

Congress of the United States
House of Representatives
Washington, DC 20515-4329

September 21, 2026

Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Docket No. FD 36873, Union Pacific Corporation and Union Pacific Railroad Company, Control, Norfolk Southern Corporation and Norfolk Southern Railway Company. Response to Preliminary Consultation Letter to Elected Officials. Comments on the Scope of the Environmental Impact Statement.

To Director Gosselin:

On behalf of my congressional district, the 29th Congressional District of Texas (TX-29), I am writing to submit preliminary comments on the scope of the Environmental Impact Statement (EIS) for the proposed Union Pacific (UP) – Norfolk Southern (NS) merger application. The district I represent has a substantial number of grade crossings and ranks first in the nation for blocked crossing complaints filed with the Federal Railroad Administration (FRA). This is why the assessment conducted by the Office of Environmental Analysis (OEA) will be essential to evaluate the merger's environmental impact on these communities.

I am raising these points now, at the consultation stage, because the geographic scope of the applicants' environmental review does not reach the Houston neighborhoods that frequently report environmental pollution and grade crossing incidents. Please find below my comments and suggestions for the environmental review process:

1. Extend the study area into the Houston urban core

The study area scope of the environmental review should be extended into Houston's urban core. The applicants' environmental submittals analyze 68 grade crossings, most of which are in Liberty, Chambers, and Jefferson counties. The crossing, noise, and quiet zone analysis stops at Tower 87.

However, according to the Federal Railroad Administration, between January 2021 and June 2026, the public filed 25,196 blocked crossing reports at Union Pacific crossings in the nine-county Houston region, across 652 distinct crossings. This is where the real impact is. Only 371 of those reports, 1.5 percent, occurred at a crossing inside the applicants' review. None of the region's 20 most reported crossings are inside the review. All 20 are in Houston's East End and Fifth Ward. The single most reported crossing in the region, Eastwood Street, accounts for 2,905 reports.

The communities and constituents I represent live alongside the Union Pacific main lines that run through dense neighborhoods in Houston's East End and surrounding areas. Residents and local agencies have documented frequent blocked at-grade crossings, which restrict access to emergency response personnel, schools, and hospitals for several hours.

I ask that the study area include every Union Pacific grade crossing in Harris County, and specifically the segments west of Tower 87, including Lockwood to Tower 87, Tower 87 to Houston, Lockwood to Tower 26, Tower 26 to Chaney to Eureka, the Glidden Subdivision, the West Belt, and the Settegast and Englewood yard complexes.

2. Exercise discretionary authority to analyze segments below the numeric thresholds

The environmental review should also exercise discretionary authority to analyze segments below the numeric thresholds. Under 49 C.F.R. 1105.7(e), the OEA requires merger applicants to perform additional environmental analysis on specific rail segments where the merger would impact and increase train traffic. Specifically, applicants must perform additional analysis on rail segments located in severe ozone nonattainment areas if the proposed merger would increase train traffic by at least three trains a day or a 20 percent increase in gross ton-miles.

The Texas Commission on Environmental Quality classified Houston as a severe ozone nonattainment area. Several rail segments outlined in the merger application fall in East Houston, a community already impacted by heavy air pollution and blocked crossings. Should the merger increase train traffic or gross ton-mileage in those rail segments, this community would experience unhealthy pollution levels and more blocked crossings. Therefore, I request that OEA exercise its authority to request these additional analyses, as stated by law. Furthermore, any decision taken on these analyses be stated in writing and placed in the docket with its reasoning.

3. Establish measured existing conditions before projecting future conditions

I ask that the Environmental Impact Statement (EIS) document the following based on measurement data rather than modeled estimates:

- Blocked crossing duration and frequency at each crossing in the study area, drawn from crossing occupancy sensor data rather than complaint counts alone. The City of Houston has existing sensor deployment that can support this.
- Locomotive horn events recorded at crossings, by hour and including nighttime.
- Nighttime noise at residential areas, including yard noise from coupling, train building, and air brake testing.
- Emergency response delays attributed to blocked crossings, with input from Houston Fire Department, Harris County Emergency Services Districts, and the Harris County Fire Marshal.
- Pedestrian crossing delays caused by blocked crossings near schools.

4. Include truck, air quality, and environmental justice impacts that are currently outside the analysis

OEA's dataset projected that truck traffic at Settegast Yard alone would increase from 246 to 750 trucks per day, an increase of 189.6 percent. A company that filed comments on this merger, Atlantic Systems Inc. (STB filing 310718), noted that increasing truck traffic in specific terminals would impact air quality and increase congestion. In addition, Atlantic Systems Inc. advised that the environmental analysis excluded truck traffic impacts generated by independent intermodal marketing company partners (ICMs), rather than by the railroads directly. ICMs supply the trailers, chassis, tractors, terminals, and drivers that perform the first and last mile trips to transport shipping containers. As these trucks do not belong to UP or NS, they fall outside the applicants' environmental accounting.

These truck trips already occur on Houston and Harris County streets, specifically in neighborhoods with documented environmental health concerns. This is why I ask the EIS to analyze truck volumes and routing at Settegast and Englewood Yards, regardless of which entity operates the trucks. In addition, I ask that you consider the criteria for pollutant and diesel particulate impacts in a severe ozone nonattainment area, cumulative impacts alongside existing industrial sources, and environmental justice impacts on the East End and Fifth Ward.

5. Scoping process requests

Finally, as a resident of Houston and a Member of Congress who represents constituents already impacted by rail transit, I request the OEA to do the following:

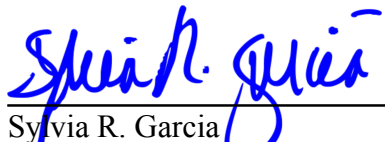
- Hold at least one in-person scoping meeting in Houston, during evening or weekend hours, at a location accessible by transit within or adjacent to the affected neighborhoods.
- Provide scoping materials and live Spanish interpretation. A substantial share of the affected population in Congressional District 29 is Spanish-speaking.
- Publish a draft EIS with a public comment period of no fewer than 45 days and respond to comments in writing before the Board issues its final decision. The impact of blocked crossings is a key component that requires detailed review. Residents should have the opportunity to comment on the draft analysis before it informs a decision, not after.
- Consult directly with the City of Houston and Harris County on emergency response, roadway, and land use data.

The communities I represent have carried the burden placed by rail companies for several years and have well-documented their concerns. Therefore, I ask that you consider these requests.

These communities deserve to have their voices heard and considered thoroughly in this merger.

Thank you for your consideration. Should you have questions, please reach out to my Legislative Assistant, Diego Porroa (Diego.Porroa@mail.house.gov), and my Legislative Director, Tammy Pham (Tammy.Pham@mail.house.gov).

Sincerely,



Sylvia R. Garcia
Member of Congress