



Chicago Metropolitan Agency for Planning

433 West Van Buren Street
Suite 450
Chicago, IL 60607

312-454-0400
cmap.illinois.gov

October 14, 2022

Ms. Danielle Gosselin
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

RE: FD 36500, Environmental Filing, Canadian Pacific Railway – Control of – Kansas City Southern.

Dear Ms. Gosselin:

Thank you for the opportunity to comment on the draft Environmental Impact Statement (EIS) for the proposed acquisition of the Kansas City Southern (KCS) by the Canadian Pacific Railway (CP). Upon review of the draft EIS and subsequent public comment, the Chicago Metropolitan Agency for Planning (CMAP) urges that the Surface Transportation Board (STB) carefully consider the public interest when developing mitigation measures to fully address the potential negative impacts that have been raised by Metra and communities in the region directly affected by the proposed merger.

As the federally designated metropolitan planning organization for northeastern Illinois, CMAP is focused on strengthening the region's freight and passenger networks as a key part of the economy and overall transportation system. However, increased freight activity without the appropriate mitigation measures in place will lead to significant infrastructure challenges, including congestion on road and rail networks. Together, these challenges affect communities' quality of life when freight-related delays lead to an increase in emissions from idling traffic, a decrease in emergency response times, and an increase in the likelihood of unsafe crossings.

As the STB reviews the draft EIS for this potential merger and considers appropriate mitigation measures, CMAP submits the following comments for consideration:

Support for Metra Assuming Dispatch Responsibility. CP has trackage rights and is expected to continue operations on Metra commuter-rail lines. The Milwaukee District West Line will be most affected by the CP-KCS merger, but the North Central Service (operating on CN's Waukesha Subdivision) and the Milwaukee District North Line will also be affected by increased activity resulting from the merger.

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Prior to the COVID-19 pandemic, the Milwaukee District West Line served more than 20,800 weekday boardings with 58 trains per weekday. Weekday ridership levels on the North Central Service and Milwaukee District North Line were 5,600 and 20,600, respectively.¹ While CP states that “no new trains” will operate east of the Bensenville Yard, that appears to only apply to new through trains. Hundreds of additional freight railcars brought to the Bensenville yard will be added to existing freight trains operating east and north of Bensenville together with block swaps, switching, and local trains, all adding to commuter delays.²

The operating plan submitted by CP to the STB was incomplete and did not accurately account for this anticipated increase in freight railcars. To maintain reliable service for Metra commuters in this challenging environment, we support Metra’s request to assume dispatching responsibility on their properties from the CP as a mitigation for this transaction to protect the public interest. Metra’s dispatchers would effectively make network-based decisions to serve all customers and assist the movement of freight trains during Metra’s peak period.

The Draft EIS grade-crossing analysis and approach to mitigation needs to be corrected and validated with field data. CP’s voluntary mitigation “commitment to abide by federal rules that prohibit railroads from blocking public grade crossings for more than 10 minutes unless it cannot be avoided”³ is problematic. CMAP has measured grade-crossing gate-down times in Franklin Park, Cook County, on the Milwaukee District West Line, east of the Bensenville Yard, at 25th Avenue. *Average gate-down times for freight trains at this crossing are already greater than 10 minutes.*

The analysis of grade-crossing delay in Appendix H of the *Draft EIS*⁴, Table H.1-1 is misleading. Freight trains are not traveling at 40 mph. While Metra trains indeed clear crossings in a minute or two, field measurements show that freight trains are traveling slowly, and take an average of 10 minutes to clear the crossing. Showing grade-crossing gate-down times that mostly reflect Metra trains is misleading.

As we noted during our response to STB’s request for scoping comments early in the EIS process, data collected during the STB’s monitoring period for the CN acquisition of the Elgin Joliet & Eastern Railway (EJE) showed the potential extent of such blockages after an acquisition.⁵ Blockages greater than 10 minutes in length totaled 74,754 over a 53-month period, with 1,756 of those blockages lasting more than an hour in duration. Twenty-four crossings had more than 1,000 blockages longer than 10 minutes. Such long-duration blockages make the region’s crossings less safe and should be mitigated against when considering any proposed merger.

¹ https://metra.com/ridership-data#Weekday_Ridership_and_Service_Levels.

² Testimony of Steve Cork, Metra. <https://www.youtube.com/watch?v=CbmzhM3S0Bc>. September 28, 2022.

³ STB Office of Environmental Analysis. Canadian Pacific Acquisition of Kansas City Southern. *Draft Environmental Impact Statement*. August, 2022. Posted at <https://www.cp-kcsmergereis.com/draft-eis.htm>.

⁴ Ibid, Appendix H.

⁵ Monthly CN/EJE operational reports are on the Internet Archive, <https://web.archive.org/web/20161025113852/http://stbfinancedocket35087.com/html/monthlyreports.html>. A summary of this data is available from CMAP.

The STB should consider field-data collection of actual gate-down times, rather than using an inaccurate modeling system that does not comport with the situation on the ground. Field data collected by CMAP at dozens of crossings, across many railroads, indicates that the gate-down times for freight trains average 6 minutes, 41 seconds. Gate-down times for freight trains in Franklin Park, east of the CP Bensenville Yard, were more than 10 minutes.

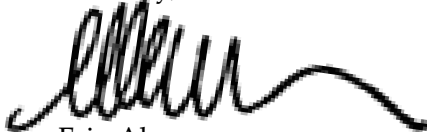
The Draft EIS should reflect a Rail Traffic Controller (RTC)-based operating plan with 10-minute maximum gate-down times for CP-KCS trains while providing an enforcement mechanism in an extended oversight period. The “voluntary commitment” to limit gate closures to 10 minutes is problematic, given CP’s existing performance along the corridor. A new operating plan should alleviate operating challenges and improve performance. However, during the recent public hearings regarding the draft EIS, we learned that CP’s operating plan was initially modeled and submitted without regard to rail capacity. Additionally, when the operating plan was later modeled through RTC software to reflect rail capacity, the operating plan assumed up to a maximum 30-day grade-crossing occupancy time.

We request that the STB update the draft EIS, or consider a supplemental EIS for the Chicago rail terminal, to reflect a CP-KCS operating plan, modeled through RTC software, that protects the public interest by limiting public grade-crossing gate-down times for CPKC trains to 10 minutes. We further request that this modified operating plan be enforced by the STB during an oversight period of appropriate duration, unless CP-KCS demonstrates to the STB through RTC modelling that a modification in the plan will not block public at-grade crossings more than 10 minutes. To ensure CP-KCS is complying with 10-minute maximum gate-down time limits and not disrupting Metra service, we support Metra’s request for a 10-year oversight period to protect the public interest.

Require infrastructure, equipment, and personnel sufficient to eliminate long-duration gate-down times. It is important to note we are requesting that an exception to gate-down time limits not be approved. The practice of increasing train counts and train lengths, then finding that long-duration crossing blockages “cannot be avoided” makes crossings less safe, is not in the public interest, and must be averted. CP-KCS, if approved, must provide infrastructure (additional grade separations, additional track, additional control points, etc.), equipment, and personnel sufficient to operate the number and length of its trains without blocking crossings for more than 10 minutes.

Once again, thank you for the opportunity to comment on the draft EIS process. We look forward to working with your office and the applicants as this proposed merger continues to be considered.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Aleman', with a long, sweeping horizontal line extending to the right.

Erin Aleman
Executive Director