



Township of Palatine

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"PEOPLE SERVING PEOPLE"

May 3, 2022

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Joshua Wayland

Surface Transportation Board, c/o VHB

940 Main Campus Drive, Suite 500

Raleigh, NC 27606

Subject: FD 36500, Canadian Pacific Ry. - Control- Kansas City Southern -
Request for comments on scope of EIS

Dear Mr. Wayland;

I am the Township Supervisor of Palatine Township, Cook County, Illinois. I am contacting you about FD Docket 36500 and the intention of Canadian Pacific Railway (CP) to merge with Kansas City Southern (KCS). This merger will impact the rail line that runs along the southern edge of our neighboring communities and could have significant impacts on safety, emergency responses, noise, air quality, congestion, and natural resources in those communities. I urge the Surface Transportation Board (STB) to expand the scope of the Environmental Impact Statement (EIS) to ensure that the potential negative impacts to communities like Schaumburg, Wood Dale, Elgin, Itasca, and others are fully evaluated and weighed against the economic goals of CP.

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As proposed, CP's freight trains will further burden the Chicagoland area with increased road network congestion by adding a significant increase in freight rail volumes and creating an end-to-end combination of two Class 1 rail systems. Specifically, the Milwaukee District West Metra line between the Bensenville Rail Yard and Randall Road is expected to experience an increase in freight traffic of 235% or 8 freight trains per day (TPD) and 128% or 17.44 million of Annual Gross Ton Miles (GTMs) in the five years following the merger.

While the Chicago region is a rail hub and has benefitted from the jobs that accompany that reality, the very existence of the CREATE program demonstrates that there must be a careful balancing of the broader public interest when it comes to a merger that has the potential to further burden communities, commuters, and the other regional economic drivers in the region. Whether a particular town has a rail line running through it or a freight rail line, it creates roadway chokepoints between neighboring towns and communities, the

U.S. rail freight touching the Chicagoland region each day is significant in the daily lives of millions living in the region, including Palatine Township residents.

As the Surface Transportation Board finalizes the scope of the EIS, Palatine Township provides the following specific comments and requests that these items be incorporated into the review of the CP-KCS merger. Additionally, the Township requests that any identified negative impacts as a result of the merger be addressed or mitigated prior to the issuance of any approvals.

General EIS Scope Comments

- The EIS should include an accurate projection of train traffic and motor vehicle traffic for at least 10 years following the completion of all post-acquisition construction. This proposed merger of two Class 1 railroads would create the first single-line rail network linking US-Mexico-Canada, based on the materials submitted to the STB. It is unreasonable to assume freight rail traffic would increase by only 8 freight trains a day, but rather, rail traffic would continue to increase by an indeterminate amount due to the "once in a lifetime partnership" (CP News Release, September 15, 2021 - Calgary and Kansas City, MO) between CP and KCS railroads. New business opportunities alone would guarantee the combined railway network would increase by far more than the 8 freight trains daily (Bensenville-Randall Rd, Chicago area) asserted in the submittal materials. The Surface Transportation Board (STB) should reconsider the train traffic impacts from the currently approved "five years after" (FloydVenable, LLP, Request A Response, October 2021) time period and increase this for a period of no less than 10 years due to the unique nature and incredible growth potential that comes with connecting three countries together.
- In addition to evaluating the direct impacts that would result from the CP-KCS merger, the EIS scope should also evaluate potentially significant indirect effects for analysis, assess those consequences, and develop mitigation.
- In order to evaluate secondary and cumulative effects of the merger, the study area should encompass an area comprised of a one-mile buffer around the railroad and up to one mile north and south of at-grade crossings.
- The EIS scope should consider existing conditions as well as planned and potential development within the study area during the evaluation period. The evaluation should include the associated increases in motor vehicle traffic, pedestrian and bicycle traffic, traffic delays, etc. that will result from future development in the region effected.

Operational Questions

- The STB should formally request the average freight train length with and without the merger between the CP and KCS railway. This information was not included in the STB information request (May 2021) nor provided in the CP-KCS submittal materials (October 2021). To the extent that the CP-KCS increased rail traffic involves increasing the average freight train length, communities and emergency response can be significantly impacted if train lengths cause multiple at-grade rail crossings to be simultaneously blocked during normal and routine daily train operations.

- As noted, the EIS study period should extend beyond the proposed 5 year period to a minimum of 10 years and should evaluate how many train movements would be added to all of CP's rail lines in the region at the completion of the merger, in 5 years and at the end of the study period.
- How many grade crossings in the region would become substantially impacted by increased rail traffic and increased train lengths stemming from a CP-KCS merger?
- How would the CP-KCS merger impact spur rail lines that serve businesses along the corridor?
- The EIS needs to address the extent to which the merged railroads will be required to mitigate community harms at their own expense, and the STB should require mitigation for all adverse impacts that will result from the CP-KCS merger.

Safety Concerns

- How would emergency response service times be impacted if more grade crossings are substantially affected by increased train lengths and increased train frequency? As proposed, this significant increase in the number and length of freight trains will have a potentially life-threatening impact on victims of traffic accidents, emergency medical incidents, criminal activity, and other emergencies by delaying Police, Fire, and EMS response times.
- The proposed merger would increase the daily carloads of hazardous material which could lead to increase potential accidents. These potential accidents would have disastrous consequences, particularly because the CP-KCS (Metra Milwaukee District West) rail line runs adjacent to the Schaumburg Regional Airport. The EIS should examine how CP is managing safety risks, how they classify hazardous materials, existing procedures to minimize spill risks, training for emergency personnel who may respond to a spill, and security measures for the transport of these materials.
- The projected increase in the number of trains that would pass through at-grade crossings due to the CP-KCS railway merger on a daily basis would result in an increased risk of accidents. The increase in trains would also result in an increased risk of accidents at the pedestrian crossings of this rail line. Not only would the risk of accidents increase at the at-grade railroad crossings, but the risk of accidents would also increase on other roads throughout the effective area as vehicles attempt to avoid the crossings. This risk would increase exponentially as ADT levels are projected to increase due to future population growth in the region. The EIS scope should include an evaluation of shifting travel patterns and impacts to the adjacent roadway network that will result from delays at existing at-grade crossings.
- An evaluation of bicycle and pedestrian safety, including a projection of increased pedestrian and bicycle traffic along the rail corridor as well as potential accident exposure indices, should also be completed.

- The EIS should consider the specifics of the CP's proposed capital improvement plan for the next five years as well as track conditions so that an understanding of the potential derailment and consequence scenarios can be understood and mitigated.

Transportation System Impacts

- With a 235% increase in the number of freight trains traveling on this rail line and train lengths up to 10,000 feet, this will cause severe delays for all motor vehicles attempting to travel to or from the effective area. An analysis of these impacts at least 10 years from the completion of merger construction is required to fully understand the potential impacts to the transportation system in the area and a minimum and this analysis along with the 10 year evaluation period should be incorporated into the EIS scope.
- The proposed merger has the potential to interfere with regional efforts to provide reliable and efficient public transportation services for residents, workers, and visitors in the region. With the proposed increase in freight traffic, a full evaluation of potential delays for Metra commuter train traffic due to freight train operations is needed.

Environmental Impacts

- The proposed merger of CP-KCS would increase the average number of freight trains that move through the effective area. The cumulative effect of these added train cars creates disturbances over time that could severely impact the local environment and the safety and property values of nearby homes. The EIS should identify where the increase in rail traffic will result in an increase to a noise level of 65 decibels Ldn or greater. Affected receptors should not be limited to those adjacent to the right of way, but be based on line of sight and current measured ambient noise levels.
- Due to the increase in train traffic, the EIS should also assess the potential vibration effects based on Federal Transit Authority (FTA) vibration methodology for Detailed Analysis in areas where it appears there may be vibration sensitive receptors within or immediately adjacent to the railroad right of way.
- Furthermore, increases in motor vehicles delayed at at-grade railroad crossings will significantly increase carbon emissions and negatively impact air quality; therefore, the impacts to air quality as a result of the merger should be evaluated. Again, the proposed timeframe for the EIS should be extended so that the full impacts from the merger can be realized well beyond the proposed 5 year timeframe. A 10 year evaluation period should be the minimum timeframe considered.
- The increase in train traffic and related sounding of train horns may lead to the need for the establishment of new Quiet Zones. In addition, existing whistle bans/quiet zones may no longer comply with 49 CFR Parts 222 and 229 - Use of Locomotive Horns at Highway-Rail Grade Crossings (Train Horn Rule) and may require costly safety measures to be installed to maintain the quiet zone. The EIS analysis should include an evaluation of the impacts of this merger on existing quiet zones.

- Also, there are likely existing wetlands located adjacent to the railroad right of way. The EIS should include an investigation of the potential impacts to these wetlands and any other ecological and natural resources within the study area. This should include a determination of any impacts to these resources, potential runoff from the CP railroad to these natural resources, and mitigation if impacts to natural resources are not avoidable.

Palatine Township is concerned about the proposed CP-KCS merger and urges the Surface Transportation Board (STB) to expand the scope of the EIS to address these comments and to ensure that the EIS thoroughly examines the potential negative impacts as part of its process. It is also critical that any approval of the proposed CP-KCS merger be conditioned on CP-KCS's implementation and payment of appropriate mitigation strategies. Furthermore, the STB should allow for an extended period during which comments on the draft EIS may be submitted given the millions of people who would be affected by the CP's merger with KCS.

Thank you for your careful consideration of these concerns and those of the residents of Palatine Townships.

Sincerely,

A handwritten signature in black ink, appearing to read 'AJG', written over a horizontal line.

Andy-John G. Kalkounos
Township Supervisor