

From: Christian L. Alexander <calexander@kaplankirsch.com>
Sent: Tuesday, January 4, 2022 3:47 PM
To: Valarie Discafani
Cc: Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen; Deanna Ortiz; Janice R. Thomas
Subject: [External] Response to requested Metra information for environmental review of CP-KCS merger (STB FD 36500)
Attachments: Attachments.html

Dear Ms. Discafani,

To follow up on your e-mail request to Metra dated December 20, 2021, please find information below and links attached related to the impacts of the proposed CP-KCS merger on Metra's service. Based on preliminary review of the Application, Metra believes that the Metra's Milwaukee District – North Line (Metra's MD-N, CP's C&M Subdivision) may likely see additional traffic as well due to the transaction.

- **Operating schedules** including both revenue and non-revenue trains, for the pre-acquisition Base Year 2019, the last pre-pandemic year:
 - "Elgin Mon-Fri" (see link)
 - "Elgin Sat-Sun & NCS Schedule" (see link)
 - "Fox Lake Mon-Fri" (see link)
 - "Fox Lake Sat-Sun" (see link)
 - "SWS & HC Schedules" (see link)
- **Operating agreements** between Metra and CP indicating agreed upon operating windows/slots for each operator:
 - "(1985-02-19) T00640-(Ex. G-1 to Asset Purchase Agreement) Trackage Agreement" (see link)
 - "(1993-05-27) T00650-Supplemental Agmt" (see link)
- **Other considerations** in the corridor such as funded future capital or operating investments:
 - Metra has experienced longstanding issues with CP's operation and dispatching of Metra's MD-W and MD-N lines that will only be aggravated by the CP-KCS merger, with serious adverse effects on passenger safety and customer satisfaction. These issues include:
 - CP often dispatches its freight trains in a manner that delays scheduled Metra traffic, even though CP is contractually required to give priority to Metra trains. For example, CP freight trains are often dispatched too closely ahead of scheduled Metra and Amtrak trains, resulting in slowdowns of passenger trains behind CP freight trains.
 - CP regularly dispatches Metra trains on tracks that are different from the regular designated tracks, which requires passengers at stations to cross tracks unexpectedly to access their train. This can endanger Metra passengers. Increased traffic will only increase the likelihood of passenger injury or fatality.
 - There is a consistent lack of planning for routes through the Bensenville Yard off of MD-W that causes entering CP freight trains to stop and block B17 while throwing yard switches. This regularly results in delays for Metra trains on MD-W.

- CP at times performs crew changes, power, market light changes, pick up or set out of cars, or other activities that should be confined to yard tracks on Metra's main tracks, further delaying Metra trains on Metra-owned lines.
- Poor operational and dispatching control of freight trains entering and exiting Bensenville Yard on the part of CP results in use or fouling of Metra mainline. This further delays Metra's trains.
- CP regularly operates trains over 10,000 feet in length between Bryn Mawr and Shermer that arrive at Tower B17 (on MD-W) or Tower A20 (on MD-N) without sufficient time to avoid interfering with scheduled Metra trains.
- CP has previously obstructed Metra's attempts to expand passenger service on Metra's lines or reinstate previously eliminated service on the basis that capacity for additional service does not exist. In support of this position CP has suggested (wrongly) that CP has a right to any non-peak capacity available on Metra's lines, and that Metra must pay for capacity improvements in order to increase non-peak passenger trains. CP has also refused to conduct modeling of capacity on Metra's lines in order to better understand what capacity is available.
- IDOT is in the process of instituting two daily round trips from Rockford to Chicago Union Station along the Milwaukee West during the peak periods.
- From Bensenville (B-17) to Elgin, CP has, does or may in the future have online industry service which may involve switching from the main line.
- Going west from Elgin to west of Big Timber, the line runs up a 1% grade which can cause freight issues as the tracks go from two to one west of Almore (Big Timber station) as freight trains wait for track clearance and must start from a dead stop, blocking commuter trains in the process.
- In 2019, Canadian National and CP were opposing parties in a dispute before the STB regarding the location of interchange points between the two railroads in Chicago. See STB Docket No. FD 36299, *Soo Line Railroad Co. – Petition for Declaratory Order and Preliminary Injunction – Interchange with Canadian National*. One of the interchange points involved in the dispute was CN's Spaulding Yard, which is located near Bartlett, Illinois off of Metra's MD-W line. At the time, this interchange point was a source of delay, and any change in interchanges at this point could again present another source of delay for Metra.

Please let us know if we can be of further assistance.

Citrix Attachments		Expires July 3, 2022
(1985-02-19) T00640-(Ex. G-1 to Asset Purc...ent.PDF	12.7 MB	
(1993-05-27) T00640-Supplemental Agmt.PDF	10.6 MB	
Elgin Mon-Fri.PDF	1.4 MB	
Elgin Sat-Sun & NCS Schedule.PDF	1.4 MB	

Fox Lake Mon-Fri.PDF

1.4 MB

Fox Lake Sat-Sun.PDF

978.4 KB

SWS & HC Schedules.PDF

563.4 KB

[Download Attachments](#)

Christian Alexander uses Citrix Files to share documents securely.

Christian L. Alexander

Attorney at Law

He/Him/His



O202.955.5600 | F202.955.5616

1634 Eye (I) Street, NW | Suite 300 | Washington, DC 20006

[website](#) | [vCard](#)



Confidentiality Notice: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient named above. Any metadata contained in this message or attachments is not intended for disclosure to the recipient or anyone else. This message may be an attorney-client communication and/or confidential work product. If the reader of this message is not the intended recipient, you have received this document in error. Any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. Please consider our environment before printing this email.