



Joshua Wayland
Surface Transportation Board
Environmental Filing, Docket No. FD 36500
c/o VHB
940 Main Campus Drive Suite 500
Raleigh, NC 27606

Mr. Wayland,

Air Alliance Houston (AAH) submits the following comments concerning the Draft Environmental Impact Statement (DEIS) for the proposed merger of Canadian Pacific (CP) and Kansas City Southern (KCS) Railways, Docket No. FD 36500. As proposed, the pending acquisition will have major impacts on the air quality, chemical security, and mobility of residents of Houston and Harris County, Texas. Much of these burdens will fall on our region's environmental justice (EJ) communities. AAH is a non-profit advocacy organization dedicated to reducing the public health impacts of air pollution and advancing EJ. As such, we are deeply concerned about the proposed merger for the reasons described below.

Houston/Harris County is the largest and most diverse population center on the pathway of the proposed merger and one of only two ozone nonattainment areas to be impacted. According to Appendix P, EJ Analysis, it appears that direct outreach to community leaders was conducted in certain areas, but not in Houston/Harris County. This is despite the fact that Harris County is home to many large and diverse EJ communities, certainly in comparison to other communities along the pathway.

This merger is anticipated to bring an additional eight trains through Houston/Harris County daily, adding 31.5 tons of nitrogen oxide (NO_x) emissions to our air annually. NO_x plays a major role in the production of ozone, and the Houston area has been recently reclassified to severe nonattainment for ozone. Ozone pollution in Houston has trended upwards every year except 2020. This year is no exception - the region has already had 23 high ozone days. Furthermore, in the last month alone (since September 6), the Texas Commission on Environmental Quality (TCEQ) has issued 19 Ozone Action Days for the Houston/Harris County area. Increasing NO_x emissions will inevitably increase ozone pollution in the Houston area as well - worsening all sorts of health outcomes and making it even harder to reach attainment levels. While NO_x emissions in Houston have been trending downwards overall, the increase in emissions from these added trains would be concentrated in the areas adjacent to the railyards. These communities - Fifth Ward, Kashmere Gardens, Near Northside, Settegast - are home to large EJ populations that are already overburdened with multiple sources of VOC pollution. We request you update the NO_x and VOC emissions assessment in the EIS with new severe nonattainment

de minimus standards and require CP/KCS to reduce emissions and/or provide funding to Houston/Harris County to mitigate the air quality impacts to health in EJ communities.

Chemical security is a serious concern for the Houston/Harris County area. CP, one of the corporations seeking to merge, has had four derailments in 2022 alone. Given the fact that one railcar associated with this merger can haul up to 27,000 gallons of crude oil, CP's recent derailment history is a major cause for concern.

Additionally, many of the freighters running up and down the proposed acquisition route will transport bitumen, or crude oil extracted from tar sands. If a freight train carrying bitumen were to derail, the consequences would be devastating—even more so than a traditional oil spill. Tar sands oil spills are more difficult and more costly to clean. They result in the release of benzene, a dangerous carcinogen, into the air. Tar sands oil sinks to the bottom of rivers and lakes, suffocating wildlife and polluting the water, and hardens in the sun on land. CP's four derailments this year alone make this disaster scenario all the more troubling.

Community Engagement, Survey Results, and Mitigation

On October 11 and 13, 2022, AAH conducted in-person blockwalking in potentially impacted neighborhoods. Staff talked to roughly 30 residents and gave out ~75 one-pagers about the proposed merger. Overall, residents were completely opposed to the merger and generally disinterested in mitigation. Some did provide specific mitigation suggestions such as street safety improvements and demanding trains stop idling on railroad tracks. The main concerns included noise, long detours, emergency service concerns, increased pollution, people losing their jobs being late due to idling trains, and people getting hurt trying to cross the tracks. One woman's daughter said she could not access METROLift, a special van service for people with disabilities, because the trains would prevent the van from getting where it needed to go.

Between October 4 and October 14, we also distributed a survey online and in-person asking Houston/Harris County residents about their views on the potential merger. Below is a summary of the survey results; we have attached a more detailed breakdown of the survey and results as an appendix to this letter.

The survey received 119 responses. The most frequently cited concern was traffic delays, which includes emergency service delays, followed by increased emissions, pedestrian and bicyclist safety, and derailment. Noise was also a frequently cited concern during many of our conversations with residents and on the survey's write-in questions.

Funding the planning, design, and construction of alternate routes for drivers, cyclists, and pedestrians was the most chosen selection for potential mitigation, closely followed by improving at-grade crossings/creating elevated crossings in high-traffic areas. Other mitigation options that received support from more than half of the respondents included air monitor

funding/install/maintenance; air filtration for schools, healthcare facilities, and public buildings; and training for Houston/Harris County fire departments to respond to potential chemical spills.

Based on community feedback and our air quality and chemical disaster concerns, AAH strongly opposes the merger between CP and KCS. If this merger is to go forward, we request the companies also be required to fund necessary improvements to local infrastructure to enhance mobility as well as fund air filtration systems, air monitoring, emergency response training, and quiet zones in areas identified by communities and local entities. We have been told that Union Pacific owns the tracks that CP/KCS will be using through Houston/Harris County, and that such mitigation is not possible. The increased train traffic, air pollution impact, and derailment risk more than justifies the need for mitigation on transportation and environmental merits. EJ communities will be especially affected by the merger and subsequent increase in train traffic, and therefore funding should be provided to mitigate these impacts and ensure CP and KCS are acting as good neighbors.

We urge you to address the listed concerns, incorporate feedback received from impacted residents through our survey and outreach, and consider mitigations along the lines suggested by residents and Houston/Harris County representatives. Please feel free to contact us at any time for additional information.

Regards,

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