

Congress of the United States

House of Representatives

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Congressman Raja Krishnamoorthi's 2023 Members Day Hearing Testimony For The U.S. House Committee on Transportation and Infrastructure

April 18, 2023

Thank you, Chairman Graves and Ranking Member Larsen, for the opportunity to participate in this hearing. My statement today focuses on the projected increased rail activity in my district and the adverse effects it will have on the surrounding communities.

The Surface Transportation Board (STB) recently approved the merger of our country's sixth and seventh largest railroads— Canadian Pacific (CP) and Kansas City Southern (KCS). The largest metropolitan area in the country affected by this merger will be the Chicago area, and the area of Chicagoland most affected by the merger will be the towns and cities on the Milwaukee District West (MDW) line, a central corridor line that runs through the heavily populated suburban communities from Bensenville to Elgin, Illinois. These towns and villages, comprising hundreds of thousands of people, lie almost entirely within my congressional district (IL-08).

This merger will at a minimum quadruple freight train traffic along the MDW line—from three to eleven freight trains.¹ Multiple stakeholders—including Metra, Canadian National, and a coalition of communities in my district— have heavily disputed CP's train count projections and believe that the merger would actually increase freight traffic from three to *eighteen* daily trains.² These dramatic increases in freight traffic would have significant impacts on one of the most important transportation hubs in the country, including increased delays of local emergency responders, more frequent commuter rail interruptions, and a higher risk of hazardous material spills.

Under the ICC Termination Act, which created the STB, the board may approve a merger if it finds that it is in "the public interest."³ Despite my efforts with Senators Durbin and Duckworth, and other members of the Illinois delegation in raising voicing of our concerns and opposition of the merger as proposed, the STB has decided to accept CP's data and find that this merger is in "the public interest," even with impacts on emergency responders, commuter rail, and the environment.

For these reasons, and the reasons outlined below, I respectfully request that the T&I Committee consider legislative fixes that would authorize increased scrutiny from the STB of future proposed merger's local impacts, including on local public safety, emergency services, and public transportation in heavily populated areas.

¹ Surface Transportation Board (STB) Office of Environmental Analysis (OEA), *Canadian Pacific Acquisition of Kansas City Southern: Draft Environmental Impact Statement*, August 5, 2022, Chapter 3: Freight and Passenger Rail Safety, Page 3.1-33.

² Coalition to Stop CPKC STB filing, June 9, 2022, Page 8.; Metra STB filing, March 15, 2022, Page 62.; Canadian National STB filing, September 6, 2022, Page 4.

Currently, the three freight trains traveling the MDW line already cause delays for emergency vehicles because freight trains—which average 10,000 feet in length—are long enough to block all the crossings in some communities simultaneously, including each of the four crossings in Itasca.⁴ Forcing responders to take lengthy alternate routes, these blockages prevent emergency responders from reaching emergencies in a timely fashion. According to Wood Dale’s Fire Chief, freight trains cause delays to “double, and in some cases triple, both response times and travel distances to the farthest points in any response area.”⁵ And, according to Itasca’s Fire Chief, if a freight train blocks the crossings in Itasca, a response that normally takes 1 minute and 15 seconds, would take 14 minutes.⁶ These drastic delays put people’s lives and homes at immediate risk in times of crisis. 60% of the nearly 13,000 emergency calls to the Itasca Police over the last two years were from the opposite side of the tracks from where the department is located.⁷ Between Elgin and Bensenville alone, there are 54 crossings over approximately 20 miles of track,⁸ which emergency responders frequently use to reach emergencies. Increasing the freight traffic going through these communities by at least eight additional daily trains will dramatically increase the frequency of delays that our emergency responders currently face to an intolerable level.

Unfortunately, the impact of these delays extends further than emergency vehicles. Metra, the signature commuter rail system for Chicagoland residents, could similarly face setbacks as a result of the merger. CP’s three freight trains that run on Metra’s MDW and Milwaukee District-North lines already cause frequent Metra commuter train delays, and additional freight trains would significantly worsen these delays. According to Metra, CP, which has dispatching rights on Metra’s lines, regularly violates its contractual obligation to allow Metra to operate during specified windows of time by giving preference to freight rail over Metra trains.⁹ These violations lead to Metra commuter delays of over 20 minutes, even during peak periods.¹⁰ During the review of the proposed merger, Metra suggested that the merger would cause an almost 300% increase in delays, which would “break” its system.¹¹ These additional delays potentially encourage hundreds of thousands of commuters to drive rather than take Metra trains, clogging our roads, harming the environment, and setting back public transit for decades.

In addition, increased rail traffic puts communities at greater risk of derailments and hazardous spills—and the United States has seen the damaging impacts of multiple recent derailments. In February, Norfolk Southern Railroad cars derailed near East Palestine, Ohio, causing a hazardous spill that has contaminated at least 15,000 pounds of soil and 1.1 million gallons of water.¹² On March 30, another train derailment of twenty-two freight rail cars carrying multiple substances, including ethanol, caused a mass evacuation of nearby residents in Raymond, Minnesota.¹³ Four

⁴ Coalition to Stop CPKC STB filing, June 9, 2022, Page 10.

⁵ Wood Dale Fire Chief James Burke, STB Hearing on CPKC Merger, September 28, 2022.

⁶ Itasca Fire Chief Jack Schneidwind, Press Briefing in Schaumburg, October 4, 2022.

⁷ Itasca Police Chief Robert O’Connor, STB Public Meeting in Itasca, September 12, 2022.

⁸ Coalition to Stop CPKC STB filing, June 9, 2022, Page 10.

⁹ Metra STB filing, March 15, 2022, Pages 11-12.

¹⁰ State of Metra Operations, August 2022.

¹¹ Metra STB filing, July 8, 2022, Attachment B.

¹² Li Cohen, Ohio Train Derailment Contaminated at Least 15,000 Pounds of Soil and 1.1 Million Gallons of Water, Norfolk Southern Says, CBS News, (Feb. 20, 2023)

¹³ Marlene Lenthag, Train carrying ethanol derails and catches fire in Minnesota, forcing residents to evacuate, NBC News, (March 30, 2023)

of the cars carrying ethanol, caught fire and continued to burn for more than 14 hours, putting people at risk of severe headaches, nausea, and sickness.^{14 15}

On March 26, multiple freight cars of a CP train derailed on Metra's MD-W line in Franklin Park, Illinois—the very line that CP trains operate on in suburban Chicago.¹⁶ Luckily, no hazardous materials were released in Franklin Park; however, the approved merger between CP and KCS is expected to bring almost 11,000 additional carloads of hazardous materials per year through my district's communities, putting them at greater risk of a potential spill.¹⁷

Though the STB's final decision includes an unprecedented seven-year oversight period to monitor Metra operations and public safety, I believe that greater scrutiny should be given regarding a proposed merger's impacts on local communities, and therefore local economies and livelihood, during the STB's review process. I urge this committee to prioritize the safety and well-being of our communities, including the investments that we have put in improving public transit, and I urge you to consider legislation that will ensure these concerns are considered more thoroughly in future reviews of mergers.

As our nation contends with some of the most serious questions of railway safety raised in generations, I fear that decisions increasing train traffic through my communities will similarly lead what has happened in East Palestine and Raymond to happen in Elgin or Roselle.

¹⁴ Holly Yan, Tina Burnside, Ella Nilson, Carroll Alvarado, [A blaze still burns after a train carrying highly flammable ethanol derailed in Minnesota. Crews are assessing 3 more cars carrying ethanol](#) CNN (March 30, 2023)

¹⁵ New Jersey Department of Health, Hazardous Substance Fact Sheet: Ethanol (October 2010)

¹⁶ Sun-Times Wire [Canadian Pacific freight train cars derail in Franklin Park](#), Chicago Sun-Times (March 26, 2023)

¹⁷ Surface Transportation Board, [Canadian Pacific Acquisition of Kansas City Southern Final Environmental Impact Statement](#), C-19, (Jan. 27, 2023).