

Wayland, Joshua

From: Tom Wilcox <tom@twilcoxlaw.com>
Sent: Wednesday, February 2, 2022 2:09 PM
To: Wayland, Joshua
Subject: RE: Scoping - CP-KCS

Joshua – Greetings. A question that has arisen is how do parties provide input to OEA after the final scoping document is issued and OEA has begun the draft EIS process?

Thanks,
Tom

Thomas W. Wilcox

Law Office of Thomas W. Wilcox, LLC
Office: 202.508.1065
Mobile: 202.365.8409
1629 K. Street, NW Suite 300
Washington, DC 20006
tom@twilcoxlaw.com | www.twilcoxlaw.com

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From: Wayland, Joshua <Joshua.Wayland@stb.gov>
Sent: Thursday, January 13, 2022 4:54 PM
To: Tom Wilcox <tom@twilcoxlaw.com>
Subject: RE: Scoping - CP-KCS

Tom,

Thank you for your question. In the coming weeks, OEA will be issuing a Final Scope of Study for the EIS that will set forth the range of issues that will be analyzed. As you note, environmental reviews in previous merger cases have addressed grade crossing safety and rail operations safety. The NOI also lists rail safety and crossing safety as potential topics for the EIS and we received many comments from individuals and agencies expressing concern about safety. Therefore, it would be appropriate for the EIS to consider those issues and I expect that the Final Scope of Study will confirm that they will be included in the EIS and will provide additional details about how they will be assessed.

Please feel free to call to me at the phone number below if you would like to discuss further.

Best,
Josh

Joshua Wayland, PhD
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
202.245.0330

From: Tom Wilcox <tom@twilcoxlaw.com>
Sent: Friday, January 7, 2022 2:53 PM
To: Wayland, Joshua <Joshua.Wayland@stb.gov>
Subject: RE: Scoping - CP-KCS

Hello Joshua – I hope you are doing well. I am writing to obtain confirmation that the EIS process will encompass the review of crossing safety and other safety type issue and mitigation measures, as has been the case in past mergers. As stated below, I am representing a group of smaller cities and towns outside of Chicago that are located on one of the affected lines of railroad. They have a fair amount of safety issues, which they set out in their EIS scoping letters. They will also be submitting comments on 2/28 but I wanted to make sure that the process still entails safety and crossing type issues to be considered during the EIS process, since those comments will be later this year. Thanks, and feel free to give me a call if you have any questions.

Regards,
Tom Wilcox

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Mobile: 202.365.8409
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Washington, DC 20006
tom@twilcoxlaw.com | www.twilcoxlaw.com

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From: Wayland, Joshua <Joshua.Wayland@stb.gov>
Sent: Friday, December 17, 2021 2:23 PM
To: Tom Wilcox <tom@twilcoxlaw.com>
Subject: RE: Scoping - CP-KCS

Tom,

I wanted to make sure that you were aware that the scoping period for the Environmental Impact Statement for the proposed acquisition of KCS by CP was extended until January 3. Here is the link to the Notice announcing the extension: https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1639755046668/51072.pdf. Please let me know if you have any questions.

Best,
Josh

Joshua Wayland, PhD
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
202.245.0330

From: Tom Wilcox <tom@twilcoxlaw.com>
Sent: Monday, December 13, 2021 10:34 AM

To: Wayland, Joshua <Joshua.Wayland@stb.gov>
Cc: Gosselin, Danielle <Danielle.Gosselin@stb.gov>; Navecky, David <David.Navecky@stb.gov>; Rutson, Vicki <Vicki.Rutson@stb.gov>
Subject: RE: Scoping - CP-KCS

Thanks, Joshua. Understood. I am getting up to speed with this new client group and so am learning why they did not believe they received adequate prior notice. I'll pass that info on to you for future reference and feedback. In the meantime, they are putting comments together for submittal on 12/17. Having the chance to supplement if they miss something this week will be helpful. And yes, we are aware of the website. I was looking for the recorded scoping meetings to get further up to speed.

Thanks,
Tom

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From: Wayland, Joshua <Joshua.Wayland@stb.gov>
Sent: Monday, December 13, 2021 10:22 AM
To: Tom Wilcox <tom@twilcoxlaw.com>
Cc: Gosselin, Danielle <Danielle.Gosselin@stb.gov>; Navecky, David <David.Navecky@stb.gov>; Rutson, Vicki <Vicki.Rutson@stb.gov>
Subject: RE: Scoping - CP-KCS

Tom,

Thank you for reaching out about the scoping process for the proposed acquisition of KCS by CP. As you know, OEA needs to complete the environmental review for the proposed acquisition within the timelines set forth in 49 U.S.C § 11325. The deadline for scoping comments is December 17, 2021 and interested parties should submit scoping comments by that date to ensure that their concerns are addressed in the Final Scope of Study for the Environmental Impact Statement. As is the Board's typical practice, any late-filed comments received after the due date will be posted publicly to the Board's website and will be addressed to the extent possible.

In case you are not already aware, please note that OEA is maintaining a project website for the proposed acquisition at www.CP-KCSMergerEIS.com that includes the scoping materials, such as a virtual public meeting room, recorded public scoping meetings, and a presentation about the proposed acquisition and the Board's environmental review process. These materials may be of interest to your clients.

Please feel free to reach out to me if you have further questions.

Best,
Josh

Joshua Wayland, PhD

Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
202.245.0330

From: Tom Wilcox <tom@twilcoxlaw.com>
Sent: Monday, December 13, 2021 7:43 AM
To: Wood, Diana <Diana.Wood@stb.gov>
Cc: Wayland, Joshua <Joshua.Wayland@stb.gov>
Subject: RE: Scoping - CP-KCS

OK. Thanks for the information, Diana. Josh, what are your reactions to the question below. Feel free to call me if you wish to discuss.

Regards,
Tom

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From: Wood, Diana <Diana.Wood@stb.gov>
Sent: Monday, December 13, 2021 7:34 AM
To: Tom Wilcox <tom@twilcoxlaw.com>
Cc: Wayland, Joshua <Joshua.Wayland@stb.gov>
Subject: RE: Scoping - CP-KCS

Hi Tom,

I'm sure Danielle has already responded back that the PM on this project is Josh Wayland (I was off on Friday).

Thanks,
Diana

From: Tom Wilcox <tom@twilcoxlaw.com>
Sent: Friday, December 10, 2021 2:54 PM
To: Wood, Diana <Diana.Wood@stb.gov>; Gosselin, Danielle <Danielle.Gosselin@stb.gov>
Subject: Scoping - CP-KCS

Diana and Danielle – I was retained yesterday by a group of smaller cities and villages in Illinois outside of Chicago to help them participate in the CP-KCS merger proceeding. They say they did not receive notice of the STB's intent to prepare an EIS in time to participate in any of the scoping meetings. They are now scrambling a bit to submit scoping

comments by 12/17. Can they file initial comments and then supplement them before the end of the year, or is 12/17 the dropdead date? Thanks very much in advance for any guidance on this.

Regards,
Tom

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