



# Lake County Illinois

## Legislation Text

File #: 22-0581, Version: 1

Resolution requesting the Surface Transportation Board deny the merger of the Canadian Pacific Railway and the Kansas City Southern as currently proposed, and requesting conditions for any potential merger approval that include Metra being granted dispatch rights along with other appropriate mitigation measures that protect the health, safety, and economic wellbeing of Lake County's residents and businesses.

- On October 29, 2021, the Canadian Pacific Railway (CP) and Kansas City Southern (KCS) filed an application with the Surface Transportation Board (STB) seeking authorization from the STB for CP to acquire KCS.
- On March 15, 2022, the Commuter Rail Division of the Regional Transportation Authority (Metra) filed STB Finance Docket No. 36500 opposing the merger.
- According to Metra's filing, CP's merger application data indicates freight train traffic will increase up to 380 percent on rail lines owned by Metra.
- The resulting increase in freight train traffic will have adverse impacts for Metra operations, create safety concerns of Metra's commuters, negatively impact the condition of the existing rail infrastructure, and could create unsafe and unfavorable conditions for surrounding communities and motorists in Lake County.
- CP, through a 99-year contract with Metra, currently controls freight and commuter train dispatching along the Milwaukee District-North Line in Lake County. Should the STB decide to approve the merger, Metra is requesting they be granted dispatch rights to control the allocation of track capacity over lines they own.
- Long-term impact monitoring (10 years minimum) and corresponding offsetting mitigation measures to adequately address any identified impacts should be a requirement imposed by the STB on CP as a condition of any merger approval.
- Required mitigation measures should include, but not limited to, rail infrastructure improvements, establishing railroad corridor quiet zones, constructing noise walls, constructing rail/road grade separations, constructing pedestrian crossing over/underpasses and/or pedestrian crossing gates.
- At its April 6th meeting, the PWPT Committee discussed this issue and gave (1) consensus approval to draft a Resolution requesting that the STB deny the merger as currently proposed and requesting conditions for any potential merger approval; and (2) consent for the County Board Chair to have the Resolution placed on the April Board agenda.

### **RESOLUTION**

**WHEREAS**, Metra operates commuter rail service in Lake County on the Milwaukee District-North Line (MD-N); and

**WHEREAS**, the MD-N line traverses north-south through Lake County passing through the

communities of Deerfield, Bannockburn, Lake Forest, Green Oaks, and the Canadian Pacific Railway (CP) Line continues north after Rondout through Waukegan, Park City, Gurnee, and Wadsworth; and

**WHEREAS**, the CP operates an average of 12 freight trains per weekday across various state, county, and local at-grade street crossings along the MD-N; and

**WHEREAS**, through a 99-year term contract, the CP uses the MD-N line to move freight and controls the dispatch rights for both freight and commuter trains along the line; and

**WHEREAS**, the CP has proposed a merger with the Kansas City Southern Railway (KCS) and its U.S. rail carrier subsidiaries; and

**WHEREAS**, the proposed merger is expected to increase freight traffic by the CP on Metra owned rail lines up to 380 percent; and

**WHEREAS**, the merger, as proposed, will result in adverse impacts to Lake County residents, including an increase in vehicle delays at crossings, potential Metra commuter rail schedule changes and delays, pedestrian and commuter safety issues at crossings and commuter stations, increases in hazardous material transport, delayed emergency response times, increases in noise and air quality concerns due to an increase in train traffic as well as emissions associated with a significant increase in rail car handling and transport; and

**WHEREAS**, an increase in freight traffic will create additional delays that negatively impact emergency and commuter vehicle movements and pedestrian movements at the following existing at-grade rail/roadway locations: Hazel Avenue, Greenwood Avenue, Illinois Route 22, West Old Mill Road, Everett Road, Conway Road, Illinois Route 176, Atkinson Road, Wadsworth Road, Illinois Route 173, and Russell Road; and

**WHEREAS**, Lake County shares a common interest with residents and businesses to protect their health, safety and economic interests, including preventing this merger from occurring as proposed; and

**WHEREAS**, on March 15, 2022, Metra filed before the Surface Transportation Board (STB) Finance Docket No. 36500 opposing the merger as proposed by CP and KCS and requesting certain conditions should the STB consider granting approval; and

**WHEREAS**, Metra is requesting dispatch rights for all train movements on lines owned by Metra, including those under the current 99-year contract with the CP, as a condition of approval of the merger by STB; and

**WHEREAS**, this Lake County Board believes it is in the best interest of the residents and businesses of Lake County for Metra to be granted dispatch rights as a condition of approval of the STB merger; and

**WHEREAS**, this Lake County Board believes the STB should require long-term monitoring, for a minimum of 10 years, to properly assess impacts that result from the approval of the merger; and

**WHEREAS**, this Lake County Board believes the STB should require the CP to undertake all reasonable offsetting mitigation measures to address any identified impacts over the long-term monitoring period; and

**WHEREAS**, this Lake County Board believes reasonable offsetting mitigation measures should include, but not be limited to, rail infrastructure improvements such as new switches and crossovers, railroad corridor quiet zones along with all federally required improvements for at-grade roadway intersections, noise walls, rail/roadway grade separations, pedestrian over/underpasses and/or pedestrian crossing gates.

**NOW, THEREFORE BE IT RESOLVED**, that the members of this Lake County Board hereby oppose the merger as currently proposed by CP and KCS; and

**BE IT FURTHER RESOLVED**, that the members of this Lake County Board hereby support Metra's filing of Finance Docket No. 36500 before the STB and the conditions for approval of the merger as laid out, including the transfer of dispatch rights to Metra for the lines Metra owns; and

**BE IT FURTHER RESOLVED**, that the members of this Lake County Board hereby request that the STB include certain conditions of any CP and KCS merger that may ultimately be approved. These conditions, at a minimum, should include the items in the following paragraphs; and

**BE IT FURTHER RESOLVED**, that the members of this Lake County Board hereby request long-term monitoring, for a minimum of 10 years, associated with the increased freight traffic along the MD-N and the CP Line in Lake County, Illinois as a condition of approval of the merger by the STB; and

**BE IT FURTHER RESOLVED**, that the members of this Lake County Board hereby request that the STB require CP to implement all reasonable offsetting mitigation measures identified during the long-term monitoring period along the MD-N and the CP Line in Lake County, Illinois, as a condition of approval of the merger by the STB; and

**BE IT FURTHER RESOLVED**, that the members of this Lake County Board hereby request that the STB require CP to plan, design, construct and pay for all associated costs with the implementation of the identified mitigation measures, and these mitigation measures should include, but not be limited to, rail infrastructure improvements, railroad corridor quiet zones along with all federally required improvements for at-grade roadway intersections, noise walls, rail/roadway grade separations, pedestrian over/underpasses and/or pedestrian

crossing gates; and

**BE IT FURTHER RESOLVED**, that the members of this Lake County Board hereby request that the STB require CP to consider mitigation measures at the following existing rail/roadway locations: Hazel Avenue, Greenwood Avenue, Illinois Route 22, West Old Mill Road, Everett Road, Conway Road, Illinois Route 176, Atkinson Road, Wadsworth Road, Illinois Route 173, and Russell Road.

**DATED** at Waukegan, Illinois, on April 12, 2022.