

Ms. Danielle Gosselin
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, N.W.
Washington, D.C. 20423

RE: STB Finance Docket No. 36500

Dear Ms. Gosselin,

On March 15, 2023, the Surface Transportation Board approved the acquisition of control by Canadian Pacific Railway (CP) of Kansas City Southern (KCS). This resulted in the newly merged entity, Canadian Pacific Kansas City Limited (CPKC).

The Board's approval is subject to myriad conditions, including a seven-year oversight period where the Board will monitor CPKC's compliance with those conditions for effectiveness. One oversight period measure is **VM-General-01: Community Agreements And Coordination**, which states:

*"The Applicants commit that the new CPKC will meet regularly with **community representatives in the Houston area**. If those communities experience merger-related impacts, CPKC will work with them on ways to address their concerns. CPKC will also participate alongside other railroads serving Houston – notwithstanding that it will own no track there – to work cooperatively with communities to address the impacts of rail operations in the region."*

The decision requires CPKC to submit quarterly Environmental Mitigation Measure Compliance reports to the STB's Office of Environmental Analysis. The April 15, 2024, submission marked the fourth compliance report in which CPKC states:

"CPKC representatives continue to regularly meet with communities along the combined network to listen to their input and address their concerns. In addition to this regular cadence of meetings, including those centered around the implementation of mitigation (which are discussed further below), CPKC representatives continue to engage with communities in meetings and events to ensure open lines of communication and an ongoing dialogue. CPKC's engagement is not limited to communities; during the quarter CPKC representatives also met with federal and state legislators in states across the combined network."

Superneighborhood 64 & 88, Greater Eastwood, Lawndale and Wayside in the City of Houston, is an organization representing communities along the combined network. Leaders submitted a letter outlining protentional concerns during the merger hearing's public comment period. They have also contacted the newly formed CPKC following the merger, attempting to open communication lines and foster engagement.

As of this submission, CPKC has not responded to SN 64 & 88 communications, including contact information for the person serving as the “Houston community representative” outlined in the STB’s merger decision. With this known, the OEA should take a critical view of CPKC’s Environmental Mitigation Measure Compliance reports and hold it accountable for skirting the community outreach and engagement merger condition.

Thank you for consideration of these ongoing concerns.

Sincerely,

Nathaniel Lukefahr

A handwritten signature in black ink, appearing to read 'Nathaniel Lukefahr', with a stylized, flowing script.

Resident of Eastwood, a Houston community impacted by the merger