



Surface Transportation Board
Washington, D.C. 20423-0001

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ENTERED
Office of Proceedings
April 25, 2022
Part of
Public Record

MEMORANDUM

TO: Cynthia T. Brown, Chief, Section of Administration, Office of Proceedings

FROM: Martin J. Oberman, Chairman

RE: Ex Parte Communication Related to Docket No. FD 36500

DATE: April 25, 2022

On April 25, 2022, I received a letter from the Illinois State Association of Counties expressing views regarding the application by Canadian Pacific Railway Limited (Canadian Pacific) to purchase Kansas City Southern and its railroad affiliates (KCS). I have enclosed a copy of the letter to this memorandum. Because Canadian Pacific filed a notice of intent to file an application to acquire KCS on March 23, 2021, and an application to acquire KCS on October 29, 2021, in Docket No. FD 36500, this communication is a prohibited ex parte communication pursuant to the Board's decision in Petition of Fieldston Co., Inc. to Establish Procedures Regarding Ex Parte Communication in Railroad Merger Proceedings, Docket No. EP 619 (STB served Jan. 8, 1997). Please place this memo and the enclosed material in the public docket of Docket No. FD 36500.



Illinois State Association of Counties

April 19, 2022



Surface Transportation Board
395 East Street SW
Washington, D.C. 20423

Re: Canadian Pacific Railway Acquisition of Kansas City Southern, Docket #FD-36500

Dear Members of the Surface Transportation Board:

My name is Joe McCoy and I serve as the Executive Director of the Illinois State Association of Counties (ISACO). ISACO strives to be a voice for Illinois counties as we represent county interests before state and federal policymakers.

ISACO is concerned about the proposed Canadian Pacific-Kansas City Southern merger. We believe the consequences of this \$30 billion merger are being downplayed and will instead create significant disruptions and obstacles to counties across Northern Illinois.

ISACO would like to see this merger denied or, at the very least, the applicants compelled to take measures to mitigate the increased traffic, noise pollution and safety issues that would result should the merger be approved.

Chicago's Metra – which shares tracks with Amtrak – is critical to the city's commuters. More than 200,000 passengers each day rely on Metra for their daily commute. The possibility of this merger nearly quadrupling the average number of trains from 3.41 to 11.41 per day is problematic and must be addressed. These questions are why Metra has come out against the merger. Measures should be taken to guarantee Metra will remain reliable for daily commutes in and out of the city.

In addition to the increased train traffic, Canadian Pacific's submitted data showing a 70-82 percent increase in truck traffic at nearby facilities is troubling. This significant influx in trucks going in and out will undoubtedly impact traffic, as well as the neighborhoods and areas these trucks are driving through. More traffic means increased noise and emissions and higher potential for accidents. As many as 315 additional trucks per day driving on Illinois' roads will degrade the roads more rapidly and create significantly more traffic.

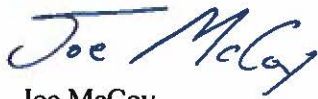
The increase in both trains and trucks will certainly affect air quality and pollution as well. Several areas within the project pathway are considered non-attainment zones. Unfortunately, these communities are already susceptible to elevated health risks and chronic illnesses because of pollution. We must not allow the non-attainment areas to become worse by significantly increasing the amount of transportation through neighborhoods. It also bears mentioning that the cargo these trains are carrying can be extremely dangerous.

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The Canadian Pacific-Kansas City Southern merger would impose serious and severe consequences for many people. ISACo respectfully requests that you consider all the various issues that may arise and take steps to minimize them. I would also urge that the STB hold numerous in-person meetings along the route to hear directly from people with concerns about this merger. Given its size and scope, the online-only meetings conducted between Thanksgiving and Christmas in 2021 were not sufficient.

Thank you for your consideration in this matter. Please feel welcome to contact me at (217) 679-3368 or jmccoy@isacoil.org if I can be of assistance.

Respectfully,

A handwritten signature in blue ink that reads "Joe McCoy". The signature is written in a cursive, flowing style.

Joe McCoy
Executive Director
Illinois State Association of Counties