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May 19, 2026

ENTERED
Office of Chief Counsel
May 19, 2026
Part of
Public Record

VIA ELECTRONIC FILING

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD 36873, *Union Pacific Corp., et al. - Control - Norfolk Southern Corp., et al. - Resident Comments on the Significance of Blocked Rail Crossings*

To Chairman Fuchs and Members of the Surface Transportation Board:

For ten years, I had the privilege of serving as the City of Houston Council Member for District I, a community of more than 200,000 residents striving to build stable, productive lives. The District is also home to a significant concentration of the city's railroad infrastructure.

From that experience, I have seen firsthand the serious and sustained impacts of prolonged railroad grade crossing blockages. These disruptions are not incidental inconveniences. They directly impair quality of life, delay emergency response and daily commutes, and impose real costs on residents and businesses alike.

I urge the Board to give full and serious consideration to blocked rail crossings as it evaluates the proposed Union Pacific–Norfolk Southern merger.

Why this matters

Blocked railroad crossings present a direct and well-documented public safety hazard. In Houston's East End and surrounding neighborhoods—areas long interwoven with major freight rail corridors—these blockages delay emergency response for fire, EMS, and law enforcement, sometimes by critical minutes.

They also interrupt access to schools, medical facilities, and employment centers, and they constrain basic mobility for residents, including seniors, children, and individuals without alternative transportation.

These impacts are not theoretical. Houston's East End is among the most rail-impacted communities in the nation, with some of the highest rates of blocked crossing reports, according to Federal Railroad Administration data.

I reside in the Country Club Place community, where trains regularly block crossings for extended periods, multiple times per day. When these events occur, it is not uncommon for a single blockage to last an hour or more before the crossing is cleared.

In Houston's most rail-impacted areas, multiple at-grade crossings are frequently blocked at the same time. These conditions effectively divide neighborhoods and force residents into unpredictable detours through already congested local streets.

The economic consequences are equally significant. Prolonged and repeated blockages increase freight delay variability for local businesses, reduce labor reliability for shift workers, and impose indirect costs on logistics operations that depend on predictable last-mile movement. They also deter neighborhood investment by introducing persistent uncertainty into transportation access—an economic drag that compounds over time in already burdened communities.

With the proposed merger expected to increase freight volumes, train length, and network throughput through existing corridors, these impacts will not remain static. In practice, increased rail traffic in constrained urban corridors will translate directly into more frequent and longer-duration at-grade crossing blockages.

We've met before

In 2022, the Board solicited public comment on the proposed Canadian Pacific–Kansas City Southern merger. As the then-District Council Member, I appeared before the Board to provide testimony. At that time, Houston's rail system was already overburdened, and East End communities were bearing a disproportionate share of the impacts.

In that testimony, I noted that:

“Across the city, the Houston Fire Department reported 905 incidents in 2019 in which first responders were delayed or required to reroute due to trains occupying critical crossings. That number increased to 974 in 2020 and surged to nearly 1,400 in 2021. That trend remained consistent into 2022, with nearly 900 incidents reported as of September 27. The cumulative impact on emergency response, combined with unsafe motorist behavior at blocked crossings, has elevated train-related disruptions into a public safety concern. These concerns, and requests for assistance and solutions, have been raised with both the railroad companies and the Federal Railroad Administration.”

In 2023, the Board approved that merger. It resulted in the addition of approximately eight to eleven trains per day through the Houston terminal area, with mitigation limited primarily to periodic engagement with local stakeholders.

Those additional CPKC trains have since been absorbed into an already constrained rail network. The Board is now considering a further merger application from Union Pacific and Norfolk Southern that, by the Applicants' own representations, is expected

to increase traffic through Houston without corresponding mainline capacity improvements to accommodate that growth.

If the federal government allows this merger to proceed as proposed without meaningful mitigation or infrastructure investment in Houston by Union Pacific and Norfolk Southern, then it should also be prepared to play a more active role in addressing the resulting impacts through targeted investment, oversight, and enforceable conditions.

The Applicant's position should not control the Board's review

In their May 12, 2026 reply on completeness (UP-51/NS-49, Section XI), the Applicants argue that blocked crossings are more appropriately addressed through the Board's environmental review process under 49 C.F.R. § 1180.8(a)(2). I respectfully disagree with any suggestion that this issue can be deferred to a separate or less binding procedural track.

Environmental review alone does not result in enforceable operating conditions on the merged railroad. Without explicit merger conditions, communities remain dependent on voluntary measures and after-the-fact mitigation, neither of which provides reliable protection against recurring operational impacts.

The Board has clear authority under 49 U.S.C. § 10101 and 49 U.S.C. § 11324(c) to impose conditions necessary to ensure that a proposed control transaction serves the public interest.

That authority includes addressing localized and cumulative impacts of rail operations in densely populated urban corridors. Approving this transaction without directly addressing blocked crossings in impacted communities would expand freight rail concentration without establishing a corresponding framework of accountability or enforceable safeguards.

Conditions are needed

I respectfully ask that the Board:

1. Treat blocked crossings as a substantive issue in this proceeding, independent of the environmental review process.
2. Require Applicants to disclose projected post-merger impacts by neighborhood and by crossing, including the frequency, duration, and timing of blocked crossings at at-grade locations in densely populated areas such as Houston's East End.
3. Condition any approval of the proposed transaction on enforceable mitigation measures, including:
 - a. Real-time train movement data sharing with local emergency services and 911 dispatch centers.
 - b. Quarterly public reporting on crossing blockage frequency and duration at identified high-impact locations.
 - c. A dedicated regional point of contact and formal complaint resolution process for affected residents and local governments.
 - d. A binding investment commitment in grade separation, signal improvements, or other

physical mitigations at crossings identified by the Board as posing elevated public safety risk.

Closing

Thank you for your consideration. I would welcome the opportunity to provide additional information regarding my experience and the conditions in Houston's East End if it would assist the Board's review.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2026, the foregoing document was served to all parties of record to this proceeding.

/s/ Robert Gallegos
Robert Gallegos