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September 14, 2023

RE: OMB control number (2130–NEW); Docket No. FRA–2023–0002-N-17
Comment in Support of Collecting Train Length Data

To Federal Railroad Administration:

Pursuant to the “Proposed Agency Information Collection Activities: Comment Request” (“Comment Request”) published by the Federal Railroad Administration (“FRA”) in the Federal Register on July 21, 2023, the Coalition to Stop CPKC (“Coalition”) submits the following comments in strong support of the proposal to collect information from Class I railroads on the long trains they increasingly operate in interstate commerce and through cities and communities.

I. Identity and Interest of the Coalition

The Coalition is group of nine urban Chicago communities¹ located along the Milwaukee District West Line (“MD-W Line”) owned by the Commuter Rail Transportation Division of the Regional Transportation Authority (“Metra”). The total population spread out over this approximately 20-mile segment of Metra’s system is over 350,000. There are also 30 at grade road crossings, and 24 at grade pedestrian crossings.

The MD-W Line is a significant component of Metra’s system in Chicago. However, the line is also utilized for freight service by Canadian Pacific Railway (“CP”) pursuant to a trackage rights agreement. During the recent proceeding before the Surface Transportation Board (“STB”)² that resulted in the agency approving the merger of CP and the Kansas City Southern Railway (“KCS”),³ the two railroads announced that post-merger the number of their freight trains traversing the MD-W Line will increase from the current three per day to 11 per day. They also stated that these additional trains will primarily be longer intermodal and automobile trains, some as long as 12,000 feet.

The Coalition opposed the STB’s approval of the merger and requested the agency impose conditions to mitigate the harms that will be caused to the Coalition communities by the

¹ The Village of Itasca, Illinois, Village of Bensenville, Illinois, City of Wood Dale, Illinois, Village of Roselle, Illinois, Village of Schaumburg, Illinois, Village of Hanover Park Illinois, Village of Bartlett, Illinois, City of Elgin, Illinois, and DuPage County, Illinois.

² STB Docket No. FD 36500.

³ “CPKC” is the combination of the railroad subsidiaries controlled by Canadian Pacific Railway Limited and the Kansas City Southern Railway that was approved by the STB effective April 14, 2023. While approved as a merger, the railroads are not yet operated as one railroad entity. As such, the railroad with operating rights over the MD-W Line has remained the United States subsidiary of CP.

presence of nearly four times the current level of freight trains, including but not limited to first responders being delayed at crossings blocked by stopped or slow-moving long trains. Unfortunately, the STB declined to adopt the Coalition's requested mitigation measures. However, the agency adopted a seven-year oversight post-merger period that will enable the Coalition and other parties to monitor and assess the implementation of the merger and revisit requests for mitigation measures with the STB if circumstances dictate. The collection and analysis of accurate operating and train data will be critical to the success of the STB's oversight process.

II. Comments of the Coalition

The Coalition strongly supports the FRA's collection of train length data from the Class I railroads. We believe that collecting train length data is essential to ensuring the safe and efficient operation of freight trains within the United States rail system, particularly where longer freight trains traverse highly populated urban areas. The safety advisory issued by FRA on May 2, 2023, highlighted the potential complexities associated with operating longer trains, particularly those over 10,000 feet in length and with more than 200 cars. The three significant incidents cited in the advisory underscore the importance of promptly addressing operational challenges related to train length.

While strongly supporting the FRA's proposal, the Coalition offers the following recommendations with the goal of improving it:

- a. The FRA Should Collect Train Length Data Beginning January 1, 2020** – The Coalition commends FRA's goal of establishing "an initial baseline for the length of trains operating within the U.S. rail system as well as to determine if lengths are changing over time." To that end, the Coalition recommends that FRA establish the baseline year as 2020 to logically build off the May 2019 train length study conducted by GAO cited in the Comment Request. Accordingly, the railroads should be required to submit annual train length data by month for all years, beginning with 2020. If FRA declines this recommendation, the Coalition states that the baseline year should be 2022.
- b. The Data Should Enable Analysis of the Impacts of Longer Trains on Key Regional Areas** – The FRA has proposed to collect monthly reports on total trains operated, the total cars in each train, as well as trailing tonnage. The Coalition supports these categories. However, the reported monthly data should be in a format that permits FRA and interested parties to determine the extent to which train length is increasing in key regional areas, particularly urban areas with a high freight railroad presence, such as the cities of Chicago, Illinois and Houston, Texas. In such areas, FRA should require the data on trains operated, total cars per train, and trailing tonnage to be specific to crossings identified as critical by the affected communities. Such data would facilitate the analysis of FRA and state and local communities of the impacts of longer trains on safety. Data that consists of aggregated systemwide totals instead of regional statistics on train length would probably mask such impacts, and therefore it would not be useful for the purpose of the Comment Request, which is to provide FRA (and presumably affected parties) with data on which to understand the impact of train length on safety and pursue steps to try to mitigate such impacts.
- c. The Coalition Strongly Supports the Collection of Data Pertaining to Safety** – The Coalition applauds FRA's proposal to collect data on the safety concerns associated with operating

longer trains. This data should be invaluable in objectively assessing the impact of train length on safety within the rail system. The Coalition concurs that the data collected should include all of the categories mentioned in the Comment Request, but it recommends that such data should also include reporting all incidents where a long train (defined as a train over 7,500 feet), blocked a road or pedestrian crossing for more than five (5) minutes, either by being stopped or by operating slowly such that it took more than five (5) minutes to clear the crossing. Delays greater than five (5) minutes, to the extent they block firefighters, paramedics and and police, can lead to tragic outcomes. Understanding the correlation between train length and delays, accidents/incidents, or other undesirable events such as loss of communications or train stalling will enable FRA to make informed decisions and implement appropriate safety measures.

- d. The Collected Data Should be Made Publicly Available** – The Comment Request is silent on the extent to which the reported data will be made available to the public. The Coalition strongly urges FRA to make this data publicly accessible. The railroads' increased use of longer trains has significantly impacted urban areas such as Chicago, and as the Comment Request notes, this impact is increasing. However, the extent to which the use of longer trains has increased is difficult to measure and analyze because railroads do not typically divulge this information to affected local communities, leaving them to obtain this data through field observations and other impractical means. For the Coalition, access to the submitted data on longer trains would – among other uses – greatly enhance its participation in the aforementioned STB oversight proceeding related to the merger of CP and KCS.

III. Conclusion

The FRA's proposed collection of data on longer trains is timely, and it demonstrates FRA's commitment to enhancing safety and reducing the risks associated with freight rail transportation. The Coalition applauds and appreciates FRA's proactive approach in seeking public input and engaging stakeholders to gather relevant information. The transparency and open dialogue fostered through public comments will undoubtedly contribute to developing practical and effective solutions. With the above recommendations, the Coalition strongly endorses the Class I Freight-Train Length Reporting initiative, and we encourage FRA to expedite its implementation. Collecting and posting train length data will undoubtedly serve as a crucial tool in improving rail safety, protecting the public, and streamlining the rail industry's operations.

Thank you for considering the Coalition's comments on this matter. The Coalition trusts that FRA will carefully evaluate all public input to make well-informed decisions to improve our transportation infrastructure.

Sincerely,

Carie Anne Ergo
Chairperson
Coalition to Stop CPKC