



Surface Transportation Board
Washington, D.C. 20423-0001

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February 28, 2023
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Public Record

MEMORANDUM

TO: Cynthia T. Brown, Chief, Section of Administration, Office of Proceedings

FROM: Martin J. Oberman, Chairman

RE: Ex Parte Communication Related to Docket No. FD 36500

DATE: February 28, 2023

On February 28, 2023, I received an email from Lanny Wilson expressing views related to the application by Canadian Pacific Railway Limited (Canadian Pacific) to purchase Kansas City Southern and its railroad affiliates (KCS). I have enclosed a copy of the email to this memorandum. Because Canadian Pacific filed a notice of intent to file an application to acquire KCS on March 23, 2021, and an application to acquire KCS on October 29, 2021, in Docket No. FD 36500, this communication is a prohibited ex parte communication pursuant to the Board's decision in Petition of Fieldston Co., Inc. to Establish Procedures Regarding Ex Parte Communication in Railroad Merger Proceedings, Docket No. EP 619 (STB served Jan. 8, 1997). Please place this memo and the enclosed material in the public docket of Docket No. FD 36500.

From: **Lanny Wilson**
Date: Tue, Feb 28, 2023 at 9:44 AM
Subject: Yesterday's Press Conference
To: Martin Oberman

Good morning, Mr. Oberman,

Yesterday, I had the opportunity to speak at a press conference in Itasca, Illinois on behalf of the DuPage Railroad Safety Council (DRSC), an amazing group of railroad safety advocates who simply want to promote the noble Mission of *eliminating deaths and injuries at railroad crossings and along railways*. Attached, please find the written version of my speech. I had the opportunity of presenting this address on my daughter, Lauren's, birthday. Had she lived, she would have been 43 y.o. That's about how long the DRSC has been in existence.

You and I have met. I have great respect for your work and your dedication to public service. You are known by many of the DRSC members - as well as many of our partners in railroad safety (including the ICC, Metra, and a number of the Class I Railroads).

Believing in a Win-Win philosophy, we had assumed that the railroad companies would have proposed a series of safety improvements that would balance the effects of increased train traffic through the effected communities. We implore you, as chairman of the Surface Transportation Board, to look at all of the evidence that surrounds the proposed merger of the Canadian Pacific Railroad and the Kansas City Southern Railroad - especially in light of the February 3rd, 2023 derailment in East Palestine, Ohio. Without a reassuring commitment from the railroad companies that our Chicagoland communities will be at least as safe, if not safer, as a result of this merger, we do not believe that the merger should progress at this time.

Thank you for your time and consideration.

Sincerely and Appreciatively,
Lanny

Lanny F. Wilson, M.D. (Chairman)
DuPage Railroad Safety Council
336 Forest Rd
Hinsdale, IL 60521
Tel: 630-975-9200

February 27, 2023

Dear Members of the Press, Distinguished Ladies and Gentlemen,

My name is Dr. Lanny Wilson, Chair of the DuPage Railroad Safety Council (DRSC). The DRSC is a grassroots organization, formed here in DuPage County. We are approaching 30 years of living out our noble mission: *To eliminate deaths and injuries at railroad crossings and along railways*. Although started here in DuPage County, the work which we inspire extends beyond the borders of DuPage. Collaborating with partners in safety, which include many of you in this room, we seek railroad safety improvements and awareness which have national and global implications.

This is our first formal statement about the proposed \$31 billion Canadian Pacific Railroad merger with Kansas City Southern Railroad. We have been hesitant to add to the conversation because we want only the best for both the Railroads and the Communities through which they traverse. Believing in a Win-Win philosophy, we had assumed that the railroads would propose a series of safety improvements that would balance the effects of increased train traffic through the effected communities. We are not aware of significant safety improvement proposals. For example, grade separations (bridges and/or underpasses) are necessary to mitigate the post-merger harm to communities. Has there been any consideration of four-quadrant gates which would decrease the risk of grade-level crossing incidents? Especially in light of the tragedy on the tracks in East Palestine, Ohio on February 3rd, 2023 – the effected communities need reassurance that they will not be at increased risk of hazardous material spills in their heavily populated towns and villages. We have seen no added reassurances proposed.

Our elected leaders, both locally and nationally, are right-on-target as they ask the Surface Transportation Board (STB) to defer any decision on the proposed merger until a more thorough study of the impacts of that merger are set forth. Without a reassuring commitment from the railroad companies that our Chicagoland communities will be at least as safe – and ideally safer – as a result of this merger, it is the opinion of the DRSC that the merger should not progress.

In addition to being a railroad safety advocate, I have two other reasons for concern about the merger at this time:

- As a physician, I have seen the effects of environmental exposure to hazardous materials and toxins – including chronic lung disease, cancers, miscarriages, and infant abnormalities. In modern times, we should be about the business of reducing these risks – not increasing them.
- As a father, I am here on my daughter Lauren's birthday. Lauren died almost 29 years ago – three days after her birthday. She is the reason I lead the DuPage Railroad Safety Council. She is the reason I am here today. As a grieving father – yes, even today – I want to do everything in my power to prevent the tragedy that occurred in my family from occurring in any of your families.

Most every railroad crash is preventable. Safety is good business! Let us be about the business of preventing tragedies – not the business of crisis intervention and cleanup after the preventable crashes and derailments have occurred.

Thank you,

Lanny F. Wilson, MD (Chair) - DuPage Railroad Safety Council