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Chairman Patrick J. Fuchs
Vice-Chair Michelle A. Schultz
Members Karen J. Hedlund and Richard J. Kloster
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

RE: Finance Docket No. 36873 — Union Pacific–Norfolk Southern Merger

Dear Chairman Fuchs and Members of the Board,

On behalf of the Central Eastside Industrial Council, I submit our comments regarding the Union Pacific–Norfolk Southern Merger.

Respectfully,



Carolyne Holcomb
Executive DIrector
Central Eastside Industrial Council

cc: All Parties of Record

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Chairman Patrick J. Fuchs
Vice-Chair Michelle A. Schultz
Members Karen J. Hedlund and Richard J. Kloster
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

RE: Finance Docket No. 36873 — Union Pacific–Norfolk Southern Merger

Dear Chairman Fuchs, Vice-Chair Schultz, and Members Hedlund and Kloster:

The Central Eastside Industrial Council represents more than 1,300 employers and 22,000 employees in Portland's Central Eastside Industrial District. The district is one of Oregon's most important centers for employment, manufacturing, production and freight movement. It connects I-5, Portland's eastside street network, the Willamette River, TriMet and Amtrak.

CEIC supports the City of Portland's Comments and Request for Conditions. We ask the Board not to approve the Union Pacific-Norfolk Southern merger unless it includes enforceable conditions that prevent additional harm to Central Eastside businesses, employees, residents and visitors.

Freight rail is important to Portland's economy, and many of the businesses we represent depend on it. However, increased rail operations should not impose additional costs on the businesses, workers and public agencies surrounding Brooklyn Yard. When access to the Central Eastside is blocked, the effects extend throughout Portland.

Fifteen closely spaced at-grade crossings divide the Central Eastside. At SE 11th and 12th avenues, the gates are down an average of approximately three hours per day. This is the equivalent of closing these streets for about 46 full days each year. Individual blockages can last for hours, and businesses, employees and visitors have no reliable way to anticipate the disruption or determine how long it will last.

Brooklyn Yard's physical constraints contribute to the problem. Tracks within the yard are approximately 3,500 to 4,000 feet long, while trains assembled through the yard can reach approximately 15,000 feet. Union Pacific therefore uses the main-line tracks north of the yard for

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switching and train assembly. Public streets and crossings in the Central Eastside effectively provide additional operating space for a rail yard that cannot contain the trains it serves.

Central Eastside businesses pay the resulting costs when employers continue paying wages while employees sit in traffic, deliveries and appointments are missed, and contractors, customers and freight vehicles are delayed. Businesses also absorb the costs of wasted fuel, disrupted schedules and lost productivity. Union Pacific receives the benefit of its operations, while businesses, workers, public agencies and Portland taxpayers bear many of the resulting costs.

Blockages trap vehicles between the tracks and SE Division Street and create backups on SE 7th, 8th, 11th and 12th avenues. West of the tracks, a stopped train can effectively cut off Water Avenue, leaving drivers with no viable route out of the area and causing traffic to back up the Water Avenue ramp toward I-5 and the critical I-5/I-84 interchange. The resulting gridlock restricts access to businesses, cultural destinations, the riverfront, OMSI, MAX, bus service and surrounding neighborhoods.

These blockages create serious safety and emergency-response risks. SE 8th, 11th and 12th avenues are designated Major Emergency Response Streets, yet stopped trains repeatedly cut Portland Fire & Rescue and medical responders off from portions of the district. Since 2010, the 15 study-area crossings have experienced 17 incidents resulting in seven fatalities and additional injuries.

The proposed merger would add traffic to a corridor that already experiences daily disruption. The applicants project an approximately 22% increase in intermodal operations at Brooklyn Yard. The Board's preliminary environmental screening also identifies approximately 94 additional drayage trucks per day, a 21.7% increase.

A proportional increase in blockage time could add approximately 40 minutes of gate-down time each day, or roughly 10 additional full days of blocked streets every year. Combined with current conditions, the district could experience the equivalent of nearly two months of continuous street closure annually.

The Central Eastside cannot accommodate this growth without specific, enforceable improvements. The applicants, rather than Portland businesses and taxpayers, should fund the infrastructure, operating changes and public-information systems needed to address the merger's local impacts.

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CEIC asks the Board to adopt the conditions requested by the City of Portland, with particular emphasis on the following:

- Require real-time crossing information, advance notice of planned or extended blockages, and dynamic message signs positioned early enough to redirect traffic before vehicles reach the Water Avenue ramp, the Central Eastside I-5 exit, SE Division Street and other locations where they can become trapped.
- Protect the existing quiet zones at SE 8th, 11th and 12th avenues and fund quiet-zone-compliant improvements at additional crossings from Stark to Clay. Frequent train horns disrupt employees and businesses located directly along the tracks.
- Establish a pre-merger blockage baseline and require that the merger result in no net increase in the frequency or duration of Central Eastside blockages. Union Pacific should also be prohibited from routinely standing, staging or assembling trains across district streets.
- Require direct coordination with Portland Fire & Rescue, real-time emergency notifications and a defined maximum clearance time when a blockage affects an active emergency response.
- Require the applicants to fund grade separation at the most heavily affected vehicle crossings near SE 8th, 11th and 12th avenues, a safe bicycle and pedestrian crossing near SE Stark, and related street and traffic-signal improvements.
- Protect existing transit and passenger-rail operations, including the FX bus line, Line 70, MAX and Amtrak service.
- Establish multi-year oversight, public reporting and enforceable consequences for failure to comply with the Board's conditions.

Union Pacific's complaint-based reporting system does not provide an accurate record of crossing impacts because routine blockages often go unreported. The Board should require continuous, objective measurement of crossing occupancy and make the information available to the City and the public.

CEIC also supports the City's request for a Portland field hearing and Board site visit. We invite Board members and staff to observe the crossings and hear directly from the employers, workers and emergency responders affected by these operations.

Central Eastside Industrial Council
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The Central Eastside is a citywide economic asset. Its 1,300 employers and 22,000 employees should not bear the cost of merger-related growth without enforceable relief. CEIC urges the Board to condition any approval of the proposed merger on the improvements and protections requested by the City of Portland.

Thank you for your consideration.

Respectfully submitted,



Carolyne Holcomb
Executive Director
Central Eastside Industrial Council