ARLINGTON
THE AMERICAN DREAM CITY

City Manager's Office

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Part of
Public Record

The Honorable Patrick J. Fuchs, Chairman
The Honorable Karen J. Hedlund, Member
The Honorable Michelle A. Schultz, Member
The Honorable Richard Kloster, Member

Surface Transportation Board (Docket No. FD 36873)
395 E Street SW
Washington, DC 20423

RE: Docket No. FD 36873
Union Pacific Corporation and Union Pacific Company – Control – Norfolk Southern Corporation and Norfolk Southern Railway Company; Preliminary Consultation

Dear Chairman Fuchs, Commissioner Hedlund, Commissioner Schultz, and Commissioner Kloster:

The City of Arlington appreciates the opportunity to submit comments on the proposed merger of Union Pacific (UP) and Norfolk Southern (NS).

The City does not take a position on the merger. However, should the Commission approve the merger, the City urges you to conduct a comprehensive review and analysis of the proposed merger and ensure that the combined railroad thoroughly address all potential impacts on the communities that host UP and NS infrastructure through concrete and enforceable mitigation measures.

The City recognizes that federal law gives the Board full authority to regulate railroads under the Interstate Commerce Clause of the Constitution. However, as the Board itself recognized in its recently issued Policy Statement on Jurisdiction and Preemption Under the ICC Termination Act[1], those laws were not written in a vacuum. They assume that railroads will operate in good faith and that, per the Policy Statement:

> *"...railroads should not use ICCTA preemption as an excuse to be unresponsive to local public officials. Consistent with the rail transportation policy of the United States government (set forth at 49 U.S.C. 10101), railroads, as regulated entities, should seek to engage in good communication, information sharing and cooperation with the communities they serve and operate within. State and local governments may have legitimate interests in the development of, among other things, passenger rail and trails*

[1] https://www.stb.gov/resources/preemption-policy/

within rights of way where allowed, for the benefit of both rail carriers and local communities.[2]*"*

The City would add that legitimate local government interests that merit responsiveness form the railroads also includes an array of other issues, including but not limited to air quality, noise, mobility, safety, and emergency response operations and response times.

As the Board reviews this proposed merger, the City notes that Union Pacific Railroad has been surprisingly responsive to the City's concerns over the past year. Our hope is that, if the Board approves the merger, this responsiveness and cooperation will continue ,and that we will not regress to unresponsiveness, delayed responses, and responses in the vein of *"our railroad was here before your City."*

Arlington is a city of 394,000 residents located in the heart of the Dallas-Fort Worth Metropolitan Area. One of UP's primary east-west rail lines bisects our community, running past residential and commercial neighborhoods. Its path across Arlington takes it past our Entertainment District (AT&T Stadium, Globe Life Field, National Medal of Honor Museum, and Six Flags Over Texas) and through the core of Downtown Arlington, immediately in front of city hall and our central library, the latter of which is outfitted with special glass to minimize the impacts of train noise.

The UP line through Arlington sees dozens of trains per day, many of them of considerable length. Due to the numerous grade crossings, this train traffic has major impacts on our community. UP has grade crossings in Arlington at:

1. Great Southwest Parkway, next to a major industrial park,
2. Stadium Drive, a primary vehicle and pedestrian access road to AT&T Stadium and Globe Life Field,
3. Collins Street at the eastern gateway to Downtown Arlington,
4. Mesquite Street,
5. Center Street, in an area of Downtown with heavy vehicle and pedestrian traffic immediately next to city hall and the central library,
6. Cooper Street, a major thoroughfare at the western gateway to Downtown Arlington that sees considerable pedestrian traffic from students at the University of Texas at Arlington (41,000 students) and Arlington High School (2,700 students), and
7. Bowen Road.

The City is particularly concerned about the impacts of the proposed merger on the grade crossings in central Arlington, where there is heavy vehicle and pedestrian traffic, and in the Entertainment District, where the grade crossing can block the primary egress and ingress into major events.

The City has worked collaboratively with UP to mitigate the impact of grade crossings on our community's safety, mobility, and quality of life, and we expect to continue to do so should the Board approve the proposed merger. However, it is paramount that the Board conduct a thorough review and analysis and ensure that Arlington and other communities have the tools to mitigate any negative impacts of the merger should the Board approve it.

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[2] https://www.stb.gov/resources/preemption-policy/

Please let me know if you have any questions or would like additional information about how this merger might impact the City of Arlington.

Sincerely,

Trey Yelverton
City Manager

CC: Parties of Record