

October 14, 2022

***ELECTRONIC SUBMISSION***

Joshua Wayland  
Surface Transportation Board  
Environmental Filing, Docket No. FD 36500  
c/o VHB  
940 Main Campus Drive Suite 500  
Raleigh, NC 27606

Re: *Canadian Pacific Railway Company, et al.—Control—Kansas City Southern, et al.*,  
FD No. 36500—Comments on Draft Environmental Impact Statement

Dear Mr. Wayland,

The Northeast Illinois Regional Commuter Railroad Corporation (“Metra”) respectfully submits the following comments on the Draft Environmental Impact Statement (“DEIS”) published on August 5, 2022, for the application to approve a proposed merger (“Application”) submitted by Canadian Pacific Railway Company (“CP”) to acquire Kansas City Southern Railroad (“KCS”) (collectively, “Applicants”).

The 8 million citizens of the Chicago region have every reason to be concerned about the merger proposed by CP and KCS. The Application is remarkable for what is absent from the submission: (1) Applicants provided no Rail Traffic Controller (“RTC”) modeling, and rely instead on an inferior study methodology that the STB previously concluded is not sufficiently reliable and rigorous for this type of major transaction; (2) there is no explanation on how CP will almost triple the volume of its lengthy trains on Metra owned tracks without affecting the reliability of Metra service, and the health and safety of Metra passengers and the communities in which they reside; (3) the vague suggestions of additional sidings on the Marquette Subdivision contain no commitment to length of sidings or how washouts or other service issues on the constrained corridor will not exacerbate delays to the freight trains that CP already diverts to Metra’s tracks and, post-merger, will increase as train volumes increase.

The DEIS relies on faulty and incomplete data submitted by Applicants. As described more fully below, the DEIS fails to take the “hard look” required by applicable law and regulations. Metra submits that the STB’s Office of Environmental Analysis (“OEA”) should undertake a rigorous analysis of the impacts of the proposed transaction on Metra’s service and

on the Chicago region as a whole, and prepare a Supplemental DEIS that reflects the rigorous analysis that the law requires.

### **SUMMARY**

The comments below will address the following specific aspects of the DEIS that Metra submits require revision and/or supplementation.

- The DEIS is predicated on Applicants' unreliable data contained in their original and amended Operating Plans. Thus, the DEIS improperly concludes that the impacts of the transaction do not meet the thresholds requiring analysis and possible mitigation, thus ignoring significant adverse impact the proposed transaction will have on reliability and safety of Metra's commuter rail service. Applicants' last minute attempts to introduce a semblance of modeling outputs into the record of this proceeding do not cure the defects in the DEIS because OEA has not yet considered either Metra's or Applicants' modeling data and, as Metra explains more fully below, Applicants' modeling data is based on faulty assumptions and incorrect application of the RTC modeling instructions.
- The DEIS does not reasonably analyze the impacts of the transaction on passenger and grade crossing safety.
- The DEIS erroneously characterizes and then relies upon Applicants' demonstrably incorrect representations of their willingness to cooperate with passenger rail operators.
- The DEIS ignores the history of CP's failure to honor its obligations under the current Trackage Agreement between CP and Metra. This lack of accurate understanding leads to a discounting of the actual impacts of the transaction to Metra, its riders, and the communities it serves.
- The DEIS does not address all impacts of the proposed transaction, including reasonably foreseeable future projects and the responsive applications, thus inappropriately segmenting the analysis of the impacts of the proposed transaction and all transactions that may be approved as a condition of the Board's approval of the Application. The Supplemental DEIS should include an assessment of all impacts of the responsive applications, together with the more fulsome assessment of the impacts of the proposed transaction based on accurate data, to satisfy the requirements of the National Environmental Policy Act ("NEPA").



## **INTRODUCTION**

Metra operates and oversees commuter rail services in northeast Illinois, owning lines, facilities and rolling stock, setting fare and service levels, and implementing capital improvements and system planning. Metra provides for service to and from downtown Chicago via a rail network of 11 routes including 242 stations, nearly 500 route miles, and almost 1,200 miles of track. As a critical part of the region's transportation and economic network, Metra provides commuter rail service upon which much of Chicago's workforce relies and that enhances the economic and environmental health of northeastern Illinois. Among Metra's lines are the Milwaukee District North ("MD-N") and Milwaukee District West ("MD-W"), which it shares with CP.

The DEIS evaluation relied entirely on data submitted in an Application that was replete with inconsistencies and vague statements about the impact on the Chicago terminal. Metra, on the other hand, submitted evidence in the record of this proceeding, including but not limited to RTC modeling, historical data evidencing CP's failure to cooperate with Metra (contrary to its unsupported statements) and endangering citizens' safety, and CP's withdrawal from cooperative ventures among the railroads serving the region that focus on collaboration among freight and commuter systems. Thus, the OEA must take a "hard look" at evidence and prepare a Supplemental DEIS to consider the environmental impacts as required for a full and sufficient NEPA analysis.

### **I. The DEIS relies on unreliable and incomplete data submitted by the Applicants and fails to satisfy the requirement that the STB take a "hard look" at environmental consequences of its actions.**

The Council on Environmental Quality's NEPA regulations require federal agencies to "ensure the professional integrity, including scientific integrity, of the discussions and analyses in environmental documents" and to utilize "reliable existing data and resources." 40 C.F.R. § 1502.23. It is also a legal mandate that the lead federal agency verify that the information received from a project proponent (here, the Applicants) is true and accurate. *See* 40 C.F.R. § 1506.5(b)(2).

NEPA decisions made by a lead agency are reviewed under the Administrative Procedure Act. 5 U.S.C. § 706. Subsections 706(2)(A) and (D) authorize a reviewing court to hold unlawful and set aside agency action found to be arbitrary, capricious, an abuse of discretion, or otherwise contrary to the law; or without observance of procedure required by law. In NEPA cases, this standard of review incorporates a "rule of reason" whereby the court makes a "pragmatic judgment whether the EIS's form, content and preparation foster both informed decision making and informed public participation." *Native Ecosystems Council v. U.S. Forest Serv.*, 418 F.3d 953, 960 (9th Cir. 2005) (quoting *California v. Block*, 690 F.2d 753, 761 (9th Cir. 1982)). OEA's failure to independently assess the validity of the data submitted by the Applicants means it has not taken the "hard look" at the environmental consequences of the

proposed action,” which would allow a reviewing court not to “second-guess the wisdom of the ultimate decision.” *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 305 F.3d 1152, 1163 (10th Cir. 2002); *Ctr. For Biological Diversity v. Dept. of Interior*, 623 F.3d 633, 641 (9th Cir. 2010) (reviewing court’s role is to “ensure that the agency has taken a “hard look” at the environmental consequences of its proposed action”).

Moreover, environmental analysis under NEPA is intended to evaluate the entire scope of a single and complete project. If the STB approves any responsive applications in its approval of the transaction, all impacts of all additional changes approved by the agency are part of the whole picture that requires careful analysis. However, if this Board assesses the environmental impacts of each piece of the federal action that may comprise the approval of the proposed transaction and associated conditions individually, rather than as a whole, it is following a course referred to as “segmentation,” which is not permitted under NEPA.

OEA’s failure to independently assess the validity of the data submitted by Applicants means it has not taken the “ ‘hard look’ at the environmental consequences of the proposed action.” *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 305 F.3d 1152, 1163 (10th Cir. 2002); *Ctr. For Biological Diversity v. Dept. of Interior*, 623 F.3d 633, 641 (9th Cir. 2010) (reviewing court’s role is to “ensure that the agency has taken a ‘hard look’ at the environmental consequences of its proposed action”). Because the DEIS published on August 5 does not take the requisite “hard look,” OEA must prepare a Supplemental DEIS. The STB’s regulations provide that an EIS may be supplemented where necessary and appropriate to address significant new and relevant information. 49 C.F.R. § 1105.10(a)(5). Moreover, the Supreme Court has held that an agency must take a hard look at possible new environmental effects and apply a rule of reason when it makes decisions regarding EIS supplementation. In *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360 (1989), the Court stated that:

Application of the rule of reason thus turns on the value of the new information to the still pending decision making process. In this respect the decision whether to prepare a supplemental EIS is similar to the decision whether to prepare an EIS in the first instance: If there remains ‘major Federal action’ to occur, and if the new information will ‘affect the quality of the human environment’ in a significant manner or to a significant extent not already considered, a supplemental EIS must be prepared.

*Id.* at 374.

In reviewing the data and environmental study information from a project proponent when conducting a NEPA review, the lead agency must verify the accuracy of the information it receives and not just accept it outright. *See* 40 C.F.R. § 1506.5(b)(2). At this point, OEA has not lived up to that obligation. Metra and other parties in the ongoing proceeding before the Board have presented a substantial body of evidence that challenges the veracity of the information provided by the Applicants. This information, which directly undermines the validity and accuracy of Applicants’ submissions, suggests that OEA has not met its obligation to verify the

data in the application, the data OEA used to conduct environmental analyses throughout the DEIS. As a result, the OEA should undertake a thorough review of the data Metra is supplying, conduct its own rigorous analysis, and prepare a Supplemental DEIS.

**II. OEA relied on vague representations without reliable data to conclude that there would be little impact on Metra service, even though Applicants intend to nearly triple the number of excessively lengthy trains, consequently leading to increased intermodal and other activity on Metra lines and did not submit a thorough, industry-standard analysis of the potential impacts of traffic increases.**

The information Applicants have supplied to OEA, both at the outset of the matter with the Application and after the Board required them to fix data accuracy and reliability identified by various parties, is seriously flawed. OEA's reliance on those data undercuts the validity of the DEIS.

Examples of the flawed nature of Applicants data include:

- a. Applicants conceded that the "base year" tonnages and train counts that they submitted to OEA were not based on actual 2019 data, but were the product of a "modeling" exercise that included monthly traffic from multiple years, although none of which were from 2019. Thus, Applicant's data begin with a manipulated, not actual pool of information upon which OEA can conduct its assessment.
- b. Applicants submitted traffic density data three times since their original Application. Each time, the data were different. On the face of the submitted information, numbers in Applicants' Amended Operating Plan were not "essentially the same as those submitted to OEA" as the Board expected in its April 27, 2022 Decision (Decision No. 16).

The absence of substantial discussion of the impacts of the proposed merger on Metra's operations underscores that OEA has not accurately assessed those impacts. In reviewing the Application, Metra was sufficiently concerned about the inaccuracy of Applicant's projected impacts that it engaged its own RTC modeling, using information provided by Applicants in discovery and *following the guidance of the RTC manual* to determine which inputs to use. The facts that Metra has presented to the Board belie Applicants' assertions and OEA's conclusion that there will be no impact on Metra's commuter operations that rise to the level of the Board's thresholds requiring corrective mitigation. Metra's comprehensive RTC modeling, which is the gold standard that provides information on rail traffic patterns and the abilities of trains to operate efficiently on the same line, demonstrates the impacts of the proposed transaction on Metra's operations. Applicants in this proceeding did not submit such modeling, and the OEA did not

conduct an independent assessment using RTC modeling, relying instead on self-serving and incomplete information provided by Applicants. Until the Applicants submitted, late in the proceeding, their response to Metra's modeling outputs, the *only* RTC modeling conducted supports Metra's concerns that the merger will undermine the safety and reliability of commuter service. This modeling demonstrates that Applicants' proposed Operating Plan will not work, and CP's freight traffic will increase Metra train delays per 100 train miles substantially on Metra's MD-W and MD-N, creating social, economic and safety impacts from the transaction in addition to the negative impacts on Metra's service. The EIS must assess all impacts, and that assessment is absent.

Because Applicants provided no RTC modeling, Metra stepped up. The results of Metra's modeling that relied on data inputs provided by Applicants in discovery, is set forth in the testimony Metra presented in these merger proceedings by Thomas Crowley and Robert Mulholland of L.E. Peabody and Associates ("LEP"). Their testimony, attached to these Comments for OEA's reference and information includes the following Verified Statements as well as the corrections filed upon discovery of errors in the analysis:

- Verified Statement of Thomas D. Crowley and Robert D. Mulholland (METR-7, Exhibit C), a copy of which is attached to these Comments for OEA's ready reference as Exhibit 1.
- Supplemental VS of Thomas D. Crowley and Robert D. Mulholland (METR-8, Attachment A), a copy of which is attached to these Comments for OEA's ready reference as Exhibit 2.
- Second Supplemental VS of Thomas D. Crowley and Robert D. Mulholland (METR-9, Attachment A), a copy of which is attached to these Comments for OEA's ready reference as Exhibit 3.
- Reply Verified Statement of Thomas D. Crowley and Robert D. Mulholland (METR-10, Attachment A), a copy of which is attached to these Comments for OEA's ready reference as Exhibit 4.

Further, LEP reviewed testimony submitted by Applicants in response to Metra's RTC modeling, and concluded that Applicants' attempts to undermine the harmful impacts found by Metra's RTC modeling are flawed. Specifically, LEP confirmed that Metra's RTC simulations demonstrate that Metra train delay will increase and Metra's On-Time Performance ("OTP") will worsen following the proposed merger. Metra's modeling also shows that CP train delay will increase following the merger. Verified Statement of Thomas D. Crowley and Robert D. Mulholland in Support of Metra Comments on DEIS, ("Crowley/Mulholland OES VS") attached hereto as Exhibit 5, at 2-4. When CP countered Metra's conclusions with its own alternate RTC simulations, the LEP team found that CP/KCS's assertions are either contradicted by materials CP provided in response to Metra's discovery requests, or insignificant in terms of their impact on the RTC simulation results, or both. Specifically:

- CP/KCS argue that Metra should not have used what CP characterized during the September/October hearings as its own erroneous track chart data that it provided to Metra in discovery without disclosing that the information on those track charts was erroneous.<sup>1</sup> Metra used it in developing its infrastructure inputs and CP asserts that Metra should have relied on CP's timetable data even though the RTC modeling instructions specifically point analysts to track chart information as the correct data source for infrastructure inputs, whereas timetable data are used to inform the development of operating inputs.
- CP/KCS argue that Metra should have used CP's schedule data instead of what Metra used, that is, CP's accurate, actual freight train event data, to identify dates and times when CP's trains operated over Metra's lines. Metra's model captures CP's consistent inefficiencies.
- CP/KCS similarly complains that Metra should not have used CP's actual (and accurate) arrival and departure times from the CP train event data to determine the length of CP delay at intermediate stations and should have assumed CP trains dwell only for the minimum time indicated according to its inaccurate train schedules, which is never accurate. Rather, Metra captured actual, accurate train movements including delays that CP trains actually incur. This is important when only a portion of a larger network is modeled (as is the case here), because the delay incurred on the modeled portions of CP's network reflect not only the interference caused by trains operating over the modeled segments, but also the upstream and downstream interference on adjoining segments that impacts operations on the modeled portion of the system.
- CP argued that Metra should have modeled Metra's 2019 pre-COVID schedule in its base case, rather than its reduced 2021 schedule. First, this approach creates a disconnect between passenger and freight trains included in the model, because Metra modeled CP's 2021 freight operations. Second, CP cited 2021 passenger volumes in the operating plan it submitted in support of its Application.
- CP argued that Metra's model excluded signaling, but Metra's modeling used a setting that approximates operations under Positive Train Control ("PTC") signaling.

*Id.* at 2-3.

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<sup>1</sup> At the hearings, Applicants stated that CP had advised Metra that its data was not accurate. Metra received no such communication.

The insufficiency of the DEIS stemming from reliance on information provided by Applicants that was not verified by RTC modeling is not the end of the Applicants' misstatements upon which OEA relied. For example, traffic east of the Bensenville Yard is excluded in OEA's analysis because the data Applicants supplied do not take into account several types of rail traffic that currently, and will continue to, operate on the lines shared by CP and Metra. *See Comments and Request for Conditions of the Commuter Rail Division of the Regional Transportation Authority d/b/a Metra*, Docket No. FD 36500, (Date Filed March 15, 2022) ("METR-7") at 52-54. Applicants asserted that there will be no new "trains" east of the Bensenville Yard, knowing that there is grave concern that any increase east of the Yard will degrade public transportation. Firstly, Metra's RTC modeling contradicts that conclusion finding that additional **traffic** will add to congestion on those lines even if not separate **new "trains."** *Id.* at 14 and 56. Thus, cars coming off "new trains" into Bensenville can be added to old trains leaving Bensenville, lengthening them and creating issues for rail operations and the health and safety of the surrounding population by virtue of that additional length, that will travel east of the Bensenville Yard. As a result of relying on Applicants' misrepresentation of the impact on the merger on lines **east** of the Bensenville Yard, the scope of OEA's analysis is incorrect because additional **traffic** not accounted for by Applicants in their Application will exceed the analysis threshold for several resource areas on Metra-owned line segments east of Bensenville.

For example, traffic east of Bensenville that is moving to the Indiana Harbor Belt ("IHB") and Belt Railway of Chicago ("BRC") must increase, as will traffic to and from the north with potential new shippers in places like Racine and Milwaukee taking advantage of a direct route to KCS points and beyond. Metra previously explained, in verified statements of Metra staff, including former CP employees with extensive experience of current interference caused by CP's operations, and using outputs by Metra's modeling, how Applicants' assertions ignore the actual operating environment in which Metra trains run. By playing games with semantics by asserting that there will be no "new trains," Applicants remain silent on other movements, such as an increase in interchange assignments, trains linked on existing schedules, transfers, and/or local assignments. *Metra Reply to Applicants' July 13, 2022 Rebuttal*, Docket No. FD 36500, Attachment A, V.S. Cork para. 4 (Filed August 1, 2022) ("METR-13") (Verified Statement of Steve M. Cork, submitted as part of METR-13 is attached to these Comments for OEA's ready reference as Exhibit 6). The train symbols may not operate east of the Bensenville Yard; however, the traffic will move under different symbols. So, Applicants' use of the term "train movements" and their assertion that there will be no "trains" east of Bensenville excludes other types of movements that impact the Metra-owned lines east of the Bensenville Yard and will cause environmental impacts due to the increased traffic on these lines.

Applicants' fail to explain how a 267% increase in traffic west of Bensenville will disappear by being "handled in existing trains," or how, if potential longer trains rather than more, this will not result in the same impact or worse impacts, such as longer delays at crossings and more interference with passenger access at stations. OEA's analysis also does not address

what happens to the increased traffic once it reaches Bensenville Yard. Applicants do not address, and the DEIS is silent on the effects of, longer trains, or the need for additional trains to handle traffic on Metra's lines east of Bensenville, or whether the additional traffic moving into Bensenville will move out by trucks. If the latter, a careful analysis of those impacts is wholly absent as well. OEA merely accepted Applicants' position that there would be no additional new "trains" east of Bensenville as dispositive and without scrutiny – the required "hard look" – at the answer to the question: Where will all the traffic coming in to Bensenville from the west go? Therefore, Metra requests that OEA supplement the DEIS with the verified data provided by Metra and by others who have assessed the operating impacts in the Chicago network pertaining to traffic east of Bensenville Yard on Metra's lines.<sup>2</sup>

**III. The DEIS ignored the dangerous conditions created by CP's current dispatching and operating practices on Metra-owned lines, and does not analyze the impacts of increased traffic on Metra-owned lines on passenger and grade crossing safety.**

For OEA to satisfy the "hard look" standard, the study of passenger rail safety should not be restricted to simply studying the frequency of passenger-freight train collisions. Metra riders experience dangerous conditions caused by CP's dispatching on a frighteningly regular basis. Passengers are often required to cross tracks and/or dodge freight trains at Metra stations on the MD-N and MD-W lines due to CP's dispatching decisions. Verified Statement of Richard P. Oppenheim, originally submitted in this proceeding as METR-07, Exhibit B, and attached to these Comments for OEA's ready reference as Exhibit 7, at para. 39-42. Phenomena like this are part of passenger rail safety, especially in the current case, that need to be studied. The acknowledged result of this transaction will be more freight traffic on Metra's lines. If the current situation leads to unacceptable occurrences like those experienced by Metra's passengers at stations, then adding more freight trains and/or allowing CP to continue poorly dispatching will only exacerbate this type of dangerous situation, which will significantly effect passenger safety.

Grade crossing safety is of considerable concern to Metra as well, due to the increased traffic that will occur from the transaction. Comments from Chicago-area communities raise the same concerns. For example, a coalition of local governments representing communities served by Metra's MD-W service commented that the new 10,000+ foot trains will block crossings and increase danger by blocking emergency vehicles from traversing grade crossings.

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<sup>2</sup> Metra is aware of the proposal presented by Senators Durbin and Duckworth and Congressman Krishnamoorthi, and supported by the Coalition to Stop CP/KCS, to build a new yard west of Elgin to handle intermodal and automobile traffic that Applicants assert would otherwise stop at the Bensenville Yard and not create additional congestion east of Elgin as Metra's modeling and Mr. Cork's testimony suggests will happen. If this traffic from the west will not continue via rail past a new yard west of Elgin into the Bensenville Yard, then Metra wholeheartedly supports this proposal to require Applicants to construct a new yard. If, however, Metra's assessment that the increased traffic from west of Elgin will continue via rail to the east, then Metra's previous assertions of the need for mitigation due to that increased rail traffic is critical.

40 C.F.R. § 1502.21(d) defines a “reasonably foreseeable” impact as one that “includes impacts that have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on conjecture, and is within the rule of reason.” Considering the information concerning the dangers to Metra’s riders from CP’s ill-advised dispatching decisions discussed in the Verified Statement of Greg Godfrey, originally filed in FD 36500 on March 15, 2022, METR-07, and attached to these Comments for OEA’s ready reference as Exhibit 8, it is clear that there are reasonably foreseeable impacts to safety that are not addressed in the DEIS.

**IV. The DEIS erroneously concludes that CP will honor its obligations under the current Metra – CP agreement. OES cannot accept Applicants’ statements that they will cooperate with passenger rail providers without inquiring into CP’s current practices with Metra and without assessing what mitigation measures are required to ensure that CP lives up to its commitments.**

OEA did not examine the terms and conditions of the agreement between CP’s predecessor in interest and Metra’s predecessor in interest that govern the relationship on Metra-owned territories and the history of the parties’ experience in implementation of that agreement. Accepting Applicants’ promises without investigating creates another circumstance where the failure to take a “hard look” at the realities on the ground now and the projected changes due to the proposed merger require attention and mitigation to address the adverse impact on communities and commuters from that transaction.

There are misstatements made in the DEIS referring to the “Operating Agreement” between CP and Metra (referred to in Metra’s filings as “Trackage Agreement”). First, CP controls all dispatching on Metra-owned lines all times of day. Moreover, contrary to its statement that CP gives Metra “complete operational autonomy” during commuter peak hours while CP enjoys the same during off-peak hours, CP, as dispatcher, often interferes with Metra trains during peak hours and ignores Metra’s protests, violating the Trackage Agreement regularly. Verified Statements of Richard P. Oppenheim and Greg Godfrey, submitted in the docket in this proceeding and attached to this Comment for OEA’s ready reference as Exhibits 7 and 8, detail the issues created by CP’s exercise of that control to Metra’s detriment. Metra’s testimony in this proceeding details the extent to which the increased freight traffic on the lines will adversely affect Metra’s already extensive operating issues due to CP’s dispatching decisions. OEA’s “hard look” at the impacts of the proposed transaction must focus on the impact on both Metra’s operations and on the safety of the communities along the Metra-owned lines.

Metra’s concerns about CP’s exercise of control over Metra’s ability to provide needed services to the communities along its lines are well-founded in CP’s past practices. In recent years, CP has stymied Metra’s efforts to expand service during off-peak hours. In 2019, for example, Metra pursued the addition of 4 non-peak, reverse commuter trains on the MD-N line



(C&M Subdivision). As required under the Trackage Agreement, Metra sought CP's consent, which, according to this governing document, **CP cannot unreasonably withhold**. However, CP refused, although the requested time slots were empty, without explanation. Instead of allowing Metra to respond to its customers' requests, CP responded that if Metra wanted to grow its operations on the Metra-owned corridor, Metra had to use public funds to make millions of dollars in corridor improvements. CP further stated "[t]he issue is capacity" and that "[p]rotection of capacity is vital." See CP Letter 20190402 to Metra re: Reverse Commute Trains, previously submitted in the FD 36500 as METR-07, Exhibit 8, and attached hereto as Exhibit 9. In the current proceeding, of course, CP agreed to allow Amtrak to operate additional trains on the Metra-owned lines, without consultation with Metra, but has still not agreed to allow Metra to run the trains it has discussed previously. This represents CP's unsubstantiated belief that it has the ability to block Chicago-area residents' access to a critical urban transportation service to reach major employment centers in Lake Forest, Illinois. As the needs of the commuting public and the commuting patterns of Chicago residents evolve as the economy emerges from the impacts of the COVID pandemic, Metra needs a cooperative partner. However, despite the statements upon which OEA relied, CP's record of non-cooperation leads Metra to fear that the impacts of increased traffic will exacerbate an already tense situation, and harden CP's position that Illinois or federal tax money should subsidize its operations.

Capacity that was historically Metra's has been usurped by CP. In 2019, Metra wanted to *reinstate* four Saturday and two Sunday commuter trains that were eliminated in 2018 due to budgetary issues. Metra sought CP's consent (which cannot be unreasonably withheld, according to the Agreement between Metra and CP) to implement this change. CP refused, stating that there was limited or no capacity on the line, even though these slots were not being used for freight. As a result, Metra was barred from reinstating its previous service, depriving Chicagoans of an effective and efficient transportation option that they previously enjoyed. And yet, CP proposes to add trains on the lines. Again, CP had no issue with agreeing to allow Amtrak, to increase more than 4 trains on the same track, during the course of these proceedings.

For Metra, safety is a primary concern. The information presented in the DEIS on the Trackage Agreement does not reflect the unsafe conditions created by CP's dispatching when CP trains block passengers' access to Metra trains. CP's dispatching decisions too often require passengers to cross tracks unnecessarily, dodge oncoming freight trains, or circumnavigate idling freight trains at Metra stations. The many instances of trains being directed to "the wrong platform" forcing passengers to make unsafe decisions to catch their Metra train, as detailed in the Verified Statement Richard P. Oppenheim, see Exhibit 7 to these Comments, underscores the importance of OEA's undertaking a careful analysis of the current situation with an eye towards assessing how the increased traffic that Metra's RTC modeling projects will move over the Metra-owned lines will increase the frequency of these unsafe occurrences.

CP consistently fails to uphold its contractual obligations under the Trackage Agreement. As a result, OEA should not rely upon assertions about current or future cooperation as a means

of assessing the extent to which potential safety impacts of the proposed merger require mitigation.

**V. The DEIS does not reasonably analyze cumulative impacts and does not assess the impact on Chicago-area communities of the proposed responsive applications of Canadian National and Norfolk Southern.**

As previously stated, the scope of OEA's analysis is flawed and does not meet the "hard look" standard due to its reliance on incorrect information and "data" on traffic increases submitted by Applicants, all of which should be included in the cumulative impacts analysis.

For example, traffic east of the Bensenville Yard is not included in the analysis because the data relied upon does not account for several types of rail traffic that operate on the lines shared by CP and Metra. Applicants erroneously claimed that there will be no new "trains" east of Bensenville, but Metra's RTC modeling concludes otherwise. *See Id.* at 14 and 56. Therefore, OEA's analysis is incorrect because reasonably foreseeable additional traffic not accounted for by Applicants may exceed the analysis threshold. Additionally, an analysis of the cumulative impacts of the transaction should include Metra's plans to expand service to O'Hare as a reasonably foreseeable future action that could be adversely affected by the transaction. METR-7 at 6.

Moreover, OEA failed to consider all reasonable alternatives as a result of its decision not to consider the potential impacts of the proposed CN application, which if approved will directly impact traffic volumes and thus the environmental impacts of this overall transaction on the Chicago region. As noted above, CEQ regulations, as part of an environmental analysis, require federal agencies to conduct a NEPA analysis of the direct, indirect, or cumulative impacts or effect of a major federal action. Additionally, OEA is required to include a description of "any reasonable alternatives to the proposed action." 49 C.F.R. § 1105.7(e)(1). A "cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. 40 C.F.R. § 1508.7. The scope of this review includes evaluating both federal and non-federal agencies' undertakings to determine whether an individually minor impact of a single project could, when combined with other activities, result in a significant impact. *Id.* The cumulative impact could result from a "direct effect," which occurs at the same place or time as the implementation of a proposed action. 40 C.F.R. § 1508.8(a). These are effects that are typically easily identified in a NEPA analysis. Alternatively, the proposed action could result in an "indirect effect," which are caused by the action, but occur later or are farther removed in distance from the proposed action, but still reasonably foreseeable. 40 C.F.R. § 1508.8(b).

To provide additional clarity on the issue, the courts have developed a four-factor test to determine whether improper segmentation has occurred. These factors include whether the proposed segment: (1) has logical termini; (2) has substantial independent utility; (3) does not

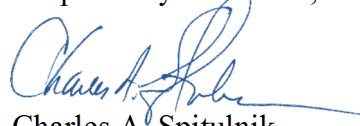
foreclose the opportunity to consider alternatives; and (4) does not irretrievably commit federal funds for closely related projects. While all factors have a modest weight, the analysis of a project's independent utility is the primary focus and the key factor in deciding most improper segmentation cases. *Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430 (5th Cir. 1981); *Swain v. Brinegar*, 542 F.2d 364 (7th Cir. 1976). Here, the conditions sought have no independent utility. They would not even be considered by the Board but for the existence of the proposed merger.

In this proceeding, CN has submitted a responsive application that includes the divestiture of the Springfield Line from KCS to CN, which could have significant beneficial impacts to the environment, including the diversion of 80,000 trucks to railroad. The potential impacts of the approval of the CN responsive application related to the Springfield line should have been studied as a reasonable alternative. It also constitutes a "cumulative impact" of the proposed merger. The transaction CN seeks is not a stand-alone transaction, that is, it would not be a potential occurrence but for the existence of the proposed merger which, as CN describes, requires the approval of the responsive application to ameliorate the adverse impacts of the transaction. By not considering those impacts together and determining whether the entire federal action – that is, the potential approval of the proposed merger along with the potential approval of the responsive applications – will engender impacts requiring mitigation, creates impermissible segmentation and undercuts the validity of the environmental review process.

### **CONCLUSION**

For the foregoing reasons, Metra respectfully requests that OEA issue a Supplemental DEIS based on the corrected data that Metra has submitted and to address the concerns raised by Metra in these comments.

Respectfully submitted,



Charles A. Spitulnik  
Christian L. Alexander  
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## **EXHIBIT 1**

**Verified Statement of Thomas D. Crowley and  
Robert D. Mulholland (METR-7, Exhibit C)**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. FD 36500

CANADIAN PACIFIC RAILWAY LIMITED; CANADIAN PACIFIC RAILWAY  
COMPANY; SOO LINE RAILROAD COMPANY; CENTRAL MAINE & QUEBEC  
RAILWAY US INC.; DAKOTA, MINNESOTA & EASTER 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

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VERIFIED STATEMENT

of

Thomas D. Crowley  
President

and

Robert D. Mulholland  
Senior Vice President

**L. E. PEABODY & ASSOCIATES, INC.**  
ECONOMIC CONSULTANTS

On Behalf Of

**THE COMMUTER RAIL DIVISION OF THE  
REGIONAL TRANSPORTATION AUTHORITY AND NORTHEAST  
ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION  
(METRA)**

Dated: March 15, 2022

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**LIST OF EXHIBITS**

| <b>Exhibit<br/>No.</b> | <b>Exhibit Description</b>                                                                                         |
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## I. INTRODUCTION

We are Thomas D. Crowley and Robert D. Mulholland, President and a Senior Vice President, respectively, of L. E. Peabody & Associates, Inc. L. E. Peabody & Associates, Inc. is an Economic Consulting Firm that specializes in addressing economic, transportation, marketing, financial, accounting and fuel supply matters. We spent most of our consulting careers of over 50 and 25 years, respectively, evaluating railroad operations, capacity, costs and profitability and pricing issues for shippers, producers, railroads and government agencies. Our credentials are included as Exhibit No. 1 and Exhibit No. 2 to this Verified Statement (“VS”).

Counsel for The Commuter Rail Division of the Regional Transportation Authority and Northeast Illinois Regional Commuter Railroad Corporation (“Metra”) asked us to evaluate certain aspects of the Merger Application filed at the Surface Transportation Board (“STB”) by the Canadian Pacific Railway Company (“CP”) and the Kansas City Southern Railway (“KCS”) (jointly “CP/KCS” or “Applicants”) and their respective affiliates.<sup>1</sup>

Specifically, we were asked to: (1) review and analyze the Merger Application to understand and assess whether CP/KCS properly evaluated the potential impacts of the proposed transaction on Metra’s service and lines; and (2) to conduct an independent analysis, using industry standard modeling techniques, to evaluate the impact of the proposed transaction on Metra’s service and lines, and to identify remedial measures that may be needed to ensure Metra’s service does not deteriorate as a result of the proposed increase in CP freight traffic volumes over Metra’s lines.

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<sup>1</sup> STB Docket No. FD 36500, *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*, filed October 29, 2021 (“Merger Application”).



Below we provide a background of the lines under study and CP/KCS' claims regarding the impacts of the transaction, our methodology for evaluating those claims, our findings based on our evaluation, the results of our own independent modeling exercise using Berkeley Simulation Software's Rail Traffic Controller ("RTC") modeling software, and a summary of the implications, including support for conditions to be imposed on the proposed transaction in order to mitigate harmful interference with Metra's service due to the impact of the proposed transaction.

## II. SUMMARY OF FINDINGS

Metra's Milwaukee District ("MD") lines are located on one of CP's busiest rail segments. Well over 100 trains operate over Metra's MD lines every day, including Metra commuter passenger trains, Amtrak intercity passenger trains, CP freight trains, and foreign carrier freight trains.

CP/KCS plan to significantly increase the number of daily freight trains operating over Metra's MD lines following the proposed merger. Most notably, they plan to add eight (8) new daily line-haul intermodal and manifest trains serving Bensenville Yard on Metra's Milwaukee District West ("MD-W") line. CP/KCS also project that they will add roughly one unit train per day (on average) to both the MD-W line and the Milwaukee District North ("MD-N") line. The number of trains CP/KCS plan to add to Metra's MD lines is not the only thing that causes operating challenges. The size of the proposed train additions compounds the problem exponentially. Many of the 10 new daily trains CP/KCS plan to add will be exceptionally long, and all eight (8) of the new intermodal and manifest trains will operate into and out of CP's Bensenville Yard, which is located on Metra's MD-W line. Bensenville is already one of the busiest yards on CP's system. Yarding long trains at Bensenville is difficult because the trains exceed the length of the receiving tracks, which requires the CP train crews to break up the trains on arrival. This operation entails throwing a series of yard switches, and sometimes the tail end of an arriving train will remain on—and block—the mainline tracks while the train crew performs the required switching. Often when this happens, Metra's trains get delayed. Introducing multiple additional long trains every day will result in more conflicts in the Bensenville Yard, and it will increase the frequency and/or duration of delays to Metra's trains resulting from blocked mainline tracks.

The following summarizes our findings based on our review of the Merger Application.

1. The proposed CP/KCS network is hourglass shaped. A single line from Shreveport, LA to Sabula Jct., IA, will join the expansive KCS system on the south to the expansive CP system on the north. All north-south traffic will have to be funneled through this line segment. North of Sabula Jct., there are two (2) routing options to access CP's vast northern footprint: (1) over the Marquette Subdivision, which is largely single-tracked and contains timber bridges and other dated structures; or (2) over Metra's MD lines. Because the Marquette Subdivision will be incapable of accommodating CP/KCS' planned volume of post-merger traffic, Metra's MD lines will become the only alternative for moving the significantly increased freight flows that CP/KCS project.
2. Despite CP/KCS' plan to increase the volume of scheduled CP intermodal and manifest trains moving into and out of Bensenville by roughly 50 percent, their operating plan does not add any local trains shuttling blocks of cars between Bensenville and other Chicagoland yards operated by other carriers. Rather, CP/KCS claim, without support, that the local trains currently operating out of Bensenville will be able to handle the additional volume. By ignoring the need for additional local trains, CP/KCS understated the true increase in freight train interference on Metra's lines.
3. CP/KCS failed to demonstrate that the Bensenville Yard will be able to accommodate the additional car handling and blocking activities that will be required following the merger.
4. CP/KCS downplay the impact its planned freight train additions will have on Metra's operations. They claim that there is (or will be) ample capacity to accommodate their proposed increase in freight train volume. However, their claim is unsupported. CP/KCS performed no rail simulations to demonstrate the feasibility of their proposed operating plan, even though a late production of documents in response to Metra's requests for production demonstrates that CP performs rail simulation analyses in the normal course of business. Rather, they made some calculations based on their expected freight train volumes, train speeds for select trains, and length and location of sidings on their mainline track segments. As a result of these calculations, CP/KCS identified locations where they plan to add sidings and other improvements that they claim will resolve any possible capacity issues and accommodate their proposed operations while causing no negative impacts to Metra's service.
5. CP/KCS' capacity analyses did not consider any passenger train volumes or schedules.
6. Train event data provided by CP show that it routinely operates extra trains over Metra's MD lines. As the name implies, extra trains are required when the volume of traffic moving in a lane with scheduled service exceeds the capacity of

the trains that are scheduled to operate in that lane. When this happens, CP will dispatch two (2) trains rather than the one train included in the daily schedule for that route.

7. The CP train event data shows that CP trains traversing Metra's MD lines, particularly trains that originate on other parts of CP's network and arrive in Bensenville, routinely operate behind schedule. The combination of significant volumes of extra trains and trains operating behind schedule demonstrates that real world operations seldom align perfectly with an operating plan. CP train event data also shows that CP freight trains frequently operate on Metra's MD lines during Metra Commuter Peak Periods.
8. The provided CP train event data does not contain data for the many foreign trains that traverse Metra's lines on a daily basis. With only minor exceptions, the descriptions of Chicago operations included in the CP/KCS operating plan are vague and unhelpful with respect to determining the schedules and operations of foreign trains serving Bensenville. Because CP/KCS failed to disclose the significant volume of foreign trains moving over Metra's line segments, their claims regarding available capacity are unsupported.
9. CP's use of Metra's MD line during Metra commuter Peak Periods increased since CP's relatively recent adoption of Precision Scheduled Railroading ("PSR"). Incidents of CP freight train interference on Metra's lines have risen significantly as a result of CP dispatchers implementing directives calling for strict schedule adherence for CP freight trains. The new intermodal and manifest trains that CP/KCS plan to add are high priority freight trains that CP will make every effort to operate on schedule. This will increase the likelihood of conflicts between CP dispatching protocols and Metra schedule adherence.

Because the analyses included in the workpapers supporting the CP/KCS operating plan fail to measure the impact of their proposed operations on Metra's trains, we performed a series of train simulations using the RTC modeling software that the STB used to evaluate operating plans in other proceedings. A summary of the key findings related to our RTC analyses follows.

10. The CP/KCS Operating Plan fails because projected volumes will exceed capacity, even after all of CP/KCS' planned infrastructure expansion projects are completed.
11. Our RTC simulations revealed that CP/KCS' proposed infrastructure additions to the Marquette Subdivision will be woefully insufficient to accommodate the projected increase in train volume moving over that line. The Marquette Subdivision is the middle segment of the only CP/KCS route between St. Paul and Kansas City that avoids Chicago. Although the sidings CP/KCS plan to add to

the Marquette Subdivision are long enough to accommodate the projected unit trains, they are not long enough to accommodate the long intermodal/manifest trains CP/KCS will operate. The topography along the Marquette Subdivision will make it extremely difficult for CP/KCS to make the additional infrastructure investment that would be required to accommodate its planned volume increases on that line.

12. Absent the addition of significantly more infrastructure than CP/KCS plan to add to the Marquette Subdivision (which would be very difficult given the topography on that line segment), CP/KCS will have no choice but to reroute trains from the Marquette Subdivision over the only alternate route, which is via Chicago over Metra's MD lines. Our RTC simulations demonstrate that the alternate Chicago route (over Metra's lines) cannot easily absorb diverted Marquette traffic.
13. The projected volume of trains moving over the MD lines, including the rerouted Marquette trains that are inevitable, will cause reduced train performance for both Metra and CP without additional changes.
14. CP's proposed volume increase cannot be accommodated on Metra's lines as they currently exist and CP has not proposed any infrastructure additions on Metra's lines that would allow for their proposed volume increase while maintaining Metra's current level of service. At Metra's request, we tested the impact of several capacity improvements and found that they would moderate but not eliminate entirely the service level deterioration that is sure to result from the introduction of increased freight train volumes over Metra's lines following the proposed merger.
15. Our future scenario RTC simulations reflect the expected increase in Metra train volumes. Metra voluntarily reduced its train frequency on its MD lines following the onset of Covid in 2020, which freed up some capacity on the lines. However, Metra intends to return to its pre-Covid train volume in the near future. CP/KCS' claim that there is sufficient capacity for their planned freight volume increases, but rail line capacity on Metra's MD lines is not the exclusive property of CP/KCS.
16. Shared use of rail infrastructure will inevitably result in conflicts between freight and passenger operations. CP train dispatchers implement the dispatching protocols that are developed by CP management. Logic dictates that CP management's focus is primarily on its core operations, i.e., moving freight trains. CP/KCS' desire to significantly increase freight volumes over Metra's lines must be weighed against Metra's need to provide high-quality and expanded service to its customers.

### III. BACKGROUND

Metra is the public agency responsible for operating commuter rail service in the Chicagoland area. Among the lines that it operates over are the MD-N line between Chicago Union Station (“CUS”) and Fox Lake, IL, and the MD-W line between CUS and Big Timber, IL (collectively the MD lines). Metra’s North Central Service (“NCS”) also operates over the MD-W line between CUS and Tower B12 at Franklin Park.

Metra acquired these lines following the bankruptcy of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in the 1980’s. Exhibit No. 3 contains several schematics of Metra and surrounding rail lines including: Metra’s MD lines (page 1); a schematic showing how the Metra lines fit into CP’s freight network (page 2); a schematic showing the CP Subdivision naming conventions for Metra’s track segments and the surrounding CP lines (page 3); a schematic showing Metra’s MD and Connecting Lines with Additional Required Infrastructure (page 4); and a schematic showing CP and Metra Future Case with CP/KCS and Amtrak Planned Infrastructure Expansion (page 5).

Metra acquired the MD lines subject to a 99-year trackage agreement with a predecessor freight railroad to CP, under which dispatching authority was granted to that railroad. Since acquiring a controlling interest in the predecessor railroad, CP has operated over and dispatched the MD lines. CP refers to the Metra-owned MD-W line as the Elgin Subdivision (between Randall Road and Tower A5), and the Metra-owned MD-N line as the Fox Lake Subdivision (between Fox Lake and Rondout) and the C&M Subdivision (between Rondout and CUS).

In 1993, Metra assumed responsibility for the maintenance of these rail lines and modified the trackage agreement to make clear that: (a) CP must recognize the priority of commuter service operations during certain “peak periods” on weekday mornings and evenings and may not interfere

with such trains; and (b) CP is prohibited from making operational changes that unreasonably disrupt or delay non-peak period trains. The 1993 amendment also provided that CP must utilize reasonable operating rules, and that CP may not unreasonably withhold consent to Metra's written requests for schedule changes.

#### **IV. CP/KCS' ASSERTIONS REGARDING IMPACTS ON METRA'S SERVICE AND LINES FROM THE TRANSACTION**

In the verified statements and related documents supporting the Merger Application, CP/KCS state that “CP is keenly aware of the importance to U.S. transportation policy of fostering an expanded network of efficient rail passenger servicers. CP/KCS will help achieve that goal.”<sup>2</sup> CP/KCS also state that “CP has been a good partner to the passenger service operators that use our lines in the United States and Canada,” and that they “have enabled Metra to achieve greater than 94 percent on-time performance on our lines, providing safe and reliable service to Metra customers in reaching their destinations.”<sup>3</sup>

##### **A. METRA TRAIN DELAY REPORTING IN CONTEXT**

The 94 percent on-time statistic cited by CP/KCS here is misleading for a number of reasons. First, 94 percent represents the portion of Metra trains that did not have a *reportable* delay, and only delays over five (5) minutes are considered reportable.<sup>4</sup> In other words, any Metra train that arrived between one and five (5) minutes late is considered “on-time” for purposes of developing this performance metric. This five (5) minute grace window is referred to as “Tolerance.”

Second, it is standard practice to add additional time in Metra's schedules at the end of the schedule, just before the final destination. This extra time is referred to as “Rubber” in the schedule. With this in place, a train that is delayed en route can potentially still arrive at the final station on time (or at least within the 5-minute Tolerance window). As a result, if a train is delayed, passengers travelling to intermediate stations may arrive late, even if the train arrives at its final

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<sup>2</sup> See, Merger Application, APP Vol. 1, pp. 172-174, Creel V.S. ¶¶ 41-45.

<sup>3</sup> *Id.*

<sup>4</sup> See, Oppenheim V.S. ¶ 24. See also Metra, On-Time Performance Reports, <https://metra.com/time-performance-reports> (visited Feb. 16, 2022).



station within the Tolerance window where it would be considered on-time. For example, few passengers on westward trains going to Fox Lake on the MD-N ride all the way to Fox Lake. If a delay occurs early in the route, passengers travelling to stations including Glenview, Northbrook, Deerfield, and Lake Forest – intermediate stations where many people customarily disembark – may be late getting to their station(s) even if the train ultimately gets to Fox Lake within the Tolerance window.

Third, it is a regular practice to include “Construction Schedules” for most midday trains during Construction season, from April through November. When a Construction Schedule is in place, the arrival time at final destination is generally restated to 10 minutes later than the standard scheduled time. Therefore, for more than half of the year, train arrivals at the final destination station can be as much as 15 minutes late (five (5) minutes of Tolerance plus 10 minutes of Construction Schedule time) and still be considered on time for reporting purposes.<sup>5</sup>

## **B. LACK OF ANALYSIS OF IMPACT ON METRA OPERATIONS**

CP/KCS make a number of additional assertions regarding the lack of impact of their proposed merger on Metra’s service in the documents supporting their Merger Application, including the following:

The CP/KCS Transaction will not result in any detrimental impact on Amtrak or commuter operations. To the contrary, it should foster expansion in passenger operations on the CP/KCS system.<sup>6</sup>

The Transaction is projected to increase freight traffic by 7.1 trains per day on the western 24.2 miles of [the MD-W] line, between Almora and CP’s Bensenville Yard. However, there is ample capacity for these additional train frequencies. The [MD-W Line] is double track, with triple track east of Bensenville Yard, and train slot capacity is not a concern given the low

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<sup>5</sup> See, Oppenheim V.S. ¶ 24.

<sup>6</sup> See, Merger Application, APP Vol. 2, p. 317, Operating Plan ¶ 164.

current freight train frequencies and the ample infrastructure. Metra service will not be adversely affected.<sup>7</sup>

CP/KCS' lack of concern regarding train slot capacity is evidenced by its failure to study the impact of its proposed train additions over Metra-owned track. However, train slot capacity is a major concern to Metra. Metra's trains are routinely delayed by CP freight trains even with current freight train volume. CP/KCS' claims regarding ample capacity are wholly unsupported. Because CP/KCS' workpapers are devoid of analyses supporting its assertions, we conducted an assessment of the impact of the proposed transaction on Metra's service.

### **C. CAPACITY OWNERSHIP**

In response to interrogatory requests from Metra, CP again asserted that interference with Metra's service was not a concern:

Based on CP's expertise and analysis of capacity, the existing infrastructure on this segment of track [Elgin Subdivision] has ample capacity to accommodate the Transaction-related increase in trains without adversely affecting Metra's operations.<sup>8</sup>

Although CP/KCS assert that ample capacity exists to accommodate increased freight train volumes over Metra-owned lines, they also imply that there is no room for additional Metra trains on those lines absent capacity expansion.

Applicants believe that the Transaction will have no effect on Metra's ability to expand its commuter service in the Chicago area. For example, the Transaction will not constrain Metra's ability to add capacity supporting additional service through the construction of rail trackage and facilities and the acquisition of real estate.<sup>9</sup>

It is important to note that Metra significantly reduced its service frequency over the MD lines shortly after the onset of the Covid pandemic in 2020. Specifically, Metra was operating 900

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<sup>7</sup> See, Merger Application, APP Vol. 2, p. 322, Operating Plan ¶¶ 184-185.

<sup>8</sup> See, Response to Metra's 1<sup>st</sup> Set of Interrogatories, Interrogatory Nos. 8 and 9, pp. 16-18.

<sup>9</sup> See, Response to Metra's 1<sup>st</sup> Set of Interrogatories, Interrogatory No. 14, pp. 23-24.

trains per week (including equipment repositioning runs) before Covid, and is currently running 595 trains per week (including equipment repositioning runs), a reduction of 305 trains, or 34 percent.<sup>10</sup> This Metra service reduction freed up significant line capacity that CP/KCS now seem to claim as theirs exclusively. This is wrong. Much of the capacity that CP/KCS claim is now available to be filled with CP freight trains was directly created by Metra's voluntary, and temporary, scaling back of its operations. CP/KCS cannot wish away Metra's contractual rights to revert to its pre-Covid service frequency.

CP's position that additional Metra service will require additional infrastructure is in keeping with CP/KCS' stance regarding Amtrak trains. During these proceedings, CP/KCS and Amtrak announced a settlement agreement under which Amtrak will support the Application and, in exchange, CP will agree to add trains on Amtrak's Hiawatha route, which runs in part over Metra's MD-N line. On February 2, 2022, Amtrak filed a notice in this proceeding stating that it had come to terms with CP/KCS regarding the expansion of Hiawatha service.<sup>11</sup> The agreement, which was appended to the Amtrak filing, includes a list of capacity expansion projects that will be required to be completed prior to the commencement of expanded Amtrak service.<sup>12</sup>

#### **D. PRECISION SCHEDULED RAILROADING**

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Over the past few years, CP has been aggressively implementing an operating practice called PSR.<sup>13</sup> As the name implies, PSR relies on strict adherence to departure schedules and

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<sup>10</sup> See, workpaper "Metra Train Consist Data\_RTC Inputs\_Future\_02222022.xlsx" at tab "ID Comp."

<sup>11</sup> See, STB Docket No. FD 36500, *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*, filed February 2, 2022 ("Amtrak-CP/KCS Agreement") pp. 1-2.

<sup>12</sup> *Id.*, Exhibit A.

<sup>13</sup> See, e.g., *Canadian Pacific puts faith in PSR and employees* - FreightWaves.

point-to-point delivery methods to achieve high operating efficiency and low operating ratios. This operating environment puts pressure on CP dispatchers to take measures that ensure CP's freight trains run on time, including prioritizing certain CP freight trains over other trains, including passenger trains, which are supposed to receive top dispatching priority.

Since CP began implementing PSR, Metra has noticed a significant increase in CP freight train interference resulting from changes in CP dispatching practices, and Metra has documented instances in which senior CP management has been directly involved in the prioritization of freight operations over Metra's lines.<sup>14</sup>

#### **E. THE PROPOSED MERGED NETWORK**

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The proposed CP/KCS network is hourglass shaped. CP is an expansive (coast-to-coast) network in the northern part of North America, and KCS is a coast-to-coast network in the southern part of North America. In the proposed merged network, there is a single line from Shreveport, LA to Sabula Jct., IA, that joins the two (2) parts. North of Sabula Jct., there are two (2) routing options to access CP's vast northern footprint: (1) over the Marquette Subdivision, which is largely single-tracked and contains timber bridges<sup>15</sup> and other dated structures; or (2) over the CP Chicago Subdivision and thence over Metra's heavily trafficked MD lines. If one of these two (2) routing alternatives becomes congested, the other becomes the only alternative for moving the massive volume of international freight flows that CP/KCS project will result from the proposed merger.

CP's C&M, Watertown and Tomah Subdivisions connect the northern end of the Marquette Subdivision to the northern end of Metra's MD lines. CP/KCS plan to significantly increase freight train volume over both of the routes described above. Neither can accommodate the

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<sup>14</sup> See, Verified Statement of Greg J.M. Godfrey, p. 2, ¶¶ 7 and 8.

<sup>15</sup> See, Merger Application, APP Vol. 2, p. 332, Operating Plan ¶ 215.

projected freight flows in their current form. The Marquette Subdivision is simply incapable of accommodating the projected volumes, even with the capital expansion projects planned by CP/KCS. CP/KCS will have no alternative but to reroute trains over Metra's MD lines.

Metra's service levels will deteriorate even with train volumes CP/KCS project over Metra's lines. If Metra's lines must also absorb traffic that CP/KCS claim will flow over their inadequate Marquette Subdivision, Metra's service levels will only worsen.

## V. METHODOLOGY

To assess the impact of the proposed transaction on Metra's lines over which CP operates and dispatches and test the assertions CP makes regarding that impact, we reviewed the CP/KCS Operating Plan and supporting workpapers and documentation provided along with the Merger Application and in subsequent requests to CP/KCS. We then analyzed existing conditions based on a review of historical data supplied by both Metra and CP (the latter through discovery requests). Finally, we independently developed a RTC model to evaluate existing and projected traffic flows on Metra's lines as a result of the proposed transaction.

Key inputs to our analysis provided by Metra include train consist, route and schedule data, and detailed track and structures data, as well as delay data and related correspondence for the six (6) year period between January 11, 2016 and January 10, 2022.

Through discovery requests, CP/KCS provided nearly 36 months of CP train event and train delay data, dating back to 2019, for trains traversing Metra's MD-W and MD-N rail lines and other Subdivisions proximate to Metra's lines. In addition to the train event and train delay data, CP/KCS provided detailed routing, schedule, and loading and unloading data for local and line-haul freight trains operating over its system both historically and in the future scenario discussed in the Application. CP/KCS also provided detailed track and structures data for the relevant line segments it owns and operates that were critical inputs to our RTC modeling exercise.

CP/KCS workpapers also include analyses conducted to reach the conclusions regarding the impact of the proposed transaction. These workpapers included capacity analyses of individual line segments on the CP system and files containing details regarding the existing and proposed operating plan, including blocking and scheduling practices.

Notably, CP/KCS provided no RTC or similar modeling analysis in support of the Merger Application, and stated in response to interrogatories that they had conducted no RTC or similar modeling on the Elgin or C&M Subdivisions or the adjacent Tomah, Watertown, Chicago and Marquette Subdivisions since 2017. Subsequently, and only after Metra filed a motion to compel production, CP/KCS provided documents related to 39 RTC simulations it conducted between 2014 and 2018, some of which included evaluations of Metra's MD-N line (which CP refers to as its C&M Subdivision), and nearly all of which included evaluations of the Marquette and adjacent Subdivisions identified above. Some of the provided RTC simulations included track for the Tomah, Watertown and Chicago subdivisions, but no trains traversing them.

Our findings regarding our analyses are detailed in the remainder of this Verified Statement.

## VI. PROPOSED MERGER VOLUME INCREASES IN CONTEXT

The train volumes presented by CP/KCS give the false impression that its lines into Chicago are lightly traveled. They are not. As shown in Table 1 below, CP/KCS' presentation implies that a couple dozen trains traverse Metra's MD lines on a daily basis, and concludes that there is ample capacity for several more trains.

| Table 1<br>CP/KCS Presentation of Train Volumes on<br><u>Metra Milwaukee District Lines</u> |                                       |                                      |                  |
|---------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------|------------------|
| <u>Subdivision<br/>(Metra Line)</u>                                                         | <u>Current<br/>Trains<br/>Per Day</u> | <u>Future<br/>Trains<br/>Per Day</u> | <u>Change 1/</u> |
| (1)                                                                                         | (2)                                   | (3)                                  | (4)              |
| 1. Elgin (MD-W)                                                                             | 16.3                                  | 23.4                                 | 7.1              |
| 2. C&M (MD-N)                                                                               | 11.1                                  | 12.0                                 | 0.9              |
| 3. Fox Lake (MD-N)                                                                          | 0.0                                   | 0.0                                  | 0.0              |
| Source: CP/KCS Operating Plan Appendix A (APP Vol. 2, pp. 364-367).                         |                                       |                                      |                  |
| 1/ Column (3) – Column (2).                                                                 |                                       |                                      |                  |

In reality, well over 100 trains traverse Metra's MD lines on a daily basis, and the volume causes both Metra and CP to incur multiple train delays daily. The pre- and post-merger train counts cited by the Applicants represent only a small fraction of the trains that traverse those lines. In fact, all of the train count statistics presented by CP/KCS reflect only line-haul freight trains. They exclude many other critical classes of both freight and passenger traffic. In addition, the line-haul train counts are sometimes understated and/or inconsistent throughout the narrative and supporting workpapers, as discussed below.

### A. MISSTATED PROJECTED LINE-HAUL TRAIN COUNTS

As shown in Table 1 above, the operating plan states that CP/KCS intend to add 7.1 additional line-haul freight trains per day over Metra's MD-W line following the merger.



Specifically, “[t]he Transaction is projected to increase freight traffic by 7.1 trains per day on the western 24.2 miles of [the MD-W] line, between Almora and CP’s Bensenville Yard.”<sup>16</sup>

However, the 7.1 daily CP freight train statistic cited by CP/KCS is misleading for two (2) reasons. First, the cited number is based on the portion of the Elgin Subdivision east of Bensenville. CP/KCS project a greater increase in line-haul freight trains on the longer portion of the Elgin Subdivision west of Bensenville. Second, CP/KCS exclude local freight trains from the total. East of Bensenville, local trains make up nearly half of the total freight trains operating on the line.

Table 2 below shows the current and projected freight trains per day by category for the Elgin Subdivision east and west of Bensenville.

| Table 2<br><u>Elgin Subdivision Change in CP Freight Train Count</u> |                              |                                |                  |
|----------------------------------------------------------------------|------------------------------|--------------------------------|------------------|
| <u>Item</u>                                                          | <u>Current<br/>CP Trains</u> | <u>Projected<br/>CP Trains</u> | <u>Change 1/</u> |
| (1)                                                                  | (2)                          | (3)                            | (4)              |
| <b>A. <u>East of Bensenville</u></b>                                 |                              |                                |                  |
| 1. Line-Haul IM and Manifest                                         | {{ }}                        | {{ }}                          | 6.00             |
| 2. Line-Haul Unit                                                    | {{ }}                        | {{ }}                          | <u>1.10</u>      |
| 3. Subtotal included by CP/KCS                                       | 16.28                        | 23.38                          | 7.10             |
| 4. Local Freight                                                     | {{ }}                        | {{ }}                          | <u>0.43</u>      |
| 5. Actual Total Freight                                              | {{ }}                        | {{ }}                          | 7.53             |
| <b>B. <u>West of Bensenville</u></b>                                 |                              |                                |                  |
| 1. Line-Haul IM and Manifest                                         | {{ }}                        | {{ }}                          | 8.00             |
| 2. Line-Haul Unit                                                    | {{ }}                        | {{ }}                          | <u>0.21</u>      |
| 3. Subtotal included by CP/KCS                                       | {{ }}                        | {{ }}                          | 8.21             |
| 4. Local Freight                                                     | {{ }}                        | {{ }}                          | <u>0.00</u>      |
| 5. Actual Total Freight                                              | {{ }}                        | {{ }}                          | 8.21             |
| Source: workbook “Elgin Actual Growth.xlsx.”                         |                              |                                |                  |
| 1/ Column (3) – Column (2).                                          |                              |                                |                  |

<sup>16</sup> See, Merger Application, APP Vol. 2, p. 322, Operating Plan ¶¶ 184-185.

As shown in Table 2 above, while CP/KCS plan to add six (6) line-haul intermodal and manifest trains per day east of Bensenville (Line A.1., Column (4)), they plan to add eight (8) line-haul intermodal and manifest trains per day west of Bensenville (Line B.1., Column (4)), i.e., a {{ }} percent increase over the current volume of {{ }} such trains per day (Line B.1., Column (2)). This is because CP/KCS plan to replace Trains 140 and 141, which currently run into and out of Bensenville from/to the east, with Trains 170 and 171, which will extend their operations beyond Bensenville yard over the western portion of the Elgin Subdivision, and over the Chicago and Davenport Subdivisions (and beyond) to points south on the KCS network. In total, CP/KCS plan to add 7.53 total freight trains per day east of Bensenville (Line A.5., Column (4)), and they plan to add 8.21 total freight trains per day west of Bensenville (Line B.5., Column (4)). Their cited total of 7.1 trains per day for the entire Elgin Subdivision is shown at Line A.3., Column (4). Most of the new trains will move into and out of Bensenville Yard, which is adjacent to and accessed via Metra's MD-W line, and some will move over connecting tracks onto other carriers' rail systems in the Chicago Terminal area.

With respect to Metra's MD-N line, CP/KCS state in their narrative that there will be no increase in freight trains on the C&M Subdivision, i.e., the southern portion of the Metra-owned MD-N Line. Specifically:

183. Metra operates 18 trains per weekday and nine trains per weekend day in each direction between Rondout and Fox Lake, and 64 trains per weekday and 20 trains per day on weekends between Rondout and Chicago Union Station. The Transaction is not expected to generate additional freight traffic on this segment, and as a result there will be no impact on Metra operations.<sup>17</sup>

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<sup>17</sup> See, Merger Application, APP Vol. 2, pp. 321-322, Operating Plan ¶¶ 182-183.

Although the CP/KCS operating plan narrative states that it does not plan to operate additional freight trains over Metra's MD-N line, its Appendices and supporting workpapers demonstrate otherwise. Specifically, as shown above in Table 1, the Appendices and workpapers supporting the CP/KCS Application state that CP/KCS plan to add an average of 0.9 additional line-haul freight trains per day to the C&M Subdivision.<sup>18</sup> CP/KCS' operating plan narrative does not project additional regularly scheduled line-haul freight trains, i.e., so-called "operating plan trains," but they project an increase in unit train traffic over the Metra route.

**B. COMPLETE OMISSION OF ALL  
PASSENGER SERVICE AND OTHER  
CLASSES OF FREIGHT TRAINS**

**1. Passenger Trains**

Although CP/KCS acknowledge Metra's daily train volumes, which they estimate to be 90 trains per day over the MD-W and MD-N lines in their narrative,<sup>19</sup> the pre-merger and post-merger train counts identified in the Operating Plan workpapers and other materials supporting the CP/KCS merger exclude Metra passenger trains. Specifically:

1. The pre-merger and post-merger train counts over the Fox Lake Subdivision show zero total trains per day;
2. The pre-merger and post-merger train counts over the C&M Subdivision show 11.1 and 12.0 total trains per day, respectively, but these reflect only long-haul freight trains; and
3. The pre-merger and post-merger train counts over the Elgin Subdivision show 16.3 and 23.4 total trains per day, respectively, but these reflect only long-haul freight trains, and, as discussed above, are based only on the portion of the Elgin Subdivision east of Bensenville.

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<sup>18</sup> See, Merger Application, APP Vol. 2, p. 365, Operating Plan Appendix A: Trains per day by Subdivision.

<sup>19</sup> See, Merger Application, APP Vol. 1, p. 172, Creel V.S. ¶ 42, and Merger Application, APP Vol. 2, pp. 321-322, Operating Plan ¶ 182. Even this passing mention of Metra's trains understates the volumes because it relies on the reduced COVID schedule implemented in 2020.

As a result, the daily train volumes CP/KCS include in their Operating Plan and supporting analyses over Metra territory equal 27.4 (pre-merger)<sup>20</sup> and 35.4 (post-merger).<sup>21</sup> Metra is currently operating 595 trains per week, i.e., a simple average of 85 trains per day, with weekday totals above that average and weekend totals below it. Adding the daily average of 85 regularly scheduled Metra trains to the train counts presented by CP/KCS would restate them to 112.4 (pre-merger)<sup>22</sup> and 120.4 (post-merger),<sup>23</sup> a three- to four-fold increase.

CP/KCS' failure to account for Metra train volumes in their analysis of the impact of the proposed operating plan over Metra's track results in a gross understatement of actual train volumes. Moreover, when Metra returns to its historical (pre-Covid) service frequency from the reduced Covid schedule of trains it is currently operating, as it is contractually permitted to do, its train counts will increase from the current, historically low levels.

As with Metra's trains, CP/KCS also fail to take into account Amtrak trains operating over Metra's and CP's tracks. CP/KCS' Operating Plan acknowledges that, "the C&M subdivision accommodates CP's freight operations as well as a total of eight Amtrak train pairs per day."<sup>24</sup> Adding these eight (8) train pairs (16 trains per day) to the daily train counts presented by CP/KCS, along with the 85 Metra trains per day CP/KCS excluded, results in a pre-merger daily train count of 128.4<sup>25</sup> and a post-merger daily train count of 136.4.<sup>26</sup> In addition, the Amtrak-CP/KCS Agreement allows Amtrak to introduce additional daily trains in Hiawatha service.<sup>27</sup> CP/KCS have not submitted either a revised operating plan or any other information that would explain how

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<sup>20</sup>  $0.0 + 11.1 + 16.3 = 27.4$ .

<sup>21</sup>  $0.0 + 12.0 + 23.4 = 35.4$ .

<sup>22</sup>  $27.4 + 85 = 112.4$ .

<sup>23</sup>  $35.4 + 85 = 120.4$ .

<sup>24</sup> See, Merger Application, APP Vol. 2, p. 268, Operating Plan ¶ 21.

<sup>25</sup>  $27.4 + 85 + 16 = 128.4$ .

<sup>26</sup>  $35.4 + 85 + 16 = 136.4$ .

<sup>27</sup> See, Amtrak-CP/KCS Agreement.

the new Amtrak trains will impact operations on Metra's MD-N line, just as the Operating Plan includes no discussion of the expanded commuter operations that Metra has requested.

## **2. Local, Foreign and Other Freight Trains**

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Deeper analysis reveals significant additional problems with the CP/KCS daily train counts. The unit trains included in CP/KCS' totals are daily averages that smooth out seasonal peaks. Unlike the scheduled merchandise trains, these unit train volumes will not be spread out evenly throughout the year. Rather, they will ebb and flow with seasonal and market-based changes in demand. For example, increased volumes of unit grain trains move after harvest time. As a result, relatively high volume "peak" freight periods for unit train commodities can overwhelm the existing system. CP/KCS do not address this problem.

As discussed above, review of the workpapers supporting CP/KCS' Application and the nearly three (3) years of train event data provided in response to Metra's requests for production reveals that CP also excluded many classes of freight traffic from the daily train count totals it presented to the STB. CP/KCS' estimates of existing and projected train volumes include only regularly scheduled line-haul merchandise trains and unit trains. They do not include CP local trains, yard trains, and work trains, or any foreign freight trains. The CP train event and train route data provided in response to Metra's document requests identify significant numbers of daily yard and local trains operating all over the CP/KCS system, including on Metra-owned line segments. Table 2 above shows the daily volume of local freight trains operating on Metra's lines that CP/KCS failed to acknowledge in their pre- and post-merger train counts (see, Table 2, Line A.4).

With just a few exceptions, foreign trains do not appear in either the provided train counts or the provided train event data. For example, the CP/KCS Operating Plan states that both NS and UP regularly provide "direct service into Bensenville" via the Belt Railway Company of Chicago

(“BRC”) and the Indiana Harbor Beltway Company (“IHB”) tracks, respectively.<sup>28</sup> However, the train event data did not include any foreign trains moving over the BRC and IHB connecting tracks onto Metra’s MD-W line, i.e., the Elgin Subdivision, into Bensenville.

We reviewed freight activity logs Metra keeps in the normal course of business for the week that we modeled in the RTC (April 16, 2021 through April 22, 2021), and determined that 96 foreign freight trains operated over Metra’s MD lines during that week (many into and out of CP’s busy Bensenville Yard), and none of them were included in the CP train event data.<sup>29</sup> This equates to 13.7 trains per day, on average, that are unaccounted for in CP/KCS’ train volumes. Exhibit No. 4 to this VS identifies all of the foreign freight trains that operated over Metra’s lines during the week of April 16, 2021 through April 22, 2021 for which CP/KCS provided no train event data.

### **C. CUMULATIVE UNDERCOUNTING OF PASSENGER AND FREIGHT TRAINS**

Table 3 below summarizes the results of our analysis of all train traffic moving over Metra’s MD lines and other proximate rail lines in comparison to CP/KCS’ claimed “current” train volumes.

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<sup>28</sup> See, Merger Application, APP Vol. 2, p. 270, Operating Plan ¶ 27.

<sup>29</sup> Notably, this includes Wisconsin & Southern Railroad trains T001, T002, and T004 (see lines 34-37 on Exhibit No. 4). These trains operate nightly over Metra’s territory between Fox Lake and Cragin Jct. (on the way to/from BRC’s Clearing Yard). As with the other trains shown in Exhibit No. 4, they are not included in the provided CP train event data. Their absence is particularly relevant because these trains operate over the Fox Lake Subdivision (part of Metra’s MD-N line), which CP/KCS claim hosts no freight traffic, either before or after the merger (daily train volumes of zero).

Table 3  
Identification of Trains Considered and Ignored by CP/KCS

| Subdivision<br>(Metra Line) | CP/KCS<br>"Current"<br>Line-Haul Trains<br>per Day by<br>Subdivision 1/ | Average Daily 2021 Trains Excluded from<br>CP/KCS Analysis |           |                        | Total<br>All Trains 5/ |
|-----------------------------|-------------------------------------------------------------------------|------------------------------------------------------------|-----------|------------------------|------------------------|
|                             |                                                                         | Metra 2/                                                   | Amtrak 3/ | CP Local<br>Freight 4/ |                        |
| (1)                         | (2)                                                                     | (3)                                                        | (4)       | (5)                    | (6)                    |
| 1. Elgin (MD-W)             | 16.3                                                                    | 52.4                                                       | 0.0       | {{ }}                  | {{ }}                  |
| 2. C&M (MD-N)               | 11.1                                                                    | 32.6                                                       | 16.0      | {{ }}                  | {{ }}                  |
| 3. Fox Lake (MD-N)          | 0.0                                                                     | 32.6                                                       | 0.0       | {{ }}                  | {{ }}                  |

1/ See, CP/KCS Operating Plan Exhibit A.

2/ Workpaper "RTC Train Development\_Metra Trains\_Post COVID\_Metra CP Stations.xlsx" at tab "Unique RTC Trains."

3/ Merger Application, APP Vol. 2, p. 268, Operating Plan ¶ 21.

4/ CP/KCS workpaper "2.1.1.11.1.5-FD 36500 - Work Paper - HC - TPD Export - Density -29 Sept 2021.xlsx."

5/ Sum of Columns (2) through (4). This total does not include the 13.7 daily foreign trains observed during the modeled week of April 16, 2021 through April 22, 2021.

As shown in Table 3, Column (2) above, the train volumes identified in the CP/KCS operating plan reflect only the scheduled line-haul and average daily unscheduled unit trains moving over the lines. Columns (3) through (5) show the significant volumes of additional freight and passenger train traffic that also move over these line segments on a daily basis, that CP/KCS failed to consider. Traffic on MD-W and MD-N is more than 500% greater than CP/KCS represent.<sup>30</sup> This does not even consider the dozen or so daily foreign trains that move over Metra's MD lines according to the one week of Metra activity logs we evaluated (our historical RTC simulation period).

<sup>30</sup> {{ }} on the MD-W line.

#### **D. IMPACT OF ACTUAL TOTAL TRAIN VOLUMES ON METRA OPERATIONS**

When considering the total volume moving over Metra's lines rather than the grossly understated line-haul freight train totals presented by CP/KCS, Metra's operational challenges are easily understandable.

##### **1. Metra Commuter Peak Period Operations**

As confirmed by CP's train event data, CP often runs its own trains over Metra-owned lines during designated commuter Peak Periods, during which CP has acknowledged that it is contractually required to prioritize Metra service. Table 4 below shows the number and percentage of CP freight trains operating during Metra weekday Peak Periods in 2021, according to CP's event data.

| <p style="text-align: center;">Table 4<br/> <b><u>CP Freight Trains Reporting Arrivals/Departures During Metra Commuter Peak Periods</u></b><br/>           (January 1 through December 14, 2021)</p> |                                                                                                  |                                                                                                                            |                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Train Group</b>                                                                                                                                                                                    | <b>Total CP<br/>Freight Trains<br/>Operating<br/>over Metra<br/>Milwaukee<br/>District Lines</b> | <b>CP Freight<br/>Trains<br/>Reporting<br/>Arrival /<br/>Departure Event<br/>During Metra<br/>Weekday Peak<br/>Periods</b> | <b>Percent of CP<br/>Freight Trains<br/>Reporting<br/>Arrival/Departure<br/>Event During<br/>Metra Peak Period</b> |
| (1)                                                                                                                                                                                                   | (2)                                                                                              | (3)                                                                                                                        | (4)                                                                                                                |
| 1. Manifest/Intermodal                                                                                                                                                                                | {{ }}                                                                                            | {{ }}                                                                                                                      | 8%                                                                                                                 |
| 2. Local Freight                                                                                                                                                                                      | {{ }}                                                                                            | {{ }}                                                                                                                      | 10%                                                                                                                |
| 3. Bulk Unit                                                                                                                                                                                          | {{ }}                                                                                            | {{ }}                                                                                                                      | <u>13%</u>                                                                                                         |
| 4. Total CP Freight                                                                                                                                                                                   | {{ }}                                                                                            | {{ }}                                                                                                                      | 9%                                                                                                                 |
| Source: Exhibit No. 5.                                                                                                                                                                                |                                                                                                  |                                                                                                                            |                                                                                                                    |

As shown in Table 4 above, CP routinely uses designated commuter Peak Period track capacity to operate CP freight trains. As shown on Line 3, Column (4), unscheduled unit trains



operate over the Metra lines during Metra commuter Peak Periods with the greatest regularity (13 percent of the time). This is not surprising, as CP dispatchers must fit them in whenever they happen to arrive. Exhibit No. 5 contains a breakdown of Peak Period incursions by CP train symbol.

## **2. Freight Interference on Metra Lines**

Data provided by Metra confirm that CP's operational and dispatching practices cause significant delays and interference with Metra's service on a regular basis. This is not only to peak Metra service, which CP is required to prioritize, but also with non-peak service, with which CP is prohibited from interfering.

Based on its own delay data, Metra estimates that between January 2016 and October 2021, passengers accrued over 52,000 hours of delay as a result of freight interference on Metra's MD-N and MD-W lines, with an average of 40 passenger delay hours per delay event.<sup>31</sup> Metra's data and documentation also indicated that CP operations and dispatching caused not just delays to Metra trains, but that CP's practice of dispatching Metra and freight trains on tracks other than the ones normally used resulted in obstructing passengers at stations, requiring passengers to cross rail tracks or circumnavigate slow or idling freight trains.<sup>32</sup> Despite years of Metra engagement with CP to alleviate CP's negative impact on Metra's service, freight traffic continues to regularly impede Metra's trains.

The continual interference of CP freight trains with Metra Peak Period trains, in particular, indicates that even with baseline freight train volumes, CP cannot keep its trains from interfering with Metra's commuter Peak Period operations. As discussed below in Section VII, CP's capacity

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<sup>31</sup> Maertins V.S. ¶ 7.

<sup>32</sup> Oppenheim V.S. ¶¶ 39-43.

analysis failed to account for Metra commuter Peak Periods, rendering CP/KCS' claims regarding its ability to add more trains without negatively affecting Metra operations unsupported. Adding multiple, long CP freight trains to the Metra-owned line segments will only increase the likelihood and frequency of freight train incursion into Metra commuter windows.

Despite the problems with the CP/KCS train count data, even if taken at face value, CP/KCS' projections indicate increased interference with Metra's service. Most of the 8.2 daily trains CP/KCS plan to add to the Elgin Subdivision, i.e., the Metra-owned MD-W Line, will be routed into/out of CP's Bensenville Yard, one of the busiest yards on CP's system.

Many of the line-haul intermodal and merchandise trains that CP/KCS operate into and out of Bensenville are exceptionally long, i.e., they are regularly over two (2) miles long and sometimes over 13,000 feet (2.5 miles). The proposed additions will also be long trains. Yarding long trains at Bensenville is difficult because the trains exceed the length of the receiving tracks, which requires the CP train crews to pull the head end all the way (or nearly all the way) through the yard and break up the trains on arrival. This operation entails throwing a series of yard switches, and sometimes causes the tail end of arriving trains to hang out and block the mainline track while the train crew performs the required switching. Often when this happens, Metra's trains get delayed and/or rerouted to the opposite mainline track.<sup>33</sup>

There are no sidings on the MD-W Line, and few on CP's adjoining Chicago Subdivision that are long enough to hold the daily intermodal and manifest trains that CP/KCS propose to add. CP/KCS propose adding one new 12,000-foot-long siding on the Chicago Subdivision, west of the

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<sup>33</sup> Oppenheim V.S. ¶¶ 36-38.

MD-W line,<sup>34</sup> but the CP event data shows that CP line-haul merchandise trains regularly exceed 12,000 feet.<sup>35</sup>

On the C&M Subdivision, i.e., Metra-owned MD-N Line, CP/KCS project an increase of 0.9 trains per day. However, as discussed below in Section VIII, traffic congestion on the Marquette Subdivision (where CP/KCS plan to add an average of 6.6 daily line-haul freight trains) will also lead to train diversions causing higher train volume on both of Metra's MD lines.

CP/KCS identify several capacity-expansion projects that are required to move the projected volume increases over the Marquette Subdivision and they include a construction schedule for those projects that makes it clear that their proposed remedy will take years to implement. As discussed in Section VIII, our analysis demonstrates that the Marquette Subdivision will be operating well over capacity following the merger, even after CP/KCS proposed infrastructure has been added. As a result, CP/KCS will be forced to reroute traffic via Chicago, i.e., over Metra's MD lines.

We accounted for CP/KCS' failure to acknowledge the Marquette Subdivision (and other) capacity limitations in our RTC modeling exercise by performing analyses in which we removed trains from the simulation until the RTC model was able to successfully dispatch the remaining trains. We had to remove more than one train per day in order for the RTC simulation to run to completion.<sup>36</sup> The results of our analysis are discussed in Section VIII below.

### **3. Future Local Train Operations**

CP/KCS' presentation of its approach to evaluating changes in local train service is telling:

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<sup>34</sup> See, CP/KCS opening workpaper "2.1.33-FD 36500 – Work Paper – HC – Capacity-Methodology.pdf," ("Capacity Methodology") p. 7.

<sup>35</sup> See, workpaper "Train actuals 2019 to current - Actual vs Plan.xlsx" at "Bensenville >12K Feet" showing {{ }} line-haul freight trains at Bensenville or Bensenville IMS recording a total length greater than 12,000 feet between January 1, 2019 and December 14, 2021.

<sup>36</sup> See, Exhibit 10b, footnote 1 for specific trains disabled in the RTC simulation.

The majority of yards on the combined network will see only minor increases in the volume of cars processed or number of blocks made even with the anticipate [sic] traffic increases. Most CP/KCS system yards will continue to operate at volume levels similar to those operated today.<sup>37</sup>

The problem for Metra is that Bensenville is a notable exception to this general rule. Although CP/KCS acknowledge that “Chicago remains vulnerable to disruptions that can create chokepoints for multiple carriers,” they claim that “the impact of the Transaction will be minimal” at Chicago. They further claim that the “only effects will arise from changes in traffic volumes... in and out of CP’s terminals (Bensenville and Schiller Park) on the northwest edge of Chicago using CP’s underutilized Elgin Subdivision.”<sup>38</sup>

As discussed above in Section VI, CP/KCS’ characterization of the Elgin Subdivision as “underutilized” is a blatant misrepresentation of the facts. What CP/KCS refer to as the Elgin Subdivision is Metra’s busy MD-W line. Moreover, CP/KCS’ description of the movements into/out of Bensenville “on the edge of town” neglects to consider the local train operations that are required to move freight between CP’s Bensenville and Schiller Yards and other major yards in the Chicago Terminal.

The Merger Application Appendix I indicates that following the proposed merger, eight (8) new high-priority intermodal/manifest CP/KCS trains will serve Bensenville every day, moving 32 new blocks of cars to/from Chicago, as follows:

1. 162 – Bensenville IMS to Wylie Daily
  - 1.1. Bensenville IMS to Wylie block
  - 1.2. St. John to IFG IMS block (from Schiller, 143)
  - 1.3. Bensenville to Shreveport manifest block
2. 163 – Wylie to Bensenville IMS Daily

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<sup>37</sup> See, Merger Application, APP Vol. 2, p. 305, Appendix I.

<sup>38</sup> *Id.*, pp. 312-313.

- 2.1. Wylie to Bensenville IMS block
  - 2.2. Wylie to Vaughan IMS block (to Schiller, 142)
  - 2.3. IFG to St. John IMS block (to Schiller, 142)
3. 170 – Lazaro Cardenas to Toronto Daily (Replaces 140 from Bensenville to Toronto)
  - 3.1. Puerto Mexico to Bensenville IMS block
  - 3.2. Silao to Detroit IMS block (to Schiller, 142)
  - 3.3. Interpuerto to Vaughan IMS block (to Schiller, 142)
  - 3.4. Rojas to Bensenville IMS block
  - 3.5. Rojas to Detroit IMS block (to Schiller, 142)
  - 3.6. Salinas Victoria to Detroit IMS block (to Schiller, 142)
  - 3.7. IFG to St. John IMS block (to Schiller, 142)
4. 171 – Toronto to Lazaro Cardenas Daily (Replaces 141 from Toronto to Bensenville)
  - 4.1. Bensenville to Puerta Mexico IMS block
  - 4.2. Detroit to Salinas Victoria block (from Schiller, 143/G34)
  - 4.3. Detroit to Rojas block (from Schiller, 143/G34)
  - 4.4. Detroit to Silao IMS block (from Schiller, 143/G34)
5. 174 – Bensenville IMS to Interpuerto Daily
  - 5.1. Bensenville to Sanchez manifest block
  - 5.2. Bensenville to Monterrey manifest block
  - 5.3. Bensenville to San Luis Potosi manifest block
  - 5.4. Bensenville IMS to Laredo block
  - 5.5. Bensenville IMS to Interpuerto block
  - 5.6. Bensenville IMS to Pantaco block
6. 175 – Interpuerto to Bensenville IMS Daily
  - 6.1. Interpuerto to Bensenville IMS block
  - 6.2. Pantaco to Bensenville IMS block
  - 6.3. Sanchez to Schiller Auto block
  - 6.4. Sanchez to Bensenville manifest block
7. 176 – Bensenville IMS to Lazaro Cardenas Daily
  - 7.1. Bensenville IMS to Encantada block
  - 7.2. Bensenville IMS to Lazaro Cardenas IMS block
8. 177 – Lazaro Cardenas to Bensenville IMS Daily

- 8.1. Lazaro Cardenas to Bensenville IMS block
- 8.2. Encantada to Bensenville IMS block
- 8.3. Salinas Victoria to Bensenville IMS block<sup>39</sup>

The additional eight (8) daily trains operating into and out of Bensenville represent an increase of {{ }} percent compared to 2021.<sup>40</sup> According to the list above (from the Merger Application Appendix I):

- Bensenville IMS will handle 15 new intermodal blocks daily (build seven (7) and receive eight (8));
- Bensenville Yard will handle five (5) new manifest blocks daily (build four (4) and receive one (1)); and
- Bensenville will also handle 12 new blocks daily that must be transferred to/from Schiller Park (forward eight (8) and receive four (4)).

Despite stated plans to introduce eight (8) new daily intermodal trains to Bensenville and 32 mostly new blocks of cars, CP's operating plan includes no provision for expanded local train service into/out of Bensenville yard. Rather, CP states:

The growth plan as presently constituted is able to provide effective service to the combined network traffic using the same local service designs that CP and KCS operate today. As CP/KC integrates its two networks, in-depth reviews of local service levels may reveal opportunities to adjust local assignments to provide further improvements in the service provided to customers. CP plans to approach this process – referred to as “white-boarding” – on a customer-specific basis to design services that consider end-to-end customer transit time along with the service timing and frequency that meets customer's needs.<sup>41</sup>

CP/KCS should have conducted “in-depth reviews” of local service before the merger. Their promise to adjust local assignments through “white-boarding” at some later date is not a plan. CP/KCS claim that:

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<sup>39</sup> *Id.*, pp. 440-441. It is unclear why these new blocks of cars are listed in Appendix I but not in Appendix F.

<sup>40</sup> See, workpaper “Growth Plan Trains w 2021 Route Delays and Consist\_RTC Trains\_02222022.xlsx” at tab “ROSTER.”

<sup>41</sup> See, Merger Application, APP Vol. 2, p. 304, Appendix I.

[M]ost of these cars will be classified for movement beyond Chicago to other parts of the CP/KCS system... there will be no material impact on the transfer operations in Chicago terminal or yard processing demands at other carriers' facilities across the terminal, and no impact on terminal congestion.<sup>42</sup>

Although the 11 blocks of cars Bensenville will build will, in fact, move to other parts of the CP/KCS system, the nine (9) blocks it receives from KCS and KCSM and the 12 blocks it transfers to/from Schiller Park (21 total daily blocks) will need to move through the Chicago terminal. CP/KCS state:

Some of this new traffic will continue east of Bensenville/Schiller Park via CP's operating rights on NS and haulage rights on CSX. But that traffic will not burden the Chicago terminal, as it will bypass Chicago interchanges by routing via the IHB and BRC through routes on existing train services.<sup>43</sup>

This is wishful thinking. The transfer of cars between Schiller Park and Bensenville requires movement over a short section of Metra's MD-W line. The trains routed via IHB and BRC also must traverse Metra's MD-W line between Bensenville and the turnouts for those track segments (Tower B12 and Cragin Jct., respectively), as shown on Exhibit No. 3, page 1.

As shown in Exhibit No. 5, the local trains that are scheduled to operate once daily out of Bensenville to move all of the existing blocks of traffic over these routes already operate an extra train on a regular basis. Specifically, CP operated {{ }} G45 trains, {{ }} G52 trains, {{ }} G41 trains, {{ }} G57 trains, and {{ }} G59 trains in the 348 days between January 1, 2021 and December 14, 2021.

All five (5) of these local trains shuttle blocks of cars between Bensenville and other yards in the Chicago terminal over the BRC and IHB tracks on a more than daily basis with the current volume of traffic. CP/KCS' statements that Bensenville will be tasked with building new blocks

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<sup>42</sup> *Id.*, p. 315.

<sup>43</sup> *Id.*

of merchandise cars following the merger, and that “Bensenville will also face additional demand from anticipated growth in automotive and intermodal traffic,”<sup>44</sup> cannot be squared with their insistence that “there will be no material impact on the transfer operations in Chicago terminal or yard processing demands at other carriers’ facilities across the terminal.” CP/KCS made no showing that Bensenville Yard will be able to handle its expanded post-merger role. Their only accommodation for the significant increase in Bensenville traffic volume is an already planned yard expansion and “support” from “CP’s nearby Schiller Park intermodal terminal and other CP facilities so as to avoid overloading Bensenville.”

Increasing the Bensenville volume by the amount contemplated by CP/KCS will not just increase Bensenville yard activity – it will undoubtedly increase the demand for local yard transfer service into and out of Bensenville. As a result, CP/KCS’ claims regarding the number of trains it will have to add to Metra’s operating territory in order to accommodate Bensenville’s expanded role are understated. The local trains currently operating into and out of Bensenville are already long and heavy trains, so adding cars to them will not be a realistic option. The only possible solution will be to add more “extra” local trains serving Bensenville over Metra’s MD-W line every day.

Although we modeled the existing local train operations in the Future Case RTC simulations, we believe this understates the future train volumes operating from Bensenville. As a result, future freight train interference is underrepresented in our RTC modeling.

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<sup>44</sup> *Id.*, p. 306.



## **E. CP TRAIN DELAYS ARE ALREADY SIGNIFICANT**

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We reviewed 35 months of train delay data provided by CP for trains traversing the rail lines we modeled, including Metra's MD-W and MD-N lines. This data reveals that CP itself experiences significant delays, both on Metra's MD-N and MD-W lines as well as neighboring CP Subdivisions whose operations could be expected to impact Metra's lines.

The CP data show that over the period from January 1, 2019 through December 14, 2021, CP incurred {{ }} delays ({{ }} per day, on average) on the Elgin Subdivision, accounting for {{ }} delay minutes ({{ }} delay minutes per day, on average), over Metra's MD-W line.<sup>45</sup> There were also {{ }} delays ({{ }} per day, on average) on the C&M Subdivision (which includes Metra's MD-N line), accounting for {{ }} delay minutes ({{ }} delay minutes per day, on average), and another {{ }} delays ({{ }} per day, on average) on the adjacent C&M West Subdivision, accounting for {{ }} delay minutes ({{ }} delay minutes per day, on average).<sup>46</sup> Obviously, there were many days on which the actual daily number of delays and delay minutes exceeded these averages.

In addition, there were {{ }} delays on the Marquette Subdivision, accounting for 505,531 delay minutes. This equates to {{ }} delays and {{ }} minutes ({{ }} hours) of train delay per day, on average.<sup>47</sup> CP/KCS plan to add significant train volumes to the Marquette Subdivision, and when they encounter delays over that route, as our modeling demonstrates will happen frequently CP/KCS will likely explore alternate routes for those trains, including the route over Metra's MD lines.

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<sup>45</sup> See, Exhibit No. 6, Line 5.

<sup>46</sup> *Id.*, Lines 1 and 2.

<sup>47</sup> As noted above, Metra is concerned with the possibility that the Marquette Subdivision will not be able to accommodate the projected increase in traffic, which could result in diversions over Metra's MD line. See, Exhibit No. 6, Line 6.

Exhibit No. 6 shows a breakdown of the delays reported in CP's train delay data for: (1) the critical line segments it uses to access the Chicago Terminal (the C&M, C&M West, Elgin, and Chicago Subdivisions and connections to BRC and IHB track); (2) the route CP proposes to use to avoid Chicago (Marquette Subdivision); and (3) the alternate route CP would use if the Marquette Subdivision proves unable to accommodate the significant increase in train volumes CP/KCS project (the Watertown, Tomah, Tomah West, and River Subdivisions). In total, there were {{ }} delays ({{ }} per day, on average), accounting for {{ }} delay minutes ({{ }} delay minutes, or {{ }} hours of train delays per day, on average) during the January 1, 2019 through December 14, 2021 time period.

## **VII. CP/KCS' METHODS FOR ASSESSING EXISTING AND PROJECTED RAIL LINE AND YARD CAPACITY ARE GROSSLY INADEQUATE**

CP/KCS used a planning tool called MultiRail to develop its railcar blocking and train operating plans. After developing the operating plan, CP/KCS used a mathematical capacity analysis framework to determine where capacity expansion projects will be required to accommodate the projected increase in traffic. The capacity analyses and operating plan details supplied by CP/KCS are insufficient for purposes of demonstrating that the proposed merger will have no impact on Metra's service.

### **A. MULTIRAIL-BASED OPERATING PLANS MUST BE EVALUATED THROUGH MODELING**

In the CP/KCS Operating Plan, CP explains that "MultiRail was used as the primary tool to design efficient blocking and train service for an integrated CP/KCS system" and describes MultiRail as "a standard software application for railway operating plan development with a long history of intensive use at CP and other railroads."<sup>48</sup>

What CP does not state is that MultiRail is used most often and most effectively as a scoping tool, not a modeling tool. For example, MultiRail is not, by itself, able to confirm the ability of a yard to process the train service plan it develops. As UP, in its Petition to Reject the Application as Incomplete, aptly states:

Applicants say "MultiRail was used as the primary tool to design efficient blocking and train service for an integrated CP/KCS system." But MultiRail does not take existing or projected traffic flows and spit out efficient blocking and train plans. MultiRail analyzes outcomes that would be produced when blocking and train service plans are changed. For example, MultiRail will show how many cars would move through yards if blocking patterns or train services are changed. However, MultiRail does not show whether a yard has the capacity to process those cars or build the designated blocks-that determination requires an analysis of a yard's physical structure

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<sup>48</sup> See, Merger Application, APP Vol. 2, p. 280, Operating Plan ¶ 66.

and car dwell times. Applicant's Operating Plan does not address those details.<sup>45</sup>

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<sup>45</sup> Applicants merely assert that "[t]he number of blocks was set taking into consideration the capacity of each yard (*i.e.*, the number and length of classification tracks in the yard." *Id.*, p. 28; *See also id.*, p. 43 ("The total number of blocks a given yard can build daily is a function of the number of classification tracks in the yard, the length of each track, and the number of times per day the traffic is pulled from the tracks and departed."))<sup>49</sup>

MultiRail does not determine what is actually feasible. Most significantly for the purposes of this transaction, it does not fill the role that RTC modeling plays in determining capacity.

In Docket No. NOR 42125, the STB stated that:

MultiRail is used to help develop a comprehensive blocking and train service plan, which then establishes the requirements for the network of yards and other facilities necessary to serve the selected traffic. But it does not replace the Board's traditional RTC simulation that must still be run to confirm the feasibility of the operating plan developed.<sup>50</sup>

Significantly, the STB understood that MultiRail will model traffic flows only based on user-defined operational inputs and constraints and does not show whether the physical infrastructure can support these flows.

One way to quantify the difference between MultiRail plans and real-world train operations is to compare the planned train starts to historical train movements. For example, CP trains 286 and 287 are bidirectional trains that are scheduled to provide daily service between Chicago and St. Paul. However, although the operating plan calls for one train per day in each direction, CP operated {{ }} regularly scheduled 286 trains, plus {{ }} extra 286 trains between January 1, 2021 and December 14, 2021. CP also operated {{ }} regularly scheduled 287 trains, plus {{ }} extra 287 trains between January 1, 2021 and December 14, 2021.<sup>51</sup> These {{ }} extra

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<sup>49</sup> See, UP Petition to Reject, pp. 11-12.

<sup>50</sup> See, STB Docket No. NOR 42125, *E. I. DuPont de Nemours and Company v. Norfolk Southern Railway Company*, decided March 21, 2014 p. 41. See also, STB Docket No. 42130, *SunBelt Chlor Alkali Partnership v. Norfolk Southern Railway Company*, decided June 18, 2014 p. 17.

<sup>51</sup> See, workpaper "Train Actuals 2019 to Current – Actual vs Plan.xlsx" at tab "CM-E 21 Unique Trains."

trains<sup>52</sup> are not reflected in the operating plan. In total, CP operated {{ }} regularly scheduled operating plan trains, plus {{ }} extra manifest and intermodal trains over Metra's MD lines between January 1, 2021 and December 14, 2021.<sup>53</sup>

Similarly, local train G45 is scheduled to provide once-daily service between CP's Bensenville Yard and BRC's Clearing Yard. CP operated {{ }} regularly scheduled G45 trains, plus {{ }} extra G45 trains between January 1, 2021 and December 14, 2021 over this busy route.<sup>54</sup> In total, CP operated {{ }} regularly scheduled local trains, plus {{ }} extra local trains over Metra's MD lines between January 1, 2021 and December 14, 2021.<sup>55</sup> Exhibit No. 5 contains a summary of the regularly scheduled and extra trains that operated over Metra's lines in 2021.

We also evaluated the scheduled and actual timestamps reported in the train event data for operating plan trains to determine the extent to which CP trains operate on schedule. Returning to trains 286 and 287 in the example above, train 287, which operates from Bensenville to St. Paul, operated on schedule (on average) on Metra's lines throughout 2021. However, train 286, which operates from St. Paul to Bensenville, operated {{ }} minutes behind schedule (on average) on Metra's lines throughout 2021.<sup>56</sup> Although these trains generally left St. Paul on schedule, they were consistently and significantly behind schedule when they arrived on Metra's lines. Exhibit No. 5 includes a summary of the schedule adherence for regularly scheduled and extra trains that operated over Metra's lines in 2021.

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<sup>52</sup> {{ }}.

<sup>53</sup> See, Exhibit 5, Line 58.

<sup>54</sup> *Id.*, Line 21.

<sup>55</sup> *Id.*, Line 59.

<sup>56</sup> See, workbook "Train Actuals 2019 to Current – Actual vs Plan.xlsx" at tab "CM-E 21 Unique Trains."

The differences in both the number of trains operating and the times at which they operate compared to the plan underscore the importance of conducting RTC modeling to evaluate the current and proposed operations. Although MultiRail is a good tool for scoping an operating plan, it simply does not demonstrate that the operating plan is feasible.

**B. THE SPREADSHEET-BASED  
CAPACITY MODELING  
CALCULATIONS CP/KCS USED ARE  
INADEQUATE**

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CP/KCS explained that they modeled subdivision capacity based upon a simple mathematical formula that is based on the estimated time it takes for two (2) trains moving in opposite directions to traverse the longest segment between sidings on the subdivision.<sup>57</sup> CP/KCS use this time estimate to calculate the maximum number of trains that can operate over a “single-main bi-directional section” of track within a 24 hour period.<sup>58</sup> This theoretical maximum capacity for a section of rail line is calculated using the following four (4) primary inputs:

1. The number of minutes in a day (1,440);
2. The average northbound train run time in minutes operating on the section;<sup>59</sup>
3. The average southbound train run time in minutes operating on the section; and
4. An assumed “meet factor” in minutes required for the trains to clear into sidings.

Specifically, CP/KCS calculate a line segment’s theoretical maximum capacity in trains per day (“TPD”) by dividing the number of minutes in a day (1,440) by the sum of the average northbound train run time for a group of selected trains, the average southbound train run time for a group of selected trains, and an assumed meet time at the end of the studied track section

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<sup>57</sup> See, Merger Application, APP Vol. 2, p. 340, Operating Plan ¶ 237.

<sup>58</sup> See, Capacity Methodology p. 2.

<sup>59</sup> CP/KCS use the terms “Northbound” and “Southbound” to denote trains operating in opposite directions on the same section of track regardless of the actual geographical orientation of a line segment. We adopt CP/KCS’ nomenclature here for consistency.

multiplied by two (2).<sup>60</sup> CP/KCS then multiply the theoretical maximum TPD by 65 percent to determine what they call “sustainable capacity,” or the maximum TPD that avoids significant train delays, avoids congestion and reduces blocked crossing times.<sup>61</sup> CP/KCS offer no source for the 65 percent factor, and make no demonstration that it actually ensures the avoidance of train delays, congestion, or crossings. It appears to be more of a rule of thumb than an actual measure of performance.

CP/KCS assert that their modeling of capacity using this strictly mathematical approach allows them “sufficient flexibility to manage engineering work blocks, unplanned outages and other impacts that can create surges in traffic and congestion in each subdivision.”<sup>62</sup>

As a threshold matter, CP/KCS’ capacity analysis of the Elgin Subdivision did not take into consideration Metra’s priority use of Metra’s line segments during commuter Peak Periods as defined in the CP trackage rights agreement. CP/KCS’ mathematical capacity model implicitly assumes that Metra’s lines are available to host freight traffic 24 hours per day as shown by the inclusion of the 1,440 minutes included in the equation.<sup>63</sup> To calculate the capacity available to freight traffic on the CP Elgin Subdivision, the 1,440 minutes included in CP/KCS’ formula would need to be reduced to reflect the time periods during which Metra trains have priority use of Metra’s track.

Regardless of this formulaic error, CP/KCS’ claim that the MD-W line has ample capacity to handle additional freight traffic without impairing Metra’s operations is based on the purely mathematical calculation of the estimated sustainable capacity on the line. The STB long ago

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<sup>60</sup> Maximum capacity = 1,440 minutes in a day ÷ [(Average northbound run time + Average southbound run time + Meet Factor) x 2]. See, Capacity Methodology p. 3.

<sup>61</sup> See, Capacity Methodology p. 3.

<sup>62</sup> See, Merger Application, APP Vol. 2, p. 340, Operating Plan ¶ 238.

<sup>63</sup> See, Capacity Methodology p. 2

moved away from using purely mathematical calculations to determine track capacity and operating requirements, and has instead adopted the more sophisticated approach of rail traffic simulation to determine a rail line's capacity.

**1. The STB No Longer Relies Upon  
Simple Mathematical Calculations of  
Operations**

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CP/KCS relied upon their simple mathematical capacity calculation to conclude that Metra's rail lines, over which CP and Metra operate, have sufficient capacity to accommodate the forecasted additional freight traffic without impacting Metra's passenger trains. There is nothing wrong with simple mathematical models, *per se*, as they are commonly used in different fields, including engineering and economics, to identify potential problem areas within a system. In other words, they are used as scoping tools to identify areas for further study by more sophisticated approaches. Relying upon simple mathematical models that use a small number of broad inputs for assessments beyond initial scoping can lead to erroneous conclusions due to a lack of specificity within the model. This is exactly what has happened with CP/KCS' conclusions about the capacity for additional traffic on Metra's lines.

For example, in *FMC Wyoming Corporation and FMC Corporation*, the shipper calculated the stand-alone railroad's ("SARR") locomotive capacity requirements using a simple mathematical model that took into consideration average train transit times, average number of locomotives on a train, the number of hours in a year and an availability factor in the FMC case.<sup>64</sup>

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<sup>64</sup> See, STB Docket No. 42022, *FMC Wyoming Corporation and FMC Corporation v. Union Pacific Railroad Company*, served May 12, 2000 ("FMC") p. 150. The fact that this portion of the FMC decision addresses locomotive capacity requirements and not rail line capacity does not diminish the point that using simple mathematical models can lead to incorrect conclusions. Determining the number of locomotives required to operate a railroad is just a different type of capacity problem customarily incurred by railroads. In addition, the broad average transit time and locomotive requirements used by FMC are very similar to the broad average run times and meet factors used by CP/KCS in their capacity model.



The STB rejected the shipper's simple mathematical calculation of locomotive capacity requirements because the inputs were based on broad averages and assumptions. The STB determined that FMC's mathematical model did not take into consideration a number of factors that influenced locomotive capacity including, but not limited to, peak operating periods, changes in demand by commodity, and changing train sizes.<sup>65</sup>

CP/KCS' simple mathematical rail capacity model relies upon similar broad inputs and assumptions that the STB rejected in its *FMC* decision. The CP/KCS model assumes that all trains operating over a line segment will travel at the same speed, but CP's own timetables show that this is not the case. CP's timetables show that, in most cases, passenger trains operate at different speeds than freight trains on the Elgin Subdivision and that some freight trains operate at different speeds than other freight trains.<sup>66</sup> In addition, while the CP methodology attempts to differentiate between trains operating on a segment by using more than one observation, it does not require that the train speeds reflect all train types operating over a segment.<sup>67</sup> CP also did not provide any support for the train speeds it included in its capacity calculations, even though its own process states all train speed calculations should be noted and included in the capacity model spreadsheet.<sup>68</sup>

The CP/KCS simple mathematical capacity model also assumes average meet factors will be the same for all trains. However, the time it takes trains to clear into sidings is impacted by numerous factors including train length, train weight, and turnout type and configuration that are not included in the CP/KCS model. The CP/KCS model is based on such broad inputs and

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<sup>65</sup> See, FMC p. 152.

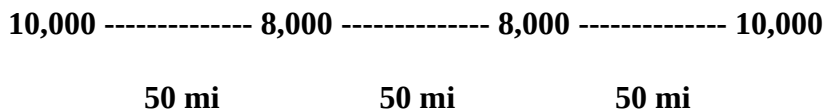
<sup>66</sup> See, CP US East & US West Timetable No. 2, effective at 0001 March 25, 2021. CP/KCS workpaper "10.4.1-CP-P-0003522.pdf" p. 69.

<sup>67</sup> See, Capacity Methodology p. 3, "[c]omplete [the train observations] with multiple trains/locomotives so that calculations are not being made from a signal train."

<sup>68</sup> See, Capacity Methodology p. 3, "[r]ecord [the train time] in the excel spreadsheet that contains the siding segment."

assumptions as to provide nothing but the most basic indication of a line's actual sustainable capacity.

In addition, CP/KCS' capacity analysis is a function of the length of sidings at the endpoints of studied segments and size of trains operating over those segments. Specifically, if the segment of track being evaluated has an 8,000-foot siding at either end, all trains included in the analysis must be shorter than 8,000 feet in order for the evaluation to be valid, because the evaluation rests on the presumption that the train can be moved off the mainline when it reaches the segment end. If the length of studied trains exceeds the length of available sidings for a given segment, the segment needs to be redefined (extended) until each end has a siding long enough to accommodate train meets/passes. For example, assume a 150-mile line segment has a 10,000-foot siding at either end, and two 8,000-foot sidings spaced equally between them, as shown below.



If the trains being studied are all under 8,000 feet in length, there are four (4) locations available for train meets, and each of the three 50-mile subsegments can be evaluated individually. However, if the trains being studied are all over 8,000 feet in length, there are only two (2) locations available for train meets (the short intermediate sidings cannot be used), and the entire 150-mile line segment must be evaluated as a single entity.

CP/KCS workpapers show that they considered at least two (2) different train length scenarios in their evaluation, and they produced very different results. Specifically, CP's workpapers include a tab called "CP Runtimes" and a tab called "CP Runtimes 10k ft length." Tab "CP Runtimes" evaluates each siding-to-siding sub segment regardless of siding length. Based on

these parameters, the Chicago Subdivision is assumed to have excess capacity on each of the five (5) subsegments from end-to-end to accommodate the projected train count. However, tab “CP Runtimes 10k ft length” evaluates longer segments that can accommodate a 10,000-foot train at either end. Based on these parameters, the Chicago Subdivision is assumed to have excess capacity on the 19.5-mile western leg between Plum and Kittredge, but not enough capacity on the eastern leg between Kittredge and Randall Road.<sup>69</sup>

Many of the line-haul merchandise trains that currently traverse Metra’s MD lines and trains that CP/KCS plan to add are exceptionally long – sometimes over 13,000 feet. Unless the CP/KCS capacity analysis was configured to accommodate 13,000+ foot trains, it is not applicable to the trains CP/KCS intend to add to their combined system. There is no evidence that CP/KCS performed a capacity analysis sensitivity based on 13,000-foot trains, like those that routinely operate over Metra’s MD lines.

Recognizing the limitations simple mathematical models have in identifying railroad capacity issues, the STB now relies upon and endorses more sophisticated train simulation models to evaluate rail line capacity. In its decision in STB Docket No. 42057, the STB noted the existence of several rail simulation tools, including the RTC model, to evaluate rail line capacity.<sup>70</sup> The RTC model has since become the dominant rail simulation model used by parties in proceedings before the STB.<sup>71</sup> Users adopted the RTC model because it provides greater levels of granularity for evaluating capacity requirements than simple mathematical models.

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<sup>69</sup> See, CP/KCS workpaper “10.5.22-CP-HC-00006490.xlsx.”

<sup>70</sup> See, *Public Service Company Of Colorado d/b/a Xcel Energy v. The Burlington Northern and Santa Fe Railway Company*, served June 8, 2004 (“Xcel”) pp. 26-27.

<sup>71</sup> See, for example, Xcel p. 27; STB Docket No. 42071, *Otter Tail Power Company v. BNSF Railway Company*, served January 27, 2006 (“Otter Tail”) p. 18; STB Docket No. 42088, *Western Fuels Association, Inc. and Basin Electric Power Cooperative v. BNSF Railway Company*, served February 18, 2009 (“WFA/Basin”) p. 16; and Docket No. NOR 42125, *E.I. DuPont De Nemours and Company v. Norfolk Southern Railway Company*, served

In fact, the STB utilized the greater accuracy and accountability of rail simulations as compared to simple mathematical calculations in its evaluation of the Canadian National Railway Company's ("CN") acquisition of the Elgin, Joliet and Eastern Railway Company ("EJ&E").<sup>72</sup> To evaluate CN's proposed operation of the former EJ&E lines after CN's acquisition and construction of proposed additional infrastructure, the STB's Section of Environmental Analysis ("SEA")<sup>73</sup> undertook independent analyses of the maximum capacity of the EJ&E's rail lines. The SEA first conducted a qualitative analysis of the potential constraints on the EJ&E lines and determined that some lines could be close to capacity.<sup>74</sup> The SEA next undertook a mathematical analysis of certain sections of the EJE's rail line using a Line Occupancy Indexes ("LOI") approach. The LOI approach consists of dividing a rail line into segments of like capacity, applying to each segment a maximum practical capacity based on its number of main tracks and other characteristics, and comparing that capacity to the proposed capacity. The ratio between the practical capacity and the proposed capacity is the LOI, and is expressed as a percentage, e.g., an LOI of 50 implies that the rail line segment is hosting 50 percent of its maximum practical train capacity.<sup>75</sup> The STB noted that, while the LOI approach helped to identify certain segments of the EJE that were approaching practical capacity, it needed greater accuracy on the rail line capacity in order to make a final determination about the rail line capacities.

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March 24, 2014 ("DuPont") p. 36. Outside of maximum reasonable rate proceedings before the STB, parties have used the RTC model to test rail line capacity in Docket No. FD 36496, *Application of The National Railroad Passenger Corp. Under 49 U.S.C. § 24308(E) – CSX Transportation, Inc. And Norfolk Southern Corporation*, filed March 16, 2021 ("Amtrak Gulf Coast Service") and Docket No. NOR 42104, *Entergy Arkansas, Inc. & Entergy Services, Inc. v. Union Pacific Railroad Company, Missouri & Northern Arkansas Railroad Company, Inc., & BNSF Railway Company*, served November 26, 2012 ("Entergy").

<sup>72</sup> See, STB Finance Docket No. 35087, *Canadian National Railway Company and Grand Trunk Corporation – Control – EJ&E West Company* ("CN/EJ&E").

<sup>73</sup> The STB has since changed SEA's name to the Office of Environmental Analysis.

<sup>74</sup> See, CN/EJE Draft Environmental Impact Statement, Attachment B4, Page 3.

<sup>75</sup> See, CN/EJE Draft Environmental Impact Statement, Attachment B4, p. 4. The STB also noted that the LOI approach was very similar to the Grid Analysis undertaken by CN in its application.

Based on the results of the LOI, SEA confirmed the conclusions from the bottleneck analysis and also determined that it needed to evaluate the capacity of the EJ&E rail line using a more robust and sophisticated modeling tool called a Rail Traffic Controller (RTC).<sup>76</sup>

The SEA ran the RTC under several different scenarios addressing different operating assumptions made by CN after its acquisition of the EJ&E. The RTC modeling performed by the SEA allowed the STB to identify that the EJ&E rail line would be operated at or very near to capacity, and that there was little, if any, room for growth in the anticipated daily train volumes.<sup>77</sup>

## **2. Simple Mathematical Models Do Not Capture the Nuances of Capacity on Double and Triple-Track Rail Lines**

Even if the STB were still relying upon purely mathematical methods to study rail line capacity, CP/KCS' calculations of rail capacity use a model that is not well suited to evaluating rail segments with multiple main line tracks. CP/KCS used their simple mathematical capacity model to calculate the estimated capacity of the Elgin Subdivision in 2017.<sup>78</sup> The model is designed to estimate the capacity of single-track rail lines, but the Elgin Subdivision uses double and triple-track along its length. Calculating the sustainable capacity of a rail line segment with double and triple track, such as CP's Elgin Subdivision, is not as straightforward as determining the capacity of a single-track rail line.

A 2014 study undertaken by the National Cooperative Highway Research Program under the auspices of the Transportation Research Board ("TRB") reviewed strictly mathematical models to determine rail line capacity, and these model's limitations.<sup>79</sup> The TRB Report found that, while

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<sup>76</sup> See, CN/EJE Draft Environmental Impact Statement, Attachment B4, pp. 3-4.

<sup>77</sup> See, CN/EJE Draft Environmental Impact Statement, Attachment B4, p. 23.

<sup>78</sup> See, CP/KCS workpaper "Elgin Sub (July 2017).xlsx." CP/KCS did not provide a capacity calculation for the C&M Subdivision in their workpapers.

<sup>79</sup> See, "Capacity Modeling Guidebook for Shared-Use Passenger and Freight Rail Operations," NCHRP Report 773, Transportation Research Board, 2014 ("TRB Report"). The TRB undertook the study to provide state

estimating the capacity of a single-line track is relatively straightforward using a simple mathematical model, the calculation of capacity on double and triple-track line segments is more nuanced.

The TRB Report called its single-track capacity analysis a Grid Time Analysis, and described the analysis as follows:

The theoretical capacity to handle traffic on single track is dictated by the time it takes a train to travel the distance between two sidings and clear the way for an opposing train. The time a train takes to traverse the single track section and be in the clear for the opposing movement is called the one-way grid time. The grid time varies as a function of the spacing between sidings and the average of train speeds in each direction. The single track segment on which the trains take the highest amount of time dictates how many trains can traverse a line in a day. This segment defines the capacity over the line as the number of trains that can be handled daily.

The TRB's Grid Time Analysis is essentially the same as the CP/KCS' capacity model and is mathematically equivalent to CP/KCS' capacity model formula. The TRB noted that the theoretical capacity on double and triple-track rail lines is extremely high because trains can fleet behind one another, unimpeded by opposing traffic and limited only by the train speed and by the spacing between trains provided by the signal system. The theoretical capacity may appear to be extremely high. The TRB found in practice, however, numerous other factors combine to reduce the effective capacity of multiple track segments. The most important ones are traffic mix (trains with different speeds, characteristics and customer requirements); track outages for repairs and maintenance; spacing between block signals and interlockings; and queuing at entrances of terminals and junctions.<sup>80</sup>

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departments of transportation with technical guidance to aid in their understanding of the methods host railroads use to calibrate and apply capacity models to determine if adequate capacity exists to support new or increased passenger rail service,

<sup>80</sup> See, TRB Report pp. 29-30.

Several of these capacity constraining factors are present on the Metra MD lines over which Metra and CP operate. CP/KCS' workpapers show that a varied mix of freight train types operate on the Elgin Subdivision, including unit trains, line-haul manifest, intermodal, and automotive trains, and local trains. More importantly, the train figures for the Elgin Subdivision included in the CP/KCS' workpapers do not include Metra or Amtrak passenger trains. The presence of significant passenger train volumes in the mix of traffic moving over this line make the capacity issue even more complex, given passenger train's contractual priority and significantly different operating characteristics of all the train types that actually use the line segments being studied. CP/KCS' omission of these trains from the calculations shows both CP's persistent attitude of diminishing the attention these trains require under the current agreement and the inadequacy of the analyses that they performed.

The Elgin Subdivision also is the location of CP's Bensenville Yard. The Bensenville Yard is CP's only main yard in the Chicago Terminal area and is one of the busiest yards on the CP network.<sup>81</sup> The Bensenville Yard sees a wide range of train types moving into, out of, and through the yard including yard, local, manifest, bulk, and intermodal trains.<sup>82</sup> Congestion within the busy Bensenville Yard often causes delays on the Elgin Subdivision main line where entering trains block mainline tracks, which reduces the capacity of the line.

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<sup>81</sup> See, Verified Statement of James D. Clements in STB Docket No. 36075, *The Illinois State Toll Highway Authority – Petition for Declaratory Order*, filed February 23, 2017 p. 5.

<sup>82</sup> See, Verified Statement of Thomas C. Albanese in STB Docket No. 36075, *The Illinois State Toll Highway Authority – Petition for Declaratory Order*, filed February 23, 2017 pp. 2-6.

### **3. Applicants Omit Delay Factors and Foreign Railroad Conflicts from Their Capacity Analysis**

CP/KCS' simple mathematical capacity model calculations are based on the speed at which unimpeded trains move between sidings. This model does not consider upstream and downstream events that cause trains to sit idle in yards, sidings and sometimes on mainline tracks. In fact, CP/KCS make no mention of delays in their capacity analysis, and their capacity model appears to factor out any delays a train may incur while operating over the studied segments. Even more concerning is CP/KCS' failure to consider the impact of other railroads' operations, both on jointly operated track segments and on downstream, offline track segments owned by foreign carriers, on CP's operations.

The Chicago Terminal is the predominant interchange terminal in North America. In their description of CP's current Chicago operations, CP/KCS state the following:

Between 75 and 80 percent of CP carloads passing through Chicago either originate or terminate on another railroad. With the majority of rail yards in the region lying to the south of downtown Chicago, much of CP's interchange volumes depart CP's network to connect with yards further south, sharing the same highly trafficked corridors as other Class I carriers.<sup>83</sup>

This raises a critical point that CP/KCS ignore entirely in their proclamations regarding the existence of sufficient capacity. Even if CP/KCS demonstrated that the line segments they dispatch, including Metra's MD-W and MD-N lines, have sufficient capacity (which they failed to demonstrate), CP/KCS made no effort to ascertain whether connecting railroads can accommodate their proposed increase in interline traffic.

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<sup>83</sup> See, Merger Application, APP Vol. 2, p. 269, Operating Plan ¶ 27.



CP provided train delay data for select subdivisions in response to Metra's requests for production in this proceeding. The CP delay data attributes a significant portion of the train delays that CP incurred over the critical line segments for which it provided data to interference from other carriers' equipment and operations during the January 1, 2019 through December 14, 2021 time period.

As shown on Exhibit No. 7, CP attributed {{ }} delays ({{ }} per day, on average), accounting for {{ }} million delay minutes ({{ }} hours<sup>84</sup> of train delays per day, on average), to other railroads' operations and/or equipment. This means that CP identified other carriers as a cause for more than a third<sup>85</sup> of CP train delays and total delay time CP trains accrued on these line segments. Specifically, these are train delays that CP attributed to IHB, BRC, NS, CSXT, BNSF, UP, CN, Amtrak, and Metra.

CP/KCS apparently presume that the additional volume they plan to add will not impact the operations of the carriers with whom they interchange traffic and/or share trackage, and will not be impacted by delays on those other carriers' lines. However, as documented in their own delay data, the current volume of traffic moving over these critical line segments already causes substantial delays to CP (and Metra). Moreover, although we do not have the delay data of the connecting carriers to evaluate, the train conflicts recorded in CP's train delay data obviously cause delays on all of the other systems as well.

CP/KCS workpapers provided in this proceeding indicate that CP annually interchanges {{ }} railcars with CSXT; {{ }} railcars with NS; {{ }} railcars with UP; {{ }} railcars with BNSF; {{ }} railcars with CN; and {{ }} railcars with

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<sup>84</sup> 1,299.5 daily delay minutes ÷ 24 hours per day. See, Exhibit No. 7, Line 7, Column (12).

<sup>85</sup> {{ }}. See, Exhibit No. 6 and Exhibit No. 7.

various other Chicago area terminal short line and regional railroads.<sup>86</sup> CP/KCS made no effort to study the impact on these connecting carriers' systems.

In most capacity models, train delay times are normally considered either implicitly or explicitly in determining train capacity. In rail simulation models, such as the RTC, train delays are explicitly considered either as a result of the rail simulation as trains encounter other trains or as direct inputs for such things as maintenance delays or bridge openings. In less sophisticated models, such as the simple mathematical capacity model used by CP/KCS, delays can be implicitly accounted for by including delay times in the development of average train speeds or transit times.

However, the operating instructions for the CP/KCS mathematical model explicitly exclude delay times in considering line capacity. CP/KCS capacity methodology states that when selecting trains to include in the calculation of transit time inputs to the capacity model, "[r]eview the event recorder speed to determine if the train stopped between sidings and was moving at track speed and discount the time or use another download."<sup>87</sup> In other words, CP/KCS' capacity methodology calls for excluding trains that were stopped and delayed while moving over the subject line segment, and including only trains that were not delayed. This traffic selection rule explicitly overstates the capacity on the line segment.

#### **4. Applicants Perform RTC Rail Simulations in the Normal Course of Business**

In response to Metra's requests for production, CP/KCS belatedly provided a series of 39 separate RTC rail simulations that it performed between 2014 and 2018 to evaluate operating

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<sup>86</sup> See, workpaper "2.1.2.2.1-FD 36500 -Work Paper- Interchange Data (Chicago Interchange by Carrier).xlsx." CP/KCS' workpaper indicates in some cases a Chicago terminal railroad such as the BRC or the IHB interchanged the railcar with another Class I railroad besides CP. In those cases, the railcar was counted as interchanged with the Class I railroad and not the terminal carrier.

<sup>87</sup> See, Capacity Methodology p. 2.

scenarios on many of the same subdivisions that we modeled in our evaluation of the proposed merger. These simulations were provided in usable format just days before the February 28, 2022 deadline for filing comments in this proceeding. We reviewed the provided simulations and determined that CP considered Metra's operations in only one of the 39 modeling scenarios that it provided. We also determined that only 10 of the 39 provided RTC simulations ran to completion and two (2) of the 10 completed runs contained fatal errors. This could indicate that CP was exploring potential operating solutions for the capacity-constrained Marquette Subdivision.

### **VIII. RTC TRAIN SIMULATION**

Because CP's capacity analysis regarding the proposed transaction was insufficient, we conducted the analyses required to quantify the impact of the anticipated increase in CP/KCS train volumes on Metra train operations, and to identify the modifications to infrastructure and operating practices required to prevent service deterioration for Metra and its customers. To do this we ran a series of simulations. We used RTC model for this exercise, which is the STB's preferred model for demonstrating the validity of proposed operating plans and developing operating statistics in stand-alone maximum reasonable rate cases.<sup>88</sup>

Our RTC analysis evaluates and quantifies both the current operations (based on current track and structures and actual 2021 train volumes ("Base Case")), as well as the proposed future operations (based on proposed additions to track and structures and projected train volume increases ("Future Case")).<sup>89</sup> These before and after scenarios allow us to measure the impact of CP's proposed increase in train volumes on train performance, while accounting for changes in infrastructure. Comparing the pre-merger and the post-merger scenarios reveals the change in Metra service levels that will result from the proposed merger. Exhibit No. 8 contains a detailed outline showing the data sources and processes that we used to develop inputs to and run the RTC simulations.

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<sup>88</sup> CP/KCS' failure to perform an RTC-based modeling exercise to demonstrate the feasibility of its proposed operating plan would constitute a critical flaw in an operating plan posited for a hypothetical Stand-Alone Railroad ("SARR") in a maximum reasonable rate proceeding before the STB. In fact, the STB would not accept a MultiRail-based operating plan in a rate case without an accompanying RTC model demonstrating that the posited operating plan was feasible. Nor would the STB accept an operating plan that excluded an entire class of trains (in this case Metra trains) from its operating plan and accompanying simulation. Clearly such an exercise is equally applicable when the proposed operations are for a real-world railroad, not a hypothetical railroad as in a maximum reasonable rate case.

<sup>89</sup> Future operations exclude significant volumes of traffic of foreign freight trains from other carriers that were not included in the train event data provided by CP in discovery.

This approach is consistent with the TRB Report's findings for testing the effect of adding trains over a corridor of mix-used rail traffic. The TRB Report noted:

That is, RTC is run first with the base case or existing train pattern operating over the corridor. The base case includes all current freight traffic, mixed freight and passenger trains, and local freights. Subsequent simulation runs test the effects to the overall operations under increased traffic patterns (viz., planned freight traffic growth and introduction of passenger traffic). This testing allows for the determination of operational effects that occur to existing freight traffic, while prioritizing passenger trains.<sup>90</sup>

We follow the approach advocated by the TRB Report as discussed below.

#### **A. RTC MODELING OF THE BASE CASE**

In the first step in our RTC analysis, we entered detailed track and structures data into the RTC model using geospatial and other electronic and hard-copy location and infrastructure data provided by both CP (for CP-owned line segments and yards) and Metra (for Metra-owned line segments). The electronic track charts and related materials for CP-owned segments were provided in response to Metra's requests for production.<sup>91</sup> Our simulation covered the portions of CP's and Metra's rail lines shown in Exhibit No. 3, which includes, but is not limited to, the MD-N and MD-W lines. In addition, we developed and included track and structures data for the short UP line segment between Tower A20 on Metra's MD-N line and the connection with CP at Bryn Mawr, which is north of Metra's MD-W line and Bensenville Yard, because a significant number of CP trains routed to Bensenville from Milwaukee follow this route via CP trackage rights.

Next, we developed a base period train list using a combination of data sources. For CP freight trains, we used historical CP train event data, CP Local Operating Plans ("LOP") detailing the routes and customers served by CP local trains, CP car events showing time stamps for actual

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<sup>90</sup> See, TRB Report p. 37.

<sup>91</sup> See, Metra's First Set of Discovery Requests No. 2.

placement and release of railcars at customer facilities, i.e., loading and unloading data, and additional information CP provided in response to Metra's requests for production and interrogatories. For Metra and Amtrak trains, we used Metra train schedules and Amtrak train schedules for trains that were operating in the base period. CP's train event data was missing data for foreign freight trains. We conservatively added two (2) daily foreign freight trains in the form of daily round trip local trains, one UP train operating between Proviso Yard and Bensenville Yard over the IHB, and one NS train operating between Calumet Yard and Bensenville Yard over the BRC, in accordance with CP/KCS' description of its Chicago interchange operations:

CP delivers manifest and intermodal traffic directly into NS' Calumet Yard via BRC and into UP's Proviso Yard via IHB. Both railways reciprocate with direct service into Bensenville.<sup>92</sup>

Metra provided freight activity logs which confirmed that several additional foreign trains operated over Metra's lines into Bensenville on a daily basis during the modeled week. Exhibit No. 4 contains a list of the foreign trains logged by Metra during the week of April 16, 2021 through April 22, 2021. However, CP/KCS provided no train event data for any of these trains and with the exception of one daily NS and one daily UP train, they provided no description of their operations in the Operating Plan. The Exhibit No. 4 train list includes, but is not limited to, foreign trains which perform daily reverse moves adjacent to Bensenville Yard, i.e., stopping on the mainline in order to reverse direction.<sup>93</sup> As a result of CP/KCS' failure to provide any event data for foreign trains, our simulations include fewer freight trains than operate in the real world, and fewer disruptive operations such as the reverse moves described above, so they reflect notably less freight train interference than Metra trains actually encounter.

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<sup>92</sup> See, Merger Application, APP Vol. 2, p. 270, Operating Plan ¶ 27.

<sup>93</sup> See, Trains T001, T002, and T004 on Exhibit No. 4, Lines 44-46.

In fact, this is just one of many assumptions and inputs to our RTC simulations that are extremely favorable to CP/KCS, all of which result in overstated train performance (in both the pre-merger and post-merger evaluations). Exhibit No. 9 lists many of the conservative assumptions we made in our RTC modeling that are favorable to CP/KCS.

The Base Case train list includes the actual historical trains that operated over the modeled track during the week of April 16, 2021 through April 22, 2021, plus a two-day warm up period, and a one-day cool down period.<sup>94</sup> The warm-up and cool-down periods are required to ensure the simulated rail network is fully populated with trains both before and after the observed statistical period. This prevents trains that are dispatched early (or late) in the peak week from entering a system that is unrealistically void of traffic. This is the standard procedure used by parties in STB maximum reasonable rate cases.

We selected the modeling week after reviewing the train event data for January 2019 through December 14, 2021 that CP provided in response to Metra's requests for production. We observed that train volumes were higher in 2019 and 2020 than in 2021, and determined that this change was attributable to several factors. First, CP's roster of scheduled merchandise, intermodal, and automotive trains, i.e., operating plan trains, has changed since 2019. This is consistent with CP's implementation of PSR. Second, there has been a notable decline in unit crude train and unit coal train volumes over the studied routes since 2019 and 2020. Upon review of these trends, we selected the relatively lower-volume 2021 as the base year because it accurately reflects current train operations.

After restricting our modeling period to 2021, we identified a week in which train volumes were higher than average to ensure we observed and accounted for the volume peaks that arise in

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<sup>94</sup> See, Exhibit No. 10a.

the normal course of business as a result of seasonal traffic ebb and flow. This is consistent with the RTC modeling parameters the STB requires in maximum reasonable rate cases.<sup>95</sup> However, we were careful to avoid selecting a week in which anomalous events caused unusual volumes and/or train delays.

We used the provided CP train event and train delay data in conjunction with historical weather data from the National Weather Service<sup>96</sup> to ensure we did not select a week in which anomalous weather events caused unusual delays during our base period. Specifically, we rejected the high-volume week of February 17, 2021 through 23, 2021 because record-setting heavy snow fell in the Chicago area in the preceding three (3) weeks, which led to unusually high volumes and congested corridors.<sup>97</sup> Similarly, we rejected the high-volume week of March 26, 2021 through April 1, 2021 because BNSF<sup>98</sup> and UP<sup>99</sup> noted heavy snowfall in Wyoming and Colorado from March 15, 2021 through 17, 2021 that may have caused cascading delays into Chicago through the month of March. By selecting a peak period in the middle of April 2021, we eliminated the need to reduce speed limits for much of the modeled network where speed limit exceptions are enforced in below-freezing weather.

We also conducted a review of non-weather events that may have contributed to an anomalous week. For example, we rejected the high-volume week of August 18, 2021 through August 24, 2021 because multiple press releases indicated that cascading delays from the Suez

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<sup>95</sup> See, STB Docket No. 42088, *Western Fuels Association, Inc., And Basin Electric Power Cooperative v. BNSF Railway Company*, decided September 7, 2007, and STB Docket No. 42071 *Otter Tail Power Company v. BNSF Railway Company*, decided January 25, 2006.

<sup>96</sup> See, [www.weather.gov](http://www.weather.gov).

<sup>97</sup> See, February 14-16, 2021: *Heavy Snowfall in Northeast Illinois and Northwest Indiana* ([weather.gov](http://weather.gov)).

<sup>98</sup> See, Intermodal Network Update for Friday, March 19, 2021 *Customer Notifications BNSF*.

<sup>99</sup> See, e.g., UP: All Customer News.



Canal backup reached Chicago in July,<sup>100</sup> in addition to localized flooding and wind damage reported in the Chicago area on August 24.<sup>101</sup>

After identifying the modeling week, the next step in our analysis was to review and incorporate the historical maintenance outages, slow orders, and delays caused by draw bridge interference, and track or equipment failures on the modeled segments that occurred during the base period. We used delay data provided by both CP and Metra to identify the timing and location of these events. For example, CP Delay data reported a {{ }}-minute delay at Bensenville to train {{ }} on {{ }} at {{ }} with the following note:

{{  
  
}}.

Next, we reviewed historical loading and unloading data and local train operating schedules for the base period that were provided by CP to ensure that our modeling exercise properly reflected the timing and location of industry switching performed by local train crews at shipper facilities located on or adjacent to Metra operating territory and the CP territory included in our modeling exercise. This ensures that we modeled industry switching operations only when industry gates were open.

With all of the base period modeling inputs described above, we performed our initial simulation.<sup>102</sup> To evaluate the results of the simulation, we developed four (4) primary metrics for each class of train, including Metra trains. These metrics are: (1) average train speed; (2) delay

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<sup>100</sup> See, e.g., *Supply-Chain Backlogs Turn Chicago Into New Chokepoint* - WSJ.

<sup>101</sup> See, August 24, 2021: *Thunderstorms Produce Wind Damage and Localized Flooding in Northern Illinois* (weather.gov).

<sup>102</sup> We conservatively modeled the entire network without signals, which the RTC model will dispatch similar to a fully PTC equipped network. This assumption results in more fluid modeled operations than a conventionally signaled system.

percentage; (3) delay per 100 train miles; and (4) total delay hours. Each of these metrics is further explained below.

1. Average train speed calculates the simple average of all train speeds within a train category taking into consideration all delays.
2. Delay percentage is the delay time represented as a percent of total transit time and is a valuable indicator of congestion on the modeled network, where a delay of 10 minutes is less significant for a 10-hour movement than it is for a one-hour movement.
3. Delay per 100 train miles measures delays on a normalized basis taking into consideration the impact on long-haul through trains and short distance local trains.
4. Total delay hours provide an indicator of increased congestion across all train types.

These metrics are common and recognized approaches to analyzing the results of rail simulations.<sup>103</sup>

Table 5 below shows the average train speeds, delay percentages, delay per 100 train miles and total delay hours for the RTC Base Case, separated by train type for the entire simulated network. A complete list of trains included in our Base Case scenario is included Exhibit No. 10a.

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<sup>103</sup> See, TRB Report pp. 54-56.

| Table 5<br><u>Base Case RTC Results</u> |                                    |                             |                                                         |                                    |
|-----------------------------------------|------------------------------------|-----------------------------|---------------------------------------------------------|------------------------------------|
| <u>Train Group</u>                      | <u>Average<br/>Speed<br/>(MPH)</u> | <u>Delay<br/>Percent 1/</u> | <u>Delay Per<br/>100 Train-<br/>Miles<br/>(Minutes)</u> | <u>Total<br/>Delay<br/>(Hours)</u> |
| (1)                                     | (2)                                | (3)                         | (4)                                                     | (5)                                |
| 1. Metra                                | 31.52                              | 0.56%                       | 1.06                                                    | 3.6                                |
| 2. Amtrak                               | 57.68                              | 2.66%                       | 2.70                                                    | 2.9                                |
| 3. Unit Train                           | 25.32                              | 28.18%                      | 52.67                                                   | 132.3                              |
| 4. Local                                | 17.89                              | 26.99%                      | 70.41                                                   | 59.2                               |
| 5. Operating Plan                       | 21.82                              | 17.74%                      | 41.44                                                   | 139.1                              |
| 6. Other                                | <u>25.88</u>                       | <u>38.85%</u>               | <u>64.87</u>                                            | <u>4.9</u>                         |
| 7. Total                                | 26.18                              | 15.33%                      | 30.46                                                   | 341.9                              |

Source: workpaper "Summary Tables for Successful RTC Cases.xlsx."  
 1/ Delay Percent =  $100 \times \text{True delay} \div \text{Total elapsed ideal seed run time}$ .

Table 5 includes statistics for all trains operating over the simulated network for all subdivisions included in the RTC model. The Base Case simulation shows 3.6 hours of delay for Metra trains,<sup>104</sup> even though the RTC includes a pronounced disparity in priority between Metra's trains and CP's freight trains that is not always enforced by CP dispatchers in real-world operations.<sup>105</sup> Metra's observed interference from CP freight trains is reduced in the model by the hierarchical dispatching protocols programmed into RTC, which largely prevent this interference in the Base Case, and completely prevent this interference when rush-hour restrictions are applied to CP's freight (discussed further below). Despite the disparity in priority between Metra's passenger trains and CP's freight trains, we observed several instances where the dispatch plan generated by the RTC resulted in Metra trains being delayed by CP trains, including one instance

<sup>104</sup> See, Table 5, Line 1, Column (5).

<sup>105</sup> Specifically, in the Base Case simulation, Metra trains are coded with an "Rank 1 - Elite" priority with a minimum priority level of 9000, where the priority level for CP's trains are "Rank 6 - High Priority" with minimum priority levels ranging from 2500 to 5000. These settings ensure that Metra's trains always receive dispatching priority in the simulation.

where three (3) Metra trains were delayed simultaneously near Metra's Chicago Street Station behind one of CP's Manifest trains.<sup>106</sup>

Separating the above statistics by train type and CP subdivision shows that the delays are not evenly distributed across the network.

| Table 6<br><b><u>Base Case RTC Results for Marquette Subdivision and All Other Subdivisions</u></b> |                                    |                             |                                                         |                                    |
|-----------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------|---------------------------------------------------------|------------------------------------|
| <b>Train Group</b>                                                                                  | <b>Average<br/>Speed<br/>(MPH)</b> | <b>Delay<br/>Percent 1/</b> | <b>Delay Per<br/>100 Train-<br/>Miles<br/>(Minutes)</b> | <b>Total<br/>Delay<br/>(Hours)</b> |
| (1)                                                                                                 | (2)                                | (3)                         | (4)                                                     | (5)                                |
| <b>Marquette Subdivision</b>                                                                        |                                    |                             |                                                         |                                    |
| 1. Metra                                                                                            | xxx                                | xxx                         | xxx                                                     | xxx                                |
| 2. Amtrak                                                                                           | xxx                                | xxx                         | xxx                                                     | xxx                                |
| 3. Unit Train                                                                                       | 22.43                              | 40.31%                      | 76.84                                                   | 73.4                               |
| 4. Local                                                                                            | 15.18                              | 29.52%                      | 90.11                                                   | 27.3                               |
| 5. Operating Plan                                                                                   | 17.17                              | 30.21%                      | 81.05                                                   | 31.2                               |
| 6. Other                                                                                            | <u>25.43</u>                       | <u>41.28%</u>               | <u>68.93</u>                                            | <u>3.2</u>                         |
| 7. Total                                                                                            | 19.47                              | 35.03%                      | 79.96                                                   | 135.1                              |
| <b>All Other Subdivisions</b>                                                                       |                                    |                             |                                                         |                                    |
| 8. Metra                                                                                            | 31.52                              | 0.56%                       | 1.06                                                    | 3.6                                |
| 9. Amtrak                                                                                           | 57.68                              | 2.66%                       | 2.70                                                    | 2.9                                |
| 10. Unit Train                                                                                      | 26.98                              | 20.50%                      | 37.84                                                   | 58.9                               |
| 11. Local                                                                                           | 20.33                              | 25.14%                      | 59.29                                                   | 31.8                               |
| 12. Operating Plan                                                                                  | 22.61                              | 15.85%                      | 36.31                                                   | 107.9                              |
| 13. Other                                                                                           | <u>26.62</u>                       | <u>34.96%</u>               | <u>58.40</u>                                            | <u>1.7</u>                         |
| 14. Total                                                                                           | 27.89                              | 11.21%                      | 21.69                                                   | 206.8                              |
| Source: workpaper "Summary Tables for Successful RTC Cases.xlsx."                                   |                                    |                             |                                                         |                                    |
| 1/ Delay Percent = 100 x True delay ÷ Total elapsed ideal seed run time.                            |                                    |                             |                                                         |                                    |

As shown in Table 6 above, the majority of the delays in the RTC Base Case, as represented by the Delay Percent and Delay Per 100 Train-Miles, stem from CP's operations along the Marquette Subdivision. In fact, we were forced to move trains off the Marquette Subdivision onto the Mason City Subdivision (at Marquette) to accommodate train meet/pass events in the RTC

<sup>106</sup> See, workpaper "CP TRAIN DELAYING 3 METRA TRAIN.jpg."

model. Review of the RTC simulations provided by CP that included the Marquette Subdivision reveals that in CP's simulations, long trains that could not be sided were held on the Marquette mainline.<sup>107</sup> As discussed in Section VI above, the Marquette Subdivision is presently at or near capacity, and CP/KCS' proposed addition of significantly more trains along this section of the merged railroads' network will only lead to increased future delays along the Marquette Subdivision's lines, and adjoining subdivision lines, even with the planned capacity expansion.

**1. Base Case Sensitivity Analysis –  
Commuter Rush Hour Restrictions**

In our Base Case scenario, we dispatched CP freight trains based on the first departure/arrival times reported at stations on the portions of the CP network we modeled, as included in the provided CP train event data, for all CP freight trains. This ensured that we obtained an accurate representation of CP's current day-to-day operations. After completing the Base Case analysis, we attempted to test a scenario in which CP trains were forced to observe the commuter peak periods, i.e., rush hour, specified in the 1993 Supplemental Agreement between Metra and CP. However, after imposing the restrictions on CP freight trains in the commuter peak periods, the RTC simulation would not run to completion. This explains why CP's dispatchers are forced to move CP freight trains during the commuter peak periods in the real world. CP's dispatching incentives are at odds with Metra's.

**B. RTC MODELING OF THE POSITED  
FUTURE CASE**

After we ran our Base Case simulation, we added merger-related growth trains to the Base Case train list to reflect the freight train volume increase projected by CP/KCS. We started by adding the new scheduled intercity freight trains (operating plan trains) identified by CP/KCS in

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<sup>107</sup> See, workpaper "CP RTC 181102 No YL Train N475GT8500-02 ML Switching Work.jpg"

Appendix G to the Operating Plan, based on the projected train routes and schedules<sup>108</sup> that were provided in response to Metra's requests for production.<sup>109</sup> Train size, i.e., trailing length and weight, for growth intermodal and manifest trains reflect the train sizes of corresponding historical 2021 trains that traversed the line segments over which CP/KCS project train volume increases. In other words, we conservatively assumed future intermodal and manifest trains will not grow in size, but instead remain at current train sizes.

Next, we added unit trains in accordance with CP/KCS' projected average daily increase in unit train volumes by line segment.<sup>110</sup> This approach is conservative because it does not reflect the seasonal peaking by commodity observed in the historical 2019-2021 train event data provided by CP/KCS. Specifically, we distributed CP/KCS' projected growth unit train volume evenly across the 10-day modeling period, which reduces the likelihood of conflicts resulting from unit train bunching that is inevitable in the real world.

Growth unit trains were assumed to have the same consists as historical 2021 trains and were routed according to the routes of unit trains that traversed the modeled route segments in 2021.<sup>111</sup> Because the growth trains we added have identical train consists to historical 2021 unit trains that traversed the line segments over which CP/KCS project volume increases, we ensured that the modeled growth trains could be sided where CP historically sided unit trains over the modeled routes.

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<sup>108</sup> See, CP/KCS workpaper "Growth Plan Trains.xlsx" and "Growth Trains\_Tomah\_River\_WaterTown.xlsx."

<sup>109</sup> See, CP/KCS workpaper "10.5.10-CP-HC-00006478.xlsx" (produced to Metra as "Growth Plan Trains.xlsx" and CP/KCS workpaper "10.5.5.7- CP-HC-00014410.xlsx" (produced to Metra as "Growth Trains\_Tomah\_River\_WaterTown.xlsx").

<sup>110</sup> See, workpaper "Growth Plan Trains w 2021 Route Delays and Consist\_RTC Trains\_02222022.xlsx" at tab "UNIT."

<sup>111</sup> See, workpaper "Growth Plan Trains w 2021 Route Delays and Consist\_RTC Trains\_02222022.xlsx" at tab "RTC Inputs\_Growth Unit."

As discussed in Section VI above, CP/KCS failed to add the expanded local train services into and out of Bensenville Yard that are likely to result from its significant increase in planned Bensenville manifest and intermodal train volumes and the resulting increase in demand for transfer service to/from foreign yards for the purpose of interchanging traffic with other carriers. In our Future Case scenario, we assumed there would be no change in the frequency of local train service into/out of Bensenville, in accordance with CP/KCS Operating Plan. However, we believe this is an unrealistic future scenario, and it understates freight train interference Metra is likely to incur in the post-merger environment.

As with our Base Case, the Future Case is also missing several daily foreign trains for which CP provided no train event data, which again results in underrepresentation of freight train interference.

After updating the CP train list to reflect projected future operations, we updated the Amtrak train list to reflect the expanded Amtrak Service included in the Amtrak-CP/KCS Agreement.<sup>112</sup>

Finally, we expanded the Metra train list to reflect a volume level slightly below the 2019, pre-Covid, Metra train service frequency in order to evaluate the combined operations reflective of Metra's eventual return to a full complement of trains, which it has the contractual right to do. Metra operated 900 trains per week in 2019. In our Future Case scenario, we operated 865 Metra trains, i.e., 35 fewer trains per week than the number Metra operated in 2019. Trains that Metra removed in the Covid-era were assumed to resume operations on their 2019 schedule in the RTC Future Case, unless the 2019 schedule interferes with the operations of a current Metra train. The complete list of trains modeled in our Future Case scenario is included in Exhibit No. 10b.

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<sup>112</sup> See, Amtrak-CP/KCS Agreement") pp. 1-3.

The next step in our analysis involved adding track and structures to the Base Case model to reflect the capacity expansion projects planned by CP/KCS. Specifically, CP/KCS state that they will add one new siding to the Chicago Subdivision, three (3) new sidings to the Marquette Subdivision, and signal improvements to the Marquette Subdivision.<sup>113</sup> Although the planned capacity expansion will occur over several years, we modeled only the “after” scenario. We did not model intermediate scenarios in which the improvements were only partially complete.

We also added the performance gains delivered by the track and structures identified in the Amtrak-CP/KCS Agreement as requirements for expanded Amtrak service to the model,<sup>114</sup> as well as the improvements Amtrak publicly identified as necessary to accommodate the new daily Twin Cities-Milwaukee-Chicago (“TCMC”) service between St. Paul and Chicago. This ensures that the additional capacity Amtrak and CP/KCS agree is required to accommodate the increased Amtrak service was modeled.

After making the adjustments discussed above, we dispatched the RTC model and found that the simulation was unable to determine a viable dispatch plan.<sup>115</sup> In other words, RTC could not find a resolution that would accommodate the number of trains expected to operate over the simulated network even with the additional infrastructure added to the system. Not finding a resolution is not a failure of the RTC program, but rather an indication that changes are required to the modeled infrastructure and/or the trains included in the simulation.

We determined that the majority of unresolvable train conflicts were occurring on the Marquette Subdivision. In particular, the extremely long manifest/intermodal trains, which

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<sup>113</sup> See, CP/KCS Operating Plan at APP Vol. 2, p. 460, Appendix R. As explained above, we did not include signals in our RTC models, so signaling improvements were also omitted.

<sup>114</sup> The Amtrak filing is included in our workpapers supporting this Verified Statement as workpaper “2022.02.02 Amtrak-CP Settlement Agreement, STB FD 36500.pdf.”

<sup>115</sup> See, workpaper “METRA - FUTURE CASE\_V14X REVISED ALL Trains Enabled FAILURE.zip.”



CP/KCS plan to double following the merger, often could not be successfully dispatched.<sup>116</sup> The train event data provided by CP in discovery indicates that these trains perform work at various locations on the Marquette Subdivision and often exceed 10,000 feet in length. However, the locations where this work is being performed do not have enough track to accommodate these extra-long trains.

We also observed that these inefficient operations were modeled in CP's own RTC simulations.<sup>117</sup> In the future scenarios, we left the dispatching protocols set similar to the Base Case such that CP trains could be moved off of the Marquette Subdivision and onto the Mason City Subdivision to accommodate train meet/pass events at Marquette, and with unit train volume growth evenly distributed across the modeled period.

Since the Future Case RTC simulation could not determine a successful dispatch plan given the operating conditions and additional infrastructure, we attempted lifting the dwell restrictions on all of the sidings in the Marquette Subdivision to allow CP freight trains to dwell indefinitely on these sidings, if necessary, including the three (3) new long sidings proposed by CP. We found that even when CP trains were allowed to dwell indefinitely on Marquette sidings, the RTC could not determine a viable dispatch plan for this volume of traffic.<sup>118</sup>

### **1. Future Case Sensitivity Analysis - Evaluation of Reduced Traffic Volumes**

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Because we could not get the Future Case to run to completion in the RTC model (even with all of CP/KCS' proposed expansion projects completed), we removed trains from the

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<sup>116</sup> According to the proposed operating plan schedule, many of these trains perform pick-ups and set-outs at Marquette, Dubuque, and Kains. See, CP/KCS workpaper "Growth Plan Trains.xlsx." Filter for "TRN\_SYMBOL\_I" = 260 or 261, and "WORK\_S" <> "N."

<sup>117</sup> See, workpaper "CP RTC 181102 No YL Train N475GT8500-02 ML Switching Work.jpg."

<sup>118</sup> See, workpaper "METRA - FUTURE CASE\_V14X REVISED ALL Trains ENabled Sit Limits.zip."

simulation one by one until all remaining trains could be dispatched. This was done by running the simulation until the RTC model identified trains involved in unresolvable tangles, then removing the first train identified in the tangles and subsequently running the simulation again. This process was repeated until we achieved a successful dispatch. In total, we removed 13 trains (more than one train per day, on average) before the simulation would run to completion. These 13 trains represent 474.5 excess trains annually beyond the available capacity of the proposed future network,<sup>119</sup> even given our highly conservative modeling assumptions. After removing these trains from the simulation, the RTC was able to develop a viable dispatch plan, although the impact on train performance was substantial. Once the RTC was able to determine a viable dispatch plan, we observed that all three (3) of the new sidings proposed by CP/KCS on the Marquette Subdivision were used heavily in the model.<sup>120</sup> This demonstrates that this proposed new infrastructure was being utilized frequently by the RTC model, but the three (3) new sidings were not sufficient to handle the proposed additional volume.

Table 7 below compares the Base Case metrics to the Future Case metrics after the removal of 13 CP trains required to successfully dispatch an RTC simulation.

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<sup>119</sup> Thirteen (13) trains over a 10-day modeling period.  $365 \text{ days per year} \div 10 \text{ days modeled} \times 13 \text{ trains over capacity in the model period} = 474.5 \text{ trains over capacity per year}$ .

<sup>120</sup> See, workpapers “CP Marquette Added 10K Siding MP 24.jpg,” “CP Marquette Added 12K Siding MP 72.jpg,” and “CP Marquette Added 10K Siding MP 155.jpg.”

Table 7  
**Base Case and Future Case with  
 Removal of Over-capacity Trains RTC Results**

| <b>Train Group</b>                               | <b>Average<br/>Speed<br/>(MPH)</b> | <b>Delay<br/>Percent 1/</b> | <b>Delay Per<br/>100 Train-<br/>Miles<br/>(Minutes)</b> | <b>Total<br/>Delay<br/>(Hours)</b> |
|--------------------------------------------------|------------------------------------|-----------------------------|---------------------------------------------------------|------------------------------------|
| (1)                                              | (2)                                | (3)                         | (4)                                                     | (5)                                |
| <b>Base Case</b>                                 |                                    |                             |                                                         |                                    |
| 1. Metra                                         | 31.52                              | 0.56%                       | 1.06                                                    | 3.6                                |
| 2. Amtrak                                        | 57.68                              | 2.66%                       | 2.70                                                    | 2.9                                |
| 3. Unit Train                                    | 25.32                              | 28.18%                      | 52.67                                                   | 132.3                              |
| 4. Local                                         | 17.89                              | 26.99%                      | 70.41                                                   | 59.2                               |
| 5. Operating Plan                                | 21.82                              | 17.74%                      | 41.44                                                   | 139.1                              |
| 6. Other                                         | <u>25.88</u>                       | <u>38.85%</u>               | <u>64.87</u>                                            | <u>4.9</u>                         |
| 7. Total                                         | 26.18                              | 15.33%                      | 30.46                                                   | 341.9                              |
| <b>Future Case with Removal of Select Trains</b> |                                    |                             |                                                         |                                    |
| 8. Metra                                         | 30.83                              | 2.84%                       | 5.37                                                    | 25.0                               |
| 9. Amtrak                                        | 55.44                              | 7.67%                       | 7.71                                                    | 22.8                               |
| 10. Unit Train                                   | 20.84                              | 51.68%                      | 98.05                                                   | 349.6                              |
| 11. Local                                        | 12.68                              | 75.28%                      | 196.94                                                  | 168.5                              |
| 12. Operating Plan                               | 18.97                              | 42.33%                      | 94.06                                                   | 444.9                              |
| 13. Other                                        | <u>19.83</u>                       | <u>81.15%</u>               | <u>135.52</u>                                           | <u>10.1</u>                        |
| 14. Total                                        | 24.27                              | 32.49%                      | 60.63                                                   | 1,021.0                            |

Source: workbook "Summary Tables for Successful RTC Cases.xlsx."

1/ Delay Percent = 100 x True delay ÷ Total elapsed ideal seed run time.

As shown in Table 7 above, while the Future Case ran to completion after reducing future train volumes, we found a decline in average train speeds across all train types and increases in delay percentages, delay per 100 train-miles and aggregate delay hours. This indicates that even with fewer trains than CP/KCS and Amtrak propose to add, service will significantly decline for Metra and all other train operators.

In the Future Case, even with the benefit of the new infrastructure proposed by Amtrak, and the new infrastructure proposed by CP/KCS, Metra trains incurred 25.0 hours of delay over the course of the week, which is an increase of 594 percent compared to the Base Case delay of

3.6 hours.<sup>121</sup> Metra also saw a 405 percent increase in delay per 100 train miles.<sup>122</sup> These results show that the combined proposed infrastructure expansion is insufficient to accommodate CP's future traffic without adversely affecting Metra's operations, even after reducing the proposed annual CP/KCS volume by 474.5 trains

Based on Metra's past experience, we understand that CP sometimes reroutes trains over Metra's MD lines when the Marquette Subdivision is over capacity. The posited CP/KCS network cannot accommodate its proposed operating plan. In the post-merger scenario, CP/KCS will be operating over Metra's lines with no excess capacity.

### **C. IDENTIFICATION OF REQUIRED INFRASTRUCTURE EXPANSION**

Metra's current service levels will deteriorate in the Future Case even taking CP's and Amtrak's proposed infrastructure into consideration, and even with fewer trains than CP/KCS plan to force through the system. At Metra's request, we developed a scenario to evaluate the impact of additional infrastructure expansion projects to determine their impact on Metra's future service levels.

Specifically, our analysis involved eight (8) additional infrastructure expansion projects on the MD-W line, and three (3) additional infrastructure expansion projects on the MD-N line.

The eight (8) additional infrastructure expansion projects on the MD-W are:

1. Addition of receiving tracks at Bensenville Yard equal to the maximum length of incoming trains;
2. Addition of receiving tracks at Galewood Yard equal to the maximum length of incoming trains;
3. Addition of new powered cross-overs at Bartlett and Itasca;

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<sup>121</sup>  $25.0 \div 3.6 - 1 \times 100 = 594\%$ .

<sup>122</sup>  $5.37 \div 1.06 - 1 \times 100 = 405\%$ .

4. Addition of two (2) new mainline tracks between Tower B12 and Tower B17;
5. Separation of the CP and Metra Milwaukee West tracks and construction of a fly-over from south of Tower A5 to northerly dedicated west bound Metra track;
6. Reduction of the curves at Tower A5 to allow increased speeds from 10 MPH to 25 MPH;
7. Addition of a new southeasterly wye leg at Cragin Junction to direct CP traffic south onto BRC without a reverse move; and
8. Addition of two new mainline tracks between Tower A5 and Tower B12.

The three (3) additional infrastructure expansion projects on the MD-N are:

1. Addition of new universal cross-overs at Lake Forest and Glenview;
2. Addition of a new third main line between Rondout and Tower A20; and
3. Addition of a new connection at Tower A20 to allow CP trains to exit the Metra mainline before entering UP territory.

Table 8 below compares the Base Case metrics to the Future Case metrics<sup>123</sup> with the addition of the infrastructure identified above to Metra's MD lines.

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<sup>123</sup> We still had to remove 12 trains (mostly on the Marquette Subdivision) for the RTC simulation to run with the expanded infrastructure on Metra's Milwaukee District lines.

Table 8  
**Base Case and Future Case with Over-capacity Trains Removed and  
Additional Milwaukee District Infrastructure RTC Results**

| <b>Train Group</b>                                                                             | <b>Average<br/>Speed<br/>(MPH)</b> | <b>Delay<br/>Percent 1/</b> | <b>Delay Per<br/>100 Train-<br/>Miles<br/>(Minutes)</b> | <b>Total<br/>Delay<br/>(Hours)</b> |
|------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------|---------------------------------------------------------|------------------------------------|
| (1)                                                                                            | (2)                                | (3)                         | (4)                                                     | (5)                                |
| <b>Base Case</b>                                                                               |                                    |                             |                                                         |                                    |
| 1. Metra                                                                                       | 31.52                              | 0.56%                       | 1.06                                                    | 3.6                                |
| 2. Amtrak                                                                                      | 57.68                              | 2.66%                       | 2.70                                                    | 2.9                                |
| 3. Unit Train                                                                                  | 25.32                              | 28.18%                      | 52.67                                                   | 132.3                              |
| 4. Local                                                                                       | 17.89                              | 26.99%                      | 70.41                                                   | 59.2                               |
| 5. Operating Plan                                                                              | 21.82                              | 17.74%                      | 41.44                                                   | 139.1                              |
| 6. Other                                                                                       | <u>25.88</u>                       | <u>38.85%</u>               | <u>64.87</u>                                            | <u>4.9</u>                         |
| 7. Total                                                                                       | 26.18                              | 15.33%                      | 30.46                                                   | 341.9                              |
| <b>Future Case with Select Trains Removed and Additional Milwaukee District Infrastructure</b> |                                    |                             |                                                         |                                    |
| 8. Metra                                                                                       | 31.13                              | 1.91%                       | 3.62                                                    | 16.9                               |
| 9. Amtrak                                                                                      | 56.20                              | 6.22%                       | 6.25                                                    | 18.5                               |
| 10. Unit Train                                                                                 | 21.97                              | 47.55%                      | 90.06                                                   | 343.4                              |
| 11. Local                                                                                      | 13.65                              | 57.85%                      | 161.69                                                  | 140.1                              |
| 12. Operating Plan                                                                             | 19.41                              | 32.09%                      | 75.11                                                   | 347.5                              |
| 13. Other                                                                                      | <u>23.10</u>                       | <u>55.55%</u>               | <u>92.77</u>                                            | <u>6.9</u>                         |
| 14. Total                                                                                      | 24.80                              | 26.97%                      | 51.39                                                   | 873.4                              |

Source: workpaper "Summary Tables for Successful RTC Cases.xlsx."

1/ Delay Percent =  $100 \times \text{True delay} \div \text{Total elapsed ideal seed run time}$ .

As shown in Table 8 above, after making these infrastructure additions on Metra's MD lines, our Future Case RTC simulation showed improved performance, but still did not return Metra's service to current baseline levels.

**IX. OTHER CONCERNS**

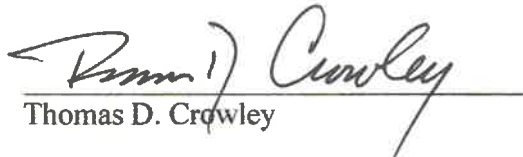
Metra's top priority is to provide safe and reliable service to its customers. As we demonstrated above, Metra's rail lines, as they currently exist, cannot accommodate CP's planned volume increase. Even if CP/KCS reduced their planned volume increase, it cannot be accommodated without a significant reduction in Metra train performance. Our RTC analysis shows that the proposed CP/KCS operating plan is not workable.

However, even if CP were able to make significant additional capital investment and dispatching adjustments to ensure Metra's trains run on schedule, there would still be greater throughput over Metra's lines. This increased throughput has the potential to create a new and different set of problems for the people who live in communities along the route, many of whom are Metra's riders. We did not evaluate the economic or safety impacts of increased freight throughput on the communities Metra serves.

Metra is also concerned that the resolution to the current dispute between CP and CN regarding the possible relocation of CP-CN interchanges from BRC's Clearing Yard to Spaulding Yard in Bartlett, IL (west of Bensenville) or to CN's Kirk Yard in Gary, IN (southeast of Bensenville) may impact the operation of freight trains on Metra's lines. If the CP-CN interchange moves to Spaulding, Kirk, or elsewhere in the Chicago terminal, this could add or change some CP local train assignments operating out of Bensenville, which has the potential to disrupt Metra service.

VERIFICATIONS

I, Thomas D. Crowley, verify under penalty of perjury that I have read this Verified Statement on behalf of Metra, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this statement.

  
Thomas D. Crowley

Executed on 3/15/22

\* \* \*

I, Robert D. Mulholland, verify under penalty of perjury that I have read this Verified Statement on behalf of Metra, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this statement.

  
Robert D. Mulholland

Executed on 3/15/2022



**LIST OF EXHIBITS**

| <b>Exhibit<br/>No.</b> | <b>Exhibit Description</b>                                                                                         |
|------------------------|--------------------------------------------------------------------------------------------------------------------|
| (1)                    | (2)                                                                                                                |
| 1                      | Statement of Qualifications of Thomas D. Crowley                                                                   |
| 2                      | Statement of Qualifications of Robert D. Mulholland                                                                |
| 3                      | Schematics of Select Metra and CP Rail Lines                                                                       |
| 4                      | Review of Metra Provided Freight Train ID's not included in CP Train Event Data                                    |
| 5                      | Summary of CP Freight Trains Operating Over Metra's Milwaukee District Lines (January 1 through December 14, 2021) |
| 6                      | Summary of CP Train Delays Incurred on Select Subdivisions, January 1, 2019 through December 14, 2021              |
| 7                      | Summary of CP Delays Attributed to Other Carriers' Operations, January 1, 2019 through December 14, 2021           |
| 8                      | RTC Modeling Inputs and Procedures                                                                                 |
| 9                      | RTC Simulation Assumptions and Inputs that are Favorable to CP/KCS                                                 |
| 10a                    | Summary of Trains Modeled in Base Case RTC                                                                         |
| 10b                    | Summary of Trains Modeled in Future Case RTC                                                                       |

## **EXHIBIT C-1**

### **Thomas D. Crowley Qualifications**

**THOMAS D. CROWLEY**  
**STATEMENT OF QUALIFICATIONS**

My name is Thomas D. Crowley. I am an economist and President of the economic consulting firm of L. E. Peabody & Associates, Inc. The firm's offices are located at 1501 Duke Street, Suite 200, Alexandria, Virginia 22314, 760 E. Pusch View Lane, Suite 150, Tucson, Arizona 85737, and 7 Horicon Avenue, Glens Falls, New York 12801.

I am a graduate of the University of Maine from which I obtained a Bachelor of Science degree in Economics. I have also taken graduate courses in transportation at George Washington University in Washington, D.C. I spent three years in the United States Army and since February 1971 have been employed by L. E. Peabody & Associates, Inc.

I am a member of the American Economic Association, the Transportation Research Forum, and the American Railway Engineering and Maintenance-of-Way Association.

The firm of L. E. Peabody & Associates, Inc. specializes in analyzing matters related to the rail transportation of all commodities. As a result of my extensive economic consulting practice since 1971 and my participation in maximum-rate, rail merger, service disputes and rule-making proceedings before various government and private governing bodies, I have become thoroughly familiar with the rail carriers and the traffic they move over the major rail routes in the United States. This familiarity extends to subjects of railroad service, costs and profitability, cost of capital, railroad capacity, railroad traffic prioritization and the structure and operation of the various contracts and tariffs that historically have governed the movement of traffic by rail.

As an economic consultant, I have organized and directed economic studies and prepared reports for railroads, freight forwarders and other carriers, for shippers, for associations and for state governments and other public bodies dealing with transportation and related economic

**THOMAS D. CROWLEY**  
**STATEMENT OF QUALIFICATIONS**

problems. Examples of studies I have participated in include organizing and directing traffic, operational and cost analyses in connection with single car and multiple car movements, unit train operations for coal, grain, oil and other commodities, freight forwarder facilities, TOFC/COFC rail facilities, divisions of through rail rates, operating commuter passenger service, and other studies dealing with markets and the transportation by different modes of various commodities from both eastern and western origins to various destinations in the United States. The nature of these studies enabled me to become familiar with the operating practices and accounting procedures utilized by railroads in the normal course of business.

Additionally, I have inspected and studied both railroad terminal and line-haul facilities used in handling various commodities. These operational reviews and studies were used as a basis for the determination of the traffic and operating characteristics for specific movements of numerous commodities handled by rail.

I have frequently been called upon to develop and coordinate economic and operational studies relative to the rail transportation of various commodities. My responsibilities in these undertakings included the analyses of rail routes, rail operations and an assessment of the relative efficiency and costs of railroad operations over those routes. I have also analyzed and made recommendations regarding the acquisition of railcars according to the specific needs of various shippers. The results of these analyses have been employed in order to assist shippers in the development and negotiation of rail transportation contracts which optimize operational efficiency and cost effectiveness.

I have developed property and business valuations of privately held freight and passenger railroads for use in regulatory, litigation and commercial settings. These valuation assignments

**THOMAS D. CROWLEY**  
**STATEMENT OF QUALIFICATIONS**

required me to develop company and/or industry specific costs of debt, preferred equity and common equity, as well as target and actual capital structures. I am also well acquainted with and have used the commonly accepted models for determining a company's cost of common equity, including the Discounted Cash Flow Model ("DCF"), Capital Asset Pricing Model ("CAPM"), and the Farma-French Three Factor Model.

Moreover, I have developed numerous variable cost calculations utilizing the various formulas employed by the Interstate Commerce Commission ("ICC") and the Surface Transportation Board ("STB") for the development of variable costs for common carriers, with particular emphasis on the basis and use of the Uniform Railroad Costing System ("URCS") and its predecessor, Rail Form A. I have utilized URCS/Rail form A costing principles since the beginning of my career with L. E. Peabody & Associates Inc. in 1971.

I have frequently presented both oral and written testimony before the ICC, STB, Federal Railroad Administration, Federal Energy Regulatory Commission, Railroad Accounting Principles Board, Postal Rate Commission and numerous state regulatory commissions, federal courts and state courts. This testimony was generally related to the development of variable cost of service calculations, rail traffic and operating patterns, fuel supply economics, contract interpretations, economic principles concerning the maximum level of rates, implementation of maximum rate principles, and calculation of reparations or damages, including interest. I presented testimony before the Congress of the United States, Committee on Transportation and Infrastructure on the status of rail competition in the western United States. I have also presented expert testimony in a number of court and arbitration proceedings concerning the level

**THOMAS D. CROWLEY**  
**STATEMENT OF QUALIFICATIONS**

of rates, rate adjustment procedures, service, capacity, costing, rail operating procedures and other economic components of specific contracts.

Since the implementation of the *Staggers Rail Act of 1980*, which clarified that rail carriers could enter into transportation contracts with shippers, I have been actively involved in negotiating transportation contracts on behalf of shippers. Specifically, I have advised shippers concerning transportation rates based on market conditions and carrier competition, movement specific service commitments, specific cost-based rate adjustment provisions, contract reopeners that recognize changes in productivity and cost-based ancillary charges.

I have developed different economic analyses regarding rail transportation matters for over sixty (60) electric utility companies located in all parts of the United States, and for major associations, including American Chemistry Council, American Paper Institute, American Petroleum Institute, Chemical Manufacturers Association, the Chlorine Institute, Coal Exporters Association, Edison Electric Institute, the Fertilizer Institute, Mail Order Association of America, National Coal Association, National Grain and Feed Association, National Industrial Transportation League, North America Freight Car Association and Western Coal Traffic League. In addition, I have assisted numerous government agencies, major industries and major railroad companies in solving various transportation-related problems.

In the two Western rail mergers that resulted in the creation of the present BNSF Railway Company and Union Pacific Railroad Company and in the acquisition of Conrail by Norfolk Southern Railway Company and CSX Transportation, Inc., I reviewed the railroads' applications including their supporting traffic, cost and operating data and provided detailed evidence supporting requests for conditions designed to maintain the competitive rail environment that

**THOMAS D. CROWLEY**  
**STATEMENT OF QUALIFICATIONS**

existed before the proposed mergers and acquisition. In these proceedings, I represented shipper interests, including plastic, chemical, coal, paper and steel shippers.

I have participated in various proceedings involved with the division of through rail rates. For example, I participated in ICC Docket No. 35585, *Akron, Canton & Youngstown Railroad Company, et al. v. Aberdeen and Rockfish Railroad Company, et al.* which was a complaint filed by the northern and mid-western rail lines to change the primary north-south divisions. I was personally involved in all traffic, operating and cost aspects of this proceeding on behalf of the northern and mid-western rail lines. I was the lead witness on behalf of the Long Island Rail Road in ICC Docket No. 36874, *Notice of Intent to File Division Complaint by the Long Island Rail Road Company*.

## **EXHIBIT C-2**

### **Robert D. Mulholland Qualifications**



**ROBERT D. MULHOLLAND**  
**STATEMENT OF QUALIFICATIONS**

My name is Robert D. Mulholland. I am an economist and a Senior Vice President of the economic consulting firm of L. E. Peabody & Associates, Inc. The firm's offices are located at: 1501 Duke Street, Suite 200, Alexandria, Virginia 22314; 760 E. Pusch View Lane, Suite 150, Tucson, Arizona 85737; and 7 Horicon Avenue, Glens Falls, New York 12801.

I am a graduate of George Mason University's School of Public Policy, from which I obtained a Master's degree in Transportation Policy, Operations & Logistics, and Bowdoin College, from which I obtained a Bachelor of Arts degree in Government and Legal Studies. I have been employed by L. E. Peabody & Associates, Inc. since 2008 and from 1995 to 2004. From 2004 to 2006, I was the staff economist for the Office of Freight Management and Operations of the Federal Highway Administration ("FHWA") of the United States Department of Transportation ("USDOT"). From 2006 to 2008, I worked for ICF International as a consultant in the transportation group.

L. E. Peabody & Associates, Inc. specializes in analyzing matters related to the rail transportation of all commodities. As a result of my extensive consulting experience since 1995 and my participation in and support of maximum-rate, rail merger, service dispute, reasonable practices, and rule-making proceedings before various government bodies, I have become thoroughly familiar with the major freight and passenger rail carriers in the United States. This familiarity extends to subjects of railroad costs and revenues, service, maintenance, operations, capacity, traffic prioritization, and contract and tariff terms that govern the movement of commodities by rail.

As a consultant, I have directed and conducted economic and operations studies and prepared reports for passenger and freight carriers, shippers, federal agencies, the United States

**ROBERT D. MULHOLLAND**  
**STATEMENT OF QUALIFICATIONS**

Congress, associations, and other public bodies dealing with transportation and related economic issues. Examples of studies I have participated in include organizing and directing rail facilities analyses, quantifying the impact of service disruptions for shippers, evaluation of traffic and operating factors in connection with single and multiple car movements and unit train operations for various commodities, rate and revenue division analyses, and other studies dealing with transportation markets for many commodities over various surface modes throughout the United States. Through these studies I have become familiar with railroad costing and operating practices.

I have inspected and studied railroad terminal facilities used in handling various commodities to collect data that were used as a basis for the determination of traffic and operating characteristics for specific movements handled by rail. I have conducted field studies of short line rail systems and rail spurs, and industry-owned rail facilities, and developed reports assessing their capacity to accommodate various projected operating scenarios and traffic levels.

I have developed operational and economic studies relative to the rail transportation of coal, chemicals, intermodal traffic, and other commodities on behalf of shippers, including analyses of the relative efficiency and costs of railroad operations over multiple routes. The results of these analyses have been used to assist shippers in the development and negotiation of rail transportation contracts that optimize operational efficiency and cost effectiveness.

I have presented written testimony before the STB related to the development of evidence including rail traffic volume and revenue forecasts, cross-over traffic revenue divisions, and train operations in several maximum reasonable rate proceedings on behalf of coal and chemicals

**ROBERT D. MULHOLLAND**  
**STATEMENT OF QUALIFICATIONS**

shippers, and the development of evidence including rail fuel consumption and cost determinations in an unreasonable practice proceeding.

I have supported the negotiation of transportation contracts between shippers and railroads. Specifically, I have conducted studies concerning transportation rates based on market conditions and carrier competition, movement specific service commitments, and specific cost-based rate adjustment provisions. I have developed numerous variable cost calculations utilizing the various formulas employed by the Surface Transportation Board (“STB”) for the development of variable costs for common carriers, with particular emphasis on the basis and use of the Uniform Railroad Costing System (“URCS”). I have utilized URCS costing principles since the beginning of my career with L. E. Peabody & Associates Inc. in 1995.

I have conducted different economic analyses regarding rail transportation matters for dozens of electric utility companies located in all parts of the United States, and for major associations, including the Chlorine Institute, the American Chemistry Council, the Chemical Manufacturers Association, the National Industrial Transportation League, and the Western Coal Traffic League. In addition, I have assisted numerous government agencies in analyzing and solving various transportation-related problems.

In the Western rail merger that resulted in the creation of the present Union Pacific Railroad Company, I reviewed the railroads’ applications including their supporting traffic, cost and operating data and developed detailed evidence supporting requests for conditions designed to maintain the competitive rail environment that existed before the proposed merger.

While employed at FHWA, I was a member of the USDOT inter-agency working group that drafted the National Freight Policy. In addition, I served on the USDOT Freight Gateway

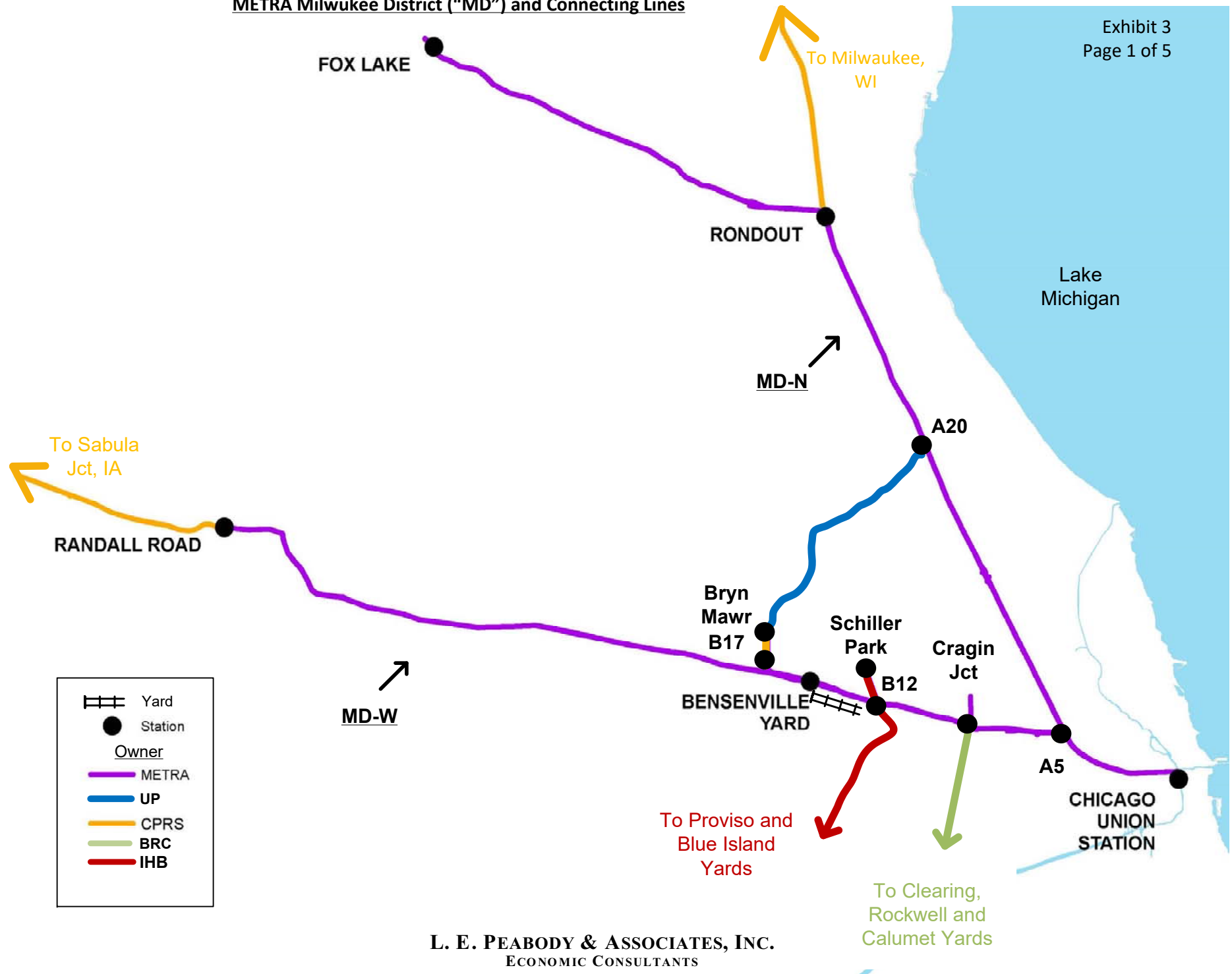
**ROBERT D. MULHOLLAND**  
**STATEMENT OF QUALIFICATIONS**

Team, a group headed by the Undersecretary for Policy and composed of one representative from each of the surface modal agencies.

While employed at ICF International, I directed and conducted numerous analyses of the rail and trucking industries for federal transportation agencies including the Federal Railroad Administration ("FRA"), the Federal Motor Carrier Safety Administration ("FMCSA"), and the FHWA, including analyses of the current rail and trucking industries and forecasts of future trends in both industries.

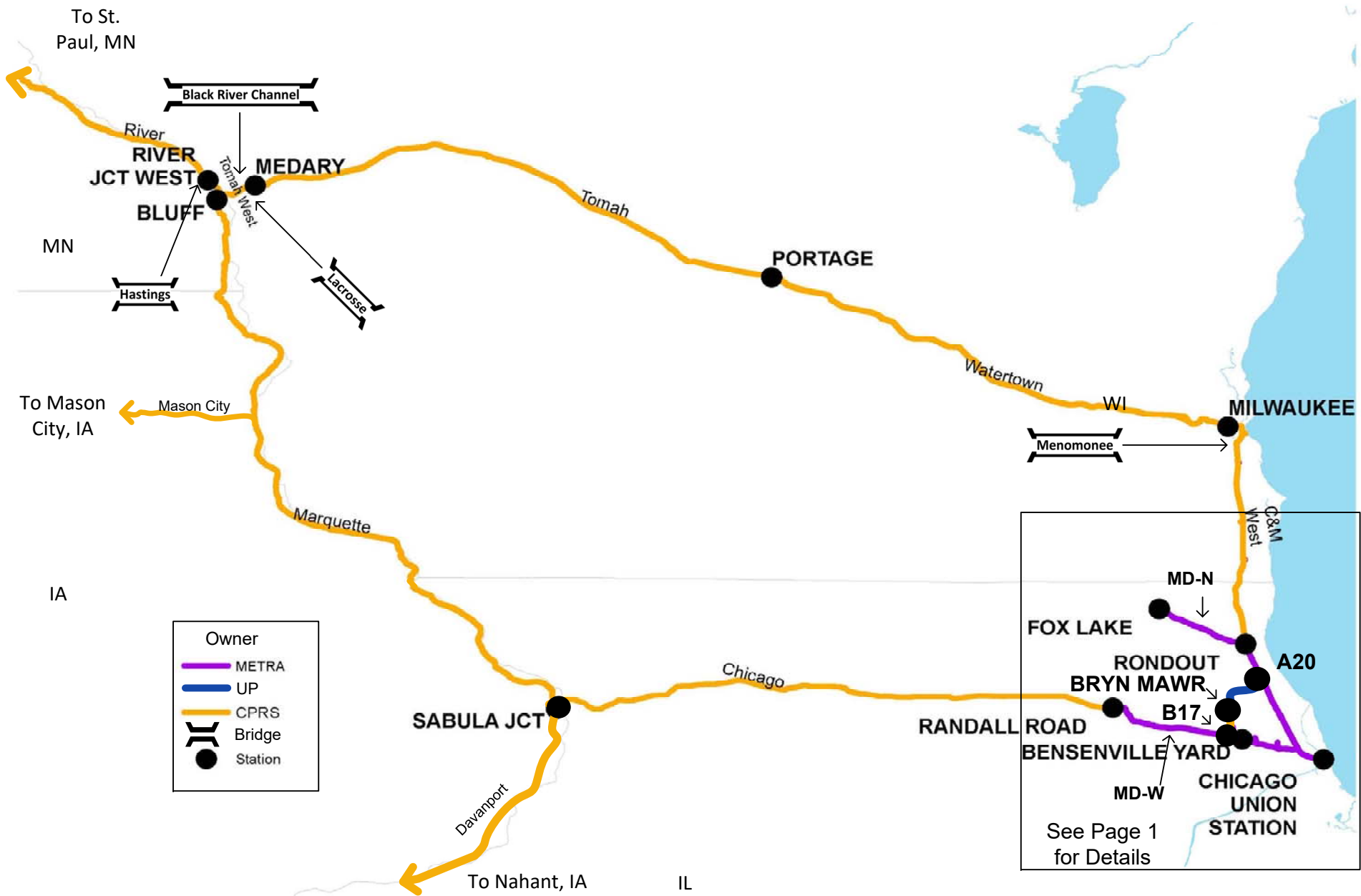
## **EXHIBIT C-3**

### **Schematics of Select Metra and CP Rail Lines**

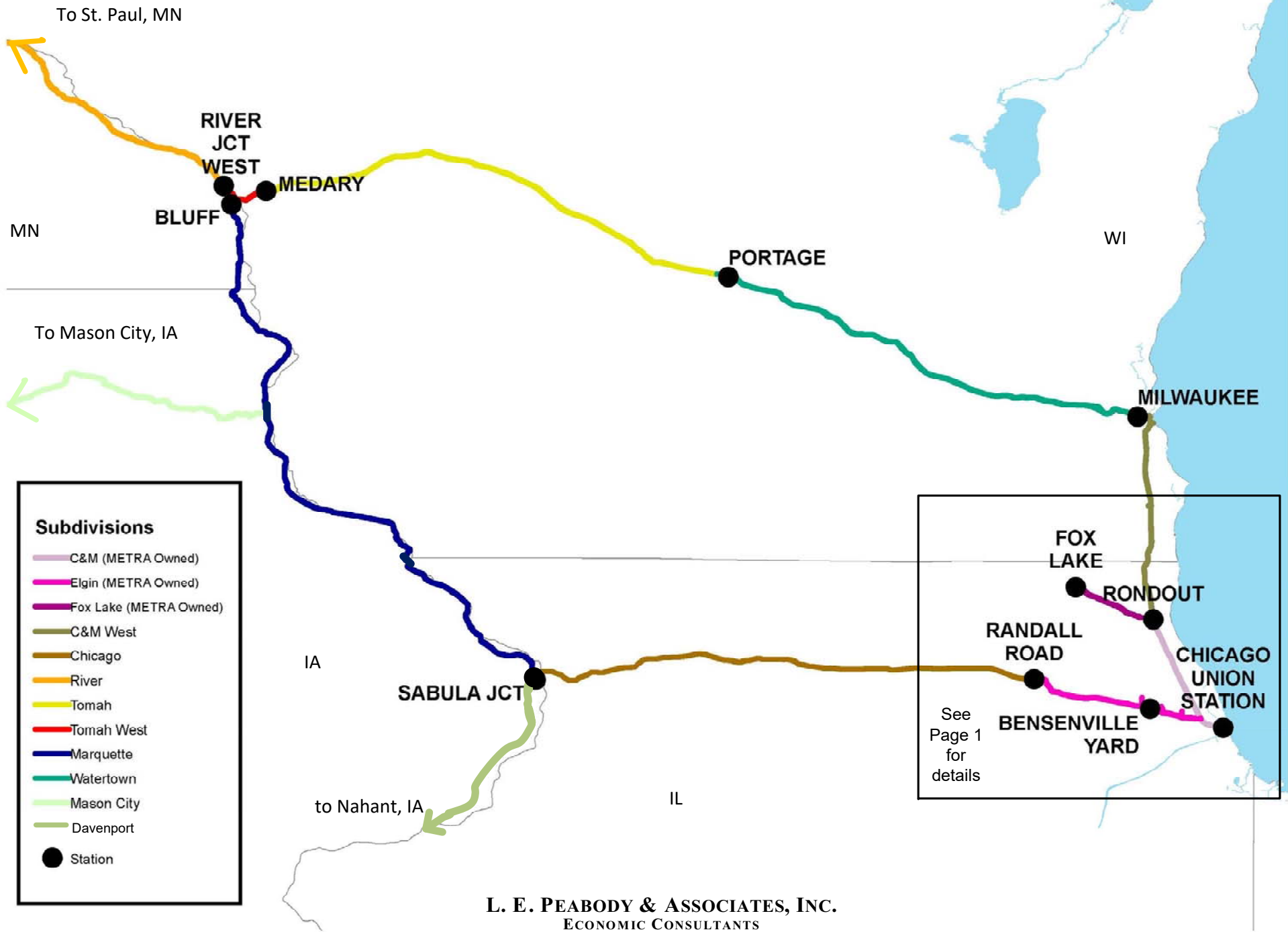


CPRS and METRA Track Modeled in RTC

Exhibit 3  
Page 2 of 5



CPRS Subdivisions

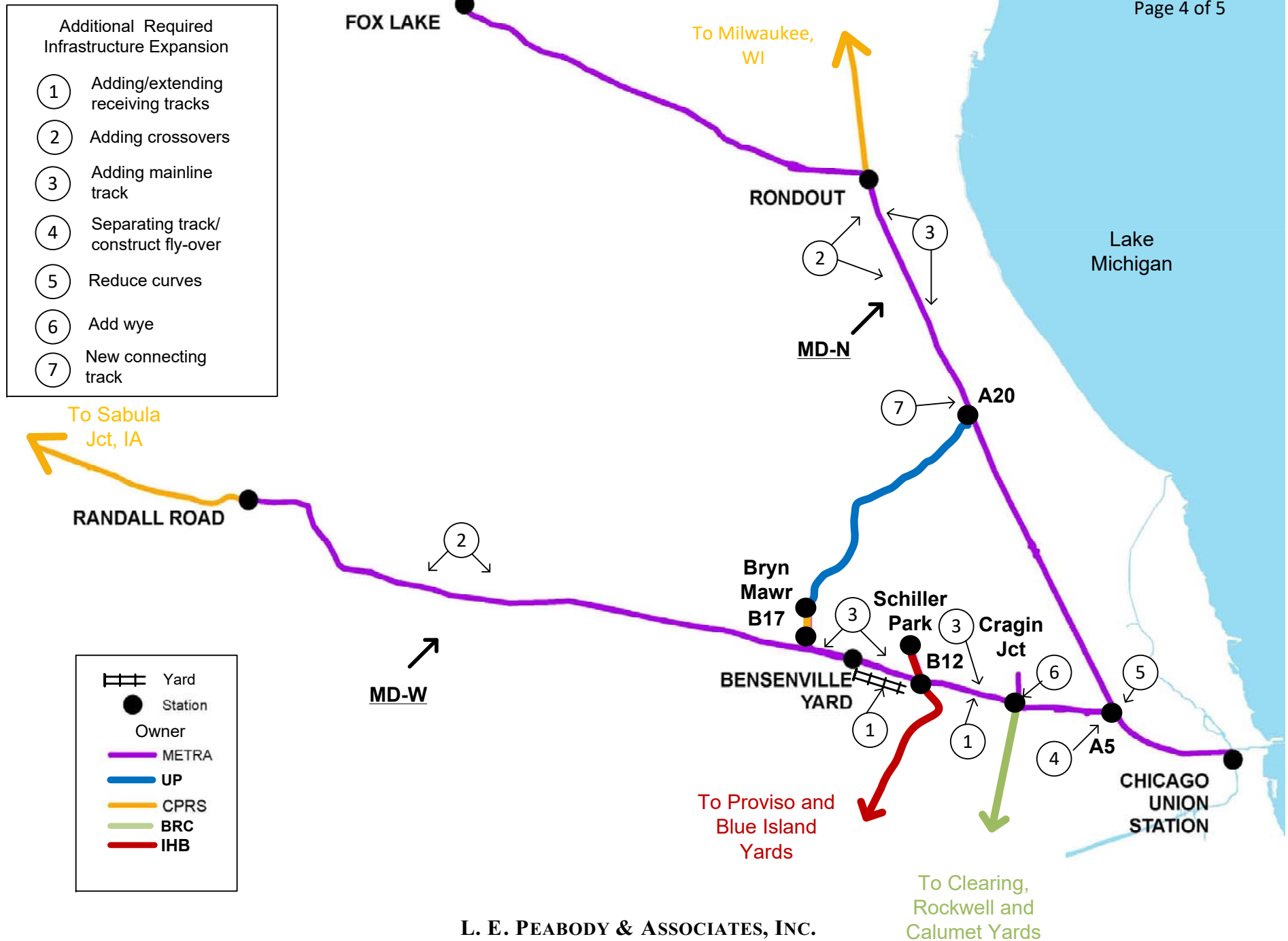




**PUBLIC VERSION**  
**METRA Milwaukee District ("MD") and Connecting Lines with Additional Required Infrastructure**

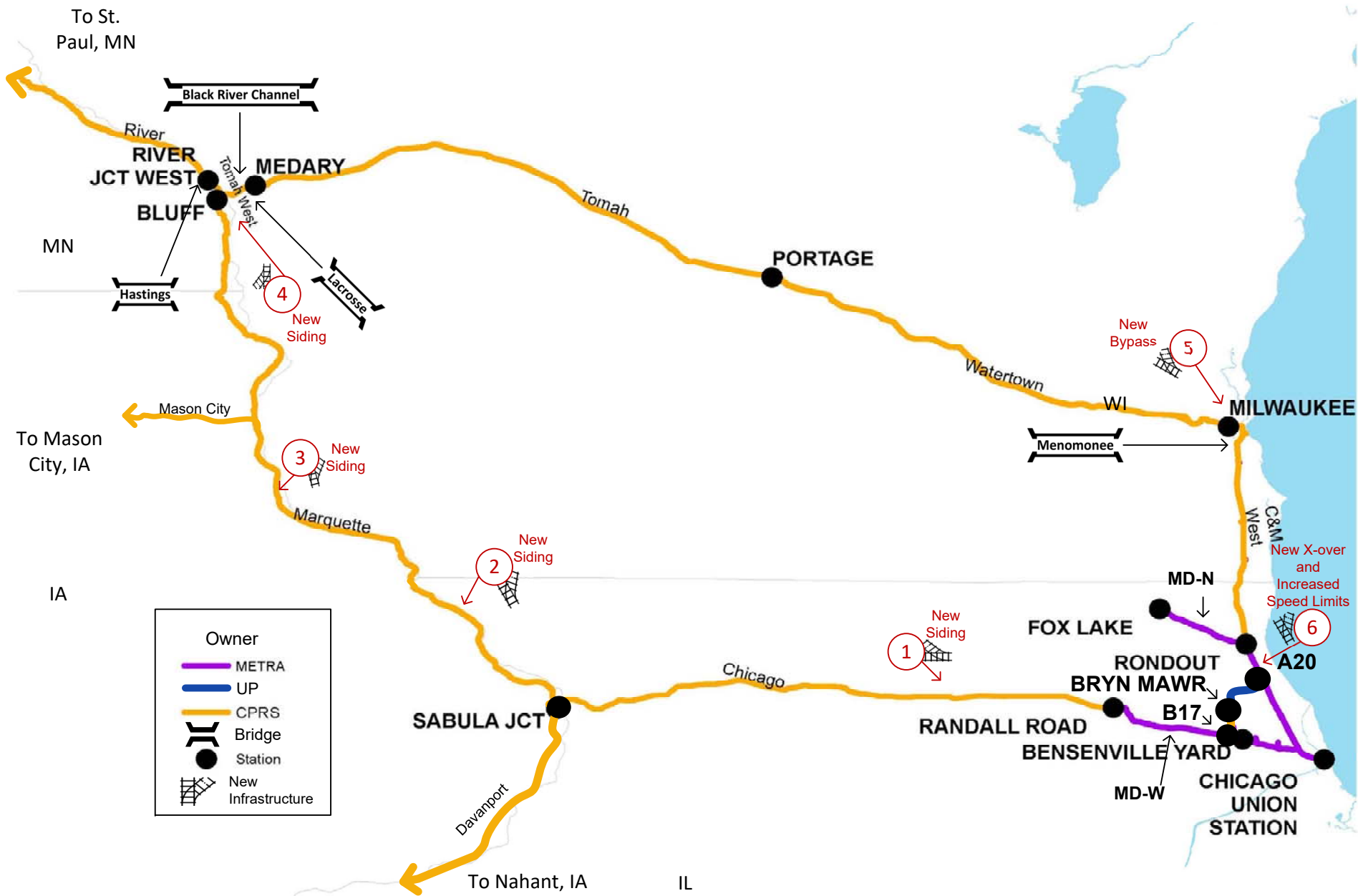
**EXHIBIT C**

Exhibit 3  
 Page 4 of 5



**L. E. PEABODY & ASSOCIATES, INC.**  
 ECONOMIC CONSULTANTS

CP and METRA Future Case with CP/KCS and Amtrak Planned Infrastructure Expansion



## **EXHIBIT C-4**

### **Review of Metra Provided Freight Train ID's not included in CP Train Event Data**

**PUBLIC VERSION**

**EXHIBIT C**

Exhibit No. 4  
Page 1 of 1

Review of Metra Provided Freight Train ID's not included in CP Train Event Data

| Handwritten |                   | Friday    | Saturday  | Sunday    | Monday    | Tuesday   | Wednesday | Thursday  | Trains    | Trains      | Included in ISAs Provided by CP                                  |
|-------------|-------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|------------------------------------------------------------------|
| Handwritten | Engine            | 4/16/2021 | 4/17/2021 | 4/18/2021 | 4/19/2021 | 4/20/2021 | 4/21/2021 | 4/22/2021 | in 7 days | Per Day     |                                                                  |
| Train ID    | Prefix            | (3)       | (4)       | (5)       | (6)       | (7)       | (8)       | (9)       | (10)      | (11)        |                                                                  |
| 1.          | NIRC              | 5009      | 3/        |           | E         | W/E       |           |           | 2         | 0.29        |                                                                  |
| 2.          | LoPC2+20PCS       | --        | 3/        |           | W         |           |           |           | 1         | 0.14        |                                                                  |
| 3.          | T001x             | --        | 3/        |           | W         |           |           |           | 1         | 0.14        |                                                                  |
| 4.          | TK Chevez         | --        | 3/        | E         |           |           |           |           | 1         | 0.14        |                                                                  |
| 5.          | TK Insp           | (CN)      | 3/        | E         |           |           | W         | E         | 3         | 0.43        |                                                                  |
| 6.          | 61P               | BN        | 3/        | W         |           |           |           |           | 1         | 0.14        |                                                                  |
| 7.          | K422              | BNSF      | 3/        |           |           |           |           | W         | 1         | 0.14        |                                                                  |
| 8.          | 5708              | CN        | 3/        |           |           |           |           | E         | 1         | 0.14        |                                                                  |
| 9.          | A446              | CN        | 3/        |           |           |           | E         |           | 1         | 0.14        |                                                                  |
| 10.         | B790              | CN        | 3/        | E         | W         |           | E         |           | 3         | 0.43        |                                                                  |
| 11.         | B790 (2nd of day) | CN        | 3/        |           |           |           | E         |           | 1         | 0.14        |                                                                  |
| 12.         | CNLITE            | CN        | 3/        | W         |           |           |           |           | 1         | 0.14        |                                                                  |
| 13.         | L709              | CN        | 3/        |           |           | W         |           | W/E       | 2         | 0.29        | L5219 and L5209 listed in ISA Number: 380000-103-105 CN and CPRS |
| 14.         | L791              | CN        | 3/        |           |           | W         | W/E       | W         | 3         | 0.43        | L5219 and L5209 listed in ISA Number: 380000-103-105 CN and CPRS |
| 15.         | X346              | CN        | 3/        |           |           |           | E         |           | 1         | 0.14        |                                                                  |
| 16.         | 24R               | CP        | 1/        |           | W         |           |           |           | 1         | 0.14        |                                                                  |
| 17.         | BP11              | CP        | 1/        | W         | W         | W         |           |           | 3         | 0.43        |                                                                  |
| 18.         | BR2               | CP        | 1/        |           |           |           | E         |           | 1         | 0.14        |                                                                  |
| 19.         | IM1               | CP        | 1/        | W         |           |           | W/E       | W/E       | 3         | 0.43        |                                                                  |
| 20.         | IM2               | CP        | 1/        | W         | W         | W/E       | W/E       | W         | 6         | 0.86        |                                                                  |
| 21.         | Q165              | CP        | 1/        | W         | W         | W         | W         | W         | 5         | 0.71        | Q165 listed in ISA Number: 380000-064-105 CSXT and CPRS          |
| 22.         | K442              | CSXT      | 3/        | W         |           |           |           |           | 1         | 0.14        |                                                                  |
| 23.         | K814              | CSXT      | 3/        |           |           | W         |           |           | 1         | 0.14        |                                                                  |
| 24.         | K854              | CSXT      | 3/        |           |           |           | W         |           | 1         | 0.14        |                                                                  |
| 25.         | K884              | CSXT      | 3/        |           |           |           | W         |           | 1         | 0.14        |                                                                  |
| 26.         | X346              | CSXT      | 3/        |           | E         |           |           |           | 1         | 0.14        |                                                                  |
| 27.         | L501              | GTW       | 3/        | W/E       |           |           | W/E       |           | 2         | 0.29        |                                                                  |
| 28.         | R904              | IC        | 3/        |           | E         |           |           |           | 1         | 0.14        |                                                                  |
| 29.         | BP2               | IHB       | 3/        | W         | E         | W         | W/E       | W/E       | 5         | 0.71        | BP2 listed in ISA Number: 380000-105-357 IHB and CPRS            |
| 30.         | GA3               | IHB       | 3/        |           |           |           | W/E       |           | 1         | 0.14        |                                                                  |
| 31.         | GP4               | IHB       | 3/        |           |           |           | W         | E         | 2         | 0.29        |                                                                  |
| 32.         | TML               | insp(CN)  | 3/        | W         |           |           |           |           | 1         | 0.14        |                                                                  |
| 33.         | A446              | KCS       | 3/        |           |           |           | E         |           | 1         | 0.14        |                                                                  |
| 34.         | RTA107            | METX      | 3/        |           |           |           | W         |           | 1         | 0.14        |                                                                  |
| 35.         | 17V               | NS        | 2/        | W         | W         |           | W         | W         | 6         | 0.86        | 17V listed in ISA Number: 380000-105-555 NS and CPRS             |
| 36.         | 67X               | NS        | 3/        |           |           |           | W         | W         | 2         | 0.29        |                                                                  |
| 37.         | S009              | NS        | 3/        |           |           | W         |           |           | 1         | 0.14        |                                                                  |
| 38.         | RC SCU9           | SCU       | 3/        | W         |           |           |           |           | 1         | 0.14        |                                                                  |
| 39.         | Sain 2            | Sperry    | 3/        |           | W/E       |           |           |           | 1         | 0.14        |                                                                  |
| 40.         | A446              | UP        | 3/        |           | E         | E         | E         |           | 3         | 0.43        |                                                                  |
| 41.         | GA6               | UP        | 3/        |           |           |           | W/E       |           | 1         | 0.14        |                                                                  |
| 42.         | K635              | UP        | 3/        |           |           |           |           | W         | 1         | 0.14        |                                                                  |
| 43.         | YPRCP             | UP        | 2/        | W/E       | W/E       | W/E       | W         | W         | 7         | 1.00        | YPRCP listed in ISA Number: 381248-105-802-GM UP and CPRS        |
| 44.         | T001              | WAMX      | 3/        | W/E       | W/E       | W/E       | W/E       | W/E       | 7         | 1.00        |                                                                  |
| 45.         | T002              | WAMX      | 3/        |           |           | W/E       |           |           | 1         | 0.14        |                                                                  |
| 46.         | T004              | WAMX      | 3/        | W/E       | W/E       |           | W/E       | W/E       | 4         | 0.57        |                                                                  |
| 47.         | <b>Total</b>      |           |           |           |           |           |           |           | <b>96</b> | <b>13.7</b> |                                                                  |

1/ Appears to be a CP train, Train ID does not appear in provided CP train data.

2/ Train modeled in RTC as foreign train based on Operating Plan description

3/ Appears to be a foreign train, Train ID does not appear in provided CP train data.

**L. E. PEABODY & ASSOCIATES, INC.**

ECONOMIC CONSULTANTS

## **EXHIBIT C-5**

### **Summary of CP Freight Trains Operating Over Metra's Milwaukee District Lines (January 1 through December 14, 2021)**





## **EXHIBIT C-6**

### **Summary of CP Train Delays Incurred on Select Subdivisions, January 1, 2019 through December 14, 2021**





## **EXHIBIT C-7**

### **Summary of CP Delays Attributed to Other Carriers' Operations, January 1, 2019 through December 14, 2021**



## **EXHIBIT C-8**

### **RTC Modeling Inputs and Procedures**

**RTC MODELING INPUTS AND PROCEDURES**

- A. Time Period:
  - 1. Peak Week of the 2021 Base Year defined as the rolling 7-day period with the greatest cumulative train count on Metra-owned Track
    - a. Unless the National Weather Service database reported unusual weather or
    - b. There were unusual track outages or operating circumstances based on a review of industry news
    - c. April 16-22, 2021
  - 2. Plus 2 warm-up days and 1 cool down day
    - a. April 14-23, 2021
- B. Subdivisions Modeled in RTC:
  - 1. Metra Lines
    - a. Elgin (MD-West) (A5 to Randall Rd, IL)
    - b. Fox Lake (MD-North from Fox Lake to Rondout, IL)
    - c. C&M (MD-North from Rondout to CUS)
  - 2. CP Lines
    - a. C&M West (Rondout to Milwaukee, WI)
    - b. Watertown (Milwaukee to Portage, WI)
    - c. Tomah (Portage to Lacrosse, WI)
    - d. Tomah West (Lacrosse to River Jct West, MN)
    - e. Marquette (River Jct West to Sabula, IA)
    - f. Chicago (Sabula to Randall Rd)
    - g. MTP BRC Leads (Cragin Jct)
    - h. MTP IHB Leads (Tower B12)
    - i. Tower 17 to Bryn Mawr
  - 3. UP Lines
    - a. Milwaukee (Bryn Mawr to Tower A20)
- C. Trains Modeled, listed by dispatching priority:
  - 1. Developed from Train Schedules
    - a. Metra Trains
    - b. Amtrak Trains
  - 2. Developed from CP Train Event data, CP “Growth Plan” schedule, CP Local Operating Plan (LOP), CP Loading/Unloading data, and CP/KCS Operating Plan descriptions
    - a. CP Merchandise Trains (Intermodal, Auto, Manifest)
    - b. CP Unit Trains
    - c. Foreign Trains (included only UP and NS trains serving Bensenville)
    - d. CP Local Freight Trains
    - e. CP Work Trains
- D. RTC network (infrastructure) development

**RTC MODELING INPUTS AND PROCEDURES**

1. Metra-owned Milwaukee District track segments
    - a. Track segments and sidings
    - b. Crossover/turnouts
    - c. Speed Limits
    - d. Grade and Curve data
    - e. Yard Configurations
    - f. Road Crossings
    - g. Latitude/Longitude
    - h. Amtrak additions/improvements on Metra territory
      - i. February 2 CP-Amtrak Agreement Appendix A and B improvements (Future Case)
    - i. Metra proposed additions/improvements on Metra territory
      - i. Receiving tracks at Bensenville and Galewood Yards equal to CP max train lengths.
      - ii. Crossovers at Itasca, Bartlett, Lake Forest, and Glenview
      - iii. Mainline track from A5-B17 and A20 to Rondout
      - iv. Flyover and reduce curves at A5
      - v. Wye at Cragin Jct.
      - vi. Connecting tracks at A20
  2. CP-owned track segments
    - a. Track segments and sidings
    - b. Crossover/turnouts
    - c. Signals
    - d. Speed Limits
    - e. Grade and Curve data
    - f. Yard Configurations Road Crossings
    - g. Latitude/Longitude
    - h. Amtrak additions/improvements on CP territory (Future Case)
      - i. CP-Amtrak Agreement Filed February 2, 2022 - Appendix A/B improvements
    - i. CP/KCS planned infrastructure additions/improvements (Future Case)
      - i. Marquette Subdivision, 3 new sidings
      - ii. Chicago Subdivision, 1 new siding
  3. UP-owned track between Tower A20 and Bryn Mawr
    - a. Publicly Available UP timetables
    - b. Google Earth satellite imagery
- E. Metra Train Modeling Procedures
1. MD-W Line
    - a. Outbound (Westbound)
      - i. Locomotive pulling (except double headers)

**RTC MODELING INPUTS AND PROCEDURES**

- ii. Loading/Unloading: 1 Main platforms
  - b. Inbound (Eastbound)
    - i. Locomotive pushing (except doubleheaders)
    - ii. Loading/Unloading:
      - 1. 2 Main platforms from Randall Road to Franklin Park
      - 2. 3 Main platforms from River Grove to Grand/Cicero
      - 3. 2 Main/3 Main platform at Western
  - c. CUS Platforms:
    - i. Base Case
      - 1. Platforms 5, 7, 9, 11 and 13.
    - ii. Future Case
      - 1. Platforms 5, 7, 9, 11 and 13.
  - d. Trainsets in Service:
    - i. Base Case
      - 1. 9 weekday, 4 Saturday, 2 Sunday
    - ii. Future Case
      - 1. 10 weekday, 4 Saturday, 2 Sunday
  - e. Overnight trainset tie-up locations:
    - i. Elgin Coach Yard (between National Street Station and Coach Street Station): 9 sets, 1 is a doubleheader.
2. MD-N Line
- a. Outbound (Northbound)
    - i. Locomotive pulling (except doubleheaders)
    - ii. Loading/Unloading: 1 Main track platforms
  - b. Inbound (Southbound):
    - i. Loading/Unloading:
      - 1. 1 Main platforms from Fox Lake to Rondout
        - a. Grayslake: both directions use both Main track and siding as needed
      - 2. 2 Main platforms from Rondout to Healy
      - 3. 2 Main/3 Main platform Western
  - c. CUS Platforms:
    - i. Base Case
      - 1. Platforms 5, 7, 9, 11, 13 and 15.
    - ii. Future Case
      - 1. Platforms 1, 5, 7, 9, 11, 13 and 15
  - d. Trainsets in Service:
    - i. Base Case
      - 1. MD-N: 8 weekday, 3 weekend
      - 2. NCS: 4 weekday, 0 weekend
    - ii. Future Case

**RTC MODELING INPUTS AND PROCEDURES**

1. MD-N: 11 weekday, 3 weekend
  2. NCS: 5 weekday, 0 weekend
  - e. Overnight trainset tie-up locations:
    - i. Fox Lake (Yard between Sayton Road and Grand Avenue): 8 sets, 1 is a doubleheader.
    - ii. Antioch (offline, North Central Service): 4 sets.
    - iii. Western Ave Coach Yard: 1 set.
  3. Train schedules and platform dwell:
    - a. All scheduled times are departure times except at destination (where it is arrival time).
    - b. Metra trains do not leave the platform ahead of schedule.
    - c. Metra does not specify a minimum dwell time at Metra platforms if the trains are running on or behind schedule.
      - i. Minimum of 30 second platform dwell was used in RTC
  4. Train consist data:
    - a. Train consist data (locomotive number and type, car number and type, trailing length, trailing weight) provided by Metra.
- F. Amtrak Train Modeling Procedures
1. Hiawatha Service (bidirectional between CUS and Milwaukee)
    - a. Base Case
      - i. 6 trains per day (3 pairs per day operating during the modeling week – temporarily reduced schedule). Note: 7 pairs (14 trains) operated for much of 2021
    - b. Future Case
      - i. 20 trains per day based on Amtrak-CP Agreement filed with the STB on February 2, 2022 (10 pairs per day).
      - ii. Extension of 2 trains per day Twin Cities-Milwaukee-Chicago (TCMC) extended route based on Amtrak-CP Agreement filed with the STB on February 2, 2022.
  2. Empire Builder Service (bidirectional between CUS and Seattle)
    - a. Base Case
      - i. 2 trains per day (1 each direction)
    - b. Future Case
      - i. 2 trains per day (1 each direction)
  3. Train Schedules and platform dwell
    - a. Publicly available Current/Historical schedules used
    - b. Future Train Schedules listed on publicly available Amtrak presentations and filings were used when current schedules were not available
  4. Train Consist data



**RTC MODELING INPUTS AND PROCEDURES**

- a. CP train event data contains NULL values in trailing length and weight data fields for Amtrak trains.
  - b. Amtrak consist data developed from Request for passenger rail bonding/Amtrak Station Program and Planning guidelines/Rider details shared in train magazines
- G. CP Freight Train Modeling Procedures
- 1. Base Period Trains developed primarily from 2021 CP Train Event data
    - a. Consist data
      - i. Locomotive count reported in train event data by location.
      - ii. Predominant locomotive type by train group provided by CP in response to document production request and follow-up questions. Length on locomotives estimated based on predominant type provided by CP.
      - iii. Locomotive type for select local trains included in Local Operating Plan data.
      - iv. Loaded and empty car count, train length, and train weight data included in CP train event data by location.
    - b. Route and event data
      - i. Train departure and dwell times included in CP train event data by location.
        - a) Dwell times reflect actual historical times for intermediate switching, crew changes, inspections
      - ii. Terminal switching data (railcar actual placement and release from industry times) for individual carloads handled by local and select unit trains included in CP loading and unloading data.
      - iii. Local train general routes included in Local Operating Plan data.
      - iv. Operating Plan and Local train routes included in Growth Plan Train data.
  - 2. Future Period Trains developed from base period train list, with additions/adjustments
    - c. Consist data
      - i. Trains operating in both base period and future period – use base period stats.
      - ii. New line-haul operating plan (IM/Auto/Manifest) trains operating in future period only:
        - a) Use historical consist data for trains being replaced where available
          - 1) Use 2021 140/141 consist data as surrogate for future 170/171 replacement trains.
          - 2) Use 2021 474/475 consist data as surrogate for future 260/261 replacement trains.
      - iii. New unit trains operating in future period only:

**RTC MODELING INPUTS AND PROCEDURES**

- a) Identify and replicate historical (2021) unit trains that traverse segments over which CP/KCS have projected unit train growth.
  - d. Route and event data
    - i. Trains operating in both base period and future period – use base period timestamps.
    - ii. New line-haul operating plan (IM/Auto/Manifest) trains operating in future period only:
      - a) Use departure time included in Growth Plan with adjustments to reflect 2021 average deviation from schedule.
      - b) Use dwell times for intermediate events (intermediate switching, crew changes, inspections) included in Growth Plan.
    - iii. New unit trains operating in future period only:
      - a) Slot in based on available time slots observed in 2021 train event data.
      - b) Distribute growth unit trains evenly across model period (i.e., avoid bunching).
- H. Bensenville yarding
  - 1. Trains entering yard
    - a. Long trains require special handling
      - i. Long CP trains entering Bensenville foul yard and mainline switches at Bensenville until train can be split.
  - 2. Trains exiting yard
    - a. Long trains require special handling
      - i. Long CP trains exiting Bensenville yard briefly foul mainline and yard switches.
- I. Operating Restrictions
  - 1. Track work/Slow Orders/Drawbridge operation
    - a. CP Train Delays that occurred in the base period and reported a variance code beginning with “E” (Engineering) were replicated in the RTC model
      - i. For example, the CP delay data indicates that {{
 

}}

 This slow order was coded into the RTC model.
  - 2. Metra Commuter Peak Periods
    - a. Commuter Peak Period curfews were based on the restrictions outlined in page 13-15 of Metra’s 5-27-1993 Supplemental Agreement with CP.<sup>1</sup>

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<sup>1</sup> See, CP/KCS workpaper “8.3.33-CP-HC-00008983.pdf.”

**RTC MODELING INPUTS AND PROCEDURES**

- b. In the Base Case scenario sensitivity analysis, we restricted CP freight trains from operating over Metra's lines during the contractual Peak Periods.
  - i. For example, the CP train event data indicates that {{  
}} This operation was allowed to occur at this time in our primary base case model, but the train was held at Bensenville until the commuter peak period expired at [7:45] in our sensitivity analysis.

## **EXHIBIT C-9**

### **RTC Simulation Assumptions and Inputs that are Favorable to CP/KCS**

**RTC SIMULATION ASSUMPTIONS AND INPUTS  
THAT ARE FAVORABLE TO CP/KCS**

Our RTC simulations demonstrate that CP/KCS' proposed operating plan fails. In developing the inputs and parameters to our RTC simulations, we made several assumptions that are extremely favorable to CP/KCS, and the RTC simulation still failed to successfully dispatch all simulated trains with CP/KCS' planned infrastructure expansion and projected traffic levels. A summary of assumptions favorable to CP/KCS follows:

1. We excluded several foreign trains per day (in both the base case and future case) because CP failed to provide train event data for foreign trains;
2. We included very few light engine moves for freight operations in our simulations;
3. We assumed the Mason City Subdivision (branch line off the Marquette Subdivision) would be clear to accommodate Marquette Subdivision train meets (in both the Base Case and Future Case) for some CP trains performing work at Marquette;
4. We allowed a conservative 30-minute dwell cap on all at-grade road crossings;
5. We tested multiple simulations where trains were allowed to dwell indefinitely on at-grade crossings on the Marquette Subdivision;
6. We assumed intermodal/auto/manifest train length and trailing weight would not increase in the future case;
7. We assumed local train length and trailing weight would not increase in the Future Case;
8. We assumed no increase in local train frequency in the Future Case;
9. We assumed local bulk/unit train length and trailing weight would not increase in the Future Case;
10. We assumed unit train growth would be distributed evenly among the 10-days in the modeling period, which avoids the bunching that is inevitable in the real world;
11. We modeled the entire system as unsignaled, which produces a similar result to a system equipped completely with PTC, aiding in dispatching efficiency compared to other signal systems;<sup>1</sup>
12. We assumed no interference from UP freight trains on the UP line segment CP operates over via trackage rights between Tower A20 and Bryn Mawr;

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<sup>1</sup> In a real-world scenario, train signals will prevent dangerous activity and train collisions on the network. In a simulation such as the RTC, train collisions are not possible and coding the network with signals only serves to hold trains further back and/or delay them further than a scenario where RTC can dispatch trains fluidly without consideration for signal aspects or locations.

**RTC SIMULATION ASSUMPTIONS AND INPUTS  
THAT ARE FAVORABLE TO CP/KCS**

13. We modeled a period with no adverse weather conditions, allowing for higher speed limits in most subdivisions and better track adhesion over the entire network;
14. We coded Metra trains with Elite priority and CP's trains with High Priority, which largely prevents CP freight trains from interfering with Metra trains;
15. We assumed no additional interference for CP manifest/intermodal trains entering/exiting Bensenville Yard in the Future Case, despite CP/KCS' planned significant increase in cars handled at Bensenville following the merger; and
16. We adjusted the dispatch logic settings for all scenarios to the maximum permissible "*conflict resolution difficulty threshold for terminating dispatch*," i.e., the RTC model will keep attempting to find a viable dispatch plan for the scenario until the maximum threshold is reached before it results in failure.

## **EXHIBIT C-10a**

### **Summary of Trains Modeled in Base Case RTC**





—  
d

















## **EXHIBIT C-10b**

### **Summary of Trains Modeled in Future Case RTC**

























## **EXHIBIT 2**

**Supplemental Verified Statement of Thomas D. Crowley and  
Robert D. Mulholland (METR-8, Attachment A)**

**PUBLIC VERSION**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

DOCKET NO. FD 36500

CANADIAN PACIFIC RAILWAY LIMITED; CANADIAN PACIFIC RAILWAY  
COMPANY; SOO LINE RAILROAD COMPANY; CENTRAL MAINE & QUEBEC  
RAILWAY US INC.; DAKOTA, MINNESOTA & EASTER 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

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SUPPLEMENTAL VERIFIED STATEMENT

of

Thomas D. Crowley  
President

and

Robert D. Mulholland  
Senior Vice President

**L. E. PEABODY & ASSOCIATES, INC.**  
ECONOMIC CONSULTANTS

On Behalf Of

**THE COMMUTER RAIL DIVISION OF THE  
REGIONAL TRANSPORTATION AUTHORITY AND NORTHEAST  
ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION  
(METRA)**

Dated: June 9, 2022

# **PUBLIC VERSION**

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## **LIST OF EXHIBITS**

| <b>Exhibit<br/>No. <sup>1</sup></b> | <b>Exhibit Description</b>                                                                   |
|-------------------------------------|----------------------------------------------------------------------------------------------|
| <b>(1)</b>                          | <b>(2)</b>                                                                                   |
| 11                                  | Change in CP/KCS Calculation of Projected Increase in Trains Per Day                         |
| 12                                  | CP Provided Track Charts and 2022 Satellite Imagery of Harper's Ferry                        |
| 13                                  | CP/KCS May 31, 2022 response to Metra's Fourth Set of Interrogatories and Sixth Set Requests |

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<sup>1</sup> Exhibit No. 1 through Exhibit No. 10 are included with our Verified Statement filed in this proceeding on March 15, 2022.

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## **I. INTRODUCTION**

We are Thomas D. Crowley and Robert D. Mulholland, President and a Senior Vice President, respectively, of L. E. Peabody & Associates, Inc. We are the same Thomas D. Crowley and Robert D. Mulholland who presented a Verified Statement in support of The Commuter Rail Division of the Regional Transportation Authority and Northeast Illinois Regional Commuter Railroad Corporation's ("Metra") March 15, 2022 Comments in this proceeding. L. E. Peabody & Associates, Inc. is an Economic Consulting Firm that specializes in addressing economic, transportation, marketing, financial, accounting and fuel supply matters. We have spent most of our consulting careers of over 50 and 25 years, respectively, evaluating railroad operations, capacity, costs and profitability and pricing issues for shippers, producers, railroads and government agencies. Our credentials are included as Exhibit No. 1 and Exhibit No. 2 to our March 15, 2022 Verified Statement ("VS").

We have been asked by Counsel for Metra to review the updated Application and supporting documents filed by the Canadian Pacific Railway Company ("CP") and the Kansas City Southern ("KCS") (jointly "CP/KCS") on May 13, 2022, and to determine the extent to which our March 15, 2022 VS should be modified and/or expanded in light of the revised documents.<sup>2</sup> The results of our review are contained in following sections of this Supplemental Verified Statement ("SVS").

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<sup>2</sup> The Board's Decision No. 17 instructed CP/KCS to "amend their Operating Plan to include (1) an explicit identification of the baseline traffic density values used in the Operating Plan calculations and to be used in the environmental review; (2) a comprehensive explanation of how those values were generated; and (3) a comprehensive explanation of the rationale underlying those methodological choices" and to "support data claims in the Operating Plan with specific citations to relevant portions of any supporting workpapers ... include the supplemental information from their March 21, 2022 response ... [and] revise as necessary and resubmit all workpapers associated with their Operating Plan."



## **II. SUMMARY OF FINDINGS**

Our March 15, 2022 VS included a lengthy section describing several deficiencies inherent in the framework CP/KCS used to quantify the impacts of its proposed merger on the traffic and operations over rail lines owned by Metra in the Chicago area.<sup>3</sup> We reviewed the updated Application and determined that while the relevant supporting documentation offered by CP/KCS has been modified, our critique is still valid. Specifically:

1. CP/KCS continue to exclude multiple classes of traffic from the pre- and post-merger train counts considered in their capacity analyses, most notably commuter and intercity passenger traffic;
2. CP/KCS still presume that all available capacity on the Milwaukee District (“MD”) lines owned by Metra is reserved exclusively for CP/KCS and fail to acknowledge Metra’s right to return to its pre-Covid passenger volumes;
3. CP/KCS still have made no effort to quantify or evaluate the impact of their proposed merger on Metra’s operations and performance;
4. CP/KCS still have not conducted any RTC simulations to ensure that their proposed operating plan is feasible; and
5. The capacity analyses offered in support of the proposed operating plan remain insufficient.

Importantly, the changes made by CP/KCS have little impact on their statement of CP freight volumes moving over Metra’s MD lines over which CP operates (and that CP/KCS call the CP Elgin, C&M, and Fox Lake Subdivisions). Moreover, the train volumes we included in the Rail Traffic Controller “RTC” simulations we developed in support of our March 15, 2022 VS were largely developed from sources other than the density data. Specifically, our base period train volumes were developed from: (1) CP historical train event data provided in response to Metra’s Requests for Production (for CP freight traffic); (2) Metra operational data and train

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<sup>3</sup> See, our March 15, 2022 VS, Sections IV, VI, and VII, at pages 9-14, 17-35, and 36-52, respectively.

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schedules (for Metra traffic); (3) Public Amtrak train schedules and operating data (for Amtrak trains); and (4) Operating plan descriptions of Chicago operations (for select Foreign trains).<sup>4</sup>

Similarly, our post-merger train volumes were developed from: (1) CP's post-merger operating plan schedules (for scheduled CP freight traffic); (2) Metra operational data and train schedules (for Metra traffic); (3) Public Amtrak train schedules and operating data (for Amtrak trains); (4) Operating plan descriptions of Chicago operations (for select Foreign trains); and (5) CP/KCS projected daily volumes (for "unscheduled" (unit train) CP freight traffic). Although our future case unit trains were developed from CP/KCS' projections, the revisions included in the work papers supporting the Amended Operating Plan do not result in changes to the future case train volumes moving over the line segments we modeled in RTC.

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<sup>4</sup> As discussed in our March 15, 2022 VS at pp. 20-24, the train event data provided by CP did not include data for the dozens of foreign freight trains and passenger trains moving over Metra's operating territory.

**III. EVALUATION OF AMENDED APPLICATION  
AND SUPPORTING DOCUMENTS**

Below we discuss the changes to CP/KCS' posited operating plan and supporting documents under the following topical headings:

- A. Updated Pre-and Post-Merger Train Counts
- B. Operating Plan Feasibility

**A. UPDATED PRE-AND POST-MERGER  
TRAIN COUNTS**

CP/KCS modified their statement of segment train volumes in both their pre-merger and post-merger scenarios. Specifically, CP/KCS now exclude bulk trains required to move projected organic growth from their post-merger train counts.<sup>5</sup> This change serves to reduce the difference between their base and future scenario train volumes. For example, the change in trains per day on the portion of the Elgin Subdivision west of Bensenville was previously calculated as 8.21 trains,<sup>6</sup> but it has been revised to exclude bulk organic growth and is now calculated as 8.00 trains.<sup>7</sup>

Table 1 below summarizes the change in CP/KCS trains per day for the Bensenville Metra – Randall Road segment due to its change in procedures for calculating the trains per day.

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<sup>5</sup> See, Amended Operating Plan at page 51, ¶ 151.

<sup>6</sup> 11.41 minus 3.20 = 8.21.

<sup>7</sup> 11.20 minus 3.20 = 8.00.

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Table 1  
**CP/KCS Revisions to Change in Trains per Day Calculation**  
(Bensenville Metra, IL – Randall Road, IL)

| <b>Item</b>                               | <b>Original<br/>Calculation</b> | <b>Revised<br/>Calculation</b> | <b>Difference</b> |
|-------------------------------------------|---------------------------------|--------------------------------|-------------------|
| (1)                                       | (2)                             | (3)                            | (4)               |
| 1. MultiRail (Operating Plan) Base        | 2.29                            | 2.29                           | 0.00              |
| 2. Bulk Train Base                        | 0.91                            | 0.91                           | 0.00              |
| 3. Total Base (Line 1 + Line 2)           | 3.20                            | 3.20                           | 0.00              |
| 4. MultiRail (Operating Plan) Future      | 10.29                           | 10.29                          | 0.00              |
| 5. Bulk Train Organic Growth              | 0.21                            | Excluded                       | 0.21              |
| 6. Bulk Train Synergy Growth              | 0.00                            | 0.00                           | 0.00              |
| 7. Total Future (Sum of Lines 4, 2, 5, 6) | 11.41                           | 11.20                          | 0.21              |
| 8. Net Increase (Line 7 – Line 3)         | 8.21                            | 8.00                           | 0.21              |

Source: Exhibit No. 11, Line 24.

As shown in Table 1, CP/KCS removed organic growth in bulk commodities from their calculation of post-merger train volumes. CP/KCS offered the following explanation for this change at Paragraph 114 of their revised Operating Plan:<sup>8</sup>

114. Although the Optimized Plan and the Growth Plan reflect only Transaction related growth in traffic to enable apples-to-apples comparisons that isolate the effects of the Transaction, the Operating Plan Team also considered sources of “organic” growth in traffic volumes (in other words, growth that would be experienced by CP and KCS independent of the Transaction) in order to confirm – and demonstrate to the Board – that the operation of the combined network will be fully resourced and capable of an efficient operation without congestion or service degradation. The Operating Plan Team’s analysis of capacity (including the desirability of infrastructure investments in several locations) and other resourcing need took account of both (a) anticipated organic growth in the volume of traffic currently handled by CP or KCS as well (b) the new traffic that will be attracted by the Transaction.<sup>46</sup>

<sup>46</sup> Only the volume growth that will be attracted by the combined network was considered in quantifying the Transaction-related effects.

<sup>8</sup> See, CP/KCS Amended Operating Plan at p. 51.

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CP/KCS' modified procedures now capture only "Transaction related growth" in their calculation of post-merger train volumes. This adjustment is apparently intended to isolate the merger impact. However, CP/KCS' workpapers still project bulk organic growth, and that incremental volume will still need to move in the future. Although CP/KCS want the Board to focus only on the growth they classify as being related to the merger, all of the growth will need to be accommodated in future operations, regardless of the source of the volume increases.

This change in presentation is in keeping with CP/KCS' other omissions from their pre- and post-merger train counts. Most notably, CP/KCS continue to exclude all passenger trains and all foreign freight trains from their train volumes, thereby grossly misrepresenting the capacity that will be required to move all post-merger traffic over the proposed combined system.<sup>9</sup> Moreover, CP/KCS still fail to acknowledge that Metra's current volumes are significantly lower than their historical average as a result of Covid, and some of the capacity the CP/KCS claim is available to accommodate their projected volume growth will be needed to accommodate Metra's return to normal service levels.<sup>10</sup>

Our RTC modeling reflects all future CP/KCS freight train volumes, regardless of whether CP/KCS attribute their projected existence to "transaction related" or "organic" growth, as well as all future passenger train volumes. Future freight train volumes will have an impact on future passenger services, and vice versa. CP/KCS made no effort to assess this in either their original or amended operating plan.<sup>11</sup>

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<sup>9</sup> See, Crowley/Mulholland March 15, 2022 VS at pp. 20-24.

<sup>10</sup> See, Crowley/Mulholland March 15, 2022 VS at pp. 11-12.

<sup>11</sup> See, Crowley/Mulholland March 15, 2022 VS at pp. 10-11.

## 1. Unscheduled Trains

CP/KCS' treatment of manifest and intermodal organic growth differs from their treatment of bulk organic growth (discussed above). Whereas CP/KCS acknowledge that bulk organic growth will require additional trains, but exclude those trains from their statement of "transaction-related" volume growth, they use a different approach in accounting for organic growth in commodities that move on manifest and intermodal trains. As we discussed in our March 15, 2022 VS, it is common for freight railroads, including CP and KCS, to operate extra trains when the daily volumes exceed the capacity of the daily scheduled trains.<sup>12</sup>

In their Amended Operating Plan, CP/KCS offer the following explanation regarding their plan to accommodate organic growth in manifest and intermodal trains:<sup>13</sup>

116. The Operating Plan Team, using their professional expertise, examined these 'all-in' future traffic volumes on a segment-by-segment basis and concluded that that they could be accommodated by the Growth Plan operations and capacity. The additional on-demand trains necessary to handle organic growth were identified, and the Team determined that the organic growth in other traffic could be handled by the trains modeled in the Growth Plan (albeit with some increase in tonnage/train length). The Team then reviewed the resulting train counts and yard processing, and determined that layering on organic growth would not result in any incremental need for additional capacity beyond the variable resources (like fuel, etc.) that would naturally be tapped to accommodate traffic growth.<sup>52</sup>

<sup>52</sup> This analysis was a manual exercise drawing on the experience and expertise of the Operating Plan Team, and did not lead to the creation of a workpaper.

CP/KCS claim that organic manifest/intermodal growth will merely require longer and heavier trains (how much longer and heavier they do not bother to quantify), it will not require any additional unscheduled extra trains. This statement and lack of empirical support is similar in tone to CP/KCS' similarly unsupported statements regarding their ability to accommodate all future

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<sup>12</sup> See, Crowley/Mulholland March 15, 2022 VS at pp. 37-39, and Exhibit No. 5, Columns (3) and (5), which show that in 2021, CP operated 2.0 unscheduled extra trains for every 23.9 scheduled operating plan trains over Metra's Milwaukee District lines (CP's Elgin, C&M, and Fox Lake Subdivisions).

<sup>13</sup> See, CP/KCS Amended Operating Plan at p. 52.

growth in line-haul volumes and associated yard activity without any increase in demand for local train service.<sup>14</sup> Although we believe that CP/KCS' claim that "organic growth in other traffic could be handled by the trains modeled in the Growth Plan" is very optimistic, we continue to conservatively include only the trains that are identified in the proposed operating plan in our Future Case RTC simulations.

**B. OPERATING PLAN FEASIBILITY**

The feasibility of the Amended Operating Plan offered by CP/KCS continues to be unproven for the reasons discussed below.

**1. MultiRail-Based Operating Plan**

The Amended Operating Plan is based largely on a MultiRail study, and supported by a mathematical capacity analysis. We discussed the shortcomings associated with this approach, and the need for more sophisticated analysis including RTC simulations, in our March 15, 2022 VS.<sup>15</sup>

We note that the Amended Operating Plan contains new Exhibits 1-3, which are excerpts from the CN/IC merger application, the UP/SP merger application, and the BN/ATSF merger applications, all filed in the mid-1990s. These additions may be intended to bolster CP/KCS inevitable argument that RTC analysis is not necessary, because it wasn't required in prior mergers, and those prior mergers relied on analyses similar to the analyses performed by CP/KCS in this proceeding. However, we are no longer living in the 1990s, simulation technology has vastly improved, and the use of models that are available now should not be precluded because they did not exist decades ago when similar transactions were being evaluated. Furthermore, the

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<sup>14</sup> See, Crowley/Mulholland March 15, 2022 VS at pp. 28-33.

<sup>15</sup> See, Crowley/Mulholland March 15, 2022 VS at pp. 36-52.

service crisis that resulted from the UP/SP merger should give the Board pause with respect to employing the same evaluation criteria it used to evaluate that proposed transaction.

## 2. Bensenville and Schiller Park Yard Activity

As with the updated train volumes discussed above, CP/KCS also recast some of their discussion regarding projected yard activity and its impact on future system operations. CP/KCS project significant increases in carload traffic handled at Bensenville and Schiller Park, as shown in Table 2 below.

| Item                                | Base Volume | Growth Volume | Increase | Percent Increase |
|-------------------------------------|-------------|---------------|----------|------------------|
| (1)                                 | (2)         | (3)           | (4)      | (5)              |
| 1. Bensenville/Schiller Park IMS 1/ | 687         | 1,273         | 586      | 85%              |
| 2. Bensenville 2/                   | 983         | 1,095         | 112      | 11%              |
| 3. Shiller Park Auto 2/             | 3           | 76            | 73       | 2,440%           |
| 4. Total 3/                         | 1,673       | 2,444         | 771      | 46%              |

1/ CP/KCS Amended Operating Plan Table 13, p. 126.  
2/ CP/KCS Amended Operating Plan Table 6, p. 72.  
3/ Sum of Lines 1-3.

Despite this acknowledgement, CP/KCS double down on their statements regarding their ability to accommodate volume growth through Chicago. As before, CP/KCS seem to claim that there will be no immediate need to increase local train volumes.<sup>16</sup> The following excerpts are included in the CP/KCS Amended Operating Plan.

162. The Growth Plan is able to provide effective service to the combined network traffic using the same local service designs that CP and KCS operate today. As CPKC integrates the two networks, in-depth reviews of local service levels may reveal opportunities to adjust local assignments to provide further improvements in the service provided to customers. CP

<sup>16</sup> See, CP/KCS Amended Operating Plan at pp. 71, 75 and 91.



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plans to approach this process – referred to as “white-boarding” – on a customer-specific basis to design services that consider end-to-end customer transit time along with the service timing and frequency that meets the customer’s needs. The process will review such factors as spotting capacity, loading and unloading time, and private fleet sizing to address the customer’s supply chain needs and improve its asset turns. [emphasis added]

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171. Other changes in yard processing will occur as volume migrates to the combined CP/KCS network. At St. Paul, Chicago and Jackson, among others, some portion of the traffic currently interchanged with other roads will migrate to single-line service. The Operating Plan has taken into account these traffic shifts and simultaneously assured that there is sufficient capacity to handle them and that existing service levels are maintained at the existing gateways that will see reductions in interchange volumes.<sup>72</sup>

<sup>72</sup> This analysis was a manual exercise drawing on the experience and expertise of the Operating Plan Team, and did not lead to the creation of a workpaper. [emphasis added]

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210. Some of this new traffic will continue east of Bensenville/Schiller Park via CP’s operating rights on NS and haulage rights on CSX. But that traffic will not burden the Chicago terminal, as it will bypass Chicago interchanges by routing via the IHB and BRC through routes on existing train services, as shown in Figure 9 below. All of the additional traffic east of Bensenville yard (whether to other railroads for interchange in Chicago or for movement beyond Chicago to Detroit and eastern Canada) will be accommodated in existing train services, with the result that there will be no new train operations east of Bensenville yard. [emphasis added]

The language CP/KCS use to describe the future operations is revealing. They claim that the growth can be accommodated using the same services, service designs, and operations that are used today. But they are silent with respect to the frequency of service that may be required. Running additional trains over existing routes may not change the service design, but it would increase the train volume. CP/KCS should be made to clarify exactly what they mean when they say that services will not change following the merger, and whether they consider service design and frequency of service to be interchangeable concepts. Here again, CP/KCS offer no empirical

analysis in support of their claims, just an assurance that their Operating Plan Team considered the issue and dismissed it.

Unlike CP/KCS, we conducted RTC simulations to quantify and evaluate the impact of the proposed volume and service frequency increases on Metra's operations and on CP/KCS operations on Metra's MD lines and proximate CP Subdivisions. Our analysis demonstrates that CP's projected post-merger operations will negatively impact Metra's operations, and that this negative impact will be compounded by CP/KCS' inability to move projected freight volumes over the Marquette Subdivision, which will result in even greater freight volume increases over Metra's lines than CP/KCS project.<sup>17</sup>

### **3. Marquette Subdivision Capacity**

In the original Operating Plan, CP/KCS indicated that 96 miles of CTC signaling would be installed from Sabula Jct. (MP 0) to Marquette (MP 98), however some of that upgrade is planned for implementation independent of the CP/KCS transaction. Therefore, CP/KCS revised the miles of CTC for this segment to 72 miles between MP 24 and Marquette (MP 98). This change has no impact on our RTC modeling exercise.

In conducting our review of the Marquette Subdivision infrastructure, we discovered some inconsistencies in the data provided by CP/KCS in response to Metra's request for production and other materials submitted in support of the merger Application. Specifically, we determined that the track charts provided by CP in response to Metra's requests for production contain out-of-date and seemingly inaccurate data for select sidings on the Marquette Subdivision. The CP Track Charts show a {                    } siding at Harper's Ferry (Marquette Subdivision Milepost 109.8), whereas the CP timetables show a 10,500 foot siding at Harper's Ferry. A similar but smaller

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<sup>17</sup> See, Crowley/Mulholland March 15, 2022 VS at pp. 53-71.

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discrepancy exists at Eckards (Marquette Subdivision Milepost 82.7), where the CP Track Charts show a siding length of { }, while the timetables show a contradictory figure of 8,615 feet.<sup>18</sup>

Track Chart data is the primary and most critical data source required to model infrastructure within the RTC model. The detail and granularity of data required for accurate infrastructure replication (including, but not limited to, elevation, grade, curvature data, and precise switch and turnout locations) is only included in the track charts – it is not present in other data sources such as the timetables, schematics, or engineering stick diagrams.

In its Initial Requests for Production, Metra instructed Applicants to “[p]roduce, in standard track chart format and in electronic database file format, documents containing all current track data for the Applicable Routes.” Metra’s requests included a detailed description of the Track Chart contents. The documents produced in response to this request included the Marquette Subdivision Track Charts dated 2019.<sup>19</sup>

Upon initially observing the major discrepancy at Harper’s Ferry, we reviewed Google Maps satellite imagery in February 2022. Those publicly available images show the shorter siding at this location. This review appeared to corroborate the Track Chart data that was replicated in our RTC simulations. A secondary review of Google Maps and Google Earth satellite imagery in April and May of 2022 also supported the track chart data provided by CP/KCS (screen shots are attached as pages 3 and 4 of Exhibit No. 12). However, during our April/May review, we also viewed some USGS satellite imagery that shows the longer sidings reflected in the CP Timetables.

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<sup>18</sup> Applicants belatedly produced RTC modeling data that showed siding lengths at Eckards and Harper’s Ferry that conflict with the Marquette Subdivision Track Charts. Because RTC simulations are often used to evaluate the impact of proposed infrastructure, the appearance of these sidings in the RTC simulations does not demonstrate their existence.

<sup>19</sup> The provided Track Charts showing the location and dimensions of the Harper’s Ferry and Eckards sidings are included at pages 1 and 2 of Exhibit No. 12. The provided materials also included CP Timetables dated 2021.

As a result of this April/May review, Metra served another round of Requests for Production on CP/KCS on May 13, 2022, identifying the discrepancy and requesting updated Track Charts. In its May 31, 2022 response to Metra's request, CP/KCS indicated that the Track Charts CP provided to Metra were actually from 2010 (despite being stamped with an August 2019 date). CP/KCS further stated that they have produced all relevant documents (but they are available to meet and confer).<sup>20</sup>

We have conducted a series of supplemental RTC simulations to quantify the impact of our depiction of the Marquette Subdivision infrastructure in our RTC simulations filed in support of our March 15, 2022 VS that relied on dated track charts provided by CP/KCS in response to Metra's initial Requests for Production.

These changes have an impact on the model outputs, because they provide additional locations that can accommodate train meet/pass events on the Marquette Subdivision. We adjusted both the RTC Base Case and the RTC Future Case simulations supporting our March 15, 2022 VS to determine the impact of adjusting the siding lengths at Harper's Ferry and Eckards to reflect the timetable data rather than the track chart data provided by CP in our models.

**a. Updated RTC Base Case**

Table 3 below shows the impact on our Base Case simulation results of the change in siding lengths at Harper's Ferry and Eckards.

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<sup>20</sup> See, CP/KCS May 31, 2022 response to Metra's Fourth Set of Interrogatories and Sixth Set Requests at pp. 7-8 (included as Exhibit No. 13). CP/KCS also stated in their response that "Metra may only revise its comments to address [the revisions included in the amended OP and supporting docs]."

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Table 3  
**RTC Base Case With and Without  
Siding Extensions at Harper's Ferry and Eckards**

| <b>Train Group</b>                                   | <b>Average<br/>Speed<br/>(MPH)</b> | <b>Delay<br/>Percent 1/</b> | <b>Delay Per<br/>100 Train-<br/>Miles<br/>(Minutes)</b> | <b>Total<br/>Delay<br/>(Hours)</b> |
|------------------------------------------------------|------------------------------------|-----------------------------|---------------------------------------------------------|------------------------------------|
| (1)                                                  | (2)                                | (3)                         | (4)                                                     | (5)                                |
| <b>A. <u>Base Case without Siding Extensions</u></b> |                                    |                             |                                                         |                                    |
| 1. Metra                                             | 31.52                              | 0.56%                       | 1.06                                                    | 3.6                                |
| 2. Amtrak                                            | 57.68                              | 2.66%                       | 2.70                                                    | 2.9                                |
| 3. Unit Train                                        | 25.32                              | 28.18%                      | 52.67                                                   | 132.3                              |
| 4. Local                                             | 17.89                              | 26.99%                      | 70.41                                                   | 59.2                               |
| 5. Operating Plan                                    | 21.82                              | 17.74%                      | 41.44                                                   | 139.1                              |
| 6. Other                                             | <u>25.88</u>                       | <u>38.85%</u>               | <u>64.87</u>                                            | <u>4.9</u>                         |
| 7. Total                                             | 26.18                              | 15.33%                      | 30.46                                                   | 341.9                              |
| <b>B. <u>Base Case with Siding Extensions</u></b>    |                                    |                             |                                                         |                                    |
| 8. Metra                                             | 31.51                              | 0.61%                       | 1.15                                                    | 3.9                                |
| 9. Amtrak                                            | 58.46                              | 1.27%                       | 1.29                                                    | 1.4                                |
| 10. Unit Train                                       | 25.95                              | 24.77%                      | 46.29                                                   | 116.2                              |
| 11. Local                                            | 17.79                              | 27.12%                      | 70.78                                                   | 59.5                               |
| 12. Operating Plan                                   | 21.84                              | 17.59%                      | 41.08                                                   | 137.9                              |
| 13. Other                                            | <u>29.32</u>                       | <u>22.58%</u>               | <u>37.70</u>                                            | <u>2.8</u>                         |
| 14. Total                                            | 26.39                              | 14.42%                      | 28.66                                                   | 321.7                              |

Source: workpaper "Summary Tables for Successful RTC Cases\_with Siding Extensions.xlsx."

1/ Delay Percent = 100 x True delay ÷ Total elapsed ideal seed run time.

As shown in Table 3 above, modeling the extended sidings has a small positive impact on the Base Case simulation results, with a small increase in overall train speed (i.e., 0.21 MPH increase for all trains) and corresponding decreases in delay percent (-0.91%) and delay per 100 train miles (-1.80 minutes). These improvements did not accrue evenly to all train groups. For example, Metra train speeds showed a very small decrease in train speed (-0.01 MPH) and slight increases in delay percent (+0.05%) and delay per 100 train miles (+0.09 minutes). The extended sidings on the Marquette Subdivision allowed long freight trains on that part of the network to move more efficiently, but the downstream impacts of that increased throughput has cascading effects that resulted in small negative impacts on the short Metra, Local, and "Other" trains

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(primarily work trains). The extended sidings created more opportunity to side long trains, and as a result, the sidings were no longer unoccupied and available for shorter trains to use.

### b. Updated RTC Future Case

After we updated our Base Case simulation, we updated the Future Cases to observe the impact. Table 4 below compares the Future Case metrics with and without the siding extensions considered.

| <p style="text-align: center;">Table 4<br/> <b>RTC Future Case with and without<br/> Siding Extensions at Harper's Ferry and Eckards</b></p>                                     |                                    |                             |                                                         |                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------|---------------------------------------------------------|------------------------------------|
| <b>Train Group</b>                                                                                                                                                               | <b>Average<br/>Speed<br/>(MPH)</b> | <b>Delay<br/>Percent 1/</b> | <b>Delay Per<br/>100 Train-<br/>Miles<br/>(Minutes)</b> | <b>Total<br/>Delay<br/>(Hours)</b> |
| (1)                                                                                                                                                                              | (2)                                | (3)                         | (4)                                                     | (5)                                |
| <b>A. <u>Future Case without Siding Extensions</u></b>                                                                                                                           |                                    |                             |                                                         |                                    |
| 1. Metra                                                                                                                                                                         | 30.83                              | 2.84%                       | 5.37                                                    | 25.0                               |
| 2. Amtrak                                                                                                                                                                        | 55.44                              | 7.67%                       | 7.71                                                    | 22.8                               |
| 3. Unit Train                                                                                                                                                                    | 20.84                              | 51.68%                      | 98.05                                                   | 349.6                              |
| 4. Local                                                                                                                                                                         | 12.68                              | 75.28%                      | 196.94                                                  | 168.5                              |
| 5. Operating Plan                                                                                                                                                                | 18.97                              | 42.33%                      | 94.06                                                   | 444.9                              |
| 6. Other                                                                                                                                                                         | <u>19.83</u>                       | <u>81.15%</u>               | <u>135.52</u>                                           | <u>10.1</u>                        |
| 7. Total                                                                                                                                                                         | 24.27                              | 32.49%                      | 60.63                                                   | 1,021.0                            |
| <b>B. <u>Future Case with Siding Extensions</u></b>                                                                                                                              |                                    |                             |                                                         |                                    |
| 8. Metra                                                                                                                                                                         | 29.33                              | 8.09%                       | 15.30                                                   | 71.3                               |
| 9. Amtrak                                                                                                                                                                        | 55.66                              | 7.24%                       | 7.28                                                    | 21.5                               |
| 10. Unit Train                                                                                                                                                                   | 21.26                              | 49.94%                      | 95.39                                                   | 367.2                              |
| 11. Local                                                                                                                                                                        | 12.40                              | 81.11%                      | 212.27                                                  | 181.7                              |
| 12. Operating Plan                                                                                                                                                               | 19.66                              | 37.21%                      | 82.76                                                   | 377.3                              |
| 13. Other                                                                                                                                                                        | <u>24.44</u>                       | <u>47.03%</u>               | <u>78.51</u>                                            | <u>5.9</u>                         |
| 14. Total                                                                                                                                                                        | 24.28                              | 32.38%                      | 60.45                                                   | 1,024.8                            |
| <p>Source: workpaper " Summary Tables for Successful RTC Cases_with Siding Extensions.xlsx."</p> <p>1/ Delay Percent = 100 x True delay ÷ Total elapsed ideal seed run time.</p> |                                    |                             |                                                         |                                    |

As shown in Table 4 above, in the Future Case with Siding Extensions, overall train speed increased very slightly, and small improvements in delay percentage and delays per 100 train miles

were reduced overall, and for most train groups individually. However, speed was reduced and delays increased substantially for Metra trains.

The reduction in speed and increase in delays for Metra's trains may seem counter-intuitive. However, there are a couple of explanations for the unexpected results. First, in our March 15, 2022 VS Future Case, we had to remove 13 CP line-haul freight trains from the system to get the simulation to run, i.e., RTC could not dispatch all trains, demonstrating that the system was over capacity. When we increased the siding lengths on the Marquette Subdivision, we only had to remove 11 CP line-haul freight trains to get the Future Case simulation to run. Although the expansion of physical capacity allowed more CP line-haul trains to operate over the system, those extra trains slowed down some operations, including for Metra trains. Moreover, because the changes did not allow for all CP line-haul trains to be dispatched, the system is still shown to be over capacity even with the increased infrastructure on the Marquette Subdivision.

Second, sometimes in RTC modeling (and in the real world), when interference is reduced on one part of the system, fluidity and throughput in that area increase, but this leads to more train conflicts downstream. A simple example would be double tracking 50 miles of a 100-mile single track segment. Although trains would move efficiently over the double track section, this could cause a bottleneck where the single-track section starts. Instead of a steady trickle of trains over the entire segment, the result can be a backup of trains at the new choke point. In our Future Case simulation, increased capacity on the Marquette Subdivision improved performance in that area, but reduced performance for Metra trains operating hundreds of miles away in Chicago.

**c. Updated Future Case with  
Infrastructure Expansion**

At Metra's request, we also updated the simulation in which infrastructure is added to Metra's lines to determine the impact on Metra's future service levels in that scenario.

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As a reminder, this scenario involved eight (8) additional infrastructure expansion projects on the MD-W line, and three (3) additional infrastructure expansion projects on the MD-N line.

The eight (8) additional infrastructure expansion projects on the MD-W are:

1. Addition of receiving tracks at Bensenville Yard equal to the maximum length of incoming trains;
2. Addition of receiving tracks at Galewood Yard equal to the maximum length of incoming trains;
3. Addition of new powered cross-overs at Bartlett and Itasca;
4. Addition of two (2) new mainline tracks between Tower B12 and Tower B17;
5. Separation of the CP and Metra Milwaukee West tracks and construction of a fly-over from south of Tower A5 to northerly dedicated west bound Metra track;
6. Reduction of the curves at Tower A5 to allow increased speeds from 10 MPH to 25 MPH;
7. Addition of a new southeasterly wye leg at Cragin Junction to direct CP traffic south onto BRC without a reverse move; and
8. Addition of two (2) new mainline tracks between Tower A5 and Tower B12.

The three (3) additional infrastructure expansion projects on the MD-N are:

1. Addition of new universal cross-overs at Lake Forest and Glenview;
2. Addition of a new third main line between Rondout and Tower A20; and
3. Addition of a new connection at Tower A20 to allow CP trains to exit the Metra mainline before entering UP territory.

Table 5 below compares the Future Case metrics with the addition of the infrastructure identified above to Metra's MD lines, with and without siding extensions at Harper's Ferry and Eckards.



Table 5  
**Future Case with Additional Milwaukee District Infrastructure**  
**RTC Results with and without Siding Extensions**

| <b>Train Group</b>                                                                                        | <b>Average Speed (MPH)</b> | <b>Delay Percent 1/</b> | <b>Delay Per 100 Train-Miles (Minutes)</b> | <b>Total Delay (Hours)</b> |
|-----------------------------------------------------------------------------------------------------------|----------------------------|-------------------------|--------------------------------------------|----------------------------|
| (1)                                                                                                       | (2)                        | (3)                     | (4)                                        | (5)                        |
| <b>A. <u>Future Case with Additional Milwaukee District Infrastructure, without Siding Extensions</u></b> |                            |                         |                                            |                            |
| 1. Metra                                                                                                  | 31.13                      | 1.91%                   | 3.62                                       | 16.9                       |
| 2. Amtrak                                                                                                 | 56.20                      | 6.22%                   | 6.25                                       | 18.5                       |
| 3. Unit Train                                                                                             | 21.97                      | 47.55%                  | 90.06                                      | 343.4                      |
| 4. Local                                                                                                  | 13.65                      | 57.85%                  | 161.69                                     | 140.1                      |
| 5. Operating Plan                                                                                         | 19.41                      | 32.09%                  | 75.11                                      | 347.5                      |
| 6. Other                                                                                                  | 23.10                      | 55.55%                  | 92.77                                      | 6.9                        |
| 7. Total                                                                                                  | 24.80                      | 26.97%                  | 51.39                                      | 873.4                      |
| <b>B. <u>Future Case with Additional Milwaukee District Infrastructure, with Siding Extensions</u></b>    |                            |                         |                                            |                            |
| 8. Metra                                                                                                  | 31.18                      | 1.74%                   | 3.28                                       | 15.3                       |
| 9. Amtrak                                                                                                 | 55.99                      | 6.61%                   | 6.64                                       | 19.6                       |
| 10. Unit Train                                                                                            | 21.52                      | 49.77%                  | 94.86                                      | 373.3                      |
| 11. Local                                                                                                 | 14.21                      | 53.62%                  | 149.94                                     | 129.9                      |
| 12. Operating Plan                                                                                        | 20.15                      | 27.48%                  | 64.20                                      | 298.8                      |
| 13. Other                                                                                                 | 19.89                      | 80.73%                  | 134.77                                     | 10.1                       |
| 14. Total                                                                                                 | 24.98                      | 25.90%                  | 49.41                                      | 847.0                      |

Source: workbook "Summary Tables for Successful RTC Cases\_with Siding Extensions.xlsx."

1/ Delay Percent = 100 x True delay ÷ Total elapsed ideal seed run time.

As shown in Table 5 above, the Future Case with Additional Milwaukee District Infrastructure plus the siding extensions on the Marquette subdivision resulted in improved performance for both Metra and CP Operating Plan trains, but slightly worse performance for other train groups and overall. In our March 15, 2022 VS Future Case simulation with infrastructure added to Metra's lines, we had to remove 12 CP freight trains to get the model to dispatch, because the projected volumes exceeded the available capacity. In this updated simulation that extended two (2) sidings on the Marquette Subdivision, we still had to remove seven (7) CP freight trains to get the simulation to run to completion. As with the primary Future Case, the future case with

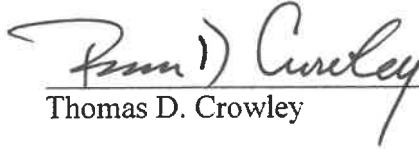
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infrastructure additions on the Metra Milwaukee District Lines was still shown to be over capacity, but the additional infrastructure improvements served to mitigate the impact on Metra trains.

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### VERIFICATIONS

I, Thomas D. Crowley, verify under penalty of perjury that I have read this Supplemental Verified Statement on behalf of Metra, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this statement.

  
Thomas D. Crowley

Executed on 6/9/22

\* \* \*

I, Robert D. Mulholland, verify under penalty of perjury that I have read this Supplemental Verified Statement on behalf of Metra, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this statement.

  
Robert D. Mulholland

Executed on 6/9/2022

**Exhibit 11**

**Change in CP/KCS Calculation of Projected Increase in Trains Per Day**

**Comparison of CP-KCS Trains Per Day Counts Underlying Original and Amended Operating Plan Filing Used in Appendix A**

|    | RR<br>(12) | Subdivision<br>(13) | Segment<br>(14)                          | MREE  | Bulk   | MREE   | Bulk      | Bulk      | Base       | Growth     | Change<br>(22) | Growth Trains |        |
|----|------------|---------------------|------------------------------------------|-------|--------|--------|-----------|-----------|------------|------------|----------------|---------------|--------|
|    |            |                     |                                          | Base  | Bulk   | Growth | Bulk      | Bulk      | Trains     | Trains     |                | Per Day       | Change |
|    |            |                     |                                          | (All) | (Base) | (All)  | (Orgnaic) | (Synergy) | Per Day 1/ | Per Day 2/ |                |               |        |
|    |            |                     |                                          | (15)  | (16)   | (17)   | (18)      | (19)      | (20)       | (21)       |                | No Organic 3/ | (24)   |
| 1  | CPRS       | MARQUETTE           | MN/IA MARQUETTE,IA - BLUFF,MN            | 2.00  | 2.66   | 4.00   | 0.62      | 4.00      | 4.66       | 11.28      | 6.62           | 10.66         | 6.00   |
| 2  | CPRS       | MARQUETTE           | MARQUETTE,IA - MN/IA MARQUETTE,IA        | 2.00  | 2.66   | 4.00   | 0.62      | 4.00      | 4.66       | 11.28      | 6.62           | 10.66         | 6.00   |
| 3  | CPRS       | MARQUETTE           | SABULA,IA - MARQUETTE,IA                 | 7.00  | 3.70   | 9.00   | 0.86      | 4.40      | 10.70      | 17.97      | 7.27           | 17.10         | 6.40   |
| 4  | CPRS       | TOMAH WEST          | BRIDGE SWITCH,WI - RIVER JCT WEST,MN     | 5.29  | 3.57   | 5.29   | 0.83      | 0.00      | 8.86       | 9.69       | 0.83           | 8.86          | 0.00   |
| 5  | CPRS       | TOMAH WEST          | LA CROSSE,WI - BRIDGE SWITCH,WI          | 11.00 | 6.09   | 11.00  | 1.42      | 0.00      | 17.09      | 18.51      | 1.42           | 17.09         | 0.00   |
| 6  | CPRS       | TOMAH               | NEW LISBON,WI - LA CROSSE,WI             | 8.43  | 5.47   | 8.43   | 1.28      | 0.00      | 13.90      | 15.18      | 1.28           | 13.90         | 0.00   |
| 7  | CPRS       | TOMAH               | PORTAGE,WI - NEW LISBON,WI               | 8.29  | 5.47   | 8.29   | 1.28      | 0.00      | 13.76      | 15.04      | 1.28           | 13.76         | 0.00   |
| 8  | CPRS       | WATERTOWN           | PORTAGE JUNCTION,WI - PORTAGE,WI         | 4.00  | 3.78   | 4.00   | 0.88      | 0.00      | 7.78       | 8.66       | 0.88           | 7.78          | 0.00   |
| 9  | CPRS       | WATERTOWN           | WATERTOWN,WI - PORTAGE JUNCTION,WI       | 7.71  | 3.78   | 7.71   | 0.88      | 0.00      | 11.49      | 12.37      | 0.88           | 11.49         | 0.00   |
| 10 | CPRS       | WATERTOWN           | DUPLAINVILLE,WI - WATERTOWN,WI           | 7.71  | 3.78   | 7.71   | 0.88      | 0.00      | 11.49      | 12.37      | 0.88           | 11.49         | 0.00   |
| 11 | CPRS       | WATERTOWN           | BROOKFIELD,WI - DUPLAINVILLE,WI          | 7.71  | 3.78   | 7.71   | 0.88      | 0.00      | 11.49      | 12.37      | 0.88           | 11.49         | 0.00   |
| 12 | CPRS       | WATERTOWN           | GRAND AVE,WI - BROOKFIELD,WI             | 8.86  | 3.78   | 8.86   | 0.88      | 0.00      | 12.64      | 13.52      | 0.88           | 12.64         | 0.00   |
| 13 | CPRS       | WATERTOWN           | MILWAUKEE,WI - GRAND AVE,WI              | 5.14  | 3.77   | 5.14   | 0.88      | 0.00      | 8.91       | 9.79       | 0.88           | 8.91          | 0.00   |
| 14 | CPRS       | C&M WEST            | STURTEVANT,WI - MILWAUKEE,WI             | 9.29  | 3.67   | 9.29   | 0.86      | 0.00      | 12.96      | 13.82      | 0.86           | 12.96         | 0.00   |
| 15 | CPRS       | C&M WEST            | WI/IL C&M,WI - STURTEVANT,WI             | 8.14  | 3.67   | 8.14   | 0.86      | 0.00      | 11.81      | 12.67      | 0.86           | 11.81         | 0.00   |
| 16 | CPRS       | C&M WEST            | RONDOUT,IL - WI/IL C&M,WI                | 8.14  | 3.67   | 8.14   | 0.86      | 0.00      | 11.81      | 12.67      | 0.86           | 11.81         | 0.00   |
| 17 | CPRS       | C&M                 | NORTHBROOK,IL - RONDOUT,IL               | 7.43  | 3.68   | 7.43   | 0.86      | 0.00      | 11.11      | 11.97      | 0.86           | 11.11         | 0.00   |
| 18 | CPRS       | C&M                 | SHERMER,IL - NORTHBROOK,IL               | 7.43  | 3.67   | 7.43   | 0.86      | 0.00      | 11.10      | 11.96      | 0.86           | 11.10         | 0.00   |
| 19 | CPRS       | C&M                 | TOWER A2,IL - SHERMER,IL                 | 1.71  | 0.02   | 1.71   | 0.00      | 0.00      | 1.73       | 1.73       | 0.00           | 1.73          | 0.00   |
| 20 | CPRS       | FOX LAKE            | RONDOUT,IL - FOX LAKE,IL                 | 0.57  | 0.00   | 0.57   | 0.00      | 0.00      | 0.57       | 0.57       | 0.00           | 0.57          | 0.00   |
| 21 | CPRS       | CHICAGO             | CHICAGO (Other)                          | 5.00  | 0.91   | 13.00  | 0.21      | 0.00      | 5.91       | 14.12      | 8.21           | 13.91         | 8.00   |
| 22 | CPRS       | CHICAGO             | DAVIS JUNCTION,IL - SABULA DRAWBRIDGE,IA | 5.43  | 0.92   | 13.43  | 0.21      | 0.00      | 6.35       | 14.56      | 8.21           | 14.35         | 8.00   |
| 23 | CPRS       | CHICAGO             | RANDALL ROAD,IL - DAVIS JUNCTION,IL      | 2.00  | 0.93   | 10.00  | 0.22      | 0.00      | 2.93       | 11.15      | 8.22           | 10.93         | 8.00   |
| 24 | CPRS       | ELGIN               | BENSENVILLE METRA,IL - RANDALL ROAD,IL   | 2.29  | 0.91   | 10.29  | 0.21      | 0.00      | 3.20       | 11.41      | 8.21           | 11.20         | 8.00   |
| 25 | CPRS       | ELGIN               | BENSENVILLE,IL - TOWER B12,IL            | 24.71 | 4.71   | 31.14  | 1.10      | 0.00      | 29.42      | 36.95      | 7.53           | 35.85         | 6.43   |
| 26 | CPRS       | ELGIN               | CRAGIN JUNCTION,IL - RIVER GROVE,IL      | 11.00 | 1.31   | 11.00  | 0.31      | 0.00      | 12.31      | 12.62      | 0.31           | 12.31         | 0.00   |
| 27 | CPRS       | ELGIN               | ELGIN (Other)                            | 1.71  | 0.03   | 1.71   | 0.01      | 0.00      | 1.74       | 1.75       | 0.01           | 1.74          | 0.00   |

1/ MREE Base (All) + Bulk (Base). Base Trains Per Day Utilized in Original Operating Plan Appendix A and Amended Operating Plan Appendix A.

2/ Bulk (Base) + MREE Growth (All) + Bulk (Organic) + Bulk (Synergy). Growth Trains Per Day Utilized in Original Operating Plan Appendix A.

3/ Bulk (Base) + MREE Growth (All) + Bulk (Synergy). Growth Trains Per Day Utilized in Amended Operating Plan Appendix A.

**Exhibit 12**

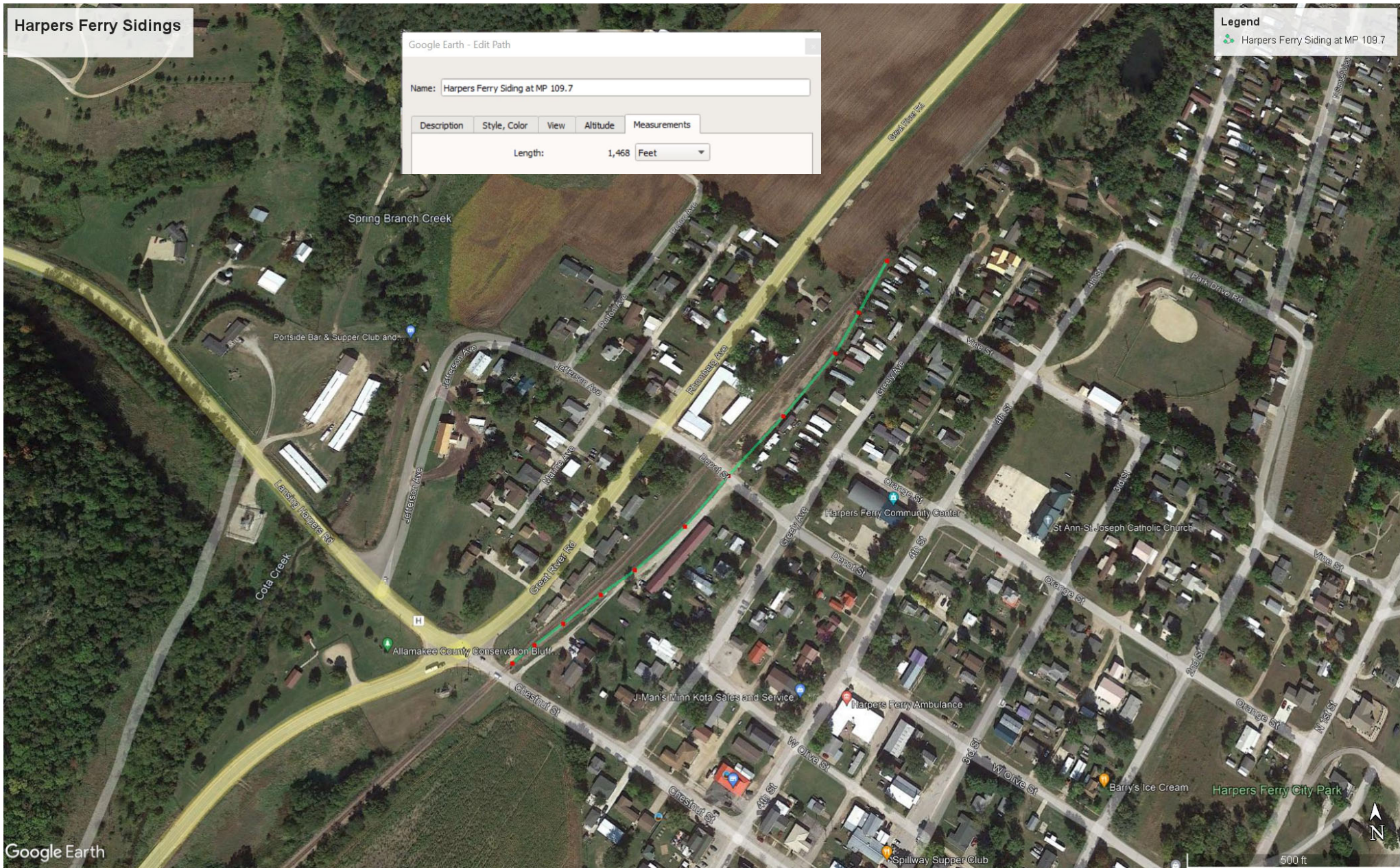
**CP Provided Track Charts and 2022 Satellite Imagery of Harper's Ferry**







**Google Earth Satellite Imagery of Harpers Ferry Siding at MP 109.7 As of June 7, 2022**

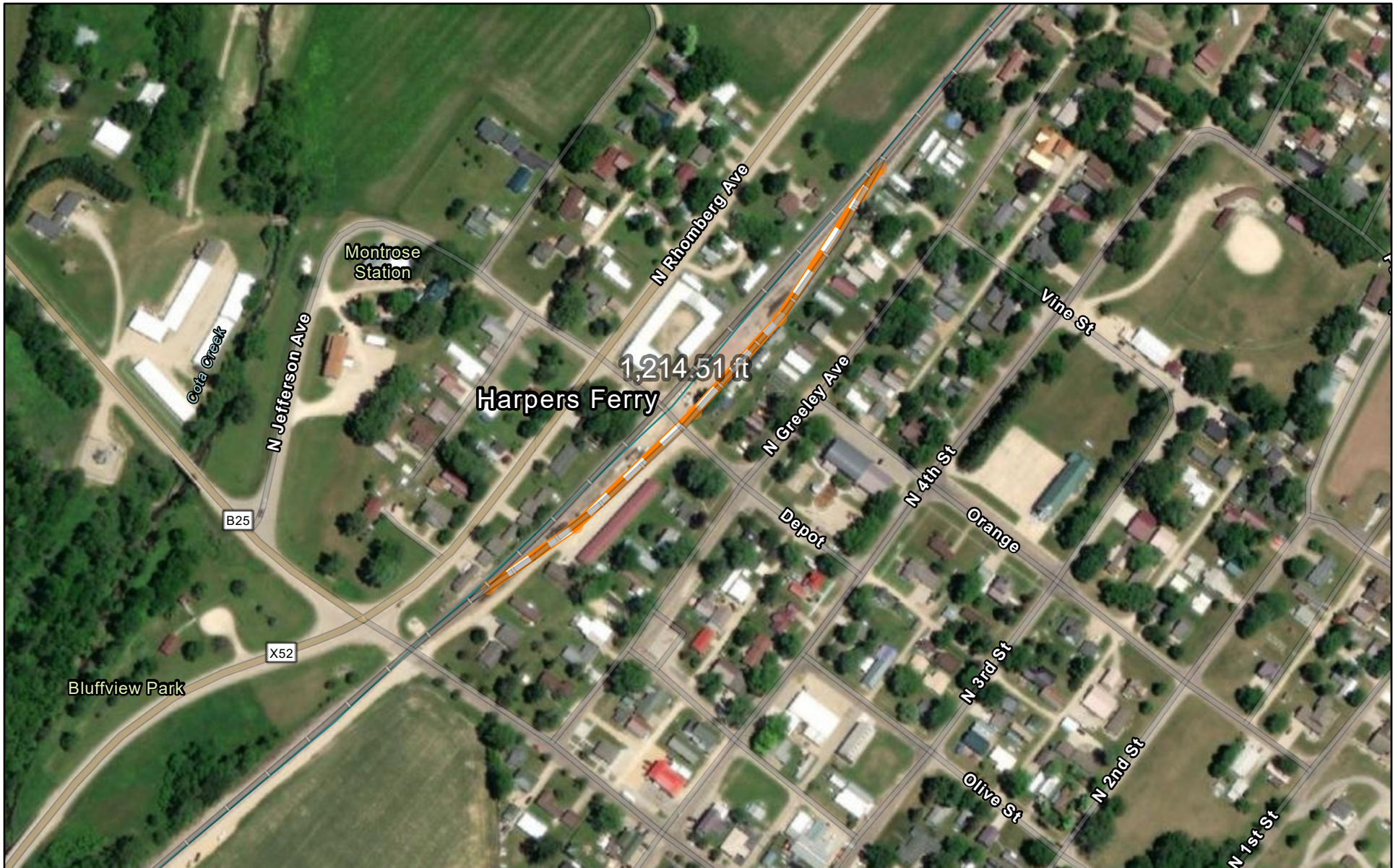




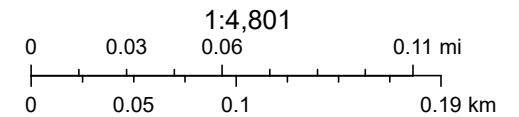
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Exhibit 12  
Page 4 of 4

ArcGis OpenStreetMap Satellite Imagery Hybrid of Harper's Ferry Siding at MP 109.7 as of May 16, 2022



5/16/2022



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community,  
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap

L. E. PEABODY & ASSOCIATES, INC.  
ECONOMIC CONSULTANTS

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**Exhibit 13**

**CP/KCS May 31, 2022 response to Metra's Fourth Set of  
Interrogatories and Sixth Set of Requests**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Finance Docket No. 36500

CANADIAN PACIFIC RAILWAY LIMITED, *ET AL.*  
– CONTROL –  
KANSAS CITY SOUTHERN, *ET AL.*

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**KANSAS CITY SOUTHERN AND CANADIAN PACIFIC’S JOINT RESPONSES AND OBJECTIONS  
TO METRA’S FOURTH SET OF INTERROGATORIES AND SIXTH SET OF REQUESTS**

Pursuant to 49 C.F.R. Part 1114, Subpart B, 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 and Hudson Railway Company, Inc. (collectively, “Canadian Pacific” or “CP”) and Kansas City Southern, The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company (collectively, “KCS”; together with CP, the “Applicants”) hereby respond and object as follows to the Fourth Set of Interrogatories and Sixth Set of Requests to Applicants served by the Commuter Rail Division of the Regional Transportation Authority d/b/a Metra (“Metra”) served on May 13, 2022 (“Sixth Metra Requests”), in connection with the above-captioned proceeding.

**GENERAL OBJECTIONS**

The following General Objections apply to each of the Sixth Metra Requests and shall have the same force and effect as if set forth in full in response to each individually numbered Sixth Metra Request.

1. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent they purport to impose upon the Applicants burdens or duties that are greater than, or otherwise conflict with, the requirements or the permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B, or under other Surface Transportation Board (the “Board”) rules or precedents.

2. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent they purport to seek information and/or documents that are not relevant to the issues raised in the above-captioned proceeding.

3. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent that they seek information or documents protected from discovery by the attorney-client privilege, attorney work product doctrine, common interest, or any other applicable privilege, protection, immunity, doctrine, statute, regulation, agreement, or protective order. Any disclosure or production of such information or documents is inadvertent and should not be construed as a waiver. Applicants reserve all rights under applicable law to demand and/or require the return of all copies thereof and non-use by Metra, or by any other person or entity in this or any other proceeding.

4. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent that they seek the production or identification of documents prepared in connection with, or information relating to, possible settlement or mediation of this or any other proceeding.

5. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent they call for information or documents that are confidential, proprietary, or commercially or competitively sensitive. Applicants will

make available information and documents subject to the Board's Protective Order issued in this proceeding on April 2, 2021, and all responses and documents should be treated in accordance with that Order.

6. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent that they purport to seek documents or information not in the Applicants' possession, custody or control.

7. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent that they are not proportional to the needs of the above-captioned proceeding and impose an undue burden on the Applicants.

8. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent they purport to seek the production or identification of documents that are unreasonably cumulative or duplicative of documents already in Metra's possession, custody or control, or that are publicly available, or that are otherwise obtainable in a more convenient, less burdensome or less expensive manner than from the Applicants.

9. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent they purport to seek the production or identification of documents that are unreasonably cumulative or duplicative of documents or information encompassed by (i) the Railroad Control Application that Applicants filed on October 29, 2021 in this proceeding, including all amendments thereto (the "Application"), and by (ii) the accompanying workpapers including all amendments thereto that Applicants submitted to the Board in connection with their Application (the "Workpapers").

10. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent they misstate or misconstrue the Application or accompanying Workpapers or any other facts or law.

11. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein as unduly burdensome and oppressive to the extent that they purport to require the Applicants to conduct a special study or to undertake anything more than a reasonable search for responsive information.

12. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent that they are unduly burdensome in failing to allow for a reasonable time for compliance.

13. Applicants reserve the right to challenge the competency, relevance, materiality, or admissibility of, or to object on any ground to, the use of information requested in the Sixth Metra Requests and in any responses the Applicants may provide thereto, in any subsequent proceeding, or further proceedings in this matter. To the extent that the Applicants provide responsive information or documents, the Applicants do not concede that such information is relevant, material, or admissible into evidence, and any such production or identification is not intended to waive any of the Applicants' objections to any of the Sixth Metra Requests.

14. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent they seek the discovery of documents or information beyond what the parties have previously agreed to through meet and confer discussions regarding similar requests.

15. Applicants object to the Sixth Metra Requests and to each Definition, Instruction and Request contained therein to the extent they seek the discovery of documents or information unrelated to the revisions the Board ordered Applicants to make in the Amended Operating Plan and Accompanying Workpapers given that Metra may only revise its Comments to address these revisions. *See* Decision No. 17, at 6 (Apr. 27, 2022).

16. Applicants' Responses and Objections are based upon information presently known to them. Applicants reserve the right to rely upon facts, documents, or other evidence that they may develop or that may subsequently come to their attention; to assert additional objections; and to supplement or amend these responses at any time as this proceeding continues.

**RESPONSES AND OBJECTIONS TO SPECIFIC INTERROGATORIES AND  
PRODUCTION REQUESTS**

**Request No. 1:**

In its Initial Requests for Production Metra instructed Applicants to “[p]roduce, in standard track chart format and in electronic database file format, documents containing all current track data for the Applicable Routes.” Metra’s requests included a detailed description of the Track Charts and track data requested. On December 18, 2022, Applicants responded that you would “conduct a reasonable search for non-duplicative, non-privileged documents responsive to this Request,” and between December 17, 2022 and December 23, 2022, you produced Documents including Track Charts and other track information for the Applicable Routes. These Documents included { }. On February 23, 2022, Applicants produced Rail Traffic Controller modeling data that indicated { } that conflict with { }. Do



the { that were provided in response to Metra's requests for production accurately represent CP's Current track configuration for {

g}? If they do not, describe with specificity any discrepancies between {

and CP's Current track configuration for {

}, and explain in detail why accurate Track Chart data was not produced as a result of the Initial Requests for Production. If {

do not accurately represent CP's Current track configuration at {

}, produce and identify with specificity, in standard track chart format and in electronic database file format, updated Documents containing all Current Track Charts and other track information for {

}, including but not limited to the following:

- a. Track Charts, including industry leads, spurs, and sidings;
- b. Station names, valuation section numbers, and latitude/longitude data;
- c. Track elevation, curvature, and grade data;
- d. Speed limits (may be present in track charts or timetables);
- e. Detailed schematics of track intersections, vehicle road crossings and interchange locations;
- f. Rail weight, turnout sizes, switch and signaling data;
- g. Detailed yard configurations for all yards; and
- h. The Current configuration of the {Eckards Siding and the Harpers Ferry Siding}, including turnout locations and siding length.

**Response to Request No. 1:**

In addition to the General Objections set forth above, Applicants object to this Request on the grounds that it is vague and ambiguous, cumulative, overly broad, unduly burdensome, and not proportional to the needs of this proceeding. Applicants further object to this Request to the extent it seeks documents or information already available to Metra. Applicants further object to the extent this Request seeks documents or information not within Applicants' possession, custody or control. Applicants further object to this Request to the extent it would require Applicants to conduct a special study. Applicants further object to this Request to the extent it misstates or misconstrues any fact or law. Applicants further object to this Request because it is unrelated to the revisions the Board ordered Applicants to make in the Amended Operating Plan and Accompanying Workpapers given that Metra may only revise its Comments to address these revisions. *See* Decision No. 17, at 6 (Apr. 27, 2022).

Subject to and without waiving the General Objections and the specific objections set forth above, Applicants respond that in response to Metra's request for track charts, Applicants produced the most recent ordinary course track charts that Applicants could locate after a reasonable search, which were track charts from 2010. CP noted in its responses and objections to Metra's First Set of Requests that CP would not perform a special study. Applicants further respond that while CP's current track configuration is not the same as the track configuration reflected in the 2010 track charts, Applicants produced GIS database files and timetable documents in response to Metra's First Requests, and that such documents are used in the ordinary course and sufficient to show CP's current track configuration at {  
}. Such GIS database files and timetable documents

are available in Virtual Data Room (“VDR”) at subfolder 10.5. Applicants further respond that they are available to meet and confer regarding this Request.

**Request No. 2:**

If you are aware of any other discrepancies between the information contained in the track chart data produced by Applicants in response to the Initial Requests for Production and CP’s Current track information and Track Charts on the Applicable Routes, describe any discrepancies in detail and explain why accurate track chart data was not produced in response to the Initial Requests for Production. Produce and identify with specificity any documents that were included in the Initial Requests for Production but were not provided to Metra. Produce and identify with specificity, in standard track chart format and in electronic database file format, updated Documents containing all Current Track Charts and track configuration information for the Applicable Routes, including but not limited to the following:

- a. The Track Charts for all routes on the Applicable Routes, including industry leads, spurs, and sidings;
- b. Station names, valuation section numbers, and latitude/longitude data;
- c. Track elevation, curvature, and grade data;
- d. Speed limits (may be present in track charts or timetables);
- e. Detailed schematics of track intersections, vehicle road crossings and interchange locations;
- f. Rail weight, turnout sizes, switch and signaling data; and
- g. Detailed yard configurations for all yards and sidings.

**Response to Request No. 2:**

In addition to the General Objections set forth above, Applicants object to this Request on the grounds that it is vague and ambiguous, cumulative, overly broad, unduly burdensome, and not proportional to the needs of this proceeding. Applicants further object to this Request to the extent it seeks documents or information already available to Metra. Applicants further object to the extent this Request seeks documents or information not within Applicants' possession, custody or control. Applicants further object to this Request to the extent it would require Applicants to conduct a special study. Applicants further object to this Request to the extent it misstates or misconstrues any fact or law. Applicants further object to this Request because it is unrelated to the revisions the Board ordered Applicants to make in the Amended Operating Plan and Accompanying Workpapers given that Metra may only revise its Comments to address these revisions. *See* Decision No. 17, at 6 (Apr. 27, 2022).

Subject to and without waiving the General Objections and the specific objections set forth above, Applicants reiterate that the track charts they produced are dated from 2010, and are the most current track charts Applicants could locate after a reasonable search. As explained in Applicants' response and objections to Request No. 1, Applicants never agreed to conduct a special study to update these track charts. Applicants again refer Metra to the GIS database files referred to in Applicants' response and objections to Request No. 1, which are used in the ordinary course and sufficient to show CP's current track configuration. Applicants further respond that they are available to meet and confer regarding this Request.

Dated: May 31, 2022

Respectfully submitted,

*/s/ William A. Mullins*

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*Counsel for CP*

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused the foregoing Joint Responses and Objections to Metra's Fourth Set of Interrogatories and Sixth Set of Requests to Kansas City Southern and Canadian Pacific to be served electronically or by first-class mail, postage pre-paid, on all parties of record in these proceedings.

/s/ Nathan Golden  
Nathan Golden

May 31, 2022

## **EXHIBIT 3**

**Second Supplemental Verified Statement of Thomas D. Crowley and  
Robert D. Mulholland (METR-9, Attachment A)**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. FD 36500

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CANADIAN PACIFIC RAILWAY LIMITED; CANADIAN PACIFIC RAILWAY  
COMPANY; SOO LINE RAILROAD COMPANY; CENTRAL MAINE & QUEBEC  
RAILWAY US INC.; DAKOTA, MINNESOTA & EASTER 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

---

SECOND SUPPLEMENTAL VERIFIED STATEMENT

of

Thomas D. Crowley  
President

and

Robert D. Mulholland  
Senior Vice President

**L. E. PEABODY & ASSOCIATES, INC.**  
ECONOMIC CONSULTANTS

On Behalf Of

**THE COMMUTER RAIL DIVISION OF THE  
REGIONAL TRANSPORTATION AUTHORITY AND NORTHEAST  
ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION  
(METRA)**

Dated: July 7, 2022



We are Thomas D. Crowley and Robert D. Mulholland, President and a Senior Vice President, respectively, of L. E. Peabody & Associates, Inc. Our credentials are included as Exhibit No. 1 and Exhibit No. 2 to our March 15, 2022, Verified Statement (“VS”).

At the request of Counsel for Metra, we reviewed and analyzed the Application and supporting documents filed by the Canadian Pacific Railway Company (“CP”) and the Kansas City Southern (“KCS”) (jointly “CP/KCS”) in this proceeding, and we submitted Verified Statements in support of Metra’s March 15, 2022, Comments (Exhibit C to METR-7) and its June 9, 2022, Supplemental Comments (Attachment A to METR-8). As part of our analysis, we conducted independent Rail Traffic Controller (“RTC”) modeling to assess the impact of the transaction proposed by CP/KCS, and we included this modeling and its results in our submissions and associated workpapers.

Subsequent review of the revised RTC modeling submitted as part of Metra’s June 9 Supplemental Comments has revealed that Metra’s supporting workpapers included an instance in which the RTC dispatching algorithms failed to efficiently dispatch Metra trains on the last day of the statistical period in the Future Case simulation period due to a long freight train partially blocking the Mannheim platform for an extended period. This resulted in several Metra trains that serve Mannheim in the Future Case, but do not operate in the base case, and other trains operating on the Milwaukee District West line, being delayed significantly by the blocked platform. With the filing of this submission Metra is submitting a revised Future Case simulation that eliminates the blockage by dispatching the unit train earlier than its real-world companion was dispatched, which allows unfettered access to the Mannheim platform to Metra trains during the morning rush. These changes affect the outputs from Metra’s Future Case simulations, and some of the statistics

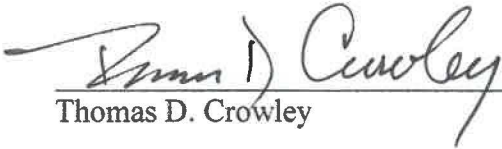
included in the Supplemental Verified Statement of Messrs. Crowley and Mulholland submitted with METR-8, as indicated in the Errata Sheet attached to this submission.

Metra has also discovered an issue related to the alternate Future Case RTC simulation in which the model outputs reflect a one-day warm-up period and a two-day cool down period around the seven-day statistical period. The model outputs should reflect a two-day warm-up period and a one-day cool down period around the seven-day statistical period. This change has a small impact on the alternate Future Case statistics and has been corrected in this filing and the accompanying updated workpapers.

Neither of the two corrections described above in this Second Supplemental Verified Statement change our expert opinion or any other part of the content or analysis provided in our previously submitted Verified Statement and Supplemental Verified Statement, which remains as stated in those submissions.

### VERIFICATIONS

The undersigned verify under penalty of perjury that each has read this Second Supplemental Verified Statement on behalf of Metra, that know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this statement.

  
Thomas D. Crowley

Executed on 7/7/22

  
Robert D. Mulholland

Executed on July 7, 2022

**ATTACHMENT B**

**ERRATA SHEET FOR  
COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION  
AUTHORITY'S ERRATA SHEET FOR COMMENTS  
FINANCE DOCKET NO. 36500  
FILED JUNE 9, 2022 (METR-8)**

| <b>Page</b>  | <b>Line</b> | <b>Text to be Corrected</b>                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Correction</b>                                                                                                                                                                                                                                                                                                                                                                               |
|--------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| METR-8, p. 3 | 9-12        | “In this proceeding, Applicants seek approval of a proposed Transaction that will increase new freight traffic on Metra-owned rail lines that will serve to materially degrade passenger rail service by causing an approximately estimated 1,200% increase in delays per 100 train miles for Metra trains on the impacted lines.”                                                                                                         | “In this proceeding, Applicants seek approval of a proposed Transaction that will increase new freight traffic on Metra-owned rail lines that will serve to materially degrade passenger rail service by causing an approximately estimated 299% increase in delays per 100 train miles for Metra trains on the impacted lines.”                                                                |
| METR-8, p. 3 | Footnote 4  | “(Future Case Delay Minutes per 100 Train Miles of 15.30 ÷ Base Case Delay Minutes per 100 Train Miles of 1.15 – 1) x 100 = 1,230%.”                                                                                                                                                                                                                                                                                                       | “(Future Case Delay Minutes per 100 Train Miles of 4.59 ÷ Base Case Delay Minutes per 100 Train Miles of 1.15 – 1) x 100 = 299%.”                                                                                                                                                                                                                                                               |
| METR-8, p. 9 | 1-7         | “As discussed further in S.V.S. Crowley and Mulholland, the revised analysis shows that reductions in speed and increases in delays for Metra’s trains are even worse than Metra previously predicted. <i>Id.</i> at 16-17. Specifically, with adjusted sidings, the modeling conducted by Messrs. Crowley and Mulholland now projects an approximately 1,200% increase in delays per 100 train miles to Metra trains. Messrs. Crowley and | “As discussed further in S.V.S. Crowley and Mulholland, the revised analysis shows that reductions in speed and increases in delays for Metra’s trains are still projected to increase significantly. Specifically, with adjusted sidings, the modeling conducted by Messrs. Crowley and Mulholland now projects an approximately 299% increase in delays per 100 train miles to Metra trains.” |

|                                                            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                   |
|------------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
|                                                            |            | Mulholland discuss the reasons for this increase from previous projections in the attached Supplemental Verified Statement. S.V.S. Crowley and Mulholland at 16-17.”                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                   |
| METR-8, p. 9                                               | Footnote 8 | “(Future Case Delay Minutes per 100 Train Miles of 15.30 ÷ Base Case Delay Minutes per 100 Train Miles of 1.15 – 1) x 100 = 1230%.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | “(Future Case Delay Minutes per 100 Train Miles of 4.59 ÷ Base Case Delay Minutes per 100 Train Miles of 1.15 – 1) x 100 = 299%.” |
| METR-8, Attachment A, S.V.S. Crowley and Mulholland, p. 16 | Table 4    | Section B “Future Case with Siding Extensions”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | See Revised Table 4, attached hereto as Attachment B-1                                                                            |
| METR-8, Attachment A, S.V.S. Crowley and Mulholland, p. 17 | Lines 1-20 | “However, speed was reduced and delays increased substantially for Metra trains. The reduction in speed and increase in delays for Metra’s trains may seem counterintuitive. However, there are a couple of explanations for the unexpected results. First, in our March 15, 2022 VS Future Case, we had to remove 13 CP line-haul freight trains from the system to get the simulation to run, i.e., RTC could not dispatch all trains, demonstrating that the system was over capacity. When we increased the siding lengths on the Marquette Subdivision, we only had to remove 11 CP line-haul freight trains to get | [Deleted]                                                                                                                         |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  | <p>the Future Case simulation to run. Although the expansion of physical capacity allowed more CP line-haul trains to operate over the system, those extra trains slowed down some operations, including for Metra trains.</p> <p>Moreover, because the changes did not allow for all CP line-haul trains to be dispatched, the system is still shown to be over capacity even with the increased infrastructure on the Marquette Subdivision.</p> <p>Second, sometimes in RTC modeling (and in the real world), when interference is reduced on one part of the system, fluidity and throughput in that area increase, but this leads to more train conflicts downstream. A simple example would be double tracking 50 miles of a 100-mile single track segment. Although trains would move efficiently over the double track section, this could cause a bottleneck where the single-track section starts. Instead of a steady trickle of trains over the entire segment, the result can be a backup of trains at the new choke point. In our Future Case simulation, increased capacity on the Marquette Subdivision improved performance in that area,</p> |  |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

|                                                            |           |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                            |           | but reduced performance for Metra trains operating hundreds of miles away in Chicago.”                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                  |
| METR-8, Attachment A, S.V.S. Crowley and Mulholland, p. 19 | Table 5   | Section B “Future Case with Siding Extensions”                                                                                                                                                                                                                                                          | See Revised Table 5, attached hereto as Attachment B-2                                                                                                                                                                                                                                           |
| METR-8, Attachment A, S.V.S. Crowley and Mulholland, p. 19 | Lines 1-4 | “As shown in Table 5 above, the Future Case with Additional Milwaukee District Infrastructure plus the siding extensions on the Marquette subdivision resulted in improved performance for both Metra and CP Operating Plan trains, but slightly worse performance for other train groups and overall.” | “As shown in Table 5 above, the Future Case with Additional Milwaukee District Infrastructure plus the siding extensions on the Marquette subdivision resulted in improved performance overall and for all train groups except Unit Train and Other Trains (which includes mostly work trains).” |

**ATTACHMENT B-1**

Table 4  
**RTC Future Case with and without  
Siding Extensions at Harper's Ferry and Eckards**

| <b>Train Group</b>                                     | <b>Average<br/>Speed<br/>(MPH)</b> | <b>Delay<br/>Percent<br/>1/</b> | <b>Delay Per<br/>100<br/>Train-<br/>Miles<br/>(Minutes)</b> | <b>Total<br/>Delay<br/>(Hours<br/>)</b> |
|--------------------------------------------------------|------------------------------------|---------------------------------|-------------------------------------------------------------|-----------------------------------------|
| (1)                                                    | (2)                                | (3)                             | (4)                                                         | (5)                                     |
| <b><u>A. Future Case without Siding Extensions</u></b> |                                    |                                 |                                                             |                                         |
| 1. Metra                                               | 30.83                              | 2.84%                           | 5.37                                                        | 25.0                                    |
| 2. Amtrak                                              | 55.44                              | 7.67%                           | 7.71                                                        | 22.8                                    |
| 3. Unit Train                                          | 20.84                              | 51.68%                          | 98.05                                                       | 349.6                                   |
| 4. Local                                               | 12.68                              | 75.28%                          | 196.94                                                      | 168.5                                   |
| 5. Operating<br>Plan                                   | 18.97                              | 42.33%                          | 94.06                                                       | 444.9                                   |
| 6. Other                                               | <u>19.83</u>                       | <u>81.15%</u>                   | <u>135.52</u>                                               | <u>10.1</u>                             |
| 7. Total                                               | 24.27                              | 32.49%                          | 60.63                                                       | 1,021.0                                 |
| <b><u>B. Future Case with Siding Extensions</u></b>    |                                    |                                 |                                                             |                                         |
| 8. Metra                                               | 30.95                              | 2.42%                           | 4.59                                                        | 21.4                                    |
| 9. Amtrak                                              | 56.16                              | 6.29%                           | 6.32                                                        | 18.7                                    |
| 10. Unit Train                                         | 21.14                              | 50.29%                          | 96.07                                                       | 369.8                                   |
| 11. Local                                              | 12.29                              | 82.79%                          | 216.67                                                      | 185.4                                   |
| 12. Operating<br>Plan                                  | 19.79                              | 36.29%                          | 80.72                                                       | 368.0                                   |
| 13. Other                                              | <u>24.44</u>                       | <u>47.03%</u>                   | <u>78.51</u>                                                | <u>5.9</u>                              |
| 14. Total                                              | 24.61                              | 30.63%                          | 57.17                                                       | 969.1                                   |

Source: workpaper "Summary Tables for Successful RTC Cases\_with Siding  
 Extensions\_Revised Days.xlsx"

1/ Delay Percent = 100 x True delay / Total elapsed ideal seed run time



**ATTACHMENT B-2**

Table 5

**Future Case with Additional Milwaukee District Infrastructure  
RTC Results with and without Foreign Trains**

| <b>Train Group</b>                                                                                        | <b>Average<br/>Speed</b> | <b>Delay<br/>Percent</b> | <b>Delay Per<br/>100 Train-<br/>Miles</b> | <b>Total<br/>Delay</b> |
|-----------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------------|------------------------|
| <b>(1)</b>                                                                                                | <b>(MPH)<br/>(2)</b>     | <b>1/<br/>(3)</b>        | <b>(Minutes)<br/>(4)</b>                  | <b>(Hours)<br/>(5)</b> |
| <b><u>A. Future Case with Additional Milwaukee District Infrastructure, without Siding Extensions</u></b> |                          |                          |                                           |                        |
| 1. Metra                                                                                                  | 31.13                    | 1.91%                    | 3.62                                      | 16.9                   |
| 2. Amtrak                                                                                                 | 56.20                    | 6.22%                    | 6.25                                      | 18.5                   |
| 3. Unit Train                                                                                             | 21.97                    | 47.55%                   | 90.06                                     | 343.4                  |
| 4. Local                                                                                                  | 13.65                    | 57.85%                   | 161.69                                    | 140.1                  |
| 5. Operating<br>Plan                                                                                      | 19.41                    | 32.09%                   | 75.11                                     | 347.5                  |
| 6. Other                                                                                                  | <u>23.10</u>             | <u>55.55%</u>            | <u>92.77</u>                              | <u>6.9</u>             |
| 7. Total                                                                                                  | 24.80                    | 26.97%                   | 51.39                                     | 873.4                  |
| <b><u>B. Future Case with Additional Milwaukee District Infrastructure, with Siding Extensions</u></b>    |                          |                          |                                           |                        |
| 8. Metra                                                                                                  | 31.18                    | 1.73%                    | 3.28                                      | 15.3                   |
| 9. Amtrak                                                                                                 | 56.25                    | 6.12%                    | 6.15                                      | 18.2                   |
| 10. Unit Train                                                                                            | 21.10                    | 51.66%                   | 99.05                                     | 381.2                  |
| 11. Local                                                                                                 | 14.50                    | 55.15%                   | 149.07                                    | 127.3                  |
| 12. Operating<br>Plan                                                                                     | 20.20                    | 28.42%                   | 65.76                                     | 307.8                  |
| 13. Other                                                                                                 | <u>19.89</u>             | <u>80.73%</u>            | <u>134.77</u>                             | <u>10.1</u>            |
| 14. Total                                                                                                 | 24.97                    | 26.52%                   | 50.37                                     | 859.8                  |

Source: workpaper "Summary Tables for Successful RTC Cases\_with Siding Extensions\_Revised Days.xlsx"

1/ Delay Percent = 100 x True delay / Total elapsed ideal seed run time

## **EXHIBIT 4**

**Reply Verified Statement of Thomas D. Crowley and  
Robert D. Mulholland (METR-10, Attachment A)**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. FD 36500

CANADIAN PACIFIC RAILWAY LIMITED; CANADIAN PACIFIC RAILWAY  
COMPANY; SOO LINE RAILROAD COMPANY; CENTRAL MAINE & QUEBEC  
RAILWAY US INC.; DAKOTA, MINNESOTA & EASTER 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

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REPLY VERIFIED STATEMENT

of

Thomas D. Crowley  
President

and

Robert D. Mulholland  
Senior Vice President

**L. E. PEABODY & ASSOCIATES, INC.**  
ECONOMIC CONSULTANTS

On Behalf Of

**THE COMMUTER RAIL DIVISION OF THE  
REGIONAL TRANSPORTATION AUTHORITY AND NORTHEAST  
ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION  
(METRA)**

Dated: July 12, 2022

|     | <b><u>TABLE OF CONTENTS</u></b> | <b><u>PAGE</u></b> |
|-----|---------------------------------|--------------------|
| I.  | Introduction.....               | 1                  |
| II. | Metra On-Time Performance.....  | 2                  |

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| <b><u>LIST OF EXHIBITS</u></b>      |                                          |
|-------------------------------------|------------------------------------------|
| <b>Exhibit<br/>No. <sup>1</sup></b> | <b>Exhibit Description</b>               |
| (1)                                 | (2)                                      |
| 14                                  | On-Time Performance Based on RTC Results |

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<sup>1</sup> Exhibit No. 1 through Exhibit No. 10 are included with our Verified Statement filed in this proceeding on March 15, 2022. Exhibit No. 11 through Exhibit No. 13 are included with our Supplemental Verified Statement filed in this proceeding on June 9, 2022.

## **I. INTRODUCTION**

We are Thomas D. Crowley and Robert D. Mulholland, President and a Senior Vice President, respectively, of L. E. Peabody & Associates, Inc. We are the same Thomas D. Crowley and Robert D. Mulholland who presented a Verified Statement (“VS”) in support of The Commuter Rail Division of the Regional Transportation Authority and Northeast Illinois Regional Commuter Railroad Corporation’s (“Metra”) March 15, 2022 Comments in this proceeding,<sup>2</sup> and a Supplemental Verified Statement (“SVS”) in support of Metra’s June 9, 2022 Comments.<sup>3</sup> L. E. Peabody & Associates, Inc. is an Economic Consulting Firm that specializes in addressing economic, transportation, marketing, financial, accounting and fuel supply matters. We have spent most of our consulting careers of over 50 and 25 years, respectively, evaluating railroad operations, capacity, costs and profitability and pricing issues for shippers, producers, railroads and government agencies. Our credentials are included as Exhibit No. 1 and Exhibit No. 2 to our March 15, 2022 VS.

We have been asked by counsel for Metra to review public comments filed in response to the merger application and supporting documents filed by the Canadian Pacific Railway Company (“CP”) and the Kansas City Southern (“KCS”) (jointly “CP/KCS”), and to determine the extent to which analyses we conducted in support of our March 15, 2022 VS and June 9, 2022 SVS are relevant to those comments. The results of our review are contained in following sections of this Reply Verified Statement (“RVS”).

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<sup>2</sup> As modified by an errata filed on June 9, 2022.

<sup>3</sup> As modified by an errata filed on July 8, 2022.

## II. METRA ON-TIME PERFORMANCE

Our March 15, 2022 VS and June 9, 2022 SVS contained the results of several Rail Traffic Controller (“RTC”) simulations we conducted to quantify the impact of the proposed merger on Metra’s commuter train operations.<sup>4</sup> Our statements included tables showing the following outputs from the simulations: (1) average train speed; (2) delay percent; (3) delay per 100 train-miles; and (4) total delay, by train type.<sup>5</sup>

The changes in these statistics from the base case to the future case demonstrate that service levels would significantly diminish following the proposed merger due to the increased freight train volumes CP/KCS project as a result of the transaction. Metra was not the only commenting party to express concern over the effect of the proposed merger. For example, the following statements were offered expressing similar concerns:

The Application contains no... explanation or support for the position that tripling the number [of freight] trains per day during narrow time windows to accommodate commuter traffic will result in only ‘minimal’ impacts. Indeed, as explained by Mr. Hunter, it does not appear that the Applicants conducted any substantive modeling of their projected train operations.<sup>6</sup>

\*\*\*

We understand that Canadian Pacific’s poor dispatching has led to regular interference with Metra’s peak and non-peak commuter rail services, which has endangered and inconvenienced local commuters.<sup>7</sup>

\*\*\*

There is no indication in the filing that Applicants did any capacity studies to see how Year 2 and 3 volumes would fit through the yard, how many additional transfers to Schiller Park would be required during this period,

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<sup>4</sup> Our June 9, 2022 SVS responded to CP/KCS’ Amended Application and Operating Plan (filed on May 13, 2022) and corrected for inaccurate information regarding the length of two (2) sidings on the Marquette Subdivision that Applicants included in the CP track charts that they provided to Metra in Discovery.

<sup>5</sup> See, Tables 3, 4, and 5 at pages 15, 16, and 19 of our June 9, 2022 SVS.

<sup>6</sup> See, February 28, 2022 Opening Comments and Request for Conditions of the Coalition to Stop CPKC (“Coalition”) at page 11.

<sup>7</sup> See, April 21, 2022 letter filing by the City of Lake Forest, Illinois, on behalf of the Village of Bannockburn, Illinois, Village of Deerfield, Village of Green Oaks, Illinois, City of Lake Forest, Illinois, and Village of Northbrook, Illinois at page 3.

and, as mentioned above, how much delay this would cause for the two affected Metra lines.<sup>8</sup>

\*\*\*

The Applicants also fail to demonstrate that the planned increase in intermodal units being transferred will not adversely affect Metra's commuter operations, as required by 49 CFR 1111.8(a)(2) (2000).<sup>9</sup>

Although the statistics that we presented in our prior statements demonstrate the expected negative impact on train operations, they represent a small selection of the outputs produced by the RTC simulations. In light of other parties' comments and to provide further context, we are including another key metric in this RVS of the expected impact of the proposed merger on Metra's operations: On-Time Performance ("OTP").

In our March 15, 2022 VS, we discussed the way Metra OTP is measured by CP.<sup>10</sup> In short, trains that arrive at their final scheduled station stop more than five (5) minutes, 59 seconds after the scheduled arrival time are considered late for purposes of OTP reporting.<sup>11</sup> Table 1 below shows the delay per 100-train miles statistic included in our June 9, 2022 SVS, along with the number of Metra trains arriving six (6) or more minutes late at their final stop as included in the RTC simulation output tables.

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<sup>8</sup> See, February 28, 2022 Verified Statement of Hugh Randall, filed in support of CN's Comments on Application and Request for Conditions, at Section 3.2.2.

<sup>9</sup> *Id.*, at Appendix A.

<sup>10</sup> See, Section IV.A. at pages 9 and 10 of our March 15, 2022 VS.

<sup>11</sup> There are exceptions for midday trains operating during construction season. Our RTC simulations did not include any interference from construction as inputs – these would be included in the PERMITS file. As such, we did not model any construction-related activity that would slow down trains in our simulations. Moreover, this analysis shows the change in train performance from the base case to the future case, and both cases modeled the same week in April, so the comparison is apples-to-apples.

Table 1  
**Metra Train Performance Metrics**

| <b>RTC Simulation</b>                 | <b>Total<br/>Metra<br/>Trains</b> | <b>Delay<br/>Minutes<br/>per 100<br/>Train-miles</b> | <b>Metra<br/>Trains<br/>Arriving<br/>6 or more<br/>Minutes<br/>Late</b> | <b>Percentage of<br/>Metra Trains<br/>Arriving 6 or<br/>more<br/>Minutes Late</b> |
|---------------------------------------|-----------------------------------|------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| (1)                                   | (2)                               | (3)                                                  | (4)                                                                     | (5)                                                                               |
| 1. Base Case                          | 594                               | 1.15                                                 | 16                                                                      | 2.7%                                                                              |
| 2. Future Case                        | 865                               | 4.59                                                 | 63                                                                      | 7.3%                                                                              |
| 3. Future Case with<br>Infrastructure | 865                               | 3.28                                                 | 48                                                                      | 5.5%                                                                              |

Source: Exhibit No. 14.

As shown in Table 1 above, our RTC simulations show that the proposed merger will result in a significant increase in the number and percentage of Metra trains that will run behind schedule and arrive at their final stop more than six (6) minutes behind schedule. Specifically, RTC modeling shows that 7.3 percent of Metra’s trains will arrive late at their final stop following the merger, compared to 2.7 percent before the merger.<sup>12</sup> This is an increase of 170 percent.<sup>13</sup>

Official OTP metrics reflect only arrival time at final destination. However, delays at intermediate stations would also increase following the merger. Our RTC simulations show that the proposed merger will result in a 248% increase in the average arrival time behind schedule at intermediate stops in the future case relative to the base case.<sup>14</sup>

<sup>12</sup> See, Lines 1 and 2, Column (5) in Table 1 above.

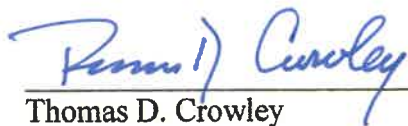
<sup>13</sup>  $(7.3 \div 2.7 - 1) \times 100$ .

<sup>14</sup> See, workpaper “Metra Intermediate Station Delay\_07122022.xlsx.”



**VERIFICATIONS**

I, Thomas D. Crowley, verify under penalty of perjury that I have read this Reply Verified Statement on behalf of Metra, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this statement.

  
Thomas D. Crowley

Executed on 7/17/22

\* \* \*

I, Robert D. Mulholland, verify under penalty of perjury that I have read this Reply Verified Statement on behalf of Metra, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this statement.

  
Robert D. Mulholland

Executed on 7/12/2022

**On-Time Performance in RTC Results**

| Item<br>(1)                                                                                                                           | Source<br>(2)   | MD-W               |                   | MD-N                |                    | Total<br>Metra<br>(7) |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------|-------------------|---------------------|--------------------|-----------------------|
|                                                                                                                                       |                 | Out<br>(Westbound) | In<br>(Eastbound) | Out<br>(Northbound) | In<br>(Southbound) |                       |
|                                                                                                                                       |                 | (3)                | (4)               | (5)                 | (6)                |                       |
| <b><u>A. Total Metra Trains</u></b>                                                                                                   |                 |                    |                   |                     |                    |                       |
| 1. Base Case                                                                                                                          | 1/              | 200                | 166               | 114                 | 114                | 594                   |
| 2. Future Case                                                                                                                        | 2/              | 271                | 266               | 159                 | 159                | 865                   |
| 3. Future + Infrastructure                                                                                                            | 3/              | 271                | 266               | 159                 | 169                | 865                   |
| <b><u>B. Delay Per 100 Train Miles for Metra Trains (In Minutes)</u></b>                                                              |                 |                    |                   |                     |                    |                       |
| 4. Base Case                                                                                                                          | 1/              | 0.94               | 2.91              | 0.34                | 0.52               | 1.15                  |
| 5. Future Case                                                                                                                        | 2/              | 8.06               | 6.65              | 0.74                | 2.86               | 4.59                  |
| 6. Future + Infrastructure                                                                                                            | 3/              | 3.43               | 6.21              | 1.35                | 2.27               | 3.28                  |
| <b><u>C. Metra Trains Arriving More than 6 Minutes after Scheduled Arrival Time</u></b>                                               |                 |                    |                   |                     |                    |                       |
| 7. Base Case                                                                                                                          | 1/              | 2                  | 13                | 1                   | 0                  | 16                    |
| 8. Future Case                                                                                                                        | 2/              | 28                 | 24                | 0                   | 11                 | 63                    |
| 9. Future + Infrastructure                                                                                                            | 3/              | 17                 | 25                | 1                   | 5                  | 48                    |
| <b><u>D. Percentage of Metra Trains Arriving More than 6 Minutes after Scheduled Arrival Time</u></b>                                 |                 |                    |                   |                     |                    |                       |
| 10. Base Case                                                                                                                         | Line 7 ÷ Line 1 | 1.0%               | 7.8%              | 0.9%                | 0.0%               | 2.7%                  |
| 11. Future Case                                                                                                                       | Line 8 ÷ Line 2 | 10.3%              | 9.0%              | 0.0%                | 6.9%               | 7.3%                  |
| 12. Future + Infrastructure                                                                                                           | Line 9 ÷ Line 3 | 6.3%               | 9.4%              | 0.6%                | 3.0%               | 5.5%                  |
| <b><u>E. Aggregate Arrival Time vs Schedule for Trains Arriving More than 6 Minutes after Scheduled Arrival Time (In Minutes)</u></b> |                 |                    |                   |                     |                    |                       |
| 13. Base Case                                                                                                                         | 1/              | 29.60              | 119.18            | 7.60                | 0.00               | 156.38                |
| 14. Future Case                                                                                                                       | 2/              | 437.05             | 297.82            | 0.00                | 122.62             | 857.48                |
| 15. Future + Infrastructure                                                                                                           | 3/              | 124.60             | 308.87            | 56.23               | 66.45              | 556.15                |
| <b><u>F. Average Arrival Time vs Schedule for Trains Arriving after More than 6 Minutes Scheduled Arrival Time (In Minutes)</u></b>   |                 |                    |                   |                     |                    |                       |
| 16. Base Case                                                                                                                         | L13 ÷ L7        | 14.8               | 9.2               | 7.6                 | N/A                | 9.8                   |
| 17. Future Case                                                                                                                       | L14 ÷ L8        | 15.6               | 12.4              | N/A                 | 11.1               | 13.6                  |
| 18. Future + Infrastructure                                                                                                           | L15 ÷ L9        | 7.3                | 12.4              | 56.2                | 13.3               | 11.6                  |

1/ Source: RTC Simulation Output File METRA - BASE CASE v16\_ELG7\_Siding Changes v2 .REPORT

2/ Source: RTC Simulation Output File METRA - FUTURE CASE\_V14X REVISED Siding Changes v12.REPORT

3/ Source: RTC Simulation Output File METRA - FUTURE CASE wInfra 3-9.REPORT

## **EXHIBIT 5**

**Verified Statement of Thomas D. Crowley and  
Robert D. Mulholland in Support of Metra Comments on Draft EIS**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. FD 36500

CANADIAN PACIFIC RAILWAY LIMITED; CANADIAN PACIFIC RAILWAY  
COMPANY; SOO LINE RAILROAD COMPANY; CENTRAL MAINE & QUEBEC  
RAILWAY US INC.; DAKOTA, MINNESOTA & EASTER 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

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Verified Statement in Support of Comments on  
Draft Environmental Impact Statement

of

Thomas D. Crowley  
President

and

Robert D. Mulholland  
Senior Vice President

**L. E. PEABODY & ASSOCIATES, INC.**  
ECONOMIC CONSULTANTS

On Behalf Of

**THE COMMUTER RAIL DIVISION OF THE  
REGIONAL TRANSPORTATION AUTHORITY AND NORTHEAST  
ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION  
(METRA)**

Dated: October 14, 2022

## **I. INTRODUCTION**

We are Thomas D. Crowley and Robert D. Mulholland, President and a Senior Vice President, respectively, of L. E. Peabody & Associates, Inc. We are the same Thomas D. Crowley and Robert D. Mulholland who presented a Verified Statement (“VS”) in support of The Commuter Rail Division of the Regional Transportation Authority and Northeast Illinois Regional Commuter Railroad Corporation’s (“Metra”) March 15, 2022 Comments in this proceeding,<sup>1</sup> a Supplemental Verified Statement (“SVS”) in support of Metra’s June 9, 2022 Comments,<sup>2</sup> a Reply Verified Statement (“RVS”) in support of Metra’s July 12, 2022 Comments, and a Rebuttal Verified Statement (“Reb. VS”) in support of Metra’s September 6, 2022 Motion to Strike CP/KCS’ RTC analysis. L. E. Peabody & Associates, Inc. is an Economic Consulting Firm that specializes in addressing economic, transportation, marketing, financial, accounting and fuel supply matters. We have spent most of our consulting careers of over 50 and 25 years, respectively, evaluating railroad operations, capacity, costs and profitability and pricing issues for shippers, producers, railroads and government agencies. Our credentials are included as Exhibit No. 1 and Exhibit No. 2 to our March 15, 2022 VS.

We have been asked by counsel for Metra to review and respond to public comments made in the October 6, 2022 Rebuttal presentation filed by the Canadian Pacific Railway Company (“CP”) and the Kansas City Southern (“KCS”) (jointly “CP/KCS”) regarding analyses we conducted in support of our March 15, 2022 VS, June 9, 2022 SVS, July 12, 2022 RVS, and September 6, 2022 Reb. VS related to the proposed merger between CP and KCS (“Merger”).

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<sup>1</sup> As modified by an errata filed on June 9, 2022.

<sup>2</sup> As modified by an errata filed on July 8, 2022.

## II. RESPONSE

Metra's RTC simulations demonstrate that Metra train delay will increase and Metra's On-Time Performance ("OTP") will worsen following the proposed Merger. Metra's modeling also shows that CP train delay will increase following the Merger.

CP/KCS critiqued Metra's RTC analysis, and developed its own alternate RTC simulations which it claims corrected a series of errors incorporated in Metra's model.<sup>3</sup> The alleged errors identified by CP/KCS are either contradicted by materials CP provided in response to Metra's discovery requests, insignificant in terms of their impact on the RTC simulation results, or both.

CP/KCS argue that Metra used erroneous track chart data in developing its infrastructure inputs, and should have instead relied on timetable data. The track chart data was provided by CP in response to Metra discovery requests. Metra requested track chart data because it is specifically identified by the RTC manual as the correct data source for infrastructure inputs, whereas timetable data is used to inform the development of operating inputs. Metra confirmed its need for track chart data as a critical input to planned RTC modeling during a December 2021 video conference with CP staff.

CP/KCS claim that Metra should have caught discrepancies between provided data sources through a Quality Assurance/Quality Control ("QA/QC") process. Metra did observe discrepancies, but had no basis to determine which source was more accurate, and therefore defaulted to the source identified in the RTC manual (i.e., track charts).

CP/KCS argue that Metra inappropriately used train event data to identify the dates and times when CP's trains actually operate over Metra's and proximate CP lines, and should have

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<sup>3</sup> CP/KCS' alternate RTC simulations project increased delay for CP trains, but not Metra trains, in the post-Merger scenario.

instead relied on CP train schedule data. The train event data captures real-world CP train operations, including inefficiencies that cause CP trains to operate behind schedule in the real world. Metra's model captures these inefficiencies, and CP/KCS' alternate model does not.

CP/KCS argue that Metra inappropriately used actual arrival and departure times from the CP train event data to determine the length of CP delay at intermediate stations, and should have assumed CP trains dwell only for the minimum time indicated in its train schedules. As above, Metra's approach is required to capture actual train movements including delays that CP trains actually incur in the real world. This is particularly important when only a portion of a larger network is modeled (as is the case here), because the delay incurred on the modeled portions of CP's network reflect not only the interference caused by trains operating over the modeled segments, but also the upstream and downstream interference on adjoining segments that impacts operations on the modeled portion of the system.

CP argued that Metra should have modeled Metra's 2019 pre-COVID schedule in its base case, rather than its reduced 2021 schedule. First, this approach would have created a disconnect between passenger and freight trains included in the model, because Metra modeled CP's 2021 freight operations. Second, CP itself cited 2021 passenger volumes in the operating plan it submitted in support of its application. Third, CP's use of the same Metra volumes in the pre- and post-Merger scenarios is clearly intended to artificially understate the actual performance degradation that will occur in the real world.

CP argued that Metra's model inappropriately failed to include signaling, but Metra's modeling used a setting that approximates operations under Positive Train Control ("PTC") signaling, and the only signaling CP/KCS added to its alternate simulations was PTC signaling.

CP argued that Metra's model sometimes used inefficient train routing for CP trains, but Metra modeled the routing indicated by CP's train event data.

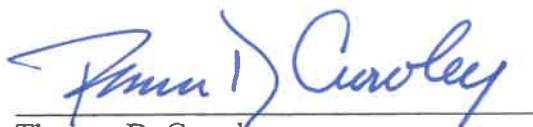
CP argued that Metra was wrong to assume that trains would be rerouted from Marquette via Chicago. However, although Metra believes this will occur to some extent in the future, Metra did not model this operation in its RTC simulations.

CP argued that Metra failed to include expanded Bensenville yard infrastructure in its RTC simulations. The expansion will not have a significant impact on Metra trains, which do not use the Bensenville Yard tracks, but it will improve performance for some CPKC trains.



### VERIFICATIONS

I, Thomas D. Crowley, verify under penalty of perjury that I have read this Verified Statement on behalf of Metra, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this statement.

  
Thomas D. Crowley

Executed on 10/14/22

\* \* \*

I, Robert D. Mulholland, verify under penalty of perjury that I have read this Verified Statement on behalf of Metra, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this statement.

  
Robert D. Mulholland

Executed on 10/14/22

## **EXHIBIT 6**

**Verified Statement of Steve M. Cork (METR-13, Attachment A)**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB Finance Docket No. 36500**

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**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 – KANSASCITY SOUTHERN, THE KANSAS CITY SOUTHERN  
RAILWAY COMPANY, GATEWAY EASTERN RAILWAY COMPANY,  
AND THE TEXAS MEXICAN RAILWAY COMPANY**

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**SUPPLEMENTAL VERIFIED STATEMENT OF STEVE M. CORK**

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1. I am Steve M. Cork. I am Acting Sr. Director Interline Operations for Metra. I have been employed at Metra since 2016. Before that, I was employed at the Canadian Pacific for 23 years, serving in several different roles and capacities of increased responsibility.
2. I have reviewed the Rebuttal filed by Applicants in these proceedings on July 12, 2022 (CP-53/KCS-39) as well as the relevant associated exhibits. I am submitting this Verified Statement in order to correct certain statements made in that filing as well as in the verified statements of Mr. Raymond A. Elphick and Mr. Adolph Gameiro.
3. Applicants state, supported by the verified statement of Mr. Elphick, that:

In fact, the Transaction will add *zero* trains per day east of Bensenville, including the portion of this segment between the east end of the yard and Tower B12. *See* Elphick R.V.S. at ¶ 7. All other CPKC traffic east of Bensenville to or from other railroads in Chicago, or traffic to or from east of Chicago (for example, Detroit or Eastern Canada), will be handled in existing trains as Mr. Elphick explains. Elphick R.V.S. at ¶ 10.

CP-53/KCS-39, Volume I, at 172. *See also id.* at 175, 201, 204, 217.

4. My response: Traffic east of Bensenville toward to the Indiana Harbor Belt (“IHB”) and Belt Railway of Chicago (“BRC”) must also increase, as will most likely traffic to and from the north with potential new shippers in places like Racine and Milwaukee taking

advantage of a direct route to KCS points and beyond. Metra has previously explained, in verified statements of Metra staff with extensive experience of current interference caused by CP's operations, and using outputs by Metra's modeling, how Applicants' assertions ignore the actual operating environment in which Metra trains run. Notwithstanding, Applicants' semantics in using additional "new *trains*" is silent on other movements that are not technically train movements, such as interchange assignments, trains linked on existing schedules, transfers, and/or local assignments.

5. Mr. Elphick states in his verified statement:

In assessing whether a local train, foreign train, yard train or work train has an impact on capacity, CP anchors itself on methods and measures of capacity utilization. CP then builds on its understanding of local operations, yard and track maintenance activities, foreign train activities and how long it takes to traverse segments or diamonds. CP also enlists local experts to understand the nature and cause of operational interference as well as what can be done to remedy that interference. CP also calls upon its past experience on its own lines. Notably, in the case of the MD-W and MD-N Lines, CP considered the fact that these lines historically had heavier freight operations than there are currently.

CP-53/KCS-39, Volume II, V.S. Elphick ¶ 27.

6. My response: If CP "anchored itself" in sound methods, "enlist[ed] local experts", and "considered . . . historical[]" use, it would have presented its own RTC analysis from the beginning, consulted Metra early (or at all) in developing its Operating Plan, and would factor in the existing interference that it causes to Metra's service on these lines. Indeed, Metra has already had a taste of what to expect from the Transaction with the new "interline" intermodal train operated between KCS and CP.

7. Mr. Gameiro states in his verified statement that:

Second, Metra seeks a condition imposing a "standard and process for Metra schedule changes and new trains" based on the claim that Metra has a "right to use capacity on MD-W and MD-N, which it owns." METR-7 at 74. With respect, although Metra does own the track assets associated with the MD-W and MD-N lines, as I have explained the longstanding agreements between CP and Metra do not give Metra "ownership of the operational capacity" on these lines any more than they give such ownership to CP. Rather, they provide for a set of capacity-allocation rules that vary between (a) Metra's peak periods,

during which CP may not interfere with Metra and Metra is free to add trains without limitation beyond the physical capabilities of the infrastructure, and (b) all other times of the day and night, when the agreements provide for an agreed number of Metra trains and a set schedule for those trains, devoting all remaining capacity to CP's freight operations (so long as those trains do not unreasonably disrupt or delay Metra trains) and requiring CP consent (not to be unreasonably withheld) for changes to Metra's schedules or the addition of new Metra trains.

CP-53/KCS-39, Volume II, V.S. Gameiro ¶ 21.

8. My response: Any standard agreement in North America distinguishes host, and tenant railroad. In this case, Metra is the host and CP (dba Soo Line/DM&E) are the tenant. The operational authority is not perceived as Mr. Gameiro has suggested, but clearly defined as Metra's, which includes the operational capacity.

9. Mr. Gameiro states in his verified statement that:

In discussions with CP, BNSF has long sought trackage rights allowing it to reach Clinton (and points south) via a connection with CP at Savanna rather than Davenport. I personally met with BNSF in Calgary to discuss this BNSF request in 2011.

CP has not been willing to grant such rights. Among other things, there is no connection between CP and BNSF at Savanna that would allow "straight ahead" operation of BNSF trains. The only connection is in the northeast quadrant of the at-grade crossing at Savanna, meaning that BNSF trains would have to perform a backing move on CP mainline trackage there, which would disrupt mainline operations. In addition, were BNSF to access its Clinton-Davenport rights via Savanna, BNSF trains would operate over an additional 19.6 miles of CP mainline trackage, introducing additional operational complexity there and fundamentally altering the reciprocal nature of the rights exchanged in 1995.

CP-53/KCS-39, Volume II, V.S. Gameiro ¶¶ 29-30.

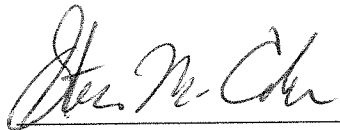
10. My response: Ironically, the rationale CP uses for not allowing the BNSF trackage rights between Savanna and Clinton (citing mainline disruption) is exactly what they do on a regular basis to Metra at Schiller Park. This is a daily move that has disrupted Metra trains. It is part of their advertised operating plan for train operations to/from Schiller Park.

[SIGNATURE ON FOLLOWING PAGE]

I, Steven Cork, declare under penalty of perjury that the foregoing is true and correct.

Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on August 1, 2022.

  
\_\_\_\_\_  
Steve M. Cork

## **EXHIBIT 7**

**Verified Statement of Rich Oppenheim (METR-07, Exhibit B)**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB Finance Docket No. 36500**

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**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 – KANSASCITY SOUTHERN, THE KANSAS CITY SOUTHERN  
RAILWAY COMPANY, GATEWAY EASTERN RAILWAY COMPANY,  
AND THE TEXAS MEXICAN RAILWAY COMPANY**

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**VERIFIED STATEMENT OF RICHARD P. OPPENHEIM**

---

1. I am Richard P. Oppenheim. I am Director of Operations, Metra Chicago Union Station (“CUS”) District. I have been employed at Metra since June 1997.
2. In my current role my responsibilities include supervising the daily operation of Metra commuter trains on the CUS District, which includes the Milwaukee District-North Line (“MD-N”), Milwaukee District-West Line (“MD-W”), and North Central Service (“NCS”), the latter of which operates over the MD-W line between CUS and Tower B12 at Franklin Park. This encompasses direct supervision of train and engine employees who run the trains, as well as of station and Tower employees. I work closely on a daily basis with Metra mechanical and engineering personnel to ensure that all of the resources necessary to run a safe and on-time operation are available, making adjustments to normal protocols as required. I also work closely with managers and dispatchers at the Canadian Pacific Railway (“CP”), the Canadian National Railway (“CN”), the Union Pacific Railroad Company (“UP”), and the National Railroad Passenger Corporation (“Amtrak”) who handle Metra trains in order to insure optimum handling of them.



3. Before taking this position, I worked 5 summers and Christmas vacations as a tower operator for the Erie Lackawanna Railway on their New York Division Commuter Operation from 1968 through 1972. From October 1972 until May 1997 I was employed by the Chicago, Milwaukee, St. Paul and Pacific Railroad ("Milwaukee Road"), and its successors the Soo Line Railroad Company ("Soo Line") and CP as a train dispatcher and chief dispatcher, as well as a brief period as a manager of the Milwaukee Road's Power Bureau. The Milwaukee Road/Soo Line/CP territory I handled included Chicago to Milwaukee, Chicago to Kansas City and Savanna, Illinois to LaCrosse, Wisconsin.].
4. A copy of my resume is attached as **Exhibit B-1**.
5. I am familiar with Metra's commuter rail service operations, including on MD-W and MD-N.
6. Furthermore, I have extensive experience working and interacting with CP and its operation over and dispatching of MD-W and MD-N.

#### **Metra's Operations**

7. The Application misrepresents the ownership of Metra's MD-W, which CP uses as part of its Elgin Subdivision, and Metra's MD-N, which CP uses as part of its C&M Subdivision. Metra, not CP, owns the MD-W and MD-N lines. CP operates freight service over these two lines pursuant to contractual agreement, discussed further below. In addition, Amtrak operates intercity passenger service over MD-N.
8. MD-N operates between CUS in downtown Chicago to Rondout on the C&M Subdivision, and then to Fox Lake, Illinois, on the Fox Lake Subdivision, a total of approximately 50 miles north of Chicago.
9. MD-W operates between CUS and Elgin (Big Timber Road), Illinois, approximately 40 miles west of Chicago's downtown. The MD-N and MD-W serve many local

communities in the greater Chicagoland area, including Libertyville and Grayslake to the north and Schaumburg and Elgin to the west.<sup>1</sup>

10. MD-N and MD-W are connected by a Union Pacific Line, the UP Milwaukee Subdivision, between Tower A20 (Shermer) 12 miles South of Rondout on MD-N and Tower B17 (Bryn Mawr) on MD-W. CP maintains trackage rights over this segment.
11. In 2019, pre-pandemic, Metra operated 800 scheduled passenger revenue trains on MD-W and MD-N combined each week, as well as 60 equipment runs.<sup>2</sup> The current numbers for scheduled passenger trains are currently down somewhat since the onset of the COVID-19 pandemic, to 595 scheduled and non-revenue trains per week over both of these lines. While Metra offers higher frequency during morning and evening “peak period” commute times, “peak period” trains constitute a minority of all scheduled trains on these two routes, both pre- and post-COVID-19.
12. Together, the 12.45 million passenger trips in calendar year 2019 on MD-N and MD-W accounted for approximately 15% of Metra’s systemwide ridership.<sup>3</sup> While the effects of the COVID-19 pandemic has significantly reduced Metra’s ridership numbers for 2020 and 2021, Metra expects an eventual return of ridership, and is planning and budgeting accordingly.<sup>4</sup>
13. Between the founding of the agency in 1984 and November 2020, Metra has made capital improvements to MD-N and MD-W to the tune of nearly \$1.45 billion, representing about

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<sup>1</sup> See Metra, 2020 State of the System Report, (Nov. 2020) (“Metra 2020 Report”) ([https://metra.com/sites/default/files/2021-02/2020\\_State\\_of\\_the\\_System\\_Report.pdf](https://metra.com/sites/default/files/2021-02/2020_State_of_the_System_Report.pdf)).

<sup>2</sup> See Metra 2020 Report, pdf pp. 29, 59. In 2020 frequency on both lines has been reduced to an average of 85 weekly trains on MD-W and 76 weekly trains on MD-N as of 2021. See Metra, 2022 Proposed Operating & Capital Program & Budget (“2022 Metra Budget”), Exhibit 16] ([https://metra.com/sites/default/files/inline-files/Brochure\\_8.5x11\\_ProposedBudgetBookElectronic\\_2022\\_VFINAL.pdf](https://metra.com/sites/default/files/inline-files/Brochure_8.5x11_ProposedBudgetBookElectronic_2022_VFINAL.pdf)).

<sup>3</sup> See Metra, 2022 Proposed Operating & Capital Program & Budget (“2022 Metra Budget”), Exhibit 19] ([https://metra.com/sites/default/files/inline-files/Brochure\\_8.5x11\\_ProposedBudgetBookElectronic\\_2022\\_VFINAL.pdf](https://metra.com/sites/default/files/inline-files/Brochure_8.5x11_ProposedBudgetBookElectronic_2022_VFINAL.pdf)).

<sup>4</sup> 2022 Metra Budget, at 29.



17% of Metra's capital investments system-wide.<sup>5</sup> Capital investments on MD-N and MD-W include \$269 million for track and structure, \$246 million for signal, electrical, and communication upgrades, and \$141 million for stations and parking.<sup>6</sup> Metra also maintains MD-N and MD-W. Metra's responsibilities on MD-W and MD-N also include serving as the "host" railroad for the purposes of implementing Positive Train Control ("PTC") on the Lines.

14. The CP's C&M and Elgin Subdivisions, of which MD-N and MD-W, respectively, are a part, play an important role in connecting traffic west of Chicago with Chicago and points east. The Lines connect with Indiana Harbor Belt Railroad and Belt Railway Company of Chicago to create interchanges for CP with five other Class I railroads, sending traffic from the Quad Cities region (Davenport and Bettendorf in southeastern Iowa, and Rock Island, Moline, and East Moline in northwestern Illinois), Kansas City, Milwaukee, Minneapolis/St. Paul and points in middle and Western Canada to Detroit, eastern Canada, and Buffalo, New York.<sup>7</sup>
15. In terms of freight service, according to the Applicants, CP currently operates 16 trains daily on MD-W and 11 trains daily on MD-N.<sup>8</sup> According to the Application, these freight trains typically carry "intermodal containers from the Port of Vancouver, fertilizers, chemicals, crude oil, frac sand, automotive, grain, and other agricultural products."<sup>9</sup> Two to three Wisconsin Southern ("WSOR") freight movements also occur on the Lines daily.<sup>10</sup>

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<sup>5</sup> See Metra, 2020 State of the System Report, Introduction p. 10, Table 11 (Nov. 2020). ([https://metra.com/sites/default/files/2021-02/2020\\_State\\_of\\_the\\_System\\_Report.pdf](https://metra.com/sites/default/files/2021-02/2020_State_of_the_System_Report.pdf)).

<sup>6</sup> Metra, 2020 State of the System Report, Introduction p. 10, Table 11 (Nov. 2020). ([https://metra.com/sites/default/files/2021-02/2020\\_State\\_of\\_the\\_System\\_Report.pdf](https://metra.com/sites/default/files/2021-02/2020_State_of_the_System_Report.pdf)).

<sup>7</sup> See Appl. 2-267 through 2-270, Ex. 13, Operating Plan (Redacted Version).

<sup>8</sup> Appl. 2-365 and 2-364, Ex. 13, Operating Plan (Redacted Version).

<sup>9</sup> Appl. 2-270, Ex. 13, Operating Plan (Redacted Version).

<sup>10</sup> Appl. 3-142, Letter from WATCO to STB (Redacted Version).

**Acquisition and Allocation of Rights on Metra's Lines**

16. CP dispatches and operates freight service over MD-N and MD-W pursuant to a 99-year trackage agreement (the "Trackage Agreement") that Metra inherited through acquisition of ownership interest in the lines from the Trustee for the bankrupt Milwaukee Road ("Milwaukee Road Trustee") nearly 40 years ago.<sup>11</sup>
17. In 1982, amidst the Milwaukee Road's bankruptcy and termination of direct involvement in its commuter service, Metra's parent entity, the Regional Transportation Authority ("RTA"), entered into a trackage rights agreement with the Milwaukee Road allowing RTA to operate the valuable commuter service on the Milwaukee Road's lines in the Chicagoland territory.
18. In 1984, the Milwaukee Road Trustee sold to the Soo Line (now 100% owned by CP) some of its assets, excluding the Chicagoland commuter territory. That purchase agreement was contingent on the Milwaukee Road Trustee granting the Soo Line a 99-year trackage agreement for the Chicagoland commuter territory, along with the right to retain dispatch authority for the commuter territory. The result was the Trackage Agreement, which came into effect in 1985. CP acquired the 99-year lease pursuant to its acquisition of the Soo Line Railroad in 1990. Neither of the parties that negotiated the current CP Trackage Agreement—the Milwaukee Road Trustee nor the Soo Line—had any interest in securing a robust future for commuter service on the Chicagoland commuter territory.
19. In 1987, Metra's parent entity RTA acquired by condemnation the Milwaukee Road's Chicagoland commuter territory, including MD-N and MD-W, from the reorganized successor to the Milwaukee Road. Pursuant to a resulting court order regarding

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<sup>11</sup> Copies of the Trackage Agreement and related agreements establishing the contractual relationship between Metra and CP are attached to the Verified Statement of Rocio Gentil, attached to Metra's Comments as Attachment B, Exhibits B-1, B-2, B-3, and B-4.



condemnation, Metra's purchase of the corridor was encumbered by the CP/Soo Line 99-year trackage and dispatch agreement and both parties continue to operate on the corridor today. Metra and CP supplemented the Trackage Agreement in 1993, with Metra assuming maintenance responsibilities at that time, and amended it further in 2003.

20. The terms of CP's trackage and dispatching rights for MD-N and MD-W under the Trackage Agreement require CP to utilize reasonable operating rules. As amended the Trackage Agreement also prohibits CP from interfering with "peak period" Metra trains, and from making operational changes that unreasonably disrupt or delaying non-peak period trains. CP may not unreasonably withhold granting permission to allow Metra to make changes in its schedule provided that Metra's changes do not materially interfere with freight operations.
21. With respect to capital improvements, the Trackage Agreement as amended calls for cost-sharing for capital projects that benefit both parties and outlines an annual planning and approval process, and caps CP's contribution on capital projects at 50%.
22. At the time the respective parties entered the agreements that now govern the relationship between CP and Metra on these line segments, train operating characteristics were different – freight trains have become longer and thus take longer to cross the territory, and longer sidings are required to ensure that they do not disrupt the passenger trains that move across the network at higher speeds and more frequently
23. Since the dispatch arrangement was negotiated in 1984, many changes have taken place in the areas that Metra serves. Exponential growth in suburban population has created the need for Metra's services to expand; more commuters mean more trains and an ever-increasing demand for those trains to operate on time according to the schedules advertised to the public. As a result of the COVID-19 pandemic, and other factors, many of Metra's customers are experiencing changing work patterns and hours, a trend which

will likely continue into the future. Potential Metra service expansions will likely need to address these changing patterns by enhancing service outside of the traditional commute windows.

#### **Documenting CP's Joint Operations and Dispatching of Metra's Lines**

24. There are several sources of information for assessing the baseline conditions of CP's joint operation and dispatching of Metra's lines. First, Metra has reportable delay data in its Train On-Time Performance System ("TOPS") data warehouse. Like other commuter railroads, Metra considers a train to have operated on time if it reaches its final destination within five minutes and 59 seconds of its scheduled arrival. When a Metra train does not meet this threshold, it is recorded as a "reportable delay". For "Construction Schedules", which include most midday trains from April through November, the arrival time at final destination is generally restated to 10 minutes later than the standard scheduled time that is advertised to the public —i.e. a train can officially be reported as "on time" so long as it is no later than 15 minutes and 59 seconds off its scheduled arrival at its final destination. This standard is intended to filter out some of the delays that are beyond Metra's control, resulting in a truer reflection of the railroad's efforts to control delays that are controllable. Metra's internal goal is to achieve at least 95% on time performance for all of its trains, based on the above metric.
25. While serving a useful purpose as a simple metric to gauge timeliness in a generalize manner, reportable delays used to calculate Metra's official on-time performance do not encompass all types of delays, nor do they reflect other types of serious interference with Metra's service. Most notably, reportable delays are measured at a train's final destination, and do not register delays that passengers encounter at interim stations, which may be significant. Metra builds extra time into its schedule to account for delays,



including the significant delays that CP's causes on MD-W and MD-N. While Metra trains often make up time along a route to mitigate delays encountered during their trips, greater delays at particular interim stops, or small but consistent delays, can seriously impact customers and reflect poorly on Metra and the goodwill it seeks to build with its passengers. Furthermore, for many riders their final station is not the train's final station, so they will arrive late at their destination even though the train may ultimately not qualify as being reported delayed.

26. On-time performance data also may not reflect details that may inconvenience or endanger passengers, such as dispatching decisions that require passenger to cross tracks unnecessarily, dodge on-coming freight trains, or circumnavigate idling freight trains at Metra stations, as is often the case on MD-N and particularly MD-W. In cases where freight trains interfere with passengers' ability to access their train, Metra conductors are put in a difficult position of choosing between waiting for impeded passenger to board and departing in order to avoid or mitigate reportable delays and the on-time performance metric.
27. Accordingly, Metra's TOPS data masks significant delays and interference caused by CP trains to Metra's commuter rail service. When considering factors like extra time built into schedules, "construction schedules" and final destination vs. intermediate station delays, Metra's reportable delays would be significantly higher due to CP's dispatching and operations.
28. Metra understands that its customers count on Metra service to be on time, and that delays not captured by the above metric may nevertheless inconvenience passengers. That is why Metra strives to keep on schedule for all of its stations and stops, and why achieving minimum on-time performance standards is not adequate for delivering the service that passenger expect and deserve.

29. In addition to automated reportable delay data, my staff and I track delays and other problems that arise for Metra's service manually on a real-time basis through email communications internally within Metra and in communication with CP. We do so in the course of normal business in order to notify passengers of delays, respond to issues requiring operational changes, and to work with CP to resolve issues that require cooperation and coordination with CP. Our goal in initiating these communications is to identify, and hopefully correct for the future, dispatching practices that unfavorably impact our Operation and customers.
30. When Metra dispatching staff become aware of a delay or disruption affecting the system, they will send an email out with a short description to me and other operational staff. If the delay involves CP operations or dispatching, I will often forward on the e-mail to CP for an explanation or to coordinate a response. I also utilize the overview capabilities of our current TMDS Dispatching system in order to observe, in real time, the movement of all trains on the Metra-owned territory. Relevant dispatching practices observed first-hand are also normally addressed with an e-mail and/or phone call to appropriate personnel at both CP and Metra.
31. These e-mails record delays and events that may not be captured in the reportable delay data that tracks Metra's official on-time performance metrics. For example, a delay caused at a particular station for which a Metra train "makes up" time on the remainder of its route will not show up on reportable delay data, but could be reflected in the e-mail correspondence. As another example, retracking of Metra trains in order to bypass CP freight trains may not necessarily result in a recordable delay, but may nevertheless interfere with Metra's operations by forcing passengers to unexpectedly cross train tracks or avoid oncoming or idling freight trains to access their train. Furthermore, these e-mails



provide more detail regarding the causes of delays as well as subsequent dialog between Metra and CP regarding responses.

32. To prepare this verified statement I arranged for retrieval of all such e-mails that I could locate from my own e-mail files dating from 2016 to the present that involved delays caused by CP operations or dispatching on MD-N and MD-W. These e-mails are attached as **Exhibit B-2**. To better quantify the delays and interference recorded in these e-mails, a spreadsheet documenting these events was prepared, attached as **Exhibit B-3**, which I reviewed for correctness. As noted above, this documentation reflects a record of CP-caused delays that is overlapping with but not identical to Metra's on-time performance records.

### **Existing Challenges with CP's Joint Operation and Dispatching of Metra's Lines**

#### **A. Delays**

33. While Metra's operations on MD-W and MD-N are subject to CP's dispatching, CP has at times not upheld its dispatching responsibilities. The current iteration of CP's trackage agreement stipulates that CP shall not, except in the event of an emergency, interfere with Metra's peak period trains. However, CP dispatchers make daily operations decisions which clearly favor their freight operations, both in and outside of the peak-periods. CP also chooses to dispatch trains during Metra's peak periods and day-time service, when it could schedule night service to avoid interference with Metra's trains. All too often this happens at the expense of Metra and the region's commuters who count on Metra to run an on-time service. Metra's on time performance has consistently been negatively affected by freight train interference and/or dispatcher actions and error, as reflected in available Metra data and the day-to-day experience of my staff and myself.

34. As my e-mail correspondence (attached as Exhibit B-2) reflects, despite years of guidance, advice and suggestions from Metra's staff, CP dispatchers make daily operations decisions which clearly favor their freight operations, both in and outside of the peak-periods. Countless times, spanning years of joint operation, my staff and I have made our CP counterparts aware of persistent issues and offered solutions. While CP is at times receptive to this input,<sup>12</sup> the same patterns of problems inevitably continue or re-appear before long.<sup>13</sup>
35. Troublingly, recent experience suggests that CP's senior leadership has actively refused to take action that would reduce Metra delays. CP dispatchers who are able to prioritize or avoid delay to Metra have been recently directly told by senior management to move CP trains, regardless of the impact on the network.<sup>14</sup>
36. Specific issues with CP's joint operation and dispatching that have arisen over the years and continue to be issues include the following: (1) Operation of trains over 10 thousand feet in length between Bryn Mawr and Shermer that arrive at Tower B17 on MD-W without a sufficient time window to allow them to move without interfering with scheduled Metra trains, and without sidings long enough to allow faster Metra trains to pass;<sup>15</sup> (2) Lack of planning for routes through the Bensenville yard that cause entering CP freight trains to stop and block Tower B17 on MD-W while the freight train crew is throwing yard switches;<sup>16</sup> (3) CP crew changes, power, marker light changes, or pick up, or set out of cars or locomotives, or other activities that should be confined to yard tracks are instead directed to take place on Metra's main tracks;<sup>17</sup> (4) Poor operational and

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<sup>12</sup> While normally receptive to Metra's comments, CP at times has acted dismissive at the outset. *See* Ex. B-2, Metra Emails 2016-2021 at 134-138.

<sup>13</sup> *See id.* at 68, 73, 131.

<sup>14</sup> *See id.* at 204, 152.

<sup>15</sup> *See e.g. id.* at 110, 176, 187, 204, 224, 225, 237, 236.

<sup>16</sup> *See e.g. id.* at 25, 41, 48-50, 54, 60, 64-65, 67, 78, 87-88, 90, 125, 94, 139-40, 122-23, 184, 187, 190, 192, 193, 197, 204-17, 219-25, 228-29, 231-33, 235-47, 251, 256, 260, 273, 280-81, 290-91, 305, 310, 312, 315-16.

<sup>17</sup> *See e.g. id.* at 92, 96, 107, 109, 115, 124, 139, 140, 147, 151, 181, 184-85, 190, 192, 205-06, 208, 213, 219, 220, 222, 223, 231, 233, 241, 243, 245, 247, 260, 277, 294, 300, 310, 311, 312, 316.



dispatching control of freight trains entering and exiting Bensenville that result in use or fouling of Metra mainline;<sup>18</sup> (5) Dispatching of CP freight trains between Rondout and Tower A20 on MD-W in a manner that delays scheduled Metra traffic;<sup>19</sup> (6) Failure of CP westbound freight trains to clear tower A20 a minimum of ten minutes ahead of scheduled Metra and Amtrak trains;<sup>20</sup> (7) Failure of CP eastbound trains to clear Rondout a minimum of fifteen minutes ahead of scheduled Metra and Amtrak trains.<sup>21</sup> In some cases, CP dispatchers have intentionally held Metra trains. My e-mail correspondence attached at Exhibit B-2 provides numerous examples of these issues.

37. For instance, on August 31, 2020, a CP train stopped on Metra's mainline track to cut off power and make a crew change outside of Bensenville Yard, even though this activity is supposed to be conducted inside the yard precisely to avoid interference with Metra trains. The event resulted in delaying a Metra train 20 minutes.<sup>22</sup> This action recurs frequently, as shown by my e-mail correspondence. For years and on many occasions Metra's staff has asked for CP to reserve adequate space in the Bensenville Yard, or to make crew changes at other non-mainline track locations, in order to avoid stopped CP trains on Metra's mainline tracks.

38. In another typical example of the types of delays that CP freight trains cause, between 3:05 and 3:25 pm on December 10, 2021, two Metra trains (train nos. 2221 and 2240) were held up for approximately 20 minutes each for a 12,000+ foot CP freight train (train no. 286) waiting to enter the Bensenville Yard, due to another 13,000 foot CP train (train no. 241) arriving at the Bensenville Yard at the same time. Although the Bensenville Terminal Superintendent recognized the likelihood of delays and called CP's dispatching

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<sup>18</sup> See e.g. *id.* at 10, 11, 17, 20, 21, 40, 41, 66, 67, 73, 82, 83, 88, 101, 104, 125.

<sup>19</sup> See e.g. *id.* at 5-7, 44-45, 70, 73, 75, 107, 111, 115, 127, 129, 143, 148, 162, 183, 198, 210, 231, 233, 235, 239, 307.

<sup>20</sup> See e.g. *id.* at 44, 107, 115, 142, 233, 313.

<sup>21</sup> See e.g. *id.* at 143, 150.

<sup>22</sup> *Id.* at 191.

office in Minneapolis to request that one of the trains be held back (train no. 286), he was overruled and the train was lined up to run through and go in the yard. Excessively long train lengths, i.e. those over 10,000 feet, increase the likelihood of delays because they block longer segments of track, and at the slower speeds required to enter or leave the yard, result in the Tower B17 Control point (where these freights cross through the Metra Mains) being blocked that much longer.<sup>23</sup>

### **B. Passenger safety and inconvenience at Metra stations**

39. Delays aren't the only result of CP's slow and inappropriate use of mainline tracks during while scheduled Metra trains are operating. CP's joint operation and dispatching of freight trains also often results in the retracking of Metra trains in a manner that requires passengers to unexpectedly cross train tracks or circumnavigate freight trains to get to their passenger trains, resulting in situations that are inconvenient for riders at best and very dangerous at worst.
40. Both Metra's MD-N (with the exception of the Fox Lake Subdivision) and MD-W consist of double- or triple-track main lines. While it is technically possible to dispatch both passenger and freight trains in either direction on all main lines, Metra trains are scheduled to use the same main line tracks every day for service in each direction. This is to provide Metra customers a level of predictability in knowing which side of the tracks to wait for their train at a particular station, and to avoid requiring passengers to try to reach the opposite side of the tracks on short notice. In fact, Metra has installed signage on each station platform indicating whether that platform is for trains "To Chicago" or "From Chicago".

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<sup>23</sup> *Id.* at 256.



41. Notwithstanding Metra's schedule, CP regularly dispatches Metra trains on different main line tracks from the ones that Metra is scheduled to use. This often occurs in instances where a freight train dispatched by CP is occupying or moving on the main line at or near a station where an arriving Metra train would normally use that track. Frequently, the freight train is not only moving on the track that the scheduled Metra train normally would use, but is even operating in the opposite direction from the Metra train, so that a passenger on the platform, looking in the direction toward where they are anticipating their train appearing, would actually have their back to the approaching freight. While CP is contractually required to dispatch MD-W and MD-N in a manner that prioritizes Metra trains during peak periods and avoids interference with Metra trains at all other times, CP's regular practice of dispatching freight trains directly ahead of Metra trains, or attempting to squeeze a freight train between Metra trains, often results in dispatchers relying on the practice of diverting the Metra train to a track it does not normally use.
42. Because of the additional time it takes for passengers to get to the correct side of the tracks, the Metra train must either wait, causing a potential delay, or leave passengers behind. The situation induces some passengers to make risky or dangerous decisions in order to make their trains and avoid being delayed for work or other appointments, such as running across tracks ahead of oncoming freight trains, crossing tracks at places other than designated crossings, or even crawling under idling freight trains.
43. Unsurprisingly, obstruction of passengers' access to Metra trains by freight trains causes justifiable frustration, not to mention truly dangerous situations among Metra passengers. Furthermore, passenger's frustration and anger at such obstructions is often directed at Metra, which suffers reputational damage as a result of a practice that often is solely a consequence of CP's operational and dispatching decisions.

44. For example, on August 2, 2019, a CP dispatcher gave a CP freight train leaving Bensenville Yard priority over a Metra train that was running 8 minutes late due to high passenger counts related to a concert event. The dispatcher had the freight train take up the mainline that the Metra train was already using, requiring the Metra train to change to a mainline not normally used by that train. The dispatcher's decision not only caused further delay to the Metra train, but the switch to another mainline meant that passengers at several stops would find the freight train between themselves and the Metra train they were seeking to alight. This scenario can prompt passengers to dash across the tracks ahead of the freight train in order to catch their Metra train, resulting in a serious safety concern.<sup>24</sup>

45. CP's practice of creating unsafe conditions at stations through its dispatching decisions has continued up to now. On February 22, 2022, a Metra peak period train was dispatched to a track other than its usual one, in order to avoid a freight train that had been dispatched ahead of it. Passengers wishing to board the train at River Grove, Elmwood Park, Mont Clare, Mars, Galewood, Hanson Park, and Grand Cicero were forced to walk across all three main tracks at the last minute in order to board their train. Some were blocked by the stopped freight train. Most passengers at these stations had their backs to the freight train as it approached, anticipating the arrival of their Metra train.<sup>25</sup>

### **C. Sharing of Capacity on Metra's Lines**

46. In order to grow and maintain ridership and respond to changing customer needs, Metra must be able to change and expand its schedule. This is particularly the case as Chicago and the economy recover from the COVID-19 pandemic, as changes in daily routines and

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<sup>24</sup> See Ex. B-2 at 131, 233, 239.

<sup>25</sup> See *id.* at 313.



working habits accelerate, and as the imperative to ensure economic and environmentally sustainable urban transportation emerges.

47. The problems with CP's joint operation of Metra's lines extend to CP's interpretation of its authority over excess capacity on the lines in relation to Metra's rights to this capacity. In the existing trackage agreement between Metra and CP, Metra is required to obtain CP's approval for any commuter service changes. While the agreement stipulates that CP's consent to Metra's service changes shall not be unreasonably withheld, CP has, in the past, unreasonably objected to Metra service change requests. CP's treatment of the corridor appears to assume that all capacity that is unused at a particular moment in time is reserved to it not to the owner of the track.
48. In 2019, when Metra pursued the addition of 4 non-peak trains, CP objected. While the slots in question were not, at the time, used for CP freight service, CP argued that if Metra wanted to grow its operation on the Metra-owned corridor, capacity improvements had to be constructed. A copy of Metra's request is attached at **Exhibit B-4**.
49. Additionally, when Metra pursued reinstatement of 4 Saturday and 2 Sunday commuter trains that had been previously terminated due to budgetary issues, CP objected. A copy of this correspondence is attached at **Exhibits B-5, B-6, B-7, B-8**. Again, these slots, at the time of Metra's request to reinstate, were not used for freight service. Unfortunately, due to the dispatch arrangement, there was little Metra could do to implement the desired schedule changes that its customers had asked for.
50. CP has also refused to conduct any sort of RTC modeling to better understand the nature of capacity on Metra's lines. This refusal is clear from the correspondence between Metra and CP regarding Metra's request for additional service on MD-N, see **Exhibits B-5, B-6 B-7, B-8**. The result is that it is difficult for Metra to even assess, let alone plan for, expansion of commuter rail service. Less information about capacity does not serve

the needs of either Metra or CP if there is to be cooperation and coordination of operations as provided in applicable agreements.

#### **D. Dispatching Responsibility**

51. Because CP, not Metra, controls dispatching of these Metra-owned main lines, Metra must seek CP's assistance in addressing dispatching issues when they arise. The ability to quickly reach CP dispatchers is therefore essential to Metra operations.
52. In December 2008, following discussions between Metra staff and CP regarding CP dispatcher responsiveness to Metra operational inquiries, CP agreed to install dedicated "hot line" phones in both the MD-N (C&M) and MD-West (Elgin) dispatchers offices. This is documented in the Memorandum I wrote dated September 25, 2008, attached as **Exhibit B-9**. These phones were to be used exclusively by key Metra operations personnel when the need to contact CP dispatchers immediately for operations purposes became necessary and waiting in the phone queue would not be practicable.
53. However, CP dispatchers have at times ignored or disabled the hot line, leaving me and my staff without expeditious recourse when CP dispatching decisions are either the cause of CP-related issues on Metra's lines or CP-related issues could be resolved or mitigated through dispatching.
54. For example, on December 9, 2021, in the midst of the signal problem during morning peak period commute times, I attempted to contact C&M in order to get several Metra trains crossed over to alternative tracks at Morton Grove East in order to take advantage of the clear signals on that track. I let the Hot line ring for at least 20 minutes while I was also on hold on the other line in the queue, and the Hot Line was never answered.<sup>26</sup>

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<sup>26</sup> See Ex. B-2 at 254.



55. While CP has from time to time worked with Metra to address hotline issues, experience indicates that solutions are impermanent, and the issue recurs periodically.
56. As indicated by Metra's documentation, the primary cause of CP's delays and interference of Metra's service is its detrimental dispatching of MD-W and MD-N, over which it has complete control. CP refuses to consider changing this arrangement to ensure that Metra has direct control over this crucial aspect of operations, as it does with all of its other lines.
57. Metra is more than capable of dispatching its own lines, as it has demonstrated in dispatching the Metra Electric, Metra's Rock Island line, and portions of Metra's Southwest Service line. Furthermore, Metra has the requisite in-house experience to dispatch MD-W and MD-N, and its employees currently operate control towers on MD-W and MD-N under the oversight of CP.

#### **E. Cost-allocation**

58. Notably, CP pays Metra a flat fee for use of Metra's lines, which under the 1993 agreement Metra is responsible for maintaining. The amount was negotiated decades ago and does not account for the actual costs of CP's use associated with the line.
59. CP's attitude and conduct with regard to capital costs also creates unnecessary challenges for Metra. The trackage agreement between Metra and CP calls for cost-sharing for capital projects that benefit both parties and outlines an annual planning and approval process. CP has on many occasions delayed approving projects in a timely manner, and has insisted on a grant sharing approach for the use of competitive grant funds awarded to Metra. While the trackage agreement doesn't call for any such funding model, CP has pushed this interpretation and has withheld project approvals for that reason. Also, the agreement caps CP's contribution on capital projects at 50%, although on certain

segments of the corridor, CP's use is greater than 50% of the total traffic. The additional traffic that will surely result from the CP/KCS merger, merits a renegotiation of the capital funding cap.

### **Factual Corrections and Responses to the CP/KCS Application**

60. While Metra owns MD-N and MD-W, there are a number of instances in the CP/KCS Application where CP refers to “commuter operations on CP lines” or otherwise infers as much.<sup>27</sup> As explained above, Metra owns these lines, subject to joint operations and dispatching rights that were negotiated by parties other than CP and Metra. To suggest otherwise, as CP/KCS do, serves to negate Metra's legal ownership and rights on the line and suggests a lack of regard for Metra's commuter rail service.
61. Even where CP correctly identifies MD-N and MD-W as belonging to Metra, not CP, their statements are factually false in other ways. For instance, CP erroneously states that the 17 miles between Rondout and Fox Lake are owned by CP.<sup>28</sup> This is not true; Metra owns those 17-miles as well.
62. The Applicants note Metra's operation on MD-W and MD-N, but states current Metra train numbers without explanation that these are lower COVID-19-era train counts. Pre-COVID-19 Metra train schedules for these lines were significantly higher, and we expect train counts to increase as the country and the economy recover from the COVID-19 pandemic. It is therefore incomplete and unrealistic for the Applicants to cite current Metra train counts without more explanation. Consideration of the Application must take into account expanded Metra train schedules.<sup>29</sup>

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<sup>27</sup> Appl. 2-267, 2-269, 2-321, Ex. 13, Operating Plan at 11, 13, 65. *See also* Appl. 1-172 to 1-173, V.S. Creel at 17-18.

<sup>28</sup> *See id.* 2-321, Ex. 13, Operating Plan at 65.

<sup>29</sup> *See id.* 1-172, V.S. Creel at 17; *id.* 2-321, Ex. 13, Operating Plan at 65.



63. The Applicants misrepresent the nature of “peak period” operations on the lines on MD-N and MD-W. The Applicants suggest in the Application’s supporting documents that Metra operations are confined to “passenger service windows”,<sup>30</sup> assumedly referring to Metra’s peak periods, when in fact a majority of Metra trains that operate on these lines operate outside of peak periods. While CP has wrongfully used its dispatching and operating rights on the line to block Metra’s expansion of service outside of peak periods, there is no contractual prohibition on Metra providing service at any time on its own lines. Looking at our pre-COVID-19 schedules, MD-N had 31 Mon-Fri trains operating in Peak Period, but there are also 33 scheduled Metra trains operating in the non-Peak (commuter window) periods that also need to be handled in a manner that enables schedules to be maintained for our customers. Similarly, MD-W had 38 trains scheduled during the Peak Period, but 39 off peak. Proper handling of our off-Peak service has been a great concern for Metra’s Operation.

64. CP’s references to “peak periods” also suggest that CP does not dispatch freight traffic during the two “commuter windows.” This is entirely false. CP does this on a regular basis. Unable to prevent CP from dispatching CP freight trains during its peak period due to CP’s control over dispatching rights, Metra has over the course of many years sought to provide information and guidance to CP in order to at least mitigate the impact of CP’s operations during Metra’s peak periods. The language in the Trackage Agreement says that CP will not interfere with Metra Operations during Peak Periods, however, from my experience, CP has an extremely loose interpretation of what they consider interference. CP continues to regularly dispatch freight through the Metra-owned territory during Peak Periods, usually in extremely narrow windows that may or may not work out without

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<sup>30</sup> See *id.* 2-268, 2-314, Ex. 13, Operating Plan at 12 (“daily commuter window”), 58 (“passenger service window”).

causing delays to our service. More often than not, these attempts are unsuccessful. Even when CP is able to accomplish this without causing any actual delays to our trains, passengers who must cross tracks in order to get to the boarding platform for their scheduled trains, often find a CP freight train that is operating through the peak period blocking them from getting to their train.

65. Applicants assert that on “CP’s underutilized Elgin Subdivision . . . the existing double track on the Elgin Subdivision will allow for this growth without impact to the METRA passenger service windows.”<sup>31</sup> Likewise, elsewhere the Applicants state that “[t]he Transaction is projected to increase freight traffic by 7.1 trains per day between Almore and Bensenville, however there is ample capacity for these additional freight train frequencies. The Elgin Sub is double track, with triple track east of Bensenville Yard, and train slot capacity is not a concern given the low current freight train frequencies and the ample infrastructure”.<sup>32</sup> The reality is that even with the “low current freight train frequencies”, Metra’s operations are frequently interrupted with freight handling. As discussed above, there are no specific “passenger service windows”, and a majority of Metra’s trains in fact operate outside of the peak period times. A 7.1 increase in daily trains projected by CP would constitute a 44% increase in CP freight traffic, according to CP’s own numbers. Metra experiences consistent disruption and interference to its service during both peak periods and non-peak periods on *its* (not CP’s) line serving the Bensenville Yard on MD-W/Elgin Subdivision, even with the double tracking that CP asserts will mitigate the impact of 7.1 additional trains. Metra’s MD-W is hardly “underutilized”, as Metra operates dozens of trains most days, and experiences disruption from CP’s freight trains on a weekly, sometimes daily and multi-daily basis. Given the

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<sup>31</sup> *Id.* 2-313, Ex. 13, Operating Plan at 57.

<sup>32</sup> *Id.* 2-322, Ex. 13, Operating Plan at 66.



current issues at and around Bensenville with existing traffic, such an increase would necessarily create additional congestion and interfere with Metra's service even more than it does now.

66. Furthermore, the Elgin Subdivision reduces from two tracks to one less than two miles west of Metra's Big Timber Road station. It is not uncommon for westward CP freight waiting at the end of the two main track territory to block the Big Timber Road station while waiting for opposing traffic to clear. The last few miles from Elgin to Big Timber Road are up a steep grade, so Westward freight trains occasionally stall, or "crawl" up the hill, resulting in delays to any Metra trains who may be following. Additional traffic will predictably lead to additional delays, even if CP's low frequency assumptions are accepted as true. Additional congestion problems are inevitable.
67. Additionally, while the Applicants acknowledge that "[s]ome of this new traffic will continue east of Bensenville/Schiller Park via CP's operating rights on NS and haulage rights on CSX", they state that "that traffic will not burden the Chicago terminal."<sup>33</sup> CP's extremely cursory description of the Transaction's impact to Chicago east of Bensenville Yard belies a critical fact: trains arriving or departing west of Bensenville will not simply disappear. Instead, they will travel through Chicago, impacting not just the eastern end of MD-W, but likely other portions of Metra's Chicago-area service, due to the interconnected nature of the Chicagoland rail network. The Applicants' own projections regarding avoided truck traffic indicates that there will be a significant amount of traffic moving directly through Chicago.<sup>34</sup> Yet the Applicants provide virtually no discussion or analysis regarding the impact to the Chicago rail network east of Bensenville and MD-W.

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<sup>33</sup> Appl. 2-314, Ex. 13, Operating Plan at 57.

<sup>34</sup> *Id.* 1-311, Wilson V.S. a 8).

68. Referring to the Rondout-Chicago line segment of the MD-N, the Applicants state that:

“The Transaction is not expected to generate additional freight traffic on this segment, and as a result there will be no impact on Metra operations”.<sup>35</sup> In fact, Applicants state that “CP’s route between Chicago and Milwaukee will see *less traffic* as a result of the Transaction [emphasis in original],” while in the very next sentence stating that the line will actually see a rise in traffic due to “organic growth.”<sup>36</sup> Applicants’ position is based on CP’s assertion that the majority of the new traffic between the Twin Cities and KCS will operate via the Marquette Subdivision (i.e. the Dubuque Line - LaCrosse WI to Savanna IL) which is the direct route. However, the limitations of the Marquette Subdivision – slow speed, few sidings which are mostly too small to accommodate the train lengths currently being operated, and no signals – will undoubtedly mean that this line will quickly reach full capacity for handling the anticipated traffic. As CP has done many times in the past with the existing traffic, they will no doubt quickly begin sending any overflow via Metra’s MD-N, then to Tower A5, and then West on MD-W out to Bensenville Yard for a crew change, and on to Savanna to rejoin the “direct” route. CP often ties up Metra’s Main Tracks across from the Bensenville Yard office while trains change crews.

69. Applicants’ description of the allegedly negligible impact of the Transaction and Metra’s lines resembles CP’s position during its acquisition of the DM&E lines in 2007 before the Board, where CP argued that its acquisition would “have no negative effects on Amtrak and commuter train passenger operations.”<sup>37</sup> In fact, CP’s acquisition of these lines resulted in significant additional traffic that CP had not projected in its application.

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<sup>35</sup> *Id.* 2-322, Ex. 13, Operating Plan at 66.

<sup>36</sup> Appl. 2-314, 2-315, , Ex. 13, Operating Plan at 57, 58.

<sup>37</sup> Application by Canadian Pacific Railway Company, et al for Approval of Control of Dakota, Minnesota and Eastern Railroad Corporation, et al, FD 35081, Exhibit 13, page 40 (Filed Oct. 5, 2007).



70. It should be noted that CP's assertions regarding available capacity on Metra's lines stand directly in contrast to CP's assertions regarding available capacity for expanded Metra service. Likewise, CP's negotiated settlement with Amtrak, which provides for additional Amtrak trains on MD-N, suggests that CP's previous statements to Metra that there is no capacity on MD-N for additional passenger service without Metra paying for improvements that expand capacity is false. CP's assertions in support of this transaction indicate that there is sufficient capacity stand in direct contradiction of the stance they took when Metra approached them to run a few additional off-peak trains. This would mean that CP unreasonably withheld permission for the minor off-Peak expansion previously requested by Metra. In so doing, CP has violated its contractual responsibilities for MD-N and MD-W.
71. Regarding Amtrak, Metra is the host for the operation of Amtrak's Chicago-Milwaukee Hiawatha Service as well as for Amtrak's Empire Builder. Hiawatha Service consists of 16 trains (8 round trips) Monday through Friday and 14 trains (7 round trips) on Saturdays and Sundays. Empire Builder trains 7 and 8 operate 7 days a week [these schedule frequencies were reduced recently for COVID considerations, but will be restored to full operation on March 28th, 2022].
72. For the 86 miles between Chicago and Milwaukee, Metra is the host railroad between Chicago (Tower A2 for accounting purposes) and Rondout (about 30 miles); CP is the host railroad between Rondout and Milwaukee (about 54 miles). For these services, on time performance accounting (including incentive payments to the host railroads) is calculated separately for the CP portion (Milwaukee to Rondout for Hiawatha Service, Minneapolis to Rondout for Empire Builder service), and for the Metra portion (Rondout to Tower A2). This is often problematic since Metra is held accountable for Amtrak performance on its tracks, but has no direct control over how the trains operate in relation

to CP freights; CP Dispatchers have control of both portions. Consequently, it is not uncommon for CP to dispatch a CP freight train out of Milwaukee ahead of an Amtrak train with the freight far enough ahead to clear Rondout without delaying the following Amtrak, but then allow the Amtrak to catch up to and follow the freight once it is on Metra's territory causing delay to the Amtrak train. This scenario results in CP being credited with handling Amtrak on time, but Metra is then charged with causing an Amtrak delay. This not only has a negative financial effect on Metra through the loss of Amtrak incentive pay, but also causes a loss of good will since it makes Metra appear to be mishandling its Amtrak traffic, even though CP Dispatchers are the cause of the problem.

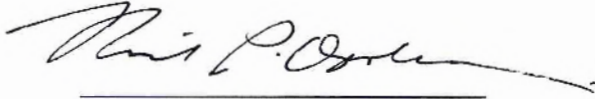
73. The conclusion I draw from CP's past and current conduct in operating and dispatching Metra's lines, and from its assertions as part of the Application and associated documents, is that as a result of the proposed merger, Metra will inevitably see a significant increase in freight traffic on the territory it owns, and without having the ability to dispatch the new and existing traffic on its own property, as well as having the ability to expand commuter train service when appropriate, Metra will experience an unacceptable impact on train schedules and reliability, on passenger safety and convenience, and on operational efficiency.

[SIGNATURE ON FOLLOWING PAGE]



I, Richard P. Oppenheim, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on March 15, 2022.

A handwritten signature in black ink, appearing to read "Richard P. Oppenheim", written over a horizontal line.

Richard P. Oppenheim

## **EXHIBIT B-1**

### **Rich Oppenheim Resume**



547 W. Jackson Blvd. Chicago, IL 60661 (312) 322-6900 TTY# 1-312-322-6774

## Memorandum

June 5, 2020

TO: To Whom It May Concern

FROM: R. P. Oppenheim, Assistant Superintendent

**SUBJECT: WORK HISTORY – RICH OPPENHEIM**

### **ERIE LACKAWANNA**

Beginning in July 1968, I worked for the Erie-Lackawanna Railway – now a part of New Jersey Transit – as Tower Operator on their New York Division during Summers and Christmas vacations while I was attending Northwestern University. Erie Lackawanna ran a complex Commuter Rail operation similar to Metra's serving the New York metropolitan area. At the time, they had 12 Interlocking Towers in service, and I was qualified in 11 out of the 12. Approximate employment dates were:

- July to September 1968.
- December 1968 to January 1969.
- June 1969 to September 1969.
- December 1969 to January 1970.
- June 1970 to September 1970.
- December 1970 to January 1971.
- June 1971 to September 1971.
- December 1971 to January 1972.
- June 1972 to September 1972.

### **MILWAUKEE ROAD (later acquired by SOO LINE, then by CP RAIL)**

- Hired as a Tower Operator in October 1972. Qualified and worked in 9 different interlocking Towers in the Chicago and Milwaukee area.
- July 1973 – began training as a Train Dispatcher in the Milwaukee Dispatching office.
- August 28, 1973 began working as an Extra Train Dispatcher in Milwaukee while continuing to work in the Towers when no Dispatcher work was available. Also qualified on Chief Dispatchers position and worked as Chief Dispatcher when vacancies occurred. Dispatching Territory included Suburban train operations on what was to become Metra's Milwaukee North Line.
- May 1978 obtained permanent Dispatcher position in the Milwaukee office.
- March 1979 promoted to Manager of Milwaukee Road Power Bureau in Chicago. Monitored train Operations and handled Locomotive distribution throughout the Milwaukee Road system between Chicago and Tacoma, Washington, as well as to Louisville, Kentucky.
- May 1, 1980. Milwaukee Road opened the Chicago Dispatching office on the 2<sup>nd</sup> floor of Union Station. I elected to resume Train Dispatching in the new office. Territory included what later became Metra's Milwaukee West Line (in addition to the North Line). Also handled freight traffic as well as

Amtrak traffic between Chicago and Milwaukee as well as freight traffic between Chicago and Savanna Illinois.

- August 1984. Chicago Dispatching office expanded to include Chicago to Kansas City. Worked a position that relieved the Chief Dispatcher on weekends and a desk 3 days during the week (2 of these handling future Metra territory). Worked Chief Dispatcher position whenever regular Chief needed to be off, sometimes for extended periods of time.
- September 1987 to February 1997, worked day Dispatcher position handling both the North and West Suburban lines including to Milwaukee and Savanna.
- February 1997, now CP rail, Chicago Dispatching office was closed with all Dispatching being moved to Minneapolis. February 1997 to May 1997, “commuted” to Minneapolis assisting in the Chicago to Minneapolis relocation while also continuing to handle the C&M (North Line).
- Resigned from CP in May of 1997.

### **METRA**

- Hired in June 1997 (date of Hire 6/16/1997) as “new” employee (i.e. did not carry “Prior Rights” from the Milwaukee). Worked as Extra Tower Clerk protecting Milwaukee District’s Tower A2 (both as Leverman and Train Director) and Tower A5.
- January-February 1999, trained at Metra CCF on various Dispatching desks including Rock Island District, Electric District, and Southwest Service. Also Milwaukee District Tower B12.
- February 1999-December 2002. Worked as Extra Dispatcher CCF continuing to handle all territories.
- During 2001-2002 also trained and qualified as Load Dispatcher at Randolph Control on the Electric District. Worked approximately half of the time at Randolph Control and half of time at CCF.
- December 23, 2002. Promoted to Trainmaster on CUS District.
- April 12, 2012. Promoted to Senior Trainmaster on CUS District.
- February 2013. Promoted to Assistant Superintendent on CUS District.
- July 2020 to present. Promoted to Director Operations CUS District.

## **EXHIBIT B-2**

### **Metra Emails 2016-2022**

**To:** Nick Walker[Nick\_Walker@cpr.ca]; Andrew Reardon[andrew\_reardon@cpr.ca]; Chuck Hubbard[chuck\_hubbard@cpr.ca]; 'Michael White'[Michael\_White@cpr.ca]; 'Isaac Neibert'[Isaac\_Neibert@cpr.ca]; John Randell[John\_Randell@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 08/26/2016 10:59:24 AM UTC  
**Subject:** Delays to 2200 at Spaulding by G35  
**Received:** Fri 08/26/2016 10:59:25 AM UTC

This week, on Wednesday Aug 24th, Metra 2200 delayed 10 minutes at Spaulding, arrived Chicago 8 minutes late waiting for G35 to clear plant shoving over to #1 main. This morning, Friday August 26th, 2200 again delayed at Spaulding for G35, this time 2200 arrived Chicago 7 minutes late. I understand that this morning, 2200 also stopped to pick up G35s Conductor and give ride back to head end. Late arrival of 2200 at Chicago also causes 2201 to leave late. Please follow up with G35 crew so that they understand to arrange their work at Spaulding so that it does not interfere with scheduled Metra traffic.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Michael White[Michael\_White@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; michael\_monsor@cpr.ca[michael\_monsor@cpr.ca]; Andrew Reardon[andrew\_reardon@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Sat 01/16/2016 5:46:27 AM UTC  
**Subject:** Fw: 2250 issued at 1/15/16 8:13 PM  
**Received:** Sat 01/16/2016 5:46:28 AM UTC

I understand that delay occurred at B17 waiting for inbound freight going in yard to clear. Delay to 2250 also affected "flips" 2251 and 2256. Please advise circumstances.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Metra GPS Center <6f731ae1-0005-3000-80c0-fceb55463ffe@notify2.mir3.com>  
**Sent:** Friday, January 15, 2016 20:14  
**To:** Rich Oppenheim  
**Reply To:** Intelligent Notification  
**Subject:** 2250 issued at 1/15/16 8:13 PM

Rich Oppenheim,  
Inbound train #2250, scheduled to arrive Chicago Union Station at 8:29 PM, is 15 to 20 minutes behind schedule d freight train interference.  
Thank you, Metra GPS Center

**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Michael White[Michael\_White@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Andrew Reardon[Andrew\_Reardon@cpr.ca]; Michael Monsour[michael\_monsour@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Sat 01/16/2016 5:55:53 AM UTC  
**Subject:** Re: 2250 issued at 1/15/16 8:13 PM  
**Received:** Sat 01/16/2016 5:55:54 AM UTC

Why was train released into yard when there was no clear route?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** MOC Director East  
**Sent:** Friday, January 15, 2016 23:54  
**To:** Rich Oppenheim; Michael White; Niki Marthe; michael\_monsor@cpr.ca; Andrew Reardon  
**Subject:** RE: 2250 issued at 1/15/16 8:13 PM

680-704 was released into Bensenville yard but did not have a route when they arrived which resulted in the train trailing out of the yard onto the main track.

Tony Wick | Director Dispatching East Region | 120 South Sixth St Minneapolis Minnesota 55402

612 851 5740 CP

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Friday, January 15, 2016 11:46 PM  
**To:** MOC Director East; Michael White; Niki Marthe; michael\_monsor@cpr.ca; Andrew Reardon  
**Subject:** Fw: 2250 issued at 1/15/16 8:13 PM  
**Importance:** High

I understand that delay occurred at B17 waiting for inbound freight going in yard to clear. Delay to 2250 also affected "flips" 2251 and 2256. Please advise circumstances.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Metra GPS Center <6f731ae1-0005-3000-80c0-fceb55463ffe@notify2.mir3.com>  
**Sent:** Friday, January 15, 2016 20:14  
**To:** Rich Oppenheim  
**Reply To:** Intelligent Notification  
**Subject:** 2250 issued at 1/15/16 8:13 PM

Rich Oppenheim,

Inbound train #2250, scheduled to arrive Chicago Union Station at 8:29 PM, is 15 to 20 minutes behind schedule due to freight train interference.

Thank you, Metra GPS Center

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**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca], 'Niki Marthe'[Niki\_Marthe@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Sat 12/31/2016 7:24:26 PM UTC  
**Subject:** Delay to Metra 2600 at Rondout  
**Received:** Sat 12/31/2016 7:24:26 PM UTC

2600 received significant delay at Rondout due to freight stopped in plant. Please provide any details/specifics you can.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

To: MOC Director East[MOC\_Director\_East@cpr.ca], Niki Marthe[Niki\_Marthe@cpr.ca]  
From: Rich Oppenheim  
Sent: Sat 12/31/2016 8:17:32 PM UTC  
Subject: Re: Delay to Metra 2600 at Rondout  
Received: Sat 12/31/2016 8:17:32 PM UTC

What time did 280 stop in plant?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: MOC Director East  
Sent: Saturday, December 31, 2016 13:53  
To: Rich Oppenheim; Niki Marthe  
Subject: RE: Delay to Metra 2600 at Rondout

280-01 experienced undesired emergency brake application at Rondout. Inspection found a separated air hose between their 93<sup>rd</sup> and 94<sup>th</sup> car that was secured.

Tony Wick | Director Dispatching East Region | 120 South Sixth St Minneapolis Minnesota 55402  
612 851 5740 CP

---

From: Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
Sent: Saturday, December 31, 2016 1:24 PM  
To: MOC Director East; Niki Marthe  
Subject: Delay to Metra 2600 at Rondout

2600 received significant delay at Rondout due to freight stopped in plant. Please provide any details/specifics you can.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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IMPORTANT NOTICE - AVIS IMPORTANT -----

**To:** MOC Director East[MOC\_Director\_East@cpr.ca], Niki Marthe[Niki\_Marthe@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Sat 12/31/2016 8:57:17 PM UTC  
**Subject:** Re: Delay to Metra 2600 at Rondout  
**Received:** Sat 12/31/2016 8:57:17 PM UTC  
[page001.png](#)

Thanks.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** MOC Director East  
**Sent:** Saturday, December 31, 2016 14:22  
**To:** Rich Oppenheim; Niki Marthe  
**Subject:** RE: Delay to Metra 2600 at Rondout

0543 – 0615

Tony Wick | Director Dispatching East Region | 120 South Sixth St Minneapolis Minnesota 55402  
612 851 5740 **CP**

---

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Saturday, December 31, 2016 2:18 PM  
**To:** MOC Director East; Niki Marthe  
**Subject:** Re: Delay to Metra 2600 at Rondout

What time did 280 stop in plant?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** MOC Director East  
**Sent:** Saturday, December 31, 2016 13:53  
**To:** Rich Oppenheim; Niki Marthe  
**Subject:** RE: Delay to Metra 2600 at Rondout

280-01 experienced undesired emergency brake application at Rondout. Inspection found a separated air hose between their 93<sup>rd</sup> and 94<sup>th</sup> car that was secured.

Tony Wick | Director Dispatching East Region | 120 South Sixth St Minneapolis Minnesota 55402  
612 851 5740 **CP**

---

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Saturday, December 31, 2016 1:24 PM  
**To:** MOC Director East; Niki Marthe  
**Subject:** Delay to Metra 2600 at Rondout

2600 received significant delay at Rondout due to freight stopped in plant. Please provide any details/specifics you can.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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IMPORTANT NOTICE - AVIS IMPORTANT -----



**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Michael  
Monsour[michael\_monsour@cpr.ca]; Michael White[Michael\_White@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Fri 05/13/2016 10:43:10 AM UTC  
**Subject:** Delay to 2254 5-12-16  
**Received:** Fri 05/13/2016 10:43:11 AM UTC

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TOPS1501\_HCD.PDF  
TOPS1501\_MEDML.PDF  
TOPS1501\_MEDSC.PDF  
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TOPS1501\_UPN.PDF  
TOPS1501\_UPNW.PDF  
TOPS1501\_UPW.PDF

Metra 2254 shows delay of 12 minutes at T617 waiting for freight train to clear. Please advise circumstances.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Metra Mainframe Information Systems

Sent: Friday, May 13, 2016 03:44

To: MAINFRAME (HFK)

Subject: TOPS Daily Incident Report

This report is generated from Metra Information Systems

**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Michael White[Michael\_White@cpr.ca]; David Carroll[david\_carroll@cpr.ca]; Michael Monsour[michael\_monsour@cpr.ca]; Andrew Reardon[andrew\_reardon@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Robert A Johnson[robert\_johnson@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Tue 01/12/2016 12:20:01 PM UTC  
**Subject:** Metra Delays - Elgin Sub - Monday, January 11th, 2016  
**Received:** Tue 01/12/2016 12:20:01 PM UTC

On Monday, January 11, 2016, Metra Operations on the Elgin Sub were impacted by the following situations:

1. Metra 2221 was delayed 22 minutes following CP Rail Grinding equipment which was operating on Track and Time. Primary delay occurred at Spaulding. Opportunity to have 2221 run on #2 MT from Roselle West to Spaulding around rail grinder was not taken. Lengthy delay carried over to delays to Peak Period trains 2244 (9 minutes) and 2243 both of which turn from 2221.
2. CP 473 was allowed to depart Bensenville behind 2221 at the same time that CP 472 (8500 feet) on short time was allowed to leave Genoa as the evening Metra rush approached. This created a "hostage railroading" situation whereby it became necessary to run 472 in the midst of the rush in order to get 473 out of the way. 472 wound up stopping on the plant at B17 from 1830 to 1850 delaying Metra 2248 who caught up with 472 at Wooddale. 2248 was 14 minutes late arriving Chicago which turned into similar delays to "flips" 2249, 2254, and 2255.

As we all do our best to operate under the challenges which winter railroading brings, we again ask for consideration in planning operations so that Metra schedules are protected.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operation  
Office. 312-322-8939  
Cell. 312-735-8576

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**To:** Patrick Danz[PDanz@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Niki Marthe[Niki\_Marthe@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Wed 03/09/2016 3:55:13 AM UTC  
**Subject:** Re: Metra Alert - MD-W - Train #2251, Scheduled to Arrive Big Timber Rd at 10:01 PM - Stopped  
**Received:** Wed 03/09/2016 3:55:14 AM UTC

I spoke with Delia at B17. She said she had indications on the switches but could not display a signal. Even though she had indications on the switches, she told the crew to "check their route". Crew took that as instructions to hand line. Niki, please remind operators that when they have proper switch indications for the needed route, they should not tell crews to check their route.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Patrick Danz  
**Sent:** Tuesday, March 8, 2016 21:48  
**To:** Victor Flores; Rich Oppenheim  
**Subject:** Fw: Metra Alert - MD-W - Train #2251, Scheduled to Arrive Big Timber Rd at 10:01 PM - Stopped

Had to hand line route at B17

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Metra Service Alerts <servicealerts@metrarail.com>  
**Sent:** Tuesday, March 8, 2016 21:46  
**To:** Patrick Danz  
**Reply To:** Metra Rail  
**Subject:** Metra Alert - MD-W - Train #2251, Scheduled to Arrive Big Timber Rd at 10:01 PM - Stopped

Train #2251, Scheduled to Arrive Big Timber Rd at 10:01 PM - Stopped

Train #2251, scheduled to arrive Big Timber Rd at 10:01 PM, is stopped near Bensenville due to switch problems. duration of this delay is unknown. Metra will update this site as information becomes available.

To change your alert preferences or to unsubscribe please [visit Metra](#)

#### Update Profile

This email was sent by: Metra  
547 W. Jackson Boulevard Chicago IL, 60661-5717, USA



**To:** Michael Monsour[michael\_monsour@cpr.ca]; Andrew Reardon[andrew\_reardon@cpr.ca]; Michael White[Michael\_White@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Robert A Johnson (robert\_johnson@cpr.ca)[robert\_johnson@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Thur 03/10/2016 4:28:49 AM UTC  
**Subject:** 24 Minute delay to Metra 2244 for CP-G35 at Spaulding  
**Received:** Thur 03/10/2016 4:28:50 AM UTC

This evening, during the 45 minute scheduled gap between Metra #2242 (Spaulding 1535) and #2244 (Spaulding 1620) CP G-35 was allowed to triple up a train from the CN interchange at Spaulding out on to Metra #2 MT while holding the interlocking at Spaulding. #2244 wound up sitting at Spaulding while G35 completed their triple, then followed G35 to Bensenville. Having already delayed 2244 @ 10 minutes, we were assured that G35 would have a "straight shot" into Bensenville yard, but in spite of this, G35 stopped 3 times going into the yard before the rear of the 7700 foot train cleared B17 interlocking. #2244 was delayed over 30 minutes in the process, and arrived CUS at 1801, 24 minutes behind schedule. While delays of this magnitude to our service are never acceptable, this was particularly bad because:

- 2244 with a scheduled arrival at CUS at 1737 was operating in the peak of our evening rush hour, and is considered a "peak period" train.
- 2244's late operation necessitated numerous modifications to our normal rush hour operation including altering crew and equipment turns so that #2243, our 1746 departure from Chicago who normally turns from #2244, and is one of our most heavily patronized trains, could still depart on time. Track utilization changes between Tower B6 and Tower B12 also had to be arranged in order to accommodate the late running 2244.

The practice of having G35 come out at Spaulding and triple up on the main line during the narrow windows between scheduled Metra trains is one that was quite common at one time, and was a chronic cause of Metra delays. It has come to our attention that this practice has occurred several time of late, and while up until tonight, no major delays have occurred because of it, the risks are there every time this plan is implemented. We have discussed this practice in the past and came up with the following possible solutions to avoid delays to our service:

1. Schedule G35 to do Spaulding work so as to come out on #2 MT AFTER #2256, our last inbound train to Chicago, passes Spaulding at 2223 hrs. Virtually unlimited time on the main is then available.
2. If necessary to make these moves while Metra trains are still running, have G35 assemble their train COMPLETELY WEST of the Spaulding interlocking on #2 MT so that EWD Metra trains can run on #1 MT from Tower B35 to Spaulding and cross back over to #2 MT AT SPAULDING. Our schedules will support this operation without causing delays to our service, but EWD Metra trains must cross back at SPAULDING, not Roselle West. I know it's a bit awkward assembling West of Spaulding due to road crossings, but it can and has been done.
3. Do not try and triple up between trains while holding the plant. It is in many ways just as quick -- and much simpler -- to take one or two cuts into Bensenville, then return with light power for the remaining cut(s).

All of these ideas have been discussed in the past, and to my knowledge, had been adhered to until just recently. I would appreciate your cooperation in insuring that the Spaulding operation does not again become a source of delays to our service and customers. As always, thanks for your help and assistance. If there are any questions, or if I can assist in any way, please let me know.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operations  
Office 312-322-8939  
Cell 312-735-8576

**To:** Robert A Johnson[Robert\_Johnson@cpr.ca]; Michael White[Michael\_White@cpr.ca]; Andrew Reardon[Andrew\_Reardon@cpr.ca]; Michael Monsour[Michael\_Monsour@cpr.ca]; David Carroll[David\_Carroll@cpr.ca]  
**Cc:** Michael Monsour[Michael\_Monsour@cpr.ca]; Andrew Reardon[Andrew\_Reardon@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Courtney Dunford[Courtney\_Dunford@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Thur 03/10/2016 11:53:26 AM UTC  
**Subject:** Re: 24 Minute delay to Metra 2244 for CP-G35 at Spaulding  
**Received:** Thur 03/10/2016 11:53:26 AM UTC

Thanks again for your quick response and support. It is most appreciated.

Rich

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Robert A Johnson

Sent: Thursday, March 10, 2016 05:49

To: Michael White; Andrew Reardon; Michael Monsour; David Carroll

Cc: Rich Oppenheim; Michael Monsour; Andrew Reardon; MOC Director East; Victor Flores; Marty Ryan; Peter J. Zwolfer; David Rodriguez; Courtney Dunford; Niki Marthe

Subject: Re: 24 Minute delay to Metra 2244 for CP-G35 at Spaulding

Mike, David, Andrew,

I also want you to ensure the 3 items below are implemented and executed!

Robert Johnson

SVP Southern Region

CP Railway

On Mar 10, 2016, at 3:52 AM, Michael White <Michael\_White@cpr.ca<mailto:Michael\_White@cpr.ca>> wrote:

ormal investigation will be scheduled once we determine accountability.

Sent from my iPhone

On Mar 9, 2016, at 10:29 PM, Rich Oppenheim <ROppenheim@METRARR.COM<mailto:ROppenheim@metrarr.com>> wrote:

This evening, during the 45 minute scheduled gap between Metra #2242 (Spaulding 1535) and #2244 (Spaulding 1620) CP G-35 was all triple up a train from the CN interchange at Spaulding out on to Metra #2 MT while holding the interlocking at Spaulding. #2244 wound up Spaulding while G35 completed their triple, then followed G35 to Bensenville. Having already delayed 2244 @ 10 minutes, we were assured G35 would have a "straight shot" into Bensenville yard, but in spite of this, G35 stopped 3 times going into the yard before the rear of the train cleared B17 interlocking. #2244 was delayed over 30 minutes in the process, and arrived CUS at 1801, 24 minutes behind schedule. Delays of this magnitude to our service are never acceptable, this was particularly bad because:

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  - \* 2244's late operation necessitated numerous modifications to our normal rush hour operation including altering crew and equipment
- #2243, our 1746 departure from Chicago who normally turns from #2244, and is one of our most heavily patronized trains, could still depart. Track utilization changes between Tower B6 and Tower B12 also had to be arranged in order to accommodate the late running 2244.

The practice of having G35 come out at Spaulding and triple up on the main line during the narrow windows between scheduled Metra trains that was quite common at one time, and was a chronic cause of Metra delays. It has come to our attention that this practice has occurred of late, and while up until tonight, no major delays have occurred because of it, the risks are there every time this plan is implemented. We discussed this practice in the past and came up with the following possible solutions to avoid delays to our service:

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3. Do not try and triple up between trains while holding the plant. It is in many ways just as quick -- and much simpler -- to take one or two into Bensenville, then return with light power for the remaining cut(s).

All of these ideas have been discussed in the past, and to my knowledge, had been adhered to until just recently. I would appreciate you

in insuring that the Spaulding operation does not again become a source of delays to our service and customers. As always, thanks for your assistance. If there are any questions, or if I can assist in any way, please let me know.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operations  
Office 312-322-8939  
Cell 312-735-8576

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**To:** 'tom\_albanese@cpr.ca'[tom\_albanese@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** Michael White[Michael\_White@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; 'chuck\_hubbard@cpr.ca'[chuck\_hubbard@cpr.ca]; David Rodriguez[DRodriguez@METRARR.COM]; Jack Bauer[JBauer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 08/01/2016 5:02:43 PM UTC  
**Subject:** Metra Delays due to Knuckle-Drawbar failure on CP472-29 JULY 29, 2016 (Disaster #2)  
**Received:** Mon 08/01/2016 5:02:44 PM UTC

The scenario encountered on Monday, July 25, 2016 (described below) repeated itself almost identically on Friday, July 29, 2016. 472-29 was operating in the same slot as the train on Monday, following 2244 and ahead of 2246 out of Elgin. This time the train had 99-39-11000, 9396 feet long. In essentially the same location as Monday, this train also got a broken knuckle and drawbar, this time about 84 cars back. We were able to alleviate some of the delays encountered on Monday by operating only the first train by, 2227, at restricted speed and allowing the balance to go by at track speed. Nevertheless, the delays were devastating to our rush hour service, as well as to our customers, many of whom were personally assured following Monday's meltdown that we at Metra had taken appropriate steps with our counterparts at CP Rail to insure that this would not happen again. The situation was further hampered on Friday due to the broken drawbar becoming wedged underneath the car behind (and had we been made aware of this, we would have dispatched appropriate engineering or mechanical personnel from Metra to assist), which ultimately resulted in our single tracking around 472's rear end until almost 2200 hrs, over 5 hours after the initial break.

Friday's delays resulting from this incident were as follows. As you can see, we concentrated on moving our outbounds at the expense of the inbounds:

2227 11 minutes  
 2241 terminated at Franklin Park – crew and equipment returned to Chicago to protect 2247  
 2243 10 minutes  
 2246 35 minutes  
 2248 1 hour 10 minutes  
 2250 13 minutes  
 2251 17 minutes  
 2253 23 minutes  
 2252 22 minutes  
 2254 39 minutes  
 2255 24 minutes

As was the case with Monday's incident, we assume that CP will investigate the circumstances of this occurrence and share the results with us at Metra. Was this, by any chance, the same Engineer as Monday's? Moving forward, we ask the CP refrain from operating this type of lengthy train in the midst of our rush hour operation. We understand that there is a 1 hour gap between 2244 and 2246, but the density of outbound traffic during this time period precludes the possibility of any meaningful recovery should things fall apart. For the PM rush, our operating agreement defines Trains 2225 through 2245, as well as 2246 and 2248 as "peak period trains", and goes on to say that CP will not interfere with their operation. I have never been a proponent of dispatching trains based on what "could happen", however I'm sure you will agree that having the same disastrous scenario repeat itself within four days' time justifies the need for additional precautions.

Again, CP's prompt response to the situation once it occurred is noted and appreciated.

**Rich Oppenheim,**  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661

**From:** Rich Oppenheim  
**Sent:** Tuesday, July 26, 2016 11:50 AM  
**To:** 'tom\_albanese@cpr.ca' <tom\_albanese@cpr.ca>  
**Cc:** Michael White <Michael\_White@cpr.ca>; Niki Marthe <Niki\_Marthe@cpr.ca>; Peter J. Zwolfer <PZwolfer@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; 'chuck\_hubbard@cpr.ca' <chuck\_hubbard@cpr.ca>; David Rodriguez <DRodriguez@METRARR.COM>  
**Subject:** Metra Delays due to Knuckle-Drawbar failure on CP472-24 JULY 25, 2016

On Monday, July 25, 2016 while travelling EWD on #2 MT following Metra 2244 at approximately 1700 hrs., CP 472-24 with 87-42-12700, 8350 feet experienced an emergency brake application between Itasca and Wooddale. After Conductor walked almost the entire length of the train, it was reported that there was a knuckle and/or drawbar failure about 5 cars from the rear of the train. CP dispatched personnel stationed at Bensenville Yard from both their transportation and mechanical departments to assist the crew, and a Metra Signal Maintainer, who was in the area, also helped in expediting the clearing of #2 Main once the problems were identified. Arrangements were made to have CP-472 take the head portion of the train (up to the break) into Bensenville yard, and a crew that went on duty at Bensenville at 1800 hrs was promptly positioned with light power in order to retrieve the rear 5 cars once the head end cleared Tower B17.

We are grateful for the prompt response to the situation by all involved, and appreciate the effort put forth to clear up our Main Tracks to salvage as much of the evening rush hour as possible. Unfortunately, because this train was operating during Metra's Peak Period, the logistics of single-tracking around the stalled train (8 miles from Tower B17 to Roselle West with 5 intermediate passenger stations and a dense WWD peak period schedule) had a devastating effect on our Operation, both during the peak period itself, and, because of crew and equipment turns, afterward. The following delays and train annulments are attributed to this event:

2231 - 11 minutes  
2233 - 15 minutes  
2235 - 14 minutes  
2237 - 10 minutes  
2239 - 5 minutes  
2241 - terminated at Franklin Park  
2243 - 26 minutes (waited at B17 for 2246)  
2245 - Annulled  
2247 - 16 minutes (waited at B17 for 2248)  
2251 - 11 minutes  
2253 - 26 minutes  
2246 - 46 minutes (waited at Roselle West for 2239)  
2248 - 38 minutes (waited at Roselle West of 2243)  
2252 - 33 minutes

In review, it appears that the delays to 2233 through 2239 (as well as to subsequent trains since 2246 waited at Roselle West for 2239 to clear and 2243 waited at B17 for 2246 to clear) might have been significantly reduced, since, per Rule 6.23, once 2231 passed by the disabled train at restricted speed and determined that #1 Main was, in fact, not obstructed, the following trains should have been allowed to proceed through the area at track speed rather than at restricted speed as the trains in question were instructed.

I understand that CP will be conducting a de-briefing with the crew on CP472-24 in an attempt to determine what may have caused the knuckle and/or drawbar failure. It would be appreciated if you could share the results/findings with us at Metra. We trust that any possible steps, that might avert a similar occurrence in the future, will be taken. Again, please accept our appreciation for the prompt response and efforts taken in response to this unfortunate event.

**Rich Oppenheim,**  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661



**To:** 'tom\_albanese@cpr.ca'[tom\_albanese@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** Michael White[Michael\_White@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; 'chuck\_hubbard@cpr.ca'[chuck\_hubbard@cpr.ca]; David Rodriguez[DRodriguez@METRARR.COM]; Jack Bauer[JBauer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 08/09/2016 5:34:50 PM UTC  
**Subject:** RE: Metra Delays due to Knuckle-Drawbar failure on CP472-29 JULY 29, 2016 (Disaster #2)  
**Received:** Tue 08/09/2016 5:34:50 PM UTC

Please see message below sent Monday, August 1<sup>st</sup>. I have not received a reply as yet. Please advise findings from the 2<sup>nd</sup> 472 knuckle/drawbar incident as to cause and findings, if any,

**From:** Rich Oppenheim  
**Sent:** Monday, August 01, 2016 12:03 PM  
**To:** 'tom\_albanese@cpr.ca' <tom\_albanese@cpr.ca>; 'nick\_walker@cpr.ca' <nick\_walker@cpr.ca>  
**Cc:** 'Michael White' <Michael\_White@cpr.ca>; 'Niki Marthe' <Niki\_Marthe@cpr.ca>; Peter J. Zwolfer <PZwolfer@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; 'chuck\_hubbard@cpr.ca' <chuck\_hubbard@cpr.ca>; David Rodriguez <DRodriguez@METRARR.COM>; Jack Bauer <JBauer@METRARR.COM>  
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Again, CP's prompt response to the situation once it occurred is noted and appreciated.

Rich Oppenheim,  
 Assistant Superintendent



Metra CUS District Operations

P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)

547 W. Jackson Blvd., Chicago, IL 60661

**From:** Rich Oppenheim

**Sent:** Tuesday, July 26, 2016 11:50 AM

**To:** 'tom\_albanese@cpr.ca' <[tom\\_albanese@cpr.ca](mailto:tom_albanese@cpr.ca)>

**Cc:** Michael White <[Michael.White@cpr.ca](mailto:Michael.White@cpr.ca)>; 'Niki Marthe' <[Niki.Marthe@cpr.ca](mailto:Niki.Marthe@cpr.ca)>; Peter J. Zwolfer <[PZwolfer@METRARR.COM](mailto:PZwolfer@METRARR.COM)>; Marty Ryan <[mryan@METRARR.COM](mailto:mryan@METRARR.COM)>; Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>; Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>; 'chuck\_hubbard@cpr.ca' <[chuck\\_hubbard@cpr.ca](mailto:chuck_hubbard@cpr.ca)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>

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We are grateful for the prompt response to the situation by all involved, and appreciate the effort put forth to clear up our Main Tracks to salvage as much of the evening rush hour as possible. Unfortunately, because this train was operating during Metra's Peak Period, the logistics of single-tracking around the stalled train (8 miles from Tower B17 to Roselle West with 5 intermediate passenger stations and a dense WWD peak period schedule) had a devastating effect on our Operation, both during the peak period itself, and, because of crew and equipment turns, afterward. The following delays and train annulments are attributed to this event:

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2248 - 38 minutes (waited at Roselle West of 2243)  
2252 - 33 minutes

In review, it appears that the delays to 2233 through 2239 (as well as to subsequent trains since 2246 waited at Roselle West for 2239 to clear and 2243 waited at B17 for 2246 to clear) might have been significantly reduced, since, per Rule 6.23, once 2231 passed by the disabled train at restricted speed and determined that #1 Main was, in fact, not obstructed, the following trains should have been allowed to proceed through the area at track speed rather than at restricted speed as the trains in question were instructed.

I understand that CP will be conducting a de-briefing with the crew on CP472-24 in an attempt to determine what may have caused the knuckle and/or drawbar failure. It would be appreciated if you could share the results/findings with us at Metra. We trust that any possible steps, that might avert a similar occurrence in the future, will be taken. Again, please accept our appreciation for the prompt response and efforts taken in response to this unfortunate event.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations

P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661



**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Andrew Reardon[andrew\_reardon@cpr.ca]; Michael Monsour[michael\_monsour@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 02/16/2016 12:46:38 PM UTC  
**Subject:** Delay to Metra 2256 Monday Feb 15 2016  
**Received:** Tue 02/16/2016 12:46:39 PM UTC

TOPS1501\_BN.PDF  
TOPS1501\_HCD.PDF  
TOPS1501\_MEDML.PDF  
TOPS1501\_MEDSC.PDF  
TOPS1501\_MEDBI.PDF  
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TOPS1501\_MWDW.PDF  
TOPS1501\_NCS.PDF  
TOPS1501\_RID.PDF  
TOPS1501\_SWS.PDF  
TOPS1501\_UPN.PDF  
TOPS1501\_UPNW.PDF  
TOPS1501\_UPW.PDF

Metra 2256 delayed 20 MINUTES last night behind CP 472 working at Spaulding. 2256 then followed 472 to Tower B17 arriving Chicago minutes late. I thought we had agreed that trains working at Spaulding would Only occupy the block between Tower B17 and Spaulding allowing Metra traffic to run around on #1 Main between B35 and Spaulding. In this case, 472 could also have been held to follow 2256 from Alton hold the main as 2256 is the last Metra inbound of the night. Please advise why neither of these provisions were chosen.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message  
From: Metra Mainframe Information Systems  
Sent: Tuesday, February 16, 2016 03:44  
To: MAINFRAME (HFK)  
Subject: TOPS Daily Incident Report

This report is generated from Metra Information Systems

To: MOC Director East[MOC\_Director\_East@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; Michael White[Michael\_White@cpr.ca]; michael\_monsour@cpr.ca[michael\_monsour@cpr.ca]; andrew\_reardon@cpr.ca[andrew\_reardon@cpr.ca]  
 Cc: Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; robert\_johnson@cpr.ca[robert\_johnson@cpr.ca]  
 From: Rich Oppenheim  
 Sent: Wed 02/17/2016 5:20:15 PM UTC  
 Subject: 20 minute Delays to Metra 2256 two days in a row; CP 471 stopped on Metra Main at Schaumburg for Paperwork; Citizens crawling under 484 to get to Metra 2255  
 Received: Wed 02/17/2016 5:20:16 PM UTC

Let me preface this E-mail by saying that all of us at Metra are pleased with the level of cooperation and commitment shown by CP in keeping Metra's Operations fluid. Having said that, however, there have been several incidents over the last few days that have caused some concerns, and I would ask that those involved at CP with these incidents review the circumstances, and work toward seeing that they do not repeat.

The first incident was outlined in an as yet to be answered E-mail sent out on Tuesday February 16<sup>th</sup>. I will reprint it here:

- *Metra 2256 delayed 20 MINUTES last night behind CP 472 working at Spaulding. 2256 then followed 472 to Tower B17 arriving Chicago 17 minutes late. I thought we had agreed that trains working at Spaulding would only occupy the block between Tower B35 and Spaulding allowing Metra traffic to run around on #1 Main between B35 and Spaulding. In this case, 472 could also have been held to follow 2256 from Almora and hold the main as 2256 is the last Metra inbound of the night. Please advise why neither of these options were chosen.*

Second:

- Yesterday afternoon, CP-473 departed Tower B17 1513 hrs, right ahead of Metra 2221 who is due there at 1503, but was running late due to picking up passengers from our stalled 2219 from an earlier Engine failure. 473 actually had a 10 minute lead on 2221 who went by B17 at 1523. Normally this would have worked out okay, however 473 was told to stop around Schaumburg when it was discovered that there was an additional car in the train without paperwork. When stopped, 473 was actually almost 10 miles out of Bensenville. Having gone that far already, we asked that 473 be allowed to continue West to clear Metra territory at Randall Road and resolve the paperwork issue up there. Train was, nevertheless, held until a radio waybill could be composed and issued, necessitating having 2221 stop at Roselle West while the Operator at B17 timed out the signal, then running on #2 Main to Tower B35. This situation would have resulted in a substantial Metra delay except for the fact that Metra 2242 had been annulled due to the earlier engine failure on 2219.

Third:

- Yesterday evening, there was a lengthy CP-484 that had run East via A5 stopped on #1 MT at Galewood East awaiting release from Bensenville Yard. Metra 2255 was lined up to run #3 MT from Tower B6 to Galewood East around 484. This would have been fine since 2255 has no scheduled passenger stops between B6 and Galewood East. 2255 also has a scheduled meet with inbound 2256 in the Mont Clare-Elmwood Park area, half-way between Galewood East and Tower B12. Had 2255 crossed back over to #1 MT at Galewood East ahead of 484, 2255 would have been on the correct track for his station work, and 2256 would have been able to proceed East on his correct #3 MT from B12 without any delay. Apparently, while 2255 was approaching B6, the Elgin Dispatcher received the release from Bensenville for 484. Rather than wait the additional 5 minutes (10 tops) for 2255 to come around, 484 was lined up to immediately proceed West on #1 MT from Galewood East. Doing this necessitated running 2255 West all the way to B12 on #3 Main which created two problems: 1) 2256 would have to wait at B12 @ 20 minutes for 2255 to clear (This is the same train, and for the most part the same passengers, that had to endure a 20 minute delay the previous evening for the 472 incident above). 2) 484 running West on #1 MT was now operating on the normal loading side for 2255, separating any boarding passengers from crossing to #3 Main where 2255 was running. Nothing was gained for 484 by doing this, since when 484 got to B12, they still had to wait for 2255 (as well as the badly delayed 2256) to clear the interlocking. In addition, with 484 stopped on #1 MT at B12, both River Grove Depot, as well as the heavily trafficked Thatcher Avenue, were blocked by 484. At least one individual wound up crawling underneath 484 in order to get to the opposite platform to board 2255 at River Grove. This may have been before 484 stopped. Here is an excerpt from this morning's Metra Police log concerning this incident:

.1:26 PM (MR)

*River Grove Police reported an intoxicated subject crawled under a moving CP Freight Train at Thatcher Road and the Mainline, Tower B12 was notified. River Grove Police advised the male subject was questioned and released prior to the Metra officer's arrival. MP-16-00005604.*

We appreciate the responsive follow up that has in the past accompanied these types of incidents. We are hopeful that CP and Metra will continue to work together toward achieving an optimum operation that enables CP freight to move as Needed, while still protecting the integrity of Metra's schedules and the needs of our customers. Thanks again for your consideration.

**Rich Oppenheim,**  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661



**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Michael White[Michael\_White@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Andrew Reardon[Andrew\_Reardon@cpr.ca]; Michael Monsour[Michael\_Monsour@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Sat 01/16/2016 6:14:23 AM UTC  
**Subject:** Re: 2250 issued at 1/15/16 8:13 PM  
**Received:** Sat 01/16/2016 6:14:24 AM UTC  
[image001.png](#)

Thanks for the follow up.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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**From:** MOC Director East  
**Sent:** Saturday, January 16, 2016 00:12  
**To:** Rich Oppenheim; Michael White; Niki Marthe; Andrew Reardon; Michael Monsour  
**Subject:** RE: 2250 issued at 1/15/16 8:13 PM

I can't speak for the yard. However I did discuss the implication with the Yardmaster/Trainmaster after the fact.

Tony Wick | Director Dispatching East Region | 120 South Sixth St Minneapolis Minnesota 55402  
612 851 5740 **CP**

---

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Friday, January 15, 2016 11:56 PM  
**To:** MOC Director East; Michael White; Niki Marthe; Andrew Reardon; Michael Monsour  
**Subject:** Re: 2250 issued at 1/15/16 8:13 PM

Why was train released into yard when there was no clear route?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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**From:** MOC Director East  
**Sent:** Friday, January 15, 2016 23:54  
**To:** Rich Oppenheim; Michael White; Niki Marthe; [michael\\_monsor@cpr.ca](mailto:michael_monsor@cpr.ca); Andrew Reardon  
**Subject:** RE: 2250 issued at 1/15/16 8:13 PM

680-704 was released into Bensenville yard but did not have a route when they arrived which resulted in the train trailing out of the yard onto the main track.

Tony Wick | Director Dispatching East Region | 120 South Sixth St Minneapolis Minnesota 55402  
612 851 5740 **CP**

---

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Friday, January 15, 2016 11:46 PM  
**To:** MOC Director East; Michael White; Niki Marthe; [michael\\_monsor@cpr.ca](mailto:michael_monsor@cpr.ca); Andrew Reardon  
**Subject:** Fw: 2250 issued at 1/15/16 8:13 PM  
**Importance:** High

I understand that delay occurred at B17 waiting for inbound freight going in yard to clear. Delay to 2250 also affected "flips" 2251 and 2256. Please advise circumstances.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Metra GPS Center <[6f731ae1-0005-3000-80c0-fceb55463ffe@notify2.mir3.com](mailto:6f731ae1-0005-3000-80c0-fceb55463ffe@notify2.mir3.com)>

Sent: Friday, January 15, 2016 20:14  
To: Rich Oppenheim  
Reply To: Intelligent Notification  
Subject: 2250 issued at 1/15/16 8:13 PM

Rich Oppenheim,

Inbound train #2250, scheduled to arrive Chicago Union Station at 8:29 PM, is 15 to 20 minutes behind schedule due to freight train interference.

Thank you, Metra GPS Center

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IMPORTANT NOTICE - AVIS IMPORTANT -----



**PUBLIC VERSION****EXHIBIT B-2**

**To:** Michael White[Michael\_White@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Nick Walker[Nick\_Walker@cpr.ca]  
**Cc:** Chuck Hubbard[Chuck\_Hubbard@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 11/18/2016 11:53:07 AM UTC  
**Subject:** Re: Delay to 2254  
**Received:** Fri 11/18/2016 11:53:08 AM UTC

Not one of our better performers for other reasons not relating to freight interference. I can find specific numbers later on if you need them.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Michael White  
**Sent:** Friday, November 18, 2016 05:50  
**To:** Rich Oppenheim; MOC Director East; Niki Marthe; Nick Walker  
**Cc:** Chuck Hubbard; Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli  
**Subject:** RE: Delay to 2254

Rich,

We are working back through the root cause and will update this morning. How is 2254 tracking for on time performance for the month?

---

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Friday, November 18, 2016 3:58 AM  
**To:** MOC Director East; Michael White; Niki Marthe; Nick Walker  
**Cc:** Chuck Hubbard; Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli  
**Subject:** Re: Delay to 2254

With 2254 due B17 at 2150, clearly 472 should not have run ahead of them in the first place.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** MOC Director East  
**Sent:** Friday, November 18, 2016 00:16  
**To:** Rich Oppenheim; Michael White; Niki Marthe; Nick Walker  
**Cc:** Chuck Hubbard; Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli  
**Subject:** RE: Delay to 2254

I spoke to B17 and she stated 472 was pulling into Bensenville at 2155 and cleared it at 2202. Train was stopped in the plant with 6 cars hanging out while lining switches in yard. B17 was told that train would have route lined into yard. Metra 2254 then did not go by B17 until 2208, 6 minutes after 472 was clear of the plant for a total delay of 18 minutes.

Mike Etherington | Director Train Dispatching | 120 South 6<sup>th</sup> St, Minneapolis, MN, 55402  
612 851 5740 **CP**

---

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Thursday, November 17, 2016 10:30 PM  
**To:** MOC Director East; Michael White; Niki Marthe; Nick Walker  
**Cc:** Chuck Hubbard; Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli  
**Subject:** Delay to 2254

2254 delayed 18 minutes following freight 472 enroute, and additionally at B17 with 472 not yarding promptly and hanging out on plant. Please advise why 472 was released so closely ahead of 2254 and then not yard ed promptly.

Delay to 2254 will carry over to 2255 as well.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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IMPORTANT NOTICE - AVIS IMPORTANT -----



**PUBLIC VERSION****EXHIBIT B-2**

**To:** 'tom\_albanese@cpr.ca'[tom\_albanese@cpr.ca]  
**Cc:** Michael White[Michael\_White@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; 'chuck\_hubbard@cpr.ca'[chuck\_hubbard@cpr.ca]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 07/26/2016 4:49:46 PM UTC  
**Subject:** Metra Delays due to Knuckle-Drawbar failure on CP472-24 JULY 25, 2016  
**Received:** Tue 07/26/2016 4:49:46 PM UTC

On Monday, July 25, 2016 while travelling EWD on #2 MT following Metra 2244 at approximately 1700 hrs., CP 472-24 with 87-42-12700, 8350 feet experienced an emergency brake application between Itasca and Wooddale. After Conductor walked almost the entire length of the train, it was reported that there was a knuckle and/or drawbar failure about 5 cars from the rear of the train. CP dispatched personnel stationed at Bensenville Yard from both their transportation and mechanical departments to assist the crew, and a Metra Signal Maintainer, who was in the area, also helped in expediting the clearing of #2 Main once the problems were identified. Arrangements were made to have CP-472 take the head portion of the train (up to the break) into Bensenville yard, and a crew that went on duty at Bensenville at 1800 hrs was promptly positioned with light power in order to retrieve the rear 5 cars once the head end cleared Tower B17.

We are grateful for the prompt response to the situation by all involved, and appreciate the effort put forth to clear up our Main Tracks to salvage as much of the evening rush hour as possible. Unfortunately, because this train was operating during Metra's Peak Period, the logistics of single-tracking around the stalled train (8 miles from Tower B17 to Roselle West with 5 intermediate passenger stations and a dense WWD peak period schedule) had a devastating effect on our Operation, both during the peak period itself, and, because of crew and equipment turns, afterward. The following delays and train annulments are attributed to this event:

2231 - 11 minutes  
2233 - 15 minutes  
2235 - 14 minutes  
2237 - 10 minutes  
2239 - 5 minutes  
2241 - terminated at Franklin Park  
2243 - 26 minutes (waited at B17 for 2246)  
2245 - Annulled  
2247 - 16 minutes (waited at B17 for 2248)  
2251 - 11 minutes  
2253 - 26 minutes  
2246 - 46 minutes (waited at Roselle West for 2239)  
2248 - 38 minutes (waited at Roselle West of 2243)  
2252 - 33 minutes

In review, it appears that the delays to 2233 through 2239 (as well as to subsequent trains since 2246 waited at Roselle West for 2239 to clear and 2243 waited at B17 for 2246 to clear) might have been significantly reduced, since, per Rule 6.23, once 2231 passed by the disabled train at restricted speed and determined that #1 Main was, in fact, not obstructed, the following trains should have been allowed to proceed through the area at track speed rather than at restricted speed as the trains in question were instructed.

I understand that CP will be conducting a de-briefing with the crew on CP472-24 in an attempt to determine what may have caused the knuckle and/or drawbar failure. It would be appreciated if you could share the results/findings with us at Metra. We trust that any possible steps, that might avert a similar occurrence in the future, will be taken. Again, please accept our appreciation for the prompt response and efforts taken in response to this unfortunate event.

**Rich Oppenheim,**  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661



**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; 'Michael White'[Michael\_White@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; Tom Albanese[Tom\_Albanese@cpr.ca]; Andrew Reardon[andrew\_reardon@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**nt:** Thur 07/28/2016 11:14:49 AM UTC  
**Subject:** Metra delay Wednesday July 27 for G35  
**Received:** Thur 07/28/2016 11:14:50 AM UTC

Metra 2256 last night delayed 7 minutes due to using #1 MT Tower B35 to Roselle West around G35 and waiting on passengers on wrong side to cross over including substantial delay at Bartlett due to split platforms and lengthy walk involved to get to the #1 platform. #2253 delayed 14 minutes at Roselle West waiting for 2256 to clear #1 main.

In discussions sometime ago, it was agreed to call G35 to follow Metra 2253 out of B17 at 2212 and then crossover to #2 MT at Roselle West behind #2256 who is the last Metra inbound of the night so as to preclude the possibility of G35 disrupting Metra schedules. Can we please look into resuming this practice?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**To:** 'Niki Marthe'[Niki\_Marthe@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]; 'Michael White'[Michael\_White@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 07/28/2016 11:43:10 AM UTC  
**Subject:** Delay to 2160 at Fox Lake  
**Received:** Thur 07/28/2016 11:43:10 AM UTC

2160 left Fox Lake 5 minutes late again. Conductor wrote, "late departure of 2160 due to CP Dispatcher not answering call box at Fox Lake". LMM working again last night. This is 3rd time with same problem recently.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**To:** Niki Marthe[Niki\_Marthe@cpr.ca]; Mike Hoffmann[Mike\_Hoffmann@cpr.ca]; Craig Gavril[CGavril@METRARR.COM]; Tom Zdanky[TZdanky@METRARR.COM]  
**Cc:** MOC Director East[MOC\_Director\_East@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Mon 04/11/2016 9:21:50 PM UTC  
**Subject:** RE: C&M Dispatcher Line at Fox Lake still out  
**Received:** Mon 04/11/2016 9:21:50 PM UTC

Fox Lake box is still out. Now Grayslake is out again as well. We have had 3 Metra delays today due to this situation. We need to come up with a solution now.

---

**From:** Niki Marthe [mailto:Niki\_Marthe@cpr.ca]  
**Sent:** Thursday, April 07, 2016 10:10 AM  
**To:** Rich Oppenheim; Mike Hoffmann; Craig Gavril; Tom Zdanky  
**Cc:** MOC Director East  
**Subject:** RE: C&M Dispatcher Line at Fox Lake still out

Rich-

I have attached Jim Halls follow up and current status of Fox Lake.

Niki Marthe | Manager Train Dispatching | 120 South 6<sup>th</sup> Street Minneapolis, MN 55402 | O 612-904-5867 | C 612-719-1529 |



**From:** Jim Hall  
**Sent:** Thursday, April 07, 2016 9:31 AM  
**To:** Niki Marthe; Brian Osborne  
**Cc:** MOC CM Desk  
**Subject:** RE: C&M Dispatcher Line at Fox Lake still out

AT&T had to rebuild the bridge these (Fox Lake, Grays Lake etc...) circuits ran through. They claim they have completed this work. We tried testing it this morning and it just gives the Fox Lake operator a loud squeal. Robert Butts will go there tomorrow and I will test it with him, he feels there is still a problem with the bridge or the squawk box on the Fox Lake end of things.

AT&T, against my advice, has spent an inordinate amount of time on the wrong end of things, but it appears they may have fixed the issue, that is why it has taken so long. 7 ticket escalations doesn't seem to make headway with them.

Jim Hall  
 EEM- CPP  
 Off. 612-851-5696

---

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Thursday, April 07, 2016 8:45 AM  
**To:** Mike Hoffmann; Craig Gavril; Tom Zdanky  
**Cc:** Niki Marthe; MOC Director East  
**Subject:** C&M Dispatcher Line at Fox Lake still out

The box with the direct line to the C&M Dispatcher at Fox Lake has been out for a week now. It has been extremely difficult logistically to get movement authorities to our trains so that they can leave Fox Lake. WE have had late trains on occasion because of this. Can we please put our heads together and come up with a solution? If we can't get AT&T interested in fixing the problem, we will need to look for a different carrier. This has got to be fixed.

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IMPORTANT NOTICE - AVIS IMPORTANT -----

**To:** 'Niki Marthe'[Niki\_Marthe@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]; 'Michael White'[Michael\_White@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**nt:** Thur 07/28/2016 11:43:10 AM UTC  
**Subject:** Delay to 2160 at Fox Lake  
**Received:** Thur 07/28/2016 11:43:10 AM UTC

2160 left Fox Lake 5 minutes late again. Conductor wrote, "late departure of 2160 due to CP Dispatcher not answering call box at Fox Lake". LMM working again last night. This is 3rd time with same problem recently.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.



**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; Michael White[michael\_white@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Nick Walker[Nick\_Walker@cpr.ca]  
**Cc:** Chuck Hubbard[chuck\_hubbard@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 11/18/2016 4:29:54 AM UTC  
**Subject:** Delay to 2254  
**Received:** Fri 11/18/2016 4:29:55 AM UTC

2254 delayed 18 minutes following freight 472 enroute, and additionally at B17 with 472 not yarding promptly and hanging out on plant. Please advise why 472 was released so closely ahead of 2254 and then not yard ed promptly. Delay to 2254 will carry over to 2255 as well.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Michael White[Michael\_White@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Michael Monsour[Michael\_Monsour@cpr.ca]; Andrew Reardon[Andrew\_Reardon@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 02/10/2016 5:02:53 PM UTC  
**Subject:** Re: Delay to 2256 (25 minutes) at B12 Tues Feb 9  
**Received:** Wed 02/10/2016 5:02:55 PM UTC

We had CCF do a replay. 287 came #2 main from Galewood and crossed to 3-lead so that #2 main, as you point out, was not an option. Please re-emphasize with all of the dispatchers that when trains are released to go into the yard, either at B17 or B12, that there is a commitment from the yard that the route will be lined (or if not, what switches the freight crew will need to line before they can be clear) and a conversation with the crew that they will in fact be able to clear given the information received from the yard.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message  
**From:** MOC Director East  
**Sent:** Wednesday, February 10, 2016 10:55  
**To:** Rich Oppenheim; Michael White; Niki Marthe; Michael Monsour; Andrew Reardon  
**Cc:** Victor Flores; Marty Ryan; Peter J. Zwolfer  
**Subject:** RE: Delay to 2256 (25 minutes) at B12 Tues Feb 9

Rich,

It looks like 287-09 departed Gale wood at 2231 which should have been sufficient time to get the train in the clear at Bensenville. Appears the train was stopped in the plant at B12 attempting to line frozen switches into the yard. I don't believe running 2256 on Main 2 would have been an option for loading/ unloading due to 287-09 blocking the crosswalks.

-----Original Message-----

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Wednesday, February 10, 2016 5:54 AM  
**To:** MOC Director East; Michael White; Niki Marthe; Michael Monsour; Andrew Reardon  
**Cc:** Victor Flores; Marty Ryan; Peter J. Zwolfer  
**Subject:** Delay to 2256 (25 minutes) at B12 Tues Feb 9

Please see delay to Metra 2256 (MWDW) last night - 25 minutes freight interference. What were the circumstances? Was running 2256 on #2 Main and loading/unloading at crosswalks an option?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message  
**From:** Metra Mainframe Information Systems  
**Sent:** Wednesday, February 10, 2016 03:44  
**To:** MAINFRAME (HFK)  
**Subject:** TOPS Daily Incident Report

This report is generated from Metra Information Systems

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**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Michael White[Michael\_White@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; Michael Monsour[michael\_monsour@cpr.ca]; Andrew Reardon[andrew\_reardon@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 02/10/2016 11:53:46 AM UTC  
**Subject:** Delay to 2256 (25 minutes) at B12 Tues Feb 9  
**Received:** Wed 02/10/2016 11:53:47 AM UTC

TOPS1501\_BN.PDF  
TOPS1501\_HCD.PDF  
TOPS1501\_MEDML.PDF  
TOPS1501\_MEDSC.PDF  
TOPS1501\_MEDBI.PDF  
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TOPS1501\_MWDW.PDF  
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TOPS1501\_SWS.PDF  
TOPS1501\_UPN.PDF  
TOPS1501\_UPNW.PDF  
TOPS1501\_UPW.PDF

Please see delay to Metra 2256 (MWDW) last night - 25 minutes freight interference. What were the circumstances? Was running 2256 on #2 Main and loading/unloading at crosswalks an option?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Metra Mainframe Information Systems

Sent: Wednesday, February 10, 2016 03:44

To: MAINFRAME (HFK)

Subject: TOPS Daily Incident Report

This report is generated from Metra Information Systems



**To:** Niki Marthe[Niki\_Marthe@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; Michael White[michael\_white@cpr.ca]; Nick Walker[Nick\_Walker@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 01/17/2017 4:08:08 PM UTC  
**Subject:** RE: Metra 2249 delayed B17 Jan 16  
**Received:** Tue 01/17/2017 4:08:08 PM UTC

Thanks Niki. I appreciate the follow up. While I understand the constraints – manpower and otherwise – that Bensenville has to deal with, it sure seems that if they could figure out a way to get the yard switches lined in advance of these movements, 99% of these delays would go away. Food for thought, anyway. Thanks again for the prompt response.

Rich Oppenheim,  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661

**From:** Niki Marthe [mailto:Niki\_Marthe@cpr.ca]  
**Sent:** Tuesday, January 17, 2017 9:55 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>; MOC Director East <MOC\_Director\_East@cpr.ca>; Michael White <Michael\_White@cpr.ca>; Nick Walker <Nick\_Walker@cpr.ca>  
**Cc:** Victor Flores <VFlores@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Peter J. Zwolfer <PZwolfer@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>  
**Subject:** RE: Metra 2249 delayed B17 Jan 16

Rich-

The train involved was 484-15. They were 9378' and had 1 switch to get coming into the yard. Unfortunately, 484-15 expired on hours of service at 2245 and Bensenville was waiting on the power to operate a different train and the crew to tie up to be rested to run 199 on time today. In an effort to meet the needs of the operation, the decision was made to run 484 in the 1950-2015 window as the windows are all between 25-30 minutes prior to 2320 and the crew would have been expired Hours of Service if we waited for the larger window after 2320. They did not believe that it would delay 2249 and certainly didn't believe it would delay them to the extent it did.

We will follow up with all involved to ensure that we don't let other concerns such as Hours of Service, Power, and crews push us to operate a train in a window that is too small and impacts Metra.

Niki Marthe | Director Dispatching | 120 South 6<sup>th</sup> Street Minneapolis, MN 55402 | O 612-904-5867 | C 612-719-1529|



**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Tuesday, January 17, 2017 6:14 AM  
**To:** MOC Director East; Michael White; Niki Marthe; Nick Walker  
**Cc:** Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli; David Rodriguez  
**Subject:** Metra 2249 delayed B17 Jan 16

Metra 2249 delayed 13 minutes at B17 last night waiting for freight train to clear in yard. This also resulted in delays to flips 2254 and 2255. Please advise circumstances.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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**To:** 'Niki Marthe'[Niki\_Marthe@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]; Nick Walker[nick\_walker@cpr.ca]; Arthur Clark[arthur\_clark@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 12/07/2017 12:03:51 PM UTC  
**Subject:** Delay to 2256 at B17  
**Received:** Thur 12/07/2017 12:03:54 PM UTC

TOPS1501\_BN.PDF  
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TOPS1501\_MEDML.PDF  
TOPS1501\_MEDSC.PDF  
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TOPS1501\_UPN.PDF  
TOPS1501\_UPNW.PDF  
TOPS1501\_UPW.PDF

Metra 2256 Wednesday December 6, 2017 held at B17 14 minutes for inbound freight train coming off cut-off from Bryn Mawr and pulling Bensenville Yard. Please advise circumstances.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message  
From: Metra Mainframe Information Systems  
Sent: Thursday, December 7, 2017 04:46  
To: MAINFRAME (HFK)  
Subject: TOPS Daily Incident Report

This report is generated from Metra Information Systems



To: Nick Walker[nick\_walker@cpr.ca]; Jared Carman[jared\_carman@cpr.ca]; Arthur Clark[arthur\_clark@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]  
 Cc: Marty Ryan[mryan@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
 From: Rich Oppenheim  
 Sent: Wed 09/13/2017 11:53:09 AM UTC  
 Subject: Fw: MW2204 delay  
 Received: Wed 09/13/2017 11:53:11 AM UTC

Bensenville Team -

NS crews on 17v are notoriously slow. Today they stopped at B12 even though properly lined for 3-lead resulting in a substantial delay to Metra 2204 who had to meet 2201 at B17 in order to run around 17v. Is there any way to work with NS crews so they don't tie up the railroad so long? Otherwise we should not chance running them during rush hours.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Shamonda Jones <SJones@METRARR.COM>  
 Sent: Wednesday, September 13, 2017 06:44  
 To: David Rodriguez; Victoria Jackson; Rich Oppenheim; Marty Ryan; Hersey Steptoe; Jeffrey Brantz  
 Subject: MW2204 delay

Morning all

NS 17v received the lineup at B12 at 5:35 lined 2main- 3main- 3 lead. It accepted the signal at 5:39:57. If you listen to the attached recordings, the crew appears not to know their territory. When the B12 Dispatcher asks why they stopped, they stated they weren't lined the correct way. I reviewed the replay and they were indeed properly lined. NS2204 had to be rerouted to track 1 @b17 causing a delay. NS 17V finally cleared B12 @628a.



**Shamonda A Jones**  
 Metra  
 Sr Manager, Train Operations  
 Transportation  
 (312) 322-2821 Work  
 (312) 907-4316 Mobile  
 SJones@METRARR.COM  
 1501 S Canal  
 60607 Chicago IL

Metra is one of the largest and most complex commuter rail systems in North America, serving Cook, DuPage, Will, Lake, Kane and McHenry counties in Northeastern Illinois. The agency provides service to and from downtown Chicago with 241 stations over 11 routes totaling nearly 500 route miles and approximately 1,200 miles of track. Metra operates more than 700 weekday trains, providing about 300,000 passenger trips each weekday.

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Visit us at [www.metrarail.com](http://www.metrarail.com)

To: 'Niki Marthe'[Niki\_Marthe@cpr.ca]; Chuck Hubbard[chuck\_hubbard@cpr.ca]  
 From: Rich Oppenheim  
 Sent: Wed 09/13/2017 11:54:31 AM UTC  
 Subject: Fw: MW2204 delay  
 Received: Wed 09/13/2017 11:54:33 AM UTC

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Rich Oppenheim <ROppenheim@METRARR.COM>  
 Sent: Wednesday, September 13, 2017 06:53  
 To: Nick Walker; Jared Carman; Arthur Clark; 'MOC Director East'  
 Cc: Marty Ryan; Victor Flores; Peter J. Zwolfer; Janet Carbonelli; David Rodriguez  
 Subject: Fw: MW2204 delay

Bensenville Team -

NS crews on 17v are notoriously slow. Today they stopped at B12 even though properly lined for 3-lead resulting in a substantial delay to Metra 2204 who had to meet 2201 at B17 in order to run around 17v. Is there any way to work with NS crews so they don't tie up the railroad so long? Otherwise we should not chance running them during rush hours.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Shamonda Jones <SJones@METRARR.COM>  
 Sent: Wednesday, September 13, 2017 06:44  
 To: David Rodriguez; Victoria Jackson; Rich Oppenheim; Marty Ryan; Hersey Steptoe; Jeffrey Brantz  
 Subject: MW2204 delay

Morning all

NS 17v received the lineup at B12 at 5:53~~lined 2main- 3main- 3 lead~~. It accepted the signal at 5:39:57. If you listen to the attached recordings, the crew appears not to know their territory. When the B12 Dispatcher asks why ~~they~~ they stopped, they stated they weren't lined the correct way. I reviewed the replay and they were indeed properly lined. NS 2204 had to be rerouted to track 1 @b17 causing a delay. NS 17V finally cleared B12 @628a.



**Shamonda A Jones**  
 Metra  
 Sr Manager, Train Operations  
 Transportation  
 (312) 322-2821 / ext  
 (312) 907-4316 / ext  
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 1501 S Canal  
 60607 Chicago, IL

Metra is one of the largest and most complex commuter rail systems in North America, serving Cook, DuPage, Will, Lake, Kane and McHenry counties in Northeastern Illinois. The agency provides service to and from downtown Chicago with 241 stations over 11 routes totaling nearly 500 route miles and approximately 1,200 miles of track. Metra operates more than 700 weekday trains, providing about 300,000 passenger trips each weekday.

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To: nick\_walker@cpr.ca[nick\_walker@cpr.ca]; arthur\_clark@cpr.ca[arthur\_clark@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]  
 Cc: Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Jack Bauer[JBauer@METRARR.COM]; Rocio Bear[rbear@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
 From: Rich Oppenheim  
 Sent: Fri 12/29/2017 4:17:31 PM UTC  
 Subject: Metra Delays due to freight interference - TUE DEC 26 - WED DEC 27 - THU DEC 28, 2017  
 Received: Fri 12/29/2017 4:17:32 PM UTC

This week, while facing the cold weather challenges that affect our operations as well as CPs, we have had an unusually high number of delays attributed to CP freight train interference. Some of these were completely preventable by judicious train dispatching, some less so. Here is a brief summary of the issues:

#### TUESDAY, DECEMBER 26<sup>th</sup>:

- Compounded by ongoing signal problems at Tower B35 caused by a relay house fire over the past weekend, a CP-473 was allowed to leave Bensenville at 0330 heading West on the Elgin Sub. The train was being operated by a Chicago Terminal crew who was not qualified to run past Randall Road (MP 40.26), the intention being that a crew cabbng from Nahant or Savanna would meet the train at Randall Road and take over. Bear in mind that Metra's first EWD train of the morning rush hour departs Elgin at 0417 which means that an 0330 departure from Bensenville is doable, but iffy, under the best of circumstances. It was a known fact that due to the relay house fire, CP 473 would need to stop at both Spaulding and Tower B35 to get verbal authority past stop signals and would then be proceeding at restricted speed. The temperatures on this date and time were below zero which means that freight operations can typically be problematic and/or slower, and that Metra customers waiting for their trains are standing out in the cold at several locations. The fact that 473 was going to be re-crewed was not communicated, and when 473 stopped with the head end at Randall Road for the re-crew, the rear end of the train was blocking our Big Timber Road depot, as well as the crossovers at the Almora Control Point. The equipment for Metra 2204 (due out of Big Timber 0527) was allowed to follow 473 out of Elgin, but could not get to the depot to pick up passengers. 2206's eqpt went up #2 MT from Elgin depot to Big Timber but passengers at that depot were blocked by 473 could not get to the train. We wound up running 2206's equipment as 2204 25 minutes late, and 2204's equipment as 2206 (34 minutes late). Both trains originated at Elgin Depot. The first train capable of picking up passengers at Big Timber Road was 2210 due out of Big Timber 0612. The late departures wound up creating a domino effect on our operations causing 18 delays and 2 annulments. All of these trains are considered to be "Peak Period trains" which, according to the Metra-CP operating agreement, are not be interfered with.
- Later that morning, CP-472 was dispatched in a narrow window between scheduled Metra trains and wound up getting a broken drawbar just short of Tower B35. Metra 2230 was directly behind 472 when this occurred, had to back up to Almora to use the other main around 472 resulting in a 40 minute delay to 2230 as well as a 17 minute delay to following 2232.
- In the evening, a CP 650 which came off the C&M Sub at Tower B17, and was destined to the BRC at Cicero West, was allowed to depart directly ahead of Metra 2250 causing a 12 minute delay to 2250 as well as to 2250's "flips" 2251, 2256 and 2257.

#### WEDNESDAY, DECEMBER 27<sup>th</sup>:

- Metra 2248 delayed 15 minutes at Tower B12 waiting for a CP-241 heading into Bensenville yard at Tower B12 to clear the main so that 2248 could proceed. This resulted in delays to 2248's "flips" 2249, 2254, and 2255.

#### THURSDAY, DECEMBER 28<sup>th</sup>:

- During the heart of the evening rush hour, a 67X was released at Cicero West to run to Tower B12 on #3 MT and into the yard via 6-lead, directly behind 2242 who cleared Cicero West at 1639. This left less than 20 minutes for 67X to clear B12 before Metra 2244 was due at 1657. 67X did not clear B12 until 1720 necessitating running 2244 down #2 MT where there are no station platforms at 4 stops (Elmwood Park, Mont Clare, Mars, and Galewood). Passenger loading and unloading then needed to take place using a single coach vestibule spotted at crosswalks or road crossings, a time consuming process. 2244 arrived Chicago 12 minutes late resulting in Peak Period train 2243 departing Chicago 7 minutes late. Minor delays were also experienced by Peak Period trains 2231, 2233, NCS 111 and NCS 113 which all had to operate on #1 MT due to 2244 occupying #2 MT, instead of the established operation which has some WWD rush hour trains running on #1 MT and some on #2 MT.

While in most cases, CP Dispatchers have been cooperative and work with us to insure that our scheduled operation is protected, the succession of delays experienced this week has not only been a cause for increased customer complaints, but a cause for concern among those of us involved in Metra's Operations. Moving forward, we ask that Dispatchers use extra discretion in

moving freight traffic close to scheduled Metra operations, and avoid close moves when possible. It is strongly suggested that prior to releasing trains for Bensenville yard, Dispatchers ascertain from Bensenville Yardmasters the total number of hand throw switches the crew will need to line prior to clearing at B12 or B17, and then pass along this information to the crew onboard the freight train, asking if they will be able to clear in sufficient time to avoid a delay to the next scheduled Metra train. We know that winter weather presents challenges to all of us, and hope that we will be able to work together to protect our respective operations. As always, your assistance is greatly appreciated. If I can be of any help, please let me know.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; 'Michael White'[Michael\_White@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; Nick Walker[Nick\_Walker@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 01/17/2017 12:14:22 PM UTC  
**Subject:** Metra 2249 delayed B17 Jan 16  
**Received:** Tue 01/17/2017 12:14:23 PM UTC

Metra 2249 delayed 13 minutes at B17 last night waiting for freight train to clear in yard. This also resulted in delays to flips 2254 and 2255. Please advise circumstances.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.



**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; 'Michael White'[Michael\_White@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 06/27/2017 11:49:22 AM UTC  
**Subject:** Delay to 2158 MON JUNE 26 2017  
**Received:** Tue 06/27/2017 11:49:24 AM UTC

Metra 2158 last night delayed @ 12 minutes. They were held at Rondout @ 4 minutes to follow CP-384-251, then lost @ another 7 minutes following 384-251 to Tower A20. This also caused delays to 2151 who meets 2158 at Rondout, and 2155 who turns at Chicago from 2158.

Please advise reason for holding 2158 to follow 384.

R.P. Oppenheim, Assistant Superintendent  
Metra CUS District Operations

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**To:** Niki Marthe[Niki\_Marthe@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; Michael White[Michael\_White@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 06/27/2017 8:09:09 PM UTC  
**Subject:** RE: Delay to 2158 MON JUNE 26 2017  
**Received:** Tue 06/27/2017 8:09:11 PM UTC

As part of the education process, student should be advised that in this case, if the mistake was noticed right away, it would have been considerably faster to contact 384 for permission to take the signal down, run time, and then line up 2158. Thanks for the follow up.

**From:** Niki Marthe [mailto:Niki\_Marthe@cpr.ca]  
**Sent:** Tuesday, June 27, 2017 3:02 PM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>; MOC Director East <MOC\_Director\_East@cpr.ca>; Michael White <Michael\_White@cpr.ca>  
**Cc:** Victor Flores <VFlores@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Peter J. Zwolfer <PZwolfer@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>  
**Subject:** RE: Delay to 2158 MON JUNE 26 2017

I interviewed the student that was in the office and was advised that they were intending to stack the route for Metra 2158 and inadvertently stacked the route for 384. They noticed just as the signal came in for 384. They thought that knocking the signal down and waiting for it to run time would take longer and result in a larger delay to Metra 2158 than just running the train. I will address with the dispatcher as well and have already addressed with the student.



Niki Marthe  
 Director Dispatching  
 O 612-904-5867  
 C 612-719-1529  
 120 South 6<sup>th</sup> Street  
 Minneapolis, MN 55402

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Tuesday, June 27, 2017 6:49 AM  
**To:** MOC Director East; Michael White; Niki Marthe  
**Cc:** Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli; David Rodriguez  
**Subject:** Delay to 2158 MON JUNE 26 2017

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Metra 2158 last night delayed @ 12 minutes. They were held at Rondout @ 4 minutes to follow CP-384-251, then lost @ another 7 minutes following 384-251 to Tower A20. This also caused delays to 2151 who meets 2158 at Rondout, and 2155 who turns at Chicago from 2158.

Please advise reason for holding 2158 to follow 384.

R.P. Oppenheim, Assistant Superintendent  
 Metra CUS District Operations

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

#### Disclaimer

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receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

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IMPORTANT NOTICE - AVIS IMPORTANT -----



**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Michael White[Michael\_White@cpr.ca];  
nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J.  
Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 04/17/2017 12:06:28 PM UTC  
**Subject:** Delays to 2252 and 2253 Friday April 14 2017  
**Received:** Mon 04/17/2017 12:06:29 PM UTC

TOPS1501\_BN.PDF  
TOPS1501\_HCD.PDF  
TOPS1501\_MEDML.PDF  
TOPS1501\_MEDSC.PDF  
TOPS1501\_MEDBI.PDF  
TOPS1501\_MWDN.PDF  
TOPS1501\_MWDW.PDF  
TOPS1501\_NCS.PDF  
TOPS1501\_RID.PDF  
TOPS1501\_SWS.PDF  
TOPS1501\_UPN.PDF  
TOPS1501\_UPNW.PDF  
TOPS1501\_UPW.PDF

Reference MWDW delays on attached report. Metra 2252 Friday April 14 2017 delayed 18 minutes at Tower B17 behind CP-658 hanging plant. Delay carried over to 2253 who was 12 minutes late turning off 2252. Was yard committed to handling 658 when they were released, advise any other details available in regards to this delay and causes.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message  
From: Metra Mainframe Information Systems  
Sent: Saturday, April 15, 2017 04:47  
To: MAINFRAME (HFK)  
Subject: TOPS Daily Incident Report

This report is generated from Metra Information Systems

**PUBLIC VERSION****EXHIBIT B-2**

**To:** art\_clark@cpr.ca[art\_clark@cpr.ca]; Nick Walker[nick\_walker@cpr.ca]; dan\_mueller@cpr.ca[dan\_mueller@cpr.ca]; Jared Carman[jared\_carman@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]; 'Michael White'[Michael\_White@cpr.ca]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Jack Bauer[JBauer@METRARR.COM]; Rocio Bear[rbear@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 04/28/2017 10:43:18 AM UTC  
**Subject:** Fw: MIL 2200 delayed  
**Received:** Fri 04/28/2017 10:43:18 AM UTC

Metra 2200 delayed about 15 minutes this morning behind CP-472 who apparently stopped several times while pulling into the yard with rear end blocking Metra Main Line at Tower B17. After that, 2200 delayed additionally using #1 MT Tower B12 to Galewood waiting for passengers to walk across from the normal #3 Main platform. This was due to CP-143 on #3 MT with rear end blocking B12. Please advise why these trains were released without a clear route into the yard so as to clear Main Tracks in sufficient time to avoid delay to Metra scheduled operations. Delay to 2200 will carry over to flips 2201 and 2222.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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**From:** Metra Notification <noreply@everbridge.net>  
**Sent:** Friday, April 28, 2017 05:24  
**To:** Rich Oppenheim  
**Reply To:** Metra Notification  
**Subject:** MIL 2200 delayed

This is an *Alert* from the MetraNotification System.

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[Please click here to acknowledge receipt of this message](#)

Train #2200, scheduled to arrive Chicago Union Station at 5:30 AM, is operating 10 to 15 minutes behind schedule due to freight train interference.

---

<https://MetraRail.com>

**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; art\_clark@cpr.ca[art\_clark@cpr.ca]; 'Michael White'[Michael\_White@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Fri 04/28/2017 4:25:12 PM UTC  
**Subject:** FW: Issue #11806, closed: 2017-04-28, md-w, On-Time Performance (Transportation) As Next Action Group Member  
**Received:** Fri 04/28/2017 4:25:12 PM UTC

Fyi. What we deal with.....

**From:** Metra Service Desk [mailto:servicedesk@metrarr.com]  
**Sent:** Friday, April 28, 2017 11:03 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Subject:** Issue #11806, closed: 2017-04-28, md-w, On-Time Performance (Transportation) As Next Action Group Member

\*==\*

The following Issue was closed in IssueTrak:

To view this Issue in detail, click [HERE](#).

Issue #: 11806

Subject: 2017-04-28, md-w, On-Time Performance

Status: Closed

Class: Customer Service

Issue Type: Transportation MD-W

Subtype 1: Complaint

Subtype 2: On-Time Performance

Priority: Medium

Project:

Location: 547 - 12th Floor 547 - 12th Floor

Organization: Transportation

Submitted By: Metra Rail on 28-Apr-2017

Assigned To: CUS Transportation Monitor on 28-Apr-2017

Next Action: CUS Transportation Response Group on 28-Apr-2017

Closed By: Tom Miller on 28-Apr-2017 312-322-6755



**Solution:**

---

We apologize for the delay you experienced on Milwaukee District West Line Train 2200 this morning. It was delayed 12 minutes at Bensenville due to a Canadian Pacific freight train that failed to clear our main line as intended as it pulled into the freight yard at Bensenville. It was delayed further due to running on the opposite main track between Franklin Park and Galewood because of a second Canadian Pacific freight train still occupying the track that 2200 should have run on. The Milwaukee West line, by contract, is dispatched by Canadian Pacific Train dispatchers. Metra Transportation managers maintain a constant dialogue with our counterparts at Canadian Pacific to insure that our scheduled trains receive the proper handling that they should. This morning's shortcomings have been addressed with Canadian Pacific, and we are expecting an explanation and corrective action for their failings this morning.

Again, we apologize and hope you will continue to bear with us.

Regards,

Metra

**Issue Description:**

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Rail Line:md-w Message:Once again, someone at Metra needs to look into why this train is always late. I think this week it might have been what you consider on time, just under 6 minutes, it really is abysmal service and the people being screwed our the passengers. You guys should be better then this. Date:2017-04-28 Time:5 : 24 AM

**Notes:**

---

**\*\*Note by Rich Oppenheim, 28-Apr-2017:**

Metra 2200 this morning was delayed 12 minutes at Bensenville due to a Canadian Pacific freight train that failed to clear our main line as intended as it pulled into the freight yard at Bensenville. It was delayed further due to running on the opposite main track between Franklin Park and Galewood because of a second Canadian Pacific freight train still occupying the track that 2200 should have run on. The Milwaukee West line, by contract, is dispatched by Canadian Pacific Train dispatchers. Metra Transportation managers maintain a constant dialogue with our counterparts at Canadian Pacific to insure that our scheduled trains receive the proper handling that they should. This morning's shortcomings have been addressed with Canadian Pacific, and we are expecting an explanation and corrective action for their failings this morning.

**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** John Abrahamson[John\_Abrahamson@cpr.ca]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; Arthur Clark[arthur\_clark@cpr.ca]; Jared Carman[jared\_carman@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Fri 11/03/2017 10:41:47 AM UTC  
**Subject:** Delay to Metra 2256 Spaulding THURS Nov 2, 2017  
**Received:** Fri 11/03/2017 10:41:50 AM UTC

TOPS1501\_BN.PDF  
TOPS1501\_HCD.PDF  
TOPS1501\_MEDML.PDF  
TOPS1501\_MEDSC.PDF  
TOPS1501\_MEDBI.PDF  
TOPS1501\_MWDN.PDF  
TOPS1501\_MWDW.PDF  
TOPS1501\_NCS.PDF  
TOPS1501\_RID.PDF  
TOPS1501\_SWS.PDF  
TOPS1501\_UPN.PDF  
TOPS1501\_UPNW.PDF  
TOPS1501\_UPW.PDF

Metra 2256 delayed at Spaulding 15 minutes for G-65 to clear plant. Please advise circumstances for this lengthy delay.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operations  
Office: 312-322-8939  
Cell: 312-735-8576  
Roppenheim@metrarr.com

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message  
From: Metra Mainframe Information Systems  
Sent: Friday, November 3, 2017 04:46  
To: MAINFRAME (HFK)  
Subject: TOPS Daily Incident Report

This report is generated from Metra Information Systems



**PUBLIC VERSION****EXHIBIT B-2**

**To:** 'Michael White'[Michael\_White@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; dan\_mueller@cpr.ca[dan\_mueller@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**nt:** Wed 03/01/2017 8:26:48 PM UTC  
**ubject:** Extensive Metra Delays Tower B17 - WED MAR 1, 2017  
**Received:** Wed 03/01/2017 8:26:49 PM UTC

Metra 2217 arrived Tower B17 1310 departed 1338 **28** minutes delay; Metra 2236 arrived B17 1302 departed 1340**38** minutes delay. CP 586 was apparently released to come in the yard with CP 143 blocking the lead that 586 needed to use in order to clear the plant. CP 586 stopped with rear end blocking B17 plant. Please advise any additional circumstances surrounding these extensive delays, and any measures taken to prevent a recurrence.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; Michael White[Michael\_White@cpr.ca]; Nick Walker[Nick\_Walker@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]  
**Cc:** Chuck Hubbard[chuck\_hubbard@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 02/01/2017 11:49:22 AM UTC  
**Subject:** Metra 2200 delay at B17 behind G35  
**Received:** Wed 02/01/2017 11:49:23 AM UTC

Metra 2200 delayed approximately 12 minutes at B17 this morning behind G35 who stopped going in Bensenville Yard with rear end still in plant. 2200 arrived Chicago 8 minutes late resulting in late departure on 2201. Please advise reason for G35 blocking plant. Was Bensenville committed to moving G35 before they were released from Spaulding?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; 'Michael White'[Michael\_White@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Nick Walker[Nick\_Walker@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**ent:** Tue 01/03/2017 11:51:16 AM UTC  
**Subject:** Delay to Metra 2200 Tuesday Jan 3 2017  
**Received:** Tue 01/03/2017 11:51:17 AM UTC

Metra 2200 arrived Chicago 9 minutes late at 0539. Was delayed at Tower B17 waiting for 198 to clear plant pulling into yard, then lost additional time running on #1 Main Track Tower B12 to Galewood East due to NS 17V using #3 Main and waiting for passengers crossing from #3 Main platforms to #1 Main. Delay to 2200 will also affect 2201 and possibly 2222.

Was route for 198 into yard lined in advance before train was released, or did train have to stop on plant while Conductor lined switches? Was crew asked in advance if they would be able to clear for 2200? Could 17 V have run #2 main to B12, then coming into yard after 2200 cleared B12?

Please advise.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Courtney Dunford[Courtney\_Dunford@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; arthur\_clark@cpr.ca[arthur\_clark@cpr.ca]; jared\_carman@cpr.ca[jared\_carman@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; huck\_hubbard@cpr.ca[chuck\_hubbard@cpr.ca]; Jack Bauer[JBauer@METRARR.COM]; Rocio Bear[rbear@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 07/10/2017 5:59:27 PM UTC  
**Subject:** Delay to Metra 2208 by NS-17V MON JULY 10, 2017  
**Received:** Mon 07/10/2017 5:59:29 PM UTC

During this morning's AM peak period operation, NS 17V was dispatched from Cicero West to Tower B12 Westward on #3 MT behind #2202 and ahead of #2208. #2208 is supposed to operate on #3 MT because it has scheduled stops at Elmwood Park, Mont Clare, Mars and Galewood where there are no passenger loading platforms on #2 MT, and there is opposing traffic scheduled on #1 MT. 17V was unable to clear Tower B12 prior to Metra 2208's arrival, so it became necessary to run #2208 on #2 MT from Tower B12 to Galewood East. This entailed loading and unloading passengers at crosswalks and/or road crossings at the four stations listed. While this is never a good operating practice, loading and unloading passengers in this manner was that much more problematic this morning because all of this was taking place during a heavy rainstorm, and passengers were unable to remain under platform shelters and still board the train. #2208 arrived Chicago at 7:26 AM, 6 minutes late. Moving NS-17V in this manner interfered with Metra's operation of peak period train 2208 in contradiction to terms set forth in the Metra-CP Operating agreement.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661



**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Courtney Dunford[Courtney\_Dunford@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; arthur\_clark@cpr.ca[arthur\_clark@cpr.ca]; jared\_carman@cpr.ca[jared\_carman@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; 'chuck\_hubbard@cpr.ca'[chuck\_hubbard@cpr.ca]; Jack Bauer[JBauer@METRARR.COM]; Rocio Bear[rbear@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 07/17/2017 2:00:29 PM UTC  
**Subject:** Metra Peak period local trains routed #2 MT B12-Galewood 7-17-17  
**Received:** Mon 07/17/2017 2:00:31 PM UTC

Reference e-mail sent last Monday, July 10, 2017 (below) relative to Metra peak-period train #2208 scheduled to make local stops at Elmwood Park, Mont Clare, Mars, and Galewood being routed down #2 MT where there are no passenger platforms instead of running on #3 MT as they are supposed to due to NS 17-V operating WWD on #3 MT. This same scenario was repeated this morning, MONDAY JULY 17, 2017 except this morning BOTH #2208 and #2212 who both make those same 4 local stops were run on #2 MT so that NS 17-V could run West on #3 MT. In this case, not only did passengers have to load and unload on crosswalks and road crossings instead of using boarding platforms, but also had to dodge 17-V who on #3 MT would have been between the loading platforms and the Metra train(s).

As both Metra 2208 and 2210 are considered "Peak Period" trains as set forth in the Metra-CP Operating agreement, please be reminded that operation of NS 17-V in this manner is represents interference in the operation of these trains, and as such is in violation to the terms of the Operating agreement.

**From:** Rich Oppenheim  
**Sent:** Monday, July 10, 2017 12:59 PM  
**To:** 'MOC Director East' <MOC\_Director\_East@cpr.ca>; 'Niki Marthe' <Niki\_Marthe@cpr.ca>; Courtney Dunford <Courtney\_Dunford@cpr.ca>; 'nick\_walker@cpr.ca' <nick\_walker@cpr.ca>; 'arthur\_clark@cpr.ca' <arthur\_clark@cpr.ca>; 'jared\_carman@cpr.ca' <jared\_carman@cpr.ca>  
**Cc:** Victor Flores <VFlores@METRARR.COM>; Peter J. Zwolfer <PZwolfer@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; 'chuck\_hubbard@cpr.ca' <chuck\_hubbard@cpr.ca>; Jack Bauer <JBauer@METRARR.COM>; Rocio Bear <rbear@METRARR.COM>  
**Subject:** Delay to Metra 2208 by NS-17V MON JULY 10, 2017

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**Rich Oppenheim,**  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661



**To:** Courtney Dunford[Courtney\_Dunford@cpr.ca]  
**Cc:** John Abrahamson[John\_Abrahamson@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Mon 07/17/2017 2:33:27 PM UTC  
**Subject:** RE: Metra Peak period local trains routed #2 MT B12-Galewood 7-17-17  
**Received:** Mon 07/17/2017 2:33:29 PM UTC

Courtney –

Thanks again for the follow up. Please keep us posted on whatever remedial action is taken. I also could use John Abrahamson's cell number is you can provide it.

**From:** Courtney Dunford [mailto:Courtney\_Dunford@cpr.ca]  
**Sent:** Monday, July 17, 2017 9:27 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Cc:** John Abrahamson <John\_Abrahamson@cpr.ca>; Niki Marthe <Niki\_Marthe@cpr.ca>  
**Subject:** RE: Metra Peak period local trains routed #2 MT B12-Galewood 7-17-17

Rich as discussed we will review this morning events and if warranted we will make this a formal matter. I've also included John Abrahamson contact info below he has assumed the role as GM Transportation in the MOC replacing Mr. White.

John Abrahamson  
 Off: 612-904-5837  
 Email: [John\\_Abrahamson@cpr.ca](mailto:John_Abrahamson@cpr.ca)

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Monday, July 17, 2017 9:00 AM  
**To:** MOC Director East; Niki Marthe; Courtney Dunford; Nick Walker; Arthur Clark; Jared Carman  
**Cc:** Victor Flores; Peter J. Zwolfer; Marty Ryan; Janet Carbonelli; David Rodriguez; Chuck Hubbard; Jack Bauer; Rocio Bear  
**Subject:** Metra Peak period local trains routed #2 MT B12-Galewood 7-17-17

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Reference e-mail sent last Monday, July 10, 2017 (below) relative to Metra peak-period train #2208 scheduled to make local stops at Elmwood Park, Mont Clare, Mars, and Galewood being routed down #2 MT where there are no passenger platforms instead of running on #3 MT as they are supposed to due to NS 17-V operating WWD on #3 MT. This same scenario was repeated this morning, MONDAY JULY 17, 2017 except this morning BOTH #2208 and #2212 who both make those same 4 local stops were run on #2 MT so that NS 17-V could run West on #3 MT. In this case, not only did passengers have to load and unload on crosswalks and road crossings instead of using boarding platforms, but also had to dodge 17-V who on #3 MT would have been between the loading platforms and the Metra train(s).

As both Metra 2208 and 2210 are considered "Peak Period" trains as set forth in the Metra-CP Operating agreement, please be reminded that operation of NS 17-V in this manner is represents interference in the operation of these trains, and as such is in violation to the terms of the Operating agreement.

**From:** Rich Oppenheim  
**Sent:** Monday, July 10, 2017 12:59 PM  
**To:** 'MOC Director East' <MOC\_Director\_East@cpr.ca>; 'Niki Marthe' <Niki\_Marthe@cpr.ca>; Courtney Dunford <Courtney\_Dunford@cpr.ca>; 'nick\_walker@cpr.ca' <nick\_walker@cpr.ca>; 'arthur\_clark@cpr.ca' <arthur\_clark@cpr.ca>; 'jared\_carman@cpr.ca' <jared\_carman@cpr.ca>  
**Cc:** Victor Flores <VFlores@METRARR.COM>; Peter J. Zwolfer <PZwolfer@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; 'chuck\_hubbard@cpr.ca' <chuck\_hubbard@cpr.ca>; Jack Bauer <JBauer@METRARR.COM>; Rocio Bear <rbear@METRARR.COM>  
**Subject:** Delay to Metra 2208 by NS-17V MON JULY 10, 2017

During this morning's AM peak period operation, NS 17V was dispatched from Cicero West to Tower B12 Westward on #3 MT behind #2202 and ahead of #2208. #2208 is supposed to operate on #3 MT because it has scheduled stops at Elmwood Park, Mont Clare, Mars and Galewood where there are no passenger loading platforms on #2 MT, and there is opposing traffic scheduled on #1 MT. 17V was unable to clear Tower B12 prior to Metra 2208's arrival, so it became necessary to run #2208 on #2 MT from

Tower B12 to Galewood East. This entailed loading and unloading passengers at crosswalks and/or road crossings at the four stations listed. While this is never a good operating practice, loading and unloading passengers in this manner was that much more problematic this morning because all of this was taking place during a heavy rainstorm, and passengers were unable to remain under platform shelters and still board the train. #2208 arrived Chicago at 7:26 AM, 6 minutes late. Moving NS-17V in this manner interfered with Metra's operation of peak period train 2208 in contradiction to terms set forth in the Metra-CP Operating agreement.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

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IMPORTANT NOTICE - AVIS IMPORTANT -----



**To:** Keith Georgeff[KGeorgeff@METRARR.COM]; Patrick Danz[PDanz@METRARR.COM]; Paul Zwolfer[pazwolfer@METRARR.COM]; Tim Tabisz[TTabisz@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Alonzo D. Smith[adsmith@METRARR.COM]; Alysia Preininger[APreininger@METRARR.COM]; Carlo Santori[CSantori@METRARR.COM]; Cedric Smith[CSmith@METRARR.COM]; Chris Evers[CEvers@METRARR.COM]; Christopher Dorsey[CDorsey@METRARR.COM]; Corinna Gallardo[cgallardo@metrarr.com]; Courtney Aubrecht[CAubrecht@METRARR.COM]; Daniel Marinellie[DMarinellie@METRARR.COM]; Danny Santiago[DSantiago@METRARR.COM]; Darrin Austin[DAustin@METRARR.COM]; David Cook[DCook@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Edward Schafroth[ESchafroth@METRARR.COM]; Ernesto Hernandez[E Hernandez@METRARR.COM]; GPSAlerting[GPSAlerting@METRARR.COM]; Hersey Steptoe[HSteptoe@METRARR.COM]; Hilary Konczal[HKonczal@METRARR.COM]; Jacqueline Watkins[JWatkins@METRARR.COM]; James Grogans[JGrogans@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Joel Winchester[JWinchester@METRARR.COM]; Katie Dahlstrom[KDahlstrom@METRARR.COM]; Kenneth Castile[KCastile@METRARR.COM]; Kurt Kroner[kkroner@METRARR.COM]; Martin H. Yock[MYock@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Matt Bevers[mbevers@METRARR.COM]; Matthew Koszulinski[MKoszulinski@METRARR.COM]; Meg Thomas-Reile[mtreile@metrarr.com]; Metra CCF Dispatching[MetraCCFdispatch@METRARR.COM]; Michael Gillis[mgillis@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Robert Johnson[RJohnson@METRARR.COM]; Steven Cork[SCork@METRARR.COM]; Terron Haynes[THaynes@METRARR.COM]; Tom Miller[TMILLER@METRARR.COM]; Victor A. Ortiz[VOrtiz@METRARR.COM]

**Cc:** Alphonso Jackson[AJackson@METRARR.COM]; Charles Allen[Callen@METRARR.COM]; Christian Pisut[CPisut@METRARR.COM]; Christie Siebert[CSiebert@METRARR.COM]; Felicia McGlaston[FMcGlaston@METRARR.COM]; Joe Bratta[JBratta@METRARR.COM]; Judy Tovar[JTovar@METRARR.COM]; Lisa Lovett[LLovett@METRARR.COM]; Marshall Beecher[MBeecher@METRARR.COM]; Nancy LoPresti[NLoPresti@METRARR.COM]; Sal Cuevas[SCuevas@METRARR.COM]; Scott Zriny[szriny@metrarr.com]; Shamonda Jones[SJones@METRARR.COM]; 'Michael White'[Michael\_White@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; Jack Bauer[JBauer@METRARR.COM]

**From:** Rich Oppenheim

**Sent:** Wed 04/12/2017 10:07:13 PM UTC

**Subject:** Re: Freight Train in Emergency Milwaukee West

**Received:** Wed 04/12/2017 10:07:13 PM UTC

2244 will need to run on #2 MT B12 to Gatewood East and will have to load and unload passengers on crosswalks. 241 has Elmwood Park depot blocked so passengers will not be able to get to train. This is interfering with Metra's peak period trains in violation of the operating agreement.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Keith Georgeff

**Sent:** Wednesday, April 12, 2017 17:00

**To:** Patrick Danz; Paul Zwolfer; Rich Oppenheim; Tim Tabisz; Victor Flores; Alonzo D. Smith; Alysia Preininger; Carlo Santori; Cedric Smith; Chris Evers; Christopher Dorsey; Corinna Gallardo; Courtney Aubrecht; Daniel Marinellie; Danny Santiago; Darrin Austin; David Cook; David Rodriguez; Edward Schafroth; Ernesto Hernandez; GPSAlerting; Hersey Steptoe; Hilary Konczal; Jacqueline Watkins; James Grogans; Janet Carbonelli; Joel Winchester; Katie Dahlstrom; Kenneth Castile; Kurt Kroner; Martin H. Yock; Marty Ryan; Matt Bevers; Matthew Koszulinski; Meg Thomas-Reile; Metra CCF Dispatching; Michael Gillis; Peter J. Zwolfer; Robert Johnson; Steven Cork; Terron Haynes; Tom Miller; Victor A. Ortiz

**Cc:** Alphonso Jackson; Charles Allen; Christian Pisut; Christie Siebert; Felicia McGlaston; Joe Bratta; Judy Tovar; Lisa Lovett; Marshall Beecher; Nancy LoPresti; Sal Cuevas; Scott Zriny; Shamonda Jones

**Subject:** Freight Train in Emergency Milwaukee West

Freight train CP-241 in Emergency between B12 and Galewood East on Track 3. Will update when on the Move.

Keith Georgeff

Chief Dispatcher

Metra/CCF

1501 S Canal Street

Chicago, IL 60707

W – 312-322-2864

C – 312-448-0934

F – 312-322-2850



**To:** Niki Marthe[Niki\_Marthe@cpr.ca]  
**Cc:** 'Michael White'[Michael\_White@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]; dl\_moc\_senior\_director@cpr.ca[dl\_moc\_senior\_director@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]

**From:** Rich Oppenheim  
**Sent:** Tue 01/03/2017 8:51:13 PM UTC  
**Subject:** RE: Delay to Metra 2200 Tuesday Jan 3 2017

**Received:** Tue 01/03/2017 8:51:13 PM UTC

**Condr TTR1 - 2200 JAN 3 2017.pdf**

[image001.png](#)

[image002.png](#)

[image003.png](#)

Niki-

Thanks for the research on this and the effort you put into it. Your assessment of the B17 situation seems to be on the money, and the fact that CP has been able to significantly reduce the blockage of our trains at B17 with freight traffic entering the yard shows that an honest effort to control this situation is being made. With lengthy trains, the key is, and always will be, the ability to get the route into the yard lined in advance of the movement.

I do have some concerns regarding the 17V situation. We are all aware that most, if not all, of the NS crews that handle 17V typically move at a snail's pace, and you are correct that sending 17V up #2 MT to start in the yard once 2200 cleared would most likely have resulted in 2202 needing to use the "wrong" main, which would probably have been worse since 2200's regular riders are more conditioned to changing from platform to platform than 2202's are. That said, see attached Conductor's report from 2200 this morning. Beyond the delay issue, if you read his assessment of the effect on our passengers of running #1 MT from B12 to Galewood with a freight coming the other way on #3 MT, you can see the potential for an accident which this scenario creates. Given the reality of the way 17V moves, there really isn't a good solution to this situation short of rescheduling 17V to operate completely before or after the morning rush hour (where the windows at B12 increase to 1 hour), or perhaps working with the NS to see if their crews might be encouraged to move a little better. Again, anything that can be done to insure that 17V's route into the yard is lined in advance would obviously go a long way toward fixing the problem. I know there is no easy solution to the problem, but hope that we can work toward achieving something before an accident occurs. Any thoughts that you or Nick might have on this situation would be appreciated.

**Rich Oppenheim,**  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661

**From:** Niki Marthe [mailto:Niki\_Marthe@cpr.ca]  
**Sent:** Tuesday, January 03, 2017 2:12 PM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Subject:** FW: Delay to Metra 2200 Tuesday Jan 3 2017

This is what I found in my review. Do you want me to send this to Rich or just handle with Brian and Connie?

198 was released into the New Arrival and was on the move at B17 at 0425. This gave 198 29 minutes to clear B17 prior to 2200. I was not able to locate any conversation between the Tower Operator/Dispatcher and the crew on 198 regarding how long it would take them to clear the interlocking. The train was slow clearing at and 0447 the dispatcher checked in with the Tower Operator. The Tower Operator advised that the train had only stopped once for about a minute and was still pulling into the yard. CTC Replay shows 198 clearing B17 at 0500. I will review with both the train dispatcher and the tower operator that it is imperative that we discuss with the train crew when weather conditions such as fog may impact the time it takes to clear.

NS17V was released into the yard for 3 lead at 0436. They took the light at B17 at 0502 and cleared the interlocking at 0544. 2 MT was clear. The dispatcher could have run NS17V on 2 MT, however, with the length of time it took them to clear B12 2202 would have still had to run on 1MT between B12 and Galewood. I will also discuss this with the train dispatcher and remind him to review all options/tracks prior to releasing a train to ensure Metra is not impacted.

The Dispatcher did have a discussion with the Tower Operator where it was stated that the fog was likely a factor as to why NS 17V

and 198 took so long to clear B17 & B12.

Niki Marthe | Director Dispatching | 120 South 6<sup>th</sup> Street Minneapolis, MN 55402 | O 612-904-5867 | C 612-719-1529 |

CP

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]

**Sent:** Tuesday, January 03, 2017 7:07 AM

**To:** Michael White; MOC Director East; Niki Marthe; Nick Walker; [DL\\_MOC\\_Senior\\_Director@cpr.ca](mailto:DL_MOC_Senior_Director@cpr.ca)

**Cc:** Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli

**Subject:** Re: Delay to Metra 2200 Tuesday Jan 3 2017

Thanks for the prompt response and follow up.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Michael White

**Sent:** Tuesday, January 3, 2017 06:59

**To:** Rich Oppenheim; MOC Director East; Niki Marthe; Nick Walker; [DL\\_MOC\\_Senior\\_Director@cpr.ca](mailto:DL_MOC_Senior_Director@cpr.ca)

**Cc:** Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli

**Subject:** RE: Delay to Metra 2200 Tuesday Jan 3 2017

Rich,

I would speculate the delay for 198 yarding at Bensenville is related to the current weather conditions. It is my understanding fog is extremely thick and impacting visibility. I will ask Niki to review the timeline and provide input.







CSA-Bensenville Sofa Flag  
Bensenville

**From:** Rich Oppenheim [<mailto:ROppenheim@METRARR.COM>]  
**Sent:** Tuesday, January 03, 2017 5:51 AM  
**To:** MOC Director East; Michael White; Niki Marthe; Nick Walker  
**Cc:** Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli  
**Subject:** Delay to Metra 2200 Tuesday Jan 3 2017

Metra 2200 arrived Chicago 9 minutes late at 0539. Was delayed at Tower B17 waiting for 198 to clear plant pulling into yard, then lost additional time running on #1 Main Track Tower B12 to Galewood East due to NS 17V using #3 Main and waiting for passengers crossing from #3 Main platforms to #1 Main. Delay to 2200 will also affect 2201 and possibly 2222.

Was route for 198 into yard lined in advance before train was released, or did train have to stop on plant while Conductor lined switches? Was crew asked in advance if they would be able to clear for 2200? Could 17 V have run #2 main to B12, then coming into yard after 2200 cleared B12?

Please advise.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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IMPORTANT NOTICE - AVIS IMPORTANT -----



**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** Michael White[Michael\_White@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; Nick Walker[Nick\_Walker@cpr.ca]; DL\_MOC\_Senior\_Director@cpr.ca[MOC\_Senior\_Director@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**nt:** Tue 01/03/2017 1:06:50 PM UTC  
**Subject:** Re: Delay to Metra 2200 Tuesday Jan 3 2017  
**Received:** Tue 01/03/2017 1:06:50 PM UTC  
[image001.png](#)  
[image002.png](#)

Thanks for the prompt response and follow up.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Michael White  
**Sent:** Tuesday, January 3, 2017 06:59  
**To:** Rich Oppenheim; MOC Director East; Niki Marthe; Nick Walker; DL\_MOC\_Senior\_Director@cpr.ca  
**Cc:** Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli  
**Subject:** RE: Delay to Metra 2200 Tuesday Jan 3 2017

Rich,

I would speculate the delay for 198 yarding at Bensenville is related to the current weather conditions. It is my understanding fog is extremely thick and impacting visibility. I will ask Niki to review the timeline and provide input.





CSA-Bensenville Sofa Flag  
Bensenville

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Tuesday, January 03, 2017 5:51 AM  
**To:** MOC Director East; Michael White; Niki Marthe; Nick Walker  
**Cc:** Victor Flores; Marty Ryan; Peter J. Zwolfer; Janet Carbonelli  
**Subject:** Delay to Metra 2200 Tuesday Jan 3 2017

Metra 2200 arrived Chicago 9 minutes late at 0539. Was delayed at Tower B17 waiting for 198 to clear plant pulling into yard, then lost additional time running on #1 Main Track Tower B12 to Galewood East due to NS 17V using #3 Main and waiting for passengers crossing from #3 Main platforms to #1 Main. Delay to 2200 will also affect 2201 and possibly 2222.

Was route for 198 into yard lined in advance before train was released, or did train have to stop on plant while Conductor lined switches? Was crew asked in advance if they would be able to clear for 2200? Could 17 V have run #2 main to B12, then coming into yard after 2200 cleared B12?

Please advise.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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To: Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca], Moc\_Director\_East@cpr.ca[Moc\_Director\_East@cpr.ca]  
From: Rich Oppenheim  
Sent: Wed 11/21/2018 11:57:49 AM UTC  
Subject: Fwd: Excessive Delay to Metra 2255 TUE NOV 21 2018  
Received: Wed 11/21/2018 11:57:52 AM UTC

Sent from my iPhone

Begin forwarded message:

**From:** <ROppenheim@METRARR.COM>  
**Date:** November 21, 2018 at 5:56:06 AM CST  
**To:** <nick\_walker@cpr.ca>, Donnie McKelvey <donnie\_mckelvey@cpr.ca>, "Matt Bailey" <matt\_bailey@cpr.ca>, Brandon Billingsley <brandon\_billingsley@cpr.ca>  
**Cc:** Dave Rodriguez <d Rodriguez@metrarr.com>, Marty Ryan <mryan@metrarr.com>, Janet Carbonelli <jcarbonelli@metrarr.com>, Vic Flores <vflores@metrarr.com>, Pete J Zwolfer <pzwolfer@metrarr.com>  
**Subject:** Excessive Delay to Metra 2255 TUE NOV 21 2018

Metra 2255 last night arrived Big Timber Road 17 minutes late last night. They were held 13 minutes at Tower B17 waiting for a lengthy 198 to clear the plant. 198 was moved between 2256 and 2255, a window that is clearly not big enough for a train of that size. To make matters worse, B17 then ran a CN freight across Spaulding ahead of them delaying 2255 for an additional 8 minutes.

Sent from my iPhone

**To:** Steven Nettleton[steven\_nettleton@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca];  
nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Donnie McKelvey[donnie\_mckelvey@cpr.ca]; Matt Bailey[matt\_bailey@cpr.ca]; Brandon  
Billingsley[brandon\_billingsley@cpr.ca]; MOC\_Director\_East@cpr.ca[MOC\_Director\_East@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Janet  
Carbonelli[JCarbonelli@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Bruce  
Marcheschi[BMarcheschi@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 12/06/2018 12:18:53 PM UTC  
**Subject:** Excessive Delay to Metra 2256 at Tower B17 WED DEC 5, 2018  
**Received:** Thur 12/06/2018 12:18:54 PM UTC

Metra 2256 Wednesday Dec 5 2018 waited 25 minutes at Tower B17 while a lengthy (14,000 plus feet) CP-198 was brought into Bensenville from the Cut Off. While we can certainly appreciate the challenges of running trains of extreme lengths, we ask that if this must be done, it be done at the expense of Metra's scheduled operations and our customers. We are hearing that part of the issue in tarring 198 last night was that another yard movement was blocking their route in the yard? Moving forward, when trains of this length are run, we ask that trains be staged to arrive B17 when there are windows large enough to move them, and that entire route in yard be pre-lined before train is released at Tower B17.

Rich Oppenheim, Asst Superintendent  
Metra CUS District Operations  
Office 312-322-8939  
Cell 312-735-8576

Sent from my iPhone



**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Donnie McKelvey[Donnie\_McKelvey@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]  
**Cc:** Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Jack Bauer[JBauer@METRARR.COM]; Rocio ear[rbear@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 10/18/2018 2:54:51 PM UTC  
**Subject:** Metra Delays at B12 - THU OCT 18, 2018 - Q165  
**Received:** Thur 10/18/2018 2:54:53 PM UTC

This morning, Thursday, October 18, 2018, Metra Peak period trains 2207 and 2226 were delayed at Tower B12 as follows:

- ☐ 2226 17 minutes
- ☐ 2207 22 minutes
- ☐ Delays to 2207 will also affect Train 2230 which turns from 2207 at Big Timber Road

Delays were due to a CP-Q165 which had apparently been called out to move from IHB Norpaul Yard to Schiller Park yard crossing the Elgin Sub at Tower B12 in the process. CP Elgin Dispatcher instructed Metra Operator Tower B12 to line Q165 across, however Q165 was apparently not actually ready to move when the line-up was put in. Then, when it became apparent that Q-165 was not moving, many attempts were made to contact the crew on Q165 on several radio channels in order to get their authority to drop the signal. Q-165 could not be contacted for an extended period of time.

Since this is not the first time by any means that movements between Norpaul Yard and Schiller Park yard have caused significant delays, I would request the following moving forward:

- ☐ Before instructing B12 to line signals for these moves, Elgin Dispatcher should contact crew making the move and determine from them that 1) they are in fact ready to move and 2) discuss with the crew a specific time that they would have to be clear of the plant at B12 and determine from them that they are confident that they can, in fact, clear by that time.

Delays of this magnitude disrupt our Operations as well as CP's, and are extremely frustrating for our customers who count on us to get them to their destinations on time. It is especially frustrating when the delays are completely avoidable, as was the case here. Your cooperation in preventing a recurrence of a similar incident would be most appreciated.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** moc\_director\_east@cpr.ca[moc\_director\_east@cpr.ca]; John Abrahamson[john\_abrahamson@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Donnie McKelvey[donnie\_mckelvey@cpr.ca]; Matt Bailey[matt\_bailey@cpr.ca]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 08/17/2018 4:08:19 AM UTC  
**Subject:** Metra Delays Thursday August 16  
**Received:** Fri 08/17/2018 4:08:21 AM UTC

Metra 2250 delayed 17 minutes at Tower B17 waiting for inbound freight from C&M Sub to clear plant going in yard. Delays to 2250 carries 2251 and 2256. Please advise why freight was released to come into yard with insufficient time to clear.

Sent from my iPhone

To: Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
 From: Rich Oppenheim  
 Sent: Mon 08/20/2018 12:58:31 PM UTC  
 Subject: RE: Metra Delays Thursday August 16  
 Received: Mon 08/20/2018 12:58:33 PM UTC

ne bigger issue is that 2250 is due at B17 at 1950 and 380 cleared at 1948 which means that 380 was run directly and immediately in fir essentially on his schedule. We had a similar occurrence last weekend when Heidi was working C&M in which she brought an EWD freig Rondout essentially on 2620's scheduled time (or 1 or 2 minutes ahead). In the case of 2250, there is a 25 minute window at B17 behind ahead of 2249 where 380 could have run comfortably and the issues that ultimately led to 2250's delay would not have been a factor. Mo dispatchers who work C&M and Elgin learn that there is no percentage in trying to squeeze freight moves closely ahead of scheduled pas trains -- that ultimately this will lead to problems. I am hopeful this concept will eventually sink in. Thank you for the thorough follow up. appreciated.

Rich

-----Original Message-----

From: Lucas Lingenfelter [mailto:Lucas\_Lingenfelter@cpr.ca]  
 Sent: Monday, August 20, 2018 7:40 AM  
 To: Rich Oppenheim <ROppenheim@METRARR.COM>  
 Subject: FW: Metra Delays Thursday August 16

Rich,

See below for a rundown of events that led to that delay. The dispatcher had quite a bit going on. She was trying to make smart decisions between the malfunctioning crossing and crews not operating trains as efficiently as expected, things did not move as planned. She unde it could have went better and learned from it.

Luke

-----Original Message-----

From: Heidi Phillips  
 Sent: Friday, August 17, 2018 4:21 PM  
 To: Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Ryan Melville <Ryan\_Melville@cpr.ca>  
 Subject: RE: Metra Delays Thursday August 16

The delay was not at B17 due to a freight going into the yard, it was with the 380-404 going to the BRC.

-380 cleared B17 at 1948, unknown why 2250 did not take B17 earlier than 1954.

-380 cleared B12 at 2006, I should've kept him on 2 main but missed this opportunity to time out signal due to crossing malfunction at The -2250 took B12 at 2011 which is close to the 6 min run time for them from B17 to B12

-380 cleared Galewood at 2019, unknown why they took so long clearing this as they were only 6200' and the crossing was given back b got there. Should be only 10-12 min even w/ a heavy train putting them past Galewood before 2250 should be taking it (9-10 min run time -380 took Cicero at 2027 again much longer than typical but had crossed 2250 up to 2 main at this point.

I should've kept 2250 on 2 main at B12 to avoid further delays due to 380 but didn't due to the time I had calculated above. 380 had a Be crew on him and that usually means their run times are spot on.

Heidi

-----Original Message-----

From: Rich Oppenheim <ROppenheim@METRARR.COM>  
 Sent: Thursday, August 16, 2018 11:08 PM  
 To: MOC Director East <MOC\_Director\_East@cpr.ca>; John Abrahamson <John\_Abrahamson@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Nick Walker <Nicholas\_C\_Walker@cpr.ca>; Donnie McKelvey <Donnie\_McKelvey@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>  
 Cc: Marty Ryan <mryan@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbone Ili <JCarboneIli@METRARR.CO  
 David Rodriguez <DRodriguez@METRARR.COM>  
 Subject: Metra Delays Thursday August 16

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Metra 2250 delayed 17 minutes at Tower B17 waiting for inbound freight from C&M Sub to clear plant going in yard. Delays to 2250 carri tips 2251 and 2256. Please advise why freight was released to come into yard with insufficient time to clear.

Sent from my iPhone

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**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; Tom Jared[tom\_jared@cpr.ca]; Arthur Clark[arthur\_clark@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sat 03/10/2018 3:24:49 PM UTC  
**Subject:** Delay to Metra 2250 Friday March 9, 2018  
**Received:** Sat 03/10/2018 3:24:51 PM UTC

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TOPS1501\_HCD.PDF  
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TOPS1501\_UPNW.PDF  
TOPS1501\_UPW.PDF

Metra 2250 delayed 20 minutes following CP Freight from Spaulding to Tower B17. This also caused delays to 2251 and 2256. Please advise circumstances as to why this excessive delay took place.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message  
From: Metra Mainframe Information Systems  
Sent: Saturday, March 10, 2018 04:47  
To: MAINFRAME (HFK)  
Subject: TOPS Daily Incident Report

This report is generated from Metra Information Systems



**To:** tom\_jared@cpr.ca[tom\_jared@cpr.ca]; arthur\_clark@cpr.ca[arthur\_clark@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]  
**Cc:** Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**ent:** Wed 03/14/2018 6:17:43 PM UTC  
**Subject:** Metra - CP Freight issues  
**Received:** Wed 03/14/2018 6:17:44 PM UTC

While all of us at Metra appreciate CP's commitment in recent years to structuring their operations so as to not interfere with Metra's scheduled trains, some recent issues have caused some concern:

- This morning, (Wed. Mar 14) a CP-G52 was dispatched from Bensenville Yard on #3 MT ahead of Metra 2202. G52 with 7400 feet had to line switches at both ends of the Galewood receiving yard before being able to clear #3 Main. Metra 2202 wound up sitting behind 2202 for close to 20 minutes waiting for G52 to pull in the clear.
- Last night (Tue Mar 13-Wed Mar 14) a CP 280 train departed Tower B17 @ 2100 and was left on Metra #2 MT, presumably for a re-crew. Train did not clear B12 until 0228 this morning, thus occupying #2 MT for over 5 hours. Also, it appears that 280's inbound crew may have pulled down too close to Scott Street, since we wound up with Automatic Warning Device activations at Scott St., Rose St. Calwagner and Ruby Streets. Metra 2254 was delayed copying mandatory directives for the crossings and lost time running around 280 on #1 MT and complying with the crossing restrictions; 2255 was delayed further when Police left lighted fusees at the crossings.
- Friday, March 9<sup>th</sup> Metra 2250 was held 20 minutes to follow a CN-CP transfer job from Spaulding to Bensenville. This also caused delays to 2251 and 2256.
- Saturday, March 3<sup>rd</sup>, Metra 2604 was intentionally held 9 minutes at Rondout to follow a CP-470 whose crew was on short time. 2604 then followed 470 to Tower A20 resulting in a total delay of 15 minutes.
- There have lately been numerous instances where CP freight trains have been left occupying Metra's Main Tracks for extended periods of time. Twice this week, a CP-198 was brought around A5 and held on a Metra Main at Galewood, once for 199 to depart, and once to follow another train off the IHB into Bensenville. As a reminder, in previous discussions with CP, it was agreed that the Metra Main Tracks were to be used for MOVING trains. While a properly staged crew relief is usually not a problem, leaving trains on the Metra Main Tracks for extended periods of time for freight operation-related activities was not supposed to be happening.

I cannot emphasize enough how much we do appreciate CP's efforts to protect Metra's Operations on the tracks that Metra owns but CP dispatches. We are committed to our customers to provide a service that operates on time, and count on CP's cooperation to make this happen. I sincerely hope that the mutual cooperation that we have enjoyed for the past few years will continue. If I can be of any assistance toward this endeavor, please do not hesitate to call.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]  
**Cc:** Nick Walker[Nicholas\_C\_Walker@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; Donnie McKelvey[Donnie\_McKelvey@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 04/25/2018 11:14:31 AM UTC  
**Subject:** Metra West Line delays - Tuesday, April 24, 2018  
**Received:** Wed 04/25/2018 11:14:33 AM UTC

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TOPS1501\_UPW.PDF

Metra 2251 last night delayed 15 minutes at Galewood East waiting for 2252 who was using #1 MT Tower B12 to Galewood East due to traffic holding on both #2 and #3 MT. Then 2254 delayed 11 minutes following EWD freight from B17 to B12. Please advise why freight train moved in a way that did not keep routes available for these scheduled Metra trains.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operations

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message  
From: Metra Mainframe Information Systems  
Sent: Wednesday, April 25, 2018 04:47  
To: MAINFRAME (HFK)  
Subject: TOPS Daily Incident Report

This report is generated from Metra Information Systems



**To:** 'MOC Director East'[MOC\_Director\_East@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; Nick Walker[Nicholas\_C\_Walker@cpr.ca]; Donnie McKelvey[Donnie\_McKelvey@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; huck\_hubbard@cpr.ca[chuck\_hubbard@cpr.ca]; Jack Bauer[JBauer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 09/06/2018 4:36:08 PM UTC  
**Subject:** DELAYS to METRA 2158 and 2155 - WEDNESDAY SEPT 5, 2018  
**Received:** Thur 09/06/2018 4:36:10 PM UTC

On Wednesday, September 5, 2018, Metra Train #2158 due Rondout 2031 stopped at Rondout per GPS data at 2040 hrs. and was held by 812 empty coal train who had to operate via Tower A5 and then make a main line crew change on the Elgin Sub. My understanding is the Dispatcher was directed by the Chief Dispatcher to intentionally hold the scheduled Metra train in order to follow 812 due to the crew on 812 on "short time". Doing this resulted in not only the initial delay to 2158 at Rondout, but additional delay as 2158 following 812 enroute on signals. Bear in mind that 812 had to negotiate the UP controlled crossing at Mayfair as well as the 10 MPH move around the wye at Tower A5 directly ahead of 2158. To help mitigate the delay, Dispatcher arrange for 2158 to run on #1 MT from Mayfair to Tower A5, however this did not help as 2158 still had to wait at each station while passengers who were blocked by 812 made it across to the opposite platform. 2158 arrived Chicago at 2146, 12 minutes late causing their "flip" 2155 to depart Chicago 12 minutes late and arrive Fox Lake 9 minutes late. Both trains considered to be "reportable" delays. A fact also to be considered is that with 812's remaining time short enough to have prompted a move, any of the many unforeseen variables that frequently cause freight trains to stop even briefly would have resulted in 812 being stranded on trackage for an extended period of time while a qualified relief crew was located or called and transported.

Moving forward, it is requested that crews on all traffic allowed to enter Metra territory have sufficient time to not only reach their destination but enough of a "buffer" to allow for at least momentary stops at cross traffic locations, etc., and be run in a responsible manner that does not intentionally cause delay to our scheduled trains.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | roppenheim@metrarr.com  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Donnie McKelvey[donnie\_mckelvey@cpr.ca]; Matt Bailey[matt\_bailey@cpr.ca];  
Brandon Billingsley[brandon\_billingsley@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet  
Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 11/21/2018 11:56:06 AM UTC  
**Subject:** Excessive Delay to Metra 2255 TUE NOV 21 2018  
**Received:** Wed 11/21/2018 11:56:08 AM UTC

Metra 2255 last night arrived Big Timber Road 17 minutes late last night. They were held 13 minutes at Tower B17 waiting for a lengthy 1 clear the plant. 198 was moved between 2256 and 2255, a window that is clearly not big enough for a train of that size. To make matters then ran a CN freight across Spaulding ahead of them delaying 2255 for an additional 8 minutes.

Sent from my iPhone

**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Donnie McKelvey[donnie\_mckelvey@cpr.ca]; Matt Bailey[matt\_bailey@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]  
**From:** Rich Oppenheim  
**nt:** Wed 11/21/2018 11:56:06 AM UTC  
**Subject:** Excessive Delay to Metra 2255 TUE NOV 21 2018  
**Received:** Wed 11/21/2018 11:56:08 AM UTC

Metra 2255 last night arrived Big Timber Road 17 minutes late last night. They were held 13 minutes at Tower B17 waiting for a lengthy 1 clear the plant. 198 was moved between 2256 and 2255, a window that is clearly not big enough for a train of that size. To make matters then ran a CN freight across Spaulding ahead of them delaying 2255 for an additional 8 minutes.

Sent from my iPhone

**To:** David Rodriguez[DRodriguez@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]  
**Cc:** Peter J. Zwolfer[PZwolfer@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Shamonda Jones[SJones@METRARR.COM]; Joe Bratta[JBratta@METRARR.COM]; Keith Georgeff[KGeorgeff@METRARR.COM]; Israel Gonzalez[IGonzalez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Cook[DCook@METRARR.COM]; Tim Tabisz[TTabisz@METRARR.COM]; Ron Wesolowski[RWesolowski@METRARR.COM]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; Donnie McKelvey[Donnie\_McKelvey@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Fri 06/08/2018 1:00:11 PM UTC  
**Subject:** RE: FrtDelaySummaryTableJan2011-Dec2018.xls - CP additions  
**Received:** Fri 06/08/2018 1:00:13 PM UTC

Add for CP –

2227 10" due to NS 17V going into Bensenville yard at B12 from #2 MT to 4 –lead. Yardmaster told Elgin Dispatcher that route for 17V was lined, but crew (who dragged their feet all the way from the BRC) still had to stop and get one switch. Had to turn 2225-7412 on #1 MT at Franklin Park and 17V was still not clear when 7412 came back. 7412 and 2227 waited on #1 MT looking at each other until 17V finally cleared and 7412 could cross over.

2245 7" CP-287 off BRC to go to B17 and Bryn Mawr to C&M came off #3 MT at Cicero East and ran #3 MT to B12 with 2245 running on #1 MT. Elgin Dispatcher had B12 run 287 right in front of 2245 to B17 instead of crossing 287 over behind 2245.

**From:** David Rodriguez  
**Sent:** Friday, June 08, 2018 5:48 AM  
**To:** Marty Ryan <mryan@METRARR.COM>  
**Cc:** Peter J. Zwolfer <PZwolfer@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Shamonda Jones <SJones@METRARR.COM>; Joe Bratta <JBratta@METRARR.COM>; Keith Georgeff <KGeorgeff@METRARR.COM>; Israel Gonzalez <IGonzalez@METRARR.COM>; Rich Oppenheim <ROppenheim@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; David Cook <DCook@METRARR.COM>; Tim Tabisz <TTabisz@METRARR.COM>; Ron Wesolowski <RWesolowski@METRARR.COM>  
**Subject:** FrtDelaySummaryTableJan2011-Dec2018.xls

Marty

5 reportable freight delays yesterday. MTD total is 17 for the month of June thru the 7<sup>th</sup>. Averaging 2.4 per day against a 3.0 per day target.

Through the 7<sup>th</sup> of June 2018 Highlights:

- ☐ 0 – HCD Reportable Delays attributed to freight
- ☐ 1- Reportable Freight Delay attributed to the CN
- ☐ 1- Reportable Freight Delay attributed to the UP

Here is the breakdown by carrier:

|    |             |
|----|-------------|
| 05 | BN (5-BN)   |
| 03 | CP (3-MilW) |
| 03 | NS (3-SWS)  |
| 02 | CSX (3-SWS) |
| 01 | Amt (1-SWS) |
| 01 | CN (1-NCS)  |
| 01 | IHB (1-SWS) |
| 01 | UP (1-UPW)  |
| 00 | BRC         |



**To:** Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Chuck Hubbard[Chuck\_Hubbard@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; John Abrahamson[John\_Abrahamson@cpr.ca]; Donnie McKelvey[Donnie\_McKelvey@cpr.ca]; Nick Walker[Nicholas\_C\_Walker@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; Jack Bauer[JBauer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 08/28/2018 1:53:40 PM UTC  
**Subject:** RE: Interference to Metra Peak Period trains 2231, 2233, 2235, and 2237  
**Received:** Tue 08/28/2018 1:53:44 PM UTC

Lucas –

Thanks for the response. I have not yet received a response from anyone in Bensenville Yard, but I would have to think that from your standpoint there would be serious concerns if yard personnel are providing your Dispatchers with information that is not true. Clearly this type of situation could have a significantly negative impact on your Operations as well as on ours. I would appreciate your sharing any further follow up that may take place regarding this situation. Thanks, again.

**Rich Oppenheim,**  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661

**From:** Lucas Lingenfelter [mailto:Lucas\_Lingenfelter@cpr.ca]  
**Sent:** Tuesday, August 28, 2018 8:00 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Cc:** Chuck Hubbard <Chuck\_Hubbard@cpr.ca>  
**Subject:** RE: Interference to Metra Peak Period trains 2231, 2233, 2235, and 2237

As I understand the situation Rich, you have already talked to the East Director in the Minneapolis Operations Center, and was explained this is an issue with the yard accepting the train and then not being ready to receive it. Senior Management here in the MOC also informed me they assisted with the coordination involving the yard to assure there would be no delay with this train clearing. As it turned out, the yard not only had a train in the way of the CP 198 clearing, but additionally failed to line all switches for the route as promised. I'm not sure if they have replied to you yet on this, but the corrective actions need to be done in the yard operations on this one.

**Lucas Lingenfelter**  
 Director Dispatching  
 O 612-904-5867  
 C 612-380-7954  
 120 South 6<sup>th</sup> Street  
 Minneapolis, MN 55402

CP

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Friday, August 24, 2018 6:07 AM  
**To:** Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>  
**Subject:** Fwd: Interference to Metra Peak Period trains 2231, 2233, 2235, and 2237

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Sent from my iPhone  
 Begin forwarded message:

**From:** <Roppenheim@METRARR.COM>  
**Date:** August 23, 2018 at 10:55:39 PM CDT  
**To:** Vic Flores <VFlores@METRARR.COM>, Pete J Zwolfer <pzwolfer@metrarr.com>, Matt Bailey <Matt\_Bailey@cpr.ca>, Marty Ryan <mryan@METRARR.COM>, "John Abrahamson" <john\_abrahamson@cpr.ca>, Jcarboneelli@Metarr. Com <JCarboneelli@METRARR.COM>, Donnie McKelvey <donnie\_mckelvey@cpr.ca>, <brandon\_billingsley@metrarr.com>, <nick\_walker@cpr.ca>, <moc\_director\_east@cpr.ca>, <lucas\_linkenfelter@cpr.ca>, Paul Zwolfer <pzwolfer@METRARR.COM>  
**Cc:** <chuck\_hubbard@cpr.ca>, <JBauer@Metarr. Com>, <JBauer@METRARR.COM>  
**Subject:** Interference to Metra Peak Period trains 2231, 2233, 2235, and 2237

This evening, Metra 2231 was held at Tower B17 approximately 15 minutes for CP 198 at 12,000 feet to enter Bensenville Yard from the Cut-off. The delay to 2231 carried over to 2233, and 2235 who all arrived their destinations 13 minutes late, and 2237 who arrived 8 minutes late. 2231 and 2237 carry an average of 1100 Metra customers each, and 2233 approximately 700. At 12,000 feet, it would have been next to impossible for 198 to clear in the 25 minute window between 2227 and 2231 without causing delay, even if all the yard switches had been lined for 198, which they were not. Moving 198 in this manner not only inconvenienced thousands of our customers, but also represented a gross disregard for the terms of the Metra CP Operating Agreement which specifically prohibits interference with Metra Peak Period trains. Please review the handling of this situation this evening and advise what steps will be taken to prevent a recurrence.

If I can be of any assistance in this endeavor, please let me know.

Rich Oppenheim, Assistant Superintendent  
 Metra CUS District Operations  
[Roppenheim@metrarr.com](mailto:Roppenheim@metrarr.com)  
 Office. 312-322-8939  
 Cell 312-735-8576

Sent from my iPhone

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 IMPORTANT NOTICE - AVIS IMPORTANT -----

**To:** Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Donnie McKelvey[Donnie\_McKelvey@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; 'chuck\_hubbard@cpr.ca'[chuck\_hubbard@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Tue 10/30/2018 3:31:23 PM UTC  
**Subject:** Delays to Metra 2251-2256 MON OCT 29, 2018  
**Received:** Tue 10/30/2018 3:31:25 PM UTC

Metra 2251 on Mon Oct 29<sup>th</sup> was delayed **18 minutes** at Galewood East due to being held for inbound 2252 who had to run East on #1 MT due to CP-198 (11,300 feet) pulling into yard at Tower B12 from #2 MT, thus leaving only #1 MT open to run trains. As information, 2251 and 2252 are scheduled to meet between Elmwood Park and Mont Clare so bringing this lengthy 198 into the yard at B12 in this manner insured a significant delay to Metra's scheduled trains. 2256 who "flips" from 2251 at Big Timber Road was also delayed 12 minutes as a result of this operation. These extensive delays could likely have been avoided if 198 had been staged to come through B12 directly behind an EWD Metra train which would have created a close to 1-hour window in which to maneuver this lengthy train into the yard. In order to avoid similar delays to scheduled Metra trains in the future, we ask that this type of staging be implemented, as well as availing every opportunity to have route into yard lined up in advance for the train. Thanks for any assistance you can give.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661



**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]  
**Cc:** John Abrahamson[John\_Abrahamson@cpr.ca]; Arthur Clark[arthur\_clark@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Sat 03/24/2018 1:23:02 PM UTC  
**Subject:** 2256 Fri March 23  
**Received:** Sat 03/24/2018 1:23:04 PM UTC

TOPS1501\_BN.PDF  
TOPS1501\_HCD.PDF  
TOPS1501\_MEDML.PDF  
TOPS1501\_MEDSC.PDF  
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TOPS1501\_MWDW.PDF  
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TOPS1501\_RID.PDF  
TOPS1501\_SWS.PDF  
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TOPS1501\_UPNW.PDF  
TOPS1501\_UPW.PDF

2256 showing 18 minute delay at Tower B12 for freight interference. Please advise circumstances.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Metra Mainframe Information Systems

Sent: Saturday, March 24, 2018 04:47

To: MAINFRAME (HFK)

Subject: TOPS Daily Incident Report

This report is generated from Metra Information Systems

**To:** Arthur Clark[arthur\_clark@cpr.ca]; Nick Walker[nick\_walker@cpr.ca]  
**Cc:** MOC Director East[MOC\_Director\_East@cpr.ca]; Niki Marthe[Niki\_Marthe@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; Chuck Hubbard[chuck\_hubbard@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sat 03/24/2018 4:14:43 PM UTC  
**Subject:** Fw: 2256 Fri March 23  
**Received:** Sat 03/24/2018 4:14:46 PM UTC

The crews who handle NS 17V are consistently excessively slow clearing in to the yard. Very often this train is moved in a window that for train should be sufficient, but 17V always seems to take much longer. Is there any way to work with these crews and hopefully speed up process?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message  
**From:** Israel Gonzalez <IGonzalez@METRARR.COM>  
**Sent:** Saturday, March 24, 2018 09:48  
**To:** Rich Oppenheim  
**Subject:** RE: 2256 Fri March 23

It was a 6300' 17V that came out of 4L to MT2 after 2254 cleared. That route fired off at 2210 and 17V knocked it down at 2214. 17V could west on MT3 because G47 was on that track. B12 dispatcher lined up 17V at B12 MT2 to 6L at 2210. 17V knocked down B12 at 2230 and clear the interlocking until 2316.

Israel Gonzalez  
 (312)597-1004

-----Original Message-----  
**From:** Rich Oppenheim  
**Sent:** Saturday, March 24, 2018 9:26 AM  
**To:** Metra CCF Dispatching  
**Subject:** Fw: 2256 Fri March 23

Can you check B12 sheet and/or replay se what got 2256 for 18 minutes.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.  
 Original Message  
**From:** MOC Director East <MOC\_Director\_East@cpr.ca>  
**Sent:** Saturday, March 24, 2018 08:45  
**To:** Rich Oppenheim; Niki Marthe  
**Cc:** John Abrahamson; Arthur Clark  
**Subject:** RE: 2256 Fri March 23

Just going off of what our train sheet is showing a 17VB3-22 cleared B12 at 2253 and Metra 2256 cleared B12 at 2321. On time is 2256. I else showing. Will have to advise once 2nd trick dispatcher reports for duty.

-----Original Message-----  
**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Saturday, March 24, 2018 8:23 AM  
**To:** MOC Director East; Niki Marthe  
**Cc:** John Abrahamson; Arthur Clark  
**Subject:** 2256 Fri March 23

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

=====

2256 showing 18 minute delay at Tower B12 for freight interference. Please advise circumstances.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.  
 Original Message  
**From:** Metra Mainframe Information Systems  
**Sent:** Saturday, March 24, 2018 04:47  
**To:** MAINFRAME (HFK)  
**Subject:** TOPS Daily Incident Report

This report is generated from Metra Information Systems

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**PUBLIC VERSION****EXHIBIT B-2**

**To:** John Abrahamson[John\_Abrahamson@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Donnie McKelvey[Donnie\_McKelvey@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]  
**Cc:** Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 07/25/2018 5:38:37 PM UTC  
**Subject:** FW: Passenger complaint - Metra trains on opposite track at Bartlett due to split platforms  
**Received:** Wed 07/25/2018 5:42:45 PM UTC

Please refer to passenger complaint received today regarding operation of Metra 2200 on #1 MT between Tower B35 and Roselle West yesterday due to CP G35 working at Spaulding with Control point blocked. Also see our response below the complaint. As we have discussed before, operation of Metra trains on other than their regular tracks can create unique challenges for our customers, as well as a potential for more serious issues should someone arriving at the last minute somehow misjudge the speed of the approaching train and dash across the tracks in their zeal to not miss their train. This is particularly important in the case of Bartlett where the #2 MT platform and the #1 MT platform are a good city block away from each other. We understand that track work, signal problems, and some unforeseen occurrences necessitate operating on the opposite main, but we again request this only be done where it cannot otherwise be avoided. As to G35 switching at Spaulding, if they keep their train on #2 MT West of the Spaulding control point with the East Electric Lock switch lined for #2 MT except when needed for an immediate movement, there should be no problem bringing EWD Metra trains on #1 MT from B35 to Spaulding and then crossing back over to #2 MT before reaching the first passenger station at Bartlett. Please share this with Elgin Dispatchers and B17 Operators. Thanks for your assistance.

**Rich Oppenheim,**  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**From:** Metra Service Desk [mailto:servicedesk@metrarr.com]  
**Sent:** Wednesday, July 25, 2018 11:27 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Subject:** Issue #30406, Next Action assigned: 2018-07-25, md-w, Stations/Facilities (Transportation) As Next Action Group Member

\*==\*

Next Action has been set for following Issue in IssueTrak:  
To view this Issue in detail, click [HERE](#).

Issue #: 30406  
Subject: 2018-07-25, md-w, Stations/Facilities  
Status: Open  
Class: Customer Service  
Issue Type: Transportation MD-W  
Subtype 1: Complaint  
Subtype 2: Employee Performance



Priority: Medium

Project:

Location: 547 – 12th Floor 547 – 12th Floor

Organization: Transportation

Submitted By: Metra Rail on 25-Jul-2018

Assigned To: Metra Responds Group on 25-Jul-2018

Next Action: CUS Transportation Response Group on 25-Jul-2018

#### Issue Description:

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Rail Line:md-w Message:Bartlett has 2 train platforms. Inbound trains are supposed to pick up at the new depot but the 426am often picks up at the old depot (which is for outbound trains). Which means riders are running down to the other depot in order to not miss their train. There was no alert on the page letting us know what depot to go to. Its dangerous and people are going to miss their train because of this. Please either stick to the correct inboundoutbound stations or put up a service alert so we know where to be in the early morning hours Date:2018-07-25 Time:4 : 26 AM

METRA RESPONSE: Thank you for writing. The separated platforms at Bartlett are unique to the Metra system. They were constructed this way at the request of the Village of Bartlett whose goal was to alleviate traffic backups on Oak Avenue which used to occur when trains stopping at the depot kept the gates at that crossing lowered. The logistical problems which occur when operational needs require running train on other than their main tracks were unfortunately not foreseen when Metra Engineering planners agreed to Bartlett's request many years ago. As required by the Metra – Canadian Pacific Operating agreement established when Metra came into existence, trains on Metra's Milwaukee West Line are dispatched by Canadian Pacific train dispatchers in Minneapolis. On those occasions where our Train 2200 operates on the regular outbound track, it is usually due to freight interchange activities taking place at Spaulding 2 miles West of Bartlett. We have on numerous occasions requested that CP keep our trains on their normal tracks except in cases of emergency or when significant delays would otherwise occur. We will pass along your complaint to our counterparts at Canadian Pacific and again request that they orchestrate their freight activities in such a way that allows our trains to operate on their regular tracks. Please be aware that on those occasions where Metra trains do need to operate on other than their regular tracks, protocol calls for the CP Dispatcher to notify Metra's GPS center who then makes platform announcements. In most cases insufficient lead time will preclude written alerts from being sent.

**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** Victor Flores[VFlores@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Matt Bailey[Matt\_Bailey@cpr.ca]; Marty Ryan[mryan@METRARR.COM]; John Abrahamson[john\_abrahamson@cpr.ca]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Donnie McKelvey[donnie\_mckelvey@cpr.ca]; brandon\_billingsley@metrarr.com[brandon\_billingsley@metrarr.com]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; moc\_director\_east@cpr.ca[moc\_director\_east@cpr.ca]; lucas\_linkenfelter@cpr.ca[lucas\_linkenfelter@cpr.ca]; Paul wolfer[pazwolfer@METRARR.COM]  
**Cc:** chuck\_hubbard@cpr.ca[chuck\_hubbard@cpr.ca]; Jack Bauer[JBauer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 08/24/2018 3:55:39 AM UTC  
**Subject:** Interference to Metra Peak Period trains 2231, 2233, 2235, and 2237  
**Received:** Fri 08/24/2018 3:55:58 AM UTC

This evening, Metra 2231 was held at Tower B17 approximately 15 minutes for CP 198 at 12,000 feet to enter Bensenville Yard from the north. The delay to 2231 carried over to 2233, and 2235 who all arrived their destinations 13 minutes late, and 2237 who arrived 8 minutes late. 2237 carry an average of 1100 Metra customers each, and 2233 approximately 700. At 12,000 feet, it would have been next to impossible to clear in the 25 minute window between 2227 and 2231 without causing delay, even if all the yard switches had been lined for 198, which it was not. Moving 198 in this manner not only inconvenienced thousands of our customers, but also represented a gross disregard for the terms of the Metra-CP Operating Agreement which specifically prohibits interference with Metra Peak Period trains. Please review the handling of this situation this evening and advise what steps will be taken to prevent a recurrence.

If I can be of any assistance in this endeavor, please let me know.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operations  
Roppenheim@metrarr.com  
Office. 312-322-8939  
Cell 312-735-8576

Sent from my iPhone



To: Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]  
 From: Rich Oppenheim  
 Sent: Fri 08/24/2018 11:06:55 AM UTC  
 Subject: Fwd: Interference to Metra Peak Period trains 2231, 2233, 2235, and 2237  
 Received: Fri 08/24/2018 11:07:04 AM UTC

Sent from my iPhone

Begin forwarded message:

**From:** <ROppenheim@METRARR.COM>  
**Date:** August 23, 2018 at 10:55:39 PM CDT  
**To:** Vic Flores <VFlores@METRARR.COM>, Pete J Zwolfer <pzwolfer@metrarr.com>, Matt Bailey <Matt\_Bailey@cpr.ca>, Marty Ryan <mryan@METRARR.COM>, "John Abrahamson" <john\_abrahamson@cpr.ca>, J Carbone <jcarbone@Metrarr.Com>, "J Carbone" <JCarbone@METRARR.COM>, Donnie McKelvey <donnie\_mckelvey@cpr.ca>, <brandon\_billingsley@metrarr.com>, <nick\_walker@cpr.ca>, <moc\_director\_east@cpr.ca>, <lucas\_lingenfelter@cpr.ca>, Paul Zwolfer <pzwolfer@METRARR.COM>  
**Cc:** <chuck\_hubbard@cpr.ca>, <JBauer@Metrarr.Com>, <JBauer@METRARR.COM>  
**Subject:** Interference to Metra Peak Period trains 2231, 2233, 2235, and 2237

This evening, Metra 2231 was held at Tower B17 approximately 15 minutes for CP 198 at 12,000 feet to enter Bensenville Yard from the Cut-off. The delay to 2231 carried over to 2233, and 2235 who all arrived their destinations 13 minutes late, and 2237 who arrived 8 minutes late. 2231 and 2237 carry an average of 1100 Metra customers each, and 2233 approximately 700. At 12,000 feet, it would have been next to impossible for 198 to clear in the 25 minute window between 2227 and 2231 without causing delay, even if all the yard switches had been lined for 198, which they were not. Moving 198 in this manner not only inconvenienced thousands of our customers, but also represented a gross disregard for the terms of the Me CP Operating Agreement which specifically prohibits interference with Metra Peak Period trains. Please review the handling of this situation this evening and advise what steps will be taken to prevent a recurrence.

If I can be of any assistance in this endeavor, please let me know.

Rich Oppenheim, Assistant Superintendent  
 Metra CUS District Operations  
 ROppenheim@metrarr.con  
 Office. 312-322-8939  
 Cell 312-735-8576

Sent from my iPhone



**To:** Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Peter J. Zwolfer[PZwolfer@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 08/09/2018 1:13:51 PM UTC  
**Subject:** RE: Delay to Metra 2254 at Galewood East  
**Received:** Thur 08/09/2018 1:13:53 PM UTC

Thanks, Lucas.

**From:** Lucas Lingenfelter [mailto:Lucas\_Lingenfelter@cpr.ca]  
**Sent:** Thursday, August 09, 2018 8:09 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Subject:** RE: Delay to Metra 2254 at Galewood East

Rich,

This situation will be reviewed with all dispatchers qualified on Metra territory. Thanks.

Luke

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Wednesday, August 8, 2018 10:48 PM  
**To:** Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>  
**Subject:** Fwd: Delay to Metra 2254 at Galewood East

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---

Sent from my iPhone  
 Begin forwarded message:

**From:** <ROppenheim@METRARR.COM>  
**Date:** August 8, 2018 at 10:45:34 PM CDT  
**To:** <moc\_director\_east@cpr.ca> John Abrahamson<john\_abrahamson@cpr.ca>, <nick\_walker@cpr.ca> Donnie McKelvey <donnie\_mckelvey@cpr.ca> Matt Bailey <matt\_bailey@cpr.ca>, <brandon\_billingsley@metrarr.com> <lucas\_lingenfelter@cpr.ca>  
**Cc:** Vic Flores <vflores@metrarr.com>, Marty Ryan <mryan@metrarr.com>, "Pete J Zwolfer" <pzwolfer@metrarr.com>, Janet Carbonelli <jcarbonelli@metrarr.com>  
**Subject:** Delay to Metra 2254 at Galewood East

Metra 2254 tonight held 15 minutes on #3 MT at Galewood East blocked by 581 tripling out West end of Galewood Yard toward #2 MT. It appears there was insufficient time to make this move ahead of scheduled Metra train. Move could have been set up behind last inbound Metra 2256, or could have doubled, pulled out toward #2 Main to let 2254, then completed triple. Delay to 2254 will carry over to 2255 who has tight flip from 2254 at CUS. Please discuss with Elgin Dispatcher to avoid this type of situation in the future.

Sent from my iPhone

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**To:** Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Tue 11/13/2018 12:17:31 PM UTC  
**Subject:** Fwd: Metra Delays on Elgin Sub MON NOV 12, 2018  
**Received:** Tue 11/13/2018 12:17:33 PM UTC

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[TOPS1501\\_HCD.PDF](#)  
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[TOPS1501\\_MEDML.PDF](#)  
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[ATT00011.htm](#)  
[TOPS1501\\_UPNW.PDF](#)  
[ATT00012.htm](#)  
[TOPS1501\\_UPW.PDF](#)  
[ATT00013.htm](#)

Sent from my iPhone

Begin forwarded message:

**From:** Rich Oppenheim <[ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)>  
**Date:** November 13, 2018 at 6:15:57 AM CST  
**To:** Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>, "Peter J. Zwolfer" <[PZwolfer@METRARR.COM](mailto:PZwolfer@METRARR.COM)>, Matt Bailey <[Matt\\_Bailey@cpr.ca](mailto:Matt_Bailey@cpr.ca)>, Marty Ryan <[mryan@METRARR.COM](mailto:mryan@METRARR.COM)>, John Abrahamson <[john\\_abrahamson@cpr.ca](mailto:john_abrahamson@cpr.ca)>, Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>, Donnie McKelvey <[donnie\\_mckelvey@cpr.ca](mailto:donnie_mckelvey@cpr.ca)>, "brandon billingsley@metrarr.com" <[brandon\\_billingsley@metrarr.com](mailto:brandon_billingsley@metrarr.com)>, "nick walker@cpr.ca" <[nick\\_walker@cpr.ca](mailto:nick_walker@cpr.ca)>, "moc\_director east@cpr.ca." <[moc\\_director\\_east@cpr.ca](mailto:moc_director_east@cpr.ca)>, "lucas\_lingenfelter@cpr.ca" <[lucas\\_lingenfelter@cpr.ca](mailto:lucas_lingenfelter@cpr.ca)>  
**Cc:** David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>  
**Subject:** Metra Delays on Elgin Sub MON NOV 12, 2018

Please refer to attached delay report for Monday, November 12, 2018, specifically Milwaukee West Line. Please note that there were 3 separate incidents in quick succession wherein scheduled Metra trains were delayed significantly by CP freight operations: #2248 delayed 13 minutes following freight from Spaulding to Tower B17, #2256 at Galewood East for a 2-287 doubling out of Galewood Yard, and 2255 blocked at Tower B17 for inbound freight pulling in yard from Cut-Off. As we have discussed in the past, it is essential that freight operations be structured in such a way the scheduled Metra Trains operating on Metra owned tracks are not subjected to these types of delays. Please follow up with Elgin Dispatchers involved so as to prevent any recurrence. Thank you for your assistance  
 Rich Oppenheim, Assistant Superintendent  
 Metra CUS District Operations  
 Office - 312-322-8939  
 Cell - 312-735-8576

Sent from my iPhone

Begin forwarded message:

**From:** Metra Mainframe Information Systems  
**Date:** November 13, 2018 at 4:47:50 AM CST  
**To:** "MAINFRAME (HFK)" <[MMainframe@METRARR.COM](mailto:MMainframe@METRARR.COM)>, "MAINFRAME (HFK)"  
<[MMainframe@METRARR.COM](mailto:MMainframe@METRARR.COM)>  
**Subject:** TOPS Daily Incident Report

This report is generated from Metra Information Systems



**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Donnie McKelvey[Donnie\_McKelvey@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; John Abrahamson[John\_Abrahamson@cpr.ca]; 'Niki Marthe'[Niki\_Marthe@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; 'MOC Director East'[MOC\_Director\_East@cpr.ca]  
**Cc:** Peter J. Zwolfer[PZwolfer@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; 'huck\_hubbard@cpr.ca'[chuck\_hubbard@cpr.ca]; Jack Bauer[JBauer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 08/27/2018 3:23:45 PM UTC  
**Subject:** Use of Metra Main Tracks Tower B17-Cicero West; Metra Delays  
**Received:** Mon 08/27/2018 3:23:48 PM UTC  
[doc02943420180827105002.pdf](#)

Several years ago, in the course of meetings held between Metra and CP Senior Management, concerns were expressed by Metra regarding the then prevalent use of the Metra-owned Main tracks in the Bensenville-Chicago terminal area for what were considered to be "yard activities". At the time, CP freight trains were routinely occupying these tracks for extended periods of time while picking up and setting out cars and/or locomotives, and to affect crew changes. In the meeting Metra was assured by CP that use of the Metra-owned Main Tracks was intended for MOVING trains, and as promised, most of these activities were curtailed. The only exception involved Main Line crew changes, which, although reduced for the most part following the meeting, continued to occur from time to time. When they did occur, these were usually orchestrated so that the crew change occurred quickly at Mannheim with the outbound crew standing by as the train pulled up, and were typically set to take place behind scheduled Metra trains so that delays did not occur to our service. Main line crew changes orchestrated in a responsible manner like this were acceptable, and as a result, began to occur more and more frequently. Unfortunately, the trend is now going back the other way. This past Saturday, for example,

1. A crew swap was set up at Galewood involving two CP trains, one of which was on #2 MT and one on #3 MT (I believe one may have been G52). This impacted Metra 2708 who was delayed 16 minutes in the process (see attached GPS report).
2. A CP-470 train (Loco BNSF 4930) went by Tower B17 at 1425 hrs on #2 MT and was parked West of Scott Street. For whatever reason this train remained Parked on Metra's #2 MT for almost 7 HOURS. It did not get by B12 until 2127. The single track situation ultimately affected Metra 2716 who was running out of slot due to an earlier pedestrian strike. And, yes, the pedestrian strike was unforeseen (although it did occur and was cleaned up long before 470 went down #2 Main), but the point is this is precisely why the Metra mains need to be fluid. We should not be forced into a single track operation when unforeseen occurrences take place.

On another note, there is again a daytime CN interchange move lined up to take place today involving a 380-003. As was pointed out the last time one of these moves was lined up, we essentially lack the infrastructure necessary for these moves to successfully occur while scheduled Metra operations are taking place. It was suggested when the CP-CN interchange was established that an additional Control point at Bartlett was necessary for these moves to take place without impacting our schedules. Short of that, these moves need to be scheduled during overnight hours. Interchange trains enroute to Spaulding need to leave Bensenville after Metra 2253 gets by B17 at 2212 hrs. Interchange train can then cross to #2 MT at Roselle West behind #2256 (last Metra inbound for the night) and then have plenty of time to occupy our #2 MT at Spaulding while the interchange takes place.

Thank you for your consideration and assistance.

Rich Oppenheim,  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | roppenheim@metrarr.com  
 547 W. Jackson Blvd., Chicago, IL 60661

To: Marshall Beecher[MBeecher@METRARR.COM]  
Cc: Victor Flores[VFlores@METRARR.COM]; MDC Illinois West Desk[MDC\_Illinois\_West\_Desk@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Josh Bahruth[joshua\_bahruth@cpr.ca]; brandon\_billingsley@metrarr.com[brandon\_billingsley@metrarr.com]; Matt Bailey[matt\_bailey@cpr.ca]  
From: Rich Oppenheim  
Sent: Wed 06/12/2019 2:56:58 AM UTC  
Subject: Re: MILW #2250  
Received: Wed 06/12/2019 2:57:00 AM UTC

We have discussed G35 Spaulding scenarios in the past. As a reminder:

Best plan: Follow 2253 out of B17 at 2215 x/o to #2 MT at Roselle West behind 2256 (last Metra Eastbound) and G35 has entire night on #2 MT to do work.

Next best: If they must be at Spaulding while Metras are still running they must assemble their train on #2 MT WEST of Spaulding Control point. EWD Metra trains run #1 MT Tower B35 to Spaulding and must cross back over to #2 MT at Spaulding. G35 crew must arrange to line and lock East switch for #2 MT whenever EWD Metra trains are due. Once G35 has train assembled West of Spaulding, brake tested and ready to go, wait for EWD Metra to x/o in front and then follow to B17.

Sent from my iPhone

On Jun 11, 2019, at 8:23 PM, Marshall Beecher <MBeecher@metrarr.com> wrote:

CP G35 was the reason. He had an hour window to get them out and heading east from Spaulding, their longest window but their move took too long. G35 departed there in advance of MW2250's arrival but they caught up to them before getting to Roselle. He was finally able to get MW2250 over 2-1 at Roselle of course by then the damage was done.

**Marshall W. Beecher**

**Trainmaster**

Chicago Union Station District

C: 312.257.0637

W: 312.542.8326

On Jun 11, 2019, at 7:51 PM, Victor Flores <VFlores@metrarr.com> wrote:

Marshall

When you can please provide info on delay

Thanks

Sent from my iPhone

Begin forwarded message:

**From:** Metra Notification <noreply@everbridge.net>

**Date:** June 11, 2019 at 7:47:19 PM CDT

**To:** "vflores@metrarr.com" <vflores@metrarr.com>

**Subject:** MILW #2250

**Reply-To:** Metra Notification <conf-5d004b91210ce14b815aa64e-5d004b8ee87b266540f49345@smtpic-ne.prdl.everbridge.net>

This is an *Alert* from the MetraNotification System.

[Please click here to acknowledge receipt of this message](#)

Train #2250, scheduled to arrive Chicago Union Station at 8:29 PM, is operating 15 to 20 minutes behind schedule due to freight train interference.



<https://MetraRail.com>



**To:** steven\_nettleton@cpr.ca[steven\_nettleton@cpr.ca]; Lucas\_Lingenfelter@cp.ca;  
nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet  
Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 07/30/2019 3:39:49 PM UTC  
**Subject:** Metra Delays MON-TUE JUL 29-30, 2019 - CP Freight interference  
**Received:** Tue 07/30/2019 3:39:50 PM UTC

## MONDAY JULY 29, 2019:

- ☐ 2215 held at Galewood East 17 mins for EWD freight to clear #2 MT, then crossover and use #2 MT to B12, loading and unloading passengers on crosswalks. #1 MT was OOS for Sayre Ave resurfacing and #3 MT was unavailable due to WWD freight pulling out of Galewood yard on to #3 MT.
- ☐ 2223 held 20 minutes at Tower B12 to meet 2242 running East on #1 MT from B17 around a CP 650 re-crewing on #2 MT at Mannheim. Lost time on 2242 on this move also impacted 2231 waiting for #3 MT to clear up. 2231 (a Peak Period Train) was 6 minutes late at Big Timber Road.

## TUES JULY 30, 2019

- ☐ Metra NCS 112 held 10 minutes at Tower B12 to follow CP-281 to Galewood East.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661



**To:** joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Joshua Pennington[Joshua\_Pennington@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 09/24/2019 6:31:06 PM UTC  
**Subject:** Metra Delays due to yard activities on Metra Main Tracks between Tower B12 and Tower B17  
**Received:** Tue 09/24/2019 6:31:07 PM UTC

The subject of CP freight movements occupying Metra Main Tracks between Tower B12 and Tower B17 has come up from time to time. In our discussions, it was agreed that yard-type activities such as picking up and setting out cars and locomotives would take place in the yard, or by using the two "cut-off" tracks between Tower B17 and Bryn Mawr. The Metra main tracks were to be used exclusively for moving trains with perhaps a brief stop for a crew change if crew could be in place to quickly accomplish it. Over the past few weeks we are seeing more and more instances of CP freight traffic parked between Tower B12 and Tower B17 with Metra trains single-tracking around them. Yesterday, two Westbound trains were stopped on #1 MT at Tower B17 while 3 inbound trains on both tracks came off the cut off. Metra single tracking went on for 3 hours or more. Today, 2-287-24 stopped at B17 @ 1100 hrs with a 581 train pulling up shortly behind them. 2-287 sat while a locomotive swap took place. Getting the fresh power back to the train resulted in a 12 to 13 minute delay to Metra 2217 who was running around both freights on #2 MT but had to wait at Tower B17 due to being blocked by the light power going back on 2-287's train. Metra 2236 also delayed @ 12-13 minutes at Tower B17 waiting for 2217 to clear up #2 MT once the light power got out of the way. It would be appreciated we could get back to using the 2 Metra Main Tracks between Tower B12 and Tower B17 for moving trains as had been agreed to.

**Rich Oppenheim,**  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

To: robert\_johnson@cpr.ca[robert\_johnson@cpr.ca]  
 Cc: Bruce Marcheschi[BMarcheschi@METRARR.COM]  
 From: Rich Oppenheim  
 Sent: Thur 08/08/2019 8:34:03 PM UTC  
 Subject: FW: Metra Delays due to CP Freight Interference - WED AUG 7, 2019  
 Received: Thur 08/08/2019 8:34:04 PM UTC

Robert =

Would you still be interested in a call tonight - or at another time more convenient? If you are available, Bruce Marcheschi would also like the conversation. We could use our conference bridge 312-322-8910 and then 8999#  
 Let me know if tonight is still a go..

-----Original Message-----

From: Rich Oppenheim  
 Sent: Wednesday, August 07, 2019 12:13 PM  
 To: 'Robert A Johnson' <Robert\_Johnson@cpr.ca>  
 Cc: Steven Nettleton <Steven\_Nettleton@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Charl Harrison <CHarrison@METRARR.COM>; NCarlsonforward <norman.carlson@sbcglobal.net>  
 Subject: RE: Metra Delays due to CP Freight Interference - WED AUG 7, 2019

Robert -

Do you have a time in mind? I do have some commitments Thursday evening but should be able to schedule them around the phone call know what works for you.

Rich

-----Original Message-----

From: Robert A Johnson [mailto:Robert\_Johnson@cpr.ca]  
 Sent: Wednesday, August 07, 2019 12:06 PM  
 To: Rich Oppenheim <ROppenheim@METRARR.COM>  
 Cc: Steven Nettleton <Steven\_Nettleton@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Charl Harrison <CHarrison@METRARR.COM>; NCarlsonforward <norman.carlson@sbcglobal.net>  
 Subject: Re: Metra Delays due to CP Freight Interference - WED AUG 7, 2019

Rich,

Lets pick up the phone and have a conversation as email is a improper way to resolve issue'm available Thursday evening: I'm out on the RR on an Inspection Trip.

Thanks

Robert Johnson  
 Executive VP Operations  
 CP Railway

> On Aug 7, 2019, at 10:46, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

>

> This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

>

> =====

> Robert -

>

> Thank you for your prompt response. I am often called upon to respond to customer inquiries as to why their train may have been running behind schedule at intermediate points. The reality is that, as you know, Operating Rules do not permit a train to depart a station in a schedule time. That fact, coupled with the myriad of situations that regularly come up -- such as ADA passengers who need to have their seats raised so that they can board or detrain, Engineering work that may require a train to slow down briefly for a Form B Bulletin in order to negotiate a work zone, train handling differences among engineers, some of whom may get in and out of stations faster than others, etc. - prompted us to design our schedules so that at intermediate stops, a train should not have to needlessly sit and wait for departure time to

around. In other words, the times at intermediate stations are achievable under essentially perfect conditions, but, more often than not, for reasons stated, and others, we do frequently tend to run a few minutes behind schedule. Our schedules are designed so that a 6 minute the case with 2230 today, will typically not prevent the train from arriving its final destination at the scheduled time. This is nothing new. Scheduling commuter trains in this manner has been the norm on our system - as well as throughout the industry - for as long as I have been in railroad operations. If CP is taking the stance that unless a scheduled train is running exactly 100% on its schedule they no longer need a schedule, then something is very wrong.

>  
> -----Original Message-----  
> From: Robert A Johnson [mailto:Robert\_Johnson@cpr.ca]  
> Sent: Wednesday, August 07, 2019 11:23 AM  
> To: Rich Oppenheim <ROppenheim@METRARR.COM>  
> Cc: Steven Nettleton <Steven\_Nettleton@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>; NCarlsonforward <norman.carlson@sbcglobal.net>  
> Subject: Re: Metra Delays due to CP Freight Interference - WED AUG 7, 2019  
>  
> Rich,  
>  
> Why was Metra late?  
>  
> Sent from my iPhone  
>  
> On Aug 7, 2019, at 10:13, Rich Oppenheim <ROppenheim@metrarr.com<mailto:ROppenheim@metrarr.com>> wrote:  
>  
> This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.  
>  
> WEDNESDAY- AUGUST 7, 2019  
> Metra 2230 is due at Tower B17 10:19 AM. Per Metra GPS data, train was operating 6 minutes behind schedule departing from the last before Tower B17. At 10:15 AM, 4 minutes before 2230 schedule time at Tower B17, CP deliberately dispatched an 11,000 foot 199 which too long to fit between Tower B17 and Bryn Mawr. UP wound up holding 199 at Bryn Mawr due to a local switch job occupying their #1 track of Bryn Mawr, and an Engineering Department employee holding Track Authority on their #2 track. Accordingly 199 stopped with rear end blocking Tower B17 control point until Engineering Department employee cleared the track and released his authority. Metra 2230 departed at 10:42 AM, 23 minutes late, incurring an additional 17 minutes delay beyond the original 6 minutes while waiting for 199 to clear.  
>  
> Why was it necessary to even attempt to move an 11,000 foot train so closely ahead of a scheduled Metra train, let alone one that know not be able to clear Metra owned Main Tracks without an immediate line up from a foreign line Dispatcher not under CP control?  
>  
> Metra 2230 typically carries over 400 passengers, many of whom are using our service to get them to time sensitive appointments. CP appears to be showing a blatant disregard for Metra operation and the customers who count on us to get them to their destinations on time. review the handling of CP-199 today in relation to our scheduled Metra train and advise if there were any extenuating circumstances that justified moving the train in this manner.  
>  
> Rich Oppenheim,  
> Assistant Superintendent  
> Metra CUS District Operations  
> P: 312-322-8939 C: 312-735-8576 | roppenheim@metrarr.com<mailto:roppenheim@metrarr.com>  
> 547 W. Jackson Blvd., Chicago, IL 60661  
>  
>  
>  
>  
> From: Rich Oppenheim  
> Sent: Tuesday, August 06, 2019 2:37 PM  
> To: Steven Nettleton <steven\_nettleton@cpr.ca<mailto:steven\_nettleton@cpr.ca>>; Lucas Lingenfelter <lucas\_lingenfelter@cpr.ca<mailto:lucas\_lingenfelter@cpr.ca>>; Nick Walker <nick\_walker@cpr.ca<mailto:nick\_walker@cpr.ca>>; Josh Bahruth <joshua\_bahruth@cpr.ca<mailto:joshua\_bahruth@cpr.ca>>; Brandon Billingsley <brandon\_billingsley@cpr.ca<mailto:brandon\_billingsley@cpr.ca>>; Matt Bailey <matt\_bailey@cpr.ca<mailto:matt\_bailey@cpr.ca>>  
> Cc: Bruce Marcheschi <BMarcheschi@METRARR.COM<mailto:BMarcheschi@METRARR.COM>>; Marty Ryan <mryan@METRARR.COM<mailto:mryan@METRARR.COM>>; Janet Carbonelli <JCarbonelli@METRARR.COM<mailto:JCarbonelli@METRARR.COM>>; Victor Flores <VFlores@METRARR.COM<mailto:VFlores@METRARR.COM>>; David Rodriguez <DRodriguez@METRARR.COM<mailto:DRodriguez@METRARR.COM>>; Charlie Harrison <CHarrison@METRARR.COM<mailto:CHarrison@METRARR.COM>>  
> Subject: Metra Delays due to CP Freight Interference - TUES AUG 6, 2019  
>

> Following delays to Metra Traffic on Elgin Sub today were due to CP freight interference:

- >
- > 2202 (-17) Arrived CUS @ 06:30. "Freight interference Wood Dale East; Stop signal B-17 (686-770) freight train yarding blocked by another locomotive, rear-end was hanging out [CP 686 hanging out on #2 MT at Tower B17 blocking 2202]"
- > 2203 (-20) Arrived Elgin @ 07:58. "Departed CUS late due to late arrival/turn of 2202, previous delay THIS IS A PEAK PERIOD TRAIN."
- > 2220 (-9) Arrived CUS @ 08:32. Departed Roselle late due to late arrival/turn of 7201, following tardy THIS IS A PEAK PERIOD TRAIN"
- > 2224 (-7) Arrived CUS @ 08:56. "Departed Franklin Park late due to following 2220 and 2221 THIS IS A PEAK PERIOD TRAIN."
- > 2226 (-14) Arrived CUS @ 09:14. "Departed Elgin late due to late arrival/turn of 2203; Stop signal THIS IS A PEAK PERIOD TRAIN."
- >
- >
- > 2232 (-32) Arrived CUS @ 12:15. "Stop signal B-12 freight interference (G57) wrong lineup into the yard, back up move"
- >

> This was due to a CP-686 that was run from Randall to Bensenville Yard ahead of 2202. Upon arrival at Bensenville Yard, 686 was blocked engine on the lead with train hanging out on #2 MT. Delay to 2202 will also affect 2203 as well as Peak Period Train 2226. Delays to 7201 2203 are likely potentially resulting in delays to Peak Period Trains 2220 and 2222.

> Rich Oppenheim, Assistant Superintendent Metra CUS District Operations

> Office: 312-322-8939

> Cell: 312-735-8576

> Sent from my iPhone

> Begin forwarded message:

> From: Metra <servicealerts@metramail.com> <mailto:servicealerts@metramail.com>>

> Date: August 6, 2019 at 5:54:15 AM CDT

> To: <roppenheim@metrarr.com> <mailto:roppenheim@metrarr.com>>

> Subject: Metra Alert MD-W - Train #2202, sched. to arrive Chicago Union Station at 6:13 AM - 18 to 22 minute delay, freight train interference

> [<https://protect-us.mimecast.com/s/gCoLCpYXDxin37xnHPNwMS>] <<https://protect-us.mimecast.com/s/hCirCqxMEyu8jV78sXZAYN>>

> Train #2202, scheduled to arrive Chicago Union Station at 6:13 AM, is operating 18 to 22 minutes behind schedule due to freight train interference. Please listen to platform announcements for the location of this train.

> This email was sent to: roppenheim@metrarr.com <mailto:roppenheim@metrarr.com>

> This email was sent by: Metra

> 547 W. Jackson Boulevard

> Chicago, IL 60661-5717 USA

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>  
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**To:** Robert A Johnson[Robert\_Johnson@cpr.ca]  
**Cc:** Steven Nettleton[Steven\_Nettleton@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; Nicholas C Walker[Nicholas\_C\_Walker@cpr.ca]; Joshua Bahruth[Joshua\_Bahruth@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Charlie Harrison[CHarrison@METRARR.COM]; NCarlsonforward[norman.carlson@sbcglobal.net]  
**From:** Rich Oppenheim  
**Sent:** Fri 08/09/2019 11:14:19 AM UTC  
**Subject:** Metra Delays due to CP Freight Interference - FRI AUG 9, 2019  
**Received:** Fri 08/09/2019 11:14:20 AM UTC

Metra 2200 This morning, Friday August 9, 2019 was stopped at Tower B17 approximately 25 minutes due to a CP-386 off the North Line started in to Bensenville Yard @ 0400 hrs but actually had no clear route into the yard because of an earlier locomotive derailment in the was known at the time 386 was released but train was released anyway. The delay to 2200 will carry over to 2201 (Peak Period Train) as 2222 (Also Peak Period Train) who both utilize 2200s crew and equipment. 2200 arrived Chicago 27 minutes late;

Rich Oppenheim, Assistant Superintendent  
 Metra CUS District Operations  
 Office 312-322-8839  
 Cell. 312-735-8576  
 Roppenheim@metrarr.com

Sent from my iPhone

> On Aug 7, 2019, at 11:46 AM, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

>

> Robert -

>

> Thank you for your prompt response. I am often called upon to respond to customer inquiries as to why their train may have been running behind schedule at intermediate points. The reality is that, as you know, Operating Rules do not permit a train to depart a station in advance of its scheduled time. That fact, coupled with the myriad of situations that regularly come up -- such as ADA passengers who need to have the train stopped and raised so that they can board or detrain, Engineering work that may require a train to slow down briefly for a Form B Bulletin in order to negotiate a work zone, train handling differences among engineers, some of whom may get in and out of stations faster than others, etc. - prompted us to design our schedules so that at intermediate stops, a train should not have to needlessly sit and wait for departure time to come around. In other words, the times at intermediate stations are achievable under essentially perfect conditions, but, more often than not, for reasons stated, and others, we do frequently tend to run a few minutes behind schedule. Our schedules are designed so that a 6 minute delay in the case with 2230 today, will typically not prevent the train from arriving its final destination at the scheduled time. This is nothing new. Scheduling commuter trains in this manner has been the norm on our system - as well as throughout the industry - for as long as I have been involved in railroad operations. If CP is taking the stance that unless a scheduled train is running exactly 100% on its schedule they no longer need to adhere to its schedule, then something is very wrong.

>

>

> -----Original Message-----

> From: Robert A Johnson [mailto:Robert\_Johnson@cpr.ca]

> Sent: Wednesday, August 07, 2019 11:23 AM

> To: Rich Oppenheim <ROppenheim@METRARR.COM>

> Cc: Steven Nettleton <Steven\_Nettleton@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>; NCarlsonforward <norman.carlson@sbcglobal.net>

> Subject: Re: Metra Delays due to CP Freight Interference - WED AUG 7, 2019

>

> Rich,

>

> Why was Metra late?

>

> Sent from my iPhone

>

> On Aug 7, 2019, at 10:13, Rich Oppenheim <ROppenheim@metrarr.com<mailto:ROppenheim@metrarr.com>> wrote:

>

> This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

>

> WEDNESDAY-- AUGUST 7, 2019

> Metra 2230 is due at Tower B17 10:19 AM. Per Metra GPS data, train was operating 6 minutes behind schedule departing from the yard before Tower B17. At 10:15 AM, 4 minutes before 2230 scheduled time at Tower B17, CP deliberately dispatched an 11,000 foot 199 which was too long to fit between Tower B17 and Bryn Mawr. UP wound up holding 199 at Bryn Mawr due to a local switch job occupying their #1 track.

of Bryn Mawr, and an Engineering Department employee holding Track Authority on their #2 track. Accordingly 199 stopped with rear end blocking Tower B17 control point until Engineering Department employee cleared the track and released his authority. Metra 2230 depart B17 at 10:42 AM, 23 minutes late, incurring an additional 17 minutes delay beyond the original 6 minutes while waiting for 199 to clear.

> Why was it necessary to even attempt to move an 11,000 foot train so closely ahead of a scheduled Metra train, let alone one that know it be able to clear Metra owned Main Tracks without an immediate line up from a foreign line Dispatcher not under control?

> Metra 2230 typically carries over 400 passengers, many of whom are using our service to get them to time sensitive appointments. CP appears to be showing a blatant disregard for Metra operation and the customers who count on us to get them to their destinations on time. review the handling of CP-199 today in relation to our scheduled Metra train and advise if there were any extenuating circumstances that justified moving the train in this manner.

> Rich Oppenheim,  
 > Assistant Superintendent  
 > Metra CUS District Operations  
 > P: 312-322-8939 C: 312-735-8576 | roppenheimer@metrarr.com<mailto:roppenheimer@metrarr.com>  
 > 547 W. Jackson Blvd., Chicago, IL 60661

> From: Rich Oppenheim  
 > Sent: Tuesday, August 06, 2019 2:37 PM  
 > To: Steven Nettleton <steven\_nettleton@cpr.ca<mailto:steven\_nettleton@cpr.ca>>; Lucas Lingenfelter  
 <lucas\_lingenfelter@cpr.ca<mailto:lucas\_lingenfelter@cpr.ca>>; nick\_walker@cpr.ca<mailto:nick\_walker@cpr.ca>; Josh Bahruth  
 <joshua\_bahruth@cpr.ca<mailto:joshua\_bahruth@cpr.ca>>; Brandon Billingsley  
 <brandon\_billingsley@cpr.ca<mailto:brandon\_billingsley@cpr.ca>>; Matt Bailey <matt\_bailey@cpr.ca<mailto:matt\_bailey@cpr.ca>>  
 > Cc: Bruce Marcheschi <BMarcheschi@METRARR.COM<mailto:BMarcheschi@METRARR.COM>>; Marty Ryan  
 <mryan@METRARR.COM<mailto:mryan@METRARR.COM>>; Janet Carbonelli  
 <JCarbonelli@METRARR.COM<mailto:JCarbonelli@METRARR.COM>>; Victor Flores  
 <VFlores@METRARR.COM<mailto:VFlores@METRARR.COM>>; David Rodriguez  
 <DRodriguez@METRARR.COM<mailto:DRodriguez@METRARR.COM>>; Charlie Harrison  
 <CHarrison@METRARR.COM<mailto:CHarrison@METRARR.COM>>  
 > Subject: Metra Delays due to CP Freight Interference - TUES AUG 6, 2019

Following delays to Metra Traffic on Elgin Sub today were due to CP freight interference:

> 2202 (-17) Arrived CUS @ 06:30. -5 Freight interference Wood Dale East; -2 Stop signal B-17 (686-770) freight train yarding blocked by  
 another locomotive, rear-end was hanging out [CP 686 hanging out on #2 MT at Tower B17 blocking 2202]  
 > 2203 (-20) Arrived Elgin @ 07:58. -14 Departed CUS late due to late arrival/turn of 2202, previous delay THIS IS A PEAK PERIOD TRAIN.  
 > 2220 (-9) Arrived CUS @ 08:32. Departed Roselle late due to late arrival/turn of 7201, following tardy THIS IS A PEAK PERIOD TRAIN.  
 > 2224 (-7) Arrived CUS @ 08:56. -2 Departed Franklin Park late due to following 2220 and 2222 THIS IS A PEAK PERIOD TRAIN.  
 > 2226 (-14) Arrived CUS @ 09:14. -1 Departed Elgin late due to late arrival/turn of 2203; Stop signal THIS IS A PEAK PERIOD TRAIN.  
 > 2232 (-32) Arrived CUS @ 12:15. -3 Stop signal B-12 freight interference (G57) wrong lineup into the yard, back up move

> This was due to a CP-686 that was run from Randall to Bensenville Yard ahead of 2202. Upon arrival at Bensenville Yard, 686 was blocked engine on the lead with train hanging out on #2 MT. Delay to 2202 will also affect 2203 as well as Peak Period Train 2226. Delays to 7201 2203 are likely potentially resulting in delays to Peak Period Trains 2220 and 2222.

> Rich Oppenheim, Assistant Superintendent Metra CUS District Operations  
 > Office: 312-322-8939  
 > Cell 312-735-8576  
 > Sent from my iPhone

> Begin forwarded message:  
 > From: Metra <servicealerts@metramail.com<mailto:servicealerts@metramail.com>>  
 > Date: August 6, 2019 at 5:54:15 AM CDT  
 > To: <roppenheimer@metrarr.com<mailto:roppenheimer@metrarr.com>>  
 > Subject: Metra Alert MD-W - Train #2202, sched. to arrive Chicago Union Station at 6:13 AM - 18 to 22 minute delay, freight train interference

> [https://protect-us.mimecast.com/s/G5X4Czpx8LcMo0YOc4eHEN]<https://protect-us.mimecast.com/s/D4H0CAD9L0hNAvKG18wL5X>



>  
> Train #2202, scheduled to arrive Chicago Union Station at 6:13 AM, is operating 18 to 22 minutes behind schedule due to freight train interference. Please listen to platform announcements for the location of this train.  
>  
>  
>  
>  
> This email was sent to: roppenheim@metrarr.com<mailto:roppenheim@metrarr.com>  
>  
> This email was sent by: Metra  
> 547 W. Jackson Boulevard  
> Chicago, IL 60661-5717 USA  
>  
> We respect your right to privacy - view our policy<<https://protect-us.mimecast.com/s/2n50CBBRMkc75gXzsNzDHZ>>  
> Unsubscribe<<https://protect-us.mimecast.com/s/OcKsCDkJOms5IRLDuZH2dR>> if you no longer want to receive Metra Alert Email Noti  
> Please do not reply to this email as it was generated by an automated system.  
> If you have questions or comments, you may contact us at <https://protect-us.mimecast.com/s/MMKyCER6gnu35Q8khZ7mYq><<https://protect-us.mimecast.com/s/7X2ECG6Qkp115VN2I0uWUC>>  
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>  
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**To:** Robert A Johnson[Robert\_Johnson@cpr.ca]  
**Cc:** Steven Nettleton[Steven\_Nettleton@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; Nicholas C Walker[Nicholas\_C\_Walker@cpr.ca]; Joshua Bahruth[Joshua\_Bahruth@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Charlie Harrison[CHarrison@METRARR.COM]; NCarlsonforward[norman.carlson@sbcglobal.net]  
**From:** Rich Oppenheim  
**Sent:** Fri 08/09/2019 11:36:30 AM UTC  
**Subject:** Re: Metra Delays due to CP Freight Interference - THU AUG 8, 2019 and FRI AUG 9, 2019  
**Received:** Fri 08/09/2019 11:36:31 AM UTC

Sent from my iPhone

> On Aug 9, 2019, at 6:14 AM, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

>  
 > Metra 2200 This morning, Friday August 9, 2019 was stopped at Tower B17 approximately 25 minutes due to a CP-386 off the North Line was started in to Bensenville Yard @ 0400 hrs but actually had no clear route into the yard because of an earlier locomotive derailment in This was known at the time 386 was released but train was released anyway. The delay to 2200 will carry over to 2201 (Peak Period Train) as to 2222 (Also Peak Period Train) who both utilize 2200s crew and equipment. 2200 arrived Chicago 27 minutes late;

>  
 > Rich Oppenheim, Assistant Superintendant  
 > Metra CUS District Operations  
 > Office 312-322-8839  
 > Cell. 312-735-8576  
 > Roppenheim@metrarr.com

On THURS August 8, 2019, Metra 2230 was held at Tower B12 11 minutes so that CP-281 could pull out of yard and depart first.

>  
 > Sent from my iPhone

>> On Aug 7, 2019, at 11:46 AM, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

>>  
 > Robert -

>> Thank you for your prompt response. I am often called upon to respond to customer inquiries as to why their train may have been run slightly behind schedule at intermediate points. The reality is that, as you know, Operating Rules do not permit a train to depart a station of its schedule time. That fact, coupled with the myriad of situations that regularly come up -- such as ADA passengers who need to have lowered and raised so that they can board or detrain, Engineering work that may require a train to slow down briefly for a Form B Bulletin negotiate a work zone, train handling differences among engineers, some of whom may get in and out of stations faster than others, etc. - prompted us to design our schedules so that at intermediate stops, a train should not have to needlessly sit and wait for departure time to around. In other words, the times at intermediate stations are achievable under essentially perfect conditions, but, more often than not, for reasons stated, and others, we do frequently tend to run a few minutes behind schedule. Our schedules are designed so that a 6 minute the case with 2230 today, will typically not prevent the train from arriving its final destination at the scheduled time. This is nothing new. Scheduling commuter trains in this manner has been the norm on our system - as well as throughout the industry - for as long as I have been in railroad operations. If CP is taking the stance that unless a scheduled train is running exactly 100% on its schedule they no longer need its schedule, then something is very wrong.

>>  
 >> -----Original Message-----

>> From: Robert A Johnson [mailto:Robert\_Johnson@cpr.ca]  
 >> Sent: Wednesday, August 07, 2019 11:23 AM  
 >> To: Rich Oppenheim <ROppenheim@METRARR.COM>

>> Cc: Steven Nettleton <Steven\_Nettleton@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>; NCarlsonforward <norman.carlson@sbcglobal.net>  
 >> Subject: Re: Metra Delays due to CP Freight Interference - WED AUG 7, 2019

>>  
 >> Rich,  
 >>  
 >> > Why was Metra late?

>>  
 >> > Sent from my iPhone

>>  
 >> On Aug 7, 2019, at 10:13, Rich Oppenheim <ROppenheim@metrarr.com<mailto:ROppenheim@metrarr.com>> wrote:

>>  
>> This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

>> WEDNESDAY- AUGUST 7, 2019

>> Metra 2230 is due at Tower B17 10:19 AM. Per Metra GPS data, train was operating 6 minutes behind schedule departing from the la before Tower B17. At 10:15 AM, 4 minutes before 2230 schedule time at Tower B17, CP deliberately dispatched an 11,000 foot 199 wh' too long to fit between Tower B17 and Bryn Mawr. UP wound up holding 199 at Bryn Mawr due to a local switch job occupying their # of Bryn Mawr, and an Engineering Department employee holding Track Authority on their #2 track. Accordingly 199 stopped with rear end blocking Tower B17 control point until Engineering Department employee cleared the track and released his authority. Metra 2230 depart B17 at 10:42 AM, 23 minutes late, incurring an additional 17 minutes delay beyond the original 6 minutes while waiting for 199 to clear.

>> Why was it necessary to even attempt to move an 11,000 foot train so closely ahead of a scheduled Metra train, let alone one that kno would not be able to clear Metra owned Main Tracks without an immediate line up from a foreign line Dispatcher not unfair?

>> Metra 2230 typically carries over 400 passengers, many of whom are using our service to get them to time sensitive appointments. CI appears to be showing a blatant disregard for Metra operation and the customers who count on us to get them to their destinations on time. review the handling of CP-199 today in relation to our scheduled Metra train and advise if there were any extenuating circumstances that justified moving the train in this manner.

>> Rich Oppenheim,  
>> Assistant Superintendent  
>> Metra CUS District Operations  
>> P: 312-322-8939 C: 312-735-8576 | roppenheim@metrarr.com<mailto:roppenheim@metrarr.com>  
>> 547 W. Jackson Blvd., Chicago, IL 60661

>> From: Rich Oppenheim  
>> Sent: Tuesday, August 06, 2019 2:37 PM  
>> To: Steven Nettleton <steven\_nettleton@cpr.ca<mailto:steven\_nettleton@cpr.ca>>; Lucas Lingenfelter  
>> <lucas\_lingenfelter@cpr.ca<mailto:lucas\_lingenfelter@cpr.ca>>; nick\_walker@cpr.ca<mailto:nick\_walker@cpr.ca>>; Josh Bahruth  
>> <joshua\_bahruth@cpr.ca<mailto:joshua\_bahruth@cpr.ca>>; Brandon Billingsley  
>> <brandon\_billingsley@cpr.ca<mailto:brandon\_billingsley@cpr.ca>>; Matt Bailey <matt\_bailey@cpr.ca<mailto:matt\_bailey@cpr.ca>>  
>> Ce: Bruce Marcheschi <BMarcheschi@METRARR.COM<mailto:BMarcheschi@METRARR.COM>>; Marty Ryan  
>> <mryan@METRARR.COM<mailto:mryan@METRARR.COM>>; Janet Carbonelli  
>> <JCarbonelli@METRARR.COM<mailto:JCarbonelli@METRARR.COM>>; Victor Flores  
>> <VFlores@METRARR.COM<mailto:VFlores@METRARR.COM>>; David Rodriguez  
>> <DRodriguez@METRARR.COM<mailto:DRodriguez@METRARR.COM>>; Charlie Harrison  
>> <CHarrison@METRARR.COM<mailto:CHarrison@METRARR.COM>>  
>> Subject: Metra Delays due to CP Freight Interference - TUES AUG 6, 2019

>> Following delays to Metra Traffic on Elgin Sub today were due to CP freight interference:

>> 2202 (-17) Arrived CUS @ 06:30. -Freight interference Wood Dale East; -Stop signal B-17 (686-770) freight train yarding blocked by another locomotive, rear-end was hanging out [CP 686 hanging out on #2 MT at Tower B17 blocking 2202]

>> 2203 (-20) Arrived Elgin @ 07:58. -Departed CUS late due to late arrival/turn of 2202, previous delays THIS IS A PEAK PERIOD TRAIN.

>> 2220 (-9) Arrived CUS @ 08:32. Departed Roselle late due to late arrival/turn of 7201, following tardy THIS IS A PEAK PERIOD TRAIN.

>> 2224 (-7) Arrived CUS @ 08:56. -Departed Franklin Park late due to following 2220 and 2222 THIS IS A PEAK PERIOD TRAIN.

>> 2226 (-14) Arrived CUS @ 09:14. -Departed Elgin late due to late arrival/turn of 2203; Stop signal THIS IS A PEAK PERIOD TRAIN.

>> 2232 (-32) Arrived CUS @ 12:15. -Stop signal B-12 freight interference (G57) wrong lineup into the yard, back up move

>> -----  
>> This was due to a CP-686 that was run from Randall to Bensenville Yard ahead of 2202. Upon arrival at Bensenville Yard, 686 was bk an engine on the lead with train hanging out on #2 MT. Delay to 2202 will also affect 2203 as well as Peak Period Train 2226. Delays to 7 following 2203 are likely potentially resulting in delays to Peak Period Trains 2220 and 2222.

>> Rich Oppenheim, Assistant Superintendant Metra CUS District Operations  
>> Office: 312-322-8939  
>> Cell. 312-735-8576  
>> Sent from my iPhone  
>> Begin forwarded message:



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**To:** UP dridder[DRRIDDER@up.com]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; EAST CP[Moc\_Director\_East@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Fri 10/04/2019 12:56:55 AM UTC  
**Subject:** Delays to Metra 2154 and Amtrak 340 due to P342 not handling CP 680  
**Received:** Fri 10/04/2019 12:57:00 AM UTC

Dean -

I know you gave me some Omaha contacts at one point, but I'm having trouble locating them. The issue we have tonight is that CP had a 286 & 680-315 which they claim were both presented to Desk P-342 who agreed to handle them. Apparently 286 was stopped at Shermer briefly, however as 680 was going by A20, 3 minutes from Shermer, P342 lined up for a UP Southbound and a UP Northbound. Since 680 died between Shermer and A20, Metra 2154 took an 18 minute delay waiting until CP 680 was finally lined up and pulled up to clear A20. Amtrak wound up stopping behind 2154 until they could move, and Techny Road crossing was blocked for the duration.

Is it possible for you to reach out to Omaha and confirm that P342 in fact committed to moving both CP trains and then reneged? We can stress that CP must not let freight trains out of Rondout without a commitment from UP that they will keep moving. We would like it re-emphasized to all who work P342 that if they commit to CP to move a freight they need to do so. Thanks for your help.

Rich

Sent from my iPhone

PUBLIC VERSION

EXHIBIT B-2

To: UP dridder[DRRIDDER@up.com]  
Cc: Marty Ryan[mryan@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; EAST CP[Moc\_Director\_East@cpr.ca]  
From: Rich Oppenheim  
Sent: Fri 10/04/2019 12:56:55 AM UTC  
Subject: Delays to Metra 2154 and Amtrak 340 due to P342 not handling CP 680  
Received: Fri 10/04/2019 12:57:00 AM UTC

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Rich

Sent from my iPhone

**To:** Josh Bahruth[joshua\_bahruth@cpr.ca]; Josh Pennington[joshua\_pennington@cpr.ca]; Michael Ugorek[michael\_ugorek@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Adam Farence[AFarence@METRARR.COM]; Kevin Lynch[KLynch@METRARR.COM]; Maurice King[MKing@METRARR.COM]; Robert Tellin[RTellin@METRARR.COM]; Kenneth Rice[KRice@METRARR.COM]; Alyssa Battaglia[ABattaglia@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 12/24/2019 5:25:34 AM UTC  
**Subject:** Re: MW2253 Late MON 12/23  
**Received:** Tue 12/24/2019 5:25:36 AM UTC

CP please follow up with 581 crew as well as with Elgin Dispatcher. If the expectation was that 581 was going to clear ahead of 2253, what communication took place between the crew and dispatcher to determine when train was act to move. Did this take place before 2253 was lined in behind 581?

Sent from my iPhone

On Dec 23, 2019, at 10:37 PM, Marshall Beecher <MBeecher@metrarr.com> wrote:

MW2253 Followed a recrewed CP581 on main 1 at B17. Freight Crew took it upon themselves to check the fuel levels of their road power, which delayed their pull towards Bryn Mawr, when it was not requested or required of the crew by anyone. MW2253 was 2mins late by A5, 7mins late by B-12 (no delays A5-B12) and lost the balance of their time waiting for CP 581 to clear Elgin Sub 1 main to the C&M at B-17.  
FYI

**Marshall W. Beecher**  
**Trainmaster**  
Chicago Union Station District  
C: 312.257.0637  
W: 312.542.8326



**To:** nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Joshua Pennington[Joshua\_Pennington@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Charlie Harrison[CHarrison@METRARR.COM]; Jack Bauer[JBauer@METRARR.COM]; Rocio Gentil[rgentil@metrarr.com]  
**From:** Rich Oppenheim  
**Sent:** Wed 09/25/2019 2:53:13 PM UTC  
**Subject:** Delay to Metra Peak Period Trains WED SEPT 25, 2019 - Tower B17  
**Received:** Wed 09/25/2019 2:53:14 PM UTC

WEDNESDAY SEPTEMBER 25, 2019, a 9300 foot CP-381 was moved out of Bensenville yard and up the Cut-Off toward Bryn Mawr behind Metra 2212 and 7201 and ahead of Metra 2214. The window between trains was insufficient to accommodate a train of this length and as a result the following delays were incurred by Metra Peak Period Trains:

- ☐ 2214 stopped at Tower B17 7 minutes arrived Chicago 7:59 AM, 2 minutes late.
- ☐ 2216 stopped behind 2214, then running on restricting signal due to 2214 ahead, passed Tower B17 9 minutes late, arrived Chicago 8 minutes late (reportable).
- ☐ 2218 following 2216 passed Tower B17 8 minutes late, arrived Chicago 9 minutes late (reportable). This resulted in a 5 minute late departure from Chicago on 2209 who uses Engineer and equipment from 2218.
- ☐ North Central 108 followed Metra 2216 from Tower B12, arrived Chicago 7 minutes late (reportable).

As information, after clearing Tower B17, CP-381 wound up waiting at Bryn Mawr for well over an hour waiting for UP to handle due to Metra traffic on UP Harvard Sub at Deval.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; EAST CP[Moc\_Director\_East@cpr.ca]; moc\_director\_east@cpr.ca.[moc\_director\_east@cpr.ca.]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Josh Bahruth[joshua\_bahruth@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Tue 10/01/2019 11:16:07 AM UTC  
**Subject:** Metra Delays due to CP freight Interference Sept 30-Oct 1 2019  
**Received:** Tue 10/01/2019 11:16:08 AM UTC

The following Metra Trains incurred delays caused by CP freight interference on Monday Sept 30 and Tuesday Oct 1, 2019:

**MONDAY SEPT 30:**

2208 delayed 7 minutes following CP G54. 2208 is contractually a Peak Period train.

2156 was running 12 minutes late on turn from 2141, but schedule for this train has a "buffer" time built into schedule which would have allowed for arrival at Chicago within 5 minute tolerance. Instead CP ran a lengthy 198 directly ahead of 2156 out of Rondout to operate via Tower known 10 MPH restriction around wye at A5, 198 caused an additional 20 minutes delay to 2156 resulting in 31 minute late arrival at Chic 2156. This also delayed Amtrak 342 behind 2156.

**TUESDAY OCT 1**

Metra 2200 held 16 minutes at Tower B35 to let a CP-474 go through first. 2200 arrived Chicago 18 minutes late resulting in late departur 2201. This will also affect peak period train 2222 who turns from 2201.

Rich Oppenheim, Asst Supt  
Metra CUS District Operations  
Office 312-322-8939  
Cell. 312-735-8576

Sent from my iPhone

**To:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; EAST CP[Moc\_Director\_East@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Fri 10/04/2019 3:31:27 PM UTC  
**Subject:** RE: Delays to Metra 2154 and Amtrak 340 due to P342 not handling CP 680  
**Received:** Fri 10/04/2019 3:31:29 PM UTC

See below. UP is claiming that they only agreed to handling 286 right away and not 680. Can you check your records on this? Thanks.

Rich, they told them they would only be able to move one train and then would move the next one after the first one cleared.

Dean Ridder  
MTO Commuter Ops.  
2 N. Riverside Plaza  
Suite 1700  
Chicago, IL 60606-2623  
(708)277-3152

Dean -

I know you gave me some Omaha contacts at one point, but having trouble locating them. The issue we have tonight is that CP had a 286 and 680-315 which they claim were both presented to Desk P-342 who agreed to handle them. Apparently 286 was stopped at Shermer briefly, however as 680 was going by A20, 3 minutes from Shermer, P342 lined up for a UP Southbound and a UP Northbound. Since 680 did not clear between Shermer and A20, Metra 2154 took an 18 minute delay waiting until CP 680 was finally lined up and pulled up to clear A20. Amtrak wound up stopping behind 2154 until they could move, and Techny Road crossing was blocked for the duration.

Is it possible for you to reach out to Omaha and confirm that P342 in fact committed to moving both CP trains and then reneged? We stress that CP must not let freight trains out of Rondout without a commitment from UP that they will keep moving. We would like it repeated to all who work P342 that if they commit to CP to move a freight they need to do so. Thanks for your help.

Rich

Sent from my iPhone

**To:** nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Thur 09/19/2019 4:24:15 PM UTC  
**Subject:** FW: Metra 2253 Delay at Tower B17 WED SEPT 18, 2019  
**Received:** Thur 09/19/2019 4:24:33 PM UTC

Nicole –

Congratulations! Please let me know if you can provide any insight into the issue below from last night. Thanks.

Rich

**From:** Lucas Lingenfelter [mailto:Lucas\_Lingenfelter@cpr.ca]  
**Sent:** Thursday, September 19, 2019 11:21 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Subject:** RE: Metra 2253 Delay at Tower B17 WED SEPT 18, 2019

Rich,

FYI – the new GM in the MOC is Nicole Kurtenbach if you haven't heard yet. She was the AGM under Steven Nettleton and has been promoted.

For issues at her level the email address is [Nicole\\_Kurtenbach@cpr.ca](mailto:Nicole_Kurtenbach@cpr.ca).

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, September 19, 2019 9:37 AM  
**To:** Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Joshua Pennington <Joshua\_Pennington@cpr.ca>; Michael Ugorek <Michael\_Ugorek@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>  
**Cc:** Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>  
**Subject:** Metra 2253 Delay at Tower B17 WED SEPT 18, 2019

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Last night, Metra 2253 was held @ 20 minutes at Tower B17 waiting for a CP-382 from Bryn Mawr pulling in to the yard. Please advise what prompted this delay to occur. Our yardmaster also left a notation to the effect that there may have been a miscalculation as to 382's actual length that may have been a contributing factor. I would appreciate it if you could look into this situation and let us know if there is any truth to this. Thanks for your assistance.

Rich Oppenheim,  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661

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To: nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca];  
nick\_walker@cpr.ca[nick\_walker@cpr.ca]; joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Joshua  
Pennington[Joshua\_Pennington@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]  
Cc: Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; David  
Rodriguez[DRodriguez@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM];  
Charlie Harrison[CHarrison@METRARR.COM]; chuck\_hubbard@cpr.ca[chuck\_hubbard@cpr.ca]  
From: Rich Oppenheim  
Sent: Mon 12/02/2019 5:47:58 PM UTC  
Subject: Metra Delays - CP  
Received: Mon 12/02/2019 5:47:59 PM UTC

Please review the following delays to Metra Operations experienced during the course of last week:

- ☐ MON 11-25-19 -- Metra 2134 delayed 9 minutes following freight train from Rondout to Tower A20.
- ☐ TUES 11-26-19 -- CP 472 was run out of Almora directly ahead of Metra 2228, then had knuckle/drawbar failure just East of Roselle West. Due to operating so closely ahead of 2228, 2209 was already lined West at B17 on #1 MT so 2228 was held 20 minutes at Roselle West to meet #2209 and use #1 MT. Under normal circumstances, preferred move would have been to hold 2209 and run 2228 had there been sufficient warning. 2211 was also held 18 minutes at B17 to meet 2230.
- ☐ TUES 11-26-19 -- CP 650 was allowed to occupy #2 MT between Tower B17 and Tower B12 in order to make a crew change at Mannheim during time period where 2219 and 2238 are scheduled to meet between B12 and B17. Crew change could easily have been made at Tower B17 or Galewood, or 650 should have been held to follow 2238. 2219 was delayed 15 minutes.
- ☐ WED 11-27-19 -- 2132 was 9 minutes late -- Waited for CP-199 to clear Tower A20 and waited for CP-281 to clear Tower A6.
- ☐ WED 11-27-19 -- 2134 was 6 minutes late due to following freight from Rondout to Tower A20.
- ☐ WED 11-27-19 -- 2242 was 11 minutes late due to freight train at Tower B12 occupying #3 MT, 2242 had to operate on #2 MT from B12 to Galewood East necessitating loading and unloading passengers through one coach on crosswalks.
- ☐ FRI 11-29-19 -- CP 281 lost air as locos were entering Tower A6 control point. This resulted in delays to 2132 (18 minutes) 2115 (39 minutes) and 2215 (10 minutes).
- ☐ SUN 12-1-19 --- CP 286 was run out of Rondout directly ahead of 2608 -- essentially on 2608's schedule. 2608 arrived Chicago 8 minutes late.
- ☐ MON 12-2-1 -- CP 2/287 was brought out of B12 toward #2 MT at tail end of morning rush. 2/287 lost air in plant causing 2226 to hold at B17 for 2207. 2226 arrived Chicago 12 minutes late.

There has been an increasing trend toward dispatching freight traffic on or directly ahead of published Metra schedules. This practice not only increases the likelihood of causing delays to our scheduled operation, but also essentially removes any cushion for recovery if anything unforeseen should happen with the freight train. In the case of Rondout to Tower A20, you are counting on the UP to promptly line the train up at Shermer, something that does not happen often enough to be counted upon. Also, with freights operating close to Metra schedules, it is difficult for our customers to distinguish the difference between their Metra train coming in for a stop, and a freight barreling along at track speed. The chances of striking someone at a crosswalk under these circumstances is unfortunately greater than we would all like to think. With the winter months directly ahead, and given the operational challenges for all of us that they inevitably bring, we would again ask that CP dispatch trains through the Metra owned territory in a responsible and appropriate manner.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 09/19/2019 5:38:49 PM UTC  
**Subject:** RE: Metra 2253 Delay at Tower B17 WED SEPT 18, 2019  
**Received:** Thur 09/19/2019 5:38:50 PM UTC

Luke –

Thanks for the quick follow up. Much appreciated.

Rich

**From:** Lucas Lingenfelter [mailto:Lucas\_Lingenfelter@cpr.ca]  
**Sent:** Thursday, September 19, 2019 12:36 PM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Subject:** RE: Metra 2253 Delay at Tower B17 WED SEPT 18, 2019

Rich,

After reviewing the messenger logs from last evening, it appears the Dispatcher passed incorrect train information to the Operator and Yardmaster stating that 382 was just over 3,000 ft. This was probably a typo, and it is out of character for the regular 2<sup>nd</sup> shift C&M Dispatcher to make these kind of mistakes. I will talk to him about double checking his messenger entries.

Luke

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, September 19, 2019 9:37 AM  
**To:** Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Joshua Pennington <Joshua\_Pennington@cpr.ca>; Michael Ugorek <Michael\_Ugorek@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>  
**Cc:** Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>  
**Subject:** Metra 2253 Delay at Tower B17 WED SEPT 18, 2019

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Last night, Metra 2253 was held @ 20 minutes at Tower B17 waiting for a CP-382 from Bryn Mawr pulling in to the yard. Please advise what prompted this delay to occur. Our yardmaster also left a notation to the effect that there may have been a miscalculation as to 382's actual length that may have been a contributing factor. I would appreciate it if you could look into this situation and let us know if there is any truth to this. Thanks for your assistance.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
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>> Rodriguez <DRodriguez@METRARR.COM>; Charlie Harrison  
 >> <CHarrison@METRARR.COM>; NCarlsonforward  
 >> <norman.carlson@sbcglobal.net>  
 >> Subject: Re: Metra Delays due to CP Freight Interference - WED AUG 7,  
 >> 2019  
 >>  
 >> Rich,  
 >>  
 >> Why was Metra late?  
 >>  
 >> Sent from my iPhone  
 >>  
 >> On Aug 7, 2019, at 10:13, Rich Oppenheim <ROppenheim@metrarr.com<mailto:ROppenheim@metrarr.com>> wrote:  
 >>  
 >> This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.  
 >>  
 >> WEDNESDAY—AUGUST 7, 2019  
 >> Metra 2230 is due at Tower B17 10:19 AM. Per Metra GPS data, train was operating 6 minutes behind schedule departing from the la  
 >> before Tower B17. At 10:15 AM, 4 minutes before 2230 schedule time at Tower B17, CP deliberately dispatched an 11,000 foot 199 which  
 >> too long to fit between Tower B17 and Bryn Mawr. UP wound up holding 199 at Bryn Mawr due to a local switch job occupying their #1 tr  
 >> of Bryn Mawr, and an Engineering Department employee holding Track Authority on their #2 track. Accordingly 199 stopped with rear en  
 >> blocking Tower B17 control point until Engineering Department employee cleared the track and released his authority. Metra 2230 depart  
 >> B17 at 10:42 AM, 23 minutes late, incurring an additional 17 minutes delay beyond the original 6 minutes while waiting for 199 to clear.  
 >>  
 >> Why was it necessary to even attempt to move an 11,000 foot train so closely ahead of a scheduled Metra train, let alone one that kno  
 >> would not be able to clear Metra owned Main Tracks without an immediate line up from a foreign line Dispatcher not under control?  
 >>  
 >> Metra 2230 typically carries over 400 passengers, many of whom are using our service to get them to time sensitive appointments. C  
 >> appears to be showing a blatant disregard for Metra operation and the customers who count on us to get them to their destinations on time.  
 >> review the handling of CP-199 today in relation to our scheduled Metra train and advise if there were any extenuating circumstances that  
 >> justified moving the train in this manner.  
 >>  
 >> Rich Oppenheim,  
 >> Assistant Superintendent  
 >> Metra CUS District Operations  
 >> P: 312-322-8939 C: 312-735-8576 |  
 >> roppenheim@metrarr.com<mailto:roppenheim@metrarr.com>  
 >> 547 W. Jackson Blvd., Chicago, IL 60661  
 >>  
 >>  
 >>  
 >>  
 >> From: Rich Oppenheim  
 >> Sent: Tuesday, August 06, 2019 2:37 PM  
 >> To: Steven Nettleton  
 >> <steven\_nettleton@cpr.ca<mailto:steven\_nettleton@cpr.ca>>; Lucas  
 >> Lingenfelter  
 >> <lucas\_lingenfelter@cpr.ca<mailto:lucas\_lingenfelter@cpr.ca>>;  
 >> nick\_walker@cpr.ca<mailto:nick\_walker@cpr.ca>; Josh Bahruth  
 >> <joshua\_bahruth@cpr.ca<mailto:joshua\_bahruth@cpr.ca>>; Brandon  
 >> Billingsley  
 >> <brandon\_billingsley@cpr.ca<mailto:brandon\_billingsley@cpr.ca>>; Matt  
 >> Bailey <matt\_bailey@cpr.ca<mailto:matt\_bailey@cpr.ca>>  
 >> Cc: Bruce Marcheschi  
 >> <BMarcheschi@METRARR.COM<mailto:BMarcheschi@METRARR.COM>>; Marty Ryan  
 >> <mryan@METRARR.COM<mailto:mryan@METRARR.COM>>; Janet Carbonelli  
 >> <JCarbonelli@METRARR.COM<mailto:JCarbonelli@METRARR.COM>>; Victor  
 >> Flores <VFlores@METRARR.COM<mailto:VFlores@METRARR.COM>>; David  
 >> Rodriguez <DRodriguez@METRARR.COM<mailto:DRodriguez@METRARR.COM>>;  
 >> Charlie Harrison  
 >> <CHarrison@METRARR.COM<mailto:CHarrison@METRARR.COM>>  
 >> Subject: Metra Delays due to CP Freight Interference - TUES AUG 6,  
 >> 2019  
 >>  
 >> Following delays to Metra Traffic on Elgin Sub today were due to CP freight interference:  
 >>  
 >> 2202 (-17) Arrived CUS @ 06:30. Freight interference Wood Dale  
 >> East; -10 Stop signal B-17 (686-770) freight train yarding blocked

>> by another locomotive, rear-end was hanging out [CP 686 hanging out  
>> on #2 MT at Tower B17 blocking 2202]  
>> 2203 (-20) Arrived Elgin @ 07:58. -14 Departed CUS late due to late arrival/turn of 2202, previous delay THIS IS A PEAK PERIOD TRAIN.  
>> 2220 (-9) Arrived CUS @ 08:32. Departed Roselle late due to late arrival/turn of 7201, following tardy THIS IS A PEAK PERIOD TRAIN.  
>> 2224 (-7) Arrived CUS @ 08:56. -2 Departed Franklin Park late due to following 2220 and 2221 THIS IS A PEAK PERIOD TRAIN.  
>> 2226 (-14) Arrived CUS @ 09:14. -1 Departed Elgin late due to late arrival/turn of 2203: Stop signal - THIS IS A PEAK PERIOD TRAIN.  
>>  
>>  
>> 2232 (-32) Arrived CUS @ 12:15. -3 Stop signal B-12 freight  
>> interference (G57) wrong lineup into the yard, back up move  
>>  
>> -----  
>> -----  
>> -----  
>>  
>> This was due to a CP-686 that was run from Randall to Bensenville Yard ahead of 2202. Upon arrival at Bensenville Yard, 686 was blk an engine on the lead with train hanging out on #2 MT. Delay to 2202 will also affect 2203 as well as Peak Period Train 2226. Delays to 7 following 2203 are likely potentially resulting in delays to Peak Period Trains 2220 and 2222.  
>>  
>> Rich Oppenheim, Assistant Superintendant Metra CUS District  
>> Operations  
>> Office: 312-322-8939  
>> Cell. 312-735-8576  
>> Sent from my iPhone  
>>  
>> Begin forwarded message:  
>> From: Metra  
>> <servicealerts@metramail.com><mailto:servicealerts@metramail.com>>  
>> Date: August 6, 2019 at 5:54:15 AM CDT  
>> To: <roppenheim@metrarr.com><mailto:roppenheim@metrarr.com>>  
>> Subject: Metra Alert MD-W - Train #2202, sched. to arrive Chicago  
>> Union Station at 6:13 AM - 18 to 22 minute delay, freight train  
>> interference  
>>  
>>  
>> [https://protect-us.mimecast.com/s/G5X4Czpx8LcMo0YOc4eHEN]<https://protect-us.mimecast.com/s/D4H0CAD9L0hNAvKG18wL5X>  
>>  
>>  
>>  
>>  
>> Train #2202, scheduled to arrive Chicago Union Station at 6:13 AM, is operating 18 to 22 minutes behind schedule due to freight train interference. Please listen to platform announcements for the location of this train.  
>>  
>>  
>>  
>>  
>>  
>> This email was sent to:  
>> roppenheim@metrarr.com<mailto:roppenheim@metrarr.com>  
>>  
>> This email was sent by: Metra  
>> 547 W. Jackson Boulevard  
>> Chicago, IL 60661-5717 USA  
>>  
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>> Please do not reply to this email as it was generated by an automated system.  
>> If you have questions or comments, you may contact us at  
>> https://protect-us.mimecast.com/s/MMKyCER6gnu35Q8khZ7mYq<https://protect-us.mimecast.com/s/7X2ECG6Qkp1I5VN2l0uWUC>  
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**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 11/14/2019 6:15:24 PM UTC  
**Subject:** FW: Grayslake - CP Overview  
**Received:** Thur 11/14/2019 6:15:32 PM UTC

Nick –

Dave Rodriguez let me know following the last Rail Carriers meeting that he discussed with you the possibility of giving the CN RTC who controls Grayslake access to the CP Overview screen, which theoretically would provide the information needed to make better decisions about who to line up at Grayslake first. This would be very helpful from a number of standpoints and would ultimately help everyone's operations run smoother. CN has indicated that they would be very receptive to this if we can do it. If you are in agreement, please let me and the appropriate people at CP know so that we can move forward with this. Thanks for your help.

Rich

**From:** Thomas Duncan [mailto:tom.duncan@cn.ca]  
**Sent:** Thursday, November 14, 2019 12:00 PM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Cc:** Scott Kuxmann <Scott.Kuxmann@cn.ca>; Matthew McClaren <matthew.mcclar01@cn.ca>; Diane Lewis <Diane.Lewis@cn.ca>; David Rodriguez <DRodriguez@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>  
**Subject:** RE: Grayslake - CP Overview

We appreciate any tool and will utilize if granted access. Diane Lewis is CC'd and your contact moving forward with this.

Side note, any update on the GPS site issues being rectified?

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Wednesday, November 13, 2019 2:59 PM  
**To:** Scott Kuxmann <Scott.Kuxmann@cn.ca>; Matthew McClaren <matthew.mcclar01@cn.ca>  
**Cc:** DRodriguez-METRARR.COM <DRodriguez@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; VFlores-METRARR.COM <vflores@metrarr.com>; JCarbonelli-METRARR.COM <JCarbonelli@METRARR.COM>  
**Subject:** Grayslake - CP Overview

Last night we experienced delays on both 2125 and 2129 at the Grayslake crossing for cross traffic. Today 2117 also delayed. We have asked CP if they would be agreeable to allowing CN RTCs access to their overview screens which are available on the internet by using Internet Explorer (only) as a browser. CP indicated that they would be willing to do this. Since implementation of CTC on the Fox Lake Sub earlier this year, we now have control points at Liberty (4 miles East of CN Crossing) as well as at Grayslake East and Grayslake West just West of the crossing. If Desk 15 had access to the CP C&M Dispatcher overview they would be able to see the trains on the Fox Lake Sub approaching and should be better able to judge whether cross traffic could clear in time or not.

Would CN be agreeable to giving Desk 15 this valuable tool? Let me know if the answer is 'yes' and I will pursue further with CP. Thanks.

Rich Oppenheim,  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661

Disclaimer

## **PUBLIC VERSION**

## **EXHIBIT B-2**

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**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** Josh Bahruth[joshua\_bahruth@cpr.ca]; Josh Pennington[joshua\_pennington@cpr.ca];  
nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Michael Ugorek[michael\_ugorek@cpr.ca]; Lucas  
Lingenfelter[lucas\_lingenfelter@cpr.ca]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Janet  
Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sat 11/16/2019 9:31:36 PM UTC  
**Subject:** Excessive Delay to 2711 at B17  
**Received:** Sat 11/16/2019 9:31:39 PM UTC

Metra 2711 date delayed 18 minutes at Tower B17 waiting for CP 286-15 to clear going into Bensenville Yard. This will also cause delay 2718 who turns from 2711 at Elgin. There was a window of approximately 1 hour 30 minutes behind 2711. Please advise why this excess was necessary.

Rich Oppenheim, Assistant Superintendant  
Metra CUS District Operations  
Office 312-322-8939  
Cell 312-735-8576  
Roppenheim@metrarr.com

Sent from my iPhone

**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** Josh Bahruth[joshua\_bahruth@cpr.ca]; Josh Pennington[joshua\_pennington@cpr.ca];  
nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Michael Ugorek[michael\_ugorek@cpr.ca]; Lucas  
Lingenfelter[lucas\_lingenfelter@cpr.ca]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Janet  
Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sat 11/16/2019 9:31:36 PM UTC  
**Subject:** Excessive Delay to 2711 at B17  
**Received:** Sat 11/16/2019 9:31:38 PM UTC

Metra 2711 date delayed 18 minutes at Tower B17 waiting for CP 286-15 to clear going into Bensenville Yard. This will also cause delay 2718 who turns from 2711 at Elgin. There was a window of approximately 1 hour 30 minutes behind 2711. Please advise why this excess was necessary.

Rich Oppenheim, Assistant Superintendant  
Metra CUS District Operations  
Office 312-322-8939  
Cell 312-735-8576  
Roppenheim@metrarr.com

Sent from my iPhone



**To:** joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Joshua Pennington[Joshua\_Pennington@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Date:** Wed 10/23/2019 5:12:18 PM UTC  
**Subject:** CP G57-287(23) on No 2 MT between Tower B12 and Tower B17  
**Received:** Wed 10/23/2019 5:12:19 PM UTC

CP G57 (outbound 287-23) has been occupying Metra #2 MT between Tower B12 and Tower B17 since 0915 this morning. My understanding is that arrangements were made to have this train hold #2 MT while setting out cars in Bensenville Yard. Metra Operations have been single tracking around this train on #1 MT going on 3 hours. To make matters worse, we now have a CP-581 stopped on #1 MT at Mannheim changing crews, essentially taking away both of the Metra owned Main Tracks for yard activities. It was agreed some time ago that the Metra Main tracks were to be used for moving trains. Crew changes were acceptable if relief crews were in place and trains were staged so as not to delay Metra's operations. Yard activities, such as picking up and setting out cars and locomotives were to take place in the yard or on the Cut-off between Tower B17 and Bryn Mawr. With both Metra Mains occupied both Metra 2215 who followed 581 to B17, as well as Metra 2234 who was waiting at Tower B17 for 2215, incurred minor delays. Moving forward, we respectfully request that CP resume the use of Metra's two Main tracks between Tower B12 and Tower B17 for moving traffic as was agreed to.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** Steven Nettleton[steven\_nettleton@cpr.ca]  
**Cc:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Jack Bauer[JBauer@METRARR.COM]; Rocio Bear[rbear@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 07/29/2019 11:01:21 AM UTC  
**Subject:** Fwd: MW#2714: B-17 SUNDAY 7/28/19  
**Received:** Mon 07/29/2019 11:01:22 AM UTC

Steve -

As clarification regarding the 20 minute delay to Metra 2714 at Tower B17, on Sunday July 28, 2019, was moving to the yard that closely ahead of 2714 a conscious decision to impact it, or were there other extenuating factors?

Sent from my iPhone

Begin forwarded message:

**From:** Rich Oppenheim [ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)  
**Date:** July 28, 2019 at 2:54:16 PM CDT  
**To:** Brandon Billingsley [brandon\\_billingsley@cpr.ca](mailto:brandon_billingsley@cpr.ca); Steven Nettleton [steven\\_nettleton@cpr.ca](mailto:steven_nettleton@cpr.ca)  
**Subject:** Fwd: MW#2714: B-17 SUNDAY 7/28/19

Sent from my iPhone

Begin forwarded message:

**From:** Rich Oppenheim [ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)  
**Date:** July 28, 2019 at 2:53:09 PM CDT  
**To:** Josh Bahruth [joshua\\_bahruth@cpr.ca](mailto:joshua_bahruth@cpr.ca); [brandon\\_billingsley@metrarr.com](mailto:brandon_billingsley@metrarr.com)  
[brandon\\_billingsley@metrarr.com](mailto:brandon_billingsley@metrarr.com); Matt Bailey [matt\\_bailey@cpr.ca](mailto:matt_bailey@cpr.ca)  
**Subject:** Fwd: MW#2714: B-17 SUNDAY 7/28/19

Please investigate and advise why scheduled Metra window was not respected

Sent from my iPhone

Begin forwarded message:

**From:** Marshall Beecher [MBeecher@METRARR.COM](mailto:MBeecher@METRARR.COM)  
**Date:** July 28, 2019 at 1:57:32 PM CDT  
**To:** David Rodriguez [DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM); Donnie McKelvey  
[Donnie\\_McKelvey@cpr.ca](mailto:Donnie_McKelvey@cpr.ca); Janet Carbone [JCarbone@METRARR.COM](mailto:JCarbone@METRARR.COM)  
John Abrahamson [john\\_abrahamson@cpr.ca](mailto:john_abrahamson@cpr.ca); Marty Ryan  
[mryan@METRARR.COM](mailto:mryan@METRARR.COM); MOC DIRECTOR EAST CP  
[MOC\\_Director\\_East@cpr.ca](mailto:MOC_Director_East@cpr.ca); Nick Walker - CP [Nicholas\\_C\\_Walker@cpr.ca](mailto:Nicholas_C_Walker@cpr.ca)  
Rich Oppenheim [ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM); Victor Flores  
[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)  
**Cc:** Robert Tellin [RTellin@METRARR.COM](mailto:RTellin@METRARR.COM); Adam Farence [AFarence@METRARR.COM](mailto:AFarence@METRARR.COM)  
Maurice King [MKing@METRARR.COM](mailto:MKing@METRARR.COM)  
**Subject:** MW#2714: B-17 SUNDAY 7/28/19

This afternoon, an on-time Milwaukee West Line train (MW2714) was excessively delayed by a yarding Canadian Pacific train (286-27) at Tower B17 a short while ago.

The 6600' freight train was asked to hand line a yard switch and make a 10 minute window to clear the mains at Tower B-17. The B-17 Operator further asked 2714 what their status was and they indicated that they were on-time, and in the vicinity of Itasca. The freight train was lined up, nonetheless.

Ultimately, this poor operating decision made for a 20 minute-late MW2714 at Chicago.

Marshall W. Beecher

Metra CUSD Trainmaster

**To:** Rich Oppenheim[ROppenheim@METRARR.COM]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; EAST CP[Moc\_Director\_East@cpr.ca]; moc\_director\_east@cpr.ca.[moc\_director\_east@cpr.ca.]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Josh Bahruth[joshua\_bahruth@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Tue 10/01/2019 5:05:59 PM UTC  
**Subject:** RE: Metra Delays due to CP freight Interference Sept 30-Oct 1 2019  
**Received:** Tue 10/01/2019 5:06:04 PM UTC

Please see attached representing feedback from our customers:

Issue #: 49359  
 Issue Status: Open  
 Submitted By: Metra Rail

\* Description:

COMPLAINT: Rail Line:md-w Message: Why is this train always late. Today it is 17 to 20 mins late due to freight train interference. I have been here since 430 am and have not seen or heard any freight trains. The other day it was due to accommodating boarding passengers no passengers requesting assistance. It is ridiculous that I pay 124.00 a month to be late for work almost daily. You charge 5.00 extra from people who don't pay for their ticket at the station you should give each passenger 5.00 every time you are late. Date:2019-10-01 Time:5 : 10 AM

Edit

\* Priority: Critical Medium

RESPONSE: Although Metra owns and maintains the tracks, Canadian Pacific freight dispatchers control and are responsible for train operations on the Milwaukee West Line. This is in accordance with the terms of the Operating Agreement between Metra and CP Rail that dates back to Metra's inception. This morning, a CP Rail Dispatcher authorized a Westward freight train through a small portion of single track near Elmhurst. This poor decision resulted in an 18 minute delay to Metra 2200. We have followed up this issue with our CP counterparts asking that appropriate measures be taken to avoid a repeat performance. We are sorry for your inconvenience, but unfortunately we cannot provide refunds for train delays.

-----Original Message-----

From: Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
 Sent: Tuesday, October 01, 2019 6:16 AM  
 To: Nicole Kurtenbach CP AGM Minneapolis <nicole\_kurtenbach@cpr.ca>; nick\_walker@cpr.ca; EAST CP <Moc\_Director\_East@cpr.ca>; moc\_director\_east@cpr.ca.; Lucas Lingenfelter <lucas\_lingenfelter@cpr.ca>  
 Cc: Marty Ryan <mryan@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Josh Bahruth <joshua\_bahruth@cpr.ca>  
 Subject: Metra Delays due to CP freight Interference Sept 30-Oct 1 2019

The following Metra Trains incurred delays caused by CP freight interference on Monday Sept 30 and Tuesday Oct 1, 2019:

MONDAY SEPT 30:

2208 delayed 7 minutes following CP G54. 2208 is contractually a Peak Period train.

2156 was running 12 minutes late on turn from 2141, but schedule for this train has a "buffer" time built into schedule which would have allowed for arrival at Chicago within 5 minute tolerance. Instead CP ran a lengthy 198 directly ahead of 2156 out of Rondout to operate via Tower known 10 MPH restriction around wye at A5. 198 caused an additional 20 minutes delay to 2156 resulting in 31 minute late arrival at Chicago. This also delayed Amtrak 342 behind 2156.

TUESDAY OCT 1

Metra 2200 held 16 minutes at Tower B35 to let a CP-474 go through first. 2200 arrived Chicago 18 minutes late resulting in late departure for 2201. This will also affect peak period train 2222 who turns from 2201.

Rich Oppenheim, Asst Supt  
Metra CUS District Operations  
Office 312-322-8939  
Cell. 312-735-8576

ent from my iPhone



**To:** UP dridder[DRRIDDER@up.com]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; EAST CP[Moc\_Director\_East@cpr.ca]  
**From:** Rich Oppenheim  
**ent:** Fri 10/04/2019 12:56:55 AM UTC  
**ubject:** Delays to Metra 2154 and Amtrak 340 due to P342 not handling CP 680  
**Received:** Fri 10/04/2019 12:56:56 AM UTC

Dean -

I know you gave me some Omaha contacts at one point, but I'm having trouble locating them. The issue we have tonight is that CP had a 286 & 680-315 which they claim were both presented to Desk P-342 who agreed to handle them. Apparently 286 was stopped at Shermer briefly, however as 680 was going by A20, 3 minutes from Shermer, P342 lined up for a UP Southbound and a UP Northbound. Since 680 did not clear A20 between Shermer and A20, Metra 2154 took an 18 minute delay waiting until CP 680 was finally lined up and pulled up to clear A20. Amtrak wound up stopping behind 2154 until they could move, and Techny Road crossing was blocked for the duration.

Is it possible for you to reach out to Omaha and confirm that P342 in fact committed to moving both CP trains and then reneged? We can stress that CP must not let freight trains out of Rondout without a commitment from UP that they will keep moving. We would like it re-emphasized to all who work P342 that if they commit to CP to move a freight they need to do so. Thanks for your help.

Rich

Sent from my iPhone

**To:** nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Jack Bauer[JBauer@METRARR.COM]; Rocio Gentil[rgentil@metrarr.com]  
**From:** Rich Oppenheim  
**Sent:** Fri 10/18/2019 7:25:03 PM UTC  
**Subject:** Delay to Metra Peak Period Train 2208 for freight interference FRI OCT 18, 2019  
**Received:** Fri 10/18/2019 7:25:05 PM UTC

**Milwaukee West:**

**2208** (-8) Arrived CUS @ 07:28. -12" Stop signal Franklin Park, freight interference waited on East-bound light engine move to clear Galewood.

FYI, this morning, Light Engines ran from Tower B17 to Cicero East to access BRC during height of morning rush. Since light engines required an axle block, Metra 2208 had to be held approximately 12 minutes at Tower B12 until Light power ahead on #3 MT cleared the Control Point at Galewood West. 2208 arrived CUS 8 minutes late.

**Rich Oppenheim,**  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661



**To:** steven\_nettleton@cpr.ca[steven\_nettleton@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; robert\_johnson@cpr.ca[robert\_johnson@cpr.ca]; NCarlsonforward[norman.carlson@sbcglobal.net]; Jim Derwinski[JDerwinski@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; net Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Charlie Harrison[CHarrison@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 08/02/2019 6:14:17 PM UTC  
**Subject:** Movement of CP Freight traffic vs. Metra trains  
**Received:** Fri 08/02/2019 6:14:18 PM UTC

Steve/Nick –

This has reference to various conversations held over the last week or two concerning instructions issued recently to CP C&M and Elgin Dispatchers, essentially directing them to move CP freight traffic in preference to Metra traffic whenever Metra is "late".

While the intent of these instructions when issued may have been initially well intentioned, from my understanding they are somewhat vague and open to varying degrees of interpretation. Although Metra has not received an actual copy of these instructions, as requested, we do have reason to believe that the instructions go into effect whenever Metra trains are running "late" – but there is no quantification as to what constitutes "late", i.e. 5 minutes, 10 minutes, 20 minutes, etc. Common sense would dictate that if a Metra train was running 5 or 10 minutes late, it should not prompt having a 10,000 foot freight train moved in front of it, causing further delay, but unfortunately this is not spelled out, and as a result we have experienced several incidents of late which in our opinion should not have occurred. Please consider the scenario that took place earlier today:

- Metra 2230 was running approximately 8 minutes late due to heavy passenger loading brought about by the Lollapalooza fest in Chicago. 2230 was already lined up at Tower B12 for their normal route from #2 Main Track to #3 Main Track.
- As 2230 was approaching Mannheim, CP-281 had pulled down on 3-lead in preparation for departure and announced to the Elgin Dispatcher that they were ready to go. Elgin Dispatcher then directed the B12 Operator to take the signal away from 2230 and begin running time on the signal. 2230 was then to wait for outbound 2211 to clear B12 and 2230 then cross to #1 Main while 281 pulled out from 3-Lead to #3 Main. Bear in mind that 2230 was already physically in front of 281 when the process began. 2230 actually sat at Tower B12 while 281 slowly pulled past them.
- Also, bear in mind that passengers waiting for 2230 at Elmwood Park, Mont Clare, and Galewood would be standing on the platform adjacent to #3 Main, and would then either wind up being blocked by 281, or more likely would dash across in front of 281 in order to get to the #1 main platform and not miss their train. The safety implications of this scenario are staggering, not to mention the blatant disregard for Metra's Operation on our own tracks.

I am deeply concerned about some of the Operation decisions that have been made since these instructions were issued. From my perspective, some of what I am seeing is reminiscent of a very dark period in the history of CP-Metra relations during which Metra Operations and our customers were essentially treated as second class citizens on our own railroad day after day. This was the norm during the latter part of 2014, and it wasn't until we were finally able to meet with Mr. Johnson in February 2015, and discuss the needs and concerns of both Metra and CP, that we were able to come up with plans and strategies to protect our schedules and provide the timely operation that the traveling public demands. I am hopeful that we can again adhere to the protocols that were established at that time and over the last four plus years. The instructions recently issued, which essentially direct the movement of freight traffic in preference to Metra Operations, are in direct conflict with the principles established at that time, and should be rescinded. At very least, the instructions need to be quantified and clarified, and carefully explained to the CP Dispatchers and Managers who are making these decisions. They also need to be shared with us at Metra Transportation. Your cooperation is greatly appreciated.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Mon 11/18/2019 6:01:44 PM UTC  
**Subject:** FW: Grayslake - CP Overview  
**Received:** Mon 11/18/2019 6:01:45 PM UTC

Nicole –

Nick Walker has indicated that he is okay with this, but that you would be the one to get this done. Please let me know if you can help get this moving. Thanks.

Rich

**From:** Rich Oppenheim  
**Sent:** Thursday, November 14, 2019 12:15 PM  
**To:** 'nick\_walker@cpr.ca' <nick\_walker@cpr.ca>  
**Cc:** David Rodriguez <DRodriguez@METRARR.COM>  
**Subject:** FW: Grayslake - CP Overview

Nick –

Dave Rodriguez let me know following the last Rail Carriers meeting that he discussed with you the possibility of giving the CN RTC who controls Grayslake access to the CP Overview screen, which theoretically would provide the information needed to make better decisions

about who to line up at Grayslake first. This would be very helpful from a number of standpoints and would ultimately help everyone's operations run smoother. CN has indicated that they would be very receptive to this if we can do it. If you are in agreement, please let me and the appropriate people at CP know so that we can move forward with this. Thanks for your help.

Rich

**From:** Thomas Duncan [mailto:tom.duncan@cn.ca]  
**Sent:** Thursday, November 14, 2019 12:00 PM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Cc:** Scott Kuxmann <Scott.Kuxmann@cn.ca>; Matthew McClaren <matthew.mcclar01@cn.ca>; Diane Lewis <Diane.Lewis@cn.ca>; David Rodriguez <DRodriguez@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>  
**Subject:** RE: Grayslake - CP Overview

We appreciate any tool and will utilize if granted access. Diane Lewis is CC'd and your contact moving forward with this.

Side note, any update on the GPS site issues being rectified?

**From:** Rich Oppenheim [mailto:ROppenheim@METRARR.COM]  
**Sent:** Wednesday, November 13, 2019 2:59 PM  
**To:** Scott Kuxmann <Scott.Kuxmann@cn.ca>; Matthew McClaren <matthew.mcclar01@cn.ca>  
**Cc:** DRodriguez-METRARR.COM <DRodriguez@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; VFlores-METRARR.COM <Vflores@metrarr.com>; JCarbonelli-METRARR.COM <JCarbonelli@METRARR.COM>  
**Subject:** Grayslake - CP Overview

Last night we experienced delays on both 2125 and 2129 at the Grayslake crossing for cross traffic. Today 2117 also delayed. We have asked CP if they would be agreeable to allowing CN RTCs access to their overview screens which are available on the internet by using Internet Explorer (only) as a browser. CP indicated that they would be willing to do this. Since implementation of CTC on the Fox Lake Sub earlier this year, we now have control points at Liberty (4 miles East of CN Crossing) as well as at Grayslake East and Grayslake West just West of the crossing. If Desk 15 had access to the CP C&M Dispatcher overview they would be able to see the trains on the Fox Lake Sub approaching and should be better able to judge whether cross traffic could clear in time or not.

Would CN be agreeable to giving Desk 15 this valuable tool? Let me know if the answer is 'yes' and I will pursue further with CP. Thanks.

**Rich Oppenheim,**  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
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**To:** Steven Nettleton[steven\_nettleton@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Josh Bahruth[joshua\_bahruth@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca]; Matt Bailey[matt\_bailey@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Charlie Harrison[CHarrison@METRARR.COM]; robert\_johnson@cpr.ca[robert\_johnson@cpr.ca]; NCarlsonforward[norman.carlson@sbcglobal.net]  
**From:** Rich Oppenheim  
**Sent:** Wed 08/07/2019 4:13:25 PM UTC  
**Subject:** Metra Delays due to CP Freight Interference - WED AUG 7, 2019  
**Received:** Wed 08/07/2019 4:13:26 PM UTC

WEDNESDAY – AUGUST 7, 2019

Metra 2230 is due at Tower B17 10:19 AM. Per Metra GPS data, train was operating 6 minutes behind schedule departing from the last station before Tower B17. At 10:15 AM, 4 minutes before 2230's schedule time at Tower B17, CP deliberately dispatched an 11,000 foot 199 which was too long to fit between Tower B17 and Bryn Mawr. UP wound up holding 199 at Bryn Mawr due to a local switch job occupying their #1 track West of Bryn Mawr, and an Engineering Department employee holding Track Authority on their #2 track. Accordingly 199 stopped with rear end of train blocking Tower B17 control point until Engineering Department employee cleared the track and released his authority. Metra 2230 departed Tower B17 at 10:42 AM, 23 minutes late, incurring an additional 17 minutes delay beyond the original 6 minutes while waiting for 199 to clear.

Why was it necessary to even attempt to move an 11,000 foot train so closely ahead of a scheduled Metra train, let alone one that knowingly would not be able to clear Metra's owned Main Tracks without an immediate line up from a foreign line Dispatcher not under CP's control?

Metra 2230 typically carries over 400 passengers, many of whom are using our service to get them to time sensitive appointments. CP again appears to be showing a blatant disregard for Metra's operation and the customers who count on us to get them to their destinations on time. Please review the handling of CP-199 today in relation to our scheduled Metra train and advise if there were any extenuating circumstances that would have justified moving the train in this manner.

**Rich Oppenheim,**  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661

**From:** Rich Oppenheim  
**Sent:** Tuesday, August 06, 2019 2:37 PM  
**To:** Steven Nettleton <steven\_nettleton@cpr.ca>; Lucas Lingenfelter <lucas\_lingenfelter@cpr.ca>; nick\_walker@cpr.ca; Josh Bahruth <joshua\_bahruth@cpr.ca>; Brandon Billingsley <brandon\_billingsley@cpr.ca>; Matt Bailey <matt\_bailey@cpr.ca>  
**Cc:** Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>  
**Subject:** Metra Delays due to CP Freight Interference - TUES AUG 6, 2019

Following delays to Metra Traffic on Elgin Sub today were due to CP freight interference:

**2202 (-17)** Arrived CUS @ 06:30. -5" Freight interference Wood Dale East; -10" Stop signal B-17 (686-770) freight train yarding blocked by another locomotive, rear-end was hanging out **[CP 686 hanging out on #2 MT at Tower B17 blocking 2202]**  
**2203 (-20)** Arrived Elgin @ 07:58. -14" Departed CUS late due to late arrival/turn of 2202, previous delays – *THIS IS A PEAK PERIOD TRAIN.*  
**2220 (-9)** Arrived CUS @ 03:32. Departed Roselle late due to late arrival/turn of 2201, following tardy 2203 – *THIS IS A PEAK PERIOD TRAIN.*  
**2224 (-7)** Arrived CUS @ 03:56. -7" Departed Franklin Park late due to following 2220 and 2222 – *THIS IS A PEAK PERIOD TRAIN.*  
**2226 (-14)** Arrived CUS @ 09:14. -11" Departed Elgin late due to late arrival/turn of 2203; -4" Stop signal – *THIS IS A PEAK PERIOD TRAIN.*

2232 (-32) Arrived CUS @ 12:15. -35" Stop signal B-12 freight interference (G57) wrong lineup into the yard, back up move

---

This was due to a CP-686 that was run from Randall to Bensenville Yard ahead of 2202. Upon arrival at Bensenville Yard, 686 was blocked by an engine on the lead with train hanging out on #2 MT. Delay to 2202 will also affect 22 well as Peak Period Train 2226. Delays to 7201 following 2203 are likely potentially resulting in delays to Peak Period Trains 2220 and 2222.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operations  
Office: 312-322-8939  
Cell. 312-735-8576

Sent from my iPhone  
Begin forwarded message:

**From:** Metra <[servicealerts@metramail.com](mailto:servicealerts@metramail.com)>  
**Date:** August 6, 2019 at 5:54:15 AM CDT  
**To:** <[roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)>  
**Subject:** Metra Alert MD-W - Train #2202, sched. to arrive Chicago Union Station at 6:13 AM - 18 to 22 minute delay, freight train interference



---

Train #2202, scheduled to arrive Chicago Union Station at 6:13 AM, is operating 18 to 22 minutes behind schedule due to freight train interference. Please listen to platform announcements for the location of the train.

---

*This email was sent by [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)*

This email was sent by: Metra  
547 W. Jackson Boulevard  
Chicago, IL 60661-5717 USA

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**To:** Robert A Johnson[Robert\_Johnson@cpr.ca]  
**Cc:** Steven Nettleton[Steven\_Nettleton@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; Nicholas C Walker[Nicholas\_C\_Walker@cpr.ca]; Joshua Bahruth[Joshua\_Bahruth@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Charlie Harrison[CHarrison@METRARR.COM]; NCarlsonforward[norman.carlson@sbcglobal.net]  
**From:** Rich Oppenheim  
**Sent:** Wed 08/07/2019 4:46:40 PM UTC  
**Subject:** RE: Metra Delays due to CP Freight Interference - WED AUG 7, 2019  
**Received:** Wed 08/07/2019 4:46:44 PM UTC

Robert -

Thank you for your prompt response. I am often called upon to respond to customer inquiries as to why their train may have been running behind schedule at intermediate points. The reality is that, as you know, Operating Rules do not permit a train to depart a station in advance of its scheduled time. That fact, coupled with the myriad of situations that regularly come up -- such as ADA passengers who need to have the train stopped and raised so that they can board or detrain, Engineering work that may require a train to slow down briefly for a Form B Bulletin in order to negotiate a work zone, train handling differences among engineers, some of whom may get in and out of stations faster than others, etc. -- prompted us to design our schedules so that at intermediate stops, a train should not have to needlessly sit and wait for departure time to come around. In other words, the times at intermediate stations are achievable under essentially perfect conditions, but, more often than not, for reasons stated, and others, we do frequently tend to run a few minutes behind schedule. Our schedules are designed so that a 6 minute delay in the case with 2230 today, will typically not prevent the train from arriving its final destination at the scheduled time. This is nothing new. Scheduling commuter trains in this manner has been the norm on our system - as well as throughout the industry - for as long as I have been involved in railroad operations. If CP is taking the stance that unless a scheduled train is running exactly 100% on its schedule they no longer need to adhere to its schedule, then something is very wrong.

-----Original Message-----

**From:** Robert A Johnson [mailto:Robert\_Johnson@cpr.ca]  
**Sent:** Wednesday, August 07, 2019 11:23 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Cc:** Steven Nettleton <Steven\_Nettleton@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>; NCarlsonforward <norman.carlson@sbcglobal.net>  
**Subject:** Re: Metra Delays due to CP Freight Interference - WED AUG 7, 2019

Rich,

Why was Metra late?

Sent from my iPhone

On Aug 7, 2019, at 10:13, Rich Oppenheim <ROppenheim@metrarr.com<mailto:ROppenheim@metrarr.com>> wrote:

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

WEDNESDAY - AUGUST 7, 2019

Metra 2230 is due at Tower B17 10:19 AM. Per Metra GPS data, train was operating 6 minutes behind schedule departing from the last stop before Tower B17. At 10:15 AM, 4 minutes before 2230 scheduled time at Tower B17, CP deliberately dispatched an 11,000 foot 199 which was too long to fit between Tower B17 and Bryn Mawr. UP wound up holding 199 at Bryn Mawr due to a local switch job occupying their #1 track of Bryn Mawr, and an Engineering Department employee holding Track Authority on their #2 track. Accordingly 199 stopped with rear end blocking Tower B17 control point until Engineering Department employee cleared the track and released his authority. Metra 2230 departed Tower B17 at 10:42 AM, 23 minutes late, incurring an additional 17 minutes delay beyond the original 6 minutes while waiting for 199 to clear.

Why was it necessary to even attempt to move an 11,000 foot train so closely ahead of a scheduled Metra train, let alone one that known not be able to clear Metra owned Main Tracks without an immediate line up from a foreign line Dispatcher not understanding?

Metra 2230 typically carries over 400 passengers, many of whom are using our service to get them to time sensitive appointments. CP appears to be showing a blatant disregard for Metra operation and the customers who count on us to get them to their destinations on time. Please advise the handling of CP-199 today in relation to our scheduled Metra train and advise if there were any extenuating circumstances that would justify moving the train in this manner.

Rich Oppenheim,  
 Assistant Superintendent  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | roppenheim@metrarr.com<mailto:roppenheim@metrarr.com>



From: Rich Oppenheim  
 Sent: Tuesday, August 06, 2019 2:37 PM  
 To: Steven Nettleton <steven\_nettleton@cpr.ca<mailto:steven\_nettleton@cpr.ca>>; Lucas Lingenfelter <lucas\_lingenfelter@cpr.ca<mailto:lucas\_lingenfelter@cpr.ca>>; nick\_walker@cpr.ca<mailto:nick\_walker@cpr.ca>; Josh Bahruth <joshua\_bahruth@cpr.ca<mailto:joshua\_bahruth@cpr.ca>>; Brandon Billingsley <brandon\_billingsley@cpr.ca<mailto:brandon\_billingsley@cpr.ca>>; Matt Bailey <matt\_bailey@cpr.ca<mailto:matt\_bailey@cpr.ca>>  
 Cc: Bruce Marcheschi <BMarcheschi@METRARR.COM<mailto:BMarcheschi@METRARR.COM>>; Marty Ryan <mryan@METRARR.COM<mailto:mryan@METRARR.COM>>; Janet Carbonelli <JCarbonelli@METRARR.COM<mailto:JCarbonelli@METRARR.COM>>; Victor Flores <VFlores@METRARR.COM<mailto:VFlores@METRARR.COM>>; David Rodriguez <DRodriguez@METRARR.COM<mailto:DRodriguez@METRARR.COM>>; Charlie Harrison <CHarrison@METRARR.COM<mailto:CHarrison@METRARR.COM>>  
 Subject: Metra Delays due to CP Freight Interference - TUES AUG 6, 2019

Following delays to Metra Traffic on Elgin Sub today were due to CP freight interference:

2202 (-17) Arrived CUS @ 06:30. "Freight interference Wood Dale East; "Stop signal B-17 (686-770) freight train yarding blocked by another locomotive, rear-end was hanging out [CP 686 hanging out on #2 MT at Tower B17 blocking 2202]  
 2203 (-20) Arrived Elgin @ 07:58. "Departed CUS late due to late arrival/turn of 2202, previous delay THIS IS A PEAK PERIOD TRAIN.  
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Rich Oppenheim, Assistant Superintendent Metra CUS District Operations  
 Office: 312-322-8939  
 Cell: 312-735-8576  
 Sent from my iPhone

Begin forwarded message:

From: Metra <servicealerts@metramail.com<mailto:servicealerts@metramail.com>>  
 Date: August 6, 2019 at 5:54:15 AM CDT  
 To: <roppenheim@metrarr.com<mailto:roppenheim@metrarr.com>>  
 Subject: Metra Alert MD-W - Train #2202, sched. to arrive Chicago Union Station at 6:13 AM - 18 to 22 minute delay, freight train interfere

[https://protect-us.mimecast.com/s/G5X4Czpx8LcMo0YOc4eHEN]<https://protect-us.mimecast.com/s/D4H0CAD9L0hNAvKGI8wL5X>

Train #2202, scheduled to arrive Chicago Union Station at 6:13 AM, is operating 18 to 22 minutes behind schedule due to freight train interference. Please listen to platform announcements for the location of this train.

-----  
 This email was sent to: roppenheim@metrarr.com<mailto:roppenheim@metrarr.com>

This email was sent by: Metra  
 547 W. Jackson Boulevard  
 Chicago, IL 60661-5717 USA

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To: steven\_nettleton@cpr.ca[steven\_nettleton@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca];  
nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
Cc: Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet  
Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
From: Rich Oppenheim  
Sent: Tue 07/30/2019 3:43:50 PM UTC  
Subject: Metra Delays MON-TUE JUL 29-30, 2019 - CP Freight interference  
Received: Tue 07/30/2019 3:43:51 PM UTC

## MONDAY JULY 29, 2019:

- ☐ 2228 13 minutes at Tower B17 waiting for freight train to clear into Bensenville yard.
- ☐ 2232 8 minutes at Tower B17 waiting for outbound freight coming out of Bensenville yard.
- ☐ 2215 held at Galewood East 17 mins for EWD freight to clear #2 MT, then crossover and use #2 MT to B12, loading and unloading passengers on crosswalks. #1 MT was OOS for Sayre Ave resurfacing and #3 MT was unavailable due to WWD freight pulling out of Galewood yard on to #3 MT.
- ☐ 2223 held 20 minutes at Tower B12 to meet 2242 running East on #1 MT from B17 around a CP 650 re-crewing on #2 MT at Mannheim. Lost time on 2242 on this move also impacted 2231 waiting for #3 MT to clear up. 2231 (a Peak Period Train) was 6 minutes late at Big Timber Road.

## TUES JULY 30, 2019

- ☐ Metra NCS 112 held 10 minutes at Tower B12 to follow CP-281 to Galewood East.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** steven\_nettleton@cpr.ca[steven\_nettleton@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca];  
nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet  
Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM];  
Charlie Harrison[CHarrison@METRARR.COM]; Jack Bauer[JBauer@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 07/30/2019 6:34:03 PM UTC  
**Subject:** RE: Metra Delays MON-TUE JUL 29-30, 2019 - CP Freight interference  
**Received:** Tue 07/30/2019 6:34:05 PM UTC

Additional Metra Delays for TUES JULY 30 2019:

TUES JULY 30, 2019

- ☐ Metra NCS 112 held 10 minutes at Tower B12 to follow CP-281 to Galewood East.
- ☐ 2217 8 minutes at Tower B17 waiting for CP-286 to clear going into Bensenville Yard
- ☐ 2236 initially 8 minutes at Tower B17 waiting for CP-286 to clear. Then additional 17 minutes at Tower B12 account CP-287 taking headroom at Galewood East toward #3 MT. 2236 had to wait for NC-105 to clear B12, then run #2 MT to Galewood loading and unloading passengers on crosswalks. Passengers at Galewood completely blocked by 287.

**From:** Rich Oppenheim

**Sent:** Tuesday, July 30, 2019 10:44 AM

**To:** 'steven\_nettleton@cpr.ca' <steven\_nettleton@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nick\_walker@cpr.ca' <nick\_walker@cpr.ca>

**Cc:** Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>

**Subject:** Metra Delays MON-TUE JUL 29-30, 2019 - CP Freight interference

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Rich Oppenheim,

Assistant Superintendent

Metra CUS District Operations

P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)

547 W. Jackson Blvd., Chicago, IL 60661



**PUBLIC VERSION****EXHIBIT B-2**

**To:** 'MDC Illinois West Desk'[MDC\_Illinois\_West\_Desk@cpr.ca]; 'mdc\_towerb17@cpr.ca'[mdc\_towerb17@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]; joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 05/30/2019 12:51:06 PM UTC  
**Subject:** 2200 vs G35 at Spaulding  
**Received:** Thur 05/30/2019 12:51:07 PM UTC

It is not uncommon for G35 to still be working or finishing up working at Spaulding as 2200 (due out of Elgin 0417) is coming. As has been done in the past, if G35 is leaving cars on #2 MT while working at Spaulding, these cars should be left West of the EWD absolute signal at Spaulding and hand throw switch at East end should be lined back for #2 MT and locked prior to 2200's time. 2200 can then run #1 MT from Tower B35 to Spaulding and cross back to #2 MT at Spaulding so that we can avoid the awkward situation of being on the wrong track at Bartlett with the #1 Platform a full block West of the #2 Platform. If G35 has completed their work at Spaulding and will be following 2200 to Bensenville as is often the case, once their train is assembled on #2 MT, they should then shove back West of the EWD Absolute signal on #2 MT so that 2200 can cross back over ahead of them. Your assistance with this would be greatly appreciated.

**Rich Oppenheim,**  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**From:** Rich Oppenheim  
**Sent:** Thursday, May 30, 2019 6:48 AM  
**To:** Matt Bevers <mbevers@METRARR.COM>  
**Cc:** Janet Carbonelli <JCarbonelli@METRARR.COM>  
**Subject:** Re: 2200 Yesterday

Even with announcements made, the split platform at Bartlett always kills us. Anyone who shows up last minute has to walk a full block to get to the #1 platform and train normally waits for them. I will discuss with CP again to properly stage G35 so as to avoid this move.

Sent from my iPhone  
On May 30, 2019, at 6:25 AM, Matt Bevers <mbevers@metrarr.com> wrote:

The Delay Report shows #2200 6 down due to passengers on the wrong side Bartlett to Schaumburg, freight train . Announcements were made, not sure why Customers were on the wrong side. I called Track #19 to see if Blake had any insight as to why this train was late yesterday and today and he said he would look into it and call me back.

**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Josh Bahruth[joshua\_bahruth@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca]; Steven Nettleton[steven\_nettleton@cpr.ca]; Matt Bailey[matt\_bailey@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; MOC\_Director\_East@cpr.ca[MOC\_Director\_East@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sat 07/20/2019 5:17:20 AM UTC  
**Subject:** Excessive Metra Delays Friday July 19, 2018  
**Received:** Sat 07/20/2019 5:17:25 AM UTC

Please review delay report below. Metra operations and customers were impacted severely today (Friday, July 19, CP freight operations. The biggest issue, of course, was the freight train with the broken knuckle at Tower A20. Pl investigate the cause of the broken knuckle and advise your findings. If broken knuckle was due to train handling w expect appropriate handling with crew involved. If it was due to Mechanical failure, please also advise what steps v taken to avoid any repeat occurrences. With Metra schedules already in shambles, someone made the decision to 281 out of A20 in the midst of an already disrupted rush hour. Bear in mind that this was during Metra Peak period and the interference to Metra operations was contrary to the provisions of our Operating Agreement. Please follow whoever was involved with this decision for appropriate correction.

Rich Oppenheim, Assistant Superintendant  
 Metra CUS District Operations  
 Office 312-322-8939  
 Cell. 312-735-8576

Sent from my iPhone

Begin forwarded message:

**From:** Raymond Heintzelman[RHeintzelman@METRARR.COM]  
**Date:** July 19, 2019 at 8:44:28 PM PDT  
**To:** Don Nelson [DNelson@METRARR.COM], Holly Bratanick [HBratanick@METRARR.COM], Jack Kielbasa [JKielbasa@METRARR.COM], Kristie Cambric [KCambric@METRARR.COM], Marshall Beecher [MBeecher@METRARR.COM], Maurice King [MKing@METRARR.COM], Nina Lewis [NLewis@METRARR.COM], Patrick Danz [PDanz@METRARR.COM], "Paul Zwolfer [pazwolfer@METRARR.COM]" <IMCEAEX-o=metra ou=Exchange+20Administrative+20Group+20+28FYDIBOHF23SPDLT+29 cn=Recipients\_cn=Paul+20Zwolfer02238f3@METRARR.COM> Rich Oppenheim [ROppenheim@METRARR.COM], Robert Tellin [RTellin@METRARR.COM], Steven Moore [SMoore@METRARR.COM], Tim Tabisz [TTabisz@METRARR.COM], Victor Flores [VFlores@METRARR.COM], Daniel Marinellie [DMarinellie@METRARR.COM], Darrin Austin [DAustin@METRARR.COM], David Cook [DCook@METRARR.COM], Ernesto Hernandez [EHernandez@METRARR.COM], James Grogans [JGrogans@METRARR.COM], "Martin H. Yock" [MYock@METRARR.COM]  
**Cc:** Adam Singer [ASinger@METRARR.COM], Carlos Lopez [CLopez@METRARR.COM], Celuis Escutia [CEscutia@METRARR.COM], Christopher Persons [CPersons@METRARR.COM], Darin Crouch [DCrouch@METRARR.COM], Edgar Jaramillo [EJaramillo@METRARR.COM], GPS02 [GPS02@METRARR.COM], Grant Gartner [GGartner@METRARR.COM], Jim Bowen [JBowen@METRARR.COM], Joe Laiter [JLaiter@METRARR.COM], Kevin Jones [kejones@METRARR.COM], Robert Witherspoon [RWitherspoon@METRARR.COM], Sal Ochoa [SOchoa@METRARR.COM], Shawn Brown [SBrown@METRARR.COM], Shon George [sgeorge@METRARR.COM], Tom Ekvall [TEkvall@METRARR.COM]  
**Subject:** Delays and things, the usual track work plus an exhilarating game of freight train roulette with both CP Dispatchers AM and PM. When in doubt just run it.

Friday, July 19, 2019

CUS District PM Delays the usual track work plus an



exhilarating game of freight train roulette with just not one but both AM and PM CP Dispatchers when in doubt just run it. CP motto

North line delays, some and a few big ones,

2117 Expressed from Deerfield to Round Lake, arrived Fox Lake at 15:08 3:08 56 min late, 58 min A-20 blocked by CP freight with a broken knuckle and 2 main out of service due to scheduled track (it is summer time) work.

2136 arrived CUS at 14:40 2:40 18 min late, 10 min Grayslake waiting on a late 2115, 10 picking up and delivering CP (knucklehead) Conductor with a replacement Knuckle.

2138 arrived CUS at 16:31 4:31 69 min, 1 hour 9 min late, CP freight blocking 1 main between A-20 and Deerfield, had to make a see-saw move to west of Rondout to clear a path for a late 2117, 335 and 2119 and Amtrak (buffoonery) 7.

Used 2138's equipment for 2137 track 17.

Switch crew brought 2229's equipment from WACY.

2121 arrived Fox Lake at 16:26 4:26 13 min late, 8 min following CP (with a new knuckle) freight to Rondout, 9 min waiting on a Late 2140 to clear Rondout.

2140 arrived CUS at 17:00 5:00 38 min late, 45 min late turn from 2117, 5 min signal Libertyville, 8 min passenger loading, 5 min following trains to CUS.

2142 arrived CUS at 17:20 5:20 10 min late, 10 min waiting on 2121.

2144 arrived CUS at 18:43 6:43 15 min late, 18 min Deerfield waiting on 2142.

2129 arrived Fox Lake at 18:12 6:12 8 min late, train congestion at Deerfield, 2146 was down 6 min,

2131 arrived Fox Lake at 18:30 6:30 12 min late, following CP (Classic Clownery) 281 from A-20 to Deerfield during rush hour.

2133 arrived Deerfield at 17:54 5:54 11 min late, 6 min stop signal Oakley, 6 min cross traffic Mayfair.

2146 arrived CUS at 18:02 6:02 7 min late, 5 min Libertyville meeting 2125, 6 min approach (281 hanging out at A-20) signals.

2150 arrived CUS at 18:55 6:55 11 min late, late turn from 2133.

2151 arrived Fox Lake at 21:15 9:19 6 min late, 8 min Western Ave. depot waiting on medical personal; crew came upon an incapacitated male laying prostrate on the platform

West line delays, none,

North central service delays, none,

Southwest service delays, none,

Heritage Corridor delay, none,

**To:** Steven Nettleton[steven\_nettleton@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca];  
 nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Josh Bahruth[joshua\_bahruth@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca];  
 Matt Bailey[matt\_bailey@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet  
 Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 08/06/2019 11:06:51 AM UTC  
**Subject:** Fwd: Metra Alert MD-W - Train #2202, sched. to arrive Chicago Union Station at 6:13 AM - 18 to 22 minute delay, freight  
 train interference  
**Received:** Tue 08/06/2019 11:06:52 AM UTC

This was due to a CP-686 that was run from Randall to Bensenville Yard ahead of 2202. Upon arrival at Bensenville 686 was blocked by an engine on the lead with train hanging out on #2 MT. Delay to 2202 will also affect 2203 as a Peak Period Train 2226. Delays to 7201 following 2203 are likely potentially resulting in delays to Peak Period Train 2222.

Rich Oppenheim, Assistant Superintendant  
 Metra CUS District Operations  
 Office: 312-322-8939  
 Cell. 312-735-8576

Sent from my iPhone

Begin forwarded message:

**From:** Metra <[servicealerts@metramail.com](mailto:servicealerts@metramail.com)>  
**Date:** August 6, 2019 at 5:54:15 AM CDT  
**To:** <[roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)>  
**Subject:** Metra Alert MD-W - Train #2202, sched. to arrive Chicago Union Station at 6:13 AM - 18 to 22 minute delay, freight train interference

---

Train #2202, scheduled to arrive Chicago Union Station at 6:13 AM, is operating 18 to 22 minutes behind schedule due to freight train interference. Please listen to platform announcements for the location of the train.

---

*This email was sent to [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)*

This email was sent by: Metra  
 547 W. Jackson Boulevard  
 Chicago, IL 60661-5717 USA

We respect your right to privacy [view our policy](#)  
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 If you have questions or comments, you may contact <https://metrail.com/contact-us>

**To:** Steven Nettleton[steven\_nettleton@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca];  
nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Josh Bahruth[joshua\_bahruth@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca];  
Matt Bailey[matt\_bailey@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet  
Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM];  
Charlie Harrison[CHarrison@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 08/06/2019 7:37:13 PM UTC  
**Subject:** Metra Delays due to CP Freight Interference - TUES AUG 6, 2019  
**Received:** Tue 08/06/2019 7:37:14 PM UTC

Following delays to Metra Traffic on Elgin Sub today were due to CP freight interference:

**2202 (-17)** Arrived CUS @ 06:30. -5" Freight interference Wood Dale East; -10" Stop signal B-17 (686-770) freight train yarding blocked by another locomotive, rear-end was hanging out [**CP 686 hanging out on #2 MT at Tower B17 blocking 2202**]

**2203 (-20)** Arrived Elgin @ 07:58. -14" Departed CUS late due to late arrival/turn of 2202, previous delays – *THIS IS A PEAK PERIOD TRAIN.*

**2220 (-9)** Arrived CUS @ 08:32. Departed Roselle late due to late arrival/turn of 7201, following tardy 2203 – *THIS IS A PEAK PERIOD TRAIN.*

**2224 (-7)** Arrived CUS @ 08:55. -7" Departed Franklin Park late due to following 2220 and 2222 – *THIS IS A PEAK PERIOD TRAIN.*

**2226 (-14)** Arrived CUS @ 09:14. -11" Departed Elgin late due to late arrival/turn of 2203; -4" Stop signal – *THIS IS A PEAK PERIOD TRAIN.*

**2232 (-32)** Arrived CUS @ 12:15. -35" Stop signal B-12 freight interference (G57) wrong lineup into the yard, back up move

---

This was due to a CP-686 that was run from Randall to Bensenville Yard ahead of 2202. Upon arrival at Bensenville Yard, 686 was blocked by an engine on the lead with train hanging out on #2 MT. Delay to 2202 will also affect 2226 as well as Peak Period Train 2226. Delays to 7201 following 2203 are likely potentially resulting in delays to Peak Period Trains 2220 and 2222.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operations  
Office: 312-322-8939  
Cell: 312-735-8576

Sent from my iPhone  
Begin forwarded message:

**From:** Metra <servicealerts@metramail.com>  
**Date:** August 6, 2019 at 5:54:15 AM CDT  
**To:** <roppenheim@metrarr.com>  
**Subject:** Metra Alert MD-W - Train #2202, sched. to arrive Chicago Union Station at 6:13 AM - 18 to 22 minute delay, freight train interference

---

Train #2202, scheduled to arrive Chicago Union Station at 6:13 AM, is operating 18 to 22 minutes behind schedule due to freight train interference. Please listen to platform announcements for the location of the



**PUBLIC VERSION**

**EXHIBIT B-2**

*This email was sent to [t@oppenheim@metrarr.com](mailto:t@oppenheim@metrarr.com)*

This email was sent by: Metra  
547 W. Jackson Boulevard  
Chicago, IL 60661-5717 USA

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If you have questions or comments, you may contact <https://metrarail.com/contact-us>

**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Joshua Pennington[Joshua\_Pennington@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca];  
nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM];  
harlie Harrison[CHarrison@METRARR.COM]; chuck\_hubbard@cpr.ca[chuck\_hubbard@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Tue 11/12/2019 7:22:01 PM UTC  
**Subject:** Metra delays due to CP Operations - TUE NOV 12, 2019  
**Received:** Tue 11/12/2019 7:22:03 PM UTC

About 0130 Tue Nov 12, 2019 a 9000 foot CP-472 experienced a broken knuckle toward the rear of the train. Train stopped on Metra #2 MT completely blocking the Roselle West control point. Original crew expired on hours at 0230. In spite of initial plans to have crew bring head end of train into Bensenville yard and then have power return to Roselle for rear end of train, it was decided to leave train intact with road crossings blocked. It is my understanding that crew attempted to change out the broken knuckle but could not do so due to damage to draw bar. CP Mechanical was dispatched to the scene to assist in repairs but subsequently had to return to Bensenville yard to obtain additional materials before repairs could be completed and train re-assembled.

Metra 2200 and 2202 used #1 MT from Tower B35 to Tower B17 loading passengers on the opposite platform at 8 stations (Bartlett through Bensenville) requiring that passengers stand out in cold (temperature was @ 9 degrees). CP-472 began moving toward Bensenville @ 0530 and Metra 2204 was allowed to run their normal #2 MT to Roselle West, and was then lined up to run #1 MT to Tower B17 in case CP-472 didn't yard right away. This turned out to be the case, and with CP-472 going into the outbound lead, it was not possible to cross 2204 back to #2 MT at Tower B17. That meant that 2204 had to stay on #1 MT to Tower B12 with 2201 holding at Tower B12 for them to clear. This delayed 2201 (peak period train) 17 minutes. 2204 (also peak period train) arrived CUS 6 minutes late.

About 1030 hrs, CP-287 on #1 MT and CP-582 on #2 MT were both allowed to simultaneously go to Mannheim for a crew change. Metra 2213 arrived Tower B12 and Metra 2232 arrived Tower B17 with no place to go. CP-582 started to move about that time, so 2232 followed 582 and 2213 crossed over at B12 after 2232 cleared. 2213 was 25 minutes late arriving Big Timber Road.

Before CP-287 moved and cleared up #1 MT between B12 and B17, ANOTHER eastbound, CP-380 was brought down to Mannheim for a crew change. The above scene almost repeated itself with 2215 and 2234, however 287 did begin moving toward the C&M just as 2215 got to B12, so 2215 followed 287 and proceeded once 287 cleared B17 going on to the Cut off, and then 2234 crossed over at B17 and proceed East on #1 MT.

We are all again entering the season of winter railroading in Chicago and will be faced with the many challenges which it brings. We understand that many of those challenges will present situations beyond anyone's control, so it is doubly important to control the things that we are capable of. Moving forward, we request that for crew changes involving the Metra owned tracks between Tower B17 and Tower B12, no more than one crew change at a time be attempted, and that during the few periods of time where Metra trains are scheduled to meet between B12 and B17, they be avoided all together. Whenever possible, please try and arrange for crew changes to take place with trains between Tower B17 and Bryn Mawr or at Galewood. During those unfortunate times when freight trains become disabled, please be sensitive to keeping road crossings and station platforms open when devising a recovery plan. If situations arise where Metra's resources or personnel assistance can help mitigate a negative situation, do not hesitate to let me know. Thanks again for your assistance.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**To:** Marshall Beecher[MBeecher@METRARR.COM]; Steven Nettleton[steven\_nettleton@cpr.ca];  
nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM];  
NCarlsonforward[norman.carlson@sbcglobal.net]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Maurice King[MKing@METRARR.COM];  
Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 07/22/2019 12:41:39 AM UTC  
**Subject:** Re: CP Delay Synopsis: Sunday July 21, 2019  
**Received:** Mon 07/22/2019 12:41:41 AM UTC

Steve -

I appreciate your prompt response to my previous e-mail. While I understand the added factor of the switch problem and the delays experienced yesterday, here is a synopsis of what took place today. Even from my vantage point in California I can tell you that when single tracking 2612 and 2607 meet at Deerfield with Amtrak 335 close behind 2612 and Amtrak 336 is at Rondout shortly after 335 clears. The 3 Westward freights either needed to be able to clear Rondout of 2612 or should have been staged to follow 335 from A20 and meet 336 at Deerfield. Single track operation to accomplish needed track work is nothing new. Train dispatching under these circumstances is undeniably challenging and if planned properly can accomplish movement of traffic without the excessive delays experienced yesterday, and again today.

Sent from my iPhone

On Jul 21, 2019, at 5:21 PM, Marshall Beecher[[MBeecher@metrarr.com](mailto:MBeecher@metrarr.com)] wrote:

On Sunday, July 21, 2019 the Canadian Pacific Railroad again created a situation with their freight traffic that led to excessive delays for several trains on the Milwaukee North Line. When questioning the dispatcher about this chain of delays, even before they began, the answer given was that he made no decision on his part to delay our trains and that those decisions were made by his upper managers.

Around 12:35PM, they sent an eastbound train (CP 286-20) on #1 main around the out of service block on Main #2 between Rondout and Deerfield. Waiting at the other end of the single track to head west, beginning at Deerfield towards Tower A20, were three westbound freight trains, CP 581-377, CP 281-21 and CP 199-21. Before 199-21 could even clear the Shermer Cut-Off at Tower A20 and onto Main 1, they had MN2607 waiting on them at the signal at Tower A20. Delays compounded and the decision was made to see-saw MN2612 at Rondout while waiting on freight traffic, in an effort to keep MN2607 moving west. Ultimately, this led to the following 4 delays:

MN2612 Arrived CUS 3:11PM, 49 Mins late. Waiting on 3 CP freight moves and MN2607 at Rondout.

MN2607 Arrived Fox Lake 2:32PM, 30 Mins late. Followed three Westbound freight trains Tower A20 to Rondout. Was able to turn on-time out of Fox Lake as MN2614 which arrived CUS on-time.

MN2611 Arrived Fox Lake 4:52PM, 40 Mins late. Late departure from CUS turning from MN2612, and in-turn departed late from Fox Lake as MN2616.

MN2616 Arrived CUS 6:33PM, 11 Minutes late. Late turn at Fox Lake off MN2611.

As of 5:20PM, #2 main was back in service Rondout-Deerfield and all trains were getting back on-time after MN2616's CUS arrival. No other extreme delays due to freight train interference are anticipated at this time.

**Marshall W. Beecher**

**Trainmaster**

Chicago Union Station District

C: [312.257.0637](tel:312.257.0637)

W: [312.542.8326](tel:312.542.8326)



**To:** joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Joshua Pennington[Joshua\_Pennington@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 09/19/2019 2:36:50 PM UTC  
**Subject:** Metra 2253 Delay at Tower B17 WED SEPT 18, 2019  
**Received:** Thur 09/19/2019 2:37:05 PM UTC

Last night, Metra 2253 was held @ 20 minutes at Tower B17 waiting for a CP-382 from Bryn Mawr pulling in to the yard. Please advise what prompted this delay to occur. Our yardmaster also left a notation to the effect that there may have been a miscalculation as to 382's actual length that may have been a contributing factor. I would appreciate it if you could look into this situation and let us know if there is any truth to this. Thanks for your assistance.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**PUBLIC VERSION** **EXHIBIT B-2**  
**To:** Marshall Beecher[MBeecher@METRARR.COM]; Steven Nettleton[steven\_nettleton@cpr.ca];  
nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM];  
NCarlsonforward[norman.carlson@sbcglobal.net]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Maurice King[MKing@METRARR.COM];  
Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 07/22/2019 12:41:39 AM UTC  
**Subject:** Re: CP Delay Synopsis: Sunday July 21, 2019  
**Received:** Mon 07/22/2019 12:41:41 AM UTC

Steve -

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**Marshall W. Beecher**

**Trainmaster**

Chicago Union Station District

C: [312.257.0637](tel:312.257.0637)

W: [312.542.8326](tel:312.542.8326)

**PUBLIC VERSION** **EXHIBIT B-2**  
**To:** Josh Bahruth[joshua\_bahruth@cpr.ca]; Josh Feltz[josh\_feltz@metrarr.com]; Joshua Pennington[joshua\_pennington@cpr.ca]; Michael Ugorek[michael\_ugorek@cpr.ca]; nicole\_kurtenbach@metrarr.com[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; nick\_walker@metrarr.com[nick\_walker@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Adam Farence[AFarence@METRARR.COM]; Kevin Lynch[KLynch@METRARR.COM]; Maurice King[MKing@METRARR.COM]; Robert Tellin[RTellin@METRARR.COM]; Kenneth Rice[KRice@METRARR.COM]; Alyssa Battaglia[ABattaglia@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 12/24/2019 5:25:34 AM UTC  
**Subject:** Re: MW2253 Late MON 12/23  
**Received:** Tue 12/24/2019 5:25:36 AM UTC

CP please follow up with 581 crew as well as with Elgin Dispatcher. If the expectation was that 581 was going to clear ahead of 2253, what communication took place between the crew and dispatcher to determine when train was actually going to move. Did this take place before 2253 was lined in behind 581?

Sent from my iPhone

On Dec 23, 2019, at 10:37 PM, Marshall Beecher <MBeecher@metrarr.com> wrote:

MW2253 Followed a recreated CP581 on main 1 at B17. Freight Crew took it upon themselves to check the fuel levels of their road power, which delayed their pull towards Bryn Mawr, when it was not requested or required of the crew by anyone. MW2253 was 2mins late by A5, 7mins late by B-12 (no delays A5-B12) and lost the balance of their time waiting for CP 581 to clear Elgin Sub 1 main to the C&M at B-17.  
FYI

**Marshall W. Beecher**  
**Trainmaster**  
Chicago Union Station District  
C: 312.257.0637  
W: 312.542.8326



**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; Josh Bahruth[joshua\_bahruth@cpr.ca]; Josh Pennington[joshua\_pennington@cpr.ca]; Michael Ugorek[michael\_ugorek@cpr.ca]; EAST CP[Moc\_Director\_East@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 11/25/2019 12:18:23 PM UTC  
**Subject:** Metra delays at B17  
**Received:** Mon 11/25/2019 12:18:31 PM UTC

Saturday Nov 23, 2019 Metra 2710 delayed 8 minutes at TowerB17 for CP freight clearing in yard.

Sunday Nov 24, 2019 Metra 2714 delayed 12 minutes at Tower B17 also for freight yarding. Before releasing trains for yard can we provide advance information to crews regarding switches that will need to be lined, etc., then receive assurance from crew that they will be able to clear in the allotted time? Your assistance would be greatly appreciated.

Rich Oppenheim, Assistant Superintendant  
Metra CUS District Operations  
Office 312-322-8939  
Cell 312-735-8576  
Roppenheim@metrarr.com

Sent from my iPhone

**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; EAST CP[Moc\_Director\_East@cpr.ca]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sun 10/13/2019 1:19:42 PM UTC  
**Subject:** Metra Milwaukee North Line Delays SAT OCT 12 2019  
**Received:** Sun 10/13/2019 1:19:50 PM UTC  
[1501 All District Report.pdf](#)  
[ATT00001.htm](#)

Reference Milwaukee North Line Delay sheet on attached delay report. On Sat Oct 12 CP-281 ran #2 MT A6 to Morton Grove with 2603 on #1 MT. 2603 was held at Morton Grove to allow 281 to cross over in front resulting in 15 minute delay to 2603. Please advise why this was done as opposed to having 281 follow 2603. Also please look into delay to 2607 running around freight between Tower A6 and Mayfair

Rich Oppenheim, Asst Supt  
Metra CUS District  
Office. 312-322-8939  
Cell. 312-735-8576  
[Roppenheim@metrarr.com](mailto:Roppenheim@metrarr.com)

Sent from my iPhone

Begin forwarded message:

**From:** "MetraReporting@metrarr.com" <MetraReporting@metrarr.com>  
**Date:** October 13, 2019 at 4:45:17 AM CDT  
**To:** Troy Clampit <TClampit@METRARR.COM>, Jeffrey Brantz <JBrantz@METRARR.COM>  
**Subject:** 1501 All District Report was executed at 10/13/2019 4:45:03 AM

We will continue to send the 1501 All Districts Report to everyone, everyday. But, if you would like to be added to a specific district only, please contact [tclampit@metrarr.com](mailto:tclampit@metrarr.com). Here are your choices grouped for specific districts:

1. RID, SWS, HC
2. MDN, MDW, NCS
3. MEML, MEBI, MESC
4. UPN, UPW, UPNW
5. BNSF, SWS

**To:** Nicholas C Walker[Nicholas\_C\_Walker@cpr.ca]  
**Cc:** Israel Gonzalez[IGonzalez@METRARR.COM]; Steven Nettleton[Steven\_Nettleton@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Carlo Santori[CSantori@METRARR.COM]; Charles Allen[Callen@METRARR.COM]; Corinna Gallardo[cgallardo@metrarr.com]; Courtney Aubrecht[CAubrecht@METRARR.COM]; Daniel Parisi[DParisi@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; GPSAlerting[GPSAlerting@METRARR.COM]; Hilary Konczal[HKonczal@METRARR.COM]; Jacqueline Watkins[JWatkins@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Joe Bratta[JBratta@METRARR.COM]; Katie Dahlstrom[KDahlstrom@METRARR.COM]; Keith Georgeff[KGeorgeff@METRARR.COM]; Kurt Kroner[kkroner@METRARR.COM]; Marshall Beecher[MBeecher@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Matthew Koszulinski[MKoszulinski@METRARR.COM]; Meg Thomas-Reile[mtreile@metrarr.com]; Michael Gillis[mgillis@METRARR.COM]; Sergio Guerrero[SGuerrero@METRARR.COM]; Steve Hoye[SHoye@METRARR.COM]; Steven Cork[SCork@METRARR.COM]; Sylvia Ortiz-Cooper[Sortiz-Cooper@METRARR.COM]; Terron Haynes[THaynes@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Maurice King[MKing@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sat 07/13/2019 8:53:48 PM UTC  
**Subject:** Re: MW2707 Delay  
**Received:** Sat 07/13/2019 8:53:51 PM UTC

Nick-  
 With tracks out of service, it is expected that freight trains will be dispatched judiciously and only where there is an opportunity for them to run without intentionally delaying scheduled Metra trains. I have asked repeatedly to have 281 sent via UP during track work and these requests have been ignored. If you insist on running 281 via A5 during track work, our expectations are that train will only be moved when there is a window that does not impact our operation - not simply on a basis as to when the train happens to be ready to go.

Rich

Sent from my iPhone

> On Jul 13, 2019, at 3:33 PM, Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca> wrote:  
 >  
 > Train called out 25 minutes before train was due at B17.  
 >  
 > [CP-classic-logo-email]  
 >  
 >  
 > Nicholas C. Walker  
 > General Manager Operations – US East  
 > O630-860-4156<tel:630-860-4156>  
 > C773-372-0854<tel:773-372-0854>  
 > 11306 Franklin Park Ave.<x-apple-data-detectors://1/2>  
 > Franklin Park IL 60131<x-apple-data-detectors://1/2>  
 >  
 >  
 > On Jul 13, 2019, at 2:24 PM, Rich Oppenheim <ROppenheim@metrarr.com<mailto:ROppenheim@metrarr.com>> wrote:  
 >  
 > This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.  
 >  
 > With #2 MT oos why was 281 not sent out of B12 behind 2708?  
 >  
 > Sent from my iPhone  
 >  
 > On Jul 13, 2019, at 10:47 AM, Israel Gonzalez <IGonzalez@metrarr.com<mailto:IGonzalez@metrarr.com>> wrote:  
 >  
 > Be advised that the above listed train will take a significant delay at CP Cicero West for a meet with MW2708. We have MT2 out of service for MOW and a CP 281 on MT3. MW 2707 will probably take a 15+ minute delay.  
 >  
 > <image001.png>  
 > Israel Gonzalez  
 > Metra Chief Dispatcher  
 > (312)597-1004  
 > igonzalez@metrarr.com<mailto:igonzaez@metrarr.com>  
 > Metra CCF  
 > 1501 S. Canal Street  
 > Chicago, IL. 60607  
 >  
 > “You don't manage people; you manage things. You lead people.” Rear Admiral Grace Hopper  
 >



>  
>  
>  
>  
> Disclaimer

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>  
> This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast Ltd, an innovator in Software as a Service (SaaS) for business. Providing a safer and more useful place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here<<https://protect-us.mimecast.com/s/DgldCgJQqlFAOWmxFND1TR>>.

>  
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**PUBLIC VERSION****EXHIBIT B-2**

**To:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Steven Nettleton[Steven\_Nettleton@cpr.ca]; Robert A Johnson[Robert\_Johnson@cpr.ca]; Nicholas C Walker[Nicholas\_C\_Walker@cpr.ca]; Joshua Bahruth[Joshua\_Bahruth@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; Brandon Billingsley[Brandon\_Billingsley@cpr.ca]; MOC Director East[MOC\_Director\_East@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; DL\_MOC\_Senior\_Director@cpr.ca[MOC\_Senior\_Director@cpr.ca]; Tony Marquis[Tony\_Marquis@cpr.ca]; Tom Albanese[Tom\_Albanese@cpr.ca]; Tracy L Miller[Tracy\_L\_Miller@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Thur 04/04/2019 1:30:42 PM UTC  
**Subject:** RE: Delay to Metra Peak Period Trains  
**Received:** Thur 04/04/2019 1:30:43 PM UTC

2201 delayed 22 minutes, arrived Big Timber 17 mins late.  
2204 delayed 14 minutes arrived CUS 12 mins late.  
2220 departed Roselle 7 minutes late, will arrive CUS 5 to 6 minutes late.  
Minor delays also occurred to NC-100 and 2222.

**From:** Bruce Marcheschi  
**Sent:** Thursday, April 04, 2019 8:25 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>; Steven Nettleton <Steven\_Nettleton@cpr.ca>; Robert A Johnson <Robert\_Johnson@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>  
**Cc:** Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; DL\_MOC\_Senior\_Director@cpr.ca <MOC\_Senior\_Director@cpr.ca>; Tony Marquis <Tony\_Marquis@cpr.ca>; Tom Albanese <Tom\_Albanese@cpr.ca>; Tracy L Miller <Tracy\_L\_Miller@cpr.ca>  
**Subject:** Re: Delay to Metra Peak Period Trains

Rich,

How many delays have we taken due to this decision?

Bruce M. Marcheschi  
Chief Operating Officer and  
Deputy Executive Director  
Metra  
547 W. Jackson Blvd.  
Chicago, IL 60661  
Office: 312.322 6949  
Cell: 312.617.1864  
Email: [bmarcheschi@metrarr.com](mailto:bmarcheschi@metrarr.com)

----- Original message -----

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Date:** 4/4/19 8:19 AM (GMT-06:00)  
**To:** Steven Nettleton <Steven\_Nettleton@cpr.ca>; Robert A Johnson <Robert\_Johnson@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>  
**Cc:** Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; "DL\_MOC\_Senior\_Director@cpr.ca" <MOC\_Senior\_Director@cpr.ca>; Tony Marquis <Tony\_Marquis@cpr.ca>; Tom Albanese <Tom\_Albanese@cpr.ca>; Tracy L Miller <Tracy\_L\_Miller@cpr.ca>  
**Subject:** RE: Delay to Metra Peak Period Trains

I would be curious to know if Elgin Dispatcher or anyone else talked with 143's crew prior to lining them up to determine if they thought they would be able to clear or not. 2201 is due at B12 0610 and 2204 at 0616. Also, when they didn't show up as expected, did anyone attempt to contact crew to see if they could comply with a signal change at B12 and then have them stop short of the plant?

---Original Message----

From: Steven Nettleton [mailto:Steven\_Nettleton@cpr.ca]

Sent: Thursday, April 04, 2019 7:18 AM

To: Rich Oppenheim <ROppenheim@METRARR.COM>; Robert A Johnson <Robert\_Johnson@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>  
Cc: Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; DL MOC Senior Director@cpr.ca <MOC\_Senior\_Director@cpr.ca>; Tony Marquis <Tony\_Marquis@cpr.ca>; Tom Albanese <Tom\_Albanese@cpr.ca>; Tracy L Miller <Tracy\_L\_Miller@cpr.ca>  
Subject: RE: Delay to Metra Peak Period Trains

Rich,

This is 143's train. Signal was put in at 0550 and Senior Director Gary Prince gave the ok to run it. 143 did not take the light at B12 until 0616.

143 arrived Schiller back on time.

We will interview the crew and determine what happened.

-----Original Message-----

From: Rich Oppenheim <ROppenheim@METRARR.COM>

Sent: Thursday, April 4, 2019 6:57 AM

To: Robert A Johnson <Robert\_Johnson@cpr.ca>; Nicholas C Walker <Nicholas\_C\_Walker@cpr.ca>; Joshua Bahruth <Joshua\_Bahruth@cpr.ca>; Matt Bailey <Matt\_Bailey@cpr.ca>; Brandon Billingsley <Brandon\_Billingsley@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Steven Nettleton <Steven\_Nettleton@cpr.ca>  
Cc: Bruce Marcheschi <BMarcheschi@METRARR.COM>; Marty Ryan <mryan@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>  
Subject: Delay to Metra Peak Period Trains

his email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

This morning, a 9900 foot Q-165 was dispatched from Norpaul to Schiller Park across Tower B12 directly ahead of Metra 2201 and 2204. 2201 was already stopped at B12 before Q165 even showed up. 2201 delayed 23 minutes and 2204 delayed 14 minutes. 2204 is a Peak Period train. 2201 is not but turns for 2222 at Big Timber who is Peak Period and will be late. Late 2204 will ultimately affect Peak Period train 2220 out of Roselle

Sent from my iPhone

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**PUBLIC VERSION****EXHIBIT B-2**

**To:** Israel Gonzalez[IGonzalez@METRARR.COM]; Steven Nettleton[steven\_nettleton@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Carlo Santori[CSantori@METRARR.COM]; Charles Allen[CAllen@METRARR.COM]; Corinna Gallardo[cgallardo@metrarr.com]; Courtney Aubrecht[CAubrecht@METRARR.COM]; Daniel Parisi[DParsi@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; GPSAlerting[GPSAlerting@METRARR.COM]; Hilary Konczal[HKonczal@METRARR.COM]; Jacqueline Watkins[JWatkins@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Joe Bratta[JBratta@METRARR.COM]; Katie Dahlstrom[KDahlstrom@METRARR.COM]; Keith Georgeff[KGeorgeff@METRARR.COM]; Kurt Kroner[kkroner@METRARR.COM]; Marshall Beecher[MBeecher@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Matthew Koszulinski[MKoszulinski@METRARR.COM]; Meg Thomas-Reile[mtreile@metrarr.com]; Michael Gillis[mgillis@METRARR.COM]; Sergio Guerrero[SGuerrero@METRARR.COM]; Steve Hoyer[SHoyer@METRARR.COM]; Steven Cork[SCork@METRARR.COM]; Sylvia Ortiz-Cooper[Sortiz-Cooper@METRARR.COM]; Terron Haynes[THaynes@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Maurice King[MKing@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sat 07/13/2019 7:24:27 PM UTC  
**Subject:** Re: MW2707 Delay  
**Received:** Sat 07/13/2019 7:24:29 PM UTC  
[image001.png](#)

With #2 MT oos why was 281 not sent out of B12 behind 2708?

Sent from my iPhone

On Jul 13, 2019, at 10:47 AM, Israel Gonzalez <[IGonzalez@metrarr.com](mailto:IGonzalez@metrarr.com)> wrote:

Be advised that the above listed train will take a significant delay at CP Cicero West for a meet with MW2708. We have MT2 out of service for MOW and a CP 281 on MT3. MW 2707 will probably take a 15+ minute delay.

<[image001.png](#)>  
*Israel Gonzalez*  
*Metra Chief Dispatcher*  
*(312)597-1004*  
[igonalez@metrarr.com](mailto:igonalez@metrarr.com)  
*Metra CCF*  
*1501 S. Canal Street*  
*Chicago, IL 60607*

*"You don't manage people; you manage things. You lead people."* Rear Admiral Grace Hopper



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IMPORTANT NOTICE - AVIS IMPORTANT -----

**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Josh Bahruth[joshua\_bahruth@cpr.ca]; Brandon Billingsley[brandon\_billingsley@cpr.ca]; Matt Bailey[Matt\_Bailey@cpr.ca]; Steven Nettleton[steven\_nettleton@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; moc\_director\_east@cpr.ca.[moc\_director\_east@cpr.ca.]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]

**From:** Rich Oppenheim

**Sent:** Thur 05/02/2019 11:03:01 AM UTC

**Subject:** Metra Delays on Elgin Sub WED MAY 1, 2019

**Received:** Thur 05/02/2019 11:03:02 AM UTC

TOPS1501\_BN.PDF

ATT00001.htm

TOPS1501\_HCD.PDF

ATT00002.htm

TOPS1501\_MEDML.PDF

ATT00003.htm

TOPS1501\_MEDSC.PDF

ATT00004.htm

TOPS1501\_MEDBI.PDF

ATT00005.htm

TOPS1501\_MWDN.PDF

ATT00006.htm

TOPS1501\_MWDW.PDF

ATT00007.htm

TOPS1501\_NCS.PDF

ATT00008.htm

TOPS1501\_RID.PDF

ATT00009.htm

TOPS1501\_SWS.PDF

ATT00010.htm

TOPS1501\_UPN.PDF

ATT00011.htm

TOPS1501\_UPNW.PDF

ATT00012.htm

TOPS1501\_UPW.PDF

TT00013.htm

Reference delays to Metra Milwaukee District West Line trains on attached sheet: On Wednesday, May 1, 2019, a lengthy CP-473 was dispatched from Bensenville with the intent of re-crewing the train at Randall Road. CP-473 stopped on #1 MT and due to train length completely blocked access to Metra's Big Timber Road depot and #1 main platform. metra 2221-2244 were sent up #2 MT to make their turn, however there is nothing at Big Timber on the #2 main side of the platform. Passengers were completely cut off from depot, parking lot, etc. passengers off 2221 had no place to go and passengers for 2244 could not get to train. Because of this, 2244 was held 17 minutes waiting for CP-473 to clear. In order to make flip at CUS to 2243, 2244 was expressed from River Grove to Chicago. 7452 was held on #1 MT at B12 to follow 2244 and handle shorts. Peak period train 2231 had to wait at B12 for #1 MT clear. This also affected Metra Peak Period trains 2233, 2235, and 2237

Moving forward, if necessary to re-crew trains at Randall Road they must stop to clear Big Timber Road station access or cut crosswalk. If necessary, depending on timing, freight could also run #2 MT from B35 to Randall Road leaving #1 MT open for passenger access. Thank you for your assistance.

Rich Oppenheim, Assistant Superintendent  
 Metra CUS District Operations  
 Office 312-322-8939  
 Cell 312-735-8576

Sent from my iPhone

Begin forwarded message:

**From:** Metra Mainframe Information Systems  
**Date:** May 2, 2019 at 4:47:26 AM CDT  
**To:** <mainframe@metrarr.com>, <mainframe@metrarr.com>



**Subject: TOPS Daily Incident Report**

This report is generated from Metra Information Systems

**To:** Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; Moc\_Director\_East@cpr.ca[Moc\_Director\_East@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 06/07/2019 11:46:51 AM UTC  
**Subject:** Metra 2141 delay THU JUNE 6, 2019  
**Received:** Fri 06/07/2019 11:46:53 AM UTC

TOPS1501\_BN.PDF  
ATT00001.htm  
TOPS1501\_HCD.PDF  
ATT00002.htm  
TOPS1501\_MEDML.PDF  
ATT00003.htm  
TOPS1501\_MEDSC.PDF  
ATT00004.htm  
TOPS1501\_MEDBI.PDF  
ATT00005.htm  
TOPS1501\_MWDN.PDF  
ATT00006.htm  
TOPS1501\_MWDW.PDF  
ATT00007.htm  
TOPS1501\_NCS.PDF  
ATT00008.htm  
TOPS1501\_RID.PDF  
ATT00009.htm  
TOPS1501\_SWS.PDF  
ATT00010.htm  
TOPS1501\_UPN.PDF  
ATT00011.htm  
TOPS1501\_UPNW.PDF  
ATT00012.htm  
TOPS1501\_UPW.PDF  
ATT00013.htm

Please see delay to Metra 2141 at Rondout on attached Milwaukee North delay report. 2141 was held approximately 5 minutes for Amtrak 340 to go first. Regarding this please note that:

1. 2141 is scheduled to go through Rondout ahead of 340.
2. 340, as scheduled, catches up to and follows Metra 2152 in route to Chicago. Running 2141 first will not in any way affect 340's arrival into Chicago.

This is not the first time 2141 has been held for 2141. Please follow up with C&M Dispatcher.

Rich Oppenheim,  
Assistant Superintendent  
Chicago Union Station District  
Office 312-322-8839  
Cell 312-735-8576  
[Roppenheim@metrarr.com](mailto:Roppenheim@metrarr.com)

Sent from my iPhone

Begin forwarded message:

**From:** Metra Mainframe Information Systems  
**Date:** June 7, 2019 at 4:47:30 AM CDT  
**To:** <[mainframe@metrarr.com](mailto:mainframe@metrarr.com)>, <[mainframe@metrarr.com](mailto:mainframe@metrarr.com)>  
**Subject:** TOPS Daily Incident Report

This report is generated from Metra Information Systems

**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**Cc:** brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 10/29/2020 9:34:21 PM UTC  
**Subject:** Trains yarding at Tower B17  
**Received:** Thur 10/29/2020 9:34:22 PM UTC

Jacob and Nicole:

I appreciate your taking the time to discuss our mutual Operations yesterday. As we discussed, lately one of the biggest sources of significant delay to our service involves the yarding of inbound CP traffic across Tower B17 which does not clear our scheduled train times. As a possible remedy to this chronic problem the following was suggested:

- When trains are released to go in the yard, and prior to having B17 line them up, Yardmaster (or other designated employee) should relay to the crew aboard the train the number of yard switches they will need to line on their way into the yard.
- Crew on train should then be informed of the time the next scheduled Metra train is due, and ask if they feel they will be able to clear the plant in that amount of time.
- Hopefully crew will respond honestly, and if they feel there is insufficient time, train will be held for next suitable window.

I understand that we just had this conversation yesterday, and procedures take time to be placed in operation. I do need to mention, however, that just now, a 9500 foot 286 was released to come into the yard directly ahead of Metra #2223 (due B17 1606) and Metra 2242 (due B17 1605). Both trains wound up being delayed 17 minutes. I sincerely hope that you will be able to move forward toward putting the procedures we discussed into operation. If I can assist in any way, please let me know. Thanks again for your help.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**

To: jacob\_reynolds@cpr.ca[jacob\_reynolds@cpr.ca]; Michael Ugorek[michael\_ugorek@cpr.ca];  
'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca];  
nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
Cc: David Rodriguez[DRodriguez@METRARR.COM]  
From: Rich Oppenheim  
Sent: Tue 08/04/2020 7:52:19 PM UTC  
Subject: Metra Delays - Recent  
Received: Tue 08/04/2020 7:52:22 PM UTC

FRIDAY, JULY 31, 2020

2248 18 minutes Tower B17 for inbound freight off C&M Sub going in yard

MONDAY, AUGUST 3, 2020

2248 13 minutes Tower B17 for inbound freight off C&M Sub going in yard.

TUESDAY, AUGUST 4, 2020

108 7 minutes Tower B12 for Q165 going into Schiller Park (108 is Peak Period train)

2216 7 minutes Tower B12 for Q165 going into Schiller Park (2216 is Peak Period Train)

2217 18 minutes for 286 going in yard

2236 23 minutes for 286 going in yard and meeting 2217.

**Rich Oppenheim,**

**Director**

**Metra CUS District Operations**

**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**



To: Brandon Smith[Brandon\_Smith@cpr.ca]  
 Cc: Nicholas C Walker[Nicholas\_C\_Walker@cpr.ca]; Nicole Kurtenbach[Nicole\_Kurtenbach@cpr.ca]  
 From: Rich Oppenheim  
 Sent: Sun 08/16/2020 2:25:02 AM UTC  
 Subject: Re: CP 287 working in single track  
 Received: Sun 08/16/2020 2:25:10 AM UTC

Brandon

Thanks for your prompt response. I am grateful for any help you can give toward preventing any recurrences. If I can ever be of assistance to you, please let me know.

Rich

Sent from my iPhone

> On Aug 15, 2020, at 9:21 PM, Brandon Smith <Brandon\_Smith@cpr.ca> wrote:

>

> [CAUTION:] This email originated from outside of Metra. Do not click links, open attachments or forward unless you recognize the sender. We do not know the content is safe. Suspicious email should be deleted or reported to the Metra Helpdesk at 312-322-6508.

>

> Good evening Rich,

>

> Hope all is well and I apologize for the inconvenient delays following this event. I will ensure proper playback and root cause investigation is completed, I will give you call to review the findings.

>

> In the interim, we will put escalation measures in place to prevent any further operational hindering.

>

> Regards,

>

> Brandon

>

> Sent from my iPhone

>

> On Aug 15, 2020, at 9:04 PM, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

>

>> This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

>>

>>

>> Today #1 MT was out of service between Tower B12 and Tower B17 for ongoing work on the B-1 Create project (for the record, Metra is paying for the work for CP at CP expense). @ 1030 hrs, it was learned that plans had been made to have CP 287 follow Metra 2707 out of Tower B12 and #2 MT at Tower B17 while cars would be set out and picked up in Bensenville Yard. Given that there would only be @ 1 hour between when CP 287 would get to B17 and when Metra 2714 would get to B17 it was inevitable that delays, potentially serious, would occur. CP 287 was out of service before 287 was even clear of Galewood, requests were made to have 287 brought into Bensenville Yard to do the work, or continue up to Mowbray and cut off Bensenville cars up there to be brought back on the other main. Requests were denied. Calls were then made to Metra (Signal) to start getting the workers off #1 MT and restore it to service. They did in fact begin the process of putting the track back in service because of the nature of the work, we were told it would take approximately 1 hour. 2714 stopped at B17 at 1240. At that point 287's head end was not even back on their train. Capital signal released 1 MT @ 1250 but at that point 286 had just been released to come in the yard, so 2714 had to sit. 2714 finally moved at 1315 after sitting for 35 minutes and arrived Chicago 40 minutes late. Metra 2709 was held at Tower B12 for 40 minutes and arrived Elgin 42 minutes late.

>>

>> We have discussed many times over the years the problems associated with having CP freight trains occupying one of the Metra-owned tracks between B12 and B17 while engaged in yard-type activities such as picking up and setting out cars. It is bad enough when doing this on a single tracking for Metra's operation, but to do it on the only live track when the other one is out of service is just wrong. Not only did this practice cause extensive delays to our service, but progress on the B-1 project wound up getting set back yet another day. Moving forward, we would appreciate a little more cooperation from CP in keeping both of our operations fluid.

>>

>> Rich Oppenheim, Director

>> Metra CUS District Operations

>> Office: 312-322-8939

>> Cell: 312-735-8576

>>

>> Sent from my iPhone

>

> Disclaimer

>>

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>>

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**To:** MDC Desk[MDC\_Illinois\_West\_Desk@cpr.ca]  
**Cc:** Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Mon 12/21/2020 1:58:06 PM UTC  
**Subject:** Fwd: Metra Alert MD-W - Train #2216, sched. to arrive Chicago Union Station at 8:10 AM - may be 15 to 25 minutes delayed, freight train interference  
**Received:** Mon 12/21/2020 1:58:07 PM UTC

What happened?

Sent from my iPhone

Begin forwarded message:

**From:** Metra <servicealerts@metramail.com>  
**Date:** December 21, 2020 at 7:15:18 AM CST  
**To:** Rich Oppenheim <ROppenheim@metrarr.com>  
**Subject:** Metra Alert MD-W - Train #2216, sched. to arrive Chicago Union Station at 8:10 AM - may be 15 to 25 minutes delayed, freight train interference

---

Train #2216, scheduled to arrive Chicago Union Station at 8:10 AM, may be operating 15 to 25 minute behind schedule due to freight train interference. Please listen to platform announcements for the local this train.

---

*This email was sent to: roppenheim@metrarr.com*

This email was sent by: Metra  
547 W. Jackson Boulevard  
Chicago, IL 60661-5717 USA

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**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas\_Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Metra CCF Dispatching[MetraCCFdispatch@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 12/15/2020 11:06:17 PM UTC  
**Subject:** Milwaukee West Line Delays TUE DEC 15, 2021 - CP Freight Interference  
**Received:** Tue 12/15/2020 11:06:18 PM UTC

- 2232 @ 10 minutes at Tower B17 waiting for 2213 to clear #2 MT due to CP G57-287 occupying #1 MT between Franklin Park West and Tower B17. G57-287 was NOT doing any work today, but was held at B17 due to UP single tracking and EWD traffic coming first. Given the situation G57 should have been held to follow 2213 out of Tower B12 or Galewood. 2232 arrived CUS 6 minutes late.
- 2236 held @ 40 minutes between Itasca and Wooddale to allow IM-1 who came out of Schiller Park with a large train to take head room on #2 MT West of Tower B17 in order to shove into the West Yard working lead. This move, (which could easily been done behind 2217 and 2236 without delaying anyone) would have delayed 2236 at least 20 minutes no matter what, but as they tried to shove into West Yard working lead they discovered that the track they were shoving toward was already occupied, so they stopped on B17 plant to make a cut, then pull back west, and shove balance into connection to New Arrival. 2236 arrived CUS 1418 35 minutes late.

Rich Oppenheim,  
Director  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661

**PUBLIC VERSION****EXHIBIT B-2**

**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca];  
brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; Aisha Jackson[Aisha\_Jackson@cpr.ca];  
nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David  
Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 10/01/2020 6:51:57 PM UTC  
**Subject:** Metra Delays - CP Freight at B17 and B12  
**Received:** Thur 10/01/2020 6:51:58 PM UTC

Metra 2230 this morning stopped at Tower B17 @ 10 minutes for a CP-199 13,500 feet first taking headroom in the plant, then waiting for UP line up at Bryn Mawr. 2230 again stopped at Tower B12 waiting for CP-281 to clear plant. Metra 2217 and Metra 2236 both delayed **30 minutes** at Tower B17. 2217 are due at B17 1303 and 1305 hrs respectively. A 9800 foot 286 was released to come in the yard @ 10 minutes before both Metra trains were due, then stopped at the Bridge waiting for another yard job to clear. Both Metra trains delayed 30 minutes. If they had waited for the two Metra trains to clear there would have been a 1 hour 5 minute window to bring 286 in. Why was 286 released when there was no clear route into the yard? A little help would be appreciated.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**



**To:** Jacob Rinnels[[Jacob\\_Rinnels@cpr.ca](mailto:Jacob_Rinnels@cpr.ca)]; Michael Ugorek[[Michael\\_Ugorek@cpr.ca](mailto:Michael_Ugorek@cpr.ca)]; Brandon Smith[[Brandon\\_Smith@cpr.ca](mailto:Brandon_Smith@cpr.ca)]; Aisha Jackson[[Aisha\\_Jackson@cpr.ca](mailto:Aisha_Jackson@cpr.ca)]; Nicole Kurtenbach[[Nicole\\_Kurtenbach@cpr.ca](mailto:Nicole_Kurtenbach@cpr.ca)]; Lucas Lingenfelter[[Lucas\\_Lingenfelter@cpr.ca](mailto:Lucas_Lingenfelter@cpr.ca)]  
**Cc:** Bruce Marcheschi[[BMarcheschi@METRARR.COM](mailto:BMarcheschi@METRARR.COM)]; Victor Flores[[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)]; David Rodriguez[[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)]  
**From:** Rich Oppenheim  
**Sent:** Thur 10/01/2020 6:59:58 PM UTC  
**Subject:** RE: Metra Delays - CP Freight at B17 and B12  
**Received:** Thur 10/01/2020 7:00:00 PM UTC

Jacob –  
I greatly appreciate your help with this. Thanks, again.

Rich

**From:** Jacob Rinnels <[Jacob\\_Rinnels@cpr.ca](mailto:Jacob_Rinnels@cpr.ca)>  
**Sent:** Thursday, October 1, 2020 1:58 PM  
**To:** Rich Oppenheim <[ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)>; Michael Ugorek <[Michael\\_Ugorek@cpr.ca](mailto:Michael_Ugorek@cpr.ca)>; Brandon Smith <[Brandon\\_Smith@cpr.ca](mailto:Brandon_Smith@cpr.ca)>; Aisha Jackson <[Aisha\\_Jackson@cpr.ca](mailto:Aisha_Jackson@cpr.ca)>; Nicole Kurtenbach <[Nicole\\_Kurtenbach@cpr.ca](mailto:Nicole_Kurtenbach@cpr.ca)>; Lucas Lingenfelter <[Lucas\\_Lingenfelter@cpr.ca](mailto:Lucas_Lingenfelter@cpr.ca)>  
**Cc:** Bruce Marcheschi <[BMarcheschi@METRARR.COM](mailto:BMarcheschi@METRARR.COM)>; Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>  
**Subject:** RE: Metra Delays - CP Freight at B17 and B12

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This has been taken back to my TM and YM and they will be held accountable. They knew there were moves ahead to clear before 286 could come into the yard. As you stated, if we would have held 286 for 15 minutes, we would not be talking right now

Thanks in advance

**From:** Rich Oppenheim <[ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)>  
**Sent:** Thursday, October 1, 2020 1:52 PM  
**To:** Jacob Rinnels <[Jacob\\_Rinnels@cpr.ca](mailto:Jacob_Rinnels@cpr.ca)>; Michael Ugorek <[Michael\\_Ugorek@cpr.ca](mailto:Michael_Ugorek@cpr.ca)>; Brandon Smith <[Brandon\\_Smith@cpr.ca](mailto:Brandon_Smith@cpr.ca)>; Aisha Jackson <[Aisha\\_Jackson@cpr.ca](mailto:Aisha_Jackson@cpr.ca)>; Nicole Kurtenbach <[Nicole\\_Kurtenbach@cpr.ca](mailto:Nicole_Kurtenbach@cpr.ca)>; Lucas Lingenfelter <[Lucas\\_Lingenfelter@cpr.ca](mailto:Lucas_Lingenfelter@cpr.ca)>  
**Cc:** Bruce Marcheschi <[BMarcheschi@METRARR.COM](mailto:BMarcheschi@METRARR.COM)>; Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>  
**Subject:** Metra Delays - CP Freight at B17 and B12

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Metra 2230 this morning stopped at Tower B17 @ 10 minutes for a CP-199 13,500 feet first taking headroom in the plant, then waiting for UP line up at Bryn Mawr. 2230 again stopped at Tower B12 waiting for CP-281 to clear plant. Metra 2217 and Metra 2236 both delayed **30 minutes** at Tower B17. 2217 are due at B17 1303 and 1305 hrs respectively. A 9800 foot 286 was released to come in the yard @ 10 minutes before both Metra trains were due, then stopped at the Bridge waiting for another yard job to clear. Both Metra trains delayed 30 minutes. If they had waited for the two Metra trains to clear there would have been a 1 hour 5 minute window to bring 286 in. Why was 286 released when there was no clear route into the yard? A little help would be appreciated.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**

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**To:** Jacob Reynolds[jacob\_reynolds@cpr.ca]; Michael Ugorek[michael\_ugorek@cpr.ca]; Aisha Jackson[aisha\_jackson@cpr.ca]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]  
**Cc:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sun 08/16/2020 2:04:24 AM UTC  
**Subject:** CP 287 working in single track  
**Received:** Sun 08/16/2020 2:04:27 AM UTC

Today #1 MT was out of service between Tower B12 and Tower B17 for ongoing work on the B-1 Create project (for the record, Metra is working for CP at CP expense). @ 1030 hrs, it was learned that plans had been made to have CP 287 follow Metra 2707 out of Tower B12 and MT at Tower B17 while cars would be set out and picked up in Bensenville Yard. Given that there would only be @ 1 hour between when get to B17 and when Metra 2714 would get to B17 it was inevitable that delays, potentially serious, would occur to Metra's service. Before 287 was even clear of Galewood, requests were made to have 287 brought into Bensenville Yard to do the work, or continue up to Mawr and cut off Bensenville cars up there to be brought back on the other main. Requests were denied. Calls were then made to Metra Signal to start getting the workers off #1 MT and restore it to service. They did in fact begin the process of putting the track back in service because of the nature of the work, we were told it would take approximately 1 hour. 2714 stopped at B17 at 1240. At that point 287's head not even back on their train. Capital signal released 1 MT @ 1250 but at that point 286 had just been released to come in the yard, so 2714 to sit. 2714 finally moved at 1315 after sitting for 35 minutes and arrived Chicago 40 minutes late. Metra 2709 was held at Tower B12 for 42 minutes late.

We have discussed many times over the years the problems associated with having CP freight trains occupying one of the Metra-owned tracks between B12 and B17 while engaged in yard-type activities such as picking up and setting out cars. It is bad enough when doing this causes tracking for Metra's operation, but to do it on the only live track when the other one is out of service is just wrong. Not only did this practice cause extensive delays to our service, but progress on the B-1 project wound up getting set back yet another day. Moving forward, we would hope for a little more cooperation from CP in keeping both of our operations fluid.

Rich Oppenheim, Director  
Metra CUS District Operations  
Office. 312-322-8939  
Cell. 312-735-8576

Sent from my iPhone



To: jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]  
 From: Rich Oppenheim  
 Sent: Sun 08/16/2020 2:07:57 AM UTC  
 Subject: Fwd: CP 287 working in single track  
 Received: Sun 08/16/2020 2:08:06 AM UTC

Sent from my iPhone

Begin forwarded message:

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Date:** August 15, 2020 at 9:04:25 PM CDT  
**To:** Jacob Reynolds <jacob\_reynolds@cpr.ca>, Michael Ugorek <Michael\_Ugorek@cpr.ca>, Aisha Jackson <aisha\_jackson@cpr.ca>, Nicole Kurtenbach CP AGM Minneapolis <nicole\_kurtenbach@cpr.ca>, Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>, "brandon\_smith@cpr.ca" <brandon\_smith@cpr.ca>  
**Cc:** "nick\_walker@cpr.ca" <nick\_walker@cpr.ca>, Bruce Marcheschi <BMarcheschi@METRARR.COM>, Victor Flores <VFlores@METRARR.COM>, David Rodriguez <DRodriguez@METRARR.COM>  
**Subject:** CP 287 working in single track

Today #1 MT was out of service between Tower B12 and Tower B17 for ongoing work on the B-1 Create project (for the record, Metra is doing the work for CP at CP expense). @ 1030 hrs, it was learned that plans had been made to have CP 287 follow Metra 2707 out of Tower B12 and hold #2 MT at Tower B17 while cars would be set out and picked up in Bensenville Yard. Given that there would only be @ 1 hour between when 287 would get to B17 and when Metra 2714 would get to B17 it was inevitable that delays, potentially serious, would occur to Metra's scheduled service. Before 287 was even clear of Galewood, requests were made to have 287 brought into Bensenville Yard to do the work, or continue up to Bryn Mawr and cut off Bensenville cars up there to be brought back on the other main. Requests were denied. Calls were then made to Metra Capital Signal to start getting the workers off #1 MT and restore it to service. They did in fact begin the process of putting the track back in service but because of the nature of the work, we were told it would take approximately 1 hour. 2714 stopped at B17 at 1240. At that point 287's head end was not even back on their train. Capital signal released 1 MT @ 1250 but at that point 286 had just been released to come in the yard, so 2714 continued to sit. 2714 finally moved at 1315 after sitting for 35 minutes and arrived Chicago 41 minutes late. Metra 2709 was held at Tower B12 for 2714 and arrived Elgin 42 minutes late.

We have discussed many times over the years the problems associated with having CP freight trains occupying on of the Metra-owned Main Tracks between B12 and B17 while engaged in yard-type activities such as picking up and setting out cars. It is bad enough when doing this causes single tracking for Metra, but to do it on the only live track when the other one is out of service is just wrong. Not only did this practice cause extensive delays to our service, but progress on the B-1 project wound up getting set back yet another day. Moving forward, we would hope for a little more cooperation from CP in keeping both of our operations fluid

Rich Oppenheim, Director  
 Metra CUS District Operations  
 Office. 312-322-8939  
 Cell. 312-735-8576

Sent from my iPhone

**To:** Jacob Rinnels[jacob\_rinnels@cpr.ca]; Brandon Smith[brandon\_smith@cpr.ca]; Michael Ugorek[michael\_ugorek@cpr.ca]; Aisha Jackson[aisha\_jackson@cpr.ca]  
**Cc:** Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Mon 08/24/2020 11:09:16 PM UTC  
**Subject:** MW2227 and MW2244 stopped B17  
**Received:** Mon 08/24/2020 11:09:17 PM UTC

Metra peak period train 2227 Delayed at Tower B-17 22 minutes; inbound 2244 delayed 17 mins, both waiting for C to pull in the yard and clear.

Moving forward, would it be possible to implement a procedure before trains on the cut off are released to come in. Something like:

1. Determine how many switches the train will need to stop and line on the way in.
2. Communicate this information to the crew on the train, advise them when the next scheduled Metra train is due, crew if they will be able to line the switches and clear by that time. If the answer is wait for next window that's large enough.

We have done this sort of thing in the past and it worked well. Your assistance would be greatly appreciated.

Rich Oppenheim, Director  
Metra CUS District Operations  
Office: 312-322-8939  
Cell: 312-735-8576  
Roppenheim@metrarr.com

Sent from my iPhone

Begin forwarded message:

**From:** "Greg J.M. Godfrey" <GGodfrey@METRARR.COM>  
**Date:** August 24, 2020 at 5:40:26 PM CDT  
**To:** David Rodriguez <DRodriguez@METRARR.COM>  
**Cc:** Rich Oppenheim <ROppenheim@METRARR.COM>, Janet Carbone Ili <JCarboneIli@METRARR.COM>, Victor Flores <VFlores@METRARR.COM>  
**Subject:** CP response?: MW2227 and MW2244 stopped B17

Dave What is CP saying?

Begin forwarded message:

**From:** Donald Pendleton <DPendleton@METRARR.COM>  
**Date:** August 24, 2020 at 17:29:56 CDT  
**To:** Carlos Del Toro <CDeIToro@METRARR.COM>, Cedric Smith <CSmith@METRARR.COM>, Christy Seibert <cseibert@METRARR.COM>, Daniel Marinellie <DMarinellie@METRARR.COM>, Danny Santiago <DSantiago@METRARR.COM>, Darrin Austin <DAustin@METRARR.COM>, David Cook <DCook@METRARR.COM>, David Rodriguez <DRodriguez@METRARR.COM>, Enrique Rosas <ERosas@METRARR.COM>, Ernesto Hernandez <EHernandez@METRARR.COM>, "Greg J.M. Godfrey" <GGodfrey@METRARR.COM>, Israel Gonzalez <IGonzalez@METRARR.COM>, Janet Carbone Ili <JCarboneIli@METRARR.COM>, James Grogans <JGrogans@METRARR.COM>,

Joe Bratta <JBratta@METRARR.COM>, Keith Georgeff <KGeorgeff@METRARR.COM>, "Martin H. Yock" <MYock@METRARR.COM>, Matthew Koszulinski <MKoszulinski@METRARR.COM>, Rene Venegas <RVenegas@METRARR.COM>, Rich Oppenheim <ROppenheim@METRARR.COM>, Steve Hoye <SHoye@METRARR.COM>, Tim Tabisz <TTabisz@METRARR.COM>, Victor Flores <VFlores@METRARR.COM>, Adam Farence <AFarence@METRARR.COM>, Alyssa Battaglia <ABattaglia@METRARR.COM>, Carlo Santori <CSantori@METRARR.COM>, Corinna Gallardo <cgallardo@metrarr.com>, Courtney Aubrecht <CAubrecht@METRARR.COM>, GPSAlerting <GPSAlerting@METRARR.COM>, Katie Dahlstrom <KDahlstrom@METRARR.COM>, Kevin Lynch <KLynch@METRARR.COM>, Marshall Beecher <MBeecher@METRARR.COM>, Matt Bevers <mbevers@METRARR.COM>, Maurice King <MKing@METRARR.COM>, Meg Thomas-Reile <mtreile@metrarr.com>, Michael Gillis <mgillis@METRARR.COM>, Robert Tellin <RTellin@METRARR.COM>, Sergio Guerrero <SGuerrero@METRARR.COM>, Sylvia Ortiz-Cooper <Sortiz-Cooper@METRARR.COM>, Terron Haynes <THaynes@METRARR.COM>, Tom Miller <TMILLER@METRARR.COM>

**Subject: RE: MW2227 and MW2244 stopped B17**

Both trains are back on the move. 2227 is about 22m down.

**From:** Donald Pendleton

**Sent:** Monday, August 24, 2020 5:21 PM

**To:** Carlos Del Toro <CDelToro@METRARR.COM>; Cedric Smith <CSmith@METRARR.COM>; Christy Seibert <cseibert@METRARR.COM>; 'Daniel Marinellie' <DMarinellie@METRARR.COM>; Danny Santiago <DSantiago@METRARR.COM>; Darrin Austin <DAustin@METRARR.COM>; 'David Cook (dcook@metrarr.com)' <DCook@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Enrique Rosas <ERosas@METRARR.COM>; 'Ernesto Hernandez (ehernandez@metrarr.com)' <EHernandez@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Israel Gonzalez <IGonzalez@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; 'jgrogans@metrarr.com' <jgrogans@metrarr.com>; Joe Bratta <JBratta@METRARR.COM>; Keith Georgeff <KGeorgeff@METRARR.COM>; 'Martin H. Yock (myock@metrarr.com)' <MYock@METRARR.COM>; Matthew Koszulinski <MKoszulinski@METRARR.COM>; Rene Venegas <RVenegas@METRARR.COM>; Rich Oppenheim <ROppenheim@METRARR.COM>; Steve Hoye <SHoye@METRARR.COM>; Tim Tabisz <TTabisz@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Adam Farence <AFarence@METRARR.COM>; Alyssa Battaglia <ABattaglia@METRARR.COM>; Carlo Santori <CSantori@METRARR.COM>; Corinna Gallardo <cgallardo@metrarr.com>; Courtney Aubrecht <CAubrecht@METRARR.COM>; GPSAlerting <GPSAlerting@METRARR.COM>; Katie Dahlstrom <KDahlstrom@METRARR.COM>; Kevin Lynch <KLynch@METRARR.COM>; Marshall Beecher <MBeecher@METRARR.COM>; Matt Bevers <mbevers@METRARR.COM>; Maurice King <MKing@METRARR.COM>; Meg Thomas-Reile <mtreile@metrarr.com>; Michael Gillis <mgillis@METRARR.COM>; Robert Tellin <RTellin@METRARR.COM>; Sergio Guerrero <SGuerrero@METRARR.COM>; Sylvia Ortiz-Cooper <Sortiz-Cooper@METRARR.COM>; Terron Haynes <THaynes@METRARR.COM>; Tom Miller <TMILLER@METRARR.COM>

**Subject:** MW2227 and MW2244 stopped B17

MW2227 and MW2244 both stopped at B17 due to freight CP286 73 x 71 9871' going into the yard. MW2227 is about 10 min down.



**To:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Joshua Pennington[Joshua\_Pennington@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Marty Ryan[mryan@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 02/03/2020 6:48:59 PM UTC  
**Subject:** Metra Delays - Bensenville area  
**Received:** Mon 02/03/2020 6:49:01 PM UTC

Following Metra delays were incurred due to handling of freight movements over the last few days:

**FRIDAY JANUARY 31, 2020:**

- ☐ An 11,800 foot CP-198 was stopped at B17. Train was started off CP-2 for New Arrival Track @ 1548 with no chance of clearing B17 plant ahead of 2242 due B17 1604 and 2223 due B17 1607. 2242 was held 12 minutes, 2223 8 minutes for 198 to clear into yard.

**SATURDAY FEBRUARY 1, 2020:**

- ☐ Metra 2706 was blocked at Tower B17 12 minutes for inbound CP freight 286? To clear plant going into yard.
- ☐ Metra 2717 was stopped at B17 35 minutes to meet Metra 2720 due to CP-681 who was dispatched directly ahead of 2717 having locomotive issues at Medinah.

**MONDAY FEBRUARY 2, 2020:**

- ☐ CP 581 (67X) and CP 2-287 were brought up #1 MT and stopped between Tower B12 and Tower B17 with "no place to go" while waiting for inbound CP trains 470, 286, and 198 utilizing both Mains between Tower B17 and Bryn Mawr to clear into yard. #1 MT between Tower B12 and Tower B17 was occupied by these two freight trains from 0913 to 1212. During this 3 hour period Metra trains were single tracking between B12 and B17 using #2 MT. Metra 2213 departed Chicago 7 minutes late due to a minor mechanical issue which was corrected prior to departure. Because of the single tracking, this minor delay created a stand-off between 2213 and 2232. To avoid two late trains, 2213 was held at Tower B12 an additional 8 minutes to meet 2232 resulting in an 18 minute late arrival at Big Timber Road for 2213. We have discussed previously the need for CP freight traffic utilizing the two Metra owned Main Tracks between Tower B12 and Tower B17 to be dispatched so that they keep moving, rather than tie up these tracks for extended periods of time.

Please review the circumstances surrounding these delays to our scheduled trains, all of which negatively impact our customers. Your cooperation in keeping our trains operating according to their published schedules would be greatly appreciated.

Rich Oppenheim,  
Assistant Superintendent  
Metra CUS District Operations  
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547 W. Jackson Blvd., Chicago, IL 60661

**To:** 'Lucas Lingenfelter'[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Jacob Rinnels[Jacob\_Rinnels@cpr.ca]  
**Cc:** jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; Brandon Smith[Brandon\_Smith@cpr.ca]; Aisha Jackson[Aisha\_Jackson@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 12/24/2020 9:04:52 PM UTC  
**Subject:** CP Freight Interference - Metra Peak Period  
**Received:** Thur 12/24/2020 9:04:53 PM UTC

Metra continues to experience disturbing instances of direct freight train interference during our Peak Period operations in direct contradiction of the terms set forth in our operating agreement. This week:

MONDAY, DECEMBER 21<sup>st</sup>, 2020:

- CP-686 (off Chicago Sub for Bensenville) was released to depart Almora to proceed toward Bensenville with equipment train 7161 who protects Metra 2216's 0651 departure from Big Timber Road held in the Elgin coach yard for 686 to clear. By the time 686 cleared Elgin and 2216's equipment could be started up to Almora, a 19 minute delayed departure for 2216 resulted.
- With 2216 running late, the equipment for Metra 2222 also could not departure Elgin coach yard on time, and 2222 departed Big Timber Road 13 minutes late.

THURSDAY, DECEMBER 24<sup>th</sup>, 2020:

- CP Q-165 was lined across B12 to proceed from Norpaul to Schiller Park during the heart of the Metra Peak period. This resulted in a 15 minute delay to Metra 2206 as well as a 10 minute delay to Metra 2208 who got stopped behind 2206.

As discussed, Metra is currently operating a significantly reduced schedule during the COVID-19 Pandemic, and is desperately trying to rebuild our ridership. To have any hope of accomplishing this, it is imperative that our trains that are running be allowed to operate on schedule. It is particularly disturbing that CP continues to impede our ability to do this, particularly during our Peak Periods which are supposedly protected by our Operating Agreement.

As the New Year approaches, we again ask for CP's cooperation in keeping our trains operating on schedule. As always, if I can be of any assistance, do not hesitate to let me know.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**

**To:** Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; MDC Desk[MDC\_Illinois\_West\_Desk@cpr.ca]; Jacob Rinnels[jacob\_rinnels@cpr.ca]; Jason Ross[jasonM\_ross@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Sat 12/26/2020 5:45:49 PM UTC  
**Subject:** Fwd: MW2707 Delay  
**Received:** Sat 12/26/2020 5:45:50 PM UTC  
[image001.gif](#)

CP-281 ran East on #1 MT from Tower B12 to B6. 2707 was run #2 MT to Galewood East and held there 13 minutes to clear, then cross over to #1 MT. It appears 281 could have run East on #2 MT and 2707 West on #1 MT with delay to either train. Please advise why this excessive delay to 2707 occurred.

Sent from my iPhone

Begin forwarded message:

**From:** Judy Tovar <JTovar@metrarr.com>  
**Date:** December 26, 2020 at 11:16:20 AM CST  
**To:** Adam Farence <AFarence@metrarr.com>, Alfred Wade <AWade@metrarr.com>, Alyssa Battaglia <ABattaglia@metrarr.com>, Carlo Santori <CSantori@metrarr.com>, Carlos Del Toro <CDelToro@metrarr.com>, Chris Krakar <CKrakar@metrarr.com>, Christy Seibert <cseibert@metrarr.com>, Clifton Bates <CBates@metrarr.com>, Corinna Gallardo <cgallardo@metrarr.com>, Courtney Aubrecht <CAubrecht@metrarr.com>, Daniel Heer <DHeer@metrarr.com>, Danny Santiago <DSantiago@metrarr.com>, David Rodriguez <DRodriguez@metrarr.com>, Dennis Wokurka <DWokurka@metrarr.com>, GPS Alerting <GPSAlerting@metrarr.com>, "Greg J.M. Godfrey" <GGodfrey@metrarr.com>, Israel Gonzalez <IGonzalez@metrarr.com>, Jai Whitted <JWhitted@metrarr.com>, James Walsh <JWalsh@metrarr.com>, Janet Carbonelli <JCarbonelli@metrarr.com>, Joe Bratta <JBratta@metrarr.com>, Joel Winchester <JWinchester@metrarr.com>, Katie Dahlstrom <KDahlstrom@metrarr.com>, Keith Georgeff <KGeorgeff@metrarr.com>, Kevin Clifford <KClifford@metrarr.com>, Kevin Lynch <KLynch@metrarr.com>, Larry Powell <LPowell@metrarr.com>, Marshall Beecher <MBeecher@metrarr.com>, Matt Bevers <mbevers@metrarr.com>, Maurice King <MKing@metrarr.com>, Meg Thomas-Reile <mtreile@metrarr.com>, Metra CCF Dispatching <MetraCCFdispatch@metrarr.com>, Metra Train Assistance Center <MTACold@metrarr.com>, Michael Denk <MDenk@metrarr.com>, Michael Gillis <mgillis@metrarr.com>, Rich Oppenheim <ROppenheim@metrarr.com>, Robert Tellin <RTellin@metrarr.com>, Ryan Markmann <RMarkmann@metrarr.com>, Sergio Guerrero <SGuerrero@metrarr.com>, Sylvia Ortiz-Cooper <SOrtiz-Cooper@metrarr.com>, Terron Haynes <THaynes@metrarr.com>, Tom Miller <TMILLER@metrarr.com>, Victor Flores <VFlores@metrarr.com>  
**Subject:** MW2707 Delay

**Train No. 2707 at Galewood East - Freight Interference**

No. 2707 delayed 10 minutes at Galewood East account freight CP281 (CP6231, 115 cars, 8,627ft).

**Delay:** No. 2707 - 10 minutes Freight Interference at Galewood East





Judy Tovar | Dispatcher

1501 South Canal Street, Chicago, IL, 60607

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**To:** tristan.jones@Wabtec.com[tristan.jones@Wabtec.com]; dmyer@Wabtec.com[dmyer@Wabtec.com]; alireza.edraki@Wabtec.com[alireza.edraki@Wabtec.com]; Kim Winiski[kim\_winiski@cpr.ca]; Greg J.M. Godfrey[GGodfrey@METRARR.COM]; 'Lucas Lingenfelter'[Lucas\_Lingenfelter@cpr.ca]; Petika, Kelly[kelly.petika@Wabtec.com]; Matthews-Patton, Josh[joshua.matthews-patton@Wabtec.com]; Mark Delaney[MDelaney@METRARR.COM]; redwards@adssafety.com[redwards@adssafety.com]; john.leonardo@cpr.ca[john.leonardo@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 12/31/2020 4:18:11 PM UTC  
**Subject:** Sluggish Remote workstation - CP C&M Dispatcher  
**Received:** Thur 12/31/2020 4:18:12 PM UTC

The attempted fix did not cure the problem. If anything, the C&M Dispatchers work station was even farther behind this morning than it has been – to the extent that we are experiencing delays to our operation at an unacceptable level. The problem has occurred consistently every day this week (and for days previously) and seems to be particularly bad during the 0630-0830 time frame. Dispatchers' work station is at times 7 to 8 minutes behind reality. THIS MUST BE FIXED, and it must be done ASAP – certainly before our next morning rush on Monday Jan. 4<sup>th</sup>. Please advise what is being done to correct this problem.

**Rich Oppenheim,**  
**Director**

**Metra CUS District Operations**

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**547 W. Jackson Blvd., Chicago, IL 60661**

**To:** Greg J.M. Godfrey[GGodfrey@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**Cc:** Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM];  
 jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; Michael  
 Ugorek[Michael\_Ugorek@cpr.ca]; 'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Thur 11/05/2020 10:27:09 PM UTC  
**Subject:** RE: Action Item for CP Call  
**Received:** Thur 11/05/2020 10:27:10 PM UTC

CP -675 is a Mannheim recrow. The outbound crew is called for 1600. G48 is the Progress Rail transfer with 1 engine and 10 cars going back to the Elk Grove facility. He was somehow allowed out of Bensenville, then shoved back on #1 MT for headroom in order to go toward Elk Grove Village but was then held East of B17 waiting for a lengthy 198 to yard. With G48 shoved back on #1, traffic is lined East toward B12 so we wound up with 2223 sitting at B12 and 2242 sitting at B17. 2223 delayed @ 17 minutes; 2242 just getting line up now, delayed @ 20 minutes.

For the record, 2223 and 2242 and scheduled to meet squarely between B12 and B17. 675 should never have been allowed to make a crew change and tie up one of the mains in a window where we have scheduled meets. G48 should not have been allowed out if everyone knew 198 needed to yard first. I did speak with Jacob Rinnels who is currently in quarantine, but he promised to dig into it and hopefully prevent a similar recurrence.

**From:** Greg J.M. Godfrey <GGodfrey@METRARR.COM>  
**Sent:** Thursday, November 5, 2020 4:17 PM  
**To:** David Rodriguez <DRodriguez@METRARR.COM>  
**Cc:** Rich Oppenheim <ROppenheim@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>  
**Subject:** Action Item for CP Call

Dave – A G48 and a risk taker move with now a dead in the water G675 around old rush hour time? I can't see that being freight mechanical.

**From:** Christy Seibert <cseibert@METRARR.COM>  
**Sent:** Thursday, November 5, 2020 4:15 PM  
**To:** Adam Farence <AFarence@METRARR.COM>; Alyssa Battaglia <ABattaglia@METRARR.COM>; Carlo Santori <CSantori@METRARR.COM>; Carlos Del Toro <CDelToro@METRARR.COM>; Corinna Gallardo <cgallardo@metrarr.com>; Courtney Aubrecht <CAubrecht@METRARR.COM>; Danny Santiago <DSantiago@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; GPSAlerting <GPSAlerting@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Joe Bratta <JBratta@METRARR.COM>; Katie Dahlstrom <KDahlstrom@METRARR.COM>; Keith Georgeff <KGeorgeff@METRARR.COM>; Kevin Lynch <KLynch@METRARR.COM>; Marshall Beecher <MBeecher@METRARR.COM>; Matt Bevers <mbevers@METRARR.COM>; Maurice King <MKing@METRARR.COM>; Meg Thomas-Reile <mtreile@metrarr.com>; Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; Michael Gillis <mgillis@METRARR.COM>; Rich Oppenheim <ROppenheim@METRARR.COM>; Robert Tellin <RTellin@METRARR.COM>; Sergio Guerrero <SGuerrero@METRARR.COM>; Steve Hoyer <SHoyer@METRARR.COM>; Sylvia Ortiz-Cooper <SOrtiz-Cooper@METRARR.COM>; Terron Haynes <THaynes@METRARR.COM>; Tom Miller <TMILLER@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>  
**Subject:** RE: MW2223 and MW2242

Also a G675 on track 2 between B12 and B17 Dead in the water. MW2223 on the move 15 min down. MW2242 still stopped.

**From:** Christy Seibert <cseibert@METRARR.COM>  
**Sent:** Thursday, November 5, 2020 4:13 PM  
**To:** Adam Farence <AFarence@METRARR.COM>; Alyssa Battaglia <ABattaglia@METRARR.COM>; Carlo Santori <CSantori@METRARR.COM>; Carlos Del Toro <CDelToro@METRARR.COM>; Christy Seibert <cseibert@METRARR.COM>; Corinna Gallardo <cgallardo@metrarr.com>; Courtney Aubrecht <CAubrecht@METRARR.COM>; Danny Santiago <DSantiago@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; GPSAlerting <GPSAlerting@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Joe Bratta <JBratta@METRARR.COM>; Katie Dahlstrom <KDahlstrom@METRARR.COM>; Keith Georgeff <KGeorgeff@METRARR.COM>; Kevin Lynch <KLynch@METRARR.COM>; Marshall Beecher <MBeecher@METRARR.COM>; Matt Bevers <mbevers@METRARR.COM>; Maurice King <MKing@METRARR.COM>; Meg Thomas-Reile <mtreile@metrarr.com>; Metra CCF Dispatching

**PUBLIC VERSION**

**EXHIBIT B-2**

<MetraCCFdispatch@METRARR.COM>; Michael Gillis <mgillis@METRARR.COM>; Rich Oppenheim <ROppenheim@METRARR.COM>; Robert Tellin <RTellin@METRARR.COM>; Sergio Guerrero <SGuerrero@METRARR.COM>; Steve Hoyer <SHoyer@METRARR.COM>; Sylvia Ortiz-Cooper <Sortiz-Cooper@METRARR.COM>; Terron Haynes <THaynes@METRARR.COM>; Tom Miller <TMILLER@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>

**Subject:** MW2223 and MW2242

MW2223 just stopped at B12 following G48 with 14 cars, freight train 198 stretched out across B17. MW2242 approaching B17 and looks to also be delayed.



**Christy Seibert | Chief Dispatcher**

547 W. Jackson Blvd, Chicago, IL, 60661

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**To:** Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Baker, Conrad[Conrad.Baker@amtrak.com]  
**From:** Rich Oppenheim  
**Sent:** Wed 09/09/2020 9:30:05 PM UTC  
**Subject:** Metra 2121 Delay at Rondout  
**Received:** Wed 09/09/2020 9:30:06 PM UTC

CP has an Engineering project taking place immediately West of Rondout. Each day the gang leaves a 10 MPH speed restriction on the portion of track they worked on that day, and CP then needs to run a certain amount of tonnage over it in order for it to be removed. Today, CP ran their 287 train out of Tower A20 on #2 MT with the intention of remaining on #2 MT and operating through the slow order West of Rondout. To accomplish this, they ran Metra 2140 on #1 MT from Rondout to Deerfield, and when 2140 cleared, Metra 2121 ran West on #1 MT to Rondout. The timing of this move was such that by the time 2121 got to Rondout, 287 was just starting through the plant and the 10 MPH restriction. 2121 had to wait 15 minutes for 287 to clear the plant. Amtrak 338 and 337 both took minor delays by the time all of this was done. The substantial delay to 2121 was totally unnecessary in that 2121 could have and should have gone through Rondout first, although this would have still caused delays to one or both Amtrak trains. The better move would have been to have 287 follow 337 out of Tower A20 in the first place, and let the scheduled Passenger trains protect their schedules. 287 would then have had plenty of time to operate through the speed restriction without causing delay to anyone.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**

**To:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**Cc:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Thur 06/11/2020 7:37:19 PM UTC  
**Subject:** CP Signal Violation - B17 North  
**Received:** Thur 06/11/2020 7:37:20 PM UTC

Approximately 1340 hrs, CP 287 pulling off New Arrival Track at Tower B17 was lined out CP-2 at Tower B17 as far as the signal at B17 North. CP-198 was on CP-2 on the other side of B17 North. Plan was for 287 to hold until 286 cleared B17 North on CP-1, then 287 would cross over to CP-1 and continue on toward Bryn Mawr. 287 wound up getting by the signal at B17 North while it was displaying stop.

CP is currently making arrangements for a crew on a CP Ballast train at Schiller Park to be transported from Schiller Park to b17 to get on 287 and back up, either to clear the plant back into the yard, or far enough to clear B17 North and then crossover. Asst Superintendent Ugorek is on the scene and has indicated that the investigation will be completed before anything moves. I inquired about possibly utilizing 198's crew who is right there to clear the plant but was told that they will wait for the crew from Schiller Park. 2219 is currently stopped at B17 since 1413 and it appears it will be a minimum of an additional 30 minutes waiting with the current plan. Delay to 2219 will also affect his turn to 2242.

Anything that can be done to expedite clearing of B17 plant would be appreciated.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operations  
Office 312-322-8939  
Cell 312-735-8576



**PUBLIC VERSION****EXHIBIT B-2**

**To:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**Cc:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]; joshua\_bahruth@cpr.ca[joshua\_bahruth@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Thur 06/11/2020 8:25:41 PM UTC  
**Subject:** RE: CP Signal Violation - B17 North  
**Received:** Thur 06/11/2020 8:25:45 PM UTC

CP 287 cleared Tower B17 at 1521

2219 delay @ 1 hr 8 minutes. Will let shorts off at Bensenville for 2221 who is directly behind. 2219 will express to Elgin and turn for 2242 at Elgin. 2242 will originate at Elgin. Big Timber passengers to be accommodated by 2244. 2221 delay @ 20 minutes, 2240 @ 20 minutes, 2242 will be @ 15-20 late out of Elgin.

**From:** Rich Oppenheim

**Sent:** Thursday, June 11, 2020 2:37 PM

**To:** Bruce Marcheschi <BMarcheschi@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>

**Cc:** 'nick\_walker@cpr.ca' <nick\_walker@cpr.ca>; 'joshua\_bahruth@cpr.ca' <joshua\_bahruth@cpr.ca>; 'Michael Ugorek' <Michael\_Ugorek@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>

**Subject:** CP Signal Violation - B17 North

Approximately 1340 hrs, CP 287 pulling off New Arrival Track at Tower B17 was lined out CP-2 at Tower B17 as far as the signal at B17 North. CP-198 was on CP-2 on the other side of B17 North. Plan was for 287 to hold until 286 cleared B17 North on CP-1, then 287 would cross over to CP-1 and continue on toward Bryn Mawr. 287 wound up getting by the signal at B17 North while it was displaying stop.

CP is currently making arrangements for a crew on a CP Ballast train at Schiller Park to be transported from Schiller Park to b17 to get on 287 and back up, either to clear the plant back into the yard, or far enough to clear B17 North and then crossover. Asst Superintendent Ugorek is on the scene and has indicated that the investigation will be completed before anything moves. I inquired about possibly utilizing 198's crew who is right there to clear the plant but was told that they will wait for the crew from Schiller Park. 2219 is currently stopped at B17 since 1413 and it appears it will be a minimum of an additional 30 minutes waiting with the current plan. Delay to 2219 will also affect his turn to 2242.

Anything that can be done to expedite clearing of B17 plant would be appreciated.

Rich Oppenheim, Assistant Superintendent  
Metra CUS District Operations  
Office 312-322-8939  
Cell 312-735-8576

**To:** nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; 'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]  
**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 09/18/2020 12:56:48 PM UTC  
**Subject:** Metra 2216 and Metra Peak Period interference  
**Received:** Fri 09/18/2020 12:56:50 PM UTC

Nicole –

We are seeing a sudden upswing in freight train interference during Metra's peak periods. Last night Metra 2235 was held 15-20 minutes at Tower B17 so that a 13,500 foot freight train (286) could be brought in the yard. This morning the equipment move that runs from Elgin to Big Timber Road to protect 2216 (7161) was held in Elgin Coach yard in order to run a 472 train which I understand had already been recrewed and had no time constraints. 2216 delayed at least 15 minutes departing Big Timber Road and then caught up to 472 again who stopped 4 times pulling into the yard. We are at a loss as to understand why a decision was made to move 472 in this manner during our Peak period. It would be appreciated if you could look into this and advise why there seems to be a sudden disregard for our schedules. Hopefully appropriate action can be taken to correct this situation. Please let me know if we can help at all from our end.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**

**From:** Metra <servicealerts@metramail.com>  
**Sent:** Friday, September 18, 2020 7:10 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Subject:** Metra Alert MD-W - Train #2216 departing Big Timber Rd at 6:51 AM - delayed departure, freight train interference

Train #2216, scheduled to depart Big Timber Rd at 6:51 AM and arrive Chicago Union Station at 8:10 AM, will be delayed in departure due to freight train interference. The duration of this delay in departure is unknown. Metra will provide updated information as it becomes available.

*This email was sent to: [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)*

This email was sent by: Metra  
547 W. Jackson Boulevard  
Chicago, IL 60661-5717 USA

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If you have questions or comments, you may contact us at <https://metrarail.com/contact-us>



To: jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Metra CCF Dispatching[MetraCCFdispatch@METRARR.COM]  
 From: jason\_ross@cpr.ca[jason\_ross@cpr.ca]  
 Sent: Wed 12/16/2020 10:35:52 PM UTC  
 Subject: WED DEC 16 - Milwaukee West Line Delays TUE DEC 15, 2021 - CP Freight Interference  
 Received: Wed 12/16/2020 10:35:53 PM UTC

Contrary to agreed upon practices recently discussed, today CP G57-287 was again brought up #2 Main Track from Tower B12 to Tower B17 at the onset of the Metra Peak period operation. G57 was instructed to cut off a Milwaukee block of cars on the head end of their train and set them out in Bensenville yard to be added to 471 later on. After completing that, power is to go to another track and pick up some 30 or so cars for the West. Metra trains 2223 and 2242 are scheduled to meet between Franklin Park West and Tower B17, so 2242 was held @ 12 minutes to meet 2223 at Tower B17. A similar standoff exists between Metra 2244 and Metra 2227 so one of those trains will also need to wait 10 minutes or more for the opposing train. We have discussed this type of operation at length, and have repeatedly been assured that the Metra Main Tracks between Tower B12 and Tower B17 would not be used to accommodate yard type work such as picking up and setting out of cars. In spite of these assurances, the practice continues. What can be done to get this corrected?

Rich Oppenheim,  
 Director  
 Metra CUS District Operations  
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 547 W. Jackson Blvd., Chicago, IL 60661

From: Rich Oppenheim  
 Sent: Tuesday, December 15, 2020 5:06 PM  
 To: 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'brandon\_smith@cpr.ca' <brandon\_smith@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>  
 Subject: Milwaukee West Line Delays TUE DEC 15, 2021 - CP Freight Interference

- 2232 @ 10 minutes at Tower B17 waiting for 2213 to clear #2 MT due to CP G57-287 occupying #1 MT between Franklin Park West and Tower B17. G57-287 was NOT doing any work today, but was held at B17 due to UP single tracking and EWD traffic coming first. Given the situation G57 should have been held to follow 2213 out of Tower B12 or Galewood. 2232 arrived CUS 6 minutes late.
- 2236 held @ 40 minutes between Itasca and Wooddale to allow IM-1 who came out of Schiller Park with a large train to take head room on #2 MT West of Tower B17 in order to shove into the West Yard working lead. This move, (which could easily been done behind 2217 and 2236 without delaying anyone) would have delayed 2236 at least 20 minutes no matter what, but as they tried to shove into West Yard working lead they discovered that the track they were shoving toward was already occupied, so they stopped on B17 plant to make a cut, then pull back west, and shove balance into connection to New Arrival. 2236 arrived CUS 1418 35 minutes late.

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 Director  
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 547 W. Jackson Blvd., Chicago, IL 60661

**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** MDC Illinois North Desk[MDC\_IllinoisNorthDesk@cpr.ca]  
**Cc:** 'Lucas Lingenfelter'[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Mon 06/15/2020 8:34:46 PM UTC  
**Subject:** 2121 delayed at A20 for 287  
**Received:** Mon 06/15/2020 8:34:53 PM UTC

2121 being delayed at A20 @ 20 minutes waiting for a CP-287 to come off the cut off and run ahead. Speed at Shermer was recently reduced from 25 MPH to 10 MPH which is no doubt a contributing factor (I don't think C&M knew?) but even so there was no way 287 could have run first without causing a delay.

**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** MDC Illinois North Desk[MDC\_IllinoisNorthDesk@cpr.ca]  
**Cc:** 'Lucas Lingenfelter'[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Mon 06/15/2020 8:34:46 PM UTC  
**Subject:** 2121 delayed at A20 for 287  
**Received:** Mon 06/15/2020 8:34:53 PM UTC

2121 being delayed at A20 @ 20 minutes waiting for a CP-287 to come off the cut off and run ahead. Speed at Shermer was recently reduced from 25 MPH to 10 MPH which is no doubt a contributing factor (I don't think C&M knew?) but even so there was no way 287 could have run first without causing a delay.



**To:** 'Lucas Lingenfelter'[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]  
**Cc:** jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 12/31/2020 5:46:56 PM UTC  
**Subject:** CP-472 operating during Metra morning Peak Period  
**Received:** Thur 12/31/2020 5:46:57 PM UTC

It appears that a practice of bringing CP-472 from Almora to Tower B17 through the morning Metra Peak Period has begun occurring on a regular basis. Earlier this week we received minor delays to Metra 2206 waiting for 472 to clear Tower B35 so that 2206 could run around them between Tower B35 and Spaulding. 472 was held there for the entire morning waiting for a relief crew, requiring Metra trains to single track around them between Spaulding and Tower B35. Minor delays to Metra 2203 were incurred waiting for 2222 to clear the single track. Yesterday, 472 was run on #1 Main Track from Almora to B17 and cleared shortly before #2210 and #2203 were due. Apparently, this morning, the same operation of 472 took place again, this time with a 10,000 foot 472 who apparently stopped several times while pulling in the yard to line switches. 2203 and 2210 were both blocked at B17 while this took place. 22203 and 2210 were delayed 23 minutes and 24 minutes respectively while 472 pulled in. Both delays were contrary to the terms of our Operating Agreement which precludes interference with Peak period trains. Several hours later, Metra 2230 was held 15 minutes at Tower B17 waiting for CP-286 to clear the plant going into the yard.

We appreciate CP's recent commitment to protecting our schedules and Operation, but it appears that the message is apparently not getting through to some people directly involved in the Operation. Your help and assistance would be appreciated.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
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**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; 'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**From:** Rich Oppenheim  
**ent:** Mon 08/31/2020 4:13:20 PM UTC  
**subject:** CP-65K changing power on #1 MT at Tower B17  
**Received:** Mon 08/31/2020 4:13:21 PM UTC

All -

FYI there is a CP-65K that followed 2209 up #1 MT to Tower B17 this morning @ 0915. They have been stopped on #1 MT changing power ever since. It looks like the power is just starting to go back on the train @ 1115. Meanwhile, #2213 was delayed @ 10 minutes for PTC issues, so the B17 meet with 2232 would no longer work. 2232 is going through first to avoid having to relieve the engineer for insufficient rest. 2213 will be running about 20 minutes late as a result. Can we again ask that power changes and other yard type activities be done in the yard and not on the main line? Your help would be most appreciated.

Rich

**Rich Oppenheim,**  
**Director**  
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**To:** Greg J.M. Godfrey[GGodfrey@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**Cc:** Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; 'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Thur 11/05/2020 10:43:36 PM UTC  
**Subject:** RE: Action Item for CP Call  
**Received:** Thur 11/05/2020 10:43:39 PM UTC

One more factoid. Apparently CP is currently short of crews due to COVID, so the 1600 recrew for 675 is now pushed back to 1735. 2244 will have to wait at B17 for 2227 and 2235 will have to wait at B12 for 2244.

**From:** Rich Oppenheim  
**Sent:** Thursday, November 5, 2020 4:27 PM  
**To:** Greg J.M. Godfrey <GGodfrey@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>  
**Cc:** Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'brandon\_smith@cpr.ca' <brandon\_smith@cpr.ca>; 'Michael Ugorek' <Michael\_Ugorek@cpr.ca>; 'aisha\_jackson@cpr.ca' <aisha\_jackson@cpr.ca>  
**Subject:** RE: Action Item for CP Call

CP -675 is a Mannheim recrew. The outbound crew is called for 1600. G48 is the Progress Rail transfer with 1 engine and 10 cars going back to the Elk Grove facility. He was somehow allowed out of Bensenville, then shoved back on #1 MT for headroom in order to go toward Elk Grove Village but was then held East of B17 waiting for a lengthy 198 to yard. With G48 shoved back on #1, traffic is lined East toward B12 so we wound up with 2223 sitting at B12 and 2242 sitting at B17. 2223 delayed @ 17 minutes; 2242 just getting line up now, delayed @ 20 minutes.

For the record, 2223 and 2242 and scheduled to meet squarely between B12 and B17. 675 should never have been allowed to make a crew change and tie up one of the mains in a window where we have scheduled meets. G48 should not have been allowed out if everyone knew 198 needed to yard first. I did speak with Jacob Rinnels who is currently in quarantine, but he promised to dig into it and hopefully prevent a similar recurrence.

**From:** Greg J.M. Godfrey <GGodfrey@METRARR.COM>  
**Sent:** Thursday, November 5, 2020 4:17 PM  
**To:** David Rodriguez <DRodriguez@METRARR.COM>  
**Cc:** Rich Oppenheim <ROppenheim@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>  
**Subject:** Action Item for CP Call

Dave – A G48 and a risk taker move with now a dead in the water G675 around old rush hour time? I can't see that being freight mechanical.

**From:** Christy Seibert <cseibert@METRARR.COM>  
**Sent:** Thursday, November 5, 2020 4:15 PM  
**To:** Adam Farence <AFarence@METRARR.COM>; Alyssa Battaglia <ABattaglia@METRARR.COM>; Carlo Santori <CSantori@METRARR.COM>; Carlos Del Toro <CDelToro@METRARR.COM>; Corinna Gallardo <cgallardo@metrarr.com>; Courtney Aubrecht <CAubrecht@METRARR.COM>; Danny Santiago <DSantiago@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; GPSAlerting <GPSAlerting@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Joe Bratta <JBratta@METRARR.COM>; Katie Dahlstrom <KDahlstrom@METRARR.COM>; Keith Georgeff <KGeorgeff@METRARR.COM>; Kevin Lynch <KLynch@METRARR.COM>; Marshall Beecher <MBeecher@METRARR.COM>; Matt Bevers <mbevers@METRARR.COM>; Maurice King <MKing@METRARR.COM>; Meg Thomas-Reile <mtreile@metrarr.com>; Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; Michael Gillis <mgillis@METRARR.COM>; Rich Oppenheim <ROppenheim@METRARR.COM>; Robert Tellin <RTellin@METRARR.COM>; Sergio Guerrero <SGuerrero@METRARR.COM>; Steve Hoyer <SHoyer@METRARR.COM>; Sylvia Ortiz-Cooper <SORTiz-Cooper@METRARR.COM>; Terron Haynes <THaynes@METRARR.COM>; Tom Miller <TMILLER@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>  
**Subject:** RE: MW2223 and MW2242

Also a G675 on track 2 between B12 and B17 Dead in the water. MW2223 on the move 15 min down. MW2242 still stopped.



**From:** Christy Seibert <cseibert@METRARR.COM>

**Sent:** Thursday, November 5, 2020 4:13 PM

**To:** Adam Farence <AFarence@METRARR.COM>; Alyssa Battaglia <ABattaglia@METRARR.COM>; Carlo Santori <CSantori@METRARR.COM>; Carlos Del Toro <CDelToro@METRARR.COM>; Christy Seibert <cseibert@METRARR.COM>; Corinna Gallardo <cgallardo@metrarr.com>; Courtney Aubrecht <CAubrecht@METRARR.COM>; Danny Santiago <DSantiago@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; GPSAlerting <GPSAlerting@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Joe Bratta <JBratta@METRARR.COM>; Katie Dahlstrom <KDahlstrom@METRARR.COM>; Keith Georgeff <KGeorgeff@METRARR.COM>; Kevin Lynch <KLynch@METRARR.COM>; Marshall Beecher <MBeecher@METRARR.COM>; Matt Bevers <mbevers@METRARR.COM>; Maurice King <MKing@METRARR.COM>; Meg Thomas-Reile <mtreile@metrarr.com>; Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; Michael Gillis <mgillis@METRARR.COM>; Rich Oppenheim <ROppenheim@METRARR.COM>; Robert Tellin <RTellin@METRARR.COM>; Sergio Guerrero <SGuerrero@METRARR.COM>; Steve Hoyer <SHoyer@METRARR.COM>; Sylvia Ortiz-Cooper <Sortiz-Cooper@METRARR.COM>; Terron Haynes <THaynes@METRARR.COM>; Tom Miller <TMILLER@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>

**Subject:** MW2223 and MW2242

MW2223 just stopped at B12 following G48 with 14 cars, freight train 198 stretched out across B17. MW2242 approaching B17 and looks to also be delayed.



Christy Seibert | Chief Dispatcher

547 W. Jackson Blvd, Chicago, IL, 60661

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**To:** MOC Director East[MOC\_Director\_East@cpr.ca]; 'Jesse Kottner'[Jesse\_Kottner@cpr.ca]; 'Joe Morris'[MorrisJo@amtrak.com]; 'MDC Illinois North Desk'[MDC\_IllinoisNorthDesk@cpr.ca]; 'MDC Illinois West Desk'[MDC\_Illinois\_West\_Desk@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; 'Robert Lewis'[Robert.Lewis@nscorp.com]; 'Command Center'[command@beltrairway.com]; 'psturgeon@beltrairway.com'[psturgeon@beltrairway.com]; 'rruiz@beltrairway.com'[rruiz@beltrairway.com]; jeremy.gaatz@amtrak.com[jeremy.gaatz@amtrak.com]; Awnyadda Tameria URNEY[tameria.burney@cn.ca]; AMTRAK tvanhaag[Thomas.VanHaag@amtrak.com]; Hlavaty, James[HlavatJ@amtrak.com]; ,MTRAK cousley[Cedric.Ousley@amtrak.com]; Baker, Conrad[Conrad.Baker@amtrak.com]; Kos, Sayre[Sayre.Kos@amtrak.com]  
**Cc:** 'Scott.Kuxmann@cn.ca'[Scott.Kuxmann@cn.ca]; 'Joe Whitt'[Joseph.Whitt@cn.ca]; ferguson@beltrairway.com[ferguson@beltrairway.com]; Weinell, Ray[wein2535@amtrak.com]; Rene Venegas[RVenegas@METRARR.COM]; chuck\_hubbard@cpr.ca[chuck\_hubbard@cpr.ca]; robert\_johnson@cpr.ca[robert\_johnson@cpr.ca]; ryan.ellis1@amtrak.com[ryan.ellis1@amtrak.com]; steven\_nettleton@cpr.ca[steven\_nettleton@cpr.ca]; arthur\_clark@cpr.ca[arthur\_clark@cpr.ca]; Dennis Anderson[dennis.anders17@cn.ca]; matthew.mcclar01@cn.ca[matthew.mcclar01@cn.ca]; Justin.Waldeck@cn.ca[Justin.Waldeck@cn.ca]; tom\_jared@cpr.ca[tom\_jared@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; hkirman@beltrairway.com[hkirman@beltrairway.com]; thartwig@beltrairway.com[thartwig@beltrairway.com]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Greg J.M. Godfrey[GGodfrey@METRARR.COM]; Rachel Klumpp[Rachel.Klumpp@cn.ca]

**From:** Rich Oppenheim

**Sent:** Tue 08/11/2020 1:04:53 PM UTC

**Subject:** Metra Morning On Time Performance Reports

**Received:** Tue 08/11/2020 1:05:04 PM UTC

[1400 DailyOnTimeReport.pdf](#)

[1501 All District Report.pdf](#)

[Amtrak TOPS180-C DailyOnTimePerformanceReport.pdf](#)

[Amtrak TOPS181-C DailyOnTimePerformanceReport.pdf](#)

[1400 DailyOnTimeReport.pdf](#)

[1501 All District Report.pdf](#)

[Amtrak TOPS180-C DailyOnTimePerformanceReport.pdf](#)

[Amtrak TOPS181-C DailyOnTimePerformanceReport.pdf](#)

[1400 DailyOnTimeReport.pdf](#)

[1501 All District Report.pdf](#)

[Amtrak TOPS180-C DailyOnTimePerformanceReport.pdf](#)

[Amtrak TOPS181-C DailyOnTimePerformanceReport.pdf](#)

[1400 DailyOnTimeReport.pdf](#)

[501 All District Report.pdf](#)

[Amtrak TOPS180-C DailyOnTimePerformanceReport.pdf](#)

[Amtrak TOPS181-C DailyOnTimePerformanceReport.pdf](#)

Reports from FRIDAY AUGUST 7<sup>th</sup>, SATURDAY AUGUST 8<sup>th</sup>, SUNDAY AUGUST 9<sup>th</sup>, and MONDAY AUGUST 10<sup>th</sup>, 2020 are all attached.

Attached please find two different reports outlining train performance for the Trains Operated on Metra's Chicago Union Station District. The first report is the **Daily On-Time Performance Report**. This report lists trains delayed for the entire Metra system by date and month-to-date. The second report is the **Daily Incident Detail Report**. This report indicates delays to specific trains by line, showing reasons and locations. The individual reports are listed as follows [Note – under current format, individual delay reports for all Metra Lines are included in the 1501 All District Report] :

- HCD – Heritage Corridor – Chicago to Joliet (CN Freeport and Joliet Subs).
- MWDN – Milwaukee North Line – Chicago to Fox Lake (CP C&M and Fox Lake Subs). MWDW –
- Milwaukee West Line – Chicago to Elgin/Big Timber Road (CP Elgin Sub).
- NCS – North Central Service – Chicago to Antioch (CP Elgin Sub, CN Waukesha Sub).
- SWS – SouthWest Service – Chicago to Orland Park and Manhattan (Metra SouthWest Sub District controlled partially by NS).

Also attached, for those concerned, are two reports which summarize Daily Amtrak performance on Metra trackage between Rondout and Chicago.

These reports are being offered for your review in an effort to hopefully reduce train delays. As always if there is anything we can do that would help your operations from our end, please let us know. Thank you for any assistance in the above matter.

**To:** MDC Illinois North Desk[MDC\_IllinoisNorthDesk@cpr.ca] **PUBLIC VERSION** **EXHIBIT B-2**  
**Cc:** 'Lucas Lingenfelter'[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Mon 06/15/2020 8:34:46 PM UTC  
**Subject:** 2121 delayed at A20 for 287  
**Received:** Mon 06/15/2020 8:34:53 PM UTC

2121 being delayed at A20 @ 20 minutes waiting for a CP-287 to come off the cut off and run ahead. Speed at Shermer was recently reduced from 25 MPH to 10 MPH which is no doubt a contributing factor (I don't think C&M knew?) but even so there was no way 287 could have run first without causing a delay.



**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** 'Lucas Lingenfelter'[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]  
**Cc:** jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 12/30/2020 10:04:43 PM UTC  
**Subject:** Delay to Metra 2240 DEC 30 2020  
**Received:** Wed 12/30/2020 10:04:44 PM UTC

Metra 2240 today delayed 15 minutes closely following CP-472 from Almora to Tower B17, then blocked at Tower B17 waiting for 472 to clear up while lining switches in the yard. 2240 arrived CUS 10 minutes late (reportable).

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**

**PUBLIC VERSION****EXHIBIT B-2**

**To:** Ron Wesolowski[RWesolowski@METRARR.COM]; Jones, Tristan[tristan.jones@Wabtec.com]; Matthews-Patton, Josh[joshua.matthews-patton@Wabtec.com]; Bond, Barry[barry.bond@Wabtec.com]; 'Lundeen, David'[dlundeen@Wabtec.com]; Petika, Kelly[kelly.petika@Wabtec.com]; Edraki, Alireza (alireza.edraki@Wabtec.com)[alireza.edraki@Wabtec.com]; Steve Hoyer[SHoyer@METRARR.COM]

**Cc:** Greg J.M. Godfrey[GGodfrey@METRARR.COM]; Kim Winiski[Kim\_Winiski@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; Casey Sieronski[CSieronski@METRARR.COM]; Bernosky, David (David.Bernosky@parsons.com)[David.Bernosky@parsons.com]; David Martinez[DMartinez@METRARR.COM]; Christy Seibert[cseibert@METRARR.COM]; Alfred Wade[AWade@METRARR.COM]; Ryan Markmann[RMarkmann@METRARR.COM]; Jai Whitted[JWhitted@METRARR.COM]; Daniel Heer[DHeer@METRARR.COM]; Adam Farence[AFarence@METRARR.COM]; Alyssa Battaglia[ABattaglia@METRARR.COM]; Carlos Del Toro[CDeToro@METRARR.COM]; Daniel Marinellie[DMarinellie@METRARR.COM]; Danny Santiago[DSantiago@METRARR.COM]; Kenneth Rice[KRice@METRARR.COM]; Kevin Lynch[KLynch@METRARR.COM]; Marshall Beecher[MBeecher@METRARR.COM]; Maurice King[MKing@METRARR.COM]; Robert Tellin[RTellin@METRARR.COM]; Tim Tabisz[TTabisz@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]

**From:** Rich Oppenheim

**Sent:** Fri 09/04/2020 2:08:17 PM UTC

**Subject:** RE: Anomalies identified in 008 CAD Build Metra 09\_03\_2020 UPDATE Train Delay

**Received:** Fri 09/04/2020 2:08:20 PM UTC

2128 this morning, 9-4, could not initialize for departure out of Fox Lake at 0845, supposedly because train was showing as not having been entered by CP on DOB. CP C&M says he thinks train had been put in system earlier in the morning. Can we check on this? Otherwise this is another example of a train's DOB disappearing after having been entered.

**From:** Ron Wesolowski <RWesolowski@METRARR.COM>

**Sent:** Thursday, September 3, 2020 1:54 PM

**To:** Jones, Tristan <tristan.jones@Wabtec.com>; Matthews-Patton, Josh <joshua.matthews-patton@Wabtec.com>; Bond, Barry <barry.bond@Wabtec.com>; 'Lundeen, David' <dlundeen@Wabtec.com>; Petika, Kelly <kelly.petika@Wabtec.com>; Edraki, Alireza (alireza.edraki@Wabtec.com) <alireza.edraki@Wabtec.com>; Rich Oppenheim <ROppenheim@METRARR.COM>; Steve Hoyer <SHoyer@METRARR.COM>

**Cc:** Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Kim Winiski <Kim\_Winiski@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Casey Sieronski <CSieronski@METRARR.COM>; Bernosky, David (David.Bernosky@parsons.com) <David.Bernosky@parsons.com>; David Martinez <DMartinez@METRARR.COM>; Christy Seibert <cseibert@METRARR.COM>; Alfred Wade <AWade@METRARR.COM>; Ryan Markmann <RMarkmann@METRARR.COM>; Jai Whitted <JWhitted@METRARR.COM>; Daniel Heer <DHeer@METRARR.COM>

**Subject:** RE: Anomalies identified in 008 CAD Build Metra 09\_03\_2020 UPDATE Train Delay

DOB's disappearing from trains in train tab. PTC status will show typically show active on dispatcher CAD but typically shows N/A on CAD MGR's CAD, but DOB is missing from both. Wabtec Tristan notified.

This anomaly has caused a train delayed to Metra 2117 on C&M at Rondout, Dispatcher could not issue a PSS @Rich Oppenheim going forward dispatcher should just put blocks up and talk by signal. If train is running PTC the train will get a automatic pushbutton prompt on CDU no need to use CAD PSS feature @Steve Hoyer where we aware of this real time?

**From:** Ron Wesolowski

**Sent:** Thursday, September 3, 2020 7:25 AM

**To:** 'Jones, Tristan' <tristan.jones@Wabtec.com>; Matthews-Patton, Josh <joshua.matthews-patton@Wabtec.com>; 'Bond, Barry' <barry.bond@Wabtec.com>; Lundeen, David <dlundeen@Wabtec.com>; 'Petika, Kelly' <kelly.petika@Wabtec.com>; Edraki, Alireza (alireza.edraki@Wabtec.com) <alireza.edraki@Wabtec.com>

**Cc:** Gregory Godfrey (GGodfrey@METRARR.COM) <GGodfrey@METRARR.COM>; Steve Hoyer <SHoyer@METRARR.COM>; 'Kim Winiski' <Kim\_Winiski@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Casey Sieronski <CSieronski@METRARR.COM>; Bernosky, David (David.Bernosky@parsons.com) <David.Bernosky@parsons.com>

**Subject:** Anomalies identified in 008 CAD Build Metra 09\_03\_2020

CAD Issues [workstation reboots, etc.]:

- \* NE South disp. ID's disappearing, duplicating, etc. randomly again.
- \* DOB's disappearing from trains in train tab. PTC status will show typically show active on dispatcher CAD but typically shows N/A on CAD MGR's CAD, but DOB is missing from both. Wanted Tristan notified.
- \* getting random alert "Train is currently PTC active. Cutout before cancelling DOB issuance" -Tristian notified



**Ron Wesolowski | CAD PTC Project Manager**

547 W. Jackson Blvd, Chicago, IL, 60661

P: 312 322 2847 | E: [RWesolowski@METRARR.COM](mailto:RWesolowski@METRARR.COM)

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**To:** Steven Nettleton[steven\_nettleton@cpr.ca]  
**Cc:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Sun 07/21/2019 11:33:41 PM UTC  
**Subject:** Excessive Metra Delays due to CP freight interference

**Received:** Sun 07/21/2019 11:33:42 PM UTC

OPS1501\_BN.PDF  
ATT00001.htm  
TOPS1501\_HCD.PDF  
ATT00002.htm  
TOPS1501\_MEDML.PDF  
ATT00003.htm  
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TOPS1501\_MEDBI.PDF  
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TOPS1501\_MWDN.PDF  
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ATT00009.htm  
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TOPS1501\_UPN.PDF  
ATT00011.htm  
TOPS1501\_UPNW.PDF  
ATT00012.htm  
TOPS1501\_UPW.PDF  
ATT00013.htm

Steve -

prior to my leaving on vacation to attend an out of town event, you and I discussed my concerns regarding anecdotal information I had heard regarding instructions issued to C&M and Elgin Dispatchers from MOC Managers essentially telling them that freight traffic should not be held for Metra trains if "they are running late". I believe you expressed concurrence with my feelings that if a Metra train was running, say, 15 minutes late, it made sense for CP to capitalize on the window, but not if doing so will cause the train to be delayed additionally beyond the original 15 minutes. I again reiterated my concerns that instructions had supposedly been issued that could be interpreted to mean that freight traffic was to be moved without regard to scheduled Metra traffic whenever a conflicting Metra train was "running late", and that some Dispatchers, and of more concern some MOC managers, were taking a literal interpretation resulting in delays to our service and customers. You assured me that this was not the case and promised to clear up any misunderstandings with the Dispatchers and Managers.

While I have not been able to closely monitor operations this past week with the scrutiny that I normally would, the communications received from my Metra Transportation managers as well as the delay reports (Saturday's is attached) indicate that we have suffered extensive delays due to freight operations, and at least two were due to poor Dispatching decisions in which a Manager instructed the Dispatcher to move freight traffic knowing that significant Metra delays would result.

I won't be back in the office until Tuesday, but would greatly appreciate it if In the interim you would review any instructions that have been issued to C&M and Elgin Dispatchers in relation to Scheduled Metra traffic, and if possible send me a written copy. Minimally, if we are, in fact, in agreement that Metra traffic should not be significantly impacted by freight movements, Please make sure that all MOC managers and Dispatchers understand these important distinctions. Thanks again for your help.

Rich Oppenheim  
 Metra CUS District Operations  
 Office 312-322-8939  
 Cell. 312-735-8576

Sent from my iPhone

Begin forwarded message:

**From:** Metra Mainframe Information Systems  
**Date:** July 21, 2019 at 2:48:07 AM PDT  
**To:** <[mainframe@metrarr.com](mailto:mainframe@metrarr.com)>, <[mainframe@metrarr.com](mailto:mainframe@metrarr.com)>  
**Subject:** TOPS Daily Incident Report

This report is generated from Metra Information Systems

**To:** Steven Nettleton[steven\_nettleton@cpr.ca]  
**Cc:** nick\_walker@cpr.ca[nick\_walker@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Sun 07/21/2019 11:33:41 PM UTC  
**Subject:** Excessive Metra Delays due to CP freight interference  
**Received:** Sun 07/21/2019 11:33:43 PM UTC

TOPS1501\_BN.PDF  
ATT00001.htm  
TOPS1501\_HCD.PDF  
ATT00002.htm  
TOPS1501\_MEDML.PDF  
ATT00003.htm  
TOPS1501\_MEDSC.PDF  
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TOPS1501\_UPN.PDF  
ATT00011.htm  
TOPS1501\_UPNW.PDF  
ATT00012.htm  
TOPS1501\_UPW.PDF  
ATT00013.htm

Steve -

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Rich Oppenheim  
 Metra CUS District Operations  
 Office 312-322-8939  
 Cell. 312-735-8576



Sent from my iPhone

Begin forwarded message:

**From:** Metra Mainframe Information Systems  
**Date:** July 21, 2019 at 2:48:07 AM PDT  
**To:** <[mainframe@metrarr.com](mailto:mainframe@metrarr.com)>, <[mainframe@metrarr.com](mailto:mainframe@metrarr.com)>  
**Subject:** TOPS Daily Incident Report

This report is generated from Metra Information Systems

To: jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca];  
 jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas  
 Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
 Cc: Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet  
 Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
 From: Rich Oppenheim  
 Sent: Thur 01/28/2021 3:44:19 AM UTC  
 Subject: Excessive Metra Delays due to CP Freight interference at Tower B17  
 Received: Thur 01/28/2021 3:44:20 AM UTC  
 B17 and B12 -- Freight windows.xls

Let me preface this by saying how much we appreciate CP's recent willingness to discuss our respective operational concerns and the need to work together to insure that our goals were met. I have taken the liberty to again attach our freight window spread sheet which spells out available windows that are available between scheduled Metra trains at both Tower B17 and Tower B12. It was also pointed out, when recently discussed, that during Metra's Contractual Peak period, when the bulk of Metra's customers count on us to get them home on time, the existing windows or moving freight trains are few and brief. We were lead to believe that CP concurred with this ideas, which is why the events of this evening were so disturbing. Here are the basics of what transpired:

- An 11,500 foot 286 was brought down to B17 for Bensenville yard even though it was known the train did not fit between Bryn Mawr and Tower B17, and there were no viable windows to move the train without causing significant delays to Metra's service. Identified windows were 1610-1635 (25 minutes), 1710-1735 (25 minutes) and 1817-1835 (18 minutes). All of these windows were probably too tight to move an 11,500 foot train, but at least had a chance of succeeding. None of these windows were respected. Instead 286 was moved in a 13 minute window between 2235 and 2237. 2237 was already stopped at B17 before 286 started into the plant with his head end. 2237 is due at Tower B17 at 1750 and 2246 at 1805.
- Now for the truly unbelievable part: About 1810, just as 286's rear end was starting through B17 North, we received word that CP was planning to bring an 11,000 foot 473 train out of the yard for Randall Road AHEAD of 2237 and 2246. 2237 had already been stopped at B17 for 25 minutes at that point. While 286's rear end was starting into the plant at B17 we could see 473 lined out, but the train was not even on the approach circuit for B17. I quickly called the Elgin Dispatcher and requested that they get 473 stopped before the train entered the plant and let 2237 and 2246 go. Both trains would have cleared B17 in less than two minutes. Elgin Dispatcher said that he could not stop 473 because he had been told by his Chief that 473 had to go first. I quickly called Ron Pierce. When he answered 473 was still not on the B17 approach. I then implored him to get 473 stopped and let 2237 and 2246 go first. He told me that he would not do that since Senior Management had instructed him to move 473 in preference. For the record, 286 cleared B17 at 1830. Had 2237 and 2246 been allowed to go at that point, 2237 would have been delayed @ 40 minutes, and 2246 @ 25 minutes. But apparently that wasn't enough. 473 cleared the plant at 1842 with 2246 clearing @ 1845, 40 minutes late (an additional 15 minutes on top of the original 25 minutes from 286). This would have been a 55 minute delay for 2237 but shortly after 473 cleared B17 they encountered some PTC anomalies and stopped. 2237 then had to wait for 2248 to clear #2 Main @ 1905 so that they could ultimately run around 473. 2237 cleared B17 1912, incurring a delay of 1 hour 22 minutes.

I have no doubt that there isn't anyone at CP who could say that the movement of freight traffic through B17 tonight was by any stretch of the imagination acceptable. As we have said repeatedly on our calls, we truly believe that CP's intentions are sincere in trying to protect Metra's schedules. Unfortunately, it does not appear that this message is getting through to the management level that actually makes the decisions on train movements. We request that the decisions and consequences of the decisions that were made tonight are reviewed and thoroughly discussed with all involved.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661

**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; Lucas\_Lingenfelter@Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@nicole\_kurtenbach@cpr.ca]  
**Cc:** Kevin McCann[KMcCann@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Georgette Geha[GGeha@METRARR.COM]; jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Tue 10/12/2021 6:26:20 PM UTC  
**Subject:** CP Freights occupying both Metra Main Tracks between Franklin Park West and Tower B17  
**Received:** Tue 10/12/2021 6:26:22 PM UTC

CP 287 (G57) holding #1 MT between Franklin Park West and Tower B17 from @ 1215 until 1305 for crew change.  
CP 650-772 holding #2 MT between Tower B17 and Franklin Park West beginning about 1205. Waiting for crew from Elkhart, still holding #2 MT as of 1320.  
With Metra 2217 and 2236 scheduled to meet in that block due at B17 1305, Metra incurred the following delays:

2217 7 minutes running on restricting signals due to CP 287 ahead and waiting for 287's rear end to clear Tower B17.  
2236 13 minutes holding at Tower B17 waiting for 2217, then crossing over to run around 650-772. If trains cannot be moved promptly off Metra's main tracks, we again ask that they be brought into Bensenville Yard

**From:** Rich Oppenheim  
**Sent:** Tuesday, October 5, 2021 2:38 PM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'Lucas\_Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nicole\_kurtenbach@nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>  
**Cc:** Kevin McCann <KMcCann@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>  
**Subject:** CP Freight occupying Metra Main Tracks between Franklin Park West and Tower B17

CP 681 holding #1 MT for crew change for @ 2 hours this morning. Metra #2232 held at Tower B17 9 minutes to meet Metra #2213 running around 681.  
CP 686-764 holding #2 MT for crew change 1400 until ? Outbound crew not called until 1445. 2240 will need to wait at Tower B17 for 2221. Why are we not bringing these trains into Bensenville Yard?

Rich Oppenheim,  
Director  
Metra CUS District Operations  
P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
547 W. Jackson Blvd., Chicago, IL 60661



**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; jasonm\_ross@cpr.ca[jasonm\_ross@cpr.ca];  
nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet  
Carbonelli[JCarbonelli@METRARR.COM]; Greg J.M. Godfrey[GGodfrey@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 08/03/2021 11:53:10 AM UTC  
**Subject:** CP 687-750 parked on #1 MT Tower B17 during Metra AM peak period  
**Received:** Tue 08/03/2021 11:53:11 AM UTC

In spite of many discussions regarding the parking of CP freight trains on Metra main tracks during peak period, and assurances that this would no longer be done, we once again this morning have a 687-70 on #1 MT at Tower B17 awaiting a crew change (crew on duty 0600). Train came off IHB and is headed West toward Randall Road and Chicago Sub. As result of this train parked on the Main, we now have a conflict with Metra Peak Period trains 2210, 2203, and 2212 which will result in an inevitable delay to at least one of them. Why couldn't train have been left on the IHB until there was a suitable window for moving it? Please advise.



**Rich Oppenheim | Director, Sub Oper CUS Dist**

547 W. Jackson Blvd, Chicago, IL, 60661

P: 312-322-8939 | E: [ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)

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**To:** Jacob Rinnels[jacob\_rinnels@cpr.ca]; Lucas Lingenfelter[lucas\_lingenfelter@cpr.ca]; Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]; Aisha Jackson[aisha\_jackson@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 07/19/2021 10:49:57 AM UTC  
**Subject:** Fwd: MW2202 delayed @B17 for a Freight  
**Received:** Mon 07/19/2021 10:49:58 AM UTC

13 minute delay to first train of the morning is not acceptable. Did anyone discuss with freight if it is able to clear in time? What is being done to protect Metra windows?

Sent from my iPhone

Begin forwarded message:

**From:** Joe Bratta <JBratta@metrarr.com>  
**Date:** July 19, 2021 at 5:41:13 AM CDT  
**To:** CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@metrarr.com>  
**Subject:** RE: MW2202 delayed @B17 for a Freight

On the move. -13m.

**From:** Joe Bratta <JBratta@METRARR.COM>  
**Sent:** Monday, July 19, 2021 5:34 AM  
**To:** CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2202 delayed @B17 for a Freight

Will update when on the move and Freight info.



Joe Bratta | Chief Dispatcher

547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-2855 | E: [JBratta@METRARR.COM](mailto:JBratta@METRARR.COM)

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**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** 'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**ent:** Fri 07/02/2021 6:29:30 PM UTC  
**Subject:** Metra Train Delays due to trains parked between Tower B17 and Franklin Park West  
**Received:** Fri 07/02/2021 6:29:32 PM UTC

Incidents of freight trains stopped for lengthy periods of time on the Main tracks between Franklin Park West and Tower B17 seem to again be on the rise. Today CP 287-02 has been stopped on #1 MT East of Tower B17 (waiting for a 1250 crew) since @ 1215, and is still there. Had to force a meet with 2217-2236 which delayed 2236 13 minutes. Yesterday, a 581 was brought up #2 MT and held East of B17 for a crew change directly ahead of the 1500 hour scheduled meet between 2221 and 2240 delaying 2240 for 10 minutes.

As information, because of the Metra tie gang and other track projects, Metra's midday trains had been covered by a "construction schedule" which allowed an additional 10 minutes before the trains were identified as "reportably late". Today is the final day for the construction schedule, so Metra trains will again be considered to be reportably late if they are over 5 minutes behind schedule.

Over the last few weeks a sincere effort has been made to avoid interfering with Metra schedules while making crew changes. It would be appreciated if additional attention could be given to getting back to those goals. Thanks for your help.



Rich Oppenheim | Director, Sub Oper CUS Dist

547 W. Jackson Blvd, Chicago, IL, 60661

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nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David  
Rodriguez[DRodriguez@METRARR.COM]; Georgette Geha[GGeHa@METRARR.COM]; Kevin McCann[KMcCann@METRARR.COM];  
Greg J.M. Godfrey[GGodfrey@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 09/13/2021 8:27:07 PM UTC  
**Subject:** Metra Delays - MON SEPT 13, 2021 due to CP Frt occupying mains East of B17  
**Received:** Mon 09/13/2021 8:27:39 PM UTC

As discussed, on all weekdays, Metra trains have scheduled meets between Franklin Park and Tower B17 at @ 0905, 1105, 1305, 1505, and 1605. CP G47-287 was on #1 MT for the 0900 meets; CP 680 was on #2 MT for the 1100 meets, and CP 681 was on #1 MT for the 1500 meets. As a result the following delays occurred:

- 2209 12 minutes waiting for 2228 at Franklin Park West
- 2213 9 minutes waiting for 2232 at Franklin Park West
- 2240 12 minutes waiting for 2221 at Tower B17

Please coordinate with Dispatching office and Yard Operations Managers to avoid this chronic problem.



Rich Oppenheim | Director, Sub Oper CUS Dist

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To: jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; jasonm\_ross@cpr.ca[jasonm\_ross@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
Cc: Victor Flores[VFlores@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
From: Rich Oppenheim  
Sent: Mon 08/02/2021 4:53:23 PM UTC  
Subject: CP Freight Delays  
Received: Mon 08/02/2021 4:53:24 PM UTC

Please look into the following freight delays, all of which have occurred in the last 24 hours:

- 2627 (due Rondout 0126) held **17 minutes at Rondout** for EWD WSOR freight to clear.
- 2124 (rush hour train) due Tower A20 0817 delayed **16 minutes** for freight CP-341 to come off cut off from UP. Some of this delay was due to TMDS lag issues, but running 341 in that window was going to cause delay to 2124 regardless of lag. This also delayed **2126 7 minutes** behind 2124. There is a large window behind 2126 in which freight train could have been moved without impacting Metra.
- 2213 and 2232 both delayed 10 + minutes at Tower B17 for CP-286 going into yard. There is an almost 2 hour window available after 2213 and 2232 have cleared.

As information, Metra On Time performance for July 2021 was 91.31% for the North Line and 94.29% for the West Line, both below our acceptable level of 95%. Moving forward, we ask that Dispatchers who handle Metra traffic use good judgement when moving freight traffic, and rely upon established and "safe" windows. Please discourage taking unnecessary chances that can potentially impact Metra's performance and customers.

Thanks, for your assistance.



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**To:** Brandon Smith[brandon\_smith@cpr.ca]; jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]  
**Cc:** Nicole Kurtenbach CP AGM Minneapolis[nicole\_kurtenbach@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Wed 02/17/2021 1:58:15 PM UTC  
**Subject:** Fwd: MW2216 stopped B17  
**Received:** Wed 02/17/2021 1:58:17 PM UTC

2216 is a peak period train. When will this stop?

Sent from my iPhone

Begin forwarded message:

**From:** Joe Bratta <JBratta@metrarr.com>  
**Date:** February 17, 2021 at 7:53:44 AM CST  
**To:** Adam Farence <AFarence@metrarr.com>, Alyssa Battaglia <ABattaglia@metrarr.com>, Carlo Santori <CSantori@metrarr.com>, Carlos Del Toro <CDelToro@metrarr.com>, Chris Krakar <CKrakar@metrarr.com>, Christy Seibert <cseibert@metrarr.com>, Clifton Bates <CBates@metrarr.com>, Corinna Gallardo <cgallardo@metrarr.com>, Courtney Aubrecht <CAubrecht@metrarr.com>, Daniel Miodonski <DMiodonski@metrarr.com>, Danny Santiago <DSantiago@metrarr.com>, David Rodriguez <DRodriguez@metrarr.com>, Dennis Wokurka <DWokurka@metrarr.com>, GPSAlerting <GPSAlerting@metrarr.com>, "Greg J.M. Godfrey" <GGodfrey@metrarr.com>, James Walsh <JWalsh@metrarr.com>, Janet Carbonelli <JCarbonelli@metrarr.com>, Joel Winchester <JWinchester@metrarr.com>, Jonathan Leppert <JLeppert@metrarr.com>, Keith Georgeff <KGeorgeff@metrarr.com>, Kevin Lynch <KLynch@metrarr.com>, Larry Powell <LPowell@metrarr.com>, Marshall Beecher <MBeecher@metrarr.com>, Matt Bevers <mbevers@metrarr.com>, Maurice King <MKing@metrarr.com>, Meg Thomas-Reile <mtreile@metrarr.com>, Metra CCF Dispatching <MetraCCFdispatch@metrarr.com>, Michael Denk <MDenk@metrarr.com>, Michael Gillis <mgillis@metrarr.com>, Rich Oppenheim <ROppenheim@metrarr.com>, Robert Tellin <RTellin@metrarr.com>, Sergio Guerrero <SGuerrero@metrarr.com>, Steven Cork <SCork@metrarr.com>, Sylvia Ortiz-Cooper <Sortiz-Cooper@metrarr.com>, Terron Haynes <THaynes@metrarr.com>, Tom Miller <TMILLER@metrarr.com>, Victor Flores <VFlores@metrarr.com>  
**Subject:** RE: MW2216 stopped B17

On the move -16m delay B17.

**From:** Joe Bratta <JBratta@METRARR.COM>  
**Sent:** Wednesday, February 17, 2021 7:44 AM  
**To:** Adam Farence <AFarence@METRARR.COM>; Alyssa Battaglia <ABattaglia@METRARR.COM>; Carlo Santori <CSantori@METRARR.COM>; Carlos Del Toro <CDelToro@METRARR.COM>; Chris Krakar <CKrakar@METRARR.COM>; Christy Seibert <cseibert@METRARR.COM>; Clifton Bates <CBates@METRARR.COM>; Corinna Gallardo <cgallardo@metrarr.com>; Courtney Aubrecht <CAubrecht@METRARR.COM>; Daniel Miodonski <DMiodonski@METRARR.COM>; Danny Santiago <DSantiago@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Dennis Wokurka <DWokurka@METRARR.COM>; GPSAlerting <GPSAlerting@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; James Walsh <JWalsh@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Joe Bratta <JBratta@METRARR.COM>; Joel Winchester <JWinchester@METRARR.COM>; Jonathan Leppert <JLeppert@METRARR.COM>; Keith Georgeff <KGeorgeff@METRARR.COM>; Kevin Lynch <KLynch@METRARR.COM>; Larry Powell <LPowell@METRARR.COM>; Marshall Beecher <MBeecher@METRARR.COM>; Matt Bevers <mbevers@METRARR.COM>; Maurice King <MKing@METRARR.COM>; Meg Thomas-Reile <mtreile@metrarr.com>; Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; Michael Denk <MDenk@METRARR.COM>; Michael Gillis <mgillis@METRARR.COM>; Rich Oppenheim <ROppenheim@METRARR.COM>; Robert Tellin <RTellin@METRARR.COM>; Sergio Guerrero <SGuerrero@METRARR.COM>; Steven Cork <SCork@METRARR.COM>; Sylvia Ortiz-Cooper <Sortiz-Cooper@METRARR.COM>; Terron Haynes <THaynes@METRARR.COM>; Tom Miller

<TMILLER@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>

**Subject:** MW2216 stopped B17

MW2216 stopped B17 for CP-288. Will update.



Joe Bratta | Chief Dispatcher

547 W. Jackson Blvd, Chicago, IL, 60661

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**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca]; 'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**Cc:** jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Georgette Geha[GGeha@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 04/21/2021 7:25:50 PM UTC  
**Subject:** RE: Blocking Metra Main Tracks between Franklin Park West and Tower B17  
**Received:** Wed 04/21/2021 7:25:51 PM UTC

Not any better today. Had a 472 come out of Almora ahead of Metra 2228 and crew apparently died for time on the plant at Tower B17 (crossings and depot in Bensenville blocked). 2228 had to run #1 Main Track from Roselle East to Franklin Park West to get around 472 and Metra 2209 had to hold at Franklin Park West to meet 2228 @ 12 minutes.

G57-287 was parked on #1 MT between Franklin Park West and Tower B17 for 3 hours making crew change and holding for inbound trains off C&M. Forced meet between 2217-2236 at Tower B17 causing 10 minute delay to 2236. They are now bringing a 687 up off the IHB to make a crew change at Mannheim on #2 Main which will undoubtedly again force us to meet our scheduled trains 2221-2240 at B17.

CP had this situation well under control in recent days, but we seem to be back to square one. Your help would be appreciated.

**From:** Rich Oppenheim  
**Sent:** Tuesday, April 20, 2021 1:03 PM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'Michael Ugorek' <Michael\_Ugorek@cpr.ca>; 'aisha\_jackson@cpr.ca' <aisha\_jackson@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>  
**Cc:** 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>; Bruce Marcheschi <BMarcheschi@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>  
**Subject:** Blocking Metra Main Tracks between Franklin Park West and Tower B17

Yesterday, MONDAY APRIL 19, 2021 we had first a CP 686 and then a CP 380 making extended (not one crew off one crew on) crew changes at Mannheim using #2 MT between Tower B17 and Franklin Park West. #2 MT was occupied from @ 0845 until 1215.

This created a conflict between Metra trains 2128-2109 as well as between Metra trains 2113-2132 who are scheduled to meet in this location.

Today, TUESDAY APRIL 20, 2021 we had first a CP-287 and then a CP 67X both occupying #1 MT. 67X not only blocked #1 MT, but also blocked Franklin Park depot as well as all of the road crossings in Franklin Park for over 30 minutes. Again, conflicts were created between scheduled Metra trains 2132-2113 as well as between 2136-2117.

In our discussions, we have talked at length about tying up the Metra mains for freight operations. Utilizing the tracks between Tower B17 and Bryn Mawr, Galewood Yard or Bensenville Yard are all options that do not impact Metra's operations. It would be appreciated if you could remind all concerned to once again respect Metra's scheduled operations and adhere to the guidelines we have agreed to. Thanks for your help.

Rich Oppenheim,  
 Director  
 Metra CUS District Operations  
 P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)  
 547 W. Jackson Blvd., Chicago, IL 60661

**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca];  
'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca];  
nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**Cc:** jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor  
Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Georgette Geha[GGeha@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 03/15/2021 9:54:17 PM UTC  
**Subject:** Metra Peak Period 2225 delay at B17 - CP 286  
**Received:** Mon 03/15/2021 9:54:18 PM UTC

Metra Peak Period Train 2225 held at Tower B17 12 minutes for 11,000 foot CP 286 to clear in yard.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**



**To:** 'Lucas Lingenfelter'[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]  
**Cc:** Georgette Geha[GGehta@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Kevin McCann[KMcCann@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 09/08/2021 4:39:07 PM UTC  
**Subject:** Metra Delays - Tower B17 - WED SEPT 8, 2021  
**Received:** Wed 09/08/2021 4:39:07 PM UTC

The following incurred today due to freight train interference at Tower B17:

- Metra #2222 7 minutes. 2222 is a PEAK PERIOD TRAIN which is supposed to run as a non-stop express from Roselle to Western Avenue. On paper, there is a 19 minute gap between #2216 and #2222 and Dispatchers/Yardmasters are constantly trying to squeeze trains out of Bensenville Yard in this narrow window. Doing this inevitably results in a delay to #2222 whose operation as a Peak Period Train should not be interfered with. If instead of trying to squeeze trains in this narrow window, waiting until #2226 clears B17 at 0809 results in a window of almost an hour. Pushing the trains out earlier not only delays 2222, but generally winds up with the freight train waiting for a window at Deval on the UP anyway.
- Metra #2213 delayed 15 minutes at Franklin Park West meeting #2232 account CP G57/287 holding #1 MT at Tower B17 to set out cars. We have been told repeatedly that when G57/287 needs to pick up or set out locomotives or cars, the work would be done in Bensenville yard instead of tying up one of the two Main Tracks. Why was this not done today?



Rich Oppenheim | Director, Sub Oper CUS Dist

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**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**Cc:** jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 01/14/2021 10:54:45 PM UTC  
**Subject:** Metra 2225 delayed by 286 yarding Bensenville  
**Received:** Thur 01/14/2021 10:54:47 PM UTC

Bensenville is bringing in an 11,500 foot 286 train that had 3 switches to line. Peak Period Metra Train 2225 has now been stopped at Tower B17 for 12 minutes, and there is no end of 286 in site. While we have discussed on our bi-weekly calls about having B17 find out how many switches trains will need to line coming in the yard and then notifying the crew on the train, asking if they have sufficient time to clear in the given window, no one is doing this. It looks like at least a 20 minute delay to this Peak Period train which supposedly is not supposed to be interfered with. Please follow up with all concerned and see what can be done to mitigate these clearly avoidable delays.

Rich Oppenheim,  
Director  
Metra CUS District Operations  
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547 W. Jackson Blvd., Chicago, IL 60661

**To:** Brandon Smith[Brandon\_Smith@cpr.ca]  
**Cc:** Jacob Rinnels[Jacob\_Rinnels@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; Nicole Kurtenbach[Nicole\_Kurtenbach@cpr.ca]; Jason M Ross[JasonM\_Ross@cpr.ca]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**ent:** Fri 01/15/2021 2:25:43 AM UTC  
**Subject:** Re: Metra 2225 delayed by 286 yarding Bensenville  
**Received:** Fri 01/15/2021 2:25:45 AM UTC

Brandon -

Thanks for the response and the very pleasant prospect of improvements in the foreseeable future. It is extremely heartening to know that you are working on Operational solutions to address these chronic problems. If I can be of any assistance as you and your team work through this, please do not hesitate to let me know. Thanks again!

Rich.

Sent from my iPhone

> On Jan 14, 2021, at 7:46 PM, Brandon Smith <Brandon\_Smith@cpr.ca> wrote:

>  
 > [CAUTION:] This email originated from outside of Metra. Do not click links, open attachments or forward unless you recognize the sender. We know the content is safe. Suspicious email should be deleted or reported to the Metra Helpdesk at 312-322-6508.

> Good evening Rich,

> Mitigating these delays is a matter of priority for us, to the point that we held 286 out of the yard to protect your movements (delaying for more than 44 minutes). We will continue to be diligent and create as minimal delays as possible.

> In addition, the Chicago Team with Jacobs Leadership is working on a new yard plan at Bensenville that includes quicker transitions to B17 given our commitment to the matter. This is a consideration to your increased passenger service that started Monday.

> We appreciate your patience as we work through getting back to normal volumes with both of our businesses. We have plans to roll it out over the next 14 days.

> Brandon

> Sent from my iPhone

> On Jan 14, 2021, at 4:54 PM, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

> This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

> Bensenville is bringing in an 11,500 foot 286 train that had 3 switches to line. Peak Period Metra Train 2225 has now been stopped at Bensenville for 12 minutes, and there is no end of 286 in site. While we have discussed on our bi-weekly calls about having B17 find out how many switches trains will need to line coming in the yard and then notifying the crew on the train, asking if they have sufficient time to clear in the given window, no one is doing this. It looks like at least a 20 minute delay to this Peak Period train which supposedly is not supposed to be interfered with. We will follow up with all concerned and see what can be done to mitigate these clearly avoidable delays.

> Rich Oppenheim,

> Director

> Metra CUS District Operations

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> 547 W. Jackson Blvd., Chicago, IL 60661

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nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca];  
jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Tue 08/10/2021 4:38:52 PM UTC  
**Subject:** CP 686-784 parked on #2 MT B17-Franklin Park West  
**Received:** Tue 08/10/2021 4:38:53 PM UTC

Same scenario today as yesterday, except train on #2 MT is 686-784 and today came from Randall Road (Chicago Sub) instead of off C&M. Train could easily been held at Randall/Almora to follow Metra 2232 and been in proper position for relief crew at Mannheim on duty 1010 without having to create the stand off single track situation between 2213 and 2232.

**From:** Rich Oppenheim  
**Sent:** Monday, August 9, 2021 11:44 AM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'aisha\_jackson@cpr.ca' <aisha\_jackson@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>  
**Subject:** CP 686-622 parked on #2 MT B17-Franklin Park West going on 3 hours

686-622 was brought out of Tower B17 on #2 MT @ 0915 this morning. Train is destined to IHB. My understanding is that IHB was not ready for train when it was brought down the main, and was subsequently blocked by 281 doubling up. It will be well after 1200 when route to IHB opens again. Why was train brought out of Tower B17 when there was no place for it to go? Metra 2213 delayed approximately 15 minutes holding at Franklin Park West for Metra 2232 to run around 686.



Rich Oppenheim | Director, Sub Oper CUS Dist

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'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca];  
nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**Cc:** jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor  
Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Georgette Geha[GGeha@METRARR.COM];  
David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 05/06/2021 1:50:18 PM UTC  
**Subject:** Excessive Metra Peak Period Delay - WED MAY 5, 2021  
**Received:** Thur 05/06/2021 1:50:19 PM UTC

On Wednesday, May 5, 2021, as the afternoon Metra Peak period was starting to begin (1545-1600 hrs), an unrealistic freight train scenario began to unfold:

- CP 687, 12,500 feet came off IHB and was brought up #2 MT to Tower B17 for a crew change to.
- CP 473, 8000 feet was in Bensenville Yard getting ready to go.
- CP 650 coming off Chicago Sub was due Randall Road @ 1645.

473 wound up departing @ 1600 with Metra 2223 following, and 687 following 2223. With 687 holding #2 MT at B17, 2223 had to wait @ 10 minutes at Franklin Park West for Metra 2242.

On a positive note, although 650 was going to the BRC and needed to make a crew change at Bensenville, it was agreed to bring them into the yard at Bensenville to make the crew change rather than tie up #2 Main between B17 and Franklin Park West at a key time during the peak period. This was most helpful and appreciated.

The main stumbling block with this scenario is that at Big Timber Road depot, there is no physical access to the #2 MT platform except by using the crosswalk from the #1 MT side – there is literally no way to access the #2 platform with a train blocking #1 MT. There is only slightly over 1 mile from the Big Timber Road depot to the West end of Double Track at Pingree Grove, so there really was no place for Metra 2225 to go until 687 cleared. With 473 ahead of 687 waiting at Pingree Grove for 650 687 wound up causing a 26 minute delay to peak period train 2225 who was waiting behind 687.

In retrospect, I think it was fairly unrealistic to bring 687 off the IHB during the Metra peak period. Doing so resulted in delays to both 2223 and 2225. Handling a 12,500 foot train during this time period with both 473 and 650 in the picture was inevitably going to result in Metra delays.

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Cc: Greg J.M. Godfrey[GGodfrey@METRARR.COM]; Ron Wesolowski[RWesolowski@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
From: Rich Oppenheim  
Sent: Fri 08/20/2021 4:46:17 PM UTC  
Subject: Metra Delays due to CP 281 and CP 686-905  
Received: Fri 08/20/2021 4:46:18 PM UTC

Today CP 686-905 which came off the cut-off from C&M at Tower B17 and destined for IHB was allowed to pull down #2 MT between Tower B17 and Franklin Park West ahead of the scheduled Metra meets between #2213 and #2232 which occur every day between 1105-1110. At this time there was absolutely nothing behind 686-905 that would have prevented their holding at Tower B17 until after the Metra meets took place. While this was going on 281 was allowed to take head room out of the East end of the Yard and was lined over to #2 MT at Tower B12. 281 in this position also blocked 686's access to the IHB. With 686 out on #2 MT, Metra 2232 ran #1 MT Tower B17 to Franklin Park West, then crossed back to #2 MT where they were then blocked at Tower B12 with 281 in the plant. 2213 waited 12 minutes at Franklin Park West waiting for 2232 to clear #1 MT; 2232 then waited 14 minutes at Tower B12 for 281 to get moving and clear up B12. This could all have been avoided if 686-905 had been held at B17 until after the Metra meets (2232 would have then had a route through B12 by crossing over to #1 MT at Franklin Park West and running #1 MT to Galewood).



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**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 03/09/2021 5:26:14 PM UTC  
**Subject:** CP 686 crew change delaying Metra 2232  
**Received:** Tue 03/09/2021 5:26:15 PM UTC

CP 686 today was brought down #2 MT for a crew change at Mannheim 20 minutes ahead of Metra 2232 who then was forced to wait at Tower B17 for 2213. 2232 will now be a reportable delay. The outbound crew for 686 was not on duty until 1025 and there is no other freight activity going on between Tower B17 and Bryn Mawr. Why wasn't 686 held to pull down *after* the two Metra trains cleared B17?

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**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Tue 03/09/2021 5:57:12 PM UTC  
**Subject:** RE: CP 686 crew change delaying Metra 2232  
**Received:** Tue 03/09/2021 5:57:13 PM UTC

I see now where 686 came off D&I instead of C&M, so the B17 scenario was not an option. However, following 2232 out of Almora would have been a good option if the crew had enough time to work.

**From:** Rich Oppenheim  
**Sent:** Tuesday, March 9, 2021 11:26 AM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'aisha\_jackson@cpr.ca' <aisha\_jackson@cpr.ca>  
**Cc:** David Rodriguez <DRodriguez@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>  
**Subject:** CP 686 crew change delaying Metra 2232

CP 686 today was brought down #2 MT for a crew change at Mannheim 20 minutes ahead of Metra 2232 who then was forced to wait at Tower B17 for 2213. 2232 will now be a reportable delay. The outbound crew for 686 was not on duty until 1025 and there is no other freight activity going on between Tower B17 and Bryn Mawr. Why wasn't 686 held to pull down *after* the two Metra trains cleared B17?

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**Cc:** Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David  
Rodriguez[DRodriguez@METRARR.COM]; Georgette Geha[GGeha@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Wed 08/25/2021 1:58:02 PM UTC  
**Subject:** CP-199 vs Metra 2222 Tower B17  
**Received:** Wed 08/25/2021 1:58:03 PM UTC

Metra Peak Period Train 2222 was delayed at Tower B17 10 minutes this morning waiting for CP-199 to pull out of the yard. As information, 2222 runs non-stop from Roselle to Western Avenue. The 10 minute delay at Tower B17 caused an arrival at CUS at 0833, 6 minutes late and a reportable delay.

It is not uncommon for 199 to be squeezed out of Bensenville in the tight window between 2216 and 2222. The thing is that by doing this, 199 winds up at Tower A20 waiting for Amtrak 331 to go anyway. If instead of trying to push this lengthy train out of Bensenville in a tight window that may or may not work, if instead you waited for 2226 to go by at 8:09 AM, there is almost an hour with no Metra traffic at Tower B17, and 199 would show up at Tower A20 when there was a slot to run them.



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**Cc:** Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Georgette Geha[GGeHa@METRARR.COM]; Kevin McCann[KMcCann@METRARR.COM]; Greg J.M. Godfrey[GGodfrey@METRARR.COM]; Ron Wesolowski[RWesolowski@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 09/30/2021 6:35:47 PM UTC  
**Subject:** Metra Delays - CP 286 12,245 feet  
**Received:** Thur 09/30/2021 6:35:49 PM UTC

CP 286 today, 12,245 feet in length was allowed to start in to Bensenville Yard @ 15 minutes ahead of Metra 2236 and 2217's scheduled times at Tower B17. By the time 286 cleared the plant, 2217 was delayed 12 minutes and 2236 14 minutes.



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**Cc:** Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Thur 09/02/2021 3:23:57 PM UTC  
**Subject:** 2157 delay on WED SEPT 1, 2021 for Suicidal individual report  
**Received:** Thur 09/02/2021 3:23:58 PM UTC

CP C&M Dispatcher working today relayed to me what the 3<sup>rd</sup> shift Dispatcher told him regarding this incident. As far as we can determine so far, there is nothing in writing regarding this. 3<sup>rd</sup> Shift Dispatcher told Day Dispatcher in turnover that the call came to him directly from the Fox Lake Police Department. The call included a request to stop all trains. Conductor on 2157 indicated a 28 minute delay, initially held at Grayslake, then at Ingleside. 3<sup>rd</sup> shift Dispatcher indicated that after receiving the call from the Fox Lake police department, he then called Metra Police at 2800. Metra police were apparently unaware of the situation.

Lucas/Nicole – Would there be any written record of this exchange. We're interested in where the call came from and what was said. If there is no written record, would it be possible to obtain the phone tapes? We are planning to work with Metra Police to minimize the impact of these types of situations on train operations when they occur. Any additional details that you could provide would be helpful. Thanks for your assistance.

Rich



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**Cc:** Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**ent:** Tue 04/13/2021 1:45:19 PM UTC  
**Subject:** Metra Trains delayed for Freight moves B12-Galewood on MON APR 12, 2021  
**Received:** Tue 04/13/2021 1:45:20 PM UTC

On MONDAY APRIL 12, 2021, the following EWD Metra trains were delayed by freight movements going in Galewood Yard:

- Metra 2244 by B12 1713 hrs followed CP G52 who was by B12 at 1706 hrs. G52 pulled into Galewood Yard at Galewood East and did not clear Galewood East until 1740 hrs. This delayed 2244 @ 20 minutes.
- Metra 2252 by B12 2111 hrs on #3 MT. 2252 delayed @ 16 minutes at Galewood East waiting for CP 580 (Loco CP 8783) crossing from #2 MT into Galewood Yard to clear the Galewood East control point.

Please follow up with those involved. Thanks for your assistance.

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**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 02/12/2021 2:52:06 PM UTC  
**Subject:** Metra Peak Period delays - CP Freight interference  
**Received:** Fri 02/12/2021 2:52:07 PM UTC

THURSDAY, FEBRUARY 11, 2021

Metra 2116 arrived at CUS 7 minutes late, NCS 108 arrived CUS 16 minutes late. Both blocked at Tower B12 by CP Q165 running from Norpaul to Schiller Park.

FRIDAY, FEBRUARY 12, 2021

Metra 2222 arrived CUS 9 minutes late. Blocked at Tower B17 by CP 198 pulling in yard – stopped to line switches.

**Rich Oppenheim,**

**Director**

**Metra CUS District Operations**

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**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 01/08/2021 1:55:00 PM UTC  
**Subject:** FW: Delays - MW2216 and MW2222  
**Received:** Fri 01/08/2021 1:55:01 PM UTC  
[image001.gif](#)

Once again, someone at CP made the decision to move a 472 from Randall Road to Tower B17 through the morning Metra Peak Period. 2216's equipment was held in Elgin Coach yard until 472 cleared before running up the hill to Big Timber Road resulting in a 16 minute delay to 2216. The equipment for 2222 was then held in Elgin coach yard for 2216 to go resulting in a 13 minute delay to 2222. This move had been tried before and IT DOES NOT WORK. 2216 and 2222 are not only Peak Period trains, which according to the terms of the CP-Metra Operating agreement are not to be interfered with, but are also our most popular and heavily used commuter trains on our West Line.

We respectfully implore CP to stop this practice of forcing a freight train through our morning Peak Period operation where it clearly does not belong.

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**From:** Judy Tovar <JTovar@METRARR.COM>  
**Sent:** Friday, January 8, 2021 7:44 AM  
**To:** Adam Farence <AFarence@METRARR.COM>; Alfred Wade <AWade@METRARR.COM>; Alyssa Battaglia <ABattaglia@METRARR.COM>; Carlo Santori <CSantori@METRARR.COM>; Carlos Del Toro <CDelToro@METRARR.COM>; Chris Krakar <CKrakar@METRARR.COM>; Christy Seibert <cseibert@METRARR.COM>; Clifton Bates <CBates@METRARR.COM>; Corinna Gallardo <cgallardo@metrarr.com>; Courtney Aubrecht <CAubrecht@METRARR.COM>; Daniel Heer <DHeer@METRARR.COM>; Danny Santiago <DSantiago@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Dennis Wokurka <DWokurka@METRARR.COM>; GPSAlerting <GPSAlerting@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Israel Gonzalez <IGonzalez@METRARR.COM>; Jai Whitted <JWhitted@METRARR.COM>; James Walsh <JWalsh@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Joe Bratta <JBratta@METRARR.COM>; Joel Winchester <JWinchester@METRARR.COM>; Katie Dahlstrom <KDahlstrom@METRARR.COM>; Keith Georgeff <KGeorgeff@METRARR.COM>; Kevin Clifford <KClifford@METRARR.COM>; Kevin Lynch <KLynch@METRARR.COM>; Larry Powell <LPowell@METRARR.COM>; Marshall Beecher <MBeecher@METRARR.COM>; Matt Bevers <mbevers@METRARR.COM>; Maurice King <MKing@METRARR.COM>; Meg Thomas-Reile <mtreile@metrarr.com>; Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; Metra Train Assistance Center <MTACold@METRARR.COM>; Michael Denk <MDenk@METRARR.COM>; Michael Gillis <mgillis@METRARR.COM>; Rich Oppenheim <ROppenheim@METRARR.COM>; Robert Tellin <RTellin@METRARR.COM>; Ryan Markmann <RMarkmann@METRARR.COM>; Sergio Guerrero <SGuerrero@METRARR.COM>; Sylvia Ortiz-Cooper <SOrtiz-Cooper@METRARR.COM>; Terron Haynes <THaynes@METRARR.COM>; Tom Miller <TMILLER@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>  
**Subject:** Delays - MW2216 and MW2222

MW2216 is 16 minutes late and MW2222 is 13 minutes late. Reason unknown.





Judy Tovar | Dispatcher

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**From:** Rich Oppenheim  
**Sent:** Mon 09/27/2021 8:18:21 PM UTC  
**Subject:** CPG57-287 holding #1 MT at Tower B17 over 3 hours  
**Received:** Mon 09/27/2021 8:18:21 PM UTC

G57-287 holding #1 MT between Franklin Park West and Tower B17 going on 3 and ½ hours while setting out DPU and repositioning it. Why is this not being done in the yard? Metra Delays so far:

- 2217 13 minutes waiting for 2236.
- 2221 11 minutes waiting for 2240.

**From:** Rich Oppenheim <ROppenheim@metrarr.com>  
**Sent:** Sunday, September 26, 2021 1:19 PM  
**To:** jacob\_rinnels@cpr.ca; jasonm\_ross@cpr.ca; nicole\_kurtenbach@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>  
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**Subject:** Excessive Metra Delays due to freight- SAT-SUN SEPT 25-26, 2021

SATURDAY SEPT 25, 2021

Metra 2717 held B17 11 minutes waiting for 198-21 to clear into yard.  
 Metra 2720 delayed 14 mins following 686-757 Elgin to Tower B12.

SUNDAY SEPT 26, 2021

Metra 2714 delayed 26 minutes at Tower B17 waiting for 286 to clear plant going into yard.

With Metra trains running essentially every 2 hours, why is it so difficult to identify windows where freight can operate without causing delays?

Sent from my iPhone

On Sep 23, 2021, at 2:21 PM, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

- C&M Dispatcher ran a 9000 foot 686 train out of Rondout minutes ahead of 2128. 686 cleared Deerfield 0923; 2128 is due at Deerfield 0926. UP Desk P342 Omaha allegedly told CP C&M they would handle 686 right away, but when 686 approached Shermer, UP had a Track Permit out on UP-2 and a CP 651 coming West on UP-1. 686 stopped at Shermer with the rear of the train blocking the plant at A20 awaiting Track Permit to get released. 2128 had to meet 2109 at Deerfield, then use #1 MT from Deerfield to Morton Grove. Passengers at Deerfield, Lake Cook Road, Northbrook, North Glenview, Glenview, Golf, and Morton Grove all had to cross tracks to board. The ones at the first 3 stations also had to dodge the freight train in order to get over there. 2128 was 9 minutes late at CUS.
- CP brought G57-287 off BRC up #1 MT to Tower B17 for a crew change. Outbound crew was called for 1000. Crews NEVER get out to the train, initialize PTC, and get train moving in less than an hour -- usually closer to an hour and a half. As a result 2232 had to wait at Tower B17 7 minutes to meet 2213 who ran #2 MT from Franklin Park West to Tower B17 around 287.

It should have been a no-brainer to hold 686 at Rondout to follow 2128 regardless of whether or not UP promised to take them. A 3 minute lead is unacceptable. It also tempts passengers for 2128 to run across crosswalks in front of the freight thinking that the approaching headlight is their train. There was also no reason why CP Elgin couldn't have

held G57 on the BRC to follow 2213 which would have given them ample time to get the outbound crew properly in place before the train pulled up. There is a two hour gap between 2213 and the next Metra Train 2217.



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**From:** Rich Oppenheim

**Sent:** Monday, September 13, 2021 3:27 PM

**To:** 'jacob\_rinnels@cpr.ca' <[jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca)>; 'jasonM\_ross@cpr.ca' <[jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca)>;

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<[KMcCann@METRARR.COM](mailto:KMcCann@METRARR.COM)>; Greg J.M. Godfrey <[GGodfrey@METRARR.COM](mailto:GGodfrey@METRARR.COM)>

**Subject:** Metra Delays - MON SEPT 13, 2021 due to CP Frt occupying mains East of B17

As discussed, on all weekdays, Metra trains have scheduled meets between Franklin Park and Tower B17 at @ 0905, 1105, 1305, 1505, and 1605. CP G47-287 was on #1 MT for the 0900 meets; CP 680 was on #2 MT for the 1100 meets, and CP 681 was on #1 MT for the 1500 meets. As a result the following delays occurred:

- 2209 12 minutes waiting for 2228 at Franklin Park West
- 2213 9 minutes waiting for 2232 at Franklin Park West
- 2240 12 minutes waiting for 2221 at Tower B17

Please coordinate with Dispatching office and Yard Operations Managers to avoid this chronic problem.



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**Cc:** Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Georgette Geha[GGeHa@METRARR.COM]; Kevin McCann[KMcCann@METRARR.COM]; Greg J.M. Godfrey[GGodfrey@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 09/23/2021 7:21:59 PM UTC  
**Subject:** Metra Delays due to freight train interference - THU SEPT 23, 2021  
**Received:** Thur 09/23/2021 7:22:02 PM UTC

- C&M Dispatcher ran a 9000 foot 686 train out of Rondout minutes ahead of 2128. 686 cleared Deerfield 0923; 2128 is due at Deerfield 0926. UP Desk P342 Omaha allegedly told CP C&M they would handle 686 right away, but when 686 approached Shermer, UP had a Track Permit out on UP-2 and a CP 651 coming West on UP-1. 686 stopped at Shermer with the rear of the train blocking the plant at A20 awaiting Track Permit to get released. 2128 had to meet 2109 at Deerfield, then use #1 MT from Deerfield to Morton Grove. Passengers at Deerfield, Lake Cook Road, Northbrook, North Glenview, Glenview, Golf, and Morton Grove all had to cross tracks to board. The ones at the first 3 stations also had to dodge the freight train in order to get over there. 2128 was 9 minutes late at CUS.
- CP brought G57-287 off BRC up #1 MT to Tower B17 for a crew change. Outbound crew was called for 1000. Crews NEVER get out to the train, initialize PTC, and get train moving in less than an hour -- usually closer to an hour and a half. As a result 2232 had to wait at Tower B17 7 minutes to meet 2213 who ran #2 MT from Franklin Park West to Tower B17 around 287.

It should have been a no-brainer to hold 686 at Rondout to follow 2128 regardless of whether or not UP promised to take them. A 3 minute lead is unacceptable. It also tempts passengers for 2128 to run across crosswalks in front of the freight thinking that the approaching headlight is their train. There was also no reason why CP Elgin couldn't have held G57 on the BRC to follow 2213 which would have given them ample time to get the outbound crew properly in place before the train pulled up. There is a two hour gap between 2213 and the next Metra Train 2217.



Rich Oppenheim | Director, Sub Oper CUS Dist

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 P: 312-322-8939 | E: [ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)

**From:** Rich Oppenheim  
**Sent:** Monday, September 13, 2021 3:27 PM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>  
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**Subject:** Metra Delays - MON SEPT 13, 2021 due to CP Frt occupying mains East of B17

As discussed, on all weekdays, Metra trains have scheduled meets between Franklin Park and Tower B17 at @ 0905, 1105, 1305, 1505, and 1605. CP G47-287 was on #1 MT for the 0900 meets; CP 680 was on #2 MT for the 1100 meets, and CP 681 was on #1 MT for the 1500 meets. As a result the following delays occurred:

- 2209 12 minutes waiting for 2228 at Franklin Park West
- 2213 9 minutes waiting for 2232 at Franklin Park West
- 2240 12 minutes waiting for 2221 at Tower B17

Please coordinate with Dispatching office and Yard Operations Managers to avoid this chronic problem.



Rich Oppenheim | Director, Sub Oper CUS Dist

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 nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
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 Rodriguez[DRodriguez@METRARR.COM]; Georgette Geha[GGeHa@METRARR.COM]; Kevin McCann[KMcCann@METRARR.COM];  
 Greg J.M. Godfrey[GGodfrey@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Sun 09/26/2021 6:18:45 PM UTC  
**Subject:** Excessive Metra Delays due to freight- SAT-SUN SEPT 25-26, 2021  
**Received:** Sun 09/26/2021 6:18:46 PM UTC

SATURDAY SEPT 25, 2021

Metra 2717 held B17 11 minutes waiting for 198-21 to clear into yard.  
 Metra 2720 delayed 14 mins following 686-757 Elgin to Tower B12.

SUNDAY SEPT 26, 2021

Metra 2714 delayed 26 minutes at Tower B17 waiting for 286 to clear plant going into yard.

With Metra trains running essentially every 2 hours, why is it so difficult to identify windows where freight can opera without causing delays?

Sent from my iPhone

On Sep 23, 2021, at 2:21 PM, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

- C&M Dispatcher ran a 9000 foot 686 train out of Rondout minutes ahead of 2128. 686 cleared Deerfield 0923; 2128 is due at Deerfield 0926. UP Desk P342 Omaha allegedly told CP C&M they would handle 686 right away, but when 686 approached Shermer, UP had a Track Permit out on UP-2 and a CP 651 coming West on UP-1. 686 stopped at Shermer with the rear of the train blocking the plant at A20 awaiting Track Permit to get released. 2128 had to meet 2109 at Deerfield, then use #1 MT from Deerfield to Morton Grove. Passengers at Deerfield, Lake Cook Road, Northbrook, North Glenview, Glenview, Golf, and Morton Grove all had to cross tracks to board. The ones at the first 3 stations also had to dodge the freight train in order to get over there. 2128 was 9 minutes late at CUS.
- CP brought G57-287 off BRC up #1 MT to Tower B17 for a crew change. Outbound crew was called for 1000. Crews NEVER get out to the train, initialize PTC, and get train moving in less than an hour -- usually closer to an hour and a half. As a result 2232 had to wait at Tower B17 7 minutes to meet 2213 who ran #2 MT from Franklin Park West to Tower B17 around 287.

It should have been a no-brainer to hold 686 at Rondout to follow 2128 regardless of whether or not UP promised to take them. A 3 minute lead is unacceptable. It also tempts passengers for 2128 to run across crosswalks in front of the freight thinking that the approaching headlight is their train. There was also no reason why CP Elgin couldn't have held G57 on the BRC to follow 2213 which would have given them ample time to get the outbound crew properly in place before the train pulled up. There is a two hour gap between 2213 and the next Metra Train 2217.



Rich Oppenheim | Director, Sub Oper CUS Dist

547 W. Jackson Blvd, Chicago, IL, 60661

P: 312-322-8939 | E: [ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)

**From:** Rich Oppenheim

**Sent:** Monday, September 13, 2021 3:27 PM

To: 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>;  
'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>  
Cc: Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Dave Rodriguez  
<droduiguez@metrarr.com>; Georgette Geha <GGeha@METRARR.COM>; Kevin McCann  
<KMcCann@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>  
Subject: Metra Delays - MON SEPT 13, 2021 due to CP Frt occupying mains East of B17

As discussed, on all weekdays, Metra trains have scheduled meets between Franklin Park and Tower B17 at @ 0905, 1105, 1305, 1505, and 1605. CP G47-287 was on #1 MT for the 0900 meets; CP 680 was on #2 MT for the 1100 meets, and CP 681 was on #1 MT for the 1500 meets. As a result the following delays occurred:

- 2209 12 minutes waiting for 2228 at Franklin Park West
- 2213 9 minutes waiting for 2232 at Franklin Park West
- 2240 12 minutes waiting for 2221 at Tower B17

Please coordinate with Dispatching office and Yard Operations Managers to avoid this chronic problem.



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**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**Cc:** Kevin McCann[KMcCann@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Georgette Geha[GGeha@METRARR.COM]; jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Fri 08/06/2021 2:51:51 PM UTC  
**Subject:** Delays to Metra Peak Period Trains - B17 FRI AUG 6, 2021  
**Received:** Fri 08/06/2021 2:51:52 PM UTC

This morning, CP 199, 11,042 feet, was allowed to depart Bensenville yard during the height of Metra's Peak period operation. Metra Train 2222, who is scheduled to run non-stop from Roselle to Western Avenue, was stopped at Tower B17 12 minutes for 199 to depart. Metra Train 2226 was also stopped behind 2222 for about 5 minutes. Please advise why decision was made to attempt moving this very lengthy train where interference with Metra's Peak Period operation was inevitable.

Rich Oppenheim,  
Director  
Metra CUS District Operations  
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PUBLIC VERSION

EXHIBIT B-2

**To:** Rich Oppenheim[ROppenheim@METRARR.COM]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; jasonm\_ross@cpr.ca[jasonm\_ross@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Georgette Geha[GGeHa@METRARR.COM]; Kevin McCann[KMcCann@METRARR.COM]; Greg J.M. Godfrey[GGodfrey@METRARR.COM]; Ron Wesolowski[RWesolowski@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Fri 10/01/2021 11:53:21 AM UTC  
**Subject:** Excessive delay to Metra 2204 Tower B12  
**Received:** Fri 10/01/2021 11:53:23 AM UTC

Metra Peak Period train 2204 delayed 25 minutes for CP Q165 coming off IHB for Schiller Park. This will also affect Period trains NCS-100 who followed 2204 from B12 and 2206 who followed NCS-100. To make matters worse there is a CP 141-29 on #3 MT East of B12 to come in the yard. 141 blocked passengers at Grove from boarding NC-100. Metra 2208 who makes all the local stops will need to go down #2 main and load/unload passengers on crosswalks and road crossings at Elmwood Park, Mont Clare, Mars and Galewood.

Major interference with Metra Peak Period trains by CP freight this morning.

Sent from my iPhone

On Sep 30, 2021, at 1:35 PM, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

CP 286 today, 12,245 feet in length was allowed to start in to Bensenville Yard @ 15 minutes ahead of Metra 2236 and 2217's scheduled times at Tower B17. By the time 286 cleared the plant, 2217 was delayed 12 minutes and 2236 14 minutes.



Rich Oppenheim | Director, Sub Oper CUS Dist

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**To:** nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; jasonm\_ross@cpr.ca[jasonm\_ross@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Georgette Geha[GGeHa@METRARR.COM]; Kevin McCann[KMcCann@METRARR.COM]; Greg J.M. Godfrey[GGodfrey@METRARR.COM]; Ron Wesolowski[RWesolowski@METRARR.COM]; UP dridder[DRRIDDER@up.com]  
**From:** Rich Oppenheim  
**Sent:** Fri 10/01/2021 9:08:15 PM UTC  
**Subject:** Delay to Metra 2136 Oct 1, 2021  
**Received:** Fri 10/01/2021 9:08:16 PM UTC

CP C&M released CP-198 8000 feet from Rondout @ 1220 based on UP Desk P342 Omaha allegedly agreeing to take train. 198 stopped at Shermer @ 1240 due to UP Desk P342 now running a WWD UP freight against the current of traffic between Bryn Mawr and Shermer. UP WWD was just starting out at Bryn Mawr when 198 stopped. UP Desk P342 refused to wrong-main 198 even though it appeared the WWD Track was open. 198 sat at Shermer until @ 1345. Techny Road Crossing in Northbrook was blocked the entire time. Because Tower A20 was blocked by 198's rear end, Metra 2136 had to hold @ 10 minutes at Deerfield to meet Metra 2117, then ran #1 Main to Morton Grove. 2136 arrived CUS at 1434, 12 minutes late.

**From:** Rich Oppenheim  
**Sent:** Friday, October 1, 2021 10:54 AM  
**To:** nicole\_kurtenbach@cpr.ca; jacob\_rinnels@cpr.ca; jasonm\_ross@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>  
**Cc:** Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeHa@METRARR.COM>; Kevin McCann <KMcCann@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Ron Wesolowski <RWesolowski@METRARR.COM>  
**Subject:** Delay to Metra 2230 Oct 1, 2021

Today, Oct 1, 2021, CP-199 8000 feet called ready to depart Bensenville at 0955, 10 minutes before Metra 2230 was due at 1005. The problem was that there was a Track circuit out on CP-1 just beyond the B17 North Control point and Track and Time in effect on CP-2. All parties were aware of the track circuit out. Nevertheless, knowing that 199 was going to have to stop at B17 North and then have the Conductor get off and walk in front of the movement through the Control Point, CP-199 was allowed to depart first, even though waiting for 2230 would only have taken 10 minutes, and there was an almost 1 hour window behind 2230. 2230 wound up taking a 14 minute delay waiting for 199 to clear.

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Friday, October 1, 2021 6:53 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>; nicole\_kurtenbach@cpr.ca; Rich Oppenheim <ROppenheim@METRARR.COM>; jacob\_rinnels@cpr.ca; jasonm\_ross@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>  
**Cc:** Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeHa@METRARR.COM>; Kevin McCann <KMcCann@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Ron Wesolowski <RWesolowski@METRARR.COM>  
**Subject:** Excessive delay to Metra 2204 Tower B12

Metra Peak Period train 2204 delayed 25 minutes for CP Q165 coming off IHB for Schiller Park. This will also affect Peak Period trains NCS-100 who followed 2204 from B12 and 2206 who followed NCS-100.

To make matters worse there is a CP 141-29 on #3 MT East of B12 to come in the yard. 141 blocked passengers at River Grove from boarding NC-100. Metra 2208 who makes all the local stops will need to go down #2 main and load/unload passengers on crosswalks and road crossings at Elmwood Park, Mont Clare, Mars and Galewood.

Major interference with Metra Peak Period trains by CP freight this morning.

Sent from my iPhone

On Sep 30, 2021, at 1:35 PM, Rich Oppenheim <ROppenheim@metrarr.com> wrote:

CP 286 today, 12,245 feet in length was allowed to start in to Bensenville Yard @ 15 minutes ahead of



Metra 2236 and 2217's scheduled times at Tower B17. By the time 286 cleared the plant, 2217 was delayed 12 minutes and 2236 14 minutes.



**Rich Oppenheim | Director, Sub Oper CUS Dist**

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**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; brandon\_smith@cpr.ca[brandon\_smith@cpr.ca]; jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]  
**Cc:** David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Greg J.M. Godfrey[GGodfrey@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Thur 02/04/2021 3:08:45 PM UTC  
**Subject:** CP-686 occupying #2 MT B12-Franklin Park West 2-3-21  
**Received:** Thur 02/04/2021 3:08:52 PM UTC

On Wednesday Feb 3, 2021, CP 686 Loco CSX 996 with 98 loads came off Chicago Sub and was taken East on Elgin Sub and East of Tower B17 on #2 MT @ 1430 for a Mannheim crew change. Train remained on #2 MT through the entire evening Metra Peak Period operation, and did not clear Tower B12 until 2122 hrs. It was my understanding that after the relief crew finally got on board, the IHB would not take the train due to CSX refusing to handle it? By leaving the train on #2 MT it was necessary to single track the Metra Peak period rush on #1 MT between Franklin Park West and Tower B17. Several Metra delays were incurred, most were fortunately minor, however, Train 2227 waited 14 minutes at Franklin Park West for #2244 to clear. With 686 occupying Metra #2 MT for over 6 hours, what would have been other available options for clearing Metra's main track? Could train have been backed into the yard or up the cutoff between Tower B17 and Bryn Mawr? Is there any way the IHB could have been prevailed upon to take the train pending CSX release? Please advise.

Rich Oppenheim,  
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Metra CUS District Operations  
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**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; 'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Mon 08/09/2021 4:44:23 PM UTC  
**Subject:** CP 686-622 parked on #2 MT B17-Franklin Park West going on 3 hours  
**Received:** Mon 08/09/2021 4:44:25 PM UTC

686-622 was brought out of Tower B17 on #2 MT @ 0915 this morning. Train is destined to IHB. My understanding is that IHB was not ready for train when it was brought down the main, and was subsequently blocked by 281 doubling up. It will be well after 1200 when route to IHB opens again. Why was train brought out of Tower B17 when there was no place for it to go? Metra 2213 delayed approximately 15 minutes holding at Franklin Park West for Metra 2232 to run around 686.



**Rich Oppenheim | Director, Sub Oper CUS Dist**

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**PUBLIC VERSION****EXHIBIT B-2**

**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca]; nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**Cc:** Kevin McCann[KMcCann@METRARR.COM]; David Rodriguez[DRodriguez@METRARR.COM]; Victor Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Georgette Geha[GGeha@METRARR.COM]; jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]  
**From:** Rich Oppenheim  
**Sent:** Wed 10/13/2021 2:53:27 PM UTC  
**Subject:** CP 472 WED OCT 13, 2021 - changing crews ahead of Metra 2228  
**Received:** Wed 10/13/2021 2:53:29 PM UTC

Metra 2228 WED OCT 13, 2021 delayed 17 minutes due to CP 472 ahead at Wooddale. CP 472 was dispatched ahead of Metra 2228 knowing that crew would expire on Hours of Service at 0845. Although there was a relief crew sent out from Bensenville to meet 472 at Wooddale, the process still resulted in 2228 waiting 15 to 17 minutes behind 472 until they started to move and then pull into the yard to clear Tower B17.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
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**PUBLIC VERSION**

**EXHIBIT B-2**

**To:** jacob\_rinnels@cpr.ca[jacob\_rinnels@cpr.ca]; Michael Ugorek[Michael\_Ugorek@cpr.ca];  
'aisha\_jackson@cpr.ca'[aisha\_jackson@cpr.ca]; Lucas Lingenfelter[Lucas\_Lingenfelter@cpr.ca];  
nicole\_kurtenbach@cpr.ca[nicole\_kurtenbach@cpr.ca]  
**Cc:** jasonM\_ross@cpr.ca[jasonM\_ross@cpr.ca]; Bruce Marcheschi[BMarcheschi@METRARR.COM]; Victor  
Flores[VFlores@METRARR.COM]; Janet Carbonelli[JCarbonelli@METRARR.COM]; Georgette Geha[GGeha@METRARR.COM];  
David Rodriguez[DRodriguez@METRARR.COM]  
**From:** Rich Oppenheim  
**Sent:** Mon 04/19/2021 2:36:30 PM UTC  
**Subject:** Delays to Metra Peak Period trains 2227 and 2244 FRI APR 16, 2021  
**Received:** Mon 04/19/2021 2:36:31 PM UTC  
**B17 and B12 -- Freight windows-A.xls**

On FRIDAY APR 16, 2021, Metra Peak Period Trains 2227 and 2244 were both delayed at Tower B17 for a CP 473 departing the yard.

- 2244 held 11 minutes at Tower B17 waiting for 473 to clear the plant, arrived Chicago 11 minutes late.
- 2227 held 9 minutes at Tower B17 for 473 to depart, then lost additional time following 473 in route, arrived Big Timber Road 12 minutes late.

For reference, I am again attaching spread sheet showing agreed upon freight windows. Note that there is a short window behind 2227 and 2244 but not in front of them. Please keep this in mind moving forward.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**



**Deanna Ortiz**

---

**From:** Rich Oppenheim  
**Sent:** Wednesday, October 13, 2021 11:59 AM  
**To:** Deanna Ortiz  
**Subject:** FW: CP Freights occupying both Metra Main Tracks between Franklin Park West and Tower B17

---

**From:** Rich Oppenheim  
**Sent:** Tuesday, October 12, 2021 1:26 PM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>  
**Cc:** Kevin McCann <KMccann@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>  
**Subject:** CP Freights occupying both Metra Main Tracks between Franklin Park West and Tower B17

CP 287 (G57) holding #1 MT between Franklin Park West and Tower B17 from @ 1215 until 1305 for crew change.  
 CP 650-772 holding #2 MT between Tower B17 and Franklin Park West beginning about 1205. Waiting for crew from Elkhart, still holding #2 MT as of 1320.  
 With Metra 2217 and 2236 scheduled to meet in that block due at B17 1305, Metra incurred the following delays:

2217 7 minutes running on restricting signals due to CP 287 ahead and waiting for 287's rear end to clear Tower B17.  
 2236 13 minutes holding at Tower B17 waiting for 2217, then crossing over to run around 650-772. If trains cannot be moved promptly off Metra's main tracks, we again ask that they be brought into Bensenville Yard

---

**From:** Rich Oppenheim  
**Sent:** Tuesday, October 5, 2021 2:38 PM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>  
**Cc:** Kevin McCann <KMccann@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>  
**Subject:** CP Freight occupying Metra Main Tracks between Franklin Park West and Tower B17

CP 681 holding #1 MT for crew change for @ 2 hours this morning. Metra #2232 held at Tower B17 9 minutes to meet Metra #2213 running around 681.  
 CP 686-764 holding #2 MT for crew change 1400 until ? Outbound crew not called until 1445. 2240 will need to wait at Tower B17 for 2221. Why are we not bringing these trains into Bensenville Yard?

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**

**Deanna Ortiz**

---

**From:** Rich Oppenheim  
**Sent:** Wednesday, October 13, 2021 11:58 AM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter; nicole\_kurtenbach@cpr.ca  
**Cc:** Kevin McCann; David Rodriguez; Victor Flores; Janet Carbonelli; Georgette Geha; jasonM\_ross@cpr.ca; Deanna Ortiz  
**Subject:** Delay to Metra 2213 due to CP-287 parked on #1 MT Tower B17

Metra 2213 date delayed approximately 15 minutes at Franklin Park West, held to meet inbound Metra 2232 due to CP 287 being held on Metra #1 MT between Franklin Park West and Tower B17. CP-287 pulled up to Tower B17 @ 0920. Although crew was on board and ready to go @ 1000, CP elected to hold them on Metra #1 MT so that both tracks between Bryn Mawr and Tower B17 could be committed to inbound CP 286 who used CP-1 and CP 198 who used CP-2 could come in first side-by-side. This was apparently more important than opening the two Metra mains between Franklin Park West and Tower B17 so that Metra 2213 and Metra 2232 could make their scheduled meet between Franklin Park West and Tower B17.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**

**Deanna Ortiz**

---

**From:** Rich Oppenheim  
**Sent:** Wednesday, October 13, 2021 11:59 AM  
**To:** Deanna Ortiz  
**Subject:** FW: CP 472 WED OCT 13, 2021 - changing crews ahead of Metra 2228

---

**From:** Rich Oppenheim  
**Sent:** Wednesday, October 13, 2021 9:53 AM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>  
**Cc:** Kevin McCann <KMCCann@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>  
**Subject:** CP 472 WED OCT 13, 2021 - changing crews ahead of Metra 2228

Metra 2228 WED OCT 13, 2021 delayed 17 minutes due to CP 472 ahead at Wooddale. CP 472 was dispatched ahead of Metra 2228 knowing that crew would expire on Hours of Service at 0845. Although there was a relief crew sent out from Bensenville to meet 472 at Wooddale, the process still resulted in 2228 waiting 15 to 17 minutes behind 472 until they started to move and then pull into the yard to clear Tower B17.

**Rich Oppenheim,**  
**Director**  
**Metra CUS District Operations**  
**P: 312-322-8939 C: 312-735-8576 | [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)**  
**547 W. Jackson Blvd., Chicago, IL 60661**



**Deanna Ortiz**

---

**From:** Rich Oppenheim  
**Sent:** Tuesday, November 2, 2021 12:28 PM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter; nicole\_kurtenbach@cpr.ca  
**Cc:** Kevin McCann; David Rodriguez; Victor Flores; Janet Carbonelli; Georgette Geha; jasonM\_ross@cpr.ca; Deanna Ortiz; Ron Wesolowski  
**Subject:** Delays to Metra Peak Period Train by CP Freight - TUES NOV 2, 2021

This morning, TUESDAY NOV 2, 2021, CP Dispatched a Q-165-01 Loco CP 8730 with 102 cars, 9953 feet, from IHB Norpaul to Schiller Park during Metra's morning Peak Period. Movement of this train interfered with operation of Metra North Central Service Train 101 through Tower B12 who was delayed 17 minutes, Metra North Central Service Train 108 at Tower B12 who was delayed 18 minutes, Metra Milwaukee West Line Train 2216 who was delayed at Tower B12 5 minutes. Given the length of this train, the route that it needed to negotiate, and the size of the window between scheduled Metra trains at that time, there is no way that this train could have operated at that time without causing significant interference to Metra's Peak Period operation.



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**Deanna Ortiz**

---

**From:** Rich Oppenheim  
**Sent:** Tuesday, November 2, 2021 2:23 PM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter; nicole\_kurtenbach@cpr.ca  
**Cc:** Kevin McCann; David Rodriguez; Victor Flores; Janet Carbonelli; Georgette Geha; jasonM\_ross@cpr.ca; Deanna Ortiz; Ron Wesolowski  
**Subject:** Extensive delays to Metra 2117 and 2136 by CP-287

Today, TUESDAY NOV 2, 2021, CP-287 was dispatched out of Tower A20 on #2 MT to run to Deerfield and Cross back over to #1 MT at Deerfield West directly ahead of Metra #2117 and #2136 who are both due at Deerfield 1:26 PM. CP-287 cleared Tower A20 @ 1:18 PM which under normal running time would have had train clearing Deerfield at 1:25 PM, barely 1 minute before the two opposing Metra trains were due. Upon taking Signal 4L at Deerfield to make the crossover move, PTC apparently put 287 in emergency. Metra CAD Manager contacted Engineer on CP-287 and arrangements were made for 287 to "un-map". 2117 and 2136 sat and waited until 287 could again get moving and clear the Deerfield West Control point. This resulted in a 30 minute delay to 2117 and a 32 minute delay to 2136. This will also cause residual delays for Amtrak 335 and Amtrak 336. 2117 turns to 2140 at Fox Lake who will likely also be late.

Metra Engineering have sent signal testmen to Deerfield West to try and determine what may have been responsible for giving 287 the penalty application. That being said, we need to question the necessity of running a freight train essentially on the time of a scheduled Metra train (or in this case, two Metra trains). To my knowledge, there was no Hours of Service issue with the freight crew, there was nothing "hot" about that particular train, and I believe it was actually running well ahead of its schedule. I sincerely doubt that if 287 had waited 10 or 15 minutes and followed 2117, there would have been any discernable affect on the freight's performance. Conversely, the affect on Metra's customers, who were counting on 2136 and 2117 to get them to their destinations on a scheduled time, was highly significant. How many of the people that we are desperately trying to entice back to using our service during the pandemic will elect to ride the train in the future when they need to be somewhere on schedule?

Moving forward, we ask that more judicious thought be given to Dispatching decisions. The cooperation of CP's Dispatchers is essential to our ability to sustain our service. Thanks for your assistance in this matter.

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---

**From:** Rich Oppenheim  
**Sent:** Tuesday, November 2, 2021 12:28 PM



**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>



**Cc:** Kevin McCann <KMcCann@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>; Deanna Ortiz <DOrtiz@METRARR.COM>; Ron Wesolowski <RWesolowski@METRARR.COM>

**Subject:** Delays to Metra Peak Period Train by CP Freight - TUES NOV 2, 2021

This morning, TUESDAY NOV 2, 2021, CP Dispatched a Q-165-01 Loco CP 8730 with 102 cars, 9953 feet, from IHB Norpaul to Schiller Park during Metra's morning Peak Period. Movement of this train interfered with operation of Metra North Central Service Train 101 through Tower B12 who was delayed 17 minutes, Metra North Central Service Train 108 at Tower B12 who was delayed 18 minutes, Metra Milwaukee West Line Train 2216 who was delayed at Tower B12 5 minutes. Given the length of this train, the route that it needed to negotiate, and the size of the window between scheduled Metra trains at that time, there is no way that this train could have operated at that time without causing significant interference to Metra's Peak Period operation.

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**Deanna Ortiz**

---

**From:** Rich Oppenheim  
**Sent:** Friday, November 5, 2021 9:01 AM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter; nicole\_kurtenbach@cpr.ca  
**Cc:** Kevin McCann; David Rodriguez; Victor Flores; Janet Carbonelli; Georgette Geha; jasonM\_ross@cpr.ca; Deanna Ortiz; Ron Wesolowski  
**Subject:** Delay to Metra Peak Period Train 2225 THU NOV 4, 2021

Metra Peak Period Train 2225 on THURSDAY, NOVEMBER 4, 2021 was stopped at Tower B17 for 9 minutes waiting for CP-470 to clear into yard.

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**Bill Trull**

---

**From:** Charlie Harrison <CHarrison@METRARR.COM>  
**Sent:** Thursday, December 9, 2021 1:11 PM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Cc:** Deanna Ortiz  
**Subject:** FW: Grade Crossing Item 1 to Item 2 upgrades

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 9, 2021 1:44 PM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; Sue-Ann Rosen <srosen@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>  
**Cc:** Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Ron Wesolowski <RWesolowski@METRARR.COM>; Thomas Swoyer <TSwoyer@METRARR.COM>; Alonzo D. Smith <adsmith@METRARR.COM>; James Narbone <Janarbone@METRARR.COM>; Lisa Welling <LWelling@METRARR.COM>  
**Subject:** Grade Crossing Item 1 to Item 2 upgrades

Please be advised that this morning's inbound commuter Peak Period was severely disrupted due to a track circuit that went out on #2 Main Track in the Morton Grove to Mayfair block that appeared behind #2110. In addition to causing red signals between Morton Grove and Forest Glen, the circuit caused crossing gates to stay down at Devon Avenue and Caldwell Avenue. Because call to report gates down came from a private citizen, Dispatcher issued an Item '1'. With crews having to go out and flag 2 busy crossings, the delays were extensive:

- 2110 24 minutes
- 2116 14 minutes
- 2118 12 minutes
- 2120 11 minutes
- 2124 10 minutes
- 2126 12 minutes

Particularly troublesome was that after the signal maintainer arrived on the scene and confirmed that the problem was in fact gates stuck down (false activation) and not some other random problem, he attempted to get the Item '1' upgraded to an Item '2'. Doing this would have eliminated a need for a crew member to walk ahead and flag 2 crossings, probably saving 10 to 15 minutes per train. The train Dispatcher refused to upgrade to an Item '1' claiming that, "the system would not allow it".

In researching this situation further, I discovered the following:

- A recent CAD software upgrade provided the ability for Dispatchers to upgrade from Item '1' to Item '2' through the system. This capability was added to software for the Metra Dispatched lines (RID, MED, SWS) but was NOT added for the CP Dispatched Milwaukee lines. Upon inquiring as to the reason for this, I was told that CP was offered the opportunity to also have this improvement, but at the time, indicated that they "were not interested", hence the addition of this improvement to all of the lines except for the CP dispatched ones.
- Even without this embellishment, the CP Dispatcher did, in fact, have the ability to cancel the Track Bulletin that contained the Item '1' and issue a new one containing the item '2'. When asked, the Dispatcher refused to do this.

Moving forward, I am requesting that anyone at CP who works with Metra's PTC and CAD systems agree to have the upgrade capability installed on the next earliest CAD update possible. On a time sensitive Operation such as Metra's, the difference between a momentary delay of slowing down to 15 MPH at a crossing for an Item '2' vs. sending a crew member out to walk ahead and flag a road crossing (or in this case two) is substantial, and when not necessary, is inexcusable. Complying with an Item '1' also presents a potential safety issue for the trainman who has to walk ahead on often uneven footing and then stand in the middle of a busy thoroughfare trying to get traffic stopped without behind struck by a vehicle. We cannot afford to pass up the opportunity to upgrade from an Item '1' to an Item '2'. If CP does in fact have some reason to object to having the upgrade capability installed, please let me know.



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**Bill Trull**

---

**From:** Charlie Harrison <CHarrison@METRARR.COM>  
**Sent:** Thursday, December 9, 2021 1:23 PM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Cc:** Deanna Ortiz  
**Subject:** FW: Metra Hot Line Phone  
**Attachments:** CP Hot Line Dispr phones.doc

[REDACTED]

[REDACTED]

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 9, 2021 2:01 PM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; Sue-Ann Rosen <srosen@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>  
**Cc:** Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Ron Wesolowski <RWesolowski@METRARR.COM>; Thomas Swoyer <TSwoyer@METRARR.COM>; Alonzo D. Smith <adsmith@METRARR.COM>; James Narbone <Janarbone@METRARR.COM>; Lisa Welling <LWelling@METRARR.COM>  
**Subject:** Metra Hot Line Phone

In December 2008, CP agreed to install dedicated "hot line" phones in both the C&M and Elgin Dispatchers offices. These phones were to be used exclusively by key Metra Operations personnel when the need to contact the Dispatcher immediately for Operations purposes became necessary, and waiting in the phone queue is not practicable. Note that the original agreement included our Track 19 Yardmasters in those who had access to this line, but they have since been removed since too many people were being given the number. Also, I'm pretty sure the Elgin hot line has not been operational for some time. While we would like to see it restored, the bigger issue is that of late, on numerous occasions, the Hot Line phone in the C&M office is either being unplugged or ignored. In the midst of the signal problems this morning, I attempted to contact C&M in order to get Metra 2118 and 2124 crossed over to #1 MT at Morton Grove East after #2105 cleared in order to take advantage of the clear signals on #1 MT. I let the Hot line ring for at least 20 minutes while I was also on hold on the other line in the queue, and the Hot Line was never answered.

Please reiterate to the C&M Dispatchers that the hot line phone must NOT be unplugged, and must be answered promptly. Also, please see if we can also get the Hotline to the Elgin Dispatcher reactivated.



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**Bill Trull**

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**From:** Sue-Ann Rosen <srosen@METRARR.COM>  
**Sent:** Friday, December 10, 2021 3:10 PM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Cc:** Charlie Harrison  
**Subject:** FW: Delays to Metra 2221 and 2240 at B17 for CP 286

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Friday, December 10, 2021 3:50 PM  
**To:** Sue-Ann Rosen <srosen@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>  
**Subject:** RE: Delays to Metra 2221 and 2240 at B17 for CP 286

3:05 PM to 3:25 PM today.

---

**From:** Sue-Ann Rosen <srosen@METRARR.COM>  
**Sent:** Friday, December 10, 2021 3:37 PM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>  
**Subject:** RE: Delays to Metra 2221 and 2240 at B17 for CP 286

Rich  
What time did this happen?

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Friday, December 10, 2021 3:35 PM  
**To:** Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>; Sue-Ann Rosen <srosen@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>  
**Subject:** RE: Delays to Metra 2221 and 2240 at B17 for CP 286

Worth mentioning that Bensenville Terminal Superintendent saw the problem with 12,000 foot 286 showing up at same time as 13,000 foot 241 and knew there would be a problem. He says he called Dispatching office in Minneapolis and requested 286 be held back. He was overruled and train was lined up to run through and go in the yard knowing that delays would be caused.

---

**From:** Rich Oppenheim  
**Sent:** Friday, December 10, 2021 3:29 PM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas.Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>  
**Subject:** Delays to Metra 2221 and 2240 at B17 for CP 286

Metra 2221 and 2240 today FRI DEC 10, 2021 held approximately 20 minutes each for 12,000 + foot 286 going into yard at Bensenville.

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**Bill Trull**

---

**From:** Charlie Harrison <CHarrison@METRARR.COM>  
**Sent:** Friday, December 10, 2021 12:12 PM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Cc:** Deanna Ortiz  
**Subject:** FW: Installation of TMDS CAD 5.7

**From:** Greg J.M. Godfrey <GGodfrey@METRARR.COM>  
**Sent:** Friday, December 10, 2021 11:12 AM  
**To:** Charlie Harrison <CHarrison@METRARR.COM>; Sue-Ann Rosen <srosen@METRARR.COM>; Aruj Chaudhry <AChaudhry@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>  
**Subject:** FW: Installation of TMDS CAD 5.7

Something for the CP File on why our timetable, rule book, etc. and protocols and decision making should govern.

**From:** Ryan Markmann <RMarkmann@METRARR.COM>  
**Sent:** Friday, December 10, 2021 10:05 AM  
**To:** Paul Larsen <PLarsen@METRARR.COM>; 'Kim Winiski' <Kim\_Winiski@cpr.ca>; Ron Wesolowski <RWesolowski@METRARR.COM>; David Martinez <DMartinez@METRARR.COM>; Mark Delaney <MDeLaney@METRARR.COM>; 'Lundeen, David' <dlundeen@Wabtec.com>; 'Edraki, Alireza' <alireza.edraki@Wabtec.com>; 'Lehner, Gregory' <glehner@Wabtec.com>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Christy Seibert <cseibert@METRARR.COM>; 'Lucas\_Lingenfelter@cpr.ca' <Lucas\_Lingenfelter@cpr.ca>; 'Mark Camara' <Mark\_Camara@cpr.ca>; 'Petika, Kelly' <kelly.petika@Wabtec.com>; 'Gerry\_Semeniuk@cpr.ca' <Gerry\_Semeniuk@cpr.ca>; Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; Metra Train Assistance Center <MTAC@metrarr.com>; Stephen Uthuppan <SUthuppan@METRARR.COM>; Jose V. Martinez <jvmartinez@METRARR.COM>; 'Matthews-Patton, Josh' <joshua.matthews-patton@Wabtec.com>; 'Jones, Tristan' <tristan.jones@Wabtec.com>; CMTeam <CMTeam@METRARR.COM>; PTC Notification <PTCNotification@METRARR.COM>  
**Subject:** RE: Installation of TMDS CAD 5.7

With the aim to prevent possible issues, including the transition to forms functionality, A5 and B12 desks will remain with CAD 5.6 until the CP is ready to update.

**From:** Paul Larsen <PLarsen@METRARR.COM>  
**Sent:** Thursday, December 9, 2021 10:36 PM  
**To:** 'Kim Winiski' <Kim\_Winiski@cpr.ca>; Ron Wesolowski <RWesolowski@METRARR.COM>; David Martinez <DMartinez@METRARR.COM>; Mark Delaney <MDeLaney@METRARR.COM>; 'Lundeen, David' <dlundeen@Wabtec.com>; 'Edraki, Alireza' <alireza.edraki@Wabtec.com>; 'Lehner, Gregory' <glehner@Wabtec.com>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Christy Seibert <cseibert@METRARR.COM>; 'Lucas\_Lingenfelter@cpr.ca' <Lucas\_Lingenfelter@cpr.ca>; 'Mark Camara' <Mark\_Camara@cpr.ca>; 'Petika, Kelly' <kelly.petika@Wabtec.com>; 'Gerry\_Semeniuk@cpr.ca' <Gerry\_Semeniuk@cpr.ca>; Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; Metra Train Assistance Center <MTAC@metrarr.com>; Stephen Uthuppan <SUthuppan@METRARR.COM>; Jose V. Martinez <jvmartinez@METRARR.COM>; 'Matthews-Patton, Josh' <joshua.matthews-patton@Wabtec.com>; 'Jones, Tristan' <tristan.jones@Wabtec.com>; CMTeam

<CMTeam@METRARR.COM>; PTC Notification <PTCNotification@METRARR.COM>

**Subject:** Installation of TMDS CAD 5.7

All,

We will be installing TMDS CAD 5.7 on the Metra Desks tomorrow, 12/10, starting at about 10 AM.  
CP Desks will be updated next Wednesday, 12/15.

Thank you,

**Paul Larsen** | Metra | Manager, Back Office Systems | Office: 312-322-2824 | Cell: 312-907-2052

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**Bill Trull**

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 9:23 AM  
**To:** Christian L. Alexander  
**Subject:** FW: Metra Delays - WED DEC 29, 2021 DUE TO CP FREIGHT MAKING CREW CHANGES AT TOWER B17

**From:** Rich Oppenheim  
**Sent:** Thursday, December 30, 2021 10:22 AM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Ron Wesolowski <RWesolowski@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>; Sue-Ann Rosen <srosen@METRARR.COM>  
**Subject:** Metra Delays - WED DEC 29, 2021 DUE TO CP FREIGHT MAKING CREW CHANGES AT TOWER B17

The following Metra train delays were incurred on WED DEC 29, 2021 due to single tracking around CP Freight trains making crew changes on Metra Main Track(s) at Tower B17:

- Metra 2232 held 8 minutes at Tower B17 to meet Metra 2213, due to CP 67X on #2 MT at Tower B17 changing crews.
- Metra 2221 held 8 minutes at Franklin Park West to meet Metra 2236 due to CP-681 on #1 MT at Tower B17 changing crews.



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**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 9:23 AM  
**To:** Christian L. Alexander  
**Subject:** FW: CP Interference with Metra Peak Period operation - WED DEC 29, 2021

---

**From:** Rich Oppenheim  
**Sent:** Thursday, December 30, 2021 10:14 AM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Ron Wesolowski <RWesolowski@METRARR.COM>; Charlie Harrison <CHarrison@METRARR.COM>; Sue-Ann Rosen <srosen@METRARR.COM>  
**Subject:** CP Interference with Metra Peak Period operation - WED DEC 29, 2021

On Wednesday, December 29, 2021, CP intentionally pushed a CP I65 train, 12,198 from the IHB into Schiller Park across Tower B12 during the morning Metra Peak Period. The following Metra Peak Period trains were delayed significantly as shown below:

NCS101 27 min late  
NCS108 20 min late  
MW2216 15 min late



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Regarding the movement of CP I65 during Metra's Peak period Operation yesterday, please see the following from Metra Chief Dispatcher Christy Seibert:

Due to I65 CP 9358 47/25 12,198 L traveling IHB to CN3.

I contacted the CP Elgin Dispatcher who said the move was set up by his predecessor on night shift. And was approved by the CP Director. The reason for running the train during the rush was that the crew was short on time and when arrange with CN Dispatcher, the CN was to line the train up immediately when B12 did, that did not happen. When I contacted the CP Director who is working from home, she also said the train was short on time and that was why it was moved during the rush hour.





**Christy Seibert | Chief Dispatcher**

547 W. Jackson Blvd, Chicago, IL, 60661

P: 312-322-2841 | E: [cseibert@METRARR.COM](mailto:cseibert@METRARR.COM)

C: 312-206-9721

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:12 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2228 (Metra on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Wednesday, December 29, 2021 9:10 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2228

MW2228 had to re-route 1MT B12 to Galewood East due to (17V NS4532 17 X 109 7956') on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**Bill Trull**

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:12 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2232 (Metra on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Tuesday, December 28, 2021 11:08 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2232

MW2232 had to re-route 1MT B12 to Galewood East due to (281 CP 8769 56 X 127 12,900') on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:14 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2208

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Monday, December 27, 2021 6:45 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2208

MW2208 had to re-route down 2MT B12 to Galewood East due to (17V NS8057 21 X 99 7601") on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:15 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2226 (Metra on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Tuesday, December 21, 2021 8:15 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2226

MW2226 had to re-route 1MT B12 to Galewood East due to (17V NS1103 7 X 158 10,100') on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:18 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2212 (Metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Monday, December 20, 2021 8:01 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2212

MW2212 had to re-route 1MT at Galewood East to B6.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:20 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2232 (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Friday, December 17, 2021 11:17 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2232

MW2232 had to re-route 1MT B12 to B6 due to (281 BN7947 55X163 13973') on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:20 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2230 (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Thursday, December 16, 2021 10:09 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2230

MW2230 had to re-route 1MT at B12 to Galewood due to (17V NS9690 39X123 10239) on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:21 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2202 (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Monday, December 13, 2021 5:29 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2202

MW2202 had to re-route 1MT at B12 to Cicero West due to (17V NS9542 18 X 73 5910) on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:21 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2228 re-route (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Tuesday, December 7, 2021 9:12 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2228 re-route

MW2228 had to re-route 2MT to 1MT at B12 due to (17V NS9972 29 X 131 10,300') on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:22 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2204

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Tuesday, December 7, 2021 6:35 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2204

MW2204 was 11 minutes late by B12 due to 472 going into the yard at B17.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:22 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2232 delayed

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Monday, December 6, 2021 11:19 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2232 delayed

MW2232 was 7m late by B12 due to (281 KCS5010 79 X 61 11,054') departing 5L to 2MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:23 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2226 (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Friday, December 3, 2021 8:15 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2226

MW2226 had to re-route 2MT to 1MT at B12 due to (17V NS7675 23 X 105 8458) on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:23 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2202 and MW2204 (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Thursday, December 2, 2021 6:15 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2202 and MW2204

MW2202 and MW2204 had to reroute down 1MT due to (288 NS1171 90X12 6103) was on 2MT. Also (141 CP8794 78X46 8320) was 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**Bill Trull**

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:24 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2217 re-route (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Tuesday, November 16, 2021 12:28 PM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2217 re-route

MW2217 will run 3MT Cicero West to B12 due to (287 CP8931 85 X 86 10160) recrewng on 1MT.



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**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:24 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2230 re-route (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Monday, November 15, 2021 10:13 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2230 re-route

MW2230 had to re-route down 1MT at B12 to Galewood due to (281 CP8957 49 X 145 12708') on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:25 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2206 and MW2208 re-route (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Monday, November 15, 2021 6:43 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2206 and MW2208 re-route

MW2206 and MW2208 had to re-route down 2MT due to (651 CP8022 35 X 147 11248) on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**Bill Trull**

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:25 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2213 delay

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Friday, November 12, 2021 11:21 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2213 delay

MW2213 was held 16m at Franklin Park West for MW2232 due to (K446 CSXT3240 2 X 96 5985') on 2MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**Bill Trull**

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:25 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2210 delay

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Friday, November 12, 2021 7:11 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2210 delay

MW2210 delayed at B17 due to cross traffic (470 CP8912) 8m late by B12.



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547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:20 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: B12 Delay Report  
**Attachments:** B12 Delay Report.doc

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Thursday, December 16, 2021 8:07 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** B12 Delay Report

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# **Tower B-12 Delay Report**

Thursday, December 16, 2021

---

NCS100 10m late by B12 3m due to (I65 CP8781 26 X 60 10,084) going from the IHB to CN3.



**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:26 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2226 re-route (metra train on other than normal track due to freight on Metra's normal track)

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Wednesday, November 10, 2021 8:15 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2226 re-route

MW2226 had to re-route 1MT River Grove to Galewood due to (17V NS7539 59 X 119 11590) on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**Bill Trull**

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:27 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander  
**Subject:** FW: MW2724 delayed

---

**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Sunday, October 31, 2021 11:59 PM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2724 delayed

Mw2724 stopped 15 m because (288 Cp8915 6805) on 2MT going to Belt 2 and behind him on 3MT going to Belt 2 was the (140 CP8576 12,277) which was blocking Galewood East preventing the MW2724 to crossover to 2MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**Bill Trull**

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:29 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2704 Galewood delay

---

**From:** Christy Seibert <cseibert@METRARR.COM>  
**Sent:** Sunday, December 12, 2021 10:00 AM  
**To:** CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** FW: MW2704 Galewood delay

---

**From:** Chad Looby <CLooby@METRARR.COM>  
**Sent:** Sunday, December 12, 2021 9:03 AM  
**To:** Christy Seibert <cseibert@METRARR.COM>  
**Cc:** Joe Bratta <JBratta@METRARR.COM>; Keith Georgeff <KGeorgeff@METRARR.COM>; Ron Wesolowski <RWesolowski@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>  
**Subject:** MW2704 Galewood delay

Good morning,

As info, MW2704 was stopped 5m @ Galewood waiting on freight 17V-11 to clear. The 17V-11 was 28x128, 7594 tons, and a length of 9633 ft. It was coming out of 4L @ Galewood for tk 2 heading towards B12.



**Chad Looby | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CLooby@METRARR.COM](mailto:CLooby@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Thursday, December 30, 2021 11:32 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik  
**Subject:** FW: MW2249 delayed at B12 acct freight Milwaukee District.

---

**From:** Keith Georgeff <KGeorgeff@METRARR.COM>  
**Sent:** Friday, December 17, 2021 8:40 PM  
**To:** CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Cc:** Angela Young <AYoung@METRARR.COM>  
**Subject:** MW2249 delayed at B12 acct freight Milwaukee District.

MW2249 delayed 17m at B12 for Freight headend move from CN3 to Track 2 east.  
CP Dispatcher asked if they can clear in 20m which crew on Freight IM-2, CP 8648 stated  
Yes. Freight took signal at 746pm and Cleared at 825pm. MW2249 by B12 at 827pm. 17m  
Late.



**Keith Georgeff | Chief Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-2864 | E: [KGeorgeff@METRARR.COM](mailto:KGeorgeff@METRARR.COM)

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Friday, December 31, 2021 12:15 PM  
**To:** Sue-Ann Rosen; Christian L. Alexander  
**Subject:** Fwd: MW2700 and MW2710

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**From:** Charles Allen <CAllen@METRARR.COM>  
**Sent:** Friday, December 31, 2021 11:41:39 AM  
**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>  
**Subject:** MW2700 and MW2710

MW2700 had to re-route 1MT B12 to Galewood East due to (G52 CP8030 86 X 3 6504') on 3MT.  
MW2710 had to re-route 1MT B12 to Galewood East due to (17V CSXT5472 46 X 87 8686') on 3MT.



**Charles Allen | Dispatcher**  
547 W. Jackson Blvd, Chicago, IL, 60661  
P: 312-322-6777 | E: [CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)

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**Bill Trull**

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Friday, January 7, 2022 9:11 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: Delays to Metra Peak Period Trains - THU JAN 6 and FRI JAN 7, 2021

**From:** Rich Oppenheim  
**Sent:** Friday, January 7, 2022 10:10 AM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>  
**Subject:** Delays to Metra Peak Period Trains - THU JAN 6 and FRI JAN 7, 2021

THURSDAY – JANUARY 6, 2021: Following from Trainmaster Marshall Beecher was received:

**2227 (Peak Period Train) Delayed 16 mins at B17 for CP286-05 with 11k' of train moving from CP2 to the Outbound. Allegedly this decision to move was made by a Bensenville trainmaster on protest of the CP Elgin Dispatcher.**

**MW2244 got a few mins as well on the other side.**

As information, move with 286 affected Metra Peak Period trains;

- 2227
- 2229
- 2233

FRIDAY – JANUARY 7, 2021

**2204 and NCS-100 (both peak period trains) were stopped at Tower B12 waiting for CP freight I65 (8643 feet) coming from the IHB to Schiller Park Yard.**

2204 was stopped 12 minutes, arrived Chicago 12 minutes late.

100 was stopped 5 minutes, arrived Chicago 4 minutes late.



**Rich Oppenheim** | Director, Sub Oper CUS Dist  
 547 W. Jackson Blvd, Chicago, IL, 60661  
 P: 312-322-8939 | E: [ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)

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**From:** Rich Oppenheim <[ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)>  
**Sent:** Monday, November 22, 2021 11:05 AM

To: [jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca); Lucas Lingenfelter <[Lucas\\_Lingenfelter@cpr.ca](mailto:Lucas_Lingenfelter@cpr.ca)>; [nicole\\_kurtenbach@cpr.ca](mailto:nicole_kurtenbach@cpr.ca); [jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca); Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>; Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>; Georgette Geha <[GGeha@METRARR.COM](mailto:GGeha@METRARR.COM)>; Deanna Ortiz <[DOrtiz@METRARR.COM](mailto:DOrtiz@METRARR.COM)>

**Subject:** Delay to Metra Peak Period Train 2222 B17 Mon Nov 22, 2021

Metra Peak Period train 2222 held 13 minutes at Tower B17 for CP 680 moving off cut off from Bryn Mayr toward yard.

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**From:** [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com) <[roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)>

**Sent:** Sunday, November 14, 2021 7:26:53 PM

**To:** [jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca) <[jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca)>; Lucas Lingenfelter <[Lucas\\_Lingenfelter@cpr.ca](mailto:Lucas_Lingenfelter@cpr.ca)>; [nicole\\_kurtenbach@cpr.ca](mailto:nicole_kurtenbach@cpr.ca) <[nicole\\_kurtenbach@cpr.ca](mailto:nicole_kurtenbach@cpr.ca)>; [jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca) <[jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca)>; Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>; Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>; Georgette Geha <[GGeha@METRARR.COM](mailto:GGeha@METRARR.COM)>; Deanna Ortiz <[DOrtiz@METRARR.COM](mailto:DOrtiz@METRARR.COM)>

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CP-287 on Metra #1 Main Track at Tower B17 for @ 2 hours plus making crew change and ??? 2217 delayed 10 minutes at Franklin Park West waiting for 2236, then crossed to #2 MT to run around 287.

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**Sent:** Friday, January 7, 2022 9:11 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: Delays to Metra Peak Period Trains - THU JAN 6 and FRI JAN 7, 2021

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**Sent:** Friday, January 7, 2022 10:10 AM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>  
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THURSDAY – JANUARY 6, 2021: Following from Trainmaster Marshall Beecher was received:

**2227 (Peak Period Train) Delayed 16 mins at B17 for CP286-05 with 11k' of train moving from CP2 to the Outbound. Allegedly this decision to move was made by a Bensenville trainmaster on protest of the CP Elgin Dispatcher.**

**MW2244 got a few mins as well on the other side.**

As information, move with 286 affected Metra Peak Period trains;

- 2227
- 2229
- 2233

FRIDAY – JANUARY 7, 2021

**2204 and NCS-100 (both peak period trains) were stopped at Tower B12 waiting for CP freight I65 (8643 feet) coming from the IHB to Schiller Park Yard.**

2204 was stopped 12 minutes, arrived Chicago 12 minutes late.

100 was stopped 5 minutes, arrived Chicago 4 minutes late.



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**From:** Rich Oppenheim  
**Sent:** Monday, January 10, 2022 1:20 PM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>  
**Subject:** Delay to Metra 2217 due to CP-287 changing crews at Tower B17

CP-287 on Metra #1 Main Track at Tower B17 for @ 2 hours plus making crew change and ??? 2217 delayed 10 minutes at Franklin Park West waiting for 2236, then crossed to #2 MT to run around 287.

---

**From:** Rich Oppenheim  
**Sent:** Monday, January 10, 2022 9:36 AM  
**To:** [jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca); Lucas Lingenfelter <[Lucas\\_Lingenfelter@cpr.ca](mailto:Lucas_Lingenfelter@cpr.ca)>; [nicole\\_kurtenbach@cpr.ca](mailto:nicole_kurtenbach@cpr.ca); [jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca); Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>; Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>; Georgette Geha <[GGeha@METRARR.COM](mailto:GGeha@METRARR.COM)>; Deanna Ortiz <[DOrtiz@METRARR.COM](mailto:DOrtiz@METRARR.COM)>  
**Subject:** Delays to Metra Peak Period Trains -MON JAN 10, 2022 - Other freight delays SAT JAN 11

Metra Peak Period Trains delayed this morning, MON JAN 10, 2022 due to CP G52 (8043) being dispatched out #3 MT ahead of Metra #2212 in the heart of the Metra Peak period. G52 was initially held for release by BRC due to communications misunderstanding and train stopped with the Control Point at Galwood East being blocked. 2212 had to get stopped at B12, then time on the signal so that train could run down #2 MT which necessitated loading and unloading passengers at Elmwood Park, Mont Clare, Mars, Galewood, and Hanson Park on road crossings and crosswalks. 2212 delayed 12 minutes. This also caused delays to NC-108 (8 minutes late) as well as minor delays to Metra 2216.

On SAT JAN 8, Metra 2717 stopped 15 minutes at Tower B17 waiting for CP-286 to clear plant going into Bensenville Yard.



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---

**From:** Rich Oppenheim <[ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)>  
**Sent:** Monday, November 22, 2021 11:05 AM  
**To:** [jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca); Lucas Lingenfelter <[Lucas\\_Lingenfelter@cpr.ca](mailto:Lucas_Lingenfelter@cpr.ca)>; [nicole\\_kurtenbach@cpr.ca](mailto:nicole_kurtenbach@cpr.ca); [jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca); Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>; Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>; Georgette Geha <[GGeha@METRARR.COM](mailto:GGeha@METRARR.COM)>; Deanna Ortiz <[DOrtiz@METRARR.COM](mailto:DOrtiz@METRARR.COM)>  
**Subject:** Delay to Metra Peak Period Train 2222 B17 Mon Nov 22, 2021

Metra Peak Period train 2222 held 13 minutes at Tower B17 for CP 680 moving off cut off from Bryn Mayr toward yard.

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**From:** [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com) <[roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)>  
**Sent:** Sunday, November 14, 2021 7:26:53 PM  
**To:** [jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca) <[jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca)>; Lucas Lingenfelter <[Lucas\\_Lingenfelter@cpr.ca](mailto:Lucas_Lingenfelter@cpr.ca)>; [nicole\\_kurtenbach@cpr.ca](mailto:nicole_kurtenbach@cpr.ca) <[nicole\\_kurtenbach@cpr.ca](mailto:nicole_kurtenbach@cpr.ca)>; [jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca) <[jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca)>; Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>; Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>; Georgette Geha <[GGeha@METRARR.COM](mailto:GGeha@METRARR.COM)>; Deanna Ortiz <[DOrtiz@METRARR.COM](mailto:DOrtiz@METRARR.COM)>  
**Subject:** Extensive Delay to 2720 for CP 198

Received the follow from Metra Track 19 Yardmaster:

2720 was delayed 28 min at b17 freight interference. On the move now. Train causing delay:

Train # 198-10 CP 897. Over 10,000 feet. B-17 was told by a "senior director " to run it no matter what

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**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Saturday, January 15, 2022 3:04 PM  
**To:** Victor Flores; Greg J.M. Godfrey; Ron Wesolowski; Steven Cork; Christian L. Alexander; Charlie Harrison; Sue-Ann Rosen  
**Subject:** Fwd: CP Freight blocking both #2 and #3 MT between Galewood and B6-THU JAN 13, 2022

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**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Saturday, January 15, 2022 4:00:34 PM  
**To:** Nicole Kurtenbach <Nicole\_Kurtenbach@cpr.ca>  
**Subject:** Re: CP Freight blocking both #2 and #3 MT between Galewood and B6-THU JAN 13, 2022

If you will recall, 198 had been sent via A5 even though yard was not yet ready for them and was holding on #2 main between Galewood and B6. G57-287 did not have a working PTC unit and had come off the BRC and was holding in Galewood Yard. Someone made the decision to send 281 out of Bensenville and occupy #1 main track between Galewood and B6 while setting out their second unit and then running it up #3 MT to Galewood to put it on 287s head end. Allowing this move to take place meant knowingly tying up 2 of our 3 mains for several hours. I still cannot understand why this unit wasn't set out in Bensenville yard prior to 281 leaving to be simply run down by itself to 281s head end, either by an extra crew or by 287s (or 281s before they left). With this scenario in place, I understand that Howard laid out the plans of what was to take place to Don Pendleton, the A5 Metra Operator, but did not specify any time frames. Don was the one who ultimately let the light engine run from B6 to Galewood ahead of 2232 rather than holding them at B6 as should have happened. In his defense he said that the way CP has been aggressively pushing freight trains lately, he thought that's what was expected of him. He should have known better, or asked Howard for direction. If it makes anyone feel better to blame the delay on him feel free to do so, but the bigger issue is that CP needs to stop using Metra's main tracks for parking lots and yard moves. Every time you reduce our operation to a single track, the odds of train delays increase exponentially. Yard moves need to take place in the yards, and trains that the yard cannot handle should be held West of Rondout somewhere.

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**From:** Nicole Kurtenbach <Nicole\_Kurtenbach@cpr.ca>  
**Sent:** Saturday, January 15, 2022 1:02:32 AM  
**To:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Subject:** RE: CP Freight blocking both #2 and #3 MT between Galewood and B6-THU JAN 13, 2022

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Rich,

What was the follow up after talking to the operator on this 13 minute delay you reported?

Nicole



**From:** Nicole Kurtenbach

**Sent:** Thursday, January 13, 2022 4:47 PM

**To:** 'Rich Oppenheim' <ROppenheim@METRARR.COM>

**Cc:** John Kay <John\_Kay@cpr.ca>; Nicole Kurtenbach <Nicole\_Kurtenbach@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Jacob Rinnels <Jacob\_Rinnels@cpr.ca>; Rufus Trevillion <Rufus\_Trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenbergs <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>

**Subject:** RE: CP Freight blocking both #2 and #3 MT between Galewood and B6-THU JAN 13, 2022

Rich,

As discussed, can you follow up with the tower operator on the 13 minute delay below for more details. We had discussed with both Howard and Jesse this move before it happened and they reported that there would be NO delay to Metra. They are both back tomorrow to be interviewed also and down for rest now.

Also, I have copied the CP team that I would like on emails below for any METRA delayed trains by CP dispatch or CP freight.

Nicole

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>

**Sent:** Thursday, January 13, 2022 12:20 PM

**To:** Jacob Rinnels <Jacob\_Rinnels@cpr.ca>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; Nicole Kurtenbach <Nicole\_Kurtenbach@cpr.ca>; Jason M Ross <JasonM\_Ross@cpr.ca>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>

**Subject:** CP Freight blocking both #2 and #3 MT between Galewood and B6-THU JAN 13, 2022

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Today, THU JAN 13, 2022 CP brought 198 with 10,800 feet via Tower A5 and held train on #2 MT between Tower B6 and Galewood East until yard could handle. Train was stopped on #2 MT 0955-1150. Meanwhile, CP 281 leaving Bensenville had to set out their 2<sup>nd</sup> unit at Tower B6 for CP-287, who was in Galewood yard, in order for 287 to get to Bensenville (PTC issue). CP 281 stopped on #1 MT between Galewood East and Tower B6 to set out the unit for CP-287's crew to take back to Galewood East in order to put on the point of 287. With only #3 MT open for traffic, Light engine for 287 was run back West on #3 MT while **Metra 2232 waited at Galewood East. 2232 delayed 13 minutes at Galewood East waiting for 287's light engine to clear #3 MT.**

- CP 198 occupied #2 MT between Tower B6 and Galewood East 0955-1150.
- CP 281 occupied #1 MT between Tower B6 and Galewood East 1100-1225.



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**Bill Trull**

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Tuesday, January 18, 2022 7:24 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: Metra Delays due to CP Freight Interference - MON JAN 17, 2022

**From:** Rich Oppenheim  
**Sent:** Tuesday, January 18, 2022 8:19 AM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenbergs <Brad\_Wiستنبرگ@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>  
**Subject:** Metra Delays due to CP Freight Interference - MON JAN 17, 2022

MONDAY, JANUARY 17, 2022

- Metra 2223 arrived Big Timber Road 5:09 PM 11 minutes late. 2223 was actually HELD 5 minutes at Tower B17 to allow CP-473 to pull out of the yard first. 2223 then proceeded to follow 473 all the way to Big Timber Road. Per TMDS, 2223 was by B12 16:04:09 4 minutes late, B17 16:15:05 8 minutes late, B35 16:56:42 13 minutes late, Almora 17:09:08, 11 minutes late. Not sure why 2223 was held to follow CP-473 instead of vice-versa.



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**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Tuesday, January 18, 2022 1:39 PM  
**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: CP 287-18 running on 2117's time  
**Attachments:** IMG\_0574.jpg

**From:** Rich Oppenheim  
**Sent:** Tuesday, January 18, 2022 2:39 PM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; 'tracy\_l\_miller@cpr.ca' <tracy\_l\_miller@cpr.ca>; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; 'tracy\_l\_miller@cpr.ca' <tracy\_l\_miller@cpr.ca>; Steven Cork <SCork@METRARR.COM>  
**Subject:** CP 287-18 running on 2117's time

CP 287 was dispatched out of Tower A20 today essentially on 2117's time (287 actually cleared A20 after 2117 was due). This caused 2117 to lose 4 minutes running on Approach signals from North Glenview to Deerfield West behind 287 where 2117 then crossed over to #2 Main Track. The bigger issue is that the practice of running a freight train directly ahead of, and on the schedule of, a scheduled passenger train opens the possibility for passengers waiting for 2117, who typically stay inside the depot buildings (which are on the #2 Main Track Platform) until the last minute, particularly in cold weather, to run across the crosswalk to catch their train. Seeing the headlight approaching, passengers will typically assume that this is their train slowing down to a stop, giving them ample time to get across. Instead it is a freight train traveling at track speed which opens the possibility for a potential tragedy.

Ironically, after pushing 287 out of Tower A20 ahead of 2117, 287 wound up stopping at Rondout to wait for Amtrak 335 (who closely follows 2117) to run around and cross back ahead of 287. After all of this, 287 wound up in exactly the same spot he would have been in had he just waited at A20 to follow 2117 and 335. At any rate, it would be appreciated if the practice of pushing freight traffic out directly ahead of scheduled Metra trains could be curtailed.



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Train OS Delay Report  
Metra Rail

Date(s) Run: 01/18/2022

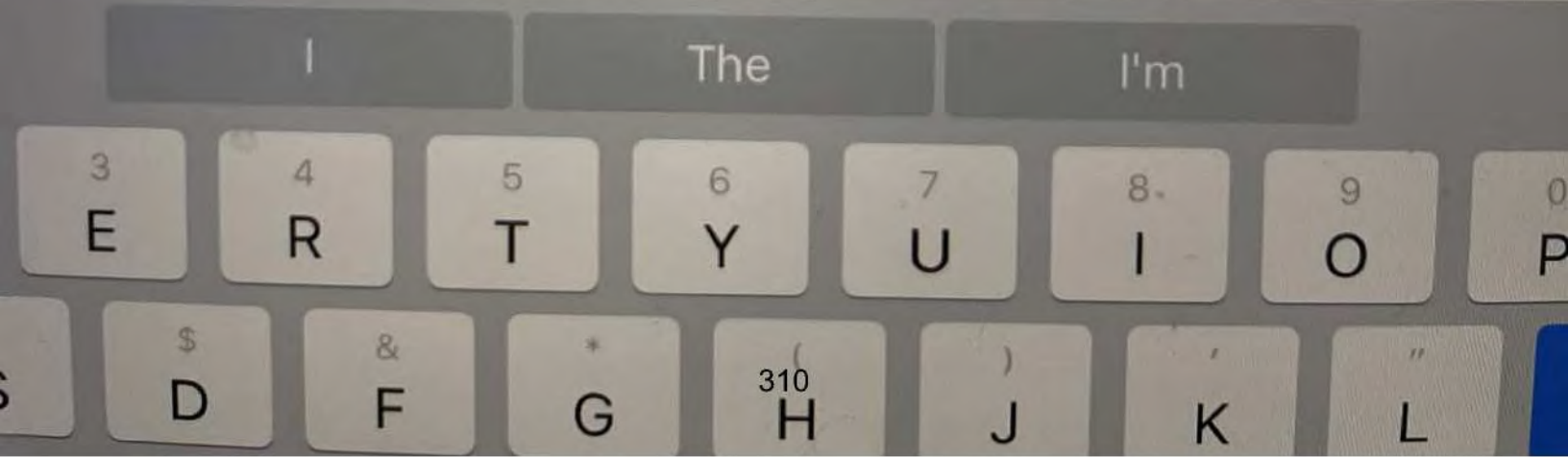
Direction: WEST

Status: Active

Carrier:

| Lead Engine           | Loads | Emtys | Tons | Lngth | Station           | Time     | EOT |
|-----------------------|-------|-------|------|-------|-------------------|----------|-----|
| METX 420              | 5     | 0     | 420  | 510   | TOWER A-5         | 12:50:27 |     |
| Other Units METX 8543 |       |       |      |       |                   |          |     |
| METX 420              | 5     | 0     | 420  | 510   | TOWER A-6         | 12:50:55 |     |
| Other Units METX 8543 |       |       |      |       |                   |          |     |
| METX 420              | 5     | 0     | 420  | 510   | GRAYLAND          | 12:56:53 |     |
| Other Units METX 8543 |       |       |      |       |                   |          |     |
| METX 420              | 5     | 0     | 420  | 510   | MORTON GROVE EAST | 13:07:31 |     |
| Other Units METX 8543 |       |       |      |       |                   |          |     |
| METX 420              | 5     | 0     | 420  | 510   | TOWER A-20        | 13:23:34 |     |
| Other Units METX 8543 |       |       |      |       |                   |          |     |
| METX 420              | 5     | 0     | 420  | 510   | DEERFIELD WEST    | 13:33:53 |     |
| Other Units METX 8543 |       |       |      |       |                   |          |     |
| METX 420              | 5     | 0     | 420  | 510   | LAKE FOREST EAS   | 13:37:11 |     |
| Other Units METX 8543 |       |       |      |       |                   |          |     |
| METX 420              | 5     | 0     | 420  | 510   | RONDOUT           | 13:43:11 |     |
| Other Units METX 8543 |       |       |      |       |                   |          |     |

44:33 PM





**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Tuesday, January 18, 2022 2:24 PM  
**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: Delay to Metra 2240 TUES JAN 18, 2022 due to CP-583 holding #1 MT at Tower B17

---

**From:** Rich Oppenheim  
**Sent:** Tuesday, January 18, 2022 3:24 PM  
**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'Lucas Lingenfelter' <Lucas\_Lingenfelter@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenbergs <Brad\_Wiستنbergs@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; 'tracy\_l\_miller@cpr.ca' <tracy\_l\_miller@cpr.ca>; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; 'tracy\_l\_miller@cpr.ca' <tracy\_l\_miller@cpr.ca>; Steven Cork <SCork@METRARR.COM>  
**Subject:** Delay to Metra 2240 TUES JAN 18, 2022 due to CP-583 holding #1 MT at Tower B17

Metra 2240 today, TUES JAN 18, 2022 delayed 10 minutes at Tower B17, held to meet Metra 2221 who was using #2 MT between Franklin Park West and Tower B17 around CP-583 who was holding #1 MT at Tower B17 for crew change.



**Rich Oppenheim | Director, Sub Oper CUS Dist**  
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**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Friday, January 28, 2022 1:57 PM  
**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: CP 581-312 Crew change at Mannheim FRI JAN 28, 2022

---

**From:** Rich Oppenheim  
**Sent:** Friday, January 28, 2022 2:56 PM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiesterberg <Brad\_Wiesterberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>  
**Subject:** CP 581-312 Crew change at Mannheim FRI JAN 28, 2022

CP 581-12 came off BRC and was brought up to Mannheim for crew change. CP 581-12 cleared Tower B12 at 1345 and stopped with rear of train blocking Franklin Park depot as well as road crossings at Rose Street, Calwagner Street, Ruby Street, and Scott Street, essentially the entire town of Franklin Park. Train is just starting to move at 1453. Franklin Park depot and the 4 road crossings will have been blocked 1 hour 10 minutes by the time the train clears. Metra #2219 ran #2 MT Tower B12 to Tower B17. Passengers waiting for #2219 at Franklin Park were unable to board; Passengers detraining from #2219 at Franklin Park were unable to access the North side of town including the depot. Metra #2240 will be delayed at Tower B17 waiting for #2221 to clear #2 MT operating around 581-312.



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**Bill Trull**

---

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Monday, January 31, 2022 2:28 PM  
**To:** Charles A. Spitulnik; Christian L. Alexander; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: Delays to Metra 2221 and 2240 at B17 for CP-2/288 and CP-581

---

**From:** Rich Oppenheim  
**Sent:** Monday, January 31, 2022 3:27 PM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>  
**Subject:** Delays to Metra 2221 and 2240 at B17 for CP-2/288 and CP-581

Metra 2221 delayed at Tower B17 15 minutes' Metra 2240 delayed at Tower B17 20 minutes.  
CP-581 was on #1 MT East of Tower B17 waiting on crew change. 2240 was holding at Tower B17 waiting for 2221 to run around CP-581. 2221 was then blocked at Tower B17 @ 15 minutes waiting for CP 2-288 to pull into yard. When 2-288 finally cleared, 2221 went 2-1, then 2240 left.



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**Bill Trull**

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Wednesday, February 2, 2022 11:11 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: Handling of Metra Trains - WED FEB 2, 2022

**From:** Rich Oppenheim  
**Sent:** Wednesday, February 2, 2022 12:11 PM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_j\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_j\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>  
**Subject:** Handling of Metra Trains - WED FEB 2, 2022

Today, WED FEB 2, 2022, the entire Chicago area is experiencing a significant snow event. It has been snowing steadily since about 0400 this morning, and the snow continues. Although, Metra Engineering is doing their best to keep up with conditions, the reality is that platforms, crosswalks, and other surfaces used by our customers are going to be slippery and hard to negotiate throughout the day. With that in mind, please consider the following:

- On the West Line, Metra 2232 ran on #1 MT instead of their normal #3 MT from Tower B12 to Galewood East due to freight train NS-17V running Westward on #3 MT. This means that passengers waiting for #2232 at River Grove, Elmwood Park, Mont Clare, and Galewood had to utilize crosswalks to walk across 3 main tracks to get from the normal inbound platform where they were waiting, to the opposite side to board their train, essentially at the same time that the freight was coming West.
- On the North Line, CP-281 was running West on #2 Main Track all the way to Tower A20 alongside Amtrak 333 who was on #1 MT. For the record, Amtrak 333 is due at Tower A20 Westward at 1132 hrs and Metra 2132 is due at Tower A20 Eastward at 1136 hrs. We're not sure why 281 was brought up to Tower A20 to crossover in the 4 minutes between Amtrak 333 and Metra 2132, but 281 could certainly have crossed over behind 333 at either Morton Grove or Mayfair and avoided the problem. Instead, Metra 2132 wound up waiting 6 minutes for Amtrak 333 to clear A20, then was crossed over to #1 MT to run from Tower A20 to Morton Grove. This meant that passengers at North Glenview, Glenview, Golf, and Morton Grove waiting for #2132 in the inclement weather had to utilize crosswalks to get to the other side.

While we certainly hope that CP respects the Operation of scheduled Metra trains at all times and in all conditions, it is particularly important when weather conditions require our customers to negotiate difficult walking situations. We request that this be kept in mind moving forward.



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**Bill Trull**

**From:** Rich Oppenheim <ROppenheim@METRARR.COM>  
**Sent:** Friday, February 4, 2022 8:17 AM  
**To:** Charles A. Spitulnik; Christian L. Alexander; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: Metra 2223 and 2242 Delay for CP 473 at Tower B17 - THU FEB 3, 2022

**From:** Rich Oppenheim  
**Sent:** Friday, February 4, 2022 9:09 AM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>  
**Subject:** Metra 2223 and 2242 Delay for CP 473 at Tower B17 - THU FEB 3, 2022

THURSDAYS, FEB 3, 2022, CP-473 departing Bensenville Yard pulled up into the Tower B17 Control Point with the head end and stopped waiting for Conductor to get back to head end.

- Metra 2242 waited at Tower B17 8 minutes for CP-473 to clear the Control Point, arrived Chicago 4:54 PM, 5 minutes late.
- Metra 2223 waited at Tower B17 7 minutes for CP-473 to clear the Control Point, then followed directly behind 473 all the way to Almora. 2223 arrived Big Timber Road 5:07 PM, 9 minutes late.



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Archived: Wednesday, February 23, 2022 10:15:26 AM

From: Rich Oppenheim

Sent: Wednesday, February 23, 2022 9:52:03 AM

To: Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen

Subject: FW: Metra Delays due to CP Freight interference - TUE FEB 22, 2022

Sensitivity: Normal

From: Rich Oppenheim

Sent: Wednesday, February 23, 2022 10:51 AM

To: jacob\_rinnels@cpr.ca; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; tom\_jared@cpr.ca  
Subject: Metra Delays due to CP Freight interference - TUE FEB 22, 2022

Following Metra Trains were delayed due to CP Freight Train dispatching issues on TUE FEB 22, 2022:

- Metra 2228 held 7 minutes at Tower B17 waiting for Metra 2209 to clear #2 MT. Metra 2209 had to run #2 MT from Franklin Park West to Tower B17 due to CP 681 stopped on #1 MT changing crews.
- 2236 – CP-650 coming off Chicago Sub at Randall Road had a crew that expired on Hours of Service @ 1300. 650 was pushed ahead of 2236 out of Almore about 7 to 10 minutes ahead of 2236's scheduled departure. 650 was unable to make Tower B17 prior to 1300, so train stopped around Itasca to wait for a crew. 2236 had been lined in behind 650. Operator B17 had to get 2236 stopped and run time at Roselle West. For some reason Operator B17 also took down 2236's signal at Bartlett East and held them there while time ran at Roselle West. 2236 was eventually released at Bartlett East and ran #1 MT from Roselle West to Tower B17. Passengers were then on the wrong side at Roselle, Medinah, Itasca, Wooddale and Bensenville. Metra 2217 was held at Tower B17 until 2236 cleared #1 MT. This resulted in a 30 minute delay to #2236 and a 22 minute delay to 2217. In this situation, it appears that running 650 behind 2236 with a relief crew meeting them enroute, would have been the better plan.
- Metra 2219 delayed 10 minutes at Tower B17 waiting for the rear end of CP 286 to clear the Control point going into the Yard.



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Archived: Friday, February 25, 2022 12:3 :19 PM

From: Charles A. Spitulnik

Sent: Monday, December 20, 2021 10: :05 AM

To: Sue-Ann Rosen; Christian L. Alexander

Subject: RE: Metra 2213 Delay MON DEC 20, 2021 - CP2 occupying 1 MT at B1 for cre change

Sensitivity: Normal

**Charles A. Spitulnik**

Attorney at Law

He Him His



O 202.955.5600 | C 301.651.3629

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website | vCard



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From: Sue-Ann Rosen <[rosen@METRARR.COM](mailto:rosen@METRARR.COM)>

Sent: Monday, December 20, 2021 12:42 PM

To: Charles A. Spitulnik <[cspitulnik@kaplankirsch.com](mailto:cspitulnik@kaplankirsch.com)>; Christian L. Alexander <[calexander@kaplankirsch.com](mailto:calexander@kaplankirsch.com)>

Subject: FW: Metra 2213 Delay MO DEC 20, 2021 - CP287 occupying #1 MT at B17 for crew change

From: Rich Oppenheim <[ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)>

Sent: Monday, December 20, 2021 11:19 AM

To: [jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca); Lucas Lingenfelter <[Lucas\\_Lingenfelter@cpr.ca](mailto:Lucas_Lingenfelter@cpr.ca)>; [nicole\\_kurtenbach@cpr.ca](mailto:nicole_kurtenbach@cpr.ca); [jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca); Victor Flores <[VFlores@METRARR.COM](mailto:VFlores@METRARR.COM)>; Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>; Georgette Geha <[GGeha@METRARR.COM](mailto:GGeha@METRARR.COM)>; Deanna Ortiz <[DOrtiz@METRARR.COM](mailto:DOrtiz@METRARR.COM)>; Greg J.M. Godfrey <[GGodfrey@METRARR.COM](mailto:GGodfrey@METRARR.COM)>; Ron Wesolowski <[RWesolowski@METRARR.COM](mailto:RWesolowski@METRARR.COM)>; Charlie Harrison <[CHarrison@METRARR.COM](mailto:CHarrison@METRARR.COM)>; Sue-Ann Rosen <[rosen@METRARR.COM](mailto:rosen@METRARR.COM)>

Subject: Metra 2213 Delay MO DEC 20, 2021 - CP287 occupying #1 MT at B17 for crew change

- Metra 2213 MO DEC 20, 2021 held at Franklin Park West 17 minutes to meet inbound Metra 2232 due to CP G57-287 holding #1 MT at Tower B17 for crew change. For the record, G57-287 was brought up to B17 @ 20 minutes ahead of 2213, but outbound crew is not called until 1140. There is no discernable reason that G57-287 could not have been held to follow 2213 out of Galewood to avoid the extensive delay to the scheduled Metra train.



Rich Oppenheim | Director, Sub Oper CUS Dist

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Archived: Friday, February 25, 2022 12:39: 9 PM

From: [Rich Oppenheim](#)

Sent: Thursday, December 30, 2021 11:16:50 AM

To: Charles A. Spitulnik; Christian L. Alexander

Subject: FW: MW2226 Metra train on other than normal track due to freight on Metra's normal track

Sensitivity: Normal

---

From: Charles Allen <[CAllen@METRARR.COM](mailto:CAllen@METRARR.COM)>

Sent: Monday, December 20, 2021 8:30 AM

To: Metra CCF Dispatching <[MetraCCFdispatch@METRARR.COM](mailto:MetraCCFdispatch@METRARR.COM)>; CCF\_CUS\_District\_Delays\_Incidents <[CCFCUSDistrictDelaysIncidents@METRARR.COM](mailto:CCFCUSDistrictDelaysIncidents@METRARR.COM)>

Subject: MW2226

MW2226 had to re-route 1MT at Galewood East to B6 due to MW2202 stopped on 3MT.



Charles Allen | Dispatcher

547 W. Jackson Blvd, Chicago, IL, 60661

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**Archived:** Friday, February 25, 2022 12: 6:56 PM

**From:** Rich Oppenheim

**Sent:** Thursday, December 30, 2021 11:20:06 AM

**To:** Charles A. Spitulnik; Christian L. Alexander

**Subject:** FW: B12 Delay Report

**Sensitivity:** Normal

**Attachments:**

B12 Delay Report.pdf 

---

**From:** Charles Allen <CAllen@METRARR.COM>

**Sent:** Wednesday, December 22, 2021 11:57 AM

**To:** Metra CCF Dispatching <MetraCCFdispatch@METRARR.COM>; CCF\_CUS\_District\_Delays\_Incidents <CCFCUSDistrictDelaysIncidents@METRARR.COM>

**Subject:** B12 Delay Report

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# **Tower B-12 Delay Report**

Wednesday December 22, 2021

---

MW2230 7m late by B12 4m stopped at B12 due to (281 BNSF 6674 20 X 77 5834') crossing over 3MT to 2MT at B12.

Archived: Friday, February 25, 2022 1:00:21 PM

From: Rich Oppenheim

Sent: Thursday, January 13, 2022 3:32:0 AM

To: Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen

Subject: FW: Delays to Metra Peak Period Trains -THU JAN 13, 2022

Sensitivity: Normal

From: Rich Oppenheim

Sent: Thursday, January 13, 2022 8:31 AM

To: jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>

Subject: Delays to Metra Peak Period Trains -THU JAN 13, 2022

Metra Peak Period Trains delayed this morning, THU JAN 13, 2022 due to CP 686 being pushed off Cut-off between Bryn Mawr and Tower B17 into Bensenville Yard during the heart of the Metra peak period:

- 2210 10 minutes waiting at Tower B17 for 686 to clear the Control Point.
- 2203 7 minutes waiting at Tower B17 for 686 to clear the Control Point.
- C-110 4 minutes waiting at Tower B12 to follow the late 2210.



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From: Rich Oppenheim <[ROppenheim@METRARR.COM](mailto:ROppenheim@METRARR.COM)>

Sent: Monday, November 22, 2021 11:05 AM

To: jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>

Subject: Delay to Metra Peak Period Train 2222 B17 Mon Nov 22, 2021

Metra Peak Period train 2222 held 13 minutes at Tower B17 for CP 680 moving off cut off from Bryn Mawr toward yard.

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From: [roppenheim@metrarr.com](mailto:roppenheim@metrarr.com) <[roppenheim@metrarr.com](mailto:roppenheim@metrarr.com)>

Sent: Sunday, November 14, 2021 7:26:53 PM

To: jacob\_rinnels@cpr.ca <[jacob\\_rinnels@cpr.ca](mailto:jacob_rinnels@cpr.ca)>; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca <[nicole\\_kurtenbach@cpr.ca](mailto:nicole_kurtenbach@cpr.ca)>; jasonM\_ross@cpr.ca <[jasonM\\_ross@cpr.ca](mailto:jasonM_ross@cpr.ca)>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>

Subject: Extensive Delay to 2720 for CP 198

Received the follow from Metra Track 19 Yardmaster:

2720 was delayed 28 min at b17 freight interference. On the move now. Train causing delay:

Train # 198-10 CP 897. Over 10,000 feet. B-17 was told by a senior director to run it no matter what

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Archived: Friday, February 25, 2022 1:03:0 PM

From: Rich Oppenheim

Sent: Wednesday, January 26, 2022 9:15:0 AM

To: Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen

Subject: FW: Metra Train Delays due to CP Freight Interference - WED JAN 26, 2022

Sensitivity: Normal

From: Rich Oppenheim

Sent: Wednesday, January 26, 2022 10:12 AM

To: jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenber <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>

Subject: Metra Train Delays due to CP Freight Interference - WED JAN 26, 2022

For proper perspective, please consider that temperatures in the Chicago area this morning were -5 Below Zero with Wind Chill factors around -16 Below. Many of our passenger endured excessive wait times on cold platforms.

- 2202 stopped at Tower B17 **minutes** waiting for a 13,799 foot CP-198 to clear the Control Point pulling into Bensenville Yard. 2202 arrived CUS 6:43 AM, 30 minutes late.
- 2203 Peak Period Train departed CUS 6:49 AM **minutes** late, late turn off inbound 2202. 2203 arrived Big Timber Road 8:21 AM, 32 minutes late.
- 2228 departed Big Timber Road 8:36 AM, **minutes** late, due to late turn off inbound 2203.
- C-101 Peak Period Train was blocked 5 minutes at Tower B12 waiting for CP IM-1 transfer job to pull out of Schiller Park Yard and clear the Junction 16 Control Point.
- C-112 was blocked at Tower B12 5 minutes by CP I65-26 pulling into Schiller Park Yard.



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Archived: Friday, February 25, 2022 1:06:21 PM

From: Rich Oppenheim

Sent: Thursday, January 27, 2022 1:12 AM

To: Charles A. Spitulnik; Christian L. Alexander; Charlie Harrison; Sue-Ann Rosen

Subject: FW: Metra Train Delays due to CP Freight Interference - WED-THU JAN 26-27, 2022

Sensitivity: Normal

From: Rich Oppenheim

Sent: Thursday, January 27, 2022 8:14 AM

To: jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>

Subject: Metra Train Delays due to CP Freight Interference - WED-THU JAN 26-27, 2022

E-mail sent yesterday regarding delays on WED JAN 26 are in the chain below. This morning, THURSDAY JAN 27, 2022 the same trains that received the most significant delay yesterday – 2202 and their flip, 2203 – were again delayed due to CP Freight activity at Tower B17. Today it was following CP-472 from Elgin to Tower B17. CP-472 stopped several times pulling into Bensenville yard to line switches with 2202 waiting behind them. 2202 was 12 minutes late going by B17, 8 minutes late at Chicago. 2203 departed Chicago 7 minutes late.

From: Rich Oppenheim

Sent: Wednesday, January 26, 2022 10:12 AM

To: jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>

Subject: Metra Train Delays due to CP Freight Interference - WED JAN 26, 2022

For proper perspective, please consider that temperatures in the Chicago area this morning were -5 Below Zero with Wind Chill factors around -16 Below. Many of our passenger endured excessive wait times on cold platforms.

- 2202 stopped at Tower B17 **minutes** waiting for a 13,799 foot CP-198 to clear the Control Point pulling into Bensenville Yard. 2202 arrived CUS 6:43 AM, 30 minutes late.
- 2203 Peak Period Train departed CUS 6:49 AM **minutes** late, late turn off inbound 2202. 2203 arrived Big Timber Road 8:21 AM, 32 minutes late.
- 2228 departed Big Timber Road 8:36 AM, **minutes** late, due to late turn off inbound 2203.
- C-101 Peak Period Train was blocked 5 minutes at Tower B12 waiting for CP IM-1 transfer job to pull out of Schiller Park Yard and clear the Junction 16 Control Point.
- C-112 was blocked at Tower B12 5 minutes by CP I65-26 pulling into Schiller Park Yard.



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**Archived:** Friday, February 25, 2022 1:09: PM  
**From:** Rich Oppenheim  
**Sent:** Friday, January 28, 2022 1:33 AM  
**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen  
**Subject:** FW: Metra Train Delays due to CP Freight Interference - THU JAN 26, 2022  
**Sensitivity:** Normal

---

**From:** Rich Oppenheim  
**Sent:** Friday, January 28, 2022 8:18 AM  
**To:** jacob\_rinnels@cpr.ca; Lucas Lingenfelter <Lucas\_Lingenfelter@cpr.ca>; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>  
**Subject:** Metra Train Delays due to CP Freight Interference - THU JAN 26, 2022

THURSDAY JAN 27, 2022:

- 2202 the same train that received the most significant delay on WED JAN 26, delayed due to following CP Freight 472 from Elgin to Tower B17. CP-472 stopped several times pulling into Bensenville yard to line switches with 2202 waiting behind them. 2202 was 12 minutes late going by B17, 8 minutes late at Chicago.
- 2203 flip off 2202 departed Chicago 7 minutes late.
- **RODTR** delayed 13 minutes due to CP-288 holding #3 MT at Galewood while setting out cars in Galewood Yard during heart of the evening rush hour. #2246 had to run #1 MT from Tower B12 to Galewood East instead of normal #3 MT. Had to wait for passengers on wrong side at Elmwood Park, Mont Clare, and Galewood to cross to board train, then waited for #2239 to clear #2 MT at Galewood East in order to cross back.



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**Archived:** Friday, March 11, 2022 11:53:48 AM

**From:** Rich Oppenheim

**Sent:** Friday, February 25, 2022 2:05:11 PM

**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen

**Subject:** FW: Metra Peak Period Delays/Interference due to CP I65 - THU FEB 24 2022 - Also 2156 behind CP-288

**Sensitivity:** Normal

**From:** Rich Oppenheim

**Sent:** Friday, February 25, 2022 3:04 PM

**To:** 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; 'tracy\_l\_miller@cpr.ca' <tracy\_l\_miller@cpr.ca>; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; 'tracy\_l\_miller@cpr.ca' <tracy\_l\_miller@cpr.ca>; Steven Cork <SCork@METRARR.COM>; 'tom\_jared@cpr.ca' <tom\_jared@cpr.ca>

**Subject:** Metra Peak Period Delays/Interference due to CP I65 - THU FEB 24 2022 - Also 2156 behind CP-288

Today, Thursday February 24, 2022, Metra Peak Period Train #2204 was delayed 12 minutes at Tower B12, blocked by CP-I65 moving from IHB into Schiller Park across Metra's 3 Main tracks.

ALSO, THU FEB 24, 2022: Metra 2156 was held @ 4 minutes at Rondout to follow CP 288. 2156 then lost an additional 15 minutes following 288 all the way to Tower A20 and waiting while 288 went up the cut-off to get on the UP.



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Archived: Friday, March 11, 2022 11:48:57 AM

From: Rich Oppenheim

Sent: Tuesday, March 1, 2022 7:08:47 AM

To: Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen

Cc: Victor Flores; Janet Carbonelli; Kevin McCann

Subject: FW: Excessive Metra Peak Period Delays due to CP 473 interference at Tower B17 - MON FEB 28 2022

Sensitivity: Normal

From: Rich Oppenheim

Sent: Tuesday, March 1, 2022 8:07 AM

To: 'jacob\_rinnels@cpr.ca' <jacob\_rinnels@cpr.ca>; 'nicole\_kurtenbach@cpr.ca' <nicole\_kurtenbach@cpr.ca>; 'jasonM\_ross@cpr.ca' <jasonM\_ross@cpr.ca>; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenber <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; 'tracy\_l\_miller@cpr.ca' <tracy\_l\_miller@cpr.ca>; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; 'tracy\_l\_miller@cpr.ca' <tracy\_l\_miller@cpr.ca>; Steven Cork <SCork@METRARR.COM>; 'tom\_jared@cpr.ca' <tom\_jared@cpr.ca>

Subject: Excessive Metra Peak Period Delays due to CP 473 interference at Tower B17 - MON FEB 28 2022

On Monday, February 28<sup>th</sup>, 2022, Metra Peak Period Train 2225 was held at Tower B17 **19 minutes** (by Franklin Park West 16:37:31, Tower B17 17:01:04) waiting for CP 473 who was allowed to double up in Bensenville Yard while occupying both Metra Main Tracks at Tower B17. Metra 2225 then followed CP 473 in route all the way to Big Timber Road. Metra 2225 arrived Big Timber Road 17:55:01, **24 minutes late**.

While Metra 2225 was stopped at Tower B17 waiting for CP 473, Metra Peak Period Train 2227 caught up to 2225 and was stopped behind him. 2227 followed 2225 to Big Timber Road arriving at 18:13:10, **20 minutes late**.



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**Archived:** Friday, March 11, 2022 11:51:13 AM

**From:** Rich Oppenheim

**Sent:** Sunday, March 6, 2022 1:25:34 PM

**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen

**Subject:** FW: EXCESSIVE METRA DELAYS AT TOWER B17 due to CP Freight traffic: SUN 3/6/22

**Sensitivity:** Normal

**From:** Rich Oppenheim

**Sent:** Sunday, March 6, 2022 2:25 PM

**To:** jacob\_rinnels@cpr.ca; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Steven Cork <SCork@METRARR.COM>; tom\_jared@cpr.ca

**Subject:** EXCESSIVE METRA DELAYS AT TOWER B17 due to CP Freight traffic: SUN 3/6/22

See below. It is my understanding that having 199 triple up while occupying the Tower B17 Control point in the 30 minute window between Metra 2708 and Metra 2707 (1037 to 1105) instead of waiting for the 1 hr 30 minute window between 2707 and 2714 (1105 to 1237) was a conscious decision on the part of CP MOC management, even knowing that it was not possible for a successful outcome. The fact that 199 was 12,000 feet and would not fit between Tower B17 and Bryn Mawr made the decision to attempt this even more likely to fail. End results:

- Metra 2707 delayed 43 minutes at Tower B17, arrived Elgin 39 minutes late, (1224).
- Metra 2714 (flip from 2707) departed Elgin 38 minutes late, arrived Chicago 35 minutes late (1347).

Earlier this morning, Metra 2704 delayed 14 minutes at Tower B17 blocked by CP 198 yarding. 2704 arrived Chicago 0923, 11 minutes late.



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**From:** Marshall Beecher <[MBeecher@METRARR.COM](mailto:MBeecher@METRARR.COM)>

**Sent:** Sunday, March 6, 2022 12:35 PM

**To:** CUSDManagers <[cusdmanagers@metrarr.com](mailto:cusdmanagers@metrarr.com)>; Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>

**Subject:** Canadian Pacific Delays at Tower B-17: SUN 3/6/22

MW2707 was delayed about 45mins this morning waiting for a CP 199 train to triple up and depart Bensenville at Tower B17.

Train was CP 8768 with 77 cars and 12,442' long. B17 operator says several scenarios for the move were discussed between her and the Elgin Dispatcher to eliminate any delays to Metra service but were eventually over ruled by higher decision makers at CP.

Earlier, MW2704 was delayed 14 mins at Tower B-17 for CP 198 with 72 cars and 12,922' long moving CP2 to the New Arrival track into Bensenville Yard. Train took longer than usual to yard because of an IM1 job in the way once they got into the yard, which prevented them from clearing the mains.

Marshall W. Beecher

Trainmaster

Metra Chicago Union Station District

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**Archived:** Monday, March 14, 2022 11:29:45 AM

**From:** Rich Oppenheim

**Sent:** Monday, March 14, 2022 10:11:13 AM

**To:** Christian L. Alexander; Charles A. Spitulnik; Charlie Harrison; Sue-Ann Rosen

**Subject:** FW: Metra 2226 (Peak Period Train) on #1 Main; CP-651 on #3 Main

**Sensitivity:** Normal

**From:** Rich Oppenheim

**Sent:** Monday, March 14, 2022 11:04 AM

**To:** jacob\_rinnels@cpr.ca; nicole\_kurtenbach@cpr.ca; jasonM\_ross@cpr.ca; Victor Flores <VFlores@METRARR.COM>; Janet Carbonelli <JCarbonelli@METRARR.COM>; David Rodriguez <DRodriguez@METRARR.COM>; Georgette Geha <GGeha@METRARR.COM>; Deanna Ortiz <DOrtiz@METRARR.COM>; John Kay <John\_Kay@cpr.ca>; Aisha Jackson <Aisha\_Jackson@cpr.ca>; Rufus Trevillion <rufus\_trevillion@cpr.ca>; Tony Wick <Tony\_Wick@cpr.ca>; Gary Prince <Gary\_Prince@cpr.ca>; Tina Minnich <Tina\_Minnich@cpr.ca>; Brad Wiestenberg <Brad\_Wiestenberg@cpr.ca>; Christopher Grimes <Christopher\_Grimes@cpr.ca>; MOC Director East <MOC\_Director\_East@cpr.ca>; will\_wangerin@cpr.ca; tracy\_l\_miller@cpr.ca; Steven Cork <SCork@METRARR.COM>; Greg J.M. Godfrey <GGodfrey@METRARR.COM>; Steven Cork <SCork@METRARR.COM>; tom\_jared@cpr.ca

**Subject:** Metra 2226 (Peak Period Train) on #1 Main; CP-651 on #3 Main

MW2226 had to re-route 1MT B12 to Galewood due to (651 CP8088 29 X 116 9939') on 3MT.

This morning, Metra 2226 (Eastbound) was routed on #1 MT from Tower B12 to Galewood East due to CP 651 (Westbound) operating on #3 MT between BRC Connection Cicero West and Tower B12. Metra 2226 has scheduled stops at River Grove, Elmwood Park, Mont Clare, Mars, and Galewood, and passengers normally board this train from the passenger platform adjacent to #3 Main. As a result of dispatching trains in this manner, passengers waiting on the #3 Main Track platforms had to cross at the last minute to the opposite side in order to board #2226 operating on #1 Main. For reference, most passengers looking in the direction of the approaching #2226 would have their backs to the Westward Freight train approaching on their track.

As a result of this action, the following passenger complaint was received shortly thereafter:

*Please reply above this line.*

Next Action has been set for following issue in IssueTrak:

[Open in IssueTrak](#)

Issue #: 70022  
 Subject: 2022-03-14, ncs, Schedules/Service  
 Status: Open  
 Class: Customer Service  
 Issue Type: Transportation MDW  
 Subtype 1: Complaint  
 Subtype 2: Other  
 Priority: Medium  
 Project:  
 Location: 547 - 12th Floor 547 - 12th Floor  
 Organization: Transportation  
 Submitted By: Metra Rail on 14-Mar-2022  
 Assigned To: Metra Responds Group on 14-Mar-2022  
 Next Action: CUS Transportation Response Group on 14-Mar-2022

#### Issue Description:

Rail Line:MDW Message:Westbound CP freight was allowed to pass the River grove station at 810am and block pedestrians to the south. I missed the 815 train as a result. I think this also may have forced the next inbound train onto platform 1 rather than 2 requiring passengers to switch platforms at the last minute. Date:2022-03-14 Time:08:15:00



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**From:** Marshall Beecher <[MBeecher@METRARR.COM](mailto:MBeecher@METRARR.COM)>

**Sent:** Sunday, March 6, 2022 12:36 PM

**To:** CUSDManagers <[cusdmanagers@metrarr.com](mailto:cusdmanagers@metrarr.com)>; Janet Carbonelli <[JCarbonelli@METRARR.COM](mailto:JCarbonelli@METRARR.COM)>; David Rodriguez <[DRodriguez@METRARR.COM](mailto:DRodriguez@METRARR.COM)>

**Subject:** Canadian Pacific Delays at Tower B-17: SUN 3/6/22

MW2707 was delayed about 45mins this morning waiting for a CP 199 train to triple up and depart Bensenville at Tower B17.

Train was CP 8768 with 77 cars and 12,442' long. B17 operator says several scenarios for the move were discussed between her and the Elgin Dispatcher to eliminate any delays to Metra service but were eventually over ruled by higher decision makers at CP.

Earlier, MW2704 was delayed 14 mins at Tower B-17 for CP 198 with 72 cars and 12,922' long moving CP2 to the New Arrival track into Bensenville Yard. Train took longer than usual to yard because of an IM1 job in the way once they got into the yard, which prevented them from clearing the mains.

Marshall W. Beecher  
Trainmaster  
Metra Chicago Union Station District

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## **EXHIBIT B-3**

### **Table Summary of Emails**



**TABLE INDEX OF EMAILS DOCUMENTING CP CAUSED EVENTS ON METRA MD-N AND MD-W LINES 2016-2022**

2022.03.14

| DATE      | TRAIN | PEAK <sup>1</sup> | LOCATION            | TYPE      | MIN | DESCRIPTION                                                               | Exhibit<br>B-2<br>PAGE # |
|-----------|-------|-------------------|---------------------|-----------|-----|---------------------------------------------------------------------------|--------------------------|
| 1/11/2016 | 2221  |                   | Spaulding           | DELAY     | 22  | Dispatcher failed to move Metra train around CP grinding equipment        | 10                       |
| 1/11/2016 | 2244  | PEAK              |                     | DELAY     | 9   | Cascading delay                                                           | 10                       |
| 1/11/2016 | 2243  | PEAK              |                     | DELAY     |     | Cascading delay                                                           | 10                       |
| 1/11/2016 | 2248  |                   | Bensenville         | DELAY     | 14  | Two freights dispatched out of yard at once, forcing one into peak period | 10                       |
| 1/11/2016 | 2249  |                   | Bensenville         | DELAY     |     | Cascading delay                                                           | 10                       |
| 1/11/2016 | 2254  |                   | Bensenville         | DELAY     |     | Cascading delay                                                           | 10                       |
| 1/11/2016 | 2255  |                   | Bensenville         | DELAY     |     | Cascading delay                                                           | 10                       |
| 1/15/2016 | 2250  |                   | B17                 | DELAY     | 20  | Waiting for inbound freight                                               | 2                        |
| 1/15/2016 | 2251  |                   |                     | DELAY     |     | Cascading delay                                                           | 2                        |
| 1/15/2016 | 2256  |                   |                     | DELAY     |     | Cascading delay                                                           | 2                        |
| 2/9/2016  | 2256  |                   | B12                 | DELAY     | 25  | Dispatched freight train slow to enter yard                               | 34                       |
| 2/16/2016 | 2256  |                   | Spaulding           | DELAY     | 20  | Following freight train                                                   | 21                       |
| 2/16/2016 | 2256  |                   | B17                 | DELAY     |     | Freight train dispatched ahead of Metra train                             | 21                       |
| 2/16/2016 | 2221  |                   | B17                 | DELAY     |     | Cascading delay                                                           | 21                       |
| 2/17/2016 | 2255  |                   | Bensenville         | ALT TRACK |     | Dispatcher dispatched freight train ahead of Metra train                  | 21                       |
| 2/17/2016 | 2256  |                   | Bensenville         | DELAY     | 20  | Cascading delay                                                           | 21                       |
| 3/8/2016  | 2251  |                   | B17                 | DELAY     |     | Dispatcher error                                                          | 11                       |
| 3/10/2016 | 2244  | PEAK              | Spaulding           | DELAY     | 24  | Dispatched too many freights at once near peak period                     | 12                       |
| 4/7/2016  |       |                   | Fox Lake            | CALLBOX   |     | Call box not working                                                      | 30                       |
| 4/11/2016 |       |                   | Fox Lake            | CALLBOX   |     | Call box not working                                                      | 30                       |
| 4/11/2016 |       |                   | Grayslake           | CALLBOX   |     | Call box not working                                                      | 30                       |
| 5/13/2016 | 2254  |                   | TOW                 | DELAY     | 12  | Waiting for freight to clear                                              | 9                        |
| 7/26/2016 | 2231  | PEAK              | Itsaca and Wooddale | DELAY     | 11  | Dispatching error compounding one blocked mainline, causing slowdown      | 16                       |
| 7/26/2016 | 2233  | PEAK              |                     | DELAY     | 15  | Cascading delay                                                           | 16                       |

<sup>1</sup> Peak period trains are designated based on express notation in the applicable e-mail and do not reflect the full list of peak period trains discussed in these e-mails.

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|            |      |      |              |            |    |                                                                     |    |
|------------|------|------|--------------|------------|----|---------------------------------------------------------------------|----|
| 7/26/2016  | 2235 | PEAK |              | DELAY      | 14 | Cascading delay                                                     | 16 |
| 7/26/2016  | 2237 | PEAK |              | DELAY      | 10 | Cascading delay                                                     | 16 |
| 7/26/2016  | 2239 |      |              | DELAY      | 5  | Cascading delay                                                     | 16 |
| 7/26/2016  | 2241 |      |              | TERMINATED |    | Cascading delay                                                     | 16 |
| 7/26/2016  | 2243 |      |              | DELAY      | 26 | Cascading delay                                                     | 16 |
| 7/26/2016  | 2245 |      |              | ANNULLED   |    | Cascading delay                                                     | 16 |
| 7/26/2016  | 2247 |      |              | DELAY      | 16 | Cascading delay                                                     | 16 |
| 7/26/2016  | 2251 |      |              | DELAY      | 11 | Cascading delay                                                     | 16 |
| 7/26/2016  | 2253 |      |              | DELAY      | 26 | Cascading delay                                                     | 16 |
| 7/26/2016  | 2246 |      |              | DELAY      | 46 | Cascading delay                                                     | 16 |
| 7/26/2016  | 2248 |      |              | DELAY      | 38 | Cascading delay                                                     | 16 |
| 7/26/2016  | 2252 |      |              | DELAY      | 33 | Cascading delay                                                     | 16 |
| 7/28/2016  | 2256 |      | B35          | DELAY      | 7  | Dispatching Metra train on the wrong track for passengers to alight | 28 |
| 7/28/2016  | 2256 |      | B35          | ALT TRACK  |    | Dispatching Metra train on the wrong track for passengers to alight | 28 |
| 7/28/2016  | 2253 |      | Roselle West | DELAY      | 14 | Cascading delay                                                     | 28 |
| 7/28/2016  | 2160 |      | Fox Lake     | CALLBOX    |    | Call box not working                                                | 29 |
| 8/1/2016   | 2227 | PEAK |              | DELAY      | 11 | Equipment error compounded by close to peak                         | 15 |
| 8/1/2016   | 2241 |      |              | TERMINATED |    | Cascading delay                                                     | 15 |
| 8/1/2016   | 2243 |      |              | DELAY      | 10 | Cascading delay                                                     | 15 |
| 8/1/2016   | 2246 |      |              | DELAY      | 35 | Cascading delay                                                     | 15 |
| 8/1/2016   | 2248 |      |              | DELAY      | 70 | Cascading delay                                                     | 15 |
| 8/1/2016   | 2250 |      |              | DELAY      | 13 | Cascading delay                                                     | 15 |
| 8/1/2016   | 2251 |      |              | DELAY      | 17 | Cascading delay                                                     | 15 |
| 8/1/2016   | 2253 |      |              | DELAY      | 23 | Cascading delay                                                     | 15 |
| 8/1/2016   | 2252 |      |              | DELAY      | 22 | Cascading delay                                                     | 15 |
| 8/1/2016   | 2254 |      |              | DELAY      | 39 | Cascading delay                                                     | 15 |
| 8/1/2016   | 2255 |      |              | DELAY      | 24 | Cascading delay                                                     | 15 |
| 8/24/2016  | 2200 |      | Spaulding    | DELAY      | 10 | Waiting for freight to clear plant                                  | 1  |
| 8/26/2016  | 2200 |      | Spaulding    | DELAY      | 7  | Waiting for freight to clear plant                                  | 1  |
| 8/26/2016  | 2201 |      |              | DELAY      |    | Cascading delay                                                     | 1  |
| 11/17/2016 | 2254 |      | Bensenville  | DELAY      | 18 | Freight train slow to enter yard                                    | 25 |
| 11/17/2016 | 2255 |      | Bensenville  | DELAY      |    | Cascading delay                                                     | 25 |

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|            |      |      |             |           |    |                                                                                                                                                                        |    |
|------------|------|------|-------------|-----------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 12/31/2016 | _600 |      | Rondout     | DELAY     |    | Significant delay at Rondout due to freight stopped in plant - equipment problem                                                                                       | 5  |
| 1/3/2017   | 2200 |      | B17         | DELAY     | 9  | Metra train delayed at Tower B17 waiting for 198 to clear plant pulling into yard                                                                                      | 60 |
| 1/3/2017   | 2200 |      | B12         | ALT TRACK |    | lost additional time waiting for passengers crossing from #3 Main platforms to #1 Main                                                                                 | 60 |
| 1/3/2017   | 2201 |      |             | DELAY     |    | Cascading delay                                                                                                                                                        | 60 |
| 1/16/2017  | 2249 |      | B17         | DELAY     | 13 | Waiting for freight train to clear in yard                                                                                                                             | 36 |
| 1/16/2017  | 2254 |      | B17         | DELAY     |    | Cascading delay                                                                                                                                                        | 36 |
| 1/16/2017  | 2255 |      | B17         | DELAY     |    | Cascading delay                                                                                                                                                        | 36 |
| 2/1/2017   | 2200 |      | Bensenville | DELAY     | 12 | Metra train delayed due to freight train stopped going in Bensenville Yard with rear end still in plant                                                                | 53 |
| 2/1/2017   | 2201 |      |             | DELAY     |    | Cascading delay                                                                                                                                                        | 53 |
| 3/1/2017   | 2217 |      | 1317        | DELAY     | 28 | CP 586 released to come in the yard with CP 143 blocking the lead that 586 needed to use in order to clear the plant. CP 586 stopped with rear end blocking B17 plant. | 52 |
| 3/1/2017   | 2236 |      | B17         | DELAY     | 38 | CP 586 released to come in the yard with CP 143 blocking the lead that 586 needed to use in order to clear the plant. CP 586 stopped with rear end blocking B17 plant. | 52 |
| 4/12/2017  | 2244 | PEAK | B12         | ALT TRACK |    | Freight train CP-241 in Emergency between B12 and Galewood East on Track 3, requiring Metra to use alternate track                                                     | 59 |
| 4/14/2017  | 2252 |      | 1317        | DELAY     | 18 | Metra train delayed by train failing to clear yard                                                                                                                     | 47 |
| 4/14/2017  | 2253 |      | 1317        | DELAY     | 12 | Cascading delay                                                                                                                                                        | 47 |
| 4/28/2017  | 2200 |      | B17         | DELAY     | 15 | Freight train stopped several times while pulling into the yard with rear end blocking Metra Main Line at Tower B17                                                    | 48 |
| 4/28/2017  | 2200 |      | B12         | ALT TRACK |    | Metra train forced to use alternate track at station due to CP-143 on #3 MT with rear end blocking B12.                                                                | 48 |
| 4/28/2017  | 2201 |      |             | DELAY     |    | Cascading delay                                                                                                                                                        | 48 |
| 4/28/2017  | 2222 |      |             | DELAY     |    | Cascading delay                                                                                                                                                        | 48 |
| 6/26/2017  | 2158 |      | Rondout     | DELAY     | 4  | Metra train held at Rondout @ 4 minutes to follow CP-384-251                                                                                                           | 45 |
| 6/26/2017  | 2158 |      | A20         | DELAY     | 7  | Metra train then lost @ another 7 minutes following 384-251 to Tower A20                                                                                               | 45 |
| 6/26/2017  | 2151 |      | Rondout     | DELAY     |    | Cascading delay                                                                                                                                                        | 45 |
| 6/26/2017  | 2155 |      | CUS         | DELAY     |    | Cascading delay                                                                                                                                                        | 45 |
| 7/10/2017  | 2208 | PEAK | B12         | ALT TRACK |    | NS 17V was dispatched from Cicero West to Tower B12 Westward on #3 MT behind #2202 and ahead of #2208                                                                  | 56 |
| 7/10/2017  | 2208 | PEAK |             | DELAY     | 6  | Alternative track use caused delays                                                                                                                                    | 56 |

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|            |      |      |                 |           |    |                                                                                                 |    |
|------------|------|------|-----------------|-----------|----|-------------------------------------------------------------------------------------------------|----|
| 7/10/2017  | 2208 | PEAK | B12             | ALT TRACK |    | NS 17-V dispatched to run West on #3 MT forcing Metra trains to use alternate track at stations | 56 |
| 7/10/2017  | 2212 | PEAK | B12             | ALT TRACK |    | NS 17-V dispatched to run West on #3 MT forcing Metra trains to use alternate track at stations | 56 |
| 9/13/2017  |      |      | B12             | DELAY     |    | Dispatcher dispatched NS crew that was not lined up correctly during peak period                | 40 |
| 11/3/2017  | 2256 |      | Spaulding       | DELAY     | 15 | Waiting for freight train to clear plant                                                        | 51 |
| 12/6/2017  | 2256 |      | Bensenville     | DELAY     | 14 | Waiting for freight train coming from Bryn Mawr and pulling Bensenville Yard                    | 38 |
| 12/26/2017 | 2204 | PEAK | Big Timber Road | DELAY     | 25 | Equipment problem compounded by planned crewing at Randall Road just before peak period         | 41 |
| 12/26/2017 | 2206 | PEAK | Big Timber Road | ALT TRACK |    | Stopped freight train required boarding on alternative tracks                                   | 41 |
| 12/26/2017 | 2206 | PEAK | Big Timber Road | DELAY     | 34 | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                 | 41 |

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|            |      |      |                 |           |    |                                                                                                                                       |    |
|------------|------|------|-----------------|-----------|----|---------------------------------------------------------------------------------------------------------------------------------------|----|
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/26/2017 |      | PEAK | Big Timber Road | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/26/2017 | 2230 |      | B35             | DELAY     | 40 | CP-472 was dispatched in a narrow window between scheduled Metra trains and wound up getting a broken drawbar just short of Tower B35 | 41 |
| 12/26/2017 | 2232 |      | B35             | DELAY     | 17 | Cascading delay                                                                                                                       | 41 |
| 12/26/2017 | 2250 |      | B17             | DELAY     | 12 | Freight train allowed to depart directly ahead of Metra 2250                                                                          | 41 |
| 12/26/2017 | 2251 |      | B17             | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/26/2017 | 2256 |      | B17             | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/26/2017 | 2257 |      | B17             | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/27/2017 | 2248 |      | Bensenville     | DELAY     | 15 | Waiting for a CP-241 heading into Bensenville yard at Tower B12 to clear the main                                                     | 41 |
| 12/27/2017 | 2249 |      | Bensenville     | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/27/2017 | 2254 |      | Bensenville     | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/27/2017 | 2255 |      | Bensenville     | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/28/2017 | 2244 | PEAK | B12             | ALT TRACK |    | Freight train released at peak of rush hour in tight window between Metra trains                                                      | 41 |
| 12/28/2017 | 2244 | PEAK | Galewood        | DELAY     | 12 | Freight train released at peak of rush hour in tight window between Metra trains                                                      | 41 |
| 12/28/2017 | 2234 | PEAK | CUS             | DELAY     | 7  | Cascading delay                                                                                                                       | 41 |
| 12/28/2017 | 2231 | PEAK |                 | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 12/28/2017 | 2233 | PEAK |                 | DELAY     |    | Cascading delay                                                                                                                       | 41 |
| 3/3/2018   | 2604 |      | Rondout         | DELAY     | 15 | Metra train was intentionally held 9 minutes to follow CP train whose crew was short on time, then followed the CP train              | 73 |
| 3/10/2018  | 2250 |      | Spaulding       | DELAY     | 20 | Following CP freight form Spaulding to Tower 1317                                                                                     | 73 |
| 3/10/2018  | 2251 |      |                 | DELAY     |    | Cascading delay                                                                                                                       | 73 |
| 3/10/2018  | 2256 |      |                 | DELAY     |    | Cascading delay                                                                                                                       | 73 |
| 3/13/2018  | 2254 |      | B17             | DELAY     |    | CP 280 train left on Metra #2 MT for a re-crew, occupying for over 5 hours, activated automatic warning device at crossings           | 73 |
| 3/13/2018  | 2255 |      | B17             | DELAY     |    | Cascading delay                                                                                                                       | 73 |
| 3/14/2018  | 2202 |      | Bensenville     | DELAY     | 20 | CP-G52 with 7400 feet was dispatched from Bensenville Yard ahead of Metra train                                                       | 73 |



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|            |      |      |                 |           |    |                                                                                                                       |    |
|------------|------|------|-----------------|-----------|----|-----------------------------------------------------------------------------------------------------------------------|----|
| 3/24/2018  | 2256 |      | B12             | DELAY     | 18 | Freight interference                                                                                                  | 83 |
| 4/25/2018  | 2251 |      | Galewood East   | DELAY     | 15 | traffic holding on line to be used by Metra train                                                                     | 74 |
| 4/25/2018  | 2251 |      | B17             | DELAY     |    | Following slow freight train from 1317 to B12                                                                         | 74 |
| 6/8/2018   | 2227 |      | Bensenville     | DELAY     |    | Slow crew going into Bensenville                                                                                      | 78 |
| 6/8/2018   | 2245 |      | B12             | DELAY     |    | Dispatcher dispatched freight ahead of Metra train                                                                    | 78 |
| 7/24/2018  | 2200 |      | Spaulding       | ALT TRACK |    | Metra dispatched on alternative track, forcing passengers to cross track                                              | 78 |
| 8/17/2018  | 2250 |      | B17             | DELAY     | 17 | Dispatcher error squeezing freight trains in front of Metra, compounding signal problem and slow train crews.         | 70 |
| 8/17/2018  | 2251 |      |                 | DELAY     |    | Cascading delay                                                                                                       | 70 |
| 8/17/2018  | 2256 |      |                 | DELAY     |    | Cascading delay                                                                                                       | 70 |
| 8/23/2018  | 2231 |      | B17             | DELAY     | 15 | CP 198 12k foot train slow entering Bensenville; dispatched with impossible timing and without yard switches lined up | 79 |
| 8/23/2018  | 2233 |      |                 | DELAY     |    | Cascading delay                                                                                                       | 79 |
| 8/23/2018  | 2235 |      |                 | DELAY     |    | Cascading delay                                                                                                       | 79 |
| 8/23/2018  | 2237 |      |                 | DELAY     |    | Cascading delay                                                                                                       | 79 |
| 8/25/2018  | 2708 |      | Galewood East   | DELAY     | 16 | Crew swap on mainline                                                                                                 | 92 |
| 8/25/2018  | 2716 |      | B17             | DELAY     |    | CP train parked on mainline #2 for 7 hours                                                                            | 92 |
| 9/5/2018   | 2158 |      | Rondout         | DELAY     |    | Intentionally held to allow for freight with short crew time to proceed ahead, then forced to follow freight          | 75 |
| 9/5/2018   | 2158 |      |                 | ALT TRACK |    | Dispatcher used alternative mainline to accommodate delay                                                             | 75 |
| 9/5/2018   | 2155 |      | CUS             | DELAY     |    | Cascading delay                                                                                                       | 75 |
| 10/18/2018 | 2207 | PEAK | B12             | DELAY     | 22 | Dispatcher dispatched train to cross that wasn't ready                                                                | 68 |
| 10/18/2018 | 2226 | PEAK | B12             | DELAY     | 17 | Dispatcher dispatched train to cross that wasn't ready                                                                | 68 |
| 10/18/2018 | 2230 |      | Big Timber Road | DELAY     |    | Cascading delay                                                                                                       | 68 |
| 10/29/2018 | 2251 |      | Galewood East   | DELAY     | 18 | Delay caused by reduction of mainlines due to CP train pulling into Bensenville                                       | 81 |
| 10/29/2018 | 2256 |      | Big Timber Road | DELAY     | 12 | Cascading delay                                                                                                       | 81 |
| 11/12/2018 | 2248 |      | Spaulding       | DELAY     | 13 | Following freight train from Spaulding to B17                                                                         | 90 |
| 11/12/2018 | 2256 |      | Galewood East   | DELAY     |    | Delay caused by 2-287 doubling out of Galewood Yard                                                                   | 90 |
| 11/12/2018 | 2255 |      | B17             | DELAY     |    | Metra train blocked at B17 for inbound freight pulling in yard from cut-off.                                          | 90 |
| 11/20/2018 | 2255 |      | B17             | DELAY     | 13 | Slow freight train clearing yard                                                                                      | 66 |

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|            |      |      |                 |           |    |                                                                                                                                                                      |     |
|------------|------|------|-----------------|-----------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 11/20/2018 | 2255 |      | Spaulding       | DELAY     | 8  | Dispatcher held Metra train to cross freight train                                                                                                                   | 66  |
| 12/5/2018  | 2256 |      | B17             | DELAY     | 25 | slow entry into yard                                                                                                                                                 | 67  |
| 4/4/2019   | 2201 |      |                 | DELAY     | 22 | 9900 foot freight dispatched from Norpaul to Schiller Park across B12 directly ahead of Metra trains                                                                 | 156 |
| 4/4/2019   | 2204 | PEAK | B12             | DELAY     | 14 | 9900 foot freight dispatched from Norpaul to Schiller Park across B12 directly ahead of Metra trains                                                                 | 156 |
| 4/4/2019   | 2220 | PEAK | B12             | DELAY     | 7  | Cascading delay                                                                                                                                                      | 156 |
| 5/1/2019   | 2221 |      | Big Timber Road | ALT TRACK |    | Re-crewing at Randall Road blocked access to Big Timber Road depo and #1 main because of train length, forcing Metra trains to board/deboard on tracks with no depot | 160 |
| 5/1/2019   | 2244 |      | Big Timber Road | ALT TRACK | 17 | Re-crewing at Randall Road blocked access to Big Timber Road depo and #1 main because of train length, forcing Metra trains to board/deboard on tracks with no depot | 160 |
| 5/1/2019   | 7452 |      |                 | DELAY     |    | Cascading delay                                                                                                                                                      | 160 |
| 5/1/2019   | 2231 | PEAK |                 | DELAY     |    | Cascading delay                                                                                                                                                      | 160 |
| 5/1/2019   | 2233 | PEAK |                 | DELAY     |    | Cascading delay                                                                                                                                                      | 160 |
| 5/1/2019   | 2235 | PEAK |                 | DELAY     |    | Cascading delay                                                                                                                                                      | 160 |
| 5/1/2019   | 2237 | PEAK |                 | DELAY     |    | Cascading delay                                                                                                                                                      | 160 |
| 5/30/2019  | 2200 |      | Bartlett        | ALT TRACK | 6  | Metra dispatched on wrong track                                                                                                                                      | 141 |
| 6/7/2019   | 2141 |      | Rondout         | DELAY     | 5  | Metra train held for Amtrak, although Metra train is scheduled to go first                                                                                           | 162 |
| 6/11/2019  | 2250 |      | Spaulding       | DELAY     | 15 | Freight train put ahead of Metra train                                                                                                                               | 93  |
| 7/13/2019  | 2708 |      | Cicero West     | DELAY     | 15 | Freight train set out in front of Metra train with reduced lines due to maintenance work                                                                             | 154 |
| 7/19/2019  | 2117 |      | Fox Lake        | DELAY     | 56 | Blocked by CP freight train with broken knuckle                                                                                                                      | 142 |
| 7/19/2019  | 2136 |      |                 | DELAY     |    | Cascading delay                                                                                                                                                      | 142 |
| 7/19/2019  | 2138 |      | A20             | DELAY     | 69 | CP freight blocking 1 main between A20 and Deerfield                                                                                                                 | 142 |
| 7/19/2019  | 2121 |      | Rondout         | DELAY     | 9  | Following CP freight train (with knuckle fixed)                                                                                                                      | 142 |
| 7/19/2019  | 2142 |      |                 | DELAY     | 10 | Cascading delay                                                                                                                                                      | 142 |
| 7/19/2019  | 2144 |      |                 | DELAY     | 15 | Cascading delay                                                                                                                                                      | 142 |
| 7/19/2019  | 2131 | PEAK | A20             | DELAY     | 12 | Following CP freight train                                                                                                                                           | 142 |
| 7/19/2019  | 2146 |      | A20             | DELAY     | 7  | Waiting on Cp 281 at A20                                                                                                                                             | 142 |
| 7/28/2019  | 2714 |      | B17             | DELAY     | 20 | Yard move closely ahead of Metra scheduled train                                                                                                                     | 125 |
| 7/29/2019  | 2215 |      | Galewood        | DELAY     | 17 | Waited for freight train to clear track                                                                                                                              | 95  |
| 7/29/2019  | 2215 |      | Galewood        | ALT TRACK |    | Metra train crossed over to use alternative mainline track, due to other mainline unavailable due to freight pulling out of Galewood                                 | 95  |

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| 7/29/2019 | 2223    |      | B12           | DELAY     | 20 | Held up due to constrained mainline availability because of re-crewing on mainline                                                                              | 95  |
| 7/29/2019 | 2231    |      |               | DELAY     | 6  | Cascading delay                                                                                                                                                 | 95  |
| 7/29/2019 | 2228    |      | B17           | DELAY     | 13 | Waiting for freight train to clear into Bensenville                                                                                                             | 139 |
| 7/29/2019 | 2232    |      | B17           | DELAY     | 8  | Waiting for outbound freight coming out of Bensenville                                                                                                          | 139 |
| 7/29/2019 | 2612    |      | A20           | DELAY     | 49 | Dispatching decisions to prioritize CP in context of single tracking due to track work                                                                          | 148 |
| 7/29/2019 | 2607    |      | A20           | DELAY     | 30 | Dispatching decisions to prioritize CP in context of single tracking due to track work                                                                          | 148 |
| 7/29/2019 | 2611    |      | A20           | DELAY     | 40 | Dispatching decisions to prioritize CP in context of single tracking due to track work                                                                          | 148 |
| 7/29/2019 | 2612    |      | A20           | DELAY     |    | Cascading delay                                                                                                                                                 | 148 |
| 7/29/2019 | 2616    |      | A20           | DELAY     | 11 | Dispatching decisions to prioritize CP in context of single tracking due to track work                                                                          | 148 |
| 7/30/2019 | NCS 112 |      | B12           | DELAY     | 10 | Metra train to follow CP train to Galewood East                                                                                                                 | 95  |
| 7/30/2019 | NCS 112 |      | B12           | DELAY     | 10 | Held up to follow CP-281 to Galewood East                                                                                                                       | 140 |
| 7/30/2019 | 2217    |      | B17           | DELAY     | 8  | Held up waiting for CP-286 to clear going into Bensenville                                                                                                      | 140 |
| 7/30/2019 | 2236    |      | B17           | DELAY     | 8  | Held up waiting for CP-286 to clear going into Bensenville                                                                                                      | 140 |
| 7/30/2019 | 2236    |      | B12           | DELAY     | 17 | Held at B12 on account of PC-287 taking headroom at Galewood East                                                                                               | 140 |
| 7/30/2019 | 2236    |      | Galewood East | ALT TRACK |    | Passengers blocked at station by freight train                                                                                                                  | 140 |
| 8/2/2019  | 2230    |      | B12           | DELAY     |    | Metra train running 8 minutes late not given dispatch priority over freight train                                                                               | 131 |
| 8/2/2019  | 2230    |      | B12           | ALT TRACK |    | Delayed Metra train forced to use alternative tracks resulting in passengers having to cross tracks                                                             | 131 |
| 8/6/2019  | 2202    |      | B17           | DELAY     | 17 | Freight train yarding blocked by another locomotive                                                                                                             | 97  |
| 8/6/2019  | 2203    | PEAK |               | DELAY     | 20 | Cascading delay                                                                                                                                                 | 97  |
| 8/6/2019  | 2220    | PEAK |               | DELAY     | 9  | Cascading delay                                                                                                                                                 | 97  |
| 8/6/2019  | 2224    | PEAK |               | DELAY     | 7  | Cascading delay                                                                                                                                                 | 97  |
| 8/6/2019  | 2226    | PEAK |               | DELAY     | 14 | Cascading delay                                                                                                                                                 | 97  |
| 8/6/2019  | 2232    |      |               | DELAY     | 32 | Freight interference - wrong lineup into the yard                                                                                                               | 97  |
| 8/7/2019  | 2230    |      | B17           | DELAY     | 23 | Dispatching an 11k foot train closely ahead of scheduled Metra train, not being able to clear main trais and lack of coordination with other freight dispatcher | 97  |
| 8/9/2019  | 2200    |      | B17           | DELAY     | 27 | Metra train held because freight train cleared to enter Bensenville but no actual clear route into the yard                                                     | 101 |

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| 8/9/2019   | 2201              | PEAK |                    | DELAY     |    | Cascading delay                                                                                                                                     | 101 |
| 8/9/2019   | 2222              | PEAK |                    | DELAY     |    | Cascading delay                                                                                                                                     | 101 |
| 9/18/2019  | 2253              |      | B17                | DELAY     | 20 | Metra train held waiting for CP-382 from Bryn Mawr pulling into the yard                                                                            | 113 |
| 9/23/2019  | Multiple          |      | B17                | DELAY     |    | Single tracking around CP trains for 3+ hours                                                                                                       | 96  |
| 9/24/2019  | 2217              |      | B17                | DELAY     | 13 | Metra waited for locomotive swap on mainline                                                                                                        | 96  |
| 9/24/2019  | 2236              |      | B17                | DELAY     | 13 | Cascading delay                                                                                                                                     | 96  |
| 9/25/2019  | 2214              | PEAK | B17                | DELAY     | 7  | Stopped at B17 because of long train dispatched between two Metra trains during peak periods                                                        | 110 |
| 9/25/2019  | 2216              | PEAK |                    | DELAY     | 9  | Cascading delay                                                                                                                                     | 110 |
| 9/25/2019  | 2218              | PEAK |                    | DELAY     | 9  | Cascading delay                                                                                                                                     | 110 |
| 9/25/2019  | 2209              | PEAK |                    | DELAY     | 5  | Cascading delay                                                                                                                                     | 110 |
| 9/25/2019  | North Central 108 |      |                    | DELAY     | 7  | Cascading delay                                                                                                                                     | 110 |
| 9/30/2019  | 2208              | PEAK |                    | DELAY     | 7  | Following CP train                                                                                                                                  | 111 |
| 9/30/2019  | 2156              |      | Rondout            | DELAY     | 31 | Metra train running late but able to make destination with 5 minute delay delayed 31 minutes due to dispatching freight train ahead of it           | 111 |
| 10/1/2019  | 2200              |      | B35                | DELAY     | 18 | Metra train 16 minutes at Tower B35 to let CP train go through first                                                                                | 111 |
| 10/1/2019  | 2201              |      |                    | DELAY     |    | Cascading delay                                                                                                                                     | 111 |
| 10/1/2019  | 2222              |      |                    | DELAY     |    | Cascading delay                                                                                                                                     | 111 |
| 10/4/2019  | 2154              |      | A20                | DELAY     | 18 | Dispatching handoff between CP and UP caused Metra delay                                                                                            | 111 |
| 10/12/2019 | 2603              |      | Morton Grove       | DELAY     | 15 | Metra train held at Morton Grove to allow 281 to cross over in front                                                                                | 153 |
| 10/18/2019 | 2208              | PEAK | B12                | DELAY     | 12 | Light engines requiring axle block held up Metra train                                                                                              | 130 |
| 10/23/2019 | 2215              |      | Bensenville        | DELAY     |    | Two main lines used by CP for crew change and setting out cars, resulting in single tracking for Metra train                                        | 124 |
| 10/23/2019 | 2234              |      | Bensenville        | DELAY     |    | Two main lines used by CP for crew change and setting out cars, resulting in single tracking for Metra train                                        | 124 |
| 11/12/2019 | 2125              |      | Greyslake Crossing | DELAY     |    | Dispatching coordination issue                                                                                                                      | 120 |
| 11/12/2019 | 2129              |      | Greyslake Crossing | DELAY     |    | Dispatching coordination issue                                                                                                                      | 120 |
| 11/12/2019 | 2200              |      | Roselle West       | ALT TRACK |    | 9k CP-472 experience broken knuckle, crew decided to leave on main line, requiring Metra trains to load from opposite platforms in 9 degree weather | 147 |
| 11/12/2019 | 2202              |      | Roselle West       | ALT TRACK |    | 9k CP-472 experience broken knuckle, crew decided to leave on main line, requiring Metra trains to load from opposite platforms in 9 degree weather | 147 |

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| 11/12/2019 | 2201 | PEAK | Bensenville        | DELAY     | 17 | Fixed CP train allowed to run number #2 MT toward Bensenville holding up Metra trains                               | 147 |
| 11/12/2019 | 2204 | PEAK | Bensenville        | DELAY     | 6  | Fixed CP train allowed to run number #2 MT toward Bensenville holding up Metra trains                               | 147 |
| 11/12/2019 | 2213 |      | B12                | DELAY     | 25 | Two CP trains simultaneously allowed to go to Mannheim for crew change, leaving Metra trains constricted at B12/B17 | 147 |
| 11/13/2019 | 2117 |      | Greyslake Crossing | DELAY     |    | Dispatching coordination issue                                                                                      | 120 |
| 11/16/2019 | 2711 |      | B17                | DELAY     |    | Metra train held at B17 waiting for CP train to clear going into Bensenville Yard                                   | 120 |
| 11/16/2019 | 2718 |      |                    | DELAY     |    | Cascading delay                                                                                                     | 120 |
| 11/23/2019 | 2710 |      | B17                | DELAY     | 8  | CP freight clearing in yard                                                                                         | 152 |
| 11/24/2019 | 2714 |      | B17                | DELAY     | 12 | CP freight clearing in yard                                                                                         | 152 |
| 11/25/2019 | 2134 |      | Rondout            | DELAY     | 9  | Metra train delayed following freight train from Rondout to Tower A20                                               | 115 |
| 11/26/2019 | 2228 |      | Roselle West       | DELAY     | 20 | Equipment issue on freight train operating closely ahead of 2228 created mainline restriction and backup            | 115 |
| 11/26/2019 | 2211 |      |                    | DELAY     | 15 | Cascading delay                                                                                                     | 115 |
| 11/26/2019 | 2219 |      | B12                | DELAY     | 15 | CP 650 allowed to occupy #2 MT between Tower 617 and B12 to make crew change                                        | 115 |
| 11/27/2019 | 2132 |      | A20                | DELAY     | 9  | Waited for CP-199 to clear Tower A20                                                                                | 115 |
| 11/27/2019 | 2132 |      | A6                 | DELAY     |    | Waited for CP-281 to clear Tower A6                                                                                 | 115 |
| 11/27/2019 | 2134 |      | A20                | DELAY     | 6  | Following freight from Rondout to Tower A20                                                                         | 115 |
| 11/27/2019 | 2242 |      | B12                | DELAY     | 11 | Freight occupying #3 MT                                                                                             | 115 |
| 11/27/2019 | 2242 |      | B12                | ALT TRACK |    | Freight occupying #3 MT                                                                                             | 115 |
| 11/29/2019 | 2132 |      | A6                 | DELAY     | 18 | CP 281 lost air as locomotives entered Tower A6 control point                                                       | 115 |
| 11/29/2019 | 2115 |      | A6                 | DELAY     | 39 | CP 281 lost air as locomotives entered Tower A6 control point                                                       | 115 |
| 11/29/2019 | 2215 |      | A6                 | DELAY     | 10 | CP 281 lost air as locomotives entered Tower A6 control point                                                       | 115 |
| 12/1/2019  | 2608 |      | Rondout            | DELAY     | 8  | CP 286 dispatched ahead of Metra train on its schedule                                                              | 115 |
| 12/2/2019  | 2226 |      | B17                | DELAY     | 12 | CP train brought out of B12 toward #2 MT at tail end of morning rush and lost air                                   | 115 |
| 12/23/2019 | 2253 |      | B17                | DELAY     |    | Crew change on mainline turned into fuel level check, which delayed their pull towards Byrn Mawr                    | 109 |
| 1/31/2020  | 2242 |      | B17                | DELAY     | 12 | C198 11,800 stopped at B17 and started off CP-2 with no chance of clearing ahead of Metra train                     | 176 |
| 1/31/2020  | 2223 |      | B17                | DELAY     | 8  | C198 11,800 stopped at B17 and started off CP-2 with no chance of clearing ahead of Metra train                     | 176 |
| 2/1/2020   | 2706 |      | Bensenville        | DELAY     | 12 | Delayed for CP 286 yarding at Bensenville                                                                           | 176 |



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| 2/1/2020   | 2717 |      | B17      | DELAY            | 35 | Single tracking around CP681 in emergency                                                                                                     | 176 |
| 2/2/2020   | 2213 |      |          | DELAY            | 18 | Departed CUS 7 min late due to mechanical issues 10" CP 581 & CP2-287 stopped on 1 MT between B12 & B17 waiting for train to clear into yard. | 176 |
| 6/11/2020  | 2219 |      | B17      | SIGNAL VIOLATION | 68 | Signal violation by CP Frt Crew                                                                                                               | 184 |
| 6/11/2020  | 2240 |      | B17      | SIGNAL VIOLATION | 20 | Signal violation by CP Frt Crew                                                                                                               | 185 |
| 6/11/2020  | 2221 |      | B17      | DELAY            | 20 | Following delayed 2219 (see above delay)                                                                                                      | 185 |
| 6/11/2020  | 2242 |      | B17      | DELAY            | 20 | Late turn from delayed 2219 (see above delay)                                                                                                 | 184 |
| 6/15/2020  | 2121 |      | A20      | DELAY            | 20 | Waiting for CP287 to come off the cut off and run ahead.                                                                                      | 188 |
| 7/31/2020  | 2248 |      | B17      | DELAY            | 18 | CP Freight interference at B17                                                                                                                | 163 |
| 8/3/2020   | 2248 |      | B17      | DELAY            | 13 | Freight train interference                                                                                                                    | 163 |
| 8/4/2020   | 2157 |      | Rondout  | DELAY            | 12 | Freight train interference                                                                                                                    | 163 |
| 8/4/2020   | 108  | PEAK | B12      | DELAY            | 7  | 108 7 minutes Tower B12 for Q165 going into Schiller Park (108 is Peak Period train)                                                          | 163 |
| 8/4/2020   | 2217 |      | B12      | DELAY            | 18 | 2217 held for 18 minutes for CP286 going in yard                                                                                              | 163 |
| 8/4/2020   | 2216 | PEAK | B12      | DELAY            | 7  | 2216 7 minutes Tower B12 for Q165 going into Schiller Park (2216 is Peak Period Train) (See above delay)                                      | 163 |
| 8/4/2020   | 2236 |      | B17      | DELAY            | 23 | Held at B17 for 2217 acct single tracking around freight (See above delay)                                                                    | 163 |
| 8/15/2020  | 2721 |      | B12      | DELAY            | 8  | Held at B12 for 2722 acct single tracking around freight                                                                                      | 165 |
| 8/15/2020  | 2714 |      | B17      | DELAY            | 30 | Freight train interference                                                                                                                    | 165 |
| 8/17/2020  | 2202 | AM   | B17      | DELAY            | 8  | Freight train interference                                                                                                                    | 165 |
| 8/24/2020  | 2244 | PM   | B17      | DELAY            | 17 | CP freight yarding at Bensenville                                                                                                             | 173 |
| 8/24/2020  | 2227 | PM   | B17      | DELAY            | 22 | CP freight yarding at Bensenville                                                                                                             | 173 |
| 8/31/2020  | 2213 |      | B17      | DELAY            | 20 | CP-65K changing power on #1 MT at Tower B17                                                                                                   | 191 |
| 9/3/2020   | 2128 |      | Fox Lake | DELAY            |    | Dispatch/PTC                                                                                                                                  | 198 |
| 9/9/2020   | 2121 |      | A20      | DELAY            | 15 | Dispatching decision                                                                                                                          | 183 |
| 9/18/2020  | 2216 | AM   |          | DELAY            | 15 | Freight train interference                                                                                                                    | 186 |
| 10/1/2020  | 2230 |      | B17      | DELAY            | 10 | 8 min CP frt at B17; 6 min CP frt at B12                                                                                                      | 169 |
| 10/1/2020  | 2236 |      | B17      | DELAY            | 30 | CP freight train interference                                                                                                                 | 169 |
| 10/29/2020 | 2242 |      | B17      | DELAY            | 20 | CP freight train interference                                                                                                                 | 163 |
| 10/29/2020 | 2223 |      | B17      | DELAY            | 17 | A 9500 foot 286 was released to come into the yard directly ahead of Metra train                                                              | 163 |
| 11/5/2020  | 2223 |      | B17      | DELAY            | 17 | CP Freight train interference                                                                                                                 | 181 |

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| 11/5/2020  | 2242 | PM   | B17           | DELAY | 20 | CP Freight train interference                                                                  | 181 |
| 12/15/2020 | 2232 |      | B17           | DELAY | 6  | Held at B17 for 2213 single tracking around G57-287 on Trk 2                                   | 168 |
| 12/15/2020 | 2236 |      | B17           | DELAY | 35 | IM-1 taking headroom on 2 west of B17 to shove into yard                                       | 168 |
| 12/21/2020 | 2216 | AM   | Elgin         | DELAY | 19 | Departed late due to CP-686 interference                                                       | 167 |
| 12/21/2020 | 2222 | AM   | Elgin         | DELAY | 13 | Late departure held for late 2216 (see above delay)                                            | 177 |
| 12/24/2020 | 2206 | AM   | B12           | DELAY | 15 | Q165 (8300 ft)                                                                                 | 177 |
| 12/24/2020 | 2208 | AM   | B12           | DELAY | 10 | Following delayed 2206 (see above delay)                                                       | 177 |
| 12/26/2020 | 2702 |      | B1            | DELAY | 13 | Dispatcher decision                                                                            | 177 |
| 12/26/2020 | 2707 |      | Galewood East | DELAY | 10 | No. 2707 delayed 10 minutes at Galewood East account freight CP281 (CP6231, 115 cars, 8,627ft) | 178 |
| 12/30/2020 | 2240 |      | B17           | DELAY | 15 | CP-472 slow and then blocked B17                                                               | 197 |
| 1/8/2021   | 2216 | AM   | Elgin         | DELAY | 16 | Held for CP 472-07                                                                             | 229 |
| 1/8/2021   | 2222 | AM   | Elgin         | DELAY | 13 | Late out of yard due to late departing 2216 (see above)                                        | 229 |
| 1/14/2021  | 2225 | PM   | B17           | DELAY | 14 | CP 470 had to line 3 switches in the yard                                                      | 216 |
| 1/28/2021  | 2237 | PM   | B17           | DELAY | 82 | CP286 (11,000 ft) and CP473 (12,000 ft)                                                        | 204 |
| 1/28/2021  | 2246 | PM   | B17           | DELAY | 35 | CP286 (11,000 ft) and CP473 (12,000 ft)                                                        | 204 |
| 2/17/2021  | 2216 | AM   | B17           | DELAY | 14 | Freight train clearing                                                                         | 211 |
| 2/3/2021   | 2227 | PM   | B12           | DELAY | 14 | Held for 2244 acct single tracking around Frt on trk 2                                         | 241 |
| 2/11/2021  | 2216 |      | B12           | DELAY | 16 | Blocked at Tower B12 by CP Q165 running from Norpaul to Schiller Park                          | 228 |
| 2/12/2021  | 2222 |      | B17           | DELAY | 9  | Blocked at Tower B17 by CP 198 pulling in yard                                                 | 228 |
| 2/17/2021  | 2216 | PEAK | B17           | DELAY | 16 | Stopped at B17 for CP-288                                                                      | 211 |
| 3/9/2021   | 2232 |      | B17           |       |    | Crew change on mainline                                                                        | 222 |
| 3/15/2021  | 2225 |      | B17           | DELAY | 9  | CP Freight Train Interference                                                                  | 214 |
| 4/12/2021  | 2244 | PM   | Galewood      | DELAY | 20 | Following CP Freight Train                                                                     | 227 |
| 4/12/2021  | 2252 |      | Galewood      | DELAY | 16 | CP Freight Train Interference                                                                  | 227 |
| 4/16/2021  | 2244 | PM   | B17           | DELAY | 11 | CP Freight Train Interference                                                                  | 244 |
| 4/16/2021  | 2227 | PM   | B17           | DELAY | 13 | CP Freight Train Interference                                                                  | 244 |
| 4/19/2021  | 2128 |      | B17           | DELAY |    | Single tracking created conflicted between 2128 and 2109                                       | 213 |
| 4/19/2021  | 2132 |      | B17           | DELAY |    | Single tracking created conflicted between 2132-2113                                           | 213 |
| 4/20/2021  | 2132 |      | B17           | DELAY |    | Single tracking created conflicted between 2132-2113                                           | 213 |
| 5/5/2021   | 2225 | PM   | Almora        | DELAY | 26 | CP Freight blocking route at Almora                                                            | 220 |
| 5/5/2021   | 2227 | PM   | Almora        | DELAY | 6  | CP Freight blocking route at Almora                                                            | 220 |
| 7/2/2021   | 2236 |      | B17           | DELAY |    | Stopped freight train on maintline forcing single tracking                                     | 208 |

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| 7/19/2021 | 2202 |      | B17       | DELAY     | 13 | Freight train interference                                                         | 207 |
| 8/1/2021  | 2627 |      | Rondout   | DELAY     | 17 | Delayed at Rondout for CP Freight                                                  | 210 |
| 8/2/2021  | 2124 | PEAK | A20       | DELAY     | 16 | Metra train held for freight CP-341 from UP                                        | 210 |
| 8/3/2021  | 2203 | AM   | A5        | DELAY     | 6  | CP Freight Train Interference                                                      | 205 |
| 8/3/2021  | 2212 | AM   | Rondout   | DELAY     | 6  | Following delayed 2210                                                             | 205 |
| 8/3/2021  | 2213 | PEAK | B17       | DELAY     | 10 | CP-286 slow going into yard                                                        | 210 |
| 8/3/2021  | 2232 | PEAK | B17       | DELAY     | 10 | CP-286 slow going into yard                                                        | 210 |
| 8/6/2021  | 2222 | AM   | B17       | DELAY     | 12 | CP199 (11500ft)                                                                    | 237 |
| 8/9/2021  | 2213 |      | B17       | DELAY     | 15 | Train not ready when brought down main by dispatcher                               | 219 |
| 8/10/2021 | 2213 |      | B17       | DELAY     |    | Train not ready when brought down main by dispatcher                               | 219 |
| 8/20/2021 | 2213 |      | B17       | DELAY     | 12 | Dispatcher put freight on line ahead of Metra trains                               | 221 |
| 8/20/2021 | 2232 |      | B12       | DELAY     | 14 | Dispatcher put freight on line ahead of Metra trains                               | 221 |
| 8/25/2021 | 2222 |      | B17       | DELAY     | 10 | Metra train waited for CP-199 to pull out of yard                                  | 224 |
| 9/8/2021  | 2222 | PEAK | B17       | DELAY     | 7  | Dispatcher squeezed freight train in                                               | 215 |
| 9/8/2021  | 2213 | PEAK | B17       | DELAY     | 15 | Dispatcher squeezed freight train in                                               | 215 |
| 9/13/2021 | 2209 |      | B17       | DELAY     | 12 | CP Freight Train stopped on mainline                                               | 209 |
| 9/13/2021 | 2240 |      | B17       | DELAY     | 12 | CP Freight Train stopped on mainline                                               | 209 |
| 9/13/2021 | 2213 |      | B17       | DELAY     | 9  | CP Freight Train stopped on mainline                                               | 209 |
| 9/23/2021 | 2128 |      | Deerfield | DELAY     | 9  | Held up by prioritized freight train                                               | 233 |
| 9/23/2021 | 2128 |      | Deerfield | ALT TRACK | 9  | Required to switch tracks, passenger had to cross tracks to board                  | 233 |
| 9/23/2021 | 2232 |      | B17       | DELAY     | 7  | Crew change called with far less time than the window allowed between Metra trains | 233 |
| 9/25/2021 | 2717 |      | B17       | DELAY     | 11 | CP198-21 yarding at Bensenville                                                    | 231 |
| 9/25/2021 | 2720 |      | B17       | DELAY     | 12 | Following CP686-757 Elgin to 12                                                    | 231 |
| 9/26/2021 | 2714 |      | B17       | DELAY     | 16 | CP Frt yarding at B17                                                              | 231 |
| 9/30/2021 | 2236 |      | B17       | DELAY     | 14 | CP286 (12,245 ft)                                                                  | 225 |
| 9/30/2021 | 2217 |      | B17       | DELAY     | 12 | CP286 (12,245 ft)                                                                  | 225 |
| 10/1/2021 | 2202 | AM   | B12       | ALT TRACK | 3  | 2202 routed trk 1 instead of trk 3 acct NS17V 8500ft on trk 3                      | 238 |
| 10/1/2021 | 2204 | AM   | B12       | DELAY     | 25 | CP Q165 off IHB for Schiller Park                                                  | 238 |
| 10/1/2021 | 2206 | AM   | B12       | DELAY     | 10 | Following delayed NCS100 (see below delay)                                         | 238 |
| 10/1/2021 | 2208 | AM   | B12       | ALT TRACK | 3  | 2208 routed trk 2 instead of trk 3 acct CP141 9893 ft on trk 3                     | 238 |
| 10/1/2021 | 2230 |      | B17       | DELAY     | 10 | CP199 (11,000 ft)                                                                  | 239 |
| 10/1/2021 | 2232 |      | B12       | ALT TRACK | 5  | 2232 routed trk 1 instead of trk 3 acct CP281 13,995 ft on trk3                    | 239 |
| 10/1/2021 | 100  | AM   | B12       | DELAY     | 10 | Followed delayed MW2204 acct CP Q165 on track 2                                    | 239 |

## PUBLIC VERSION

## EXHIBIT B-3

|            |         |      |                    |           |    |                                                                                                                                                                                                                    |     |
|------------|---------|------|--------------------|-----------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 10/5/2021  | 2232    |      | B12                | ALT TRACK |    | 2232 routed trk 1 instead of trk 3 acct CP281 13,000 ft on trk 3                                                                                                                                                   | 205 |
| 10/12/2021 | 2217    |      | B17                | DELAY     | 7  | Delayed running on restricting signals due to CP 287 ahead and waiting for 287s rear end to clear Tower B17                                                                                                        | 245 |
| 10/12/2021 | 2236    |      | B17                | DELAY     | 13 | Waiting for 2217, then crossing over to run around 650-772                                                                                                                                                         | 245 |
| 10/13/2021 | 2228    |      | B17                | DELAY     | 17 | Held behind CP 472 for crew change                                                                                                                                                                                 | 243 |
| 10/13/2021 | 2213    |      | Franklin Park West | DELAY     | 15 | Held due to CP 287 being held on Metra #1 MT, making space for additional inbound CP trains                                                                                                                        | 245 |
| 10/31/2021 | 2724    |      | Galewood East      | DELAY     | 15 | Mw2724 stopped 15 m because (288 Cp8915 6805) on 2MT going to Belt 2 and behind him on 3MT going to Belt 2 was the (140 CP8576 12,277) which was blocking Galewood East preventing the MW2724 to crossover to 2MT. | 284 |
| 11/2/2021  | NCS 108 | PEAK | B12 DELAY          | DELAY     | 18 | CP dispatched 10k foot train from IHB Norpaul to Schiller Park during peak period                                                                                                                                  | 248 |
| 11/2/2021  | NCS 101 | PEAK | B12                | DELAY     | 17 | CP dispatched 10k foot train from IHB Norpaul to Schiller Park during peak period                                                                                                                                  | 248 |
| 11/2/2021  | 2216    |      | B12                | DELAY     | 5  | CP dispatched 10k foot train from IHB Norpaul to Schiller Park during peak period                                                                                                                                  | 248 |
| 11/2/2021  | 2117    |      | Deerfield          | DELAY     | 30 | Freight CP-287 dispatched ahead of Metra trains without sufficient window                                                                                                                                          | 249 |
| 11/2/2021  | 2136    |      | Deerfield          | DELAY     | 32 | Freight CP-287 dispatched ahead of Metra trains without sufficient window                                                                                                                                          | 249 |
| 11/5/2021  | 2225    |      | B17                | DELAY     | 9  | Stopped at Tower B17 for 9 minutes waiting for CP-470 to clear into yard                                                                                                                                           | 251 |
| 11/10/2021 | 2226    |      | River Grove        | ALT TRACK |    | MW2226 had to re-route 1MT River Grove to Galewood due to (17V NS7539 59 X 119 11590) on 3MT.                                                                                                                      | 283 |
| 11/12/2021 | 2213    |      | Franklin Park West | DELAY     | 16 | MW2213 was held 16m at Franklin Park West for MW2232 due to (K446 CSXT3240 2 X 96 5985') on 2MT.                                                                                                                   | 280 |
| 11/12/2021 | 2210    |      | B12                | DELAY     | 8  | MW2210 delayed at B17 due to cross traffic (470 CP8912) 8m late by B12.                                                                                                                                            | 281 |
| 11/14/2021 | 2720    |      | B17                | DELAY     | 28 | 2720 was delayed 28 min at b17 freight interference. Train causing delay 198-10 CP 897. Over 10,000 feet. B-17 was told by a "senior director" to run it no matter what                                            | 291 |
| 11/15/2021 | 2230    |      | Galewood           | ALT TRACK |    | MW2230 had to re-route down 1MT at B12 to Galewood due to (281 CP8957 49 X 145 12708') on 3MT.                                                                                                                     | 278 |
| 11/15/2021 | 2206    |      |                    | ALT TRACK |    | MW2206 and MW2208 had to re-route down 2MT due to (651 CP8022 35 X 147 11248) on 3MT.                                                                                                                              | 279 |
| 11/15/2021 | 2208    |      |                    | ALT TRACK |    | MW2206 and MW2208 had to re-route down 2MT due to (651 CP8022 35 X 147 11248) on 3MT.                                                                                                                              | 279 |
| 11/16/2021 | 2217    |      | B12                | ALT TRACK |    | MW2217 will run 3MT Cicero West to B12 due to (287 CP8931 85 X 86 10160) recrewing on 1MT.                                                                                                                         | 277 |

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## EXHIBIT B-3

|            |      |      |              |           |    |                                                                                                                                 |     |
|------------|------|------|--------------|-----------|----|---------------------------------------------------------------------------------------------------------------------------------|-----|
| 11/22/2021 | 2222 | PEAK | B17          | DELAY     | 13 | CP 680 moving off cut off from Bryn Mawr toward yard                                                                            | 295 |
| 12/2/2021  | 2202 |      |              | ALT TRACK |    | MW2202 and MW2204 had to reroute down 1MT due to (288 NS1171 90X12 6103) was on 2MT. Also (141 CP8794 78X46 8320) was 3MT.      | 276 |
| 12/2/2021  | 2204 |      |              | ALT TRACK |    | MW2202 and MW2204 had to reroute down 1MT due to (288 NS1171 90X12 6103) was on 2MT. Also (141 CP8794 78X46 8320) was 3MT.      | 276 |
| 12/3/2021  | 2226 |      | B12          | ALT TRACK |    | MW2226 had to re-route 2MT to 1MT at B12 due to (17V NS7675 23 X 105 8458) on 3MT.                                              | 275 |
| 12/6/2021  | 2232 |      | B12          | DELAY     | 6  | MW2232 was 7m late by B12 due to (281 KCS5010 79 X 61 11,054') departing 5L to 2MT.                                             | 274 |
| 12/7/2021  | 2228 |      | B12          | ALT TRACK |    | MW2228 had to re-route 2MT to 1MT at B12 due to (17V NS9972 29 X 131 10,300') on 3MT.                                           | 272 |
| 12/7/2021  | 2204 |      | B12          | DELAY     | 11 | MW2204 was 11 minutes late by B12 due to 472 going into the yard at B17.                                                        | 273 |
| 12/9/2021  | 2110 | AM   | Morton Grove | DELAY     | 24 | Dispatcher exacerbated delays by refusing to upgrade signal fault                                                               | 252 |
| 12/9/2021  | 2116 | AM   | Morton Grove | DELAY     | 14 | Dispatcher exacerbated delays by refusing to upgrade signal fault                                                               | 252 |
| 12/9/2021  | 2118 | AM   | Morton Grove | DELAY     | 12 | Dispatcher exacerbated delays by refusing to upgrade signal fault                                                               | 252 |
| 12/9/2021  | 2120 | AM   | Morton Grove | DELAY     | 11 | Dispatcher exacerbated delays by refusing to upgrade signal fault                                                               | 252 |
| 12/9/2021  | 2124 | AM   | Morton Grove | DELAY     | 10 | Dispatcher exacerbated delays by refusing to upgrade signal fault                                                               | 252 |
| 12/9/2021  | 2126 | AM   | Morton Grove | DELAY     | 12 | Dispatcher exacerbated delays by refusing to upgrade signal fault                                                               | 252 |
| 12/9/2021  | 2118 | AM   | Morton Grove | HOTLINE   |    | Hotline disabled, unable to reach dispatcher                                                                                    | 252 |
| 12/9/2021  | 2124 | AM   | Morton Grove | HOTLINE   |    | Hotline disabled, unable to reach dispatcher                                                                                    | 253 |
| 12/10/2021 | 2221 |      | B17          | DELAY     | 20 | Dispatcher overruled Bensenville superintendent to line up 12k foot 286 freight train, causing delays                           | 256 |
| 12/10/2021 | 2240 |      | B17          | DELAY     | 20 | Dispatcher overruled Bensenville superintendent to line up 12k foot 286 freight train, causing delays                           | 256 |
| 12/12/2021 | 2704 |      | Galewood     | DELAY     | 5  | MW2704 was stopped 5m @ Galewood waiting on freight 17V-11 to clear. The 17V-11 was 28x128, 7594 tons, and a length of 9633 ft. | 286 |
| 12/13/2021 | 2202 |      | B12          | ALT TRACK |    | MW2202 had to re-route 1MT at B12 to Cicero West due to (17V NS9542 18 X 73 5910) on 3MT.                                       | 271 |
| 12/16/2021 | 2230 |      | B12          | ALT TRACK |    | MW2230 had to re-route 1MT at B12 to Galewood due to (17V NS9690 39X123 10239) on 3MT.                                          | 270 |



## PUBLIC VERSION

## EXHIBIT B-3

|            |        |    |               |           |    |                                                                                                                        |     |
|------------|--------|----|---------------|-----------|----|------------------------------------------------------------------------------------------------------------------------|-----|
| 12/17/2021 | 2249   |    | B12           | DELAY     | 17 | Dispatcher dispatched freight train after asking crew if it could clear in 20 minutes, crew said yes                   | 287 |
| 12/17/2021 | 2232   |    | B12           | ALT TRACK |    | MW2232 had to re-route 1MT B12 to B6 due to (281 BN7947 55X163 13973') on 3MT.                                         | 269 |
| 12/20/2021 | 2213   |    | Franklin Pk   | DELAY     | 17 | Metra train held due to CP G57-287 holding at B17 for slow crew change                                                 | 318 |
| 12/20/2021 | 2226   |    | Galewood East | ALT TRACK |    | MW2226 had to re-route 1MT at Galewood East to B6 due to MW2202 stopped on 3MT.                                        | 320 |
| 12/20/2021 | 2212   |    | Galewood East | ALT TRACK |    | MW2212 had to re-route 1MT at Galewood East to B6.                                                                     | 268 |
| 12/21/2021 | 2226   |    | B12           | ALT TRACK |    | Metra train forced on other than normal track due to freight on Metra's main track                                     | 267 |
| 12/22/2021 | 2230   |    | B12           | DELAY     | 7  | MW2230 7m late by B12 4m stopped at B12 due to (281 BNSF 6674 20 X 77 5834') crossing over 3MT to 2MT at B12.          | 322 |
| 12/27/2021 | 2208   |    | B12           | ALT TRACK |    | Metra train forced on other than normal track due to freight on Metra's main track                                     | 266 |
| 12/28/2021 | 2232   |    | B12           | ALT TRACK |    | Metra train forced on other than normal track due to freight on Metra's main track                                     | 265 |
| 12/29/2021 | 2232   |    | B17           | DELAY     | 8  | Metra 2232 held 8 minutes at Tower B17 to meet Metra 2213, due to CP 67X on #2 MT at Tower B17 changing crews.         | 260 |
| 12/29/2021 | 2221   |    | Franklin Pk   | DELAY     | 8  | Metra 2221 held 8 minutes at Franklin Park West to meet Metra 2236 due to CP-681 on #1 MT at Tower B17 changing crews. | 260 |
| 12/29/2021 | NCS101 |    | B12           | DELAY     | 27 | CP intentionally pushed CP 165 12,198ft from IHB to Schiller Park across Tower B12 during morning peak                 | 262 |
| 12/29/2021 | NCS108 |    | B12           | DELAY     | 20 | CP intentionally pushed CP 165 12,198ft from IHB to Schiller Park across Tower B12 during morning peak                 | 262 |
| 12/29/2021 | 2216   |    | B12           | DELAY     | 15 | CP intentionally pushed CP 165 12,198ft from IHB to Schiller Park across Tower B12 during morning peak                 | 262 |
| 12/29/2021 | 2228   |    | B12           | ALT TRACK |    | Metra train forced on other than normal track due to freight on Metra's main track                                     | 264 |
| 12/31/2021 | 2700   |    | Galewood East | ALT TRACK |    | MW2700 had to re-route 1MT B12 to Galewood East due to (G52 CP8030 86 X 3 6504') on 3MT.                               | 288 |
| 12/31/2021 | 2710   |    | Galewood East | ALT TRACK |    | MW2710 had to re-route 1MT B12 to Galewood East due to (17V CSXT5472 46 X 87 8686') on 3MT.                            | 288 |
| 1/6/2022   | 2227   |    | B17           | DELAY     | 16 | Held for CP286 moving from CP2 to the outbound                                                                         | 291 |
| 1/6/2022   | 2229   |    | B17           | DELAY     |    | Cascading delay (see above delay)                                                                                      | 291 |
| 1/6/2022   | 2233   |    | B17           | DELAY     |    | Cascading delay (see above delay)                                                                                      | 291 |
| 1/6/2022   | 2244   |    |               | DELAY     |    | Cascading Delay (see above delay)                                                                                      | 291 |
| 1/7/2022   | 2204   | AM | B12           | DELAY     | 12 | Held for CP I65 coming from IHB to Schiller park yard                                                                  | 291 |
| 1/8/2022   | NCS100 | AM | B12           | DELAY     | 4  | Following delayed 2204 (see above delay)                                                                               | 291 |

## PUBLIC VERSION

## EXHIBIT B-3

|           |        |    |               |           |    |                                                                                                                                   |     |
|-----------|--------|----|---------------|-----------|----|-----------------------------------------------------------------------------------------------------------------------------------|-----|
| 1/8/2022  | 2717   |    | B17           | DELAY     | 15 | Metra 2717 stopped 15 minutes at Tower B17 waiting for CP-286 to clear plant going into Bensenville Yard                          | 293 |
| 1/10/2022 | 2717   |    | B17           | DELAY     | 15 | Held for CP-286 to clear                                                                                                          | 293 |
| 1/10/2022 | 2212   | AM | B12           | DELAY     | 12 | CP G52 Freight Train Interference                                                                                                 | 293 |
| 1/10/2022 | NCS108 | AM | B12           | DELAY     | 8  | Following Delayed 2212 (see above delay)                                                                                          | 293 |
| 1/10/2022 | 2216   | AM | B12           | DELAY     |    | Following Delayed 2212 (see above delay)                                                                                          | 293 |
| 1/10/2022 | 2217   |    | B17           | DELAY     | 10 | CP 287 Crew Change for two hours                                                                                                  | 293 |
| 1/13/2022 | 2217   |    | B17           | ALT TRACK |    | 2217 had to reroute to 2MT due to CP 287 delay (see above delay)                                                                  | 295 |
| 1/13/2022 | 2210   | AM | B17           | DELAY     | 10 | Held for CP 686 being pushed off cut-off                                                                                          | 323 |
| 1/13/2022 | 2203   | AM | B17           | DELAY     | 7  | Cascading delay                                                                                                                   | 323 |
| 1/13/2022 | NCS110 | AM | B12           | DELAY     | 4  | Cascading delay                                                                                                                   | 323 |
| 1/13/2022 | 2232   |    | Galewood East | DELAY     | 13 | Metra 2232 waited at Galewood East. 2232 delayed 13 minutes at Galewood East waiting for 287's light engine to clear #3 MT        | 304 |
| 1/17/2022 | 2223   | PM | B17           | DELAY     | 11 | Metra 2223 held for CP473                                                                                                         | 306 |
| 1/18/2022 | 2117   |    | A20           | DELAY     |    | CP 287 was dispatched out of Tower A20 today essentially on 2117's time.                                                          | 308 |
| 1/18/2022 | 2240   |    | B17           | DELAY     | 10 | Delayed by CP583 for crew change.                                                                                                 | 311 |
| 1/26/2022 | 2202   | AM | B17           | DELAY     | 31 | waiting for a 13,799 foot CP-198 to clear                                                                                         | 325 |
| 1/26/2022 | 2203   | AM | Big Timber    | DELAY     | 28 | Cascading delay (see above delay)                                                                                                 | 325 |
| 1/26/2022 | 2228   | AM | Big Timber    | DELAY     | 14 | Cascading delay (see above delay)                                                                                                 | 325 |
| 1/26/2022 | NCS101 |    | B12           | DELAY     | 5  | Delayed by CP transfer                                                                                                            | 325 |
| 1/26/2022 | NCS112 |    | B12           | DELAY     | 5  | Blocked by CP freight                                                                                                             | 325 |
| 1/27/2022 | 2202   |    | B17           | DELAY     | 12 | delayed due to CP Freight activity at Tower B17                                                                                   | 326 |
| 1/27/2022 | 2203   |    | B17           | DELAY     | 7  | Cascading delay (see above delay)                                                                                                 | 326 |
| 1/27/2022 | 2246   | PM | Galewood East | DELAY     | 13 | Delayed by CP freight                                                                                                             | 328 |
| 1/28/2022 | 2219   |    | B17           | DELAY     |    | CP freight stopped blocking passenger boarding and detraining                                                                     | 312 |
| 1/28/2022 | 2240   |    | B17           | DELAY     |    | Cascading delay (see above delay)                                                                                                 | 312 |
| 1/28/2022 | 2221   |    | B17           | DELAY     |    | Cascading delay (see above delay)                                                                                                 | 312 |
| 1/31/2022 | 2221   |    | B17           | DELAY     | 15 | Delayed by CP crew change                                                                                                         | 313 |
| 1/31/2022 | 2240   |    | B17           | DELAY     | 20 | Cascading delay (see above delay)                                                                                                 | 313 |
| 2/2/2022  | 2232   |    | B12           | ALT TRACK |    | Ran on #1 MT instead of their normal #3 MT from Tower B12 to Galewood East due to freight train NS-17V running Westward on #3 MT. | 314 |
| 2/2/2022  | 2132   |    | A20           | DELAY     | 6  | CP freight block                                                                                                                  | 314 |

## PUBLIC VERSION

## EXHIBIT B-3

|           |      |      |     |           |    |                                                                                                                                                                                                                                                                                                              |     |
|-----------|------|------|-----|-----------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 2/3/2022  | 2242 |      | B17 | DELAY     | 8  | Metra 2242 waited at Tower B17 8 minutes for CP-473 to clear the Control Point, arrived Chicago 4:54 PM, 5 minutes late                                                                                                                                                                                      | 316 |
| 2/3/2022  | 2223 |      | B17 | DELAY     | 7  | Metra 2223 waited at Tower B17 7 minutes for CP-473 to clear the Control point, then followed directly behind 473 all the way to Almora.                                                                                                                                                                     | 316 |
| 2/22/2022 | 2228 |      | B17 | DELAY     | 7  | Crew change on mainline required Metra train to use alternative mainline                                                                                                                                                                                                                                     | 317 |
| 2/22/2022 | 2228 |      | B17 | ALT TRACK |    | Crew change on mainline required Metra train to use alternative mainline                                                                                                                                                                                                                                     | 317 |
| 2/22/2022 | 2236 |      | B17 | DELAY     | 30 | Metra train held because freight crew time expired                                                                                                                                                                                                                                                           | 317 |
| 2/22/2022 | 2236 |      | B17 | ALT TRACK |    | Dispatcher dispatched Metra train on the "wrong" side of the trains to get around stopped freight train                                                                                                                                                                                                      | 317 |
| 2/22/2022 | 2217 |      | B17 | DELAY     |    | Cascading delay                                                                                                                                                                                                                                                                                              | 317 |
| 2/22/2022 | 2229 |      | B17 | DELAY     | 10 | Metra 2219 delayed 10 minutes at Tower B17 waiting for the rear end of CP 286 to clear the Control point going into the Yard                                                                                                                                                                                 | 317 |
| 2/24/2022 | 2204 | PEAK | B12 | DELAY     | 12 | Thursday February 24, 2022, Metra Peak Period Train #2204 was delayed 12 minutes at Tower B12, blocked by CP-I65 moving from IHB into Schiller Park across Metra's 3 Main tracks.                                                                                                                            | 329 |
| 2/24/2022 | 2156 |      | A20 | DELAY     | 19 | ALSO, THU FEB 24, 2022: Metra 2156 was held @ 4 minutes at Rondout to follow CP 288. 2156 then lost an additional 15 minutes following 288 all the way to Tower A20 and waiting while 288 went up the cut-off to get on the UP                                                                               | 329 |
| 2/28/2022 | 2225 |      | B17 | DELAY     | 24 | Metra train held at B17 for freight train (CP 473) holding outside of Bensenville, then followed CP 473 in route all the way to Big Timber Road                                                                                                                                                              | 330 |
| 2/28/2022 | 2227 |      | B17 | DELAY     | 20 | Cascading delay                                                                                                                                                                                                                                                                                              | 330 |
| 3/6/2022  | 2707 |      | B17 | DELAY     | 45 | MW2707 was delayed about 45mins this morning waiting for a CP 199 train to triple up and depart Bensenville at Tower B17                                                                                                                                                                                     | 331 |
| 3/6/2022  | 2704 |      | B17 | DELAY     | 14 | MW2704 was delayed 14 mins at Tower B-17 for CP 198 with 72 cars and 12,922' long moving CP2 to the New Arrival track into Bensenville Yard                                                                                                                                                                  | 331 |
| 3/14/2022 | 2226 | PEAK | B12 | ALT TRACK |    | Metra 2226 was routed on #1 MT from Tower B12 to Galewood East due to CP 651 operating on #3 MT between BRC Connection Cicero West and Tower B12. As a result, passengers waiting on the #3 Main Track platforms had to cross at the last minute to opposite side to board. Resulted in passenger complaint. | 332 |

## **EXHIBIT B-4**

**Metra Letter 20190426 Instituting Trains**



547 W. Jackson Boulevard, Chicago, IL 60661

312-322-6900

metrarail.com

April 26, 2019

Mr. C. E. (Chuck) Hubbard  
Director, Interline & Passenger - South  
Canadian Pacific Railway  
Battle Creek Building  
1010 Shop Road  
St. Paul, MN 55106

Dear Mr. Hubbard:

In early 2018, Metra made a reduction to its commuter service on the North Line and Metra now intends to reinstitute weekend trains which were deleted from that previous schedule. This is part of Metra's Summer Schedule promotion which we are instituting on this and other Metra corridors. The promotion will be on a 90-day trial basis, but if successful, could be made permanent.

Effective June 1, 2019, and each Saturday and Sunday until September 1, 2019, Metra will operate the schedule of trains as detailed on the attachment to this letter. The trains being added back to the schedule are highlighted in yellow.

Let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bauer".

Jack Bauer  
Director Contracts

ATTACHMENT



Milwaukee North: Departure Times - Summer Schedule Pilot  
Saturday Inbound

| Location Name         | Distance |         |    |         |    |          |    |          |    |          |    |          |    |          |    |         |    |         |    |         |    |         |    |          |    |
|-----------------------|----------|---------|----|---------|----|----------|----|----------|----|----------|----|----------|----|----------|----|---------|----|---------|----|---------|----|---------|----|----------|----|
| Train Symbol          |          | MN2600  |    | MN2602  |    | MN2604   |    | MN2680   |    | MN2608   |    | MN2610   |    | MN2612   |    | MN2614  |    | MN2616  |    | MN2618  |    | MN2620  |    | MN2622   |    |
| Days of Operation     |          | —S      |    | —S      |    | —S       |    | —S       |    | —S       |    | —S       |    | —S       |    | —S      |    | —S      |    | —S      |    | —S      |    | —S       |    |
| Leave AM/PM           |          | a.m.    |    | a.m.    |    | a.m.     |    | a.m.     |    | a.m.     |    | a.m.     |    | p.m.     |    | p.m.    |    | p.m.    |    | p.m.    |    | p.m.    |    | p.m.     |    |
| Fox Lake              | 49.6     | Lv 5:38 | b  | Lv 6:45 | b  | Lv 8:45  | b  | Lv 9:45  | b  | Lv 10:45 | b  | Lv 11:45 | b  | Lv 12:45 | b  | Lv 2:45 | b  | Lv 4:45 | b  |         |    | Lv 8:25 | b  | Lv 10:25 | b  |
| Ingleside             | 47.9     | 5:41    | fb | 6:48    | fb | 8:48     | fb |          |    | 10:48    | fb |          |    | 12:48    | fb | 2:48    | fb | 4:48    | fb |         |    | 8:28    | fb | 10:28    | fb |
| Long Lake             | 46.1     | 5:44    | sb | 6:51    | sb | 8:51     | sb | ↓        |    | 10:51    | fb | ↓        |    | 12:51    | fb | 2:51    | fb | 4:51    | fb |         |    | 8:31    | sb | 10:31    | sb |
| Round Lake            | 44.1     | 5:47    | sb | 6:54    | sb | 8:54     | sb | 9:50     | sb | 10:54    | sb | 11:50    | sb | 12:54    | sb | 2:54    | sb | 4:54    | sb |         |    | 8:34    | sb | 10:34    | sb |
| Grayslake             | 41.1     | 5:51    | sb | 7:00    | sb | 9:00     | sb | 9:56     | sb | 11:00    | sb | 11:56    | sb | 1:00     | sb | 3:00    | sb | 5:00    | sb |         |    | 8:39    | sb | 10:39    | sb |
| CN Crossing (by)      | 39.9     | 5:53    |    | 7:02    |    | 9:02     |    | 9:58     |    | 11:02    |    | 11:58    |    | 1:02     |    | 3:02    |    | 5:02    |    |         |    | 8:40    |    | 10:40    |    |
| Prairie Crossing      | 39.3     | 5:55    | sb | 7:04    | sb | 9:04     | sb | ↓        |    | 11:04    | sb | ↓        |    | 1:04     | sb | 3:04    | sb | 5:04    | sb |         |    | 8:42    | sb | 10:42    | sb |
| Libertyville          | 35.6     | 6:01    | sb | 7:10    | sb | 9:10     | sb | 10:05    | sb | 11:10    | sb | 12:05    | sb | 1:10     | sb | 3:10    | sb | 5:10    | sb |         |    | 8:48    | sb | 10:48    | sb |
| Rondout (by)          | 32.3     | 6:06    |    | 7:15    |    | 9:15     |    | 10:10    |    | 11:15    |    | 12:10    |    | 1:15     |    | 3:15    |    | 5:15    |    | 6:41    |    | 8:53    |    | 10:53    |    |
| Lake Forest           | 28.1     | 6:11    | sb | 7:20    | sb | 9:20     | sb | 10:15    | sb | 11:20    | sb | 12:15    | sb | 1:20     | sb | 3:20    | sb | 5:20    | sb | Lv 6:46 | sb | 8:58    | sb | 10:58    | sb |
| Deerfield             | 24.3     | 6:17    | sb | 7:26    | sb | 9:26     | sb | 10:21    | sb | 11:26    | sb | 12:21    | sb | 1:26     | sb | 3:26    | sb | 5:26    | sb | 6:52    | sb | 9:04    | sb | 11:04    | sb |
| Lake-Cook             | 23.1     | 6:20    | sb | 7:29    | sb | 9:29     | sb | ↓        |    | 11:29    | sb | ↓        |    | 1:29     | sb | 3:29    | sb | 5:29    | sb | 6:55    | sb | 9:07    | sb | 11:07    | sb |
| Northbrook            | 21.2     | 6:24    | sb | 7:33    | sb | 9:33     | sb | 10:26    | sb | 11:33    | sb | 12:26    | sb | 1:33     | sb | 3:33    | sb | 5:33    | sb | 6:58    | sb | 9:10    | sb | 11:10    | sb |
| Glen/N. Glenview      | 18.7     | 6:28    | sb | 7:37    | sb | 9:37     | sb | ↓        |    | 11:37    | sb | ↓        |    | 1:37     | sb | 3:37    | sb | 5:37    | sb | 7:02    | sb | 9:14    | sb | 11:14    | sb |
| Glenview              | 17.5     | 6:31    | sb | 7:40    | sb | 9:40     | sb | 10:31    | sb | 11:40    | sb | 12:31    | sb | 1:40     | sb | 3:40    | sb | 5:40    | sb | 7:05    | sb | 9:17    | sb | 11:17    | sb |
| Golf                  | 16.3     | 6:34    | sb | 7:43    | sb | 9:43     | sb |          |    | 11:43    | sb | 12:34    | sb | 1:43     | sb | 3:43    | sb | 5:43    | sb | 7:08    | sb | 9:20    | sb | 11:20    | sb |
| Morton Grove          | 14.4     | 6:37    | sb | 7:46    | sb | 9:46     | sb |          |    | 11:46    | sb | 12:37    | sb | 1:46     | sb | 3:46    | sb | 5:46    | sb | 7:11    | sb | 9:23    | sb | 11:23    | sb |
| Edgebrook             | 11.7     | 6:41    | sb | 7:51    | sb | 9:51     | sb |          |    | 11:51    | sb | 12:42    | sb | 1:51     | sb | 3:51    | sb | 5:51    | sb | 7:16    | sb | 9:28    | sb | 11:28    | sb |
| Forest Glen           | 10.3     | 6:44    | sb | 7:54    | sb | 9:54     | sb |          |    | 11:54    | sb |          |    | 1:54     | sb | 3:54    | sb | 5:54    | sb | 7:19    | sb | 9:31    | sb | 11:31    | sb |
| Mayfair               | 9        | 6:47    | sb | 7:57    | sb | 9:57     | sb | 10:39    |    | 11:57    | sb | 12:47    |    | 1:57     | sb | 3:57    | sb | 5:57    | sb | 7:22    | sb | 9:34    | sb | 11:34    | sb |
| Grayland              | 8.2      | 6:49    | sb | 7:59    | sb | 9:59     | sb | 10:42    | †  | 11:59    | sb | 12:50    | †  | 1:59     | sb | 3:59    | sb | 5:59    | sb | 7:24    | sb | 9:36    | sb | 11:36    | sb |
| Healy                 | 6.4      | 6:52    | sb | 8:02    | sb | 10:02    | sb | ↓        |    | 12:02    | sb | ↓        |    | 2:02     | sb | 4:02    | sb | 6:02    | sb | 7:27    | sb | 9:39    | sb | 11:39    | sb |
| Tower A-5 (by)        | 5.4      | 6:53    |    | 8:04    |    | 10:04    |    | 10:45    |    | 12:04    |    | 12:53    |    | 2:04     |    | 4:04    |    | 6:04    |    | 7:29    |    | 9:40    |    | 11:40    |    |
| Western Ave           | 2.9      | 6:57    | sb | 8:08    | sb | 10:08    | sb | 10:49    |    | 12:08    | sb | 12:57    |    | 2:08     | sb | 4:08    | sb | 6:08    | sb | 7:32    | sb | 9:43    | sb | 11:43    | sb |
| Chicago Union Station | 0        | Ar 7:12 | b  | Ar 8:22 | b  | Ar 10:22 | b  | Ar 11:02 | b  | Ar 12:22 | b  | Ar 1:09  | b  | Ar 2:22  | b  | Ar 4:22 | b  | Ar 6:22 | b  | Ar 7:44 | b  | Ar 9:58 | b  | Ar 11:58 | b  |



Milwaukee North: Departure Times - Summer Schedule Pilot  
Saturday Outbound

| Location Name         | Distance |          |        |          |        |          |        |         |        |         |        |         |        |         |    |         |    |         |    |          |    |             |    |          |    |
|-----------------------|----------|----------|--------|----------|--------|----------|--------|---------|--------|---------|--------|---------|--------|---------|----|---------|----|---------|----|----------|----|-------------|----|----------|----|
| Train Symbol          |          | MN2601   | MN2603 | MN2607   | MN2611 | MN2613   | MN2615 | MN2681  | MN2617 | MN2621  | MN2623 | MN2625  | MN2627 |         |    |         |    |         |    |          |    |             |    |          |    |
| Days of Operation     |          | —S       | —S     | —S       | —S     | —S       | —S     | —S      | —S     | —S      | —S     | —S      | —S     |         |    |         |    |         |    |          |    |             |    |          |    |
| Leave AM/PM           |          | a.m.     | a.m.   | p.m.     | p.m.   | p.m.     | p.m.   | p.m.    | p.m.   | p.m.    | p.m.   | p.m.    | a.m.   |         |    |         |    |         |    |          |    |             |    |          |    |
| Chicago Union Station | 0        | Lv 8:35  | b      | Lv 10:35 | b      | Lv 12:35 | b      | Lv 2:35 | b      | Lv 3:45 | b      | Lv 4:35 | b      | Lv 5:25 | b  | Lv 5:35 | b  | Lv 6:35 | b  | Lv 8:35  | b  | Lv 10:35    | b  | Lv 12:25 | b  |
| Western Ave           | 2.9      | 8:44     | sb     | 10:44    | sb     | 12:44    | sb     | 2:44    | sb     | 3:53    |        | 4:44    | sb     | 5:33    |    | 5:44    | sb | 6:44    | sb | 8:44     | sb | 10:44       | sb | 12:34    | sb |
| Tower A-5 (by)        | 5.4      | 8:47     |        | 10:47    |        | 12:47    |        | 2:47    |        | 3:56    |        | 4:47    |        | 5:36    |    | 5:47    |    | 6:47    |    | 8:47     |    | 10:47       |    | 12:37    |    |
| Healy                 | 6.4      | 8:49     | sb     | 10:49    | sb     | 12:49    | sb     | 2:49    | sb     | ↓       |        | 4:49    | sb     | ↓       |    | 5:49    | sb | 6:49    | sb | 8:49     | sb | 10:49       | sb | 12:39    | sb |
| Grayland              | 8.2      | 8:52     | sb     | 10:52    | sb     | 12:52    | sb     | 2:52    | sb     | 3:58    | †      | 4:52    | sb     | 5:38    | †  | 5:52    | sb | 6:52    | sb | 8:52     | sb | 10:52       | sb | 12:42    | sb |
| Mayfair               | 9        | 8:54     | sb     | 10:54    | sb     | 12:54    | sb     | 2:54    | sb     | 4:00    |        | 4:54    | sb     | 5:40    |    | 5:54    | sb | 6:54    | sb | 8:54     | sb | 10:54       | sb | 12:44    | sb |
| Forest Glen           | 10.3     | 8:57     | sb     | 10:57    | sb     | 12:57    | sb     | 2:57    | sb     | ↓       |        | 4:57    | sb     |         |    | 5:57    | sb | 6:57    | sb | 8:57     | sb | 10:57       | sb | 12:47    | sb |
| Edgebrook             | 11.7     | 9:00     | sb     | 11:00    | sb     | 1:00     | sb     | 3:00    | sb     | 4:04    | sb     | 5:00    | sb     |         |    | 6:00    | sb | 7:00    | sb | 9:00     | sb | 11:00       | sb | 12:50    | sb |
| Morton Grove          | 14.4     | 9:05     | sb     | 11:05    | sb     | 1:05     | sb     | 3:05    | sb     | 4:10    | sb     | 5:05    | sb     |         |    | 6:05    | sb | 7:05    | sb | 9:05     | sb | 11:05       | sb | 12:55    | sb |
| Golf                  | 16.3     | 9:08     | sb     | 11:08    | sb     | 1:08     | sb     | 3:08    | sb     | 4:14    | sb     | 5:08    | sb     | ↓       |    | 6:08    | sb | 7:08    | sb | 9:08     | sb | 11:08       | sb | 12:58    | sb |
| Glenview              | 17.5     | 9:11     | sb     | 11:11    | sb     | 1:11     | sb     | 3:11    | sb     | 4:17    | sb     | 5:11    | sb     | 5:48    | sb | 6:11    | sb | 7:11    | sb | 9:11     | sb | 11:11       | sb | 1:01     | sb |
| Glen/N. Glenview      | 18.7     | 9:14     | sb     | 11:14    | sb     | 1:14     | sb     | 3:14    | sb     | ↓       |        | 5:14    | sb     | ↓       |    | 6:14    | sb | 7:14    | sb | 9:14     | sb | 11:14       | sb | 1:04     | sb |
| Northbrook            | 21.2     | 9:19     | sb     | 11:19    | sb     | 1:19     | sb     | 3:19    | sb     | 4:24    | sb     | 5:19    | sb     | 5:55    | sb | 6:19    | sb | 7:19    | sb | 9:19     | sb | 11:19       | sb | 1:09     | sb |
| Lake-Cook             | 23.1     | 9:23     | sb     | 11:23    | sb     | 1:23     | sb     | 3:23    | sb     | ↓       |        | 5:23    | sb     | ↓       |    | 6:23    | sb | 7:23    | sb | 9:23     | sb | 11:23       | sb | 1:13     | sb |
| Deerfield             | 24.3     | 9:26     | sb     | 11:26    | sb     | 1:26     | sb     | 3:26    | sb     | 4:29    | sb     | 5:26    | sb     | 6:00    | sb | 6:26    | sb | 7:26    | sb | 9:26     | sb | 11:26       | sb | 1:16     | sb |
| Lake Forest           | 28.1     | 9:31     | sb     | 11:31    | sb     | 1:31     | sb     | 3:31    | sb     | 4:35    | sb     | 5:31    | sb     | 6:05    | sb | Ar 6:33 | b  | 7:31    | sb | 9:31     | sb | 11:31       | sb | 1:21     | sb |
| Rondout (by)          | 32.3     | 9:36     |        | 11:36    |        | 1:36     |        | 3:36    |        | 4:40    |        | 5:36    |        | 6:10    |    | 6:38    |    | 7:36    |    | 9:36     |    | 11:36       |    | 1:26     |    |
| Libertyville          | 35.6     | 9:42     | sb     | 11:42    | sb     | 1:42     | sb     | 3:42    | sb     | 4:47    | sb     | 5:42    | sb     | 6:16    | sb |         |    | 7:42    | sb | 9:42     | sb | 11:42       | sb | 1:31     | sb |
| Prairie Crossing      | 39.3     | 9:48     | sb     | 11:48    | sb     | 1:48     | sb     | 3:48    | sb     | ↓       |        | 5:48    | sb     | ↓       |    |         |    | 7:48    | sb | 9:48     | sb | 11:48       | sb | 1:37     | sb |
| CN Crossing (by)      | 39.9     | 9:50     |        | 11:50    |        | 1:50     |        | 3:50    |        | 4:55    |        | 5:50    |        | 6:22    |    |         |    | 7:50    |    | 9:50     |    | 11:50       |    | 1:39     |    |
| Grayslake             | 41.1     | 9:52     | sb     | 11:52    | sb     | 1:52     | sb     | 3:52    | sb     | 4:55    | sb     | 5:52    | sb     | 6:24    | sb |         |    | 7:52    | sb | 9:52     | sb | 11:52       | sb | 1:41     | sb |
| Round Lake            | 44.1     | 9:59     | sb     | 11:59    | sb     | 1:56     | sb     | 3:56    | sb     | 5:03    | sb     | 5:56    | sb     | 6:28    | sb |         |    | 7:56    | sb | 9:56     | sb | 11:56       | sb | 1:45     | sb |
| Long Lake             | 46.1     | 10:02    | fb     | 12:02    | fb     | 1:59     | fb     | 3:59    | fb     |         |        | 5:59    | fb     |         |    |         |    | 7:59    | fb | 9:59     | sb | 11:59       | sb | 1:48     | sb |
| Ingleside             | 47.9     | 10:05    | fb     | 12:05    | fb     | 2:02     | fb     | 4:02    | fb     | ↓       |        | 6:02    | fb     | ↓       |    |         |    | 8:02    | fb | 10:02    | fb | 12:02 D2    | fb | 1:51     | fb |
| Fox Lake              | 49.6     | Ar 10:17 | b      | Ar 12:17 | b      | Ar 2:12  | b      | Ar 4:12 | b      | Ar 5:13 | b      | Ar 6:12 | b      | Ar 6:38 | b  |         |    | Ar 8:12 | b  | Ar 10:12 | b  | Ar 12:12 D2 | b  | Ar 1:57  | b  |



Milwaukee North: Departure Times - Summer Schedule Pilots + Weekday  
Sunday Inbound

| Location Name         | Distance |         |    |         |    |          |    |          |    |          |    |          |    |         |    |         |    |         |    |          |    |
|-----------------------|----------|---------|----|---------|----|----------|----|----------|----|----------|----|----------|----|---------|----|---------|----|---------|----|----------|----|
| Train Symbol          |          | MN2600  |    | MN2602  |    | MN2604   |    | MN2680   |    | MN2608   |    | MN2612   |    | MN2614  |    | MN2616  |    | MN2620  |    | MN2622   |    |
| Days of Operation     |          | S—      |    | S—      |    | S—       |    | S—       |    | S—       |    | S—       |    | S—      |    | S—      |    | S—      |    | S—       |    |
| Leave AM/PM           |          | a.m.    |    | a.m.    |    | a.m.     |    | a.m.     |    | a.m.     |    | p.m.     |    | p.m.    |    | p.m.    |    | p.m.    |    | p.m.     |    |
| Fox Lake              | 49.6     | Lv 5:38 | b  | Lv 6:45 | b  | Lv 8:45  | b  | Lv 9:45  | b  | Lv 10:45 | b  | Lv 12:45 | b  | Lv 2:45 | b  | Lv 4:45 | b  | Lv 8:25 | b  | Lv 10:25 | b  |
| Ingleside             | 47.9     | 5:41    | fb | 6:48    | fb | 8:48     | fb |          |    | 10:48    | fb | 12:48    | fb | 2:48    | fb | 4:48    | fb | 8:28    | fb | 10:28    | fb |
| Long Lake             | 46.1     | 5:44    | sb | 6:51    | sb | 8:51     | sb | ↓        |    | 10:51    | fb | 12:51    | fb | 2:51    | fb | 4:51    | fb | 8:31    | sb | 10:31    | sb |
| Round Lake            | 44.1     | 5:47    | sb | 6:54    | sb | 8:54     | sb | 9:50     | sb | 10:54    | sb | 12:54    | sb | 2:54    | sb | 4:54    | sb | 8:34    | sb | 10:34    | sb |
| Grayslake             | 41.1     | 5:51    | sb | 7:00    | sb | 9:00     | sb | 9:56     | sb | 11:00    | sb | 1:00     | sb | 3:00    | sb | 5:00    | sb | 8:39    | sb | 10:39    | sb |
| CN Crossing (by)      | 39.9     | 5:53    |    | 7:02    |    | 9:02     |    | 9:58     |    | 11:02    |    | 1:02     |    | 3:02    |    | 5:02    |    | 8:40    |    | 10:40    |    |
| Prairie Crossing      | 39.3     | 5:55    | sb | 7:04    | sb | 9:04     | sb | ↓        |    | 11:04    | sb | 1:04     | sb | 3:04    | sb | 5:04    | sb | 8:42    | sb | 10:42    | sb |
| Libertyville          | 35.6     | 6:01    | sb | 7:10    | sb | 9:10     | sb | 10:05    | sb | 11:10    | sb | 1:10     | sb | 3:10    | sb | 5:10    | sb | 8:48    | sb | 10:48    | sb |
| Rondout (by)          | 32.3     | 6:06    |    | 7:15    |    | 9:15     |    | 10:10    |    | 11:15    |    | 1:15     |    | 3:15    |    | 5:15    |    | 8:53    |    | 10:53    |    |
| Lake Forest           | 28.1     | 6:11    | sb | 7:20    | sb | 9:20     | sb | 10:15    | sb | 11:20    | sb | 1:20     | sb | 3:20    | sb | 5:20    | sb | 8:58    | sb | 10:58    | sb |
| Deerfield             | 24.3     | 6:17    | sb | 7:26    | sb | 9:26     | sb | 10:21    | sb | 11:26    | sb | 1:26     | sb | 3:26    | sb | 5:26    | sb | 9:04    | sb | 11:04    | sb |
| Lake-Cook             | 23.1     | 6:20    | sb | 7:29    | sb | 9:29     | sb | ↓        |    | 11:29    | sb | 1:29     | sb | 3:29    | sb | 5:29    | sb | 9:07    | sb | 11:07    | sb |
| Northbrook            | 21.2     | 6:24    | sb | 7:33    | sb | 9:33     | sb | 10:26    | sb | 11:33    | sb | 1:33     | sb | 3:33    | sb | 5:33    | sb | 9:10    | sb | 11:10    | sb |
| Glen/N. Glenview      | 18.7     | 6:28    | sb | 7:37    | sb | 9:37     | sb | ↓        |    | 11:37    | sb | 1:37     | sb | 3:37    | sb | 5:37    | sb | 9:14    | sb | 11:14    | sb |
| Glenview              | 17.5     | 6:31    | sb | 7:40    | sb | 9:40     | sb | 10:31    | sb | 11:40    | sb | 1:40     | sb | 3:40    | sb | 5:40    | sb | 9:17    | sb | 11:17    | sb |
| Golf                  | 16.3     | 6:34    | sb | 7:43    | sb | 9:43     | sb |          |    | 11:43    | sb | 1:43     | sb | 3:43    | sb | 5:43    | sb | 9:20    | sb | 11:20    | sb |
| Morton Grove          | 14.4     | 6:37    | sb | 7:46    | sb | 9:46     | sb |          |    | 11:46    | sb | 1:46     | sb | 3:46    | sb | 5:46    | sb | 9:23    | sb | 11:23    | sb |
| Edgebrook             | 11.7     | 6:41    | sb | 7:51    | sb | 9:51     | sb |          |    | 11:51    | sb | 1:51     | sb | 3:51    | sb | 5:51    | sb | 9:28    | sb | 11:28    | sb |
| Forest Glen           | 10.3     | 6:44    | sb | 7:54    | sb | 9:54     | sb |          |    | 11:54    | sb | 1:54     | sb | 3:54    | sb | 5:54    | sb | 9:31    | sb | 11:31    | sb |
| Mayfair               | 9        | 6:47    | sb | 7:57    | sb | 9:57     | sb | 10:39    |    | 11:57    | sb | 1:57     | sb | 3:57    | sb | 5:57    | sb | 9:34    | sb | 11:34    | sb |
| Grayland              | 8.2      | 6:49    | sb | 7:59    | sb | 9:59     | sb | 10:42    | †  | 11:59    | sb | 1:59     | sb | 3:59    | sb | 5:59    | sb | 9:36    | sb | 11:36    | sb |
| Healy                 | 6.4      | 6:52    | sb | 8:02    | sb | 10:02    | sb | ↓        |    | 12:02    | sb | 2:02     | sb | 4:02    | sb | 6:02    | sb | 9:39    | sb | 11:39    | sb |
| Tower A-5 (by)        | 5.4      | 6:53    |    | 8:04    |    | 10:04    |    | 10:45    |    | 12:04    |    | 2:04     |    | 4:04    |    | 6:04    |    | 9:40    |    | 11:40    |    |
| Western Ave           | 2.9      | 6:57    | sb | 8:08    | sb | 10:08    | sb | 10:49    |    | 12:08    | sb | 2:08     | sb | 4:08    | sb | 6:08    | sb | 9:43    | sb | 11:43    | sb |
| Chicago Union Station | 0        | Ar 7:12 | b  | Ar 8:22 | b  | Ar 10:22 | b  | Ar 11:02 | b  | Ar 12:22 | b  | Ar 2:22  | b  | Ar 4:22 | b  | Ar 6:22 | b  | Ar 9:58 | b  | Ar 11:58 | b  |



Milwaukee North: Departure Times - Summer Schedule Pilot  
Sunday Outbound

| Location Name         | Distance |        |       |        |    |        |    |        |       |        |    |        |    |        |      |        |    |        |    |        |      |    |    |       |    |    |       |    |    |       |      |    |
|-----------------------|----------|--------|-------|--------|----|--------|----|--------|-------|--------|----|--------|----|--------|------|--------|----|--------|----|--------|------|----|----|-------|----|----|-------|----|----|-------|------|----|
| Train Symbol          |          | MN2601 |       | MN2605 |    | MN2607 |    | MN2611 |       | MN2615 |    | MN2683 |    | MN2621 |      | MN2623 |    | MN2625 |    | MN2627 |      |    |    |       |    |    |       |    |    |       |      |    |
| Days of Operation     |          | S      |       | S      |    | S      |    | S      |       | S      |    | S      |    | S      |      | S      |    | S      |    | S      |      |    |    |       |    |    |       |    |    |       |      |    |
| Leave AM/PM           |          | a.m.   |       | a.m.   |    | p.m.   |    | p.m.   |       | p.m.   |    | p.m.   |    | p.m.   |      | p.m.   |    | p.m.   |    | a.m.   |      |    |    |       |    |    |       |    |    |       |      |    |
| Chicago Union Station | 0        | Lv     | 8:35  | b      | Lv | 10:35  | b  | Lv     | 12:35 | b      | Lv | 2:35   | b  | Lv     | 4:35 | b      | Lv | 5:35   | b  | Lv     | 6:35 | b  | Lv | 8:35  | b  | Lv | 10:35 | b  | Lv | 12:25 | b    |    |
| Western Ave           | 2.9      |        | 8:44  | sb     |    | 10:44  | sb |        | 12:44 | sb     |    | 2:44   | sb |        | 4:44 | sb     |    | 5:43   |    |        | 6:44 | sb |    | 8:44  | sb |    | 10:44 | sb |    | 12:34 | sb   |    |
| Tower A-5 (by)        | 5.4      |        | 8:47  |        |    | 10:47  |    |        | 12:47 |        |    | 2:47   |    |        | 4:47 |        |    | 5:46   |    |        | 6:47 |    |    | 8:47  |    |    | 10:47 |    |    | 12:37 |      |    |
| Healy                 | 6.4      |        | 8:49  | sb     |    | 10:49  | sb |        | 12:49 | sb     |    | 2:49   | sb |        | 4:49 | sb     |    | ↓      |    |        | 6:49 | sb |    | 8:49  | sb |    | 10:49 | sb |    | 12:39 | sb   |    |
| Grayland              | 8.2      |        | 8:52  | sb     |    | 10:52  | sb |        | 12:52 | sb     |    | 2:52   | sb |        | 4:52 | sb     |    | 5:49   | †  |        | 6:52 | sb |    | 8:52  | sb |    | 10:52 | sb |    | 12:42 | sb   |    |
| Mayfair               | 9        |        | 8:54  | sb     |    | 10:54  | sb |        | 12:54 | sb     |    | 2:54   | sb |        | 4:54 | sb     |    | 5:51   |    |        | 6:54 | sb |    | 8:54  | sb |    | 10:54 | sb |    | 12:44 | sb   |    |
| Forest Glen           | 10.3     |        | 8:57  | sb     |    | 10:57  | sb |        | 12:57 | sb     |    | 2:57   | sb |        | 4:57 | sb     |    |        |    |        | 6:57 | sb |    | 8:57  | sb |    | 10:57 | sb |    | 12:47 | sb   |    |
| Edgebrook             | 11.7     |        | 9:00  | sb     |    | 11:00  | sb |        | 1:00  | sb     |    | 3:00   | sb |        | 5:00 | sb     |    |        |    |        | 7:00 | sb |    | 9:00  | sb |    | 11:00 | sb |    | 12:50 | sb   |    |
| Morton Grove          | 14.4     |        | 9:05  | sb     |    | 11:05  | sb |        | 1:05  | sb     |    | 3:05   | sb |        | 5:05 | sb     |    |        |    |        | 7:05 | sb |    | 9:05  | sb |    | 11:05 | sb |    | 12:55 | sb   |    |
| Golf                  | 16.3     |        | 9:08  | sb     |    | 11:08  | sb |        | 1:08  | sb     |    | 3:08   | sb |        | 5:08 | sb     |    | ↓      |    |        | 7:08 | sb |    | 9:08  | sb |    | 11:08 | sb |    | 12:58 | sb   |    |
| Glenview              | 17.5     |        | 9:11  | sb     |    | 11:11  | sb |        | 1:11  | sb     |    | 3:11   | sb |        | 5:11 | sb     |    | 5:58   | sb |        | 7:11 | sb |    | 9:11  | sb |    | 11:11 | sb |    | 1:01  | sb   |    |
| Glen/N. Glenview      | 18.7     |        | 9:14  | sb     |    | 11:14  | sb |        | 1:14  | sb     |    | 3:14   | sb |        | 5:14 | sb     |    | ↓      |    |        | 7:14 | sb |    | 9:14  | sb |    | 11:14 | sb |    | 1:04  | sb   |    |
| Northbrook            | 21.2     |        | 9:19  | sb     |    | 11:19  | sb |        | 1:19  | sb     |    | 3:19   | sb |        | 5:19 | sb     |    | 6:05   | sb |        | 7:19 | sb |    | 9:19  | sb |    | 11:19 | sb |    | 1:09  | sb   |    |
| Lake-Cook             | 23.1     |        | 9:23  | sb     |    | 11:23  | sb |        | 1:23  | sb     |    | 3:23   | sb |        | 5:23 | sb     |    | ↓      |    |        | 7:23 | sb |    | 9:23  | sb |    | 11:23 | sb |    | 1:13  | sb   |    |
| Deerfield             | 24.3     |        | 9:26  | sb     |    | 11:26  | sb |        | 1:26  | sb     |    | 3:26   | sb |        | 5:26 | sb     |    | 6:10   | sb |        | 7:26 | sb |    | 9:26  | sb |    | 11:26 | sb |    | 1:16  | sb   |    |
| Lake Forest           | 28.1     |        | 9:31  | sb     |    | 11:31  | sb |        | 1:31  | sb     |    | 3:31   | sb |        | 5:31 | sb     |    | 6:15   | sb |        | 7:31 | sb |    | 9:31  | sb |    | 11:31 | sb |    | 1:21  | sb   |    |
| Rondout (by)          | 32.3     |        | 9:36  |        |    | 11:36  |    |        | 1:36  |        |    | 3:36   |    |        | 5:36 |        |    | 6:20   |    |        | 7:36 |    |    | 9:36  |    |    | 11:36 |    |    | 1:26  |      |    |
| Libertyville          | 35.6     |        | 9:42  | sb     |    | 11:42  | sb |        | 1:42  | sb     |    | 3:42   | sb |        | 5:42 | sb     |    | 6:26   | sb |        | 7:42 | sb |    | 9:42  | sb |    | 11:42 | sb |    | 1:31  | sb   |    |
| Prairie Crossing      | 39.3     |        | 9:48  | sb     |    | 11:48  | sb |        | 1:48  | sb     |    | 3:48   | sb |        | 5:48 | sb     |    | ↓      |    |        | 7:48 | sb |    | 9:48  | sb |    | 11:48 | sb |    | 1:37  | sb   |    |
| CN Crossing (by)      | 39.9     |        | 9:50  |        |    | 11:50  |    |        | 1:50  |        |    | 3:50   |    |        | 5:50 |        |    | 6:32   |    |        | 7:50 |    |    | 9:50  |    |    | 11:50 |    |    | 1:39  |      |    |
| Grayslake             | 41.1     |        | 9:52  | sb     |    | 11:52  | sb |        | 1:52  | sb     |    | 3:52   | sb |        | 5:52 | sb     |    | 6:34   | sb |        | 7:52 | sb |    | 9:52  | sb |    | 11:52 | sb |    | 1:41  | sb   |    |
| Round Lake            | 44.1     |        | 9:59  | sb     |    | 11:56  | sb |        | 1:56  | sb     |    | 3:56   | sb |        | 5:56 | sb     |    | 6:38   | sb |        | 7:56 | sb |    | 9:56  | sb |    | 11:56 | sb |    | 1:45  | sb   |    |
| Long Lake             | 46.1     |        | 10:02 | fb     |    | 11:59  | fb |        | 1:59  | fb     |    | 3:59   | fb |        | 5:59 | fb     |    |        |    |        | 7:59 | fb |    | 9:59  | sb |    | 11:59 | sb |    | 1:48  | sb   |    |
| Ingleside             | 47.9     |        | 10:05 | fb     |    | 12:02  | fb |        | 2:02  | fb     |    | 4:02   | fb |        | 6:02 | fb     |    | ↓      |    |        | 8:02 | fb |    | 10:02 | fb |    | 12:02 | D2 | fb |       | 1:51 | fb |
| Fox Lake              | 49.6     | Ar     | 10:17 | b      | Ar | 12:12  | b  | Ar     | 2:12  | b      | Ar | 4:12   | b  | Ar     | 6:12 | b      | Ar | 6:48   | b  | Ar     | 8:12 | b  | Ar | 10:12 | b  | Ar | 12:12 | D2 | b  | Ar    | 1:57 | b  |

## **EXHIBIT B-5**

**Metra Letter 20190305 to CP re: Peak Period Trains**





547 W. Jackson Blvd. Chicago, Illinois 60661 Telephone: 312-322-6777

March 5, 2019

Robert A. Johnson  
Executive Vice President – Operations  
Canadian Pacific  
Bldg 1, 7550 Ogden Dale Road  
Calgary, AB T2C 4X9

Re: Proposed Changes to the CP/Metra Trackage Agreement

Dear Mr. Johnson:

As recently discussed, Metra desires to pursue a pilot program of new reverse commuting operations between Chicago and Lake Forest, Illinois. This new commuter operation is an experimental solution to a problem of providing an alternate method of transportation to those people residing in the City of Chicago, but with job opportunities in the northern suburbs. These suburbs, Lake County, Pace Bus and others feel strongly enough about this issue to step forward and work together to show others a method to tackle regional issues through a coordinated team effort.

Lake County and Metra have partnered in this pilot program and we feel this new Metra service is one solution to a prevailing issue in the congested Chicago region.

Metra also understands that CP has its own operational capacity issues in the Chicago region. In an effort to reach resolution with CP, Metra is now proposing a change to the Metra Peak Periods as shown and defined on the attached replacement page 14 from the May 27, 1993, Supplemental Agreement between our organizations. Metra feels this revision allows Metra to add new service to its Peak Periods and in turn offers CP new windows for its train operation.

Metra remains ready to meet with you personally, hopefully in the next 30 days, to discuss this solution and others to help both parties address their current operational needs and the infrastructure needs for the future.

Please signify your acceptance and receipt of this proposed change by signing both original counterparts of this letter and returning one to my office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Derwinski".

James M. Derwinski  
CEO/Executive Director

Acknowledged and Accepted by CP:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CUS to B-12 & Big Timber Road - - westbound

5:15 a.m. - 8:30 a.m.

4:00 p.m. - 6:15 p.m.

Rondout to CUS - - southbound

6:00 a.m. - 7:50 a.m.

4:20 p.m. - 6:00 p.m.

CUS to A-20 - - northbound

~~6:25 a.m. - 8:45 a.m.~~ 5:35 a.m. - 7:55 a.m.

~~4:15 p.m. - 6:10 p.m.~~ 3:20 p.m. - 5:15 p.m.

A-20 to Rondout - - northbound

~~7:00 a.m. - 8:15 a.m.~~ 6:05 a.m. - 7:20 a.m.

~~4:30 p.m. - 6:20 p.m.~~ 3:55 p.m. - 5:45 p.m.

Fox Lake to Rondout - - southbound

5:00 a.m. - 8:30 a.m.

Rondout to Fox Lake - - northbound

4:30 p.m. - 6:45 p.m.

Except as required by an emergency, CP shall not interfere or permit any third party to interfere with peak period trains. CP shall not object to Metra's operations of peak period trains on the grounds that those operations unreasonably interfere with CP's or third parties' ability to provide efficient freight or intercity

## **EXHIBIT B-6**

**CP Letter 20190312 to Metra re: Reverse Commute Trains**



Copy



Robert A Johnson  
Executive Vice-President  
Operations

7550 Ogden Dale Road SE  
Calgary Alberta  
Canada T2C 4X9

T 403 319 3600  
C 612 760 1533  
E Robert\_Johnson@cpr.ca

March 12, 2019

Mr. James M. Derwinski  
CEO/Executive Director  
Metra  
547 W. Jackson Boulevard  
Chicago, IL 60661

Re: Metra's Proposed Changes to CP/Metra Trackage Rights Agreement

Dear Mr. Derwinski:

I am writing regarding Metra's request to amend the May 27, 1993 Supplemental Trackage Rights Agreement (the existing Agreement) per your letter of March 5, 2019 and the proposed timetable changes we received from Rich Oppenheim on March 8, 2019 implementing same by adding additional trains in each direction in the Rondout/Chicago Union Station corridor.

First, let me say we understand Metra's desire to explore the addition of reverse commute operations between downtown Chicago and Lake Forest. We live and work in the metropolitan area too and appreciate the transportation challenge that poses. We also appreciate and understand our obligation to serve our current and future customers, and our commitment to keeping the Chicago Rail Terminal fluid.

Given the accommodations and changes we have made to Metra already—which impact our capacity and ability to serve our customers—we are not in a position to accept Metra's proposed changes and cannot agree to them. Allow me to explain.

Under our existing Agreement, CP is limited to non-Peak periods to handle and move its traffic over the CP/Metra Joint Lines in the Chicago Terminal, and even then must share the capacity with Metra giving commuter trains priority. Peak periods are reserved exclusively for commuter trains to the exclusion of all others. The proposed changes would add three Non-Peak trains in the Rondout/Chicago Union Station corridor, a corridor vital to connecting our customer's traffic to Chicago and the national network.

Section 8.16 of the existing Agreement allows for the possibility, subject to CP's consent, of adding two Non-Peak period trains in each direction between Fox Lake and Chicago Union Station (the Rondout/Chicago Union Station corridor). We have done that already. In 1997, CP agreed to add six new reverse commute weekday trains (three in each direction, one Peak and two Non-Peak) as well as two additional Saturday trains and four additional Sunday trains in this corridor.

Since 1997, we have agreed to add other Non-Peak trains on multiple occasions: in 2002 six additional Non-Peak trains on the West Line (equally vital to CP as the north/south Rondout line), in 2006 four additional Peak trains on the West Line, and in 2008 four additional Non-Peak Saturday trains and two Non-Peak Sunday trains in the Rondout/Union Station corridor. Taken as a whole, these

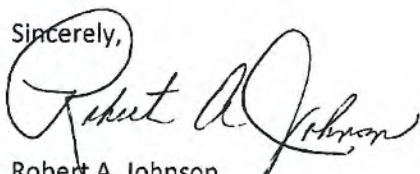
James M. Derwinski  
March 12, 2019  
Page 2

accommodations have negatively impacted our operating capacity, all the more so currently when rail traffic is increasing and expected to continue to increase.

We believe it is now time for Metra to add capacity to meet this and future service expansions—additional capacity from Union Station north to Rondout, and west from Tower A-5 to Tower B-17 and points beyond. This solution would serve Metra's and the metropolitan area's transportation needs, while serving the needs of the national rail network and economy as well.

We certainly intend to continue to abide by the Peak period provisions of the existing Agreement. If Metra can make its proposed changes work within the existing Peak Period windows that may also be an option.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Johnson". The signature is written in a cursive style with a large, looped initial "R".

Robert A. Johnson,  
Executive Vice President, Operations

cc: Tony Marquis



## **EXHIBIT B-7**

**Metra Letter 20190326 to CP re: Reverse Commute Trains**



547 W. Jackson Blvd. Chicago, IL 60661 (312) 322-6900 TTY# 1-312-322-6774

*Office of the CEO/Executive Director*

March 26, 2019

Mr. Robert A. Johnson  
Executive Vice President, Operations  
Canadian Pacific Railroad  
7550 Ogden Dale Road SE  
Calgary Alberta  
Canada T2C 4X9

***Re: Metra Request to Add Reverse Commuter Trains on Milwaukee North Line***

Dear Mr. Johnson:

Thank you for your letter of March 12, 2019, indicating that CP is not in a position to consent to amending Metra's commuter schedule to add two additional reverse commuter trains on the Milwaukee North Line during non-peak hours. While CP has consented to four new trains within the peak period, Metra would like to request CP reconsider Metra's request to shift two of those new trains to the non-peak period.

Since Metra acquired the Joint Lines in 1987, subject to CP's trackage rights, the train schedule has been adjusted many times to accommodate the ebbs and flows of freight and commuter traffic. CP has in the past consented to adding commuter trains, as set out in your letter, but please recall that Metra also made capital improvements at CP's request so that CP's traffic would not be impacted.

More recently, in February, 2018, Metra eliminated two daily weekday peak period North Central Service trains on the Milwaukee West Line and six weekend Milwaukee North non-peak trains. Please note that several times a week CP does run a train during Metra's peak period, so eliminating peak period trains does provide operational benefit to CP. Even more recently, on March 16, 2019, CP began running an additional ten daily freight trains on both Milwaukee North and West lines due to Midwest bridge outages. The point is that traffic evolves with short and long term freight and commuter needs, and those traffic changes have benefited each railroad.

We would like to emphasize that the proposed new trains are part of Metra's response to recent demand from the local businesses and communities for reverse commuter service. These new trains serve employees from major local employers such as AbbVie, Verizon, Tenneco and Grainger. The initial feed back we have received from our local partners on the peak period trains that have been introduced has been very positive. To support the new service, Metra has a public private-partnership agreement in place which, after a two-year pilot period, will provide for 100% of the funding for new universal crossovers just north of the Lake Forest station. This infrastructure improvement will benefit CP, Amtrak and Metra.

The funding of operating and capital investment in partnership with Metra to the benefit of CP and Amtrak by the business community, County of Lake, City of Lake Forest and Village of Deerfield is testimony to just how important this service is to the citizens of Northeast Illinois. There has been



positive local and national press coverage of this service. Further, this service has come to the attention of local, state and federal elected officials who have expressed a positive view of this service.

Metra is very conscious of the impact of additional commuter trains on CP's traffic and does not make this request without having given the matter much thought. Please reference a Metra internal analysis of the impact of the new service on CP's traffic dated February 4, 2019, previously delivered to CP and attached for your convenience. It is a detailed discussion of Metra's understanding of the impact of the new reverse commute trains on CP traffic. The analysis is buttressed by CP's addition of ten daily freight trains without impacting Metra's schedule.

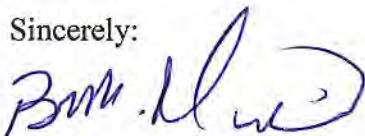
Given the importance of the new service to our local community partners and elected officials, if CP elects to not consent, Metra would appreciate, in return, an analysis in the same degree of detail so that all parties can understand how the mere adding of two trains has resulted in CP's decision. If CP does not consent, Metra is in an awkward position with our local partners and elected officials if we have no explanation beyond a blanket CP refusal.

Metra would like to propose a way forward. First, we would ask that CP agree to permit the additional trains on a pilot basis for one year, effective immediately. At the end of that year, we can assess the true demand and the actual traffic impacts. Again, given that CP has scheduled ten temporary daily additional freight trains without impacting Metra's schedule, there appears to be ample excess capacity on both the Milwaukee North and West lines.

Second, during the pilot period Metra, at Metra's expense, will arrange to have RTC modeling performed on the Milwaukee North and West lines. The modeling will allow us to have future fact based capacity discussions based on minutes of delay per 100 train miles and would be the basis for future capacity and capital improvement discussions. Metra would only ask that CP provide the appropriate train scheduling, movement data and growth assumptions to input into the model. Since CP dispatches the line, this information is not otherwise available to Metra.

Thank you in advance for CP's reconsideration of Metra's requests.

Sincerely:



James M. Derwinski  
CEO/Executive Director





547 W. Jackson Blvd. Chicago, IL 60661 (312) 322-6900 TTY# 1-312-322-6774

**Memorandum**

February 4, 2019

TO: Distribution

FROM: R. P. Oppenheim, Assistant Superintendent

SUBJECT: **Addition of Proposed Off-Peak Metra Trains for Lake County Partners Pilot Program**

This has reference to Metra's proposal to add 4 additional trains to the current Metra Milwaukee North Schedule. 2 of the 4 trains operate in the Metra "Peak Period" and 2, 2191 and 2193, operate outside the Peak Period. The addition of non-peak period trains to the existing schedule is addressed in Section 8.16 of the Metra-CP Operating Agreement:

*"Metra may not change the schedule on Attachment 6 without CP's prior written consent, which may not be unreasonably withheld; providing that such change shall not materially interfere with freight operations."*

Metra contends that neither the proposed schedule of Train 2191 nor the proposed schedule of Train 2193 will materially interfere with freight operations. Under current operations, existing windows between scheduled Metra and Amtrak trains in which freight trains may operate without delaying scheduled trains are well defined. As shown below, the addition of neither 2191 nor 2193 will materially change any of the existing freight windows:

**2191:**

Proposed schedule has 2191 departing CUS 0535, by Tower A5 0547, by Tower A20 0610 arriving Rondout 0627. Currently freight windows for that time of the morning are structured around the schedule of Amtrak 329 who leaves CUS at 0610, passes Tower A5 at 0619, Tower A20 0637 and Rondout 0648. Westward freight traffic operating via Tower A5 typically must clear Tower A5 by 0535 in order to stay ahead of Amtrak 329. If this window is missed, Westward freight still has time to leave A5 behind Amtrak 329 during the 25 minute gap between Amtrak 329 and Metra 2101. With 2191 due Tower A5 0547 and making local stops through Edgebrook, a Westward freight could still operate out of Tower A5 prior to 0535 and stay ahead of 2191 to Rondout. If this window were missed, the existing window between Amtrak 329 and Metra 2101 would remain unchanged and available for Westward freight use.

Similarly, between Tower A20 and Rondout, early morning windows would still be available ahead of Amtrak 329 as they are now, either ahead of or behind 2191. The larger window between Amtrak 329 and Metra 2101 (from 0637 to 0710) would not change in any way.

**2193:**

2193 was purposely scheduled to depart Chicago at 1520, 5 minutes behind Amtrak 337. Westward freight traffic that shows up at Tower A5 at this time of the afternoon is handled in one of two ways:

1. If freight is at A5 in time to follow Metra 2121 at 1447 and early enough to clear inbound Metra 2138 at 1510 it operates out of A5 directly behind 2121. In this window, freight typically stays ahead of Amtrak 337 past Rondout.
2. If freight cannot clear inbound 2138 at Tower A5, the normal move is to bring the Westward freight out of Tower A5 on #2 Main Track to Mayfair. At Mayfair, freight then normally is held for Amtrak 337 to pass at 1528 and UP 623 at 1540. Freight then crosses to #1 Main Track and continues on to Rondout behind 337. With 2193 scheduled out of Chicago at 1520 and due Mayfair at 1539, the same window would still be available at Mayfair behind 2193 and UP 623.

For Tower A20 to Rondout, current existing windows at this time of day are:

- Following Amtrak 337. Sufficient time would still be there to move a Westward freight out of Tower A20 behind Amtrak 337 and ahead of 2193 without delaying 2193 who makes stops at Morton Grove, Glenview, and North Glenview, or there would still be opportunity to move freight behind 2193 and ahead of 2123.
- There are still two more current windows for moving Westward freight out of Tower A20 which would not in any way be affected by 2193's schedule: Behind 2144 and ahead of 2127 at 1640, and behind 2129 and ahead of 2131 at 1710.

In summary, the addition of proposed trains 2191 and 2193 to the current Metra Milwaukee North Line schedule would not significantly reduce any of the existing freight windows, and would therefore not interfere materially with CP freight operations.

Distribution: B. Marcheschi, J. Milano, J. Bauer, R. Bear



## **EXHIBIT B-8**

**CP Letter 20190402 to Metra re: Reverse Commute Trains**



Robert A Johnson  
Executive Vice-President  
Operations

7550 Ogden Dale Road SE  
Calgary Alberta  
Canada T2C 4X9

T 403 319 3600  
C 612 760 1533  
E Robert\_Johnson@cpr.ca

April 2, 2019

Mr. James M. Derwinski  
CEO/Executive Director  
Metra  
547 W. Jackson Boulevard  
Chicago, IL 60661

Re: Metra's Proposed Changes to CP/Metra Trackage Rights Agreement to Add  
Reverse Commuter Trains

Dear Mr. Derwinski:

I am writing with reference to your letter of March 26.

We understand Metra's desire to add additional reverse commuter trains and have offered a way to realize that goal. Under our existing Agreement, which has worked well for decades, Metra enjoys exclusive use of the Joint Lines during the Peak Periods. We have no objection to Metra slotting the additional reverse commuter trains in the Peak Period windows. If that proves difficult, we have indicated a willingness to move the times of the Peak Periods to accommodate the additional trains, but not at the expense of slipping Peak trains into the Non-Peak periods.

The issue is capacity. We have to protect our Non-Peak capacity because CP is limited to the Non-Peak periods to handle and move its traffic, and even then must share Non-Peak capacity with Metra giving commuter trains priority. Protection of capacity is vital. Without it we cannot serve our customers today or in the future. It's important to note too that our business is not static. By all accounts freight rail traffic is growing and will continue to grow especially in the Chicago Terminal, the heart of the national network. Yes, we were able to add ten additional trains recently due to flood related washouts throughout the Midwest. That goes to the point capacity is not an issue confined to today's business and tomorrow's growth. Surge capacity is also necessary to deal with weather related and other challenges we cannot predict or control, but which occur.

We appreciate that the Amtrak Hiawatha project may bring universal crossovers to Lake Forest. This improvement, however, will not address the issues presented by an erosion of CP's Non-Peak capacity. We also appreciate Metra's suggestion regarding modeling of delay minutes per 100 train miles. Modeling is a snapshot in time typically based on past history. It does not capture the dynamics of the business, unpredictable challenges, or the judgment necessary to evaluate capacity. CP is committed to honoring its obligations under the existing Agreement, and has offered Metra a path forward under that Agreement. We also suggest that Metra consider seeking the capital necessary to add additional capacity. This solution would serve Metra's and the metropolitan area's transportation needs, while assisting the needs of the national rail network and economy as well.

James M. Derwinski  
April 2, 2019  
Page 2

We do not intend to engage in a letter writing battle. This is our position in the matter. It is not subject to negotiation or change outside the path forward we have outlined.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Johnson". The signature is fluid and cursive, with a large initial "R" and "J".

Robert A. Johnson,  
Executive Vice President, Operations

cc: Tony Marquis

## **EXHIBIT B-9**

**Metra Letter 2008 re: CP Hot Line Dispatcher Phones**



## *Memorandum*

September 25, 2008

TO: Yardmasters – Track 19

FROM: R. P. Oppenheim, Trainmaster

**SUBJECT: CP Dispatcher “Hot Line”**

At Metra’s request, CP has agreed to provide “Hot Line” access to the CP C&M Dispatcher and the CP Elgin Dispatcher desks. In providing this line for our use, CP has requested, and Metra has agreed, that the following guidelines be followed:

1. The “hot lines” would be made available to the Track 19 Yardmasters and CUSD Company officers **ONLY**. These numbers must not be given out to anyone, including Train Crews, Engineering Department personnel, etc.
2. The existing “traditional” phone numbers will be continued to be used for all normal communications with the Dispatchers. The “hot lines” are only to be used in those situations which require immediate Dispatcher attention. Some examples of this type of situation would be requests for last minute train routings or equipment turns, instructions during accidents or other service disruptions, last minute TGBO needs, etc. In other words, the “hot lines” are **ONLY** to be used for those situations which cannot wait.
3. The “hot lines”, like the traditional lines, are recorded. CP will monitor the use of these lines, and if they determine that the guidelines as outlined above are not being followed, Metra’s access to these lines will be terminated.

The “hot lines” are as follows:

C&M -- 612-xxx-xxxx

ELGIN -- 612-xxx-xxxx

Again, **DO NOT GIVE THESE NUMBERS OUT**, and keep this letter where it will not be seen by others coming in to Track 19. If there are any questions, please let me know.



## **EXHIBIT 8**

### **Verified Statement of Greg Godfrey (METR-07)**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**STB Finance Docket No. 36500**

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**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 – KANSASCITY SOUTHERN, THE KANSAS CITY SOUTHERN  
RAILWAY COMPANY, GATEWAY EASTERN RAILWAY COMPANY,  
AND THE TEXAS MEXICAN RAILWAY COMPANY**

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**VERIFIED STATEMENT OF GREG J.M. GODFREY**

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1. I am Greg J.M. Godfrey. I am the Director of the Consolidated Control Center (train dispatching office) with two years with Metra and nineteen years railroad experience.
2. In my current role my responsibilities include overseeing traffic control for several of Metra's Districts, staffing of trains and passenger stations, and supervising a staff of approximately 65 employees and approximately 500 train movements daily.
3. Before taking this position, I was the Assistant Supt. for Train Movement with Amtrak for 6 year overseeing Chicago Union Station, Michigan Line and New Orleans, with responsibility for the making up of 28 Amtrak trains and more than 500 train movements daily. Prior to that I was Director of Operations for Caltrain, overseeing Caltrain in California responsible for 112 train movements daily. I have a Masters Degree in City and Regional Planning with a focus on urban design and transportation. For a decade, I have been compiling statistics, reports, and other analytics on train movements, performance and safety.
4. A copy of my resume is attached as **Exhibit E-1**.
5. I have been directly involved in a key leadership role in the transition and oversight of the hand off and acceptance of other railroad carriers, including the transition of safety

related operating protocols and documents. I led the train movement and training portion for operating rules for a railroad transition to my staff, which included the operation of several important industrial tracks for freight operations. While significantly reducing passenger train delays on the line, I also worked and excelled at train dispatching service for local businesses, industrial freight, and protected the operation of the flow of goods to keep local businesses running through continual training of staff. I developed strategic customer service protocols for the freight and industrial customers to ensure delivery windows would keep local businesses in operation.

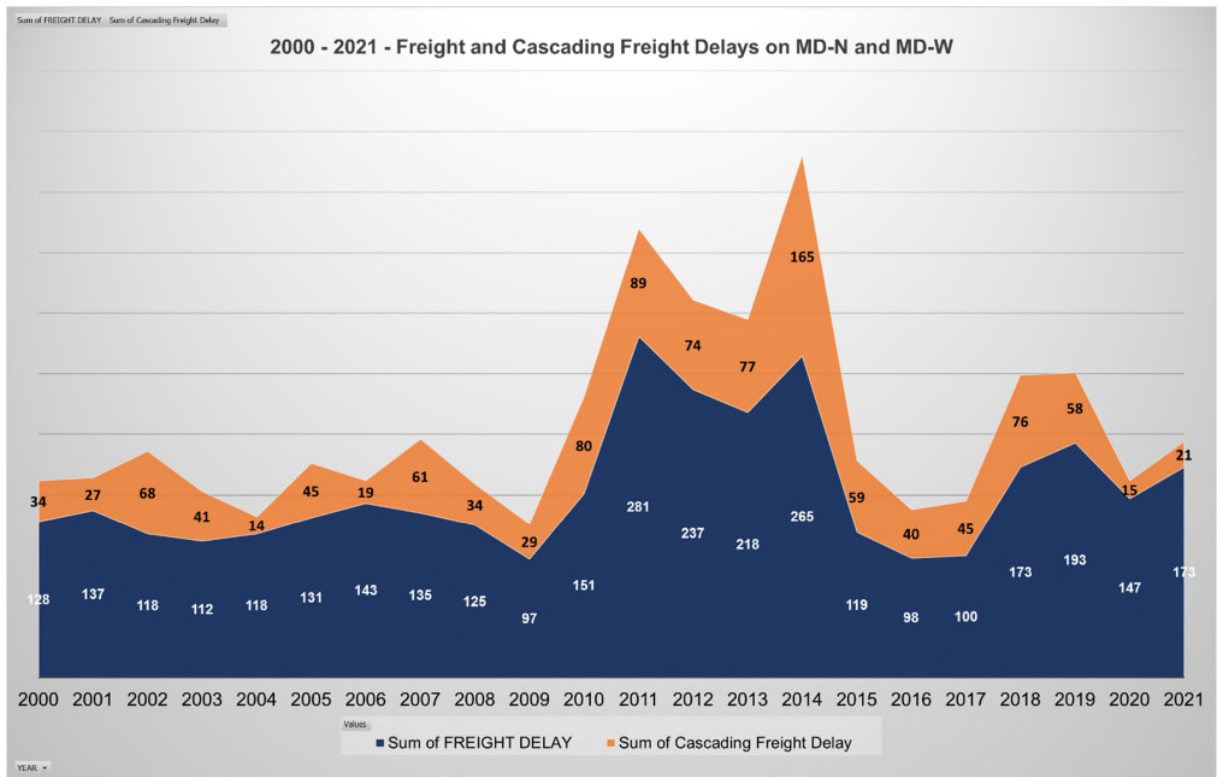
6. I am familiar with excel, analysis, and other train movement data streams and able to mass analyze complex data streams.

#### **Evaluation of Metra Data on CP-Caused Delays**

7. In preparation for Metra's comments in these proceedings I reviewed train event delay data for Metra's Milwaukee District-North Line ("MD-N") and Milwaukee District-West Line ("MD-W") in order to evaluate and represent the scope and nature of freight-caused delays on these lines. The data I evaluated came from raw data in Metra's data warehouse (TOPS) —Train Operations and Performance System. In order to separate freight-caused delays from other delays, I extracted Freight Delay and Cascading Freight Delay Code Data from this archive. This data is designated with a D and a D1 code. D data is directly related train movement and decision-making delays caused when a freight train operational decision interferes with the timely operation of a Metra train. Other data – D1 data – is cascading delays resulting from these decisions. For example, a decision could be made that delays a train. This train then arrives at its terminal late and then turns for another train which departs late because the departure was waiting on the train and/or crew operating the first train. This data represents Metra's most accurate count of

reported delays, *i.e.* delays that resulted in a Metra train reaching its final destination more than five minutes and 59 seconds (or, for construction schedules, more than 15 minutes and 59 seconds) after its scheduled arrival at its final destination.

8. In order to capture the full impact of freight interference on Metra’s service on MD-N and MD-W, I assessed both delays caused directly by freight interference as well as “cascading delays” caused indirectly by freight interference. Cascading delays refer to delays caused by an initial delay caused by freight activity. If a Metra train is delayed in making it to its final destination, that means the same trainset needed to depart in the reverse direction will usually also be delayed. Because the initial train is delayed, when it “flips” directions as a new train, it starts behind schedule. Another reason for cascading delays is the limited ability for train signal systems to support additional throughput.
9. To evaluate and represent the impact of direct and “cascading” delays, I first calculated the total number of delays for each year from 2000 to 2021 on MD-N and MD-W, and then represented them graphically, showing both delays directly caused by freight interference as well as “cascading delays” caused by the knock-on effects of freight-caused delays. The results of this analysis, showing in **Figure 1** indicate that during this time freight-related delays impacted 1.23 million Metra customers with delays totaling 57,048 minutes, or nearly 40 days and nights. Notably, this data captures only reportable delays, not delays that are shorter than five minutes and 59 seconds (or 15 minutes and 59 seconds for construction schedules).



**Figure 1**

10. Because TOPS data is used to track reportable delays, it does not reflect unreported delays or other types of interference. In response to continual issues with CP delays, and given the specific and limited nature of reportable delay data, from October 2020 to September 2021 my office has also tracked CP-caused freight delays in more systematic detail on MD-N and MD-W. This data, recorded in spreadsheet form (“CP Delay Data”), reflects delay events that do not meet the thresholds for reportable delays but nevertheless impact Metra’s service. This includes brief descriptions about delays, exact minutes of delay, whether the delay impacted peak period trains, and whether the delay was attributed to specific causes, *e.g.* dispatcher delays. I am familiar with CP Delay Data and can attest to its accuracy, and I have reviewed it in preparing this Verified Statement.



### **Experience With Dispatching-Related Issues with CP**

11. In my capacity as Director of Dispatching at Metra, I have personal knowledge regarding the manner in which CP's control of dispatching impacts Metra's service on MD-N and MD-W. I have furthermore reviewed and analyzed the data sources above to help further assist in my assessment of the impacts of CP's control of dispatching.
12. Since my time at Metra, I have personally experienced CP's dispatching of Metra's MD-N and MD-W has regularly interfered with Metra's commuter rail service. On a nearly weekly basis, CP dispatchers regularly prioritize freight trains ahead of Metra trains, even during Metra's "peak periods" when CP is contractually obligated to prioritize Metra's trains. The data reviewed and analyzed above further supports my experience, reflecting that the issues regarding consistent freight interference with Metra service caused by CP dispatching and operational practices precede my arrival at Metra.
13. To provide one example, in February 2020, just before the full impact of the COVID-19 pandemic, Metra's MD-W Line experienced 22 freight-related delays on 11 different days, during both peak and off-peak times, resulting in an average of 40 minutes delay each day in which delays occurred, and as much as two hours in a single day. Causes for the delays included stopped or slowed freight trains on Metra's mainline track, including crew changes on mainline track near CP's busy Bensenville Yard.
14. On March 28, 2020, a CP train stopped on Metra's mainline track to cut off power and make a crew change outside of Bensenville Yard, even though this activity is supposed to be conducted inside the yard precisely to avoid interference with Metra trains. The event resulted in delays of 16 minutes and 25 minutes for two separate Metra trains.
15. Since implementation of Precision Scheduled Railroading (PSR) by CP during 2019-2020, the number of intentional delays, i.e. those delays where CP dispatching decisions are made to advance freight traffic knowing that a delay to a Metra train or trains will

necessarily result, have noticeably increased. A similarly troubling recent trend is that of documented incidents where senior CP management is directly involved in the prioritization of freight operations.

16. On a number of recent occasions my staff and I have witnessed CP dispatchers who are able to prioritize or avoid delay to Metra being directly told by senior management to move CP trains, regardless of the impact on the network. Because of the timetable authority of CP train dispatchers over Metra train dispatchers, sometimes Metra train dispatchers are even forced and required by CP to follow these instructions to display signals for freight trains ahead of Metra trains.
17. CP's control over dispatching also causes interoperability issues. In 2021, when upgrading new TMDS CAD software in Metra and CP systems, some Metra installations were required to be delayed to accommodate interoperability with CP's other systems on non-Metra owned lines. Although Metra offered CP the opportunity to update its own software at the same time as Metra, CP declined. Because the software interface changed between updates, some of the same features included in the new update were not available in the older version. This difference resulted in at least one dispute between Metra and CP regarding the ability of a dispatcher to correct a signal designation that lead to exasperating a delay of Metra trains. The fact that CP's timetable, rule book, and protocols and decisions regarding software updates govern the operation of Metra's service on Metra's lines increases the likelihood of unnecessary disruption to Metra's operations.
18. Additionally, because of the differences in Operating Timetables, Metra's Train Dispatching system requires two sets of logic programming, with Canadian Pacific approving and reviewing one set of logic. This costs Metra staff time, staff planning time, and delays to its own deployment of its software and safety needs. If there was one

operating timetable, Metra's on Metra's owned lines, these safety and operational programming requirements would be streamlined, enabling Metra to avoid negative impacts caused by the Transaction while ensuring both freight trains and passenger trains on Metra's lines are routed in an efficient and effective manner.

19. The conclusion I draw from CP's past and current conduct in operating and dispatching Metra's lines is that Metra will see a greater adverse impact on train schedules and reliability, on passenger safety and convenience, and on operational efficiency due to the proposed merger.
20. The comments, facts and statements that I have provided, including analytical graphs, graphics, and charts as displayed and submitted as part of this process on behalf of Metra and I Greg J.M. Godfrey will attest to their accuracy based on the available raw data in Metra's data warehouse (TOPS).

I, Greg J.M. Godfrey, declare under penalty of perjury that the foregoing is true and correct.

Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on March 15<sup>th</sup>, 2022.

A handwritten signature in black ink, appearing to read "Greg J.M. Godfrey", is written over a horizontal line.

Greg J.M. Godfrey

## **EXHIBIT 9**

**CP Letter 20190402 to Metra re: Reverse Commute Trains  
(METR-07, Exh. B-8)**



Robert A Johnson  
Executive Vice-President  
Operations

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Calgary Alberta  
Canada T2C 4X9

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C 612 760 1533  
E Robert\_Johnson@cpr.ca

April 2, 2019

Mr. James M. Derwinski  
CEO/Executive Director  
Metra  
547 W. Jackson Boulevard  
Chicago, IL 60661

Re: Metra's Proposed Changes to CP/Metra Trackage Rights Agreement to Add  
Reverse Commuter Trains

Dear Mr. Derwinski:

I am writing with reference to your letter of March 26.

We understand Metra's desire to add additional reverse commuter trains and have offered a way to realize that goal. Under our existing Agreement, which has worked well for decades, Metra enjoys exclusive use of the Joint Lines during the Peak Periods. We have no objection to Metra slotting the additional reverse commuter trains in the Peak Period windows. If that proves difficult, we have indicated a willingness to move the times of the Peak Periods to accommodate the additional trains, but not at the expense of slipping Peak trains into the Non-Peak periods.

The issue is capacity. We have to protect our Non-Peak capacity because CP is limited to the Non-Peak periods to handle and move its traffic, and even then must share Non-Peak capacity with Metra giving commuter trains priority. Protection of capacity is vital. Without it we cannot serve our customers today or in the future. It's important to note too that our business is not static. By all accounts freight rail traffic is growing and will continue to grow especially in the Chicago Terminal, the heart of the national network. Yes, we were able to add ten additional trains recently due to flood related washouts throughout the Midwest. That goes to the point capacity is not an issue confined to today's business and tomorrow's growth. Surge capacity is also necessary to deal with weather related and other challenges we cannot predict or control, but which occur.

We appreciate that the Amtrak Hiawatha project may bring universal crossovers to Lake Forest. This improvement, however, will not address the issues presented by an erosion of CP's Non-Peak capacity. We also appreciate Metra's suggestion regarding modeling of delay minutes per 100 train miles. Modeling is a snapshot in time typically based on past history. It does not capture the dynamics of the business, unpredictable challenges, or the judgment necessary to evaluate capacity. CP is committed to honoring its obligations under the existing Agreement, and has offered Metra a path forward under that Agreement. We also suggest that Metra consider seeking the capital necessary to add additional capacity. This solution would serve Metra's and the metropolitan area's transportation needs, while assisting the needs of the national rail network and economy as well.



James M. Derwinski  
April 2, 2019  
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We do not intend to engage in a letter writing battle. This is our position in the matter. It is not subject to negotiation or change outside the path forward we have outlined.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Johnson". The signature is fluid and cursive, with a large initial "R" and "J".

Robert A. Johnson,  
Executive Vice President, Operations

cc: Tony Marquis