

United States Senate

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February 17, 2023

Martin Oberman
Chairman
Surface Transportation Board
395 E St SW
Washington, DC 20423

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Dear Chairman Oberman:

We write to urge the Surface Transportation Board (STB) to defer any decision on the proposed merger between Canadian Pacific (CP) and Kansas City Southern (KCS) railroads until the STB conducts a more thorough and accurate study of the impacts of the merger on the Chicago region.

The Environmental Impact Statement (EIS) recently released by the STB significantly underestimates the impacts of the merger. It relied only on data provided by CP and ignored more comprehensive modeling provided by Metra, the Chicago region's commuter railroad whose tracks CP operates on. We urge the STB to conduct a supplemental analysis of the impacts of the merger on the Chicago region using modeling provided by Metra or by conducting its own independent modeling. This would more accurately assess the impacts on Illinois communities, determine appropriate mitigation measures, and meet the STB's obligations under the National Environmental Policy Act (NEPA).

NEPA regulations require federal agencies like the STB to utilize "reliable existing data and resources," and to "verify that the information received from a...proponent is true and accurate".¹ The EIS released by the STB is based solely on CP's projections of the increase in freight traffic in the Chicago region post-merger. It does not question nor analyze the legitimacy of CP's projections, despite modeling provided by Metra that projects more significant impacts and calls into question the reliability of the data provided by CP. For example, CP projects that the merger would increase freight traffic in Chicago area communities from three freight trains per day to 11, but Metra projects the merger could result in an increase to 18 trains per day. Metra owns the Milwaukee District West (MDW) line, running from Bensenville to Elgin, Illinois, that CP's increased freight traffic will operate on, directly impacting its commuter rail operations and the hundreds of thousands of residents who live in the towns and villages along the MDW line. Metra is uniquely impacted by this merger, and its projections deserve full consideration by the STB.

Eight additional freight trains on the MDW line already would have significant negative impacts on Metra's operations and the safety and livelihood of local communities, and 15 additional trains would dramatically increase those impacts. The EIS fails to reconcile the fact that there is significant uncertainty in the data. Unless the STB ensures the reliability of CP's projections, it cannot accurately assess or quantify the true environmental impacts of the proposed merger or determine the appropriate mitigation measures required to protect the safety

¹ 40 C.F.R. §§ 1502.23, 1506.5(b)(2)

of local communities and ensure the reliability of regional commuter railroad operations. Moving forward with a decision on the merger without further analysis risks overlooking serious adverse impacts on these communities, including congestion and passenger train delays, grade-crossing delays that impact auto traffic and emergency services, and dangerous conditions for the public.

The safety and livelihood of our Illinois communities must be a top priority as the STB considers this merger. We urge you to consider more than just CP's own projections when evaluating the merger and ask that you complete a supplemental analysis to more accurately assess the impacts on the Chicago region before issuing a decision.

Sincerely,



Richard J. Durbin
United States Senator



Tammy Duckworth
United States Senator



Raja Krishnamoorthi
Member of Congress



Delia C. Ramirez
Member of Congress