

November 8, 2022

Kathryn K. Floyd

T 202.344.4696
KKFloyd@Venable.com

Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Docket No. FD 36500, Voluntary Mitigation Measures and Other
Commitments

Dear Ms. Gosselin:

I'm writing to provide you with some additional voluntary mitigation measures and other commitments relevant to the Board's environmental review that our client, Canadian Pacific, is willing to implement if its proposed merger with Kansas City Southern is approved.

Houston. The merger's potential effect on traffic in Houston was brought up several times during the merits hearing. As you know, CPKC would operate over those lines using trackage rights, as KCS does today. Still, to the extent those concerns qualify as potential environmental effects, Canadian Pacific offers the following additional voluntary mitigation.

First, Canadian Pacific commits that the new CPKC will meet regularly with community representatives in the Houston area. If those communities experience merger-related impacts, CPKC will work with them on ways to address their concerns. CPKC will also participate alongside other railroads serving Houston—notwithstanding that it will own no track there—to work cooperatively with communities to address the impacts of rail operations in the region.

Second, even though CPKC will not own any lines in Houston, it will provide community leaders with ways to report issues. Canadian Pacific already has a "Community Connect" webpage that provides contact information, answers

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frequently asked questions, and offers other resources.¹ Beyond that, Canadian Pacific has a state-of-the-art Public Safety Communication Centre that operates 24 hours a day, 365 days a year with trained communication officers who can be reached toll-free at 1-800-716-9132. Calls into that Centre, which includes the Community Connect line and CP's emergency lines, are tracked using sophisticated Computer Aided Dispatch (CAD) software. The communication officers in this Centre are trained to handle virtually any issue, from a blocked crossing to a right-of-way trespasser, and they regularly coordinate the involvement of other railroads as required for any specific incident. CPKC will encourage Houston communities to use these resources as needed.

Chicago. Canadian Pacific will also commit to additional voluntary mitigation of potential environmental impacts in certain communities in the Chicago area with which it hasn't been able to reach agreements: DuPage County, the Village of Bartlett, the Village of Bensenville, the City of Elgin, the Village of Itasca, the Village of Hanover Park, the Village of Roselle, the City of Wood Dale, and the Village of Schaumburg.

Specifically, if the Transaction is approved and implemented and any of these communities are willing, CPKC will work with them to accomplish the following:

- Subject to necessary approvals and practicability, creating a Federal Railroad Administration-approved quiet zone.
- Installing a predictive mobility system, interconnected with existing railroad crossing signals, that will deliver advanced notice of blocked crossings to citizens, police, fire, and rescue operations, and others;
- Installing ITS Interconnect for Advanced Warning Signs at strategic locations to give drivers information about occupied crossings, allowing them to make better on-the-spot decisions; and
- Installing Positive Train Control wireless technology tie-ins at crossings adjacent to Metra platforms, which will minimize the activation of crossing lights and gates.

¹ The Community Connect page is available at <https://www.cpr.ca/en/contact-us/community-connect>.

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Because Metra owns the trackage CP uses in these communities, it will have to approve the implementation of any of these mitigation measures. CPKC would work with Metra, the communities, and any other relevant agencies to seek approval for these mitigation measures.

Department of the Interior “Karst Protective Measures.” Finally, Canadian Pacific has seen the September 30, 2022 letter from the U.S. Department of the Interior that you posted online. That letter recommends that certain “Special Protective Measures and associated general karst Best Management Practices be incorporated into the conservation measures for this action.” Those Special Protective Measures and Best Management Practices, which are attached to the letter, are specific to a few areas in Arkansas. Canadian Pacific does not believe that these measures will apply to any merger-related work. Nonetheless, Canadian Pacific would not object if the specific measures and practices attached to the Department’s letter were incorporated as mitigation measures.

Thank you for your attention to these matters. Please don’t hesitate to contact me if you have any questions.

Sincerely,



Kathryn K. Floyd

cc: Sean Cline
Glen Wilson
Joe Van Humbeck
David L. Meyer
Jeffrey Songer
Kayden Howard
William Mullins
Erin Glavich
Joshua Wayland
Victoria Rutson
Alan Summerville