

October 28, 2022

METR-17

VIA E-FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

305578

ENTERED
Office of Proceedings
October 28, 2022
Part of
Public Record

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

Dear Ms. Brown:

I write to you to notify the Board of three misstatements included in Applicants' Final Brief (CP-71/KCS-57):

- “. . . [A]ccording to Metra's consultant – CKPC will reroute six Kansas City-St. Paul trains per day to a 250-mile longer route via Milwaukee and Chicago.” CP-71/KCS-57 at 13.

Neither Metra nor Metra's consultant ever stated that six trains per day would be rerouted. Metra responds in its Final Brief to a similar claim made in Applicants' oral testimony. *See* METR-16 at 5 n. 3.

- “Once it is understood that CPK will not be routing Kansas City-St. Paul trains via Milwaukee and Chicago, all of Metra's concerns . . . about added freight trains on Metra's MD-N line and between Bensenville Yard and the MD-N line via Tower B-17 evaporate entirely.” CP-71/KCS-57 at 14.

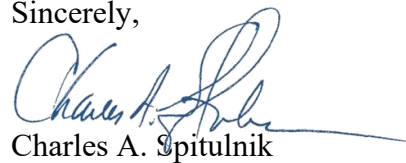
This is untrue. Metra's modeling did not assume any diversions from the Marquette Subdivision, but still showed increased delays on Metra's lines, including east of Bensenville. Metra also showed, independent of modeling, that the 8 new trains operating west of Bensenville alone will cause increased interference and cascading delays on the MD-N line and the MD-W line east of Bensenville even without diversions due to increased car volume departing Bensenville. *See* METR-16 at 10; METR-7 at 14, 54-55.

- “. . . Metra’s chief dispatcher made clear that running freight trains ahead of even rush hour passenger trains is often ‘the right thing to do for the network.’ CP-71/KCS-57 at 17.

Metra’s chief dispatcher Greg Godfrey never stated that running freight trains ahead of rush hour passenger trains is often the right thing to do. See G. Godfrey Sept. 28, 2022, 7:24:13 (“I have personally given instructions and assisted to move a freight train several times during our rush hour because it’s the right thing to do for the network.” (Emphasis added)).

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles A. Spitulnik", with a long horizontal flourish extending to the right.

Charles A. Spitulnik

Enclosure

cc: All Parties of Record