



Office of the Chairman

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

November 18, 2016

The Honorable Mark Kirk  
United States Senate  
524 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Kirk,

Thank you for your letter dated October 26, 2016, regarding the Illinois Tollway Authority's negotiations with Canadian Pacific Railway (CP) related to the Elgin-O'Hare Western Access (EOWA) Project. I 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 engage in mediation. It should be noted that, if the parties were to seek resolution of this matter before the Board, there is no guarantee that the Board's resolution would allow for the Tollway Authority to proceed with the EOWA Project as planned. Adjudication of this issue would likely involve complex issues of federal preemption that are likely to be highly contentious. Moreover, a decision by the Board could be subject to judicial appeals.

STB representatives have spoken informally to representatives from both parties about this matter. The parties have been encouraged to continue to engage in productive 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 Lucille L. Marvin, Director, Office of Public Assistance, Governmental Affairs, and Compliance. The telephone number for this office is (202) 245-0238.

Sincerely,

Daniel R. Elliott III  
Chairman