



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

October 12, 2016

The Honorable Tammy Duckworth
104 Cannon House Office Building
Washington, DC 20515

Dear Representative Duckworth,

Thank you for your letter dated September 23, 2016, regarding the Illinois Tollway Authority's negotiations with Canadian Pacific Railway (CP) related to the Elgin-O'Hare Western Access (EOWA) Project. We appreciate knowing your views on this matter.

At this time, neither CP nor the Illinois Tollway Authority has initiated an action before the Surface Transportation Board concerning the EOWA Project. As such, the Board has no authority to intervene and order the parties to participate in mediation. It should be noted that even if the parties were to seek resolution of this matter before the Board, adjudication of this issue would likely be difficult and time-consuming, as it would involve complex issues of federal preemption that are likely to be highly contentious, and could be followed by judicial appeals. There is also no guarantee that the Board's resolution would allow for the Tollway Authority to proceed with the EOWA Project as planned. Accordingly, Board representatives have spoken to representatives from both parties and encouraged them to continue to engage in discussions to try to devise a solution that will address both sides' needs.

If you have any further questions or require additional information, please contact the STB's Office of Public Assistance, Governmental Affairs and Compliance. The telephone number for this office is (202) 245-0238.

Sincerely,

Daniel R. Elliott III
Chairman

Deb Miller
Vice Chairman

Ann D. Begeman
Board Member