May, 2026, the foregoing document was served to all parties of record to this proceeding.

/s/ Lindsay Williams