



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

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March 10, 2023

The Honorable Richard J. Durbin
711 Hart Senate Office Building
Washington, DC 20510

The Honorable Tammy Duckworth
524 Hart Senate Office Building
Washington, DC 20510

The Honorable Raja Krishnamoorthi
115 Cannon House Office Building
Washington, DC 20515

The Honorable Delia C. Ramirez
1523 Longworth House Office Building
Washington, DC 20515

Dear Senator Durbin, Senator Duckworth, Representative Krishnamoorthi, and Representative Ramirez,

Thank you for your recent letters regarding Canadian Pacific Railway Limited, Canadian Pacific Railway Company, Soo Line Railroad Company, Central Maine & Quebec Railway US Inc., Dakota, Minnesota & Eastern Railroad Corporation, and Delaware & Hudson Railway Company, Inc.—Control—Kansas City Southern, the Kansas City Southern Railway Company, Gateway Eastern Railway Company, and the Texas Mexican Railway Company, Docket No. FD 36500. I appreciate hearing your views about the Final Environmental Impact Statement (Final EIS) prepared for the proposed merger between CP and KCS, and concerns related to the recent Norfolk Southern Railroad derailment in East Palestine, Ohio.

In August 2022, the Board's Office of Environmental Analysis (OEA) issued a Draft EIS in this proceeding. The Draft EIS analyzed the potential environmental impacts of the proposed merger and provided an opportunity for public comment. During the comment period, OEA held numerous in-person and virtual meetings to ensure that all concerned members of the public had ample opportunity to participate in the environmental review process. In total, OEA held seven public meetings on the Draft EIS. Because of the magnitude of the proposed transaction and because of my interest in the issues raised by those who communicated their concerns to OEA and the Board, I and the other Board Members attended many of these meetings as observers, including the meeting held in Itasca, Illinois. OEA received approximately 700 comments during the comment period on the Draft EIS. During the comment period, OEA also conducted site visits to observe current conditions in areas that could experience impacts as a result of the proposed transaction, including Bensenville, Illinois; Itasca, Illinois; Elgin, Illinois and Wood Dale, Illinois. The site visits between Elgin and Bensenville included riding the Metra MD-W line.

On January 27, 2023, OEA issued a Final EIS for the proposed transaction. In the Final EIS, OEA considered and responded to all comments received on the Draft EIS from community members, interested agencies, and elected officials, which included comments on impacts to Metra commuter rail operations. The Final EIS also contains a thorough analysis of the potential

impacts of the proposed merger on the transportation of hazardous materials, a matter of significant importance, especially in light of the recent derailment in Ohio. The Final EIS states that, to minimize the potential release of hazardous materials and prevent spills, CP and KCS have proposed voluntary mitigation measures, which, in addition to the federal regulatory requirements that apply to all railroads, include a commitment to notify appropriate agencies in the event of a reportable hazardous materials release and to conduct training workshops for emergency responders.

As you may know, between September 28, 2022, and October 7, 2022, the Board also held several days of public hearings on the transportation merits of the proposed merger. In light of the significant issues involved in the Board's consideration of the proposed transaction, it was essential that the Board hear directly from our stakeholders and did so in public. During the hearing, the Board heard extensive testimony concerning potential impacts to Metra operations and the surrounding communities. The Board is now evaluating the evidence in the record, including the data presented by the parties, in reaching a final decision on the merits.

Because this case is pending, I cannot comment further at this time. However, please be assured that the federal safety regulations administered by the FRA and other agencies that currently apply to railroads would continue to apply regardless of whether the entities merge.

Thank you again for contacting me with your concerns. A copy of your letter and this response has been placed in the public docket. If you or your staff have any questions, please contact Ms. Janie Sheng, Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238.

Sincerely,

A handwritten signature in dark ink, reading "Martin J. Oberman". The signature is written in a cursive, flowing style.

Martin J. Oberman
Chairman