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Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: STB Finance Docket No. 36500, *Canadian Pacific Ry., et al.* –
Control – Kansas City Southern, et al.

Dear Ms. Brown:

This letter is submitted on behalf of the Coalition to Stop CPKC (the “Coalition”)¹ in response to the Motion to Amend the Procedural Schedule and for Leave to File Reply filed by Metra² (“Motion”). The Motion asks the Board to amend the procedural schedule to allow for an additional 90 days to permit review and comment on “assertions and data not previously presented by Applicants prior to their [July 12, 2022] filing in support of their Application.”³ More specifically, Metra has alleged that it “and other commenters are entitled to review” new evidence and Rail Traffic Controller (“RTC”) modeling presented as supposed “corrections” to the RTC modeling conducted by Metra and presented in its comments and requests for conditions filed February 28, 2022.

¹ The Village of Itasca, Illinois, Village of Bensenville, Illinois, City of Wood Dale, Illinois, Village of Roselle, Illinois, Village of Schaumburg, Illinois, Village of Hanover Park Illinois, Village of Bartlett, Illinois, City of Elgin, Illinois and the County of DuPage, Illinois.

² The Commuter Rail Division of the Regional Transportation Authority d/b/a Metra.

³ Motion at 1. Applicants’ July 12 filing was their Response to Comments and Requests for Conditions, Opposition to Responsive Applications, and Rebuttal in Support of the Application (CP-53/KCS39).

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According to Metra, the Applicants have conducted RTC modeling for the first time in CP-53/KCS39⁴ and criticized Metra's modeling, but it cannot be ascertained what information the Applicants relied upon to support their criticism, among other issues.⁵ Of high relevance to the Coalition members, whose communities are located along Metra's Milwaukee District-West (MD-W) Line, Metra states that, based in part on the new "corrections" to Metra's RTC modeling, the Applicants "argue '[t]he existing infrastructure on the MD-W Line west of Bensenville will easily accommodate the modest increase of 8.0 trains on that segment without disruption to Metra's commuter service.'"⁶ However, this strident claim and other conclusions by the Applicants cannot be tested because the modeling on which it is purportedly based has been submitted in a purported rebuttal filing.

The Coalition's Response to the Comments and Requests for Conditions of Metra drew upon the Metra RTC analysis as it pertains to the Coalition members' issues along the MD-W line to refine and expand on the reasons for the mitigation measures proposed by the Coalition in its opening comments. The line's available capacity and the actual post-merger traffic levels on the MD-W Line are important factors for evaluating the potential harm to the Coalition communities. As such, the dispute between Applicants and Metra over their respective RTC modeling in the Chicago area generally, and the MD-W Line in particular, is highly relevant to the Coalition's interests and positions.

Because of the importance of these issues to the Coalition's positions, and the need for clarity on them prior to the preparation of final briefs, the Coalition respectfully requests that, should the Board grant Metra additional time to review and respond to CP53/KCS39, it should grant the Coalition 20 days to review and supplement its July 12, 2022 Response to Metra, as necessary.

I certify that I have served a copy of this letter on all parties of record in Docket No. FD 36500.

Respectfully submitted,



Thomas W. Wilcox
*Attorney for the Coalition to
Stop CPKC*

⁴ In their Response to the Motion filed July 25, 2022, the Applicants do not deny that they submitted an RTC modeling analysis for the first time in this proceeding in their "rebuttal" filing.

⁵ Motion at 7.

⁶ Motion at 5.