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WWW.MEYERLAWDC.COM

1105 S STREET, N.W.
WASHINGTON, D.C. 20009
202-294-1399

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The Honorable Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

Re: Finance Docket No. 36500 (Sub-No. 6), *Canadian Pacific Ry. – Control – Kansas City Southern (General Oversight)*

Dear Ms. Brown:

I am writing on behalf of Canadian Pacific Kansas City Limited and its U.S. rail carrier subsidiaries (collectively “CPKC”),^{1 2} in reply to the Petition to Modify Data Reporting Requirements filed on November 27, 2023 by the Coalition to Stop CPKC.

The Coalition has unnecessarily burdened the Board with 44 pages of written material despite the fact that the Coalition’s requests could easily have been answered with a phone call to counsel for CPKC. In short, CPKC has no objection to providing the Coalition with “average” (*i.e.*, mean) figures for train length for the Randall Road-Tower B17 segment, and CPKC can confirm that the distance between the start and stop points for purposes of CPKC’s transit time calculations on this segment was 23.3 miles for the period since January 1, 2021 (*i.e.*, the distance between Randall Road and Tower B-17).³ Accordingly, the Coalition Petition is moot.

¹ CPKC’s U.S. rail carrier subsidiaries include Soo Line Railroad Company; Central Maine & Quebec Railway US Inc.; Dakota, Minnesota & Eastern Railroad Corporation; Delaware & Hudson Railway Company, Inc. (collectively “CP” or “CP/Soo”); The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company (collectively, “KCSR”).

² CPKC is in the process of preparing a file containing mean train length data for this segment, which it will share with counsel for the Coalition.

³ The Coalition’s Petition called attention to a typographical error in the methodological description set forth in CPKC’s October 15, 2023 Submission (CPKC-1). At page 25, instead of referring to the time difference “between Tower 35 (CP Elgin Subdivision MP 35.1) and Randall Road (CP Elgin

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Nonetheless, the Board should understand that the premise of the Coalition's Petition is fundamentally flawed. The Coalition says that it wishes to multiply "average" train length by "average" train speed in order to monitor the transaction's impact on grade crossings on this segment. However, there would be nothing to learn from any such calculation. The "average" train speed across 23 miles of trackage would not indicate how fast any given train (or even the average of all trains) was moving when it went past a grade crossing. For example, a train that spent ten minutes stopped at a signal between grade crossings to allow a Metra train to pass and then operated at track speed over the segment would not pass any crossings at the "average" speed. For this reason, the Final EIS analysis appropriately relied on timetable speed at each crossing rather than on segment "average" train speed. The Coalition acknowledges this. *See* Coalition Petition, Crowley/Mulholland V.S. at 11 n.29 (noting that OEA used timetable speeds of 40 mph and 25 mph depending on the crossing and that average speeds are not the same as timetable speeds). Any effort by the Coalition to use average speeds to assess grade crossing delays would be inappropriate.⁴

Please contact me with any questions.

Respectfully submitted,



David L. Meyer

*Attorney for Canadian Pacific
Kansas City Limited*

Attachment

cc: All Parties of Record

Subdivision MP 40.3)" the Submission should have stated: "between Randall Road (CP Elgin Subdivision MP 40.3) and Tower B-17 (CP Elgin Subdivision MP 17.0)." A corrected copy of page 25 is attached hereto. CPKC regrets any confusion this error may have caused.

⁴ In addition, the Coalition Petition misstates the record when it asserts that the Final EIS was based on an assumption that train length "would decrease" on this segment. *See* Petition, Crowley/Mulholland V.S. at 4. In fact the Final EIS made no such assumption. Instead, it relied on evidence showing that freight train length would be reduced *relative to the longer lengths that were forecast in the future absent the transaction*, and that overall average train length (including Metra trains in the mix) would increase. *See* Finance Docket No. 35500, Final EIS at 3.3-8; Appendix H, Table H.1-1; *see also* Finance Docket No. 35500, EI-31587 (filed Dec. 20, 2021) (showing, in Table 1, providing estimates of train lengths on Elgin Subdivision with and without transaction).

Train Lengths (CPKC)

For each through train identified as traversing the segment during the Reporting Week, CPKC determined the train's length using the figures recorded in CPKC/CP Train Event data. Where the recorded length of a particular train varied across the segment, CPKC used the highest figure. CPKC reported the length of the longest train during the Reporting Week. CPKC reported the number of trains with a length in excess of 10,000 feet. CPKC calculated percentile lengths by ranking all trains by length, identifying the train with the shortest length for which the specified percentage of trains (25%, 50%, or 75%) had shorter lengths, and then reported the length of that train.

These data are being reported for the entire five-year lookback period.

Transit Times (CPKC)

For each through train identified as traversing the segment during the Reporting Week, CPKC calculated the transit time using train movement details recorded in PTC data, specifically the time difference between ~~Tower 35 (CP Elgin Subdivision MP 35.1) and~~ Randall Road (CP Elgin Subdivision MP 40.3) ~~and Tower B-17 (CP Elgin Subdivision MP 17.0)~~. CPKC reported the maximum transit time during the week and the calculated average transit time.

The PTC data on which these calculations are based is available only for the period since January 1, 2021. For the remainder of the five-year lookback period (April 14, 2018 through December 31, 2020), CPKC is unable to calculate transit times between Randall Road/Tower B-35 and Tower B-17 for trains that did not record an event at the west end of the segment. For the subset of trains that did record such an event, CPKC calculated the transit time using train movement details recorded in CPKC/CP Train Event Data, specifically the time difference between recorded train events at Randall Road and Tower B-17. (There were no events recorded at Tower B-35). The calculated transit time was the difference between the latest time at the beginning of the segment and the earliest time at the end of the segment.