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August 12, 2022

VIA EMAIL

Ms. Danielle Gosselin
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, N.W.
Washington, D.C. 20423

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

Dear Ms. Gosselin:

This letter is submitted on behalf of the eight Illinois municipalities and one county that comprise the Coalition to Stop CPKC: Village of Itasca, Village of Bensenville, City of Wood Dale, Village of Roselle, Village of Schaumburg, Village of Hanover Park, Village of Bartlett, City of Elgin, and DuPage County (the “Coalition”). For the reasons expressed hereinbelow, the Coalition respectfully requests that the Office of Environmental Analysis (“OEA”) extend the deadline for submitting comments on the Draft Environmental Impact Statement from September 26, 2022 to October 21, 2022.

First, the Coalition has expressed its views in formal filings in this proceeding and in conversations with OEA staff that the proposed merger will have very serious and substantial adverse impacts on their respective communities. The Coalition is also aware that many of the communities’ concerns about traffic delays, traffic safety, and the impacts from additional noise and vibration from increased freight train traffic are the primary purview of OEA and the NEPA process. Consequently, the Coalition members and their residents and elected officials intend to be very actively involved in the public comment process on the Draft EIS, including conducting relevant analyses for OEA to consider when making its final conclusions and recommendations. The 45-day period simply provides insufficient time for coordinating this effort and preparing meaningful written comments.

Second, the 45-day period for written comments is significantly shorter than prior proceedings involving rail transactions in the Chicago area that entailed preparation of an

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Environmental Impact Statement. Specifically, the Coalition notes that in Finance Docket No. 35087, *Canadian Nat'l Ry. Co.—Control—EJ & E W. Co.*, which was a “minor” transaction limited to rail lines in the Chicago area, the OEA established a 60-day period for providing comments on the Draft Environmental Impact Statement.¹ This “major” rail merger proceeding covers thousands more miles of track, and the Draft EIS including Appendices is nearly 4500 pages long. OEA has provided no explanation why a significantly shorter timeframe for comments is appropriate in this proceeding, and the Coalition submits that it is not, and more time should be provided to all interested parties to prepare their comments on the Draft EIS.

Third, the proposed extension is the shortest additional timeframe that the Coalition reasonably requires because (1) the Surface Transportation Board has scheduled a public hearing on the merits of the Merger Application on September 28, 29, and 30² at which Coalition member representatives expect to appear and testify; and (2) the Coalition’s undersigned counsel will be out of the country from October 5 to October 12, 2022. Moving the due date for comments on the Draft EIS to October 21, 2022 would allow the Coalition to more adequately address the issues concerning their communities presented in the document and appendices, while also permitting the Coalition to prepare for and participate in the public hearing on the merits of the merger Application.

Thank you for your consideration of this request.

Respectfully submitted,



Attorney for the Coalition to Stop CPKC

Cc: Mr. Joshua Wayland
All parties on Service List in FD 36500.

¹ Finance Docket No. 35087, *Canadian Nat'l Ry. Co.—Control—EJ & E W. Co.*, (Served December 24, 2008) at 35.

² Currently pending before the Board is a motion from Commuter Rail Division of the Regional Transportation Authority d/b/a Metra to extend the procedural schedule 90 days. The Coalition responded to that motion requesting that, if the Board grants Metra’s motion then the Coalition should have 20 days to respond to Metra’s supplemental filing. The Applicants have objected to these requests from Metra and the Coalition.