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May 19, 2017

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

Re: *Illinois State Toll Highway Authority – Petition for a Declaratory Order,*
STB No. FD 36075

Dear Ms Brown:

Attached please find a copy of a letter dated May 19, 2017 from Canadian Pacific's President and Chief Executive Officer, Keith Creel, to Senator Richard Durbin in connection with this matter. We request that the letter be included in the record herein for the sake of completeness.

Sincerely,

/s/Charles W. Webster
Counsel for Soo Line Railroad Company
d/b/a Canadian Pacific

cc (w/encl.): Lisa Madigan, Attorney General of Illinois
Molly J. Moran, Acting General Counsel, U.S. Department of Transportation
David Goldberg, General Counsel, Illinois State Toll Highway Authority
Christopher S. Perry, Senior Trial Attorney, U.S. Department of Transportation
Robert T. Lane, Senior Assistant Attorney General, Illinois State Toll Highway Authority
William M. Barnes, Chief Counsel, Illinois Department of Transportation
Timothy J. Strafford, Associate General Counsel, Association of American Railroads
Erika Diehl, Associate General Counsel, SMART Transportation Division (UTU)
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Keith Creel
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May 19, 2017

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

Re: Illinois State Tollway Authority/CP's Bensenville Yard/Western Access to O'Hare Airport

Dear Senator Durbin:

Last week representatives of CP¹ paid a visit to your staff to provide an update on this matter. In the course of the discussion your office expressed concern whether CP might walk away from discussions regarding western access to O'Hare International Airport depending on the outcome of the pending Surface Transportation Board (STB) proceeding. I am writing to make clear it is our intention to work with the Tollway in a good faith effort to facilitate western access regardless of the outcome of the STB proceeding.

In fact, we are hopeful that a decision by the STB affirming the application of federal preemption to protect critical rail infrastructure will create a more conducive environment to achieving an agreement on western access. From our perspective, the current situation is due to the Tollway's mistaken belief that, armed with the perceived power of eminent domain and political pressure, it could force CP to accept the Tollway's preferred routing. As a result, the Tollway has thus far been unwilling to accommodate CP's longstanding concerns. I believe that a path forward can be found regarding western access if the Tollway commits to satisfying our concerns regarding no impact to Bensenville Yard and right of way operations, preservation of current and future capacity both at the Yard and in our right of way, and unconstrained ability to meet current and future demand.

I understand that your immediate concern is western access. Please understand that western access and the Tollway's western by-pass alignment through Bensenville Yard are not independent, separate projects, but rather are part of single project. Both issues must be resolved together to maintain the integrity of the national rail network and the health of the Chicago Terminal, and achieve the objectives of the roadway project.

Sincerely,

Keith Creel,

¹ Canadian Pacific (CP) is a trade name under which Canadian Pacific Railway Company's United States subsidiaries, Soo Line Railroad Company, Dakota, Minnesota and Eastern Railroad Corporation, and Delaware and Hudson Railway Company, Inc. operate. Bensenville Yard and the trackage at York Road and Thorndale Avenue are owned and operated by Soo Line Railroad Company.

President and Chief Executive Officer

cc: Honorable Bruce Rauner, Governor of Illinois
Robert Schillerstrom, Chairman Illinois State Toll Highway Authority
Honorable Tammy Duckworth
Honorable Raja Krishnamoorthi