306826

Date: May 8, 2023

Case: Docket No. FD 36500

ACE·FEDERAL

SURFACE TRANSPORTATION BOARD

Docket No. FD 36500

CANADIAN PACIFIC RAILWAY LIMITED; CANADIAN PACIFIC

RAILWAY COMPANY; SOO LINE RAILROAD COMPANY; CENTRAL

MAINE & QUEBEC RAILWAY US INC.; DAKOTA, MINNESOTA &

EASTERN RAILROAD CORPORATION; AND DELAWARE & HUDSON

RAILWAY COMPANY, INC.

CONTROL

KANSAS CITY SOUTHERN; THE KANSAS CITY SOUTHERN

RAILWAY COMPANY; GATEWAY EASTERN RAILWAY COMPANY; AND

THE TEXAS MEXICAN RAILWAY COMPANY

Monday, May 8, 2023

9:30 a.m.

Virtual

The technical conference convened at

9:30 a.m., pursuant to notice.

 1   Participants:

 2   CPKC Cassandra Quach

 3   CPKC David Meyer

 4   CPKC David Reeves

 5   CPKC Dean Vargas

 6   CPKC Nicolas Klein

 7   CPKC Ray Elphick

 8   CPKC Shailesh Yerram

 9   CPKC Todd Workman

10   FTI Nathan Zebrowski

11   STB Adam Kress

12   STB Bill Brennan

13   STB Ian Anderson

14   STB Jessica Caine

15   STB Kim Hillenbrand

16   STB Laura Schneider

17   STB Phil Maynard

18   STB Rob Plum

19   STB Roberta Workman

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1   P R O C E E D I N G S

2   DIRECTOR BRENNAN: My name, for the

3   benefit of our court reporter, is William Brennan and

4   I am the Director of the Office of Economics here at

5   the United States Surface Transportation Board and I

6   also serve as the Board's Chief Economist.

7   My colleagues and I would like to welcome

8   you to this technical conference where we will be

9   discussing technical guidelines and formats for

10   reporting and recordkeeping during the oversight

11   period as outlined in Appendix B of the Merger

12   Decision.

13   As you now, in its decision approving

14   CP's control of KCS, the Board established a

15   seven-year oversight period, along with data

16   reporting requirements outlined Appendix B of the

17   Merger Decision to monitor and address, as necessary,

18   various issues issued by commenters in this docket.

19   For the purposes of this technical

20   conference, our focus will be on the reporting and

21   recordkeeping requirements that are required of CPKC

22   during this seven-year oversight period. We have

1   prepared preliminary data templates and guidelines to

2   offer a general framework to facilitate discussion on

3   the technical format for providing information

4   required in the Board's decision.

5   Our objective over the course of this

6   technical conference is to identify any limitations,

7   constraints, and possible enhancements and

8   improvements to capture the information needed to

9   meet the reporting and recordkeeping requirements in

10 the approval decision and as specified in Appendix

11 B.

12   Board staff have prepared guidelines and

13 data templates to help CPKC meet these reporting and

14 recordkeeping requirements in a format that meets the

15 Board's needs. These guidelines and templates

16 included, but are not limited to, the following:

17   (1) a technical Word document describing

18 the processes for submitting data to the STB in this

19 docket; (2) data reporting templates, which include a

20 template for gateways, customer experience, and

21 operational data. Each of these templates is

22 intended to capture data for both the five^^year

1   look-back period that is needed to establish an

2   effective baseline as well as the seven-year

3   oversight period.

4   Now these templates were generated as a

5   starting point for today's discussion and we welcome

6   suggested improvements. (3) We've provided a data

7   dictionary describing expected values and data types

8   of the data CPKC will submit to us in the templates.

9   Now I have a few administrative

10 announcements. For the benefit of our court

11 reporter, please speak clearly into your microphone

12 and minimize background noise. The court reporter is

13 welcomed to interject if she can't hear, which does

14 happens. So if that happens, let's address the court

15 reporter's concerns.

16   A transcript of the hearing will be

17 provided to participants after the close with an

18 opportunity for CPKC to propose appropriate

19 redactions before being placed in the Oversight

20 Docket.

21   Now if you wish, you may share documents

22 on your screen during the technical conference, but

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1   if you do that, we ask that you email us any

2   documents shared, along with whatever confidential

3   designations you may have.

4   Now with respect to video images, please

5   turn on your video as you speak. Now to signal a

6   desire to speak, you may also turn on your camera or

7   use your hand raise feature in Zoom. You may also

8   use the chat feature to notify the group if you are

9   having problems with your audio or video, but

10 otherwise, please limit the use of chat to those

11 kinds of non^^substantive communications.

12   Because of bandwidth limitations and

13 problems we've experienced in the past in these sorts

14 of settings, if you are not speaking, it's probably

15 best to go off camera and off microphone. We are

16 also scheduled today for a one-hour lunch break at

17 12:00 p.m. Eastern Time and a 30-minute break at 2:30

18 p.m. Eastern time.

19   Now this probably goes without saying,

20 but I want to note that this is a discussion on

21 technical reporting and recordkeeping issues with the

22 STB's technical staff. We will not be discussing the

1   pending petitions for reconsideration or any

2   requests for changes to or additions to the Board's

3   overarching data requirements. We will redirect

4   conversation, as appropriate, if it strays into

5   territory that is more appropriately addressed in

6   written pleadings to the Board.

7   Specially, we will not discuss the

8   following pending matters before the Board. Whether

9   data reporting under Appendix B will be accessible to

10   interested parties, whether 100 percent traffic tapes

11   should be filed with the Board or provided to

12   interested parties, although we will certainly be

13   discussing issues relating to the 100 percent tapes

14   and their preservation.

15   We will not be discussing whether the

16   Board should require the filing or provision of

17   interested parties of any information beyond that

18   which is required to be reported under Appendix B.

19   With that said, once again, we welcome

20   you all and look forward to a fruitful and open

21   discussion. Again, my name is William Brennan and

22   I'm the Director of Economics here, the Chief

1   Economist and I would now as that we go around the

2   Zoom room and introduce ourselves and our particular

3   area of expertise as it relates to this technical

4   conference.

5   We'll start with the STB staff. And STB

6   staff, I'm going to call the first name and when that

7   person is done, pass the baton to someone else by

8   name. That'll make things easier. So I'm going to

9   introduce Ian Anderson. Ian?

10   MR. ANDERSON: I'm Ian Anderson in the

11 Office of Economics representing the section of data

12 analytics and I'll pass to my colleague, Kim

13 Hillenbrand.

14   MR. HILLENBRAND. Good morning. My name

15 is Kim Hillenbrand. I'm the Section Chief of the

16 Network of Section Analytics in the Office of

17 Economics and I pass onto Rob Plum.

18   MR. PLUM: My name is Rob Plum. I work

19 in Kim's department and my title is Transportation

20 Industry Analyst.

21   DIRECTOR BRENNAN: And I'll just jump in

22 and say, Laura Schneider, this is your time to shine.

1   MS. SCHNEIDER: Hi. I'm Laura Schneider.

2   I'm in the Office of Economics in the section of

3   Analytics and I will pass it onto Adam Kress.

4   MR. KRESS: Hi. I'm Adam Kress. I'm an

5   attorney with the Office of the General Counsel.

6   I'll pass it along to Jessica Caine.

7   MS. CAINE: Good morning. I'm Jessica

8   Caine with the Board's Office of Proceedings and I

9   will pass it onto Phil Maynard.

10   MR. MAYNARD: Good morning. I'm Phil

11   Maynard. I am with the Section of Services. I'm

12   here to support this effort from an IT perspective

13   and also to help the data needs of the Board. Thank

14   you.

15   DIRECTOR BRENNAN: Is there anyone else

16   from the STB that wishes to introduce themselves at

17   this time? All right, pass it over to you, David.

18   MR. MEYER: Thank you so much for having

19   us and we look forward to having a good discussion

20   today. I'm David Meyer, outside counsel for CPKC

21   and I will pass my baton to Cassandra Quach.

22   MS. QUACH: Good morning. Cassandra

1 Quach, Assistant Vice President, Regulatory and

2 Commercial Law. I'll pass it over to David Reeves.

3   MR. REEVES: David Reeves, General

4 Counsel of Regulatory.

5   MR. ELPHICK: Ray Elphick, Vice

6 President, Service Design and Capacity Management at

7 CPKC.

8   MR. WORKMAN: I'm Todd Workman, Managing

9 Director of Resource Planning, Business Integration,

10 and Operations Technology.

11   MR. YERRAM: I'M Shailesh Yerram. I

12 manage the Data and Analytics supporting.

13   MR. ZEBROWSKI: Hi. I'm Nathan

14 Zebrowski, outside consultant to CPKC with FTI

15 Consulting.

16   MR. KLEIN: Hi. I'm Nicolas Klein,

17 Managing Director of Metrics. I'm responsible for

18 Legacy KCS data.

19   MR. MEYER: And I believe that is our

20 complete roster of attendees. A few of those

21 representatives will stay on for the initial part of

22 our discussion, the introductory part, and then may

1 drop off, but be available in case we need to tap

2 their knowledge during the course of the day.

3 DIRECTOR BRENNAN: Very Good. Before we

4 jump into things, were there any questions or first

5 impressions about the templates which we sent over

6 mostly as a courtesy and an icebreaker, but were

7 there any things that jumped out that you wanted to

8 talk about right away?

9 MR. MEYER: Well, let me start. I think,

10 as a whole, it was very helpful to have those

11 templates to understand STB staff's conception of the

12 data reporting. And the good news is that, in a

13 whole, lined up well with what we were planning to

14 do.

15 I think as we get into the individual

16 areas we can identify specific questions about

17 specific line items or specific approaches to certain

18 things, but as a general proposition, very helpful

19 and we anticipate being able to report whatever it is

20 that we report, which I think will line up very

21 closely at what you've presented in the format that

22 you've laid out in the templates.

1   DIRECTOR BRENNAN: Well, those formats

2   were created by my colleague, Ian Anderson, and

3   you've worked with that sort of flow in the ongoing

4   EP770 data, a reporting like this. We find that

5   capturing and reporting information in Excel

6   Workbooks is just not the right way to go about doing

7   data ingestion and creating data pipelines.

8   So Ian, maybe you want to talk about what

9   some of your goals and aspirations are here.

10   MR. ANDERSON: Thanks Bill. So, yeah,

11   the main goal is just to seamlessly come up with a

12   pattern for seamless transmission of data. It's a

13   common pattern to sort of have challenges in this

14   area, specifically with understanding the data

15   itself, but also with just having a format that is

16   conducive to a quick handoff where we're anticipating

17   a pretty seamless monthly cadence here where would

18   receive a collection of files submitted to the Board.

19   We would ingest those in storage and

20   would be able to provide any feedback pretty shortly

21   thereafter to CPKC whether there's any data quality

22   issues, formatting issues, just otherwise facilitate

1 this seamless transfer of information. And we've had

2 a lot of success doing that so far in, as Bill

3 mentioned, other dockets and so we just hope to be

4 able to work with you today to build on these

5 icebreakers, these templates to just identify any

6 questions that you have so that we can come up with a

7 framework that will facilitate the transfer of

8 information for the seven-year oversight period. So

9 looking forward to just having a candid discussion

10 that might get into the weeds with formatting, any

11 coding, and how information is stored in the

12 source systems, but having that laid out in this

13 back-and-forth dialogue is I hope going to be

14 beneficial. Thanks Bill.

15   DIRECTOR BRENNAN: And Adam or Jessica,

16 is there anything you wanted to say at this point

17 before we press on?

18   MR. KRESS: Nothing for me. Thank you,

19 Bill.

20   MS. CAINE: Nothing for me. Thanks.

21   DIRECTOR BRENNAN: All right. So David,

22 were there any questions about the data templates

1 that you needed help with, explanation of, or where

2 can we begin to have a productive conversation here?

3   MR. MEYERS: My suggestion would be, to

4 the extent we had questions about the templates,

5 they'd probably come up most efficiently in our

6 discussion of the individual categories of data

7 reporting. When we walk through, for example, the

8 operational reporting items that they're on the

9 agenda for later today.

10   We have a PowerPoint presentation that

11 we'll use to show you what our plan is with respect

12 to each of the measures and metrics that are in the

13 Board's Appendix B and there probably are a few

14 questions that arise in that context about specific

15 reporting for the Twin Cities, for example, that I

16 think are better handled once we have the context of

17 the geography and the context of what we're planning

18 to measure and what we can and can't measure.

19   Similarly, I think you'll see we'll have

20 some questions about a few of the other areas, the

21 interchange reporting, for example, and we anticipate

22 talking about that when we talk about gateway

1 reporting.

2   I don't believe that we have any

3 overarching questions or concerns about the templates

4 in general. As I said, I think they are likely to be a

5 perfectly appropriate way for us to report the

6 metrics that we arrive at, at the end of this

7 discussion or our discussions about these issues.

8   I know you have on the agenda -- and this

9 is probably a separate topic, but in case you were

10 asking about more broadly some of the general issues

11 like timing of reporting, the cadence of reporting,

12 we have some thoughts about that, but imagine those

13 are probably in your data submission guidelines

14 segment.

15   DIRECTOR BRENNAN: We have some thoughts

16 on those too, but I do want to say that it's

17 important that we get into a rhythm that works for

18 CPKC and one that works for the Board. We are not

19 going to be asking for heroic efforts to report the

20 end-of-quarter data on the first day of the following

21 order. There's a certain amount of reality that we

22 all have to deal with.

1   We certainly don't want to be dilatory in

2   the reporting of that data, but we're not going to

3   ask for things that are just going to cause an

4   unbelievable amount of angst and overtime for folks

5   at CPKC. And that's not our intention. We're going

6   to be here for seven years. We have to create a

7   rhythm that works for us for the whole seven years.

8   One that's timely, but not necessarily excessively

9   quick.

10   MR. MEYERS: Yes. And I appreciate that.

11   I mean I'd be happy to share now, if now is the right

12   time, our thoughts on that cadence, knowing what we

13   know now about the processes that we'll be able to

14   use and so forth.

15   DIRECTOR BRENNAN: Why don't we hold off

16   on that for just a second. We'll get to that a

17   little bit later down the road. But Ian, did you

18   want to review the decision and the pertinent points

19   for us here and we'll just move down that part of the

20   agenda?

21   MR. ANDERSON: Thanks, Bill. I'll just

22   go through the three broad categories in Appendix B

1   just for benefit of structuring things.

2   So there are three broad categories of

3   data reporting. We'll get into those. First, we'll

4   talk a little bit more about the data submission

5   guidelines, which is going to get, I think, into

6   David's point about the cadence and how we'll go

7   about that. But just broadly speaking, we've set a

8   chunk of time aside for each of the following.

9   So we'll talk about the gateway

10 conditions, which is dealing with first the count of

11 carloads interchanged at various gateways. They're

12 outlined in the decision. There's a collection of CP

13 interchange locations and KCS interchange locations

14 and we'll be looking for that data at the STCC code

15 level, a two-digit STCC and then broken out by

16 interchange partner.

17   Then I think during that segment also

18 would be a good time to just discuss the types of

19 information that might be available with respect to

20 the biannual reporting of diversion data, both

21 truck-to-rail and rail-to-rail diversions. And also

22 just a high-level technical overview of traffic tapes

1   and what those are to CPKC from more of a sematic

2   perspective, like what are they called.

3   And then we'll move down into the

4   customer experience which is really just very similar

5   to the data that is already being reported to the

6   Board via EP724 and EP770, Sub No. 1. They're just

7   consolidated here and so we'll talk about that. And

8   then, finally, the operational data where David I

9   think you mentioned that there's a PowerPoint, but

10 these are just over various segments or pieces of

11 the system, including the Polo Line in Missouri, Twin

12 Cities area, and then several places in Texas, and

13 finally, in the Metra and Chicago communities.

14   The operational data is a little bit

15 different than some of the other data collections

16 that we've outlined here, but I think that will come

17 as we get to it. But that's sort of the overarching

18 structure that we'll take.

19   The timing today is sort of in flux,

20 though, we might get through some of these things a

21 little bit quicker than the agenda has outlined, but

22 we did want to just provide some flexibility and

1 build some slack in here just in case there's any

2 need to get into the weeds or talk about specific

3 matters more in depth. So with that, David, do you

4 have any questions about just the general overview or

5 anyone else in the room, otherwise, I can move on

6 into the data submission guidelines.

7   MR. MEYER: No, I think that was

8 self-explanatory. Thank you.

9   MR. ANDERSON: Yes. No problem. I think

10 the first question that we have just with respect to

11 the data submission guidelines is my understanding of

12 the structure of the business might be that there are

13 different folks responsible for each of these

14 different templates that we've outlined, so the

15 gateway data might be under one shop. The customer

16 experience data and operational data perhaps those

17 are under another shop, so how would you envision the

18 responsible party for submitting this information,

19 like who would be sending it across? Would it be

20 counsel in one bundle or how would you envision that

21 happening?

22   MR. MEYER: So I can tell you what I was

1   envisioning and if the folks in Calgary had a

2   different vision, they can speak up.

3   I was envisioning that we would work

4   internally to assemble all of the required reporting

5   really. If we're thinking of the monthly report, we

6   gather together all of the metrics, make sure that

7   whatever quality control processes were applied by

8   the right people, and then submit as a bundle. That

9   was, at least, my concept.

10   MR. ANDERSON: Well, thanks for that.

11 Cassandra, go ahead.

12   MS. QUACH: I was just going to confirm

13 that on top of that we will consolidate and put

14 everything into one package. It will be submitted by

15 counsel.

16   MR. ANDERSON: Okay. Thank you. And

17 just curious on the quality control measures just to

18 the extent that different departments or divisions

19 would be involved, what steps would you be taking to

20 ensure that there's a uniform quality level? I think

21 we have some pretty specific requirements here with

22 respect to just the formatting, the filing and

1 convention, and that sort of thing, so are there any

2 steps planned to be taken here to ensure that just

3 different departments are able to apply these

4 standards throughout? Cassandra, do you want to

5 tackle that one?

6   MS. QUACH: Sure. Absolutely. You're

7 absolutely right to think that. Between all of the

8 disparate type of metrics and data that you've asked

9 us to produce work is done by different groups within

10 CP. Within each of those groups there will be a lead

11 senior person who will be accountable to ensure that

12 the information is validated as we're consolidating.

13 And that is why I think one of the issues that we're

14 going to be addressing with you -- I'm not sure,

15 given the introduction earlier or the guidelines

16 given earlier, we would anticipate that we would be

17 speaking with you today, in part, to talk about the

18 timing in order to make sure that we have the data

19 collected, the data reviewed, compiled and then

20 consolidated for submission.

21   MR. ANDERSON: Thank you. I hear that

22 there's plans for a lead senior person to be

1 accountable so that the information is validated as

2 it's being consolidated and then it would come

3 across in a single package from counsel.

4   Bill, I saw you come off.

5   DIRECTOR BRENNAN: Well, I mean we

6 certainly have not had much problem with CP or with

7 the Legacy KCS in the 770 reporting, but every week

8 it seems that we're communicating with one railroad

9 or another about sort of a drift. That last month

10 they reported year/year/year, month/month/day/day.

11 And this month for some reason they're doing

12 day/day/month/month/year/year/year and those things

13 sound really small, but they obviously make a huge

14 difference in terms of the quality and the ease of

15 which we can take that data, put it into our

16 databases and work with the data.

17   It's very easy to lose sight of the

18 formatting and it's just important -- if it's

19 possible, it's really helpful if we could just get

20 some sort of a code algorithm that generates this

21 stuff so that just push the button you get the same

22 result next month as you get this month rather than

1 having people try to remember how to do it again this

2 month and maybe not the same person as this month as

3 last month. It's a small thing, but it makes a huge

4 difference in the long run.

5   MR. MEYER: I think speaking as the

6 person least competent to address that formatting

7 automation, I think your data dictionary with the

8 formatting instructions will be something that we --

9 however that involves, assuming that we end up with

10 something that is the bible for our reporting format,

11 I think we'll make sure that the folks who are

12 generating the file that's coming over are aware of

13 the instructions.

14   MR. ANDERSON: Thank you.

15   DIRECTOR BRENNAN: Thank you. So just

16 continuing on here with the submission guidelines, I

17 just want to make sure that a CSV file makes sense,

18 so comma separated values, specifically, there's

19 different ways to do this and we can be flexible here

20 with respect to like what is being used as the

21 delimiter, what the coding is. We put the UTF8, the

22 Unicode Transformation Format in here just because

1   it's pretty commonly used. How does CSV with a UTF-8

2   in coding sound on your end?

3   MR. MEYER: When I inquired of the right

4   folks, and Todd Workman is on the call today and I

5   think we are comfortable with that in the coding

6   format or recording format that we can work with

7   without any problem.

8   MR. WORKMAN: Yes, that's right, David.

9   We're comfortable with that.

10   MR. ANDERSON: All right, thanks. And

11   Cassandra, I saw you just come off. Did you have

12   anything? Okay. That's great.

13   As you noticed, there's pretty much a

14   consistent format here for the framework of data

15   submission across each of the three templates, so

16   very similar between gateway, customer, and

17   operational data where we are looking for just a

18   specific in coding and again a specific delimiter.

19   And I don't think that we'll have any issues with

20   some of the other flat file transmission things

21   where you have commas in fields like city/state.

22   City comma state can be a challenge. I

1   don't believe we will have any issues with that, but

2   I wanted to talk a little bit more about "what" and a

3   little bit of "when." So this is in regard to the

4   five-year look back data. I just wanted to get an

5   estimate of approximately the timing that you think

6   that that might be available and the size of that

7   information.

8   You don't have to talk about it right now

9   as we talk about the data submission guidelines, but

10   it would be helpful to know, for example, if for some

11   reason the gateway conditions data is going to be 5

12   gigabytes and it won't be available for another

13   three months, it would be helpful to just be able to

14   address that.

15   So just to start now how do you estimate

16   right now the size of these categories of

17   information? It would basically be for about 60

18   months, right? That's five years of look back. And

19   then the first submission would include the 60 months

20   of look back data, plus whatever monthly blocks or

21   chunks are needed to get us up to the current time

22   period.

1   MR. MEYER: It may be useful to start

2   responding to that question in a slightly different

3   place than you're directing the question, but I think

4   it would help to frame what we know and don't know

5   about the answer to that question.

6   So as we've gone through each of the

7   different components of what we'll be reporting in

8   the first monthly report, we set aside the estimates

9   of diversion, which is six months from now or roughly

10   six months from now. We'll talk about that

11   separately when we get to that topic.

12   So for the monthly reports, we have the

13   interchange information, right, and the operational

14   data reporting, for the most part. It's not 100

15   percent, but close to 100 percent of the customer

16   service reporting are just the metrics that CP and

17   KCS are or where or where CPKC is, but still

18   separately for CP and KCS reporting every week as

19   part of those dockets.

20   So that reporting is ongoing and there

21   won't be any lag in having those metrics from now

22   forward. So we're really I think talking about the

1   operational data and the interchange data and we

2   anticipate being ready to report July 15th. In part,

3   it may depend on exactly what we discussed today

4   about specific operational metrics and what our

5   proposed methodologies are and so forth. But

6   assuming that we come to closure on that and it's

7   doable, we're anticipating a July 15th reporting

8   which would be a sort of middle of the month report

9   to you that would cover at least the period from

10   control date up to June 30th, the weeks within that

11   period up to June 30th.

12   And for the interchange data it would be

13   monthly, so it would be reporting for June, for May,

14   for April, and I suspect that by the time we get to

15   July 15th, we'll have a considerable amount of

16   historical data available to report. But when we

17   start talking about the operational metrics, one of

18   the things that is going to be -- I don't know if the

19   word is challenging or at least raise the potential

20   for additional work is as we go back in time over the

21   five years we may encounter situations where the

22   methodology that we were adopting for a particular

1   operational metric doesn't work exactly the same way

2   going back in time and so we're not confident that we

3   have all of the historical information available all

4   in one big file by July 15th.

5   Now to your question about when we would

6   have it and how big it is, I don't think we know. I

7   mean we would be working as diligently as possible to

8   assemble all of these historical reference points, so

9   we certainly wouldn't anticipate it lagging for a

10 very long period, but I don't have a concrete

11 estimate at this point of actually when we could be

12 sure we'd have everything.

13   In terms of the size, I have no idea. I

14 think I'd defer to someone else on the call if they

15 have a view on that, but I suspect we'll have to

16 think about that and get back to you.

17   MS. QUACH: We, unfortunately, do not

18 have the answer in terms of the size at this moment.

19   DIRECTOR BRENNAN: That's understandable.

20 I guess one thing just to bear in mind as we move

21 forward is that if there are going to be technical

22 challenges, given the size of the files there are a

1   variety of ways that data can be transmitted to us

2   and we are certainly flexible in terms of working

3   with you to find the methodology, whether it's an FTP

4   site or just sending us a hard drive via FedEx or

5   something. We can work in a number of different

6   ways to get that done. And as the day comes and the

7   challenges become clearer, just know that we want the

8   data and you want to send us the data. We want the

9   data and we'll just figure out a way that makes sense

10 to get that initial exchange and then that initial

11 exchange may move differently than the monthly

12 ongoing reporting, given just the size and magnitude

13 of the data that first set of submissions.

14   MR. MEYER: Right. One other thing I

15 should've said about the look back, it'll come up,

16 I'm sure. It would've come up, I sure once we got

17 into the customer service data discussion. But I did

18 note in your materials that it looked like you were

19 thinking of the look back applying to the customer

20 service metrics.

21   My read of the decision is that it does

22 not. That commitment was to continue reporting those

1 metrics going forward regardless of whether EP724 and

2 770 dockets remained open or we had an obligation to

3 report under those dockets. And I believe when the

4 Board described the obligation it did not ask for a

5 look back for those metrics.

6   When we report in our first monthly

7 report, we will be providing the 2022 baseline on

8 three of the metrics that's going to be used for our

9 committed Service Action Plan obligations. And

10 there are two OTP-related metrics and one first

11 mile/last mile metric. They are a part of the 770

12 reporting suite, so we'll be creating a baseline for

13 those and reporting what it is, so the average 2022,

14 each of those. And then at some point when we

15 convert to CPKC single reporting under those

16 dockets, which is in the works, but we're not ready

17 to do that yet and I don't know when that will be,

18 we'll need to re-base that baseline for a consistent

19 methodology because KCS and CP have been using

20 somewhat different methodologies for each of those

21 metrics.

22   So there is that backward looking

1   component to the customer service data, but we're not

2   -- at least our understanding is we don't need to go

3   back five years to create all of those customer

4   service-related metrics. That would be a challenge

5   of unknown magnitude and we have not estimated

6   because we're pretty confident that the Board didn't

7   ask for it.

8   MR. ANDERSON: Well, thanks for sharing

9   that. Bill, I see you there. Go ahead.

10   DIRECTOR BRENNAN: We understand what you

11   just said there, David. And of course, you are

12   obliged to do only what the Board instructed you to

13   do in Appendix B and we're just here to try to make

14   sure that we accomplish that goal.

15   And if the Board concludes at a later

16   date that it needs additional information, then we'll

17   take whatever subsequent further actions by the Board

18   are necessary and none of us should be surprised if

19   -- the Board has in previous mergers put in certain

20   conditions and then a year later said we need a

21   little bit more here, we need a little bit more

22   there, and those sorts of things have emerged in the

1   past. It would not be unusual if they emerged here,

2   but I take your point completely about we're just

3   here to do what Appendix B says.

4   MR. MEYER: We're in complete accord on

5   that.

6   MR. ANDERSON: So just doing a little bit

7   of preliminary, back of the envelope math for the

8   look back data where it does apply would be

9   approximately July 15th again, subject to change as

10   you get into the data wrangling phase some things

11   might come up, but otherwise it's going to be

12   approximately 63 months' worth of look back data.

13   MR. MEYER: Just to be clear, I think the

14   June 15th is a solid date, subject to something

15   coming up with the methodologies looking forward --

16   you know the present and looking forward that we

17   don't anticipate, I think we are pretty confident

18   that we won't be ready to report the 63 months of

19   backward-looking data by July 15th.

20   I'm sure we'll have a lot of it, but we

21   won't have the five-year series going back, certainly

22   for every metric, maybe not for any metric. We don't

1 know because we haven't yet. We've been working on

2 methodologies. We haven't been going back and making

3 sure that they work all the way back and that's

4 something we will be doing. We've done a lot of

5 homework already, but that is something we'll be

6 doing once we get more closure on exactly how staff

7 sees us implementing a particular metric or

8 methodology.

9   MR. ANDERSON: Sure. Thanks. Forgive

10 me, David, I might have misheard before, but did you

11 say July 15th or June 15th? I just want to be clear.

12   MR. MEYER: July 15th covering the period

13 through June 30th.

14   MR. ANDERSON: Got it. Yes, that's

15 helpful. So that would put us at 63 months of data

16 through June 30th. And like you said there's some

17 ambiguity.

18   DIRECTOR BRENNAN: I think you

19 misunderstood. He says, I think, that CPKC will

20 start reporting the data for the seven-year

21 forward-looking oversight period starting on July

22 15th and that they are going to try to get us as much

1 of the data that they possibly can in the look back

2 period as soon as they can, but they're not making a

3 commitment at this time as to what date that would be

4 ready.

5   MR. MEYER: Let me just step back and

6 review. Bill, you are correct. So what we think we

7 know we could do, and this again subject to this

8 possible caveat because we haven't done it yet, a

9 July 15th report would cover the period at least from

10 control, April 14, 2023, to June 30, 2023.

11   We don't have a firm estimate as to when

12 we can cover the period prior to control date going

13 back five years from the Board's decision or from the

14 control date actually if I'm remembering correctly.

15 That estimate will be, we're finding as we get into

16 it between now and July 15th, I'm confident that we

17 would have some data for the historical period for

18 many of the metrics.

19   But if the goal is to report in a single

20 file all of the metrics for all of the period or at

21 least as far back as we could go that would not be on

22 July 15th. That would be sometime later. And so, to

1   Bill's point, if what you'd prefer is to get as much

2   as we have on July 15th and then supplement, we can

3   certainly proceed with that understanding.

4   If it's to wait on historical data until

5   we can have everything that we can get, that would be

6   a different path. We're probably relatively flexible

7   as between those two.

8   DIRECTOR BRENNAN: And I think we would

9   be relatively flexible as well. We'd prefer to have

10   one transmission, but the ongoing data you'll be

11   reporting only makes sense in the context of the

12   historical data in some respects. We're trying to

13   determine whether things are more or less or what's

14   happening and so the historical data is crucial to

15   our understanding. So obviously, we would be willing

16   to wait a little bit if there's like a couple stray

17   cows out there that need to be rounded up, but if

18   it's going to be a much more difficult thing we might

19   have to talk about two, three, four different

20   transmissions just so that we can get complete time

21   series so that we can begin the work of the

22   monitoring and the oversight that the Board needs to

1   conduct and we can provide the public whatever

2   information is appropriate under whatever conditions

3   are appropriate so that we can begin.

4   So it's important that the work begin,

5   but we want it to be done well, so there's a tension

6   there and we'll resolve that as we move forward.

7   MR. MEYER: Understood. That makes a lot

8   of sense.

9   MR. ANDERSON: Thanks. I understand now

10   better. Thanks for the clarification on just the

11   chunks of information and when it will be available.

12   I anticipate that perhaps you have some

13   examples of the kinds of challenges you might be

14   facing with respect to the look back data later on

15   specific to each of the categories, would that be

16   fair to say?

17   MR. MEYER: It is fair. Yes.

18   MR. ANDERSON: Okay. Thank you. So I

19   think once we get into those sections then it would

20   be more appropriate to talk about them in bulk. And

21   so, yes, with that, I think just a question for

22   feedback's sake. We talked a little bit about the

1   flexibility around how we would receive this

2   information. We have different patterns that we can

3   use here. We've been using email transmission for

4   the EP770 data, for example, and a lot of the other

5   data submission to the Board.

6   E-filing, also via the DCMS could

7   potentially handle this sort of CSV file submission

8   and it would be helpful to just understand how you

9   view e-filing data from your end relative to perhaps

10 some of the other transmission protocols that are

11 used at the Board.

12   MR. MEYER: I don't have any operatory

13 view on that. Cassandra, does Calgary have a thought

14 now or maybe it's a question we can take away and

15 think about?

16   MS. QUACH: I thought I had an answer

17 until I heard something I didn't quite understand.

18 You mentioned about e-filing?

19   MR. ANDERSON: Yes, e-filing, like the

20 typical -- I don't see it from the outside myself.

21 I've not filed under the current framework that the

22 Board uses to accept filings, but this would be the

1 way that like a PDF or other filing before the Board

2 comes in where a PDF is like a cover letter and now

3 the e-filing system -- "e" short for electronic --

4 would also be able to support a comma-separated

5 values files, so the CSV files that are being

6 discussed right now under a cover letter.

7   So just for the benefit of everyone in

8 the room, that's what I was referring to.

9   MS. QUACH: Certainly, we're very

10 familiar and it's something that's tried and true in

11 terms of PDFs and then being emailed. And also

12 whether it's PFD, CFBs, Excel spreadsheet against

13 size limitation might be something that we encounter,

14 but email is a way that we've submitted information

15 or data to the STB previously. It worked for us

16 before. We certainly can continue that, again, short

17 file limitation.

18   If you are talking about when you're

19 talking about e-filing where it's essentially a VPN

20 portal for us to upload directly, certainly, we've

21 done that in other cases as well. And so rather than

22 emailing if there's a portal that you give us a link

1   where we upload these documents, these files in

2   whatever file format that you ask it to be submitted

3   in, we can certainly also directly upload the

4   information as well through a portal as opposed to an

5   email.

6   I was just wondering when you said

7   electronic filing whether you asked us to do

8   more of an EDI data feed which is something of course

9   we've not done, but I have Shailesh sitting right

10   across the table from me and he's telling me that

11   whatever system that you would like us to use we

12   certainly will work with you to try to make it work.

13   MR. ANDERSON: Okay. No, thank you.

14   That's helpful. No, I don't envision that we would

15   be using some kind of application program interface,

16   API, EDI exchange or anything like that. For the

17   time being I was just looking for some feedback and

18   it sounds like, again, there's flexibility here on

19   the different means that we can use, so that's

20   helpful to hear that there's broad flexibility here,

21   whether it's email or whether it's using the

22   e-filing portal that is available to external

1 stakeholders for filing things in dockets before the

2 Board.

3   David, did you have anything you wanted

4 to add there?

5   MR. MEYER: Not on the subject of

6 reporting format or electronic transmission

7 mechanism.

8   MR. ANDERSON: Okay.

9   MR. MEYER: Before we leave general

10 issues, I thought I might just see if we could

11 discuss -- I don't think it's a discussion so much as

12 a sharing of our plan about specific report cadence

13 questions like which weeks would be included in

14 reports, so details that we've given some thought to

15 and thought we'd share the details and make sure we

16 were on the same wavelength; does that make sense?

17   DIRECTOR BRENNAN: Yes, that makes sense.

18   MR. MEYER: Okay. Whatever month ends up

19 being the start date for the monthly reports we

20 anticipate for covering a calendar month for

21 interchange data in a report on the 15th of the

22 month or the next business day, so like I said, June

1   would be in a report filed on July 15th. I think

2   that's a weekday. I haven't checked.

3   For the operating data the same monthly

4   report, the 15th of the month, we would envision

5   covering the weeks that ended during the prior month,

6   prior calendar month. So just to take a

7   hypothetical, October 16th would be one of our

8   monthly reports and we'd anticipate that monthly

9   report covering the weeks that ended September 1,

10   which is a Friday. We'll get to the definition of a

11   week in a minute.

12   September 1, September 8th, September

13   15th, September 22nd, and September 29th, so there'd

14   be five weeks in that monthly report. Some monthly

15   reports would have only four, of course. For the

16   EP724 and 770 data, so long as the obligations to

17   file in those dockets are in place, my assumption had

18   been that we would just be reporting in those

19   dockets. It looks to us or it looks to me that you

20   envision us rolling up those reports into a monthly

21   report that gets filed in this docket as well and I

22   don't know what the logistical challenges are with

1   that. I'm sure they're not insurmountable.

2   MR. ANDERSON: I just want to key on a

3   word that you said, rolling up, this would not be

4   like to aggregate -- you know take a monthly average.

5   It would still be the weekly data, just reported in

6   just a partition. There would be four or five

7   partitions of weekly data basically.

8   MR. MEYER: So probably my casual use of

9   "rolled up," but I think what I really meant was

10   reported again or reported separately in the monthly

11   report. And for operational data and the customer

12   service data that we'll be reporting, it will be

13   weekly.

14   DIRECTOR BRENNAN: So David, let me just

15   make sure I understand. And there's no judgment

16   coming here, just thinking out loud here. I think

17   what I hear you saying is that in the Board's

18   decision it required us to do certain things on the

19   weekly data that are essentially a continuation of

20   what we're already doing in EP724 and 770.

21   And I think the question that you're

22   hinting at is to the extent that we're already doing

1   724 and 770, are we not already in compliance with

2   the Board's decision in Appendix B and in Appendix B

3   do we need to do it again, is that redundant or

4   repetitive somehow, and that's a good question.

5   Let's think about that and see whether on those

6   issues, for the purposes of this docket, there needs

7   to be a repetition of that or whether we can somehow

8   account it as being embraced in the other dockets.

9   I'm using lawyerly words. I'm not a lawyer. You

10   understand where I'm going here. But let's give that

11   some thought because, again, as long as the Board has

12   the information it needs to be able to do its work,

13   that's great, and we want as far as possible to

14   reduce the burden on all of us in every possible way

15   that we can be consistent with the Board's need for

16   data.

17   Am I correct in sort of getting around

18   the bush there, David?

19   MR. MEYER: No, I think that you're

20   correctly understanding the question I was raising

21   and I honestly don't know, personally, and I haven't

22   really asked the experts how much of a big deal it

1 would be to take what we are going to be filing every

2 week in EP770 and EP724 under the obligations in

3 those dockets and just transpose them into our

4 monthly report. That there will be a week definition

5 issue, which we can get to, but let's leave that

6 aside.

7   If we're just reporting the exact same

8 thing that we reported in EP724 and just putting it

9 in a cell, I'm personally imagining that that's not

10 that huge of a burden. What we definitely ought

11 to be doing is if and when the obligation to report

12 under those other dockets ever were to go away, we

13 will roll into, fold into -- maybe that's the better

14 word -- our monthly reporting those metrics because

15 we have committed to continued reporting for the

16 seven years. We wouldn't get out of it because

17 those dockets went away and then we'd need a vehicle

18 for reporting them, which would be our monthly

19 reports.

20   We're definitely committed to doing that

21 and I think the question is whether it's valuable for

22 us to also separately compile the statistics that

1   we're reporting into the dockets into a report that

2   comes to you in this file once a month and I guess

3   let's have a conversation about that.

4   DIRECTOR BRENNAN: Let's table that

5   particular discussion now so that we can talk with

6   our colleagues here at the Board and figure out what

7   the Board's needs are with respect to that, we've got

8   it already in the existing dockets. We'll report it

9   over ourselves or whether we need you to report it

10 separately. We'll have that discussion internally

11 and get back to you, but I think I hear where you're

12 going.

13   MR. MEYER: The final point on cadence is

14 we haven't really talked about the diversion

15 estimates that we're reporting every six months and

16 it may be premature to say much about that. We are

17 still studying internally how we would going about doing

18 that. As I think you may have seen in the reporting

19 that was done by CSX in the CSX-Pan Am case, there

20 are methodological challenges with some aspects of

21 that kind of estimation and I'm confident, knowing

22 what I know, that there's likely to be a high degree

1   of qualitative judgment associated with some of that.

2   When we think about what is the

3   case as we develop whatever best estimates we can

4   based on data and knowledge in the market and so

5   forth we envision would be that if the first

6   six-month period we're trying to cover is something

7   like April 14th through October 31st, roughly, then

8   we think that the time necessary to do the analysis

9   of data, not just report data, would probably take us

10 to something like January 15th in order to deliver

11 the sort of six-month retrospective assessment of how

12 successful we were at diverting traffic from highways

13 and from other railroads.

14   We're pretty confident we'll be able to

15 push a button and spit out a quantitative, reliable

16 estimate. It'll be more judgmental and analytical

17 than that.

18   DIRECTOR BRENNAN: I understand what

19 you're saying. You're saying, look, we know that we

20 moved stuff, but was this diverted from truck, was it

21 diverted from rail or was it preexisting business

22 that we just grew our own volumes. There are going

1 to be some judgments that need to be made there and

2 methodologies will have to be explained to a certain

3 extent so the Board can understand what its looking

4 at.

5   I don't have a particular concern about

6 October 31st is the end of your period. That means

7 November/December and two and a half months to take

8 that data and to apply those judgments to it that

9 doesn't seem unreasonable to me. I'm assuming that

10 then we'll be on the six-month's cadence from that

11 point, so we'll be looking at July 15th for the next

12 six-month stretch that ends March 31st.

13   MR. MEYER: April 30th, I think.

14   DIRECTOR BRENNAN: April 30th, yes. Most

15 certainly we're expecting, based on the reporting

16 we've seen already in the papers that are already there

17 are some things that CPKC is doing and is throwing

18 about, so we certainly expect to see the fruits of

19 those business relationships manifest themselves in

20 the data. There's certainly been a lot of press

21 about it. So I don't have any objection to that.

22 That seems perfectly reasonable.

1   MR. MEYER: And then the final issue in

2   this general bucket that I thought I might just

3   mention is we have given thought to the definition of

4   weeks and for purposes of operational reporting, in

5   particular, and I think we're entirely comfortable

6   with the definition that you have proposed, which is

7   that a week is the seven-day period ending at 11:59

8   p.m. on Friday, so we're fine with that.

9   And just for clarity, the individual

10   segments where we're doing operational reporting we

11   would treat the trains -- and so the first exercise

12   there is to identify the trains because we're

13   counting trains, we're looking at lengths of trains,

14   and then we're looking at transit time of trains.

15   The count of trains would count trains that arrived

16   at the end points before 11:59 p.m. This allows for

17   us to assure that every train is captured on one

18   report or another, but it would be measuring the

19   arrival at end points and that would be the metric

20   now.

21   There is a detail which is regarding

22   these 724 and 770 metrics right now in the ordinary

1 course reporting that we're doing and we're going to

2 continue doing as CP and KCS separate for some

3 period of time. The two railroads have slightly

4 different conventions for the definition of end of

5 week and every time I try to describe exactly what

6 those conventions are I get it wrong. Suffice it to

7 say that I think CP does more Saturday end of week

8 than KCS does.

9 In due course, as I mentioned, our plan

10 is to convert our EP724 and 770 reporting to a single

11 report for CPKC that won't involving harmonizing the

12 methodologies. And what we're proposing to do when

13 we do that to define our weeks, where we need to

14 define a week under those metrics, is to shift

15 everything to the same Friday, 11:59 p.m. convention

16 that would be applicable broadly in our monthly

17 reporting.

18 There's one exception that I understand.

19 I'm not an expert at the reporting here, but I gather

20 that 724, Item 11 requires an end of week on Saturday

21 calendar or something to that effect. We obviously

22 continue to follow the regulatory requirement, but

1 where there's flexibility we convert.

2   Now remember what I said about the

3 detail. If we were going to report 724 and 770, not

4 just in those dockets as now, but fold them into our

5 monthly reporting, for the time being, we have a

6 separate line item for CP and a separate line for KCS

7 for each of those metrics and the weeks wouldn't line

8 up perfectly just because they report the way they

9 report today and we're not changing anything about

10 that methodology until we go to a single CPKC

11 report. So that may be a consideration as you think

12 about what you would prefer to do with regard to

13 monthly report.

14   DIRECTOR BRENNAN: Well, I mean I

15 understand as we get into the weeds here sometimes

16 they're going to be slightly different flavors of

17 more or less the same thing and I think that we just

18 proposed 11:59 on Friday just because it was seemed

19 to us to be not an unreasonable thing. We could have

20 easily just proposed 11:59 p.m. on a Saturday. I

21 don't think it really makes much difference where

22 you draw the line. Once you get started the trends

1 will manifest themselves, whether you mean at 11:59

2 Friday or 11:50 Saturday. It all comes out in the

3 wash.

4   So I certainly think there's some

5 flexibility on our part. I think 11:59 is a

6 perfectly good spot to focus on. And if that works

7 for you, that's great, but if you needed to pivot to

8 another time, we're perfectly happy to work with

9 that. And I understand, yes, that if we do certain

10 things it might put us in tension with 724 reporting

11 and maybe it's the Board who needs to pivot with 724.

12 Who knows? It's all stuff we can work with.

13   MR. MEYER: Okay. I appreciate that. I

14 know there's one other detail I failed to mention

15 here and it really is just one of those weeds, but

16 I'll mention it for completeness and that is we

17 would report 11:59 Eastern Standard Time as our

18 cutoff. There are a variety of reasons for people

19 who compile data about train movements like having

20 like Zulu time or something is important. This

21 Eastern Standard Time is what CP uses and that's what

22 we'll be reporting on.

1   DIRECTOR BRENNAN: And that makes perfect

2   sense.

3   MR. ANDERSON: That's helpful and we

4   certainly recognize the challenges of migrating and

5   otherwise consolidating to discreet information

6   technology systems and all the data capture and

7   transformation that's ongoing with those two

8   entities.

9   I'd be curious just to think a little bit

10   more about -- it was helpful that you shared all that

11   information about the week's end dates and time zones

12   and all of that. That's exactly the level of detail

13   that a data analyst or a data engineer has to

14   approach these types of things from.

15   I'd be curious just to see that in some

16   kind of methodology document. That's been a really

17   helpful sort of written artifact that accompanies the

18   EP724 and EP770 data.

19   How would you envision memorializing or

20   otherwise just providing documentation about the

21   methodology that you're using to capture this

22   information from more of a data perspective and how

1 that might evolve over time since we're sort of

2 talking about meta data right now, data about the

3 data?

4   MR. MEYER: That's a fair question. I

5 think I definitely envision that there would be

6 essentially a set of written down instructions,

7 probably something drafted by a data person because

8 it's for other data people, but why don't we

9 consider that amongst ourselves and I imagine we end

10 up with something. I'm not intimately familiar with

11 the methodology document in 770 or 724, but at least

12 something at that level. But if addressing these

13 more detailed questions wasn't in those documents, we

14 could certainly include that in our methodology

15 synopsis and share that and it would be good to have

16 an understanding that we're doing it the way we told

17 you we were doing it.

18   MR. ANDERSON: Thanks. Bill, go ahead.

19   DIRECTOR BRENNAN: Just again to repeat

20 something I think David said already, you are

21 anticipating, as we are anticipating -- CPKC is now

22 merged, but the CP and Legacy KCS continue to report

1   separately for the time being on accounting issues

2   and a whole bunch of different things. There's going

3   to be a little bit of time to bring everything into

4   one roof. So we would anticipate for this data that

5   we're talking about, at least with the operations and

6   gateways stuff that for a time period that we'll be

7   getting CP data and KCS data separately and at some

8   point in the future we will be getting CPKCS data or

9   are you planning to aggregate the data somehow or

10   what's the --

11   MR. MEYER: Good question. And I can

12   take that in chunks. So for the operational data,

13   completely unaffected by CPKC. The operations that

14   are being measured are on one or the other side of

15   the boundary between the systems and we're going to

16   report a single set of metrics and then go back in

17   time drawing from the sources that we have as best we

18   can, et cetera.

19   For interchange data, going forward,

20   there will be a CPKC set of records relating to

21   waybills that then drive the interchange counts by

22   commodity. The only place where CPKC, obviously

1   looking back in time there'll be KCS interchanges

2   historically and CP interchanges historically, one or

3   the other.

4   The only place where both railroads is

5   present is Kansas City and so for historically we

6   were obviously going to -- well, I shouldn't say

7   obviously, but we were planning to create a KCS

8   interchange with Union Pacific separately from an CP

9   interchange with Union Pacific and then we would

10   also, historically, be reporting of course the KCS

11   interchange with CP. From the control date forward

12   we were proposing to report a CPKC system level

13   interchange with other railroads and going into the

14   future that way, so that's the interchange data. And

15   we can do all of that without needing to await future

16   consolidation systems and the like.

17   For purposes of the EP724 and EP770

18   metrics, that's where we have been reporting

19   separately CP and KCS, so CP would report the on-time

20   performance, say, with respect to the trains on the

21   U.S. part of its network and I'm going to quickly get ahead of

22   my skis in trying to define the exact perimeters of

1 what that means. And KCS would be doing the same

2 thing in some form on their railroad, so there'd be

3 two separate metrics.

4   You can't just average that, right? You

5 have to actually go in, use a single methodology to

6 assess for the CPKC network trains within he United

7 States. What is the on-time performance? One of the

8 transition items is measuring performance relative to

9 what and there's just a lot of methodological issues.

10   So as we work through on each of the

11 EP770 and 724 metrics, what is the harmonized, single

12 CPKC methodology. At some point we'll transition

13 over from separate CP network/KCS network metrics to

14 a single CPKC metric for the CPKC United States

15 network. And I am confident that there will be

16 revisions to the methodology document associated with

17 that, just to reflect the fact that we're going from

18 two to one. I think that answers your question, but if

19 I left something out let me know.

20   DIRECTOR BRENNAN: No, it does. And I

21 appreciate that you also pointed out, indirectly,

22 that we are of course talking about the CPKC U.S.

1   operations. We are very mindful of the fact that we

2   are regulators of the United States portion of the

3   network and our remit ends at the 49th parallel and

4   wherever else the border is drawn and it's important

5   that we always keep that in mind, that we're dealing

6   with a transnational entity, North American entity,

7   but we're only the regulators of the U.S. portions

8   and we understand that.

9   Ian, maybe this is the time to transition

10 into let's talk about the specific buckets, the

11 operations, the gateways, and maybe we can have those

12 -- we've talked at a pretty high, abstract level.

13 Let's get into the weeds in each of those buckets

14 now; does that make sense?

15   MR. ANDERSON: Yes, that does make sense.

16 We were planning to start with the gateway issues and

17 template. And I just wanted to check since we've

18 been going for a little bit. Court reporter, sorry, I

19 just want to make sure you're okay over there.

20   COURT REPORTER: Yes, I am. Can you hear

21 me?

22   MR. ANDERSON: Okay. Maybe just on mute,

1   but I think we can go ahead.

2   COURT REPORTER: Did you hear me? Did

3   you hear me? Can you hear me?

4   MR. ANDERSON: All right. So just

5   beginning with the gateways data. Hold on one

6   second. Yes, so I think we can talk about the

7   template first, specifically the carload counts by

8   two-digit STCC code and broken out by an interchange

9   partner.

10   I think one of the key issues here is

11   translating the layperson syntax here of interchange

12   locations into data syntax with respect to basically

13   what is EPORT in terms of a Rule 260 junction name,

14   which is a Alpha letter encoding, EPORT, for

15   example, I think we would have something like that

16   for each of these gateways.

17   And then for certain of the gateways,

18   there are multiple Rule 260 junction definitions

19   based on our knowledge of interchange ongoing at

20   those locations, so Chicago, sort of a classic, and

21   in terms of how many different jobs there are and

22   different ways that data are defined in terms of

1 interchange, whether that be by Rule 11 or an interline

2 move. Same thing I think goes for Kansas City

3 as well since there's just a few different -- well,

4 in the overall sense there's a lot of different

5 railroads that touch Kansas City in that interchange

6 there.

7 So that's what the core thing is, just

8 making sure that this template makes sense and that

9 there aren't any details that have been overlooked.

10 DIRECTOR BRENNAN: Go ahead, David.

11 MR. MEYER: Now may be the time to put

12 our PowerPoint up on the screen because I can, at

13 least, orient you as to how we approach the exact

14 question you just posed about what is a Chicago

15 gateway.

16 MR. ANDERSON: Yes, that would be

17 helpful. And just to reiterate what Bill said

18 before, we would just expect you to send it via email

19 later on.

20 MR. MEYER: Whatever slides we end up

21 showing we will make sure you get an electronic

22 version of it.

1   MR. ANDERSON: Got it.

2   MR. MEYER: So, is Todd able to --

3   MS. QUACH: He is not. If the host can

4 please allow Todd Workman to share his screen, we

5 will have it on screen.

6   MS. WORKMAN: Okay, one sec.

7   DIRECTOR BRENNAN: Thank you, Roberta.

8   MR. MEYER: While that's happening, I can

9 say one question that we had, and I think you framed

10 it as we're reporting carloads here and that raises

11 the question of whether that includes a loaded

12 container in intermodal service, which as you probably

13 know are not generally very well specified in terms

14 of commodity.

15   MR. ANDERSON: Right. The classic,

16 freight all kinds, catch all. That is helpful.

17 They're not specified in terms of commodity, but I

18 believe on the bill there would be some kind of

19 designation that it's a freight all kinds or revenue

20 empty movement of a container.

21   And just to be clear, I may have

22 misspoken when I said carloads. I believe we're

1 looking for count of cars at interchange.

2   MR. MEYER: This is why I'm raising the

3 question and this is a slide that has just the

4 language snipped out of Appendix B. I think it's

5 exactly what's on Appendix B. It certainly should be

6 and it does refer to count of cars. And so I think,

7 at least the way I think about that, carloads is

8 easy. It's a carload in a car, loading a car.

9   For intermodal, if the goal is to capture

10 intermodal at all, cars doesn't seem to me to make

11 much sense. We're getting this data at the waybill

12 level.

13   DIRECTOR BRENNAN: Yes, exactly right.

14 And there is going to be with all probability a

15 subsequent order of the Board here to take into

16 account the exchange of information we have in this

17 technical conference to set up what the cadence is

18 going to be and to do those other things. So we have

19 an opportunity here to clarify, at least at a

20 technical level, some of these issues and the Board

21 can take them under advisement and CPKC will have,

22 and the whole world will have appropriate

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1   opportunities to speak to the Board, formally.

2   But just as a naive reaction, I think

3   that we are looking for the same kind of information

4   that would be in a waybill sample, so I don't think

5   that we're asking for anything more than what would be

6   in our waybill sample in terms of it is commonly the

7   case that intermodal containers are billed -- each

8   intermodal container gets a separate waybill, so

9   given the importance of intermodal to this

10   transaction, it would be strange if the

11   Board was not seeking information about how the

12   network is evolving and adapting.

13   We know we don't regulate intermodal

14   traffic, but one cannot understand the network

15   without understanding the importance and the volumes

16   and the operational considerations associated with

17   intermodal traffic. So I think, again, we're Board

18   staff. We're not the Board. We're not making any

19   decisions here, but I do think that it's probably

20   likely that the Board intended to include containers

21   as part of its count of cars, just as it currently

22   collects information on containers in the waybill

1   sample and that we would expect -- we can talk about

2   the 100 percent tapes later, but they'd be showing up

3   there as well.

4   MR. MEYER: That does not surprise me,

5   Bill, that you would put it that way and a question

6   that I think is subsidiary to that is assuming we are

7   reporting containers, would it be desirable to just

8   have them show up undifferentiated from cars in your

9   50 rows of commodity STCC or have a separate

10   breakout for number of containers, not by commodity,

11   but just container with no revenue billed loaded

12   container or something, right?

13   There are just different ways that one

14   could do this and I'm sure that we have a view as to

15   what is the best. I know I personally don't, but

16   there was a question that came up as we were

17   realizing that there wasn't a line item on your

18   template for intermodal and so where would it be

19   showing up and which stick would have the sort of

20   undifferentiated -- kinds or whatever. I think it's

21   about 47 or something.

22   DIRECTOR BRENNAN: Forty-six for the

1   reporter.

2   MR. MEYER: Forty-six? Thank you. I

3   guess let us know what you would prefer and we can

4   assume we can do it, but certainly will consider whether

5   we could do it.

6   DIRECTOR BRENNAN: Yes. I mean, again, I

7   am very hesitant -- I'm not hesitant in some big

8   sense of the word, but I'm hesitant because I don't

9   want to speak on behalf of the Board. This is

10   clearly the Board's decision and if it needs

11   clarification the Board will have to clarify it. But

12   it would seem to me based on the way the Board does

13   its business in other areas that we would want some

14   kind of count of containers, revenue containers here.

15   We know we don't know what's inside those

16   containers. We know on the waybill they're

17   classified as freight all kinds. We don't know

18   exactly what's in there, but I would expect we would

19   at least want that level of detail to go forward -- I

20   mean the Board would want that level of detail,

21   otherwise, I don't think it can conduct its

22   oversight, so we'll have to see. I think that makes

1   sense.

2   If you have suggestions on basically

3   here's the list of counts of cars interchanged and

4   here's the list of containers interchanged. If it's

5   on the waybill -- just whatever is on the waybill in

6   terms of the commodity would probably be sufficient

7   for us. So if it turns out there's a container full

8   of wheat and we know such things exist, show us the

9   carloads of wheat and show us the containers of wheat

10   and that would probably be fine and then 46 will just

11   show a heck of a lot of containers and I think that

12   makes most sense to me so there would be a count of

13   cars and containers interchanged characterized by

14   two-digit stick.

15   If you have another thought here, I'm

16   perfectly willing to entertain it.

17   MR. MEYER: I understand what you just

18   described. I think I understand completely. Why

19   don't we come back with you if we have a different

20   thought and we'll talk about it.

21   DIRECTOR BRENNAN: And David, we have an

22   agenda today. We're trying to get through stuff. So

1   I'm expecting a nice conversation today. This is not

2   the end of the conversation. If this conversation

3   needs to go on and go on for a considerable period of

4   time to get this right so that everybody's in the

5   position that they get the data that we need in an

6   efficient and accurate manner, we're happy to carry

7   those conversations forward.

8   MR. MEYER: We really do appreciate that

9   and I think that hopefully we'll be able to get to

10 closure on most of this very quickly. If it's the

11 case that we need more time to discuss it, we're

12 certainly going to be here for you as well.

13   DIRECTOR BRENNAN: Thank you.

14   MR. MEYER: So if you go to the next

15 slide, I think it's the next slide, what this slide

16 does is it puts on one page each of the gateways.

17 And if I somehow manage to omit one, it was

18 absolutely unintentional. I don't think I did, but

19 I'm not trying to alter what the Board has ordered.

20   The list of railroads here is from your

21 template and I think it, for the most part, makes

22 sense to me and us, based on what we know of our

1   operations. We have listed here the approach we've

2   taken to identify -- again, this is in the revenue

3   waybill records that we're using for determining the

4   interchange counts per carloads and that approach has

5   used instead of these Rule 260 or 280 -- I don't

6   remember -- codes, it's using FSAC as the point of

7   interchange and we have validated with internal folks

8   who know where interchange occurs at these gateways

9   within the broader Chicago terminal, within the

10   Minneapolis/St. Paul area, within Kansas City, as you

11   can see there are a number of FSACs listed that are

12   interchanges used by KCS or CP or locations where the

13   revenue interchange occurs within those broader areas

14   and those are the FSACs that we're proposing to use

15   to capture activities at the gateways. We believe

16   this captures all of the activity that's associated

17   with the gateway.

18   And we did have a couple of questions,

19   though, about the template and perhaps it will become

20   apparent when I ask. I'll start with one and that

21   was one thing that we're curious about for East St.

22   Louis you list only CSXT as an interchange partner.

1   I don't know if that was based on some data source or

2   is there a reason that you only lists CSXT?

3   DIRECTOR BRENNAN: Again, for the same

4   reasons. I would think that the Board would be

5   looking for all of the interchange partners of CP and

6   former KCS at St. Louis. It may be that we pull that

7   off of a list that came in the record somewhere, but

8   if there are other interchange partners besides CSXT

9   there, then perhaps it would be appropriate for us to

10   look into that.

11   We certainly wouldn't want there to be an

12   omission. The Board has this general attempt of what

13   its trying to accomplish and if made a mistake or it

14   neglected a particular interchange party, I would

15   think that the goal would be to try to correct that

16   appropriately so that the Board can conduct its

17   oversight monitoring with a full set of records and

18   not have anybody come back and say you guys we're

19   dealing off the bottom of the deck somehow.

20   I mean I certainly understand FSAC and

21   we'd have to take this list back and look at it and

22   make sure that those numbers are the numbers -- you

1 know what we would expect.

2   Ian or Rob, do any of you have any

3 concerns about measuring this at the FSAC level? And

4 I'm not sure that we have an answer right now. We

5 might have to think about this amongst ourselves, but

6 I certainly appreciate that the FSAC could be a way

7 to go about doing it here.

8   MR. MEYER: One thing that may not be

9 apparent from what I've already said and it relates,

10 I think, specifically to the template as it covers

11 Chicago. Our plan would be to report all of the

12 interchanges by carrier, yes, but for Chicago, but

13 one aggregate for Chicago wherever the interchange

14 occurs within Chicago rather than trying to parse

15 which cars go where or which cars are billed where

16 within a gateway.

17   DIRECTOR BRENNAN: And I can appreciate

18 that from a reporting standpoint that the simplicity

19 that that provides and yet, as we know, the Board is

20 likely to be concerned with operational impacts

21 within the Chicago Metroplex and so it may very well

22 be seeking more detailed information there. I'm not

1   in a position to say one way or the other.

2   But let's proceed along the idea that you

3   want to propose using the FSACs for the purposes of

4   these data templates and I understand that is a

5   perfectly reasonable desire on your part. We've

6   provided those templates, just as I said, as a

7   courtesy, as an icebreaker, so we're having this

8   conversation and we'll see where it takes us and

9   we'll see what the Board's desires are when the Board

10   weighs in on these issues.

11   MR. MEYER: Okay. Well, one thing that I

12   do know is that the revenue waybill records which are

13   what drive these interchange talents are not going to

14   give us the precise location of operational handoff.

15   DIRECTOR BRENNAN: Absolutely. There's

16   no question that those are revenue documents and we

17   understand the operations often do not match. In

18   Memphis, it turns out the interchanged somewhere else

19   and that's just the way the world works. We get

20   that.

21   MR. MEYER: I know from experience that

22   that mean -- we had it come in the case, right, where

1 there was traffic that was billed as interchanged at

2 Cockrill or Springfield, Illinois that was physically

3 handed off in East St. Louis. I think for purposes

4 of this exercise there's the much more likely

5 scenario is something is billed over at Chicago and

6 where exactly within Chicago it gets handed off,

7 whether that's a Spaulding or Bensenville or a

8 Clearing yard or a Barr yard that can vary week to

9 week, day to day. It's infinitely complicated I know

10 in the Chicago area. But the records that we would

11 be drawing from just wouldn't have that information.

12 It's not something that is easily grabbed for

13 purposes of reporting.

14   So one other question just while we're on

15 this subject, and in your templated you separated

16 CSXT from the BRC. I'm not sure that's a meaningful

17 distinction and we could report it that way I'm sure,

18 if we have records that are BRC versus CSXT, but I

19 assume we would report on a system level for the

20 Class I railroads.

21   MR. ANDERSON: I think that may just deal

22 with the same sort of operational variance that you

1 described, David, just where the BRC perhaps that's

2 for the bar yard, whereas CSXT might be for some

3 other location or traffic pattern. But again, we're

4 just looking to capture here the flow largely of

5 traffic through the gateways and just to comment on

6 the FSAC idea or FSAC, as it's on the screen, FSAC.

7 That would be, I think fine, just as long as we're

8 considering the FSAC.

9   About the FSACs, that would be specific.

10 So for example, Beaumont, that would be specific to

11 the KCS mark basically there because FSACs are not

12 unique across a single carrier, so it would have to

13 be in combination with the -- like the reporting

14 mark.

15   For example, CSX, somewhere on the

16 network might have a FSAC that's defined as 00767, so

17 I just wanted to be clear that that's how you

18 envision it, basically, the unique FSAC that is

19 under the control of CP or KCS here for these.

20   MR. MEYER: That's a question I'm not

21 capable of answering meaningfully, but I can tell you

22 that I'm confident that what we're intending to

1 capture is all the cars that CPKC interchanges with

2 another carrier at or in the vicinity of Beaumont,

3 Texas, right? When we looked at that in our systems

4 and so I think the answer therefore is probably a

5 yes, but this is the one FSAC that accounts for all

6 of that interchange.

7   MR. ANDERSON: Okay. Go ahead, Bill.

8   DIRECTOR BRENNAN: Let me interrupt here.

9 I want to come back to Chicago and the discussion we

10 were having in Chicago. David, am I understanding

11 you to suggest that in Chicago your interchange

12 partner might be the BRC and it, turn, might then

13 deliver stuff to other eastern carriers or whoever it

14 might be turning stuff to and that you were intending

15 as part of this reporting to say, yes, we turned this

16 over to BOCT and not necessarily suggest who the

17 interchanged partner on the other side of the BRC

18 would be?

19   MR. MEYER: No, I wasn't meaning to

20 suggest that and I'm concerned that I don't know with

21 precision what it is I meant to tell you, but I'll

22 tell you what was in my head. It was simply that I

1   think of BRC as part of CSXT.

2   DIRECTOR BRENNAN: I see. I see.

3   MR. MEYER: That's all. And so my

4   assumption is that the interchanges that we're

5   reflecting here are interchanges with another

6   participant in the line haul move. It's not a

7   handoff to a switching carrier. It's someone who's

8   in the waybill route. That's my belief, but it's

9   subject to confirmation. I don't want to state that

10 with too much certainty.

11   And I think so to your question if the

12 line haul route, whether it's a historical month or a

13 future month, is a CPKC interchange -- you know

14 Chicago or whatever the code is to the NS. I mean

15 the NS is the interchange partner. Chicago is the

16 interchange point. We report it as a handoff or a

17 received from NS. If the route is CSX -- I mean

18 CPKC IHB NS reported as a handoff to the IHB, I

19 think.

20   DIRECTOR BRENNAN: Let me just muse out

21 loud here for a second. I mean I think that the

22 reason the Board is collecting this data is so that

1   it can be confident that the CPKC is capturing

2   greater volumes of traffic if it captures greater

3   volumes of traffic because it's providing superior

4   service in terms of price and in terms of quality and

5   that it is not somehow capturing greater volumes by

6   the exercise of some sort of market power or

7   foreclosing consumer options here.

8   MR. MEYER: Right.

9   DIRECTOR BRENNAN: Theoretically, that's

10   the point of the oversight period. So if the

11   reporting to IHB, for example, if it prevents the

12   Board from being able to see into that question,

13   where is the source of this growth coming from? Is

14   it pro-competitive or is it anti-competitive because

15   you can get the same result of growing volumes either

16   way? That's what we're trying to get at and so we'll

17   have to think about whether the reporting you're

18   getting at here is where the Board needs to be to

19   exercise its judgment on that sort of overarching

20   point.

21   MR. MEYER: I have two thoughts about

22   that that may be useful for you to consider, maybe

1   there's three thoughts. One is I'm not sure what the

2   alternative would be if we want a consistent

3   reporting of an interchange at a gateway.

4   DIRECTOR BRENNAN: Right.

5   MR. MEYER: But maybe there are

6   alternative approaches to identifying the ultimate

7   line haul carrier or something that we can discuss,

8   but I just don't know enough to know about how all

9   that might work and the difficulties it would create

10   in practice.

11   The second thought that I had was if what

12   we're trying to do, and I think it is, in part, to

13   demonstrate or allow the Board to analyze or assess

14   whether CPKC's success is coming as a result of

15   closing gateways or closure, as you said. It seemed

16   that a handoff to IHB is pretty good evidence because

17   IHB connects to everyone else. So if you're handing

18   off to IHB that traffic is available to beyond on any

19   carrier that IHB connects to I would think. But

20   again, I asked the question because it was in your

21   template.

22   DIRECTOR BRENNAN: And by raising that

1 question, I mean I was not in any way forecasting --

2 I'm not taking the side on either side of its

3 pro-competitive or anti-competitive. I was just

4 trying to imagine the Board would be using this data

5 for and so certainly it may require some thought at

6 the staff level to make sure that this approach,

7 which on its face is not unreasonable by any stretch,

8 but whether this approach is going to allow the Board

9 to do what it wants to do and that won't be something

10 that I can answer right here, but I appreciate the

11 idea of using FSAC for this purpose and for the

12 listing of the FSAC as you've done here. It seems

13 like, again, not an unreasonable way to approach this

14 question, whether it's one that the Board will find

15 acceptable we'll have to see. I mean we'll have to

16 think about it a little bit and give the Board our

17 thoughts on the subject.

18   MR. MEYER: Okay. So I think my further

19 thoughts on this interchange issue -- let me make

20 sure I'm not overlooking something. We talked about

21 most of what I had on my list. I think there's one

22 other question that hasn't come up directly with your

1 template, but the Board did raise the question of

2 potential reporting of car miles associated with

3 interchanges and if you're interested in talking

4 about that subject, we can.

5   One thing that I can tell you is that the

6 data source from which we're identifying the

7 interchanges and by commodity, et cetera, doesn't

8 have a measure of actual car miles on the network.

9 It's waybill records and the waybill records relate

10 to the creation of the waybill, not the alternate

11 sort of end of the operational cycle associated with

12 the actual route of movement or anything like that.

13   So in order to try to populate -- if the

14 goal is to come up with -- and I assume the goal

15 would be something like for the 23 cars of wheat that

16 were interchanged at Beaumont in a certain month what

17 was something like the average car miles associated

18 with those -- I assume it would be CPKC car miles

19 associated with those movements.

20   If we tried to populate a field like

21 that, we'd have to do some calculations trying to

22 derive a mileage using the revenue to miles that are

1   in the record, but that are associated with derived

2   mileage table type estimates and KCS and CP do it

3   somewhat differently, their details associated with

4   all of that.

5   I'm 100 percent certain I know what it is

6   that a car mile estimate or figure would be designed

7   to accomplish, so I'm a little bit at a loss to

8   suggest a solution, but there are definitely some

9   logistical issues associated with it and would

10   definitely not be an actual route of movement precise

11   measure of actual car miles.

12   MR. ANDERSON: Would it be helpful maybe

13   to just approach that question of car miles in

14   perhaps different source systems, just from a little

15   bit of a foundational explanation. When you say,

16   David, the revenue waybill and perhaps it doesn't

17   collect certain information related to operating

18   statistics like car miles, just exactly what is the

19   revenue waybill? Would that be the traffic tapes,

20   what kind of information is in there, and then

21   perhaps the operating data, car miles statistics type

22   of information is either calculated by reference to,

1   like you said, some sort of mileage table based on

2   like OD pairs or perhaps it's aggregated from some

3   sort of car event data or something like that. But I

4   think it would be helpful to get straight what it is

5   that you mean when you say the revenue waybill and

6   what that means to CP and KCS.

7   MR. MEYER: So I'm probably not the

8   expert on this, but I can give you a high-level

9   synopsis based on my understanding. And if someone

10   who's on the phone call now can fill in, where

11   appropriate, I'd be delight to have that happen.

12   So first of all, there is a

13   correspondence between the revenue waybills and the

14   traffic tapes. We can talk in more detail when we

15   get there. I can give you a summary now, maybe I'll

16   do a little bit there on the traffic tape. So 100

17   percent traffic tapes to CP and to KCS are

18   essentially that body of information drawn from the

19   revenue waybills that ends up in our proceeding in

20   the workpapers that we filed associated with the

21   merger application.

22   And you may recall that the Board's new

1   merger rules, the 2001 rules had an obligation for

2   Class I railroads to share the traffic tapes with

3   other participants in the proceeding as a way of

4   getting access to the traffic tapes of the

5   applications while the merger proceeding is pending.

6   So our understanding of what the traffic tapes are is

7   that kind of commonly understood body of traffic

8   files that are drawn from the waybill that show the

9   commodity, the car type, the origin and destination,

10   the route of movement, the interchange -- you know

11   the railroads in the route.

12   And in fact, we have I think a couple of

13   slides in here. We have a list of fields that are

14   associated with the traffic tapes that we filed in

15   the proceeding.

16   DIRECTOR BRENNAN: David, that seems a

17   reasonable place to think about the -- that would be

18   my commonsense understanding of what the 100 percent

19   traffic tapes is, as well. If the Board said we're

20   not going to have a sample. We're going to have a

21   census. Give us all of them. This is the pool from

22   which the sample is drawn.

1   MR. MEYER: Exactly. And I was going to

2 say this is the same information, for example, that

3 CP sends to a contractor in order for the contractor

4 to prepare the same that then goes to the STB.

5   DIRECTOR BRENNAN: Okay.

6   MR. MEYER: And in those records, right,

7 there're not an operating mileage calculation. I'm

8 not sure whether there are miles. I think miles may

9 be estimated outside of this. I just don't know. I

10 know there are methodological questions about how

11 the sample miles are assigned and so forth, but what

12 I was saying about the interchange data is that the

13 way in which CP would approach the calculation of

14 miles would be to use something that's in its own

15 data base, which is an RTM, a revenue ton mile number

16 and derive the mileages by using the known revenue to

17 back into a mile. That mile would've been assigned

18 to create the RTM in the first place using mileage

19 tables or an estimate rather than an actual operating

20 ex-post assessment of what route was actually taken,

21 what were the miles associated with that shipment.

22 That's what I was trying to convey and that's as far

1   as I can go in terms of my --

2   DIRECTOR BRENNAN: Let me ask a couple

3   questions here. And again, it's just background

4   questions.

5   At the current time, how long does CP and

6   how long did the Legacy KCS retain the traffic tapes

7   as routine course of business? And obviously the

8   people can change their retention policies. That's

9   up to you to do. That's fine. But at the current

10 moment if the Board asked you at some future date

11 give us these traffic tapes, how likely is it that

12 you would still be in possession of those traffic

13 tapes?

14   MR. MEYER: I don't have the answer to

15 that question, Bill, if we were completely outside of

16 this proceeding, but I can tell you that we're not

17 going to have a problem retaining going back five

18 years. We have the records going back five years

19 from April 15th.

20   DIRECTOR BRENNAN: Okay.

21   MR. MEYER: And we can hang onto them for

22 the duration of the oversight period. That's not

1   going to be a problem for us.

2   DIRECTOR BRENNAN: All right. Appreciate

3   that. And again, I'm not directing you to do

4   anything, but you can anticipate that a Board might

5   ask you to preserve such documents in case it should

6   choose to examine them at some future date.

7   Now let me ask a similar, but related

8   question. If we agree that these are the 100 percent

9   traffic tapes -- and again, we use this word, "100

10   percent traffic tapes," and use very causally in the

11   world, but there's another set of data that sometimes

12   might be embraced in here and that's sort of the

13   train event data information.

14   Now we have not asked for that train

15   event data information, but it's entirely conceivable

16   that as part o its oversight and monitoring at some

17   future date, the Board might ask for information

18   about train event data. And again, the same sort of

19   question, is there -- I know there is extremely

20   voluminous data -- how long, generally speaking, does

21   CP and the former KC retain those kinds of train

22   event data for your own look back periods and your

1   own planning purposes. And if you don't want to

2   answer that question, I understand, but this is my

3   question in the same question, just a different

4   flavor of stuff.

5   MR. MEYER: I'll hazard one part of the

6   answer to that question and then I'll defer to the

7   experts with regard to perhaps filling in.

8   DIRECTOR BRENNAN: So in part, I would

9   say the answer to that question is something we're

10 going to learn something about as we attempt to

11 compile the five years of historical data points for

12 the operating metrics that are subject to reporting

13 under the Board's Appendix B.

14   And I think we think that the train

15 movement event data, as that term is understood, at

16 least by us, is likely be something that will allow

17 us to go back to the beginning of the five-year look

18 back period. I don't know what the answer would be

19 to how long -- if we were completely outside the

20 context of this proceeding how long would those tapes

21 be reviewable going forward into the future. That's

22 a question I can't answer, but maybe someone on this

1 call has the ability to.

2   MS. QUACH: I will attempt to do that.

3 Obviously, both CP and KCS have our own separate data

4 retention policies. Different types of information

5 are retained for different periods of time, depending

6 of course primarily on legal requirements and then

7 also depending on our own commercial requirements as

8 well.

9   I'm not sure whether or not the question

10 you're asking is really based on our corporate data

11 retention policy. What we understand is that, for

12 example, in Item 3 in the Appendix of the reporting

13 requirements we are being asked to reserve our 100

14 percent tape for five years. We understand that to

15 be part of the Order and we will comply with that

16 Order and so we will be collecting both CP and KCS

17 100 percent tapes -- traffic tapes, my apologies,

18 going back five years.

19   Going forward, every piece of information

20 that we will be submitting over the next seven years

21 we will also of course retain. And so for a look

22 back as well as a perspective oversight period, all

1 data that the Board deems necessary for the oversight

2 we will have retained. I'm not sure whether or not

3 that answers your question.

4   DIRECTOR BRENNAN: Right. So I think

5 what we're gravitating towards is that for the

6 purposes of the Board's Order and the desire to

7 maintain or preserve the 100 percent traffic tapes,

8 you consider the use of that phrase "100 percent

9 traffic tapes" to be the information that you are

10 showing us on the screen at the moment, which is

11 essentially the analog to the revenue waybill sample.

12   MR. MEYER: Right.

13   MR. ANDERSON: I just want to ask a

14 little bit about the list of fields that are on the

15 screen and relate it back to the source systems at

16 play here. You mentioned that this is some data

17 that is coming from the revenue waybill; is this how

18 the data are kept in the normal course of business

19 with these particular fields that you've listed,

20 spelled the same way?

21   I'm just curious specifically about

22 what's called the "name space" here, so some of the

1 fields are all caps with no spaces. Some of the

2 fields are with spaces and what's called camel case;

3 is this how the data sits in the normal course of

4 business?

5   MR. MEYER: I know I'm not the person to

6 answer that question with any specificity. I believe

7 these are the fields that if you looked in the

8 workpapers in the merger case to our traffic tape

9 file, you'd find these fields and then below these

10 fields you'd find a number of fields were our

11 consultants did various manipulation to the data and

12 generated other statistics drawing from their own

13 work, but that the fields up to the end of what

14 we're showing are fields that were sourced from the

15 100 percent traffic tape and in terms of the naming I

16 don't know.

17   MR. ANDERSON: Okay. That's helpful.

18 It's just it would be useful to know under which

19 organization this sits in the normal course of

20 business, both at CP and at KCS. Is it part of the

21 marketing function?

22   MR. MEYER: I think it's part of finance.

1   MR. ANDERSON: Finance? Okay. Because

2   it's an accounting document. Yes.

3   DIRECTOR BRENNAN: Let me just jump in

4   and remind people we have 24 minutes until our

5   scheduled break. And for the courtesy of our court

6   reporter, who's been working diligently this time I

7   think we should adhere to that schedule to break at

8   noon.

9   We are hitting all of the points that we

10   were hoping to hit with you all, but let's use this

11   little time we have here at the end to be useful.

12   David, how do you want to proceed in the

13   next 24 minutes here to put us in a position where we

14   can pick up successfully and seamlessly at 1 o'clock.

15   MR. MEYER: Why don't I make just a few

16   notes for you with regard to the traffic tapes since

17   we have that up on the screen and that'll take a

18   minute or two just to sensitize you a couple of

19   issues or topics and then my sense is -- I mean I'm

20   interested in addressing any questions you have

21   remaining in the broader gateway data topics.

22   I think we've already talked about much

1 of the customer service data. There's just a few

2 points I could make there to fill out the picture.

3 If I'm overly optimistic, we may be able to get to

4 our break ready to start with operating data right

5 when we come back.

6   DIRECTOR BRENNAN: That sounds excellent.

7   MR. MEYER: So if we could go back onto

8 the screen with of course the traffic tape fields. I

9 want to point out two things. So we've talked a bit

10 about what the 100 percent tapes are, at least in our

11 understanding.

12   The contract and tariff information is

13 one topic that the Board wanted to be included.

14 There is, of course, information on the traffic tapes

15 on revenue. There is also a field called

16 "calculated rate," at least that's what it's called

17 in the tapes that we produced.

18   And what that is, is a flag indicating

19 whether the revenue was from a confidential contract

20 or not. And so if not, then tariff, so that's the

21 level of information that we have in the traffic

22 tapes on that issue.

1   And then another point in the Board's

2   Order in Appendix B had to do with revenue

3   information on a country-specific basis. I wanted to

4   let you know what we can do and can't do on that. So

5   for U.S. and Mexico for the historical case, yes,

6   movements and going forward separating between CPKC

7   north of the border and Mexico that will continue to

8   be available because there will continue to be a

9   Mexican-specific revenue field. The CPKCM or KCSM

10 tapes will have that number for Mexico.

11   The KCS tapes will of courser only be

12 U.S. For CP, historically, and for CPKC going

13 forward, there is not breakout between Canada and

14 Mexico of freight revenue. There is of course

15 ultimately the enterprise for tax accounting purposes

16 needs to come up with a U.S. versus a Canadian

17 revenue number or maybe I'm being imprecise. That's

18 not really developing a waybill or movement-specific

19 breakout between U.S. and Canada. We don't do that

20 as an ordinary course.

21   So we can do the Mexico versus the United

22 States and Canada, but we're not going to be able to

1 report a Canadian-specific or a cross-border Canada

2 with a U.S. specific revenue.

3   DIRECTOR BRENNAN: We're very familiar

4 with the differences between the Mexican border and

5 the Canadian border from operational and financial

6 reporting. So, yes, we understand what you're

7 saying.

8   MR. MEYER: Okay. So I think that's it

9 for the traffic tapes. Is there anything else you

10 wanted to discuss about other gateway reporting

11 topics? As I mentioned, we're working internally to

12 figure out how we'll approach the estimates of

13 diversions and there's Item 4 regarding data

14 retention. We're certainly mindful of the need to be

15 able to have protocols in place so that if -- we're

16 keeping track of things like rate increases above

17 inflation for the relevant gateways and that sort of

18 thing.

19   There's internal work going on there.

20 I'm not sure there's much for us to talk about in the

21 abstract now, but if you have questions we're happy

22 to try to address them.

1   MR. ANDERSON: Just on its face, David,

2 with respect to the diversions, any comments that you

3 have about the extent to which there's just

4 additional time requirements or complexity

5 associated with doing it on a route-by-route basis?

6   MR. MEYER: So probably yes and no. I

7 think when I thought about this, I thought about this

8 in terms of fairly broad quarters. So we think about

9 the way the evidence came in, in the proceeding. It

10 was I think traffic between the upper Midwest and

11 Mexico, traffic between the upper Midwest and the

12 Gulf, traffic between Canada and those places,

13 traffic to and from Dallas from CP origins or vice

14 versus.

15   Those ended up being maybe six different

16 broad permutations and then maybe there's an "other"

17 category. So I was thinking without knowing anything

18 about organizing how I would describe where the

19 transaction has led to successes because we've

20 attracted traffic, I would try to organize it in that

21 way trying to get more granular in terms of specific

22 routes to specific OD payers and things like that,

1 I'm highly skeptical that that's going to be

2 fruitful, except antidotally.

3   I mean the Marketing Department may know

4 very well that a given customer decided to award us

5 the business instead of a prior Class 1 in this

6 particular lane or from this plant to this

7 destination or what have you, and then we'll know

8 that and I see that as more of a qualitative report

9 than a quantitative report, but this is all very

10 preliminary and speculative.

11   MR. ANDERSON: Would that sort of

12 information be the kinds of things that the Marketing

13 Department might store in a CRM or Custom

14 Relationship Management database to keep track of it?

15 I mean it's a large organization, so in terms of

16 internal insights and knowing where business was won

17 from, details about leads, is that the sort of place

18 where this information might be sourced from?

19   MR. MEYER: I think we're working through

20 now to -- speaking from the regulatory side of things

21 like we're working through now how to think about

22 keeping track of that kind of stuff so that we can

1 tell the story in the future in terms of the exact

2 tools or processes that makes sense for an

3 organization that whose job it is, is it relate to

4 support the regulatory team. I think it's hard to be

5 too categorical. I think we're studying that.

6   We understand the desire to be able to

7 report on those kinds of topics and we'll plan to be

8 as capable of doing it as we reasonably can be.

9   DIRECTOR BRENNAN: I'd just like to say

10 something for the benefit of everyone here. Today

11 and this afternoon we're going to have some pretty

12 detailed questions. Ian just asked a specific

13 question about computer systems. CPKC is going to

14 have an opportunity to redact this transcript. We

15 would not want to do anything that would put CPKC's

16 data systems at any kind of risks from anybody who

17 might be reading this transcript, so we do not want

18 to leave if we talk about breadcrumb trails that lead

19 to certain databases are that, that's the kind of

20 thing that we could reasonably anticipate would be

21 redactable because we would not want to in any way to

22 put your systems in any kind of outside review and

1   risks.

2   I'm not saying that that would be where

3   CP wants to go with its redactions, but you should

4   know that we certainly would be sensitive to that at

5   the staff level here.

6   MR. MEYER: Appreciate that.

7   MR. ANDERSON: Thanks, Bill. I just had

8   one more about the car miles calculations, so just to

9   at least put a bookmark in it for today, you were

10   saying, David, that there's some kind of calculated

11   car mile like reference table, basically, that has

12   mileages by origin destination pair and that's kind

13   of how mileages might be applied to certain

14   interchanges, basically, on average. Like you would

15   reference some -- you could call it like a look-up

16   table, a dictionary, as it were, to identify the

17   mileages. Those data basically are not discrete to

18   every moment and where it actually went. There is

19   not like a mileage for ear that transits the system

20   like where I'd show up somewhere in like some sort of

21   costing system or something like that. You're only

22   using a reference file?

1   MR. MEYER: So the discussion that we had

2   about what could be done to report a car mile average

3   associated with the interchange counts for a

4   particular reporting period and location, et cetera,

5   is that we would be, whether it's CP or KCS or going

6   forward CPKC, we would be tapping into a -- would be

7   using the implicit mileage that's reflected in a

8   calculated revenue ton miles figure where the

9   implicit mileage in the system would be coming from

10   in some format the mileage table concept, right, so

11   that it would be an estimate at the time of the

12   waybill of the route of movement on the CP or KCS or

13   CPKC network that would not be necessarily tied to

14   the actual rout of movement as it occurred in the

15   real world whatever day that car moved and whatever

16   train it moved and blocking pattern and whatever.

17   There's operational data that's really

18   not where if someone knew the car number and could

19   figure out exactly where the car moved maybe you

20   could do an estimate of that, but it's not in the

21   database that we'd be drawing the figures from.

22   DIRECTOR BRENNAN: We understand.

1   MR. MEYER: So I've lost track of how

2   close we are to our break.

3   DIRECTOR BRENNAN: We are at 11:50 and if

4   this is a logical place to break, we're happy to do

5   that and come back at 1 o'clock. But you have five

6   minutes to use to your benefit here.

7   MR. MEYER: Yes, I think I do. I'm going

8   to suggest that for the customer service metrics,

9   we've already discussed the EP724 and 770 metrics in

10 a great deal of depth. There were two additional

11 things that we said we would do in this customer

12 service rubric for purposes of reporting and I can

13 cover them now.

14   We can go back to Slide 23 on that

15 PowerPoint. There were two locations where we said

16 we would report on service levels and there're items

17 that aren't in the 724 and 770 list of metrics. One

18 had to do with the Wiley intermodal terminal.

19 There's not a Wiley intermodal terminal metric that

20 we've been reporting in 724 and 770 and then the

21 other has to do with the Meridian Speedway.

22   And so what we propose to do is insert

1   into our monthly report weekly statistics that

2   reflect service at those locations. And the metrics

3   that we are proposing for Wiley would origin train

4   performance, which would be a weekly average

5   percentage of trains departing on time. And for the

6   Meridian Speedway we proposed to report average train

7   speed between Shreveport and Meridian for all

8   trains.

9   As we look at service and with respect to

10   those two geographies and facilities, those are the

11   metrics that seemed to us to be the most relevant and

12   so that's what we propose to do there.

13   MR. ANDERSON: I have one question about

14   that slide.

15   MR. MEYER: Sure.

16   MR. ANDERSON: The Wiley intermodal

17   terminal percentage of trains departing on time how

18   would you envision that compared to something like

19   the percentage of intermodal units departing on

20   time? Because it's one problem to get the train out

21   on time, but it's another problem to get the boxes on

22   the train and out. So is thee a reason that you

1 picked trains departing on time?

2   MR. MEYER: I would have to defer to the

3 experts on service here. And Todd, is there a

4 specific answer to that question that you would offer

5 or should we think about whether there are issues

6 with the other metric that we hadn't thought about

7 and just come back to Ian with it?

8   MR. WORKMAN: I don't have a specific

9 means to address that question. I mean it's a valid

10 question. At CP we don't necessarily have a measure

11 of that on-time origination of a container, so I

12 think that's something that we'd have to take back

13 and discuss with the team.

14   DIRECTOR BRENNAN: I mean would it be

15 possible to tell us how many containers are in the

16 facility? Are there a thousand or are there a

17 hundred? I mean if you look back at the services

18 prices we saw a lot of the yards were getting jams

19 were getting jammed full of containers, so more

20 containers were coming in than were leaving and so

21 the volumes were going up. So that's certainly a way

22 to sort of get at what Ian's talking about because I

1   think it makes he makes a very good point that you

2   can just leave the trains. I mean, everything might be looking

3   good in terms of trains leaving, but the performance of the

4   terminal might be improving or might be degrading,

5   depending on that other piece of the puzzle.

6   MR. MEYER: Bill, I mean I understand

7   what you're getting at and I do recall that period --

8   I forget exactly when it was when there was

9   supplemental intermodal terminal reporting to deal

10   with the issues on most of the other railroads. I

11   know enough to be dangerous here, but one thing I

12   think I do know is that the metric that relates to a

13   number of containers in a terminal it can mean be

14   a lot of things and it's very hard to interpret.

15   For example, and I'm not sure how great

16   an example this is, but I know that different

17   customers will have different service profiles based

18   on whether they're buying standard or premium

19   service, for example, right? And so it may be that

20   for a particular period of time there is flexibility

21   to manage the flow of containers by keeping them at

22   the origin longer for the customers who haven't paid

1   for two day service or whatever it is and so you'll

2   see that as a fluctuation in the origin container

3   yard counts, but what it really it is, is a perfectly

4   working system.

5   DIRECTOR BRENNAN: Right.

6   MR. MEYER: And we talked a bit about

7   these issues in internally about what is the right

8   way to think about from the perspective of an

9   intermodal service that is designed to put

10 containers onto trains and get the trains out of the

11 terminal and we arrived at this measure as the best,

12 having thought through a bunch of other possibilities

13 that all were either far more ambiguous or

14 potentially actually pointing in the wrong direction.

15   And this isn't necessarily the only thing

16 we could do, obviously. And as Todd said, we can

17 certainly look into this more container-specific

18 metric, but if we don't have an on-time departure

19 associated with the container that may be impossible.

20   DIRECTOR BRENNAN: I mean I think that

21 this is a very good metric, origin-time performance.

22 It's just a question of whether it's quite enough,

1   like how many containers were on the trains that were

2   departing on time? How can we get at a sense of the

3   overall health and fluidity of the terminal? I don't

4   know.

5   MR. MEYER: I understand. At the risk of

6   saying something that I hope never materializes, I

7   mean, one way you'll know is if something is going

8   awry with respect to Wylie performance I think

9   you'll hear about it from Norfolk Southern.

10   DIRECTOR BRENNAN: I have no doubt. I

11 have no doubt. Okay. Thank you for those

12 suggestions for those customer service metrics.

13   MR. MEYER: And just one more thing

14 before we break, and if takes more time we can finish

15 it at the end of the break. On the next slide we'll

16 see we're going to be reporting on Metra on-time

17 performance and we always committed to do that and

18 this is an illustration of where the data comes from. It

19 comes directly from Metra. Obviously, we'll need to

20 audit that before we report it, but this is an

21 illustration using public information that Metra has

22 put on its website from January of 2023.

1   They provide us, at least have traditionally

2   been providing us with the same information on a

3   daily basis so we can stay much more current than

4   Metra's monthly reporting. But what their reports

5   allow you to do is to see how many total trains

6   operated over each line. We've got the Milwaukee

7   District North, the Milwaukee District West that are

8   at issue here. And then on each of those lines

9   there's a page that gives a breakdown of the cause

10   of the delay. And remember, this is Metra's

11   methodology and a delay is defined as a train

12   arriving late at its destination by six minutes or

13   more. So those are the total trains late where, for

14   example, 102 during the month on the Milwaukee

15   District North. Of those 102 late trains, 8 of them

16   Metra attributed to freight interference. You apply

17   that 8 to the 1280 and that's the .63 percent you see

18   calculated.

19   So we'll be doing those calculations and

20   reporting -- I think we said we'd report weekly. I

21   don't remember exactly, but whatever it is that we

22   said we'd do or that the Board has asked us to do,

1   we'll do. I think it's weekly reported every month.

2   DIRECTOR BRENNAN: Right.

3   MR. MEYER: And obviously, we'll also be

4   calculating these numbers more regularly because the

5   escalation conditions that the Board modified require

6   us to look at this on a rolling 60-day basis. We

7   won't reporting be every day. We'll be reporting every

8   month.

9   DIRECTOR BRENNAN: All right. Thank you,

10   David. We have reached our hour and I propose that

11   we table it here and pick it up again at 1 o'clock

12   Eastern Time. Thank you very much and thank you to

13   our court reporter. I appreciate the service.

14   (Whereupon, at 12:00 p.m., a lunch break

15   was taken.)

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1   A F T E R N O O N   S E S S I O N

2   DIRECTOR BRENNAN: All right. It is 1

3   o'clock, so time to resume. Thank you all very much.

4   Is our court reporter online and capturing

5   everything.

6   MS. WORKMAN: The court reporter is

7   online, but they're muted.

8   DIRECTOR BRENNAN: Okay. Very good.

9   David, did you want to carry on or should

10   we go onto the next item on our to-do list here?

11   MR. MEYER: I just want to make sure that

12   the CPKC side is on. Cassandra, is the room online?

13   MR. WORKMAN: We're online here, David,

14   yes.

15   MR. MEYER: Okay. Excellent.

16   I just had one point I wanted to make, so

17   it's a detail that I intuit the answer to, but I

18   wanted to call attention to it. We were talking

19   about interchange data earlier. I think we

20   understand from your comment, Bill, that you'd like

21   us to report on all the interchange partners, the

22   volumes of all the interchange partners, not just the

1   ones that were selected in your template. Makes

2   perfect sense.

3   I assume also that you would like us to

4   try to identify the universe and then consistently

5   report for that list zeros where it's zero rather

6   than just report what we have for a given month.

7   DIRECTOR BRENNAN: Yes. Zero is a

8   perfectly valid numerical response and is the

9   appropriate numerical response if the answer is, in

10   fact, zero.

11   MR. MEYER: Yes. No, that I understand,

12   but in terms of like consistently having the same

13   list of carriers where the data lines up the one

14   issue is we'll do our best to identify in advance the

15   comprehensive list of carriers. I think we'll look

16   at the records we have available to do that. There's

17   a possibility of that list evolving over time.

18   DIRECTOR BRENNAN: Of course. We

19   understand that. Carriers come and go and, yes, we

20   appreciate that.

21   Ian, are there any particular challenges

22   with respect to the data dictionary? Like if there

1   is a change like a new carrier emerges and needs to

2   be reported or an old carrier goes away, what

3   challenges might we face? I mean obviously the

4   reporting change. We might have some technical

5   challenges on our end getting the pipelines to work

6   if there's been a change, but what are the things we

7   need to worry about?

8   MR. ANDERSON: I'm just glad that once we

9   specified here that once we identify the universe

10   that that universe could change at a future point

11   just with adjustments to the business and how the

12   data are reported. I think that it would be helpful to

13   have either concurrent context provided when that

14   change happens. And to the extent that there's any

15   advance notice possible like, for example, if you

16   knew, say, 60 days ahead that there's going to be a

17   new interchange partner at a given gateway and we

18   could work together on the template at that time,

19   advanced notice would be great, I think, if it's

20   possible.

21   If somebody is going to disappear from

22   being an interchange partner, again, that would also

1   just be helpful address as it comes up, but I think

2   the appropriate framework here is to have a grid, a

3   sort of metrics of information that is possible, the

4   universe identified, with your help, on what the

5   universe is. Reporting zero for situations where

6   there is no observations for that aggregate report.

7   For example, like if it was East Port

8   Union Pacific grain, if there was for some reason no

9   grain going through East Port with Union Pacific

10 you'd report a zero there. If there were 10,000

11 carloads going through in a period or scale that back

12 a little bit, 5,000, 1,000 carloads or something,

13 that would be the appropriate number to put there.

14 So that's how we see it.

15   MR. MEYER: Understood. I think, just as

16 a practical matter, I can tell you with moral

17 certainty that there would be lots of zeros because

18 we're reporting for 50 different STCC codes, but

19 zeros are fine.

20   I just wanted to follow up on that one

21 detail. I think we're ready to go into the

22 operational section, unless you have questions about

1   other issues now.

2   DIRECTOR BRENNAN: Anybody at STB have

3   any other questions here?

4   (No response)

5   DIRECTOR BRENNAN: Hearing none, let's

6   move onto operational.

7   MR. MEYER: Okay.   Todd, could you put up

8   Slide 17?

9   MS. QUACH: I think just maybe as for

10   some help, David, just to be sure can you give us the

11   title of the slide?

12   MR. MEYER: Operational Data-Geographies.

13   MS. QUACH: Got it.

14   (Slide 17)

15   MR. MEYER: Okay.   What you see here,

16   assuming you can see it, is really just an agenda and

17   these geographies line up with Appendix B and they

18   line up with the templates that you guys provided to

19   us.   And this is just the order in which we're

20   planning to discuss the operational reporting.

21   So we're going to start with the Polo

22   Line, go to the Twin Cities, then cover the various

1   Texas segments, and then finish up with Metra and

2   Chicago communities reporting. And so diving into

3   the Polo Line, we've organized the slides in a

4   relatively consistent way.

5   We're going to start just by putting up

6   on the slide what it is that Appendix B says. We

7   don't need to spend any time with that I don't think.

8   And there's a map that for each of these segments --

9   well, for most of these segments there's a map that

10   was in the Board's Decision 35 and we snipped that

11   map here just to have it for convenience to the

12   extent it's useful to refer back to.

13   And then for this particular line

14   segment, it's relatively straightforward, I think,

15   for the most part. And if you turn to the next

16   slide, we've taken the map and annotated it here to

17   show how we're going to go about identifying trains

18   and then determining the information that we would be

19   reporting about those trains.

20   And in this particular example, we are

21   fortunate to have data that is available for the

22   CPKC trains that makes this a relatively easy

1 endeavor. We're going to be using train movement

2 event data to identify the trains, the CPKC trains,

3 their lengths, and their transit times. And we're

4 doing that between events that are located where

5 these purple triangles are shown.

6   So at the basically Airline Junction, the

7 east north end of Knoche Yard on the mainline, so

8 CPKC trains that pass that point and also pass Polo

9 Line, so maybe a general observation about all of

10 these segments we're capturing through trains and so

11 we're going to capture through trains going across the

12 entire segment trying to avoid cluttering the data

13 with things like locals or other activity that

14 wouldn't give us meaningful statistics.

15   The CPKC trains is easy. Somewhat more

16 complicated for us identifying the number of UP

17 trains. We think we can do that, but we can't do it

18 using the train movement event data. We're planning

19 instead to use CTC signal data and the green squares

20 show where we'd be collecting that information and

21 the methodology is pretty simple.

22   We would propose that something that hits

1   both of those, in other words, it's a train moving

2   across the entire segment that's not a CPKC train we

3   would identify as a UP train. Now it turns out that

4   only UP has trackage rights here or operating rights

5   and so that's probably a very good assumption 99

6   percent of there time. There could be a detour move

7   over UP of BNSF train, for example, that we just

8   wouldn't be able to identify as a BNSF train, but we

9   would identify it as a non-CPKC train.

10   If you have questions about the map, we

11   can go back to it. We've created a little table and

12   we've done this for each of the recording segments to

13   illustrate on a red, green, yellow sort of basis

14   where we think we are with respect to being able to

15   give the metric that the Board had asked for.

16   And so everything is green, as you see,

17   for the CPKC trains. For UP, it's yellow only

18   because of the interpolation or interpretation that

19   we're embedding into the methodology. We don't have

20   a direct measure of a UP train count, but we're doing

21   our best to estimate and report that in the way that

22   I just described. Any questions about that so far?

1   MR. ANDERSON: Yes, just for benefit of

2   myself and the rest of the room, when you say CTC,

3   that's Centralized Traffic Control data, and could

4   you explain just a little bit more about how that

5   works? Are we talking track authorities granted to

6   UP trains for authority to operate over the line or

7   is this some kind of -- I'm trying to understand a

8   little bit more about how this data is generated.

9   MR. MEYER: So I think Todd Workman is

10 the person to describe that in more detail, and I'll

11 turn it to him in a second, but I think what this is,

12 it's not a grant of track authority so much as a

13 record of a train passing a signal.

14   MR. ANDERSON: Okay. Okay.

15   MR. WORKMAN: Yes, that's exactly right,

16 David. And I guess those two things are synonymous

17 in that sense because the passing of the signal is

18 the authority. Once you pass that signal, you've got

19 a light to go by the signal. It's a green light, a

20 proceed signal. So the system that captures that is

21 indeed CTC and those data are captured for every

22 movement -- past every signal or any controlled

1 location within CPC, which maybe a switch or a

2 signal.

3   MR. ANDERSON: That's helpful. I was just

4 thinking that maybe there was some authority granted

5 like a track warrant or something like that granted

6 to a Union Pacific employee, therefore, you could

7 have sort of more certainty as to the nature of the

8 train going over, but that's helpful, though, to just

9 hear that this is really about what's passing by the

10 signal itself rather than some kind of data entry

11 from the dispatcher or something like that.

12   MR. MEYER: Right. Well, we talk about

13 the Neches River Bridge, this issue of identifying

14 the operator of the train will come up again, but we

15 can save that more detailed discussion for later.

16   Here for Polo Line, it is relatively

17 straightforward because there's not another railroad

18 that operates between Polo and Airline Junction with

19 any kind of operating rights and so it would just be

20 an oddball, episodic exception to the rule that if

21 it's not CPKC it's UP.

22   MR. ANDERSON: All right. Thank you.

1   That was helpful.

2   MR. PLUM: I've got a question. We're

3   not going to include local trains here, which I think

4   is fine, but that under the assumption that there'll

5   be no increase in local service due to the affect of

6   the merger; is that a true and safe statement?

7   MR. MEYER: Let me back up a half step,

8   Rob. And I probably shouldn't have said we're

9   excluding local trains. What we're not capturing is

10 trains that -- let's call it a local train from Knoche

11 yard that operates up to Liberty, Missouri and comes

12 back from Liberty to Knoche yard.

13   If there's a local train that traverses

14 the entire segment, it would be captured as a through

15 train over the segment. And so, as we thought about

16 what certainly a transit time is trying to capture,

17 including a train that doesn't go the entire segment

18 doesn't make sense from a transit time measure or

19 standpoint. And so we're trying to have the

20 statistics here all relate to a single set of trains

21 and that's what lead us to this through train

22 approach and there are probably a lot of other issues

1 we can discuss about either of those options.

2   But to your question, our expectation is,

3 and I don't think I'm familiar enough with exactly

4 what underlay the forecasted traffic growth in

5 service to customers located between Airline

6 Junction and Polo and whether there's any expectation

7 of anything other than organic growth for those

8 customers. I think the answer is there's not, but I

9 wouldn't want to say that with complete certainty.

10   There's certainly no expectation that

11 there would be a need to change anything about the

12 local operating service. I think we made that pretty

13 clear throughout the proceeding and we don't see the

14 transaction as affecting the ability to serve

15 customers the way they were going to be served in the

16 ordinary course absent the transaction.

17   So here whatever CP local service is

18 from Kansas City to this line it may change and

19 evolve as operations do over the course of time, but

20 it is not an expectation that the transaction is what

21 would cause any changes there.

22   DIRECTOR BRENNAN: So let me just ask a question

1 and maybe have clarified. I don't know. I

2 completely agree with you that the concept of the

3 transit time doesn't make sense unless you have the

4 transit, so I have no problem with that. That makes

5 total sense.

6   I guess the question is on the CPKC

7 average number of trains per day are you counting

8 only the trains that transit or are you counting the

9 local trains in the overall average number of trains

10 per day?

11   MR. MEYER: So what we were proposing to

12 count was using the -- if you go back to the map,

13 we're using the entry point to the segment and the

14 exit point from the segment. And obviously, could go

15 in either direction. And in order for a train to be

16 counted, we were going to count it, it had to hit

17 both of those points.

18   DIRECTOR BRENNAN: So a local train that

19 originates in one of your yards, runs down to

20 Excelsior Springs and then turns around and finishes

21 its -- it's on your track. It's a train of some

22 sort, but for the purposes of this reporting you're

1 not going to count it because you're defining the

2 trains only as those that go from one end to the

3 other.

4   MR. MEYER: Right. And just to give you

5 an example of another kind of thing that we're not

6 counting is if a train pulls out of Knoche yard to

7 build the train and trips whatever the sensor is,

8 AEI reader or whatever at the end of Knoche yard at Airline

9 Junction, we're not reporting that as a train either.

10   DIRECTOR BRENNAN: Right.

11   MR. MEYER: And there are probably a lot

12 of little operating details and complexities that

13 would occur if we were to try and say -- and it's

14 probably very idiosyncratic and location specific as

15 to what clutter is in this data and what

16 interpretation would be needed to know what

17 operations are being reflected if we're capturing

18 every time like a freight car passes a sensor if

19 it's not really part of a through train and so that's

20 one observation.

21   The second observation I'd make is going

22 back to Rob's question, I certainly understood the

1 concerns that were being raised about all of these

2 segments as being a concern that through trains that

3 CPKC is running from places like Mexico to Chicago

4 or Dallas to Chicago are going to be creating impacts

5 in a form of -- you know UP talked about the Polo

6 Line and congestion associated with the Polo Line

7 because of the way it's operated, et cetera.

8   What train activity were they talking

9 about? They were talking about the increase in the

10 number of through trains that we were forecasting

11 over the line and the metrics we're proposing to

12 report line up precisely with what the Board was

13 being asked to consider there. And what we are

14 proposing to do here is to go create a set of

15 consistent measures, to the extent we have data, not

16 just looking forward and measuring CPKC through

17 trains that go from Airline Junction all the way to

18 Polo or vice versa, but to go back as far to the

19 five-year look back and have a consistent measure so

20 that three years ago there were this many through

21 trains. Two years ago this many through trains.

22 Today this many. Tomorrow that many.

1   DIRECTOR BRENNAN: Right.

2   MR. MEYER: The difficulty if you try to

3   include locals is you're introducing a lot of

4   questions about, well, maybe the local used to go to

5   Excelsior Springs, some other year it went to Lawson

6   Junction, now it's going only right across the bridge

7   to Birmingham. And by the way, I'm making all of

8   that up. I have no idea if that's an actual

9   operating pattern, but the point is there would not

10   be a consistency of what's being reflected in the

11   reporting because it would potentially just be

12   capturing a lot of apples and oranges.

13   DIRECTOR BRENNAN: Understood. So you're

14   proposing then that the trains that are being

15   measured for transit times are the trains that you're

16   counting?

17   MR. MEYER: Yes. And so to be very

18   specific about it, in our view, the first step is we

19   identify a set of trains that operated during the

20   week. There is a set of trains. There's a list and

21   maybe it's -- I don't know -- 20 trains or 30 trains

22   or 10 trains. It's a list of trains and for each one

1   of those trains we're going to know the number --

2   we'll know the length, right, and we're going to know

3   the time that they passed the beginning of the

4   segment and the time they pass the end of the

5   segment. And for each train we'll calculate a

6   transit time and then we'll generate the averages and

7   percentile reporting and maximums using that roster

8   of trains, which is a single roster for each of these

9   metrics.

10   And so if we were to do transit times

11   based on through trains and train counts and train

12   lengths versus on a different list, I mean it could

13   be done, but it would be introducing a mismatch

14   between the steps and actually I realized the other

15   thing that it would probably be doing is

16   significantly under recording the train lengths

17   because the through trains would, in theory,

18   consistently be longer and the averages would be

19   driven down by some locals.

20   DIRECTOR BRENNAN: So on the train

21   lengths, how are you measuring the train lengths?

22   MR. MEYER: So our train event data has

1 train lengths that come from somewhere. Todd, can

2 you shed light on that?

3   MR. WORKMAN: Yes. Ultimately, that

4 would come from the contents of the train, all the

5 cars and locomotives on the trains comprise the train

6 length.

7   DIRECTOR BRENNAN: So you have your train roster.

8 You might have a 254 E train -- I'm just making that

9 number up, but that train might differ from today and

10 tomorrow and the next day. It's not going to be the

11 same length every single time. Are you capturing the

12 train length as it's going by that sensor or you just

13 have your workorder that says today's train is 75

14 cars and the weight is -- you know how are we

15 capturing the length there?

16   MR. WORKMAN: The length can be captured

17 for the train across the entire run, unless it stops

18 and sets off or picks up over the course of that run

19 at, say, Liberty, in which case a portion of that

20 train would have one length and a portion of that

21 train would have another length, and the two of those

22 together would normally be just blended together

1 based on the mileage between Point A and Point B. So

2 Polo to Liberty is a certain number of miles and that

3 would be part of the train's length for that portion.

4 And then from Liberty to Kansas City would be the

5 other portion and that would constitute the second

6 portion. And the way we do that is we average those

7 on a train mile rated basis.

8   DIRECTOR BRENNAN: Again, the data is ultimately

9 being generated because you either have your yard

10 master or somebody gives you a list and says here's

11 the number of trains or you're like capturing as it

12 goes by the sensor and picking up the reading, so is

13 it coming from the list or from the sensors?

14   MR. WORKMAN: It's coming from really

15 both. The sensors pick up all the cars as they go by

16 the sensors and that is ultimately reconciled with

17 the roster.

18   DIRECTOR BRENNAN: Understood. Thank you.

19   MR. WORKMAN: So it's from both.

20   DIRECTOR BRENNAN: Thank you.

21   MR. WORKMAN: You're welcome.

22   MR. PLUM: I've got three more questions.

1 They should be very short. The first one's an easy

2 one. CP dispatches both lines, both UP and CP; is

3 that correct?

4   MR. MEYER: That's my understanding. Can

5 someone confirm that?

6   MR. WORKMAN: That is my understanding as

7 well. Yes.

8   MR. MEYER: Rob, I think these lines are

9 -- I mean I remember the Polo Line coming up in the

10 early nineties at one of the first interesting cases

11 I read in my railroad regulatory practice career and

12 at the time I think it was something this is paired

13 track that time had alternating dispatching or

14 something, but I don't know the histories, but it's

15 one dispatcher is responsible for the entire line.

16   MR. PLUM: Okay. That makes sense. I

17 mean I thought it was that you dispatch it too from

18 the timetables I've looked at.

19   The second one might sound really stupid,

20 but for the UP trains where you're taking CTC hits,

21 is that the frontend of the train or the rearend of

22 the train and I'm asking that question because I

1   think that the CTC focal point is at the bridge,

2   which is single track, so you may not be able to

3   answer that question now.

4   MR. MEYER: I think if you go to the map

5   it's actually we're proposing to measure that where,

6   is it right at the bridge? Todd, do you know?

7   MR. WORKMAN: Yes, I mean there's signals

8   and there's CTC controlled switches throughout that

9   area, so the one that we're talking about here is

10 right at the bridge. Yes.

11   MR. PLUM: You understand why I'm asking

12 that question because if it's in front of the train

13 and we don't know how long the trains been sitting

14 there, right, or potentially.

15   MR. MEYER: If it's sitting at a red

16 signal, then we wouldn't measure it as having passed the

17 signal if I understand what this measure would be,

18 right? I think, Todd, you can fill this in. Based

19 on our discussion I think it's not measuring when the

20 rear of the train cleared the signal. It's measuring

21 when the locomotive hits the next block having passed

22 the signal; is that right?

1   MR. WORKMAN: Yes. As soon as the

2   locomotive passes the signal, it's on a proceed

3   signal and it's going to proceed to clear that

4   signal. In our CTC data, as I understand it, I'm not

5   an expert in CTC data, but I have looked into it. We

6   do have the time that that block is cleared as well

7   for that movement. That may not be available in all

8   cases for both CP and KCS, but there is a cleared

9   time as well as a signal occupied time and so my

10   sense is that we could, theoretically, look at the

11   time the train cleared that block as well as the time

12   that it entered the next block from the bridge into

13   Kansas City.

14   MR. PLUM: Okay. I'm not going to ask

15   you the third question, so we can move on I think.

16   MR. WORKMAN: That wasn't a dumb

17   question. Thank you.

18   MR. PLUM: Well, thank you. Thank you.

19   MR. MEYER: What I've described for you

20   here is our plan. One thing, as I think I mentioned

21   earlier, that we have not yet done is gone back in

22   time or attempted to go back in time five years with

1   the methodology that we've described. And it's

2   conceivable that as we do that in order to go back

3   five years we may need to adjust either the specific

4   data we're pulling or the approach to how we're

5   measuring. And if we conclude that there's a better,

6   more reliable way to do something that allows us to

7   go back five years and stay consistent for the future

8   there may be some tweaks and revisions that we'd

9   obviously let you know about. But our plan right now

10   is the way we've described it.

11   DIRECTOR BRENNAN: That sounds reasonable

12   to me, David.

13   MR. MEYER: Thank you. Twin Cities is

14   next, a little bit more complicated. So this is what

15   the Board has said. And let me pause here for a

16   second. As your template notes, the Board's asked us

17   to report by railroad for the number of trains and it

18   has talked about the lines between Hoffman Avenue on

19   the east end and Northtown Shoreham on the west.

20   If we go to the map, I think your

21   template also reveals you're aware, what's a little

22   bit complicated about this is there are multiple

1   routes between Hoffman Avenue and the Northtown/Shoreham

2   area.   I think the next slide is a map that

3   we've annotated further which is going to facilitate

4   this conversation.

5   So we've annotated the Board's map here

6   to illustrate how CPKC trains operate through this

7   area.   So westbound CPKC trains use the CP lines

8   between Soo Line Junction and you can see where the

9   St. Paul Sub heads north and then the Withrow Sub

10   heads west.   That's the westbound flow, so we have

11   very good information about those lines as perhaps

12   should not be surprising.

13   The trains that are operating there to

14   the west some of them perform work at Shoreham, which

15   is an intermodal facility or at least principally an

16   intermodal facility and so right now I think all of

17   the trains that do work there continue past Shoreham

18   rather than terminating at Shoreham, but there have

19   been trains that terminated at Shoreham in the past

20   and there may again be trains that terminate at

21   Shoreham going forward.   We'll talk a little bit more

22   about the implications of those details.

1   The CPKC eastbound trains don't use the

2   CP route. They use BNSF trackage, as do all BNSF

3   trains and don't actually know whether Union Pacific

4   operates any trains over this segment. I just don't

5   know, maybe someone does. And any other foreign

6   trains would be on the BNSF, with one exception and

7   that is CN has trains that operate across the Withrow

8   Subdivision, but they are trains that are essentially

9   using the old Soo Line which when you get to that

10   green square to the -- you see there's a CP line east

11   of the green square. There's a stretch of that line

12   that's still owned by CP, CPKC now, that goes as far

13   as Withrow, which is not very far off the right edge

14   of this map. And then at Withrow ownership changes

15   and it's CN ownership and that's the former Soo Line

16   that once upon a time would've gotten CP to Chicago,

17   but you may remember back in the -- I think, what was

18   it, the nineties, or late eighties, CP basically flip

19   the Soo Line for the old Milwaukee Road and the Soo

20   Line route became the old Milwaukee route and

21   Wisconsin Central acquired the Soo Line route and

22   that ended up with CN.

1   So CN trains don't operate between

2   Hoffman Avenue and Northtown/Shoreham. They just

3   operate between that junction, which is called

4   Cardigan Junction, and the Northtown area. So I

5   think broadly that's the lay of the land and what all

6   of that means is that there are things we can do and

7   things we really can't reliably do in terms of the

8   reporting by railroad across this segment.

9   So what we can do with complete

10 reliability is we can report on CPKC trains,

11 identify all the CPKC through trains moving between

12 Hoffman Avenue and this Northtown/Shoreham area and

13 we can talk a little bit about the specifics there,

14 about which ones we count. We can identify those

15 trains and we can identify whether those trains moved

16 by the CP route or the BNSF route or any BNSF route.

17   We can't with great reliability be sure

18 which of the two BNSF routes a CP train moved over.

19 We have some access to intermediate reporting AEI

20 readers, one in particular, on one of the two routes

21 that gives us or can give us a good idea whether a

22 train moved on the Midway Subdivision, for example.

1   If it did move on the Midway, then it's

2   not moving on the St. Paul BNSF Subdivision, but we

3   don't have control over that AEI reader. We don't

4   know how far back in time we have any information from it

5   and we don't know whether we'll continue to have

6   reliable access to it. And if it's out of service

7   for a particular period or time or what have you, we

8   just wouldn't have visibility that would allow us to

9   separate the CPKC train route by BNSF Subdivision,

10   so that's why I put yellow there in the first row.

11   And then jumping down to train length and

12   transit times, we have the ability to do that with

13   great reliability as long as we're only reporting for

14   the BNSF route as a generic concept rather than the

15   specific within the BNSF options. And by the way, I

16   think those are options that BNSF dispatchers control

17   on a day-to-day basis at their discretion.

18   We think that a very high percentage of

19   all the trains end up using the Midway Subdivision

20   rather than the St. Paul Subdivision, but we don't

21   really know.

22   If you go back to the map, Todd, so that

1   for transit time -- well, for identifying the route

2   of the trains we can separate CP trains reliably into

3   the CP route versus BNSF route. First of all,

4   generally, it's directional. Second of all, we can

5   capture the passage of CP train at Cardigan Junction,

6   which is that green box, as I said, where Withrow and

7   St. Paul Subdivisions come together. And if it passes

8   there, we know it was on that route. And if doesn't

9   pass there, then we infer that it was on the BNSF

10   route. So that's how we separate trains by route.

11   And for purposes of transit times, we

12   have train movement event data on the east end

13   located approximately -- there's an event

14   approximately where that triangle is, which is very

15   close to Hoffman Avenue. And on the west end, we

16   would propose to capture it at the available --

17   basically the event closest to University Avenue,

18   which you see is marked there on the map right in

19   between Northtown and Shoreham.

20   The green triangles are approximately

21   where the options are and the reason I say options is

22   because our goal would be to give a transit time that

1   didn't include the work at Shoreham yard. We could

2   measure all the trains from Hoffman to that triangle

3   near Humboldt yard. For some of those trains they'd be

4   capturing a significant amount of time spent doing

5   something at Shoreham.

6   And as I said, in the future it may be

7   that some trains would terminate at Shoreham and so

8   we'd end up not capturing those trains if that's what

9   we chose to do. Instead what we're proposing to do

10 is to use the sensors that are just at the east end

11 of Shoreham and there are two different ways that a

12 train can either get in or out of Shoreham. That's

13 why there's two sensors, and then if the train did

14 work at Shoreham, those are the sensors we'd use for

15 the transit time. If the train did not do work at

16 Shoreham, we'd use the sensor to the west.

17   There are other options. We could just

18 always use the sensors, I think, the two sensors that

19 are closest to Shoreham for a more consistent transit

20 time measure. We could report based on the

21 methodology I described. There're some options here

22 that we're somewhat flexible about.

1   DIRECTOR BRENNAN: David, this obviously

2 was one that we recognize the complexity of this

3 portion of the network and the different routes.

4 It's seems like you've got a nice here, a reasonable

5 idea here, I think that we're just going to have to

6 go back and take a look at your slides, maybe review

7 the transcript, make sure we completely understand

8 what you're talking about, but at first blush, I

9 think that this, more or less, I think what we're

10 looking for, but I just can't give you 100 percent

11 certainty for the very reason it's so darn complex.

12   MR. MEYER: Understood. And so if you

13 know go back to the red, green, yellow matrix, you'll

14 see what we don't think we can do. Unfortunately,

15 BNSF, Minnesota Commercial, Twin Cities and Western

16 and UP trains that operate in this area aren't on our

17 trackage and we really just don't have an ability

18 reliably to report any of these metrics for those

19 trains.

20   DIRECTOR BRENNAN: Okay. So let me

21 interrupt you, if you don't mind. I understand what

22 you're saying. So is it a case that in the Board's

1 decision that it ordered you to do something you

2 simply cannot do? And if that's the case, what would

3 be the best way to proceed? Do you need to send the

4 Board a petition for a technical correction to this

5 decision?

6   Are you telling us something here

7 informally that you would like the Board to take up

8 formally, if so, I think there needs to be some sort

9 of record for the Board to be looking at.

10 Obviously, this transcript will be part of that

11 record, but I'm not sure of the legalities of how to

12 move this in a manner you would like to move it just

13 on a personal conversation between the two of us.

14   MR. MEYER: Well, so the first thing I

15 would observe is based on our principle that we've

16 proposed of reporting through trains across the

17 segment, the first thing I'd say is that that

18 principle would not capture the CN trains at all,

19 even though we know about them on the Withrow

20 Subdivision.

21   And then I would suspect that most of the

22 operations of -- or many of the operations of these

1   other railroads that are either at Hoffman Avenue or

2   at Northtown Shoreham aren't through trains either

3   and so those would fall away in any event and then

4   the question is when the Board has asked, as they

5   worded it -- bear with me -- for weekly average

6   number of trains per day by railroad, on the one hand

7   we cannot provide numbers that are accurately

8   reflecting the entirety of BNSF operations, say,

9   between Hoffman Avenue and Northtown Shoreham, but we

10 can certainly report train operations that we are

11 aware of and to the extent, for example, BNSF

12 operated a train on our line between Northtown

13 Shoreham and Soo Line Junction, we'd be aware of it.

14   So it may be that this is a reporting of

15 the information of which we have knowledge, in which

16 case I don't think we need to modify anything and

17 that we wouldn't be representing that the total

18 number of trains on BNSF's main line would was X

19 number of trains, but we would not misrepresent that

20 number either.

21   DIRECTOR BRENNAN: Right. So I think

22 what you're saying then is that you could report this

1 data and say this is the number to the best of our

2 knowledge, bearing in mind that we actually don't

3 have control or knowledge of these other things, so

4 to speak.

5   MR. MEYER: Right.

6   DIRECTOR BRENNAN: I mean just

7 etymologically; a government agency cannot ask you to

8 report on things of which you have no knowledge.

9 That's just not going to work. So you're telling us

10 you don't have knowledge of these things. I

11 understand what you're saying. So you're suggesting

12 that rather than a petition for a correction that you

13 would say, well, we'll report the things that we do

14 know and to the extent of our knowledge this is what

15 we know.

16   MR. MEYER: That I think would be the

17 solution I would recommend. Yes.

18   DIRECTOR BRENNAN: Okay. We will take

19 both of those thoughts under advisement and I

20 appreciate the back and forth here. Rob?

21   MR. PLUM: I just wanted to add. I mean

22 one of the reasons why we put the points the way we

1   did was I think you guys made representations that

2   you might be shifting more traffic back to the CP

3   line from say Shoreham to Cardigan down to Hoffman.

4   I thought that was mentioned there. And the other

5   thing was that some of the information that was

6   contained in Appendixes A, S, D, U in Exhibit 14,

7   there were some anomalies in there, so that was why

8   we went into a little more detail here I think.

9   And I just have a question. As far as CN

10 traffic, that's a very finite set. They're not big

11 players into Shoreham, are they? I mean it's like

12 two or four trains a day.

13   MR. MEYER: I don't know. Is there

14 someone on the call know more about the CN operation?

15   MR. WORKMAN: I do not know the details

16 of that.

17   MR. PLUM: Okay. And I appreciate the

18 complexities of Hoffman Avenue because I spent 15

19 days of my life waiting on a locomotive to get

20 through there.

21   MR. ANDERSON: So I just want to make

22 sure I understood. So that does sound like a good

1   story, Rob, for another time and really I'd be

2   curious to hear more about that. What I was curious

3   about is just the notion of CP trains moving overhead

4   on either the Midway or St. Paul subs, so at the end

5   of the run, would it be fair to say that there's no

6   data entry being done by the train crew like in a

7   delay report to say how they got from where they

8   started to where they're ending up?

9   MR. MEYER: Todd, do you know?

10   MR. WORKMAN: Sorry. I think the

11 question was does the train crew enter information

12 that would specify how long it took; is that correct?

13   MR. ANDERSON: No, not how long, but just

14 the notion of the routes. I guess the transit time

15 could be related information that they might input

16 into a delay report. Every time I've ridden with a

17 freight crew, there's been a delay report at the end

18 describing what work was done and things like that.

19   MR. WORKMAN: Yes, if our crews are

20 stopping to do work over the road or delayed for some

21 reason, they typically would fill out a form or

22 submit something back to our Operations Center, which

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1 would ultimately become a train delay perhaps in our

2 train delay system if the train lost time over that

3 segment.

4   MR. ANDERSON: Okay.

5   MR. WORKMAN: However those data would

6 only appear if they were relevant and meaningful to

7 the movement of that train from Point A to Point B.

8 So you might get a certain amount of time at a given

9 location where the crew would record the work, but

10 there may be no delay baked into that transit time

11 because that was part of the plan to begin with. In

12 the case of St. Paul, there is not any work really

13 being done between Hoffman and Shoreham, so it's not

14 something I would think we would see from a crew

15 perspective in terms of the train delays. Train

16 delays would occur outside of the range between

17 Hoffman and St. Paul.

18   MR. ANDERSON: Okay.

19   MR. PLUM: I've just got one more

20 question and I just want to make sure I heard things

21 properly. If we have a westbound CP train that goes

22 via Cardigan Junction, he's going to get a hit at

1 Hoffman. Everybody sees that. When it gets over to

2 Shoreham, there will be another hit of some sort over

3 there, is that what I heard?

4   MR. WORKMAN: Yes.

5   MR. PLUM: Okay. That's good. Thank

6 you.

7   MR. MEYER: Yes. And that hit would be

8 measuring both, the fact that the train was there,

9 identifying the train and then we'd have from the

10 train event data we'd have the length of the train

11 and then we'd develop the transit time using the same

12 data which would have an entry point, the Hoffman

13 time and whatever the name of that next event is and

14 that subtraction would be the transit time.

15   MR. PLUM: Thank you.

16   MR. MEYER: Okay. All right. Are we

17 ready to move to Texas?

18   DIRECTOR BRENNAN: Absolutely.

19   MR. MEYER: Neches River Bridge is fun.

20 This is the list of metrics that we think that we'll

21 be able to do something here. If you turn to the

22 next page, this is the map. You've all probably seen

1   and familiarized yourselves with, but let's move one

2   more. So the first point I'll make, Neches River

3   Bridge here a through train is a somewhat different

4   sort of animal than for the longer segments.

5   Here we're treating a through train as

6   anything that crosses the bridge, basically, right?

7   And so we're capturing those movements using CTC

8   signal data, so that's our plan, and that'll

9   identify all the trains, okay. And we'll have

10 associated with that data, not just a count of

11 trains, but for CPKC trains -- well, actually for

12 all the trains that we identify will have a train

13 length associated with the movement.

14   And we'll have the ability to measure

15 occupancy of the bridge via the methodology that's on

16 this slide, so we're going to define that as the time

17 when the train is within the bridge block and our

18 plan is to measure the time, not by the headend

19 passing Point A and then headend passing Point B, but

20 headend passing Point A and then the train clearing

21 out of the bridge block based on the calculation of

22 the time when the headend passed the average speed

1 over the block applied to the length of the train, so

2 we'd be calculating occupancy that way.

3   The issue here so far is that we don't

4 think that we can reliably separate UP trains from

5 BNSF trains. We definitely can identify the CPKC

6 trains, no question about that. And we think we can

7 reliably determine when it was an Amtrak train that

8 passed based on a variety of sources of data about

9 the train, but UP and BNSF is going to be very

10 difficult for us to separate.

11   What we can do, though, very reliably is

12 report on a BNSF or UP train. We can get an

13 aggregate count because those will be the residual

14 train movements that weren't either CPKC or Amtrak.

15   The final metric that is on this list is

16 the minutes held prior to movement over the bridge

17 and we think we can estimate that and we have a slide

18 to try to illustrate what we're proposing to do.

19 It's a little complicated because of the variety of

20 different train movements over the bridge.

21   So let me start with the map on the

22 right-hand side of the slide. And what this is

1   illustrating is the basic trackage layout and is

2   trying to show the predominate flows of traffic that

3   cross the bridge. So starting with the east approach

4   to the bridge, so for westbound trains coming towards

5   the bridge there are two lines that converge just to

6   the east of the bridge. There's CPKC line that

7   heads toward DeQuincy, Louisiana and then on up

8   towards Shreveport and Kansas City, et cetera.

9   That's the redo line on the top.

10   And then there's also UP's Lafayette

11   Subdivision which heads in the direction of

12   Lafayette, Louisiana and ultimately New Orleans. UP

13   and BNSF both operate there predominately westbound

14   -- I'm sorry -- for UP it's predominately eastbound,

15   I think. All BNSF's operations through here are over

16   the Lafayette Subdivision.

17   Amtrak also operates over the Lafayette

18   Subdivision in both directions, but for westbound

19   trains there'd be UP, BNSF, and Amtrak on the

20   Lafayette Sub. On the CPKC, there'd be CPKC trains

21   westbound as well as UP trains or UP trackage rights

22   between DeQuincy and Beaumont on the old KCS, so

1   that's a predominately westbound flow and so there'd

2   be UP trains as well as CPKC trains there.

3   On the other side of the bridge,

4   approaching the bridge are primarily trains that are

5   eastbound coming off of UP's Beaumont Subdivision.

6   UP operates its Beaumont Sub and Houston Sub

7   directionally, so for traffic that's moving between

8   Beaumont and Houston, if it's a westbound train,

9   it'll operate on the Houston Sub. If it's an

10   eastbound train, it'll operate on the Beaumont Sub.

11   There are, I'm sure, exceptions to that, but that's

12   also true for Amtrak, for BNSF, for UP.

13   On the Houston Sub, there are some trains

14   that originate east of Houston, so Dayton, in

15   particular, is a big chemical gathering area. And

16   both UP and BNSF will operate trains from there east

17   towards Beaumont against the flow of traffic on the

18   Houston Sub. So you'll see that dash arrow is

19   showing that potential movement pattern.

20   And then there are some KCS trains that

21   come from Port Arthur, bulk trains mostly, I think,

22   that would be heading across the bridge at Beaumont

1   to head up the KCS line towards Shreveport probably.

2   So the question is how to measure hold time, where do

3   trains hold for the bridge, how to measure. And we

4   thought long and hard about this and it's not going

5   to be perfect no matter what we try to do because

6   there's a potential that trains hold farther away

7   from the bridge if there's congestion on the bridge,

8   if they're waiting in line, et cetera.

9   There's probably an infinite number of

10   possibly operating permutations on a given day or a

11   given week, et cetera. But what we think is likely

12   to capture a meaningful statistic, as best we can, is

13   to identify those locations where the operating

14   patterns I just described to you would involve trains

15   waiting before heading towards the bridge and we've

16   marked the locations that we're proposing to treat at

17   the boundaries for a hold-time calculation with these

18   blue dots.

19   So to take an example, on the westbound

20   train coming from the CPKC line towards the bridge,

21   the blue dot here is shown at the by the Vidor

22   siding on the CPKC. That's where if a train was

1 going to be held before being allowed to go across

2 the bridge that's sort of the last place where the

3 predominant observed holds would occur for that train

4 or trains like that.

5   Now again, be very careful about this.

6 We're not going to be able to separate time spent at

7 bidder siding for purposes of holding for the bridge

8 from time spent at Vidor siding waiting for a crew

9 change. It's also a crew change location on the

10 CPKC. But again, setting a boundary like this is

11 the best we can do.

12   Let me illustrate what we would do,

13 having set this boundary. And we can talk about the

14 other boundaries, if you I wish, and why they are the

15 way they are. What we would do is we'd define a

16 let's say geospatial boundary between the Neches

17 River Bridge and the point on the bidder siding and

18 ask the question of locomotive onboard GIS data from

19 our data that's in sort of our back office associated

20 with those sensors on locomotives coming from the PTC

21 feed.

22   Between those locations did a train spend

1   more than two minutes stopped, so we're treating a

2   hold as more than two minutes stopped and then adding

3   all the time the train stopped between the little

4   blue circle with the one in it and the blue circle

5   that doesn't have anything in it that's the Neches

6   River Bridge.

7   So if the train didn't stop at all,

8   there'd be zero hold time. If it stopped for an hour

9   and then it moved and then stopped again for a half

10 an hour that's been an hour and a half of hold time

11 for that hypothetical train. And we would do that

12 within the boundaries I just described for trains

13 coming off the CPKC.

14   For trains coming off the CP Lafayette

15 Subdivision that doesn't make any sense because they

16 don't go through the Vidor siding, so we'd have to

17 define an eastern boundary of the hold limits

18 differently. And here we would propose to use the

19 last sighting on the Lafayette Sub before the bridge

20 which is this -- Siding and then we do a

21 similar assessment for each of the different

22 eastbound patterns and ask the question for each

1 different flow we'd know the train was in category or

2 another and we'd identify the hold times between the

3 boundaries.

4   And for the predominate flow here where

5 we know our trains, for example, get held prior to

6 crossing the bridge it's right in Beaumont itself.

7 There are a number of tracks on the western or

8 towards the Amtrak station in Beaumont away form the

9 bridge, but for these other patterns the places where

10 those trains tend to get held is farther back from

11 Beaumont proper and that introduces a little bit of

12 apples and oranges into the calculation, but at least

13 where we stand right now this is --

14   DIRECTOR BRENNAN: David, let me ask you

15 a question and I appreciate the difficulty of the

16 problem, so let me ask a question. Maybe one of your

17 Operations people can know. I mean I think the

18 Board's concern here is you are the owner of the

19 bridge and there is a desire to make sure that you do

20 not exercise your control over the bridge in a way

21 that is discriminatory, just to pick a word, and so

22 that's the Board's concern. The Board wants to make

1 sure that you're not using your control of the bridge

2 to favor your traffic and then drive more volumes on

3 your traffic and then sort of be an impediment to

4 other people's traffic. I mean I think that's the

5 general sense here.

6 　　　　　So I when a UP train or a BNSF train is

7 coming towards the bridge wanting to go over the

8 bride, how do they communicate that desire to you and

9 to your Operations people? What's the signal that

10 you get in the world that there's a train that wants

11 to go over the bridge and the dispatcher needs to

12 start making decisions?

13 　　　　　MR. MEYER: I would direct that question

14 to Nick Klein, who is former KCS and would be the

15 best equipped to attempt to answer it now. If

16 there's a dispatching detail aspect to the answer,

17 maybe we'll have to get back to you, but Nick do you

18 have a response?

19 　　　　　MR. KLEIN: Yes, sir. So to my

20 understanding how that works is there's a joint

21 dispatching center in Spring, Texas and our console

22 is the one that dispatches this bridge. The

1 adjoining territories on the Houston, Beaumont,

2 Lafayette Subs all those consoles sit in the same

3 area.

4   So at the point in time where there's a

5 train that is wanting to use the bridge there's a

6 communication that goes back and forth between the

7 dispatchers to get that set up. It is some advance

8 planning, but really get any additional details on

9 that, we could go back and get a more detailed

10 writeup from the dispatch team.

11   DIRECTOR BRENNAN: Well, why couldn't we

12 measure the time spent waiting as the time that

13 elapses from the moment you get that desired signal,

14 we want to approach your bridge, to the moment where

15 they clear the bridge? I mean I know there's going

16 to be some transit time in there and we can work that

17 out, but why wouldn't that be a more or just as

18 accurate or more accurate than trying to figure out

19 in these Point 1, Point 2, Point 3?

20   MR. MEYER: So I'm going to hazard an

21 answer personally into the question and Nick can tell

22 me whether I'm on the right track or not. I could be

1   off base.

2   So my understanding the way Nick was

3   describing it you've got the UP dispatcher for the UP

4   Lafayette Sub and the UP dispatcher for the Houston

5   Sub, these dispatching desks are physically

6   co-located with the KCS dispatcher for what CPKC

7   calls it the Beaumont Sub also, but obviously it's a

8   different Beaumont Sub and they're all sitting there

9   nearby each other and so I think -- again, this is

10   dangerous for me to say. My experience with the way

11   dispatching works is it works most efficiently in a

12   relatively informal way.

13   It's not sort of a recorded computer

14   message saying official request for crossing the

15   bridge.

16   DIRECTOR BRENNAN: Understood.

17   MR. MEYER: It's, hey, this train's

18   coming. What can you do? There's a dialogue and

19   then there's a set of dispatching choices that get

20   made and recorded in the system in some way and it's

21   all very nuanced and complicated and trying to

22   dissect what caused one thing or another on a given

1 day is notoriously difficult, but in terms of like

2 hard metrics, my understanding is there isn't a

3 request for access to the bridge sort of record. If

4 Nick tells me I'm wrong, that's great. Feel free to,

5 Nick.

6   MR. KLEIN: No, David, you're spot on.

7 That's correct. It's very informal, a lot of

8 intercommunication happens.

9   DIRECTOR BRENNAN: Understood. I

10 appreciate the answer to the question.

11   MR. MEYER: So any of that. I will

12 confess that I haven't seen like how this methodology

13 works out in practice and how meaningful the numbers

14 are or exactly what they convey for the different

15 operating patterns, but this is our best stab at

16 trying to come up with a methodology that would

17 produce at least consistent results period-by-period

18 and it would allow for us -- because all of these

19 trains to have initialize on our line of PTC, we're

20 going to have, we think, fairly complete information,

21 not only for CPKC trains, but for UP, BNSF, and

22 Amtrak trains across the segment.

1   One caveat, though, that is potentially

2   important. Using the onboard GIS data only lets us

3   go back to about mid^^2021. This is again coming

4   from the PTC feed and having a representative and

5   complete sampling of operations doesn't really allow

6   us to go back in time before about mid-2021.

7   MR. ANDERSON: Sorry, as I come back on

8   video here to ask about the PTC data feed, I hear you

9   say that this is related to I guess trains where the

10 PTC was initialized on the KCS and so just

11 hearkening back to the Twin Cities, is that data that

12 is not available for those BNSF segments for CPKC

13 trains as to which one they went on and traversed

14 because it seems like it's pretty precise based on

15 who you're proposing to geofence that information

16 here. Is that data somehow limited when it comes to

17 other locations that we're looking at? It seems like

18 a creative way to handle it, so I'm just curious

19 about applicability in other situations that we're

20 looking at.

21   MR. MEYER: We thought about that for the

22 Twin Cities and if you look at the array of data

1   reporting that was being asked of us for the Twin

2   Cities, most of that which we can't do really

3   involves that don't operate over us at all, right?

4   So that's sort of meant that going to PTC wasn't

5   going to significantly enhance the meaningfulness of

6   what we're reporting overall and would require going

7   to an additional data set to stitch together with the

8   train event data that we were proposing to use.

9   And then I will be completely

10 transparent. I think given that the movement over

11 the two BNSF segments are completely at BNSF's

12 dispatching discretion. We didn't really think that

13 it was particularly valuable to try to tease out

14 specifically what on a given day happened on the

15 BNSF. But we were to get all the way to the end of

16 the sequence and ask the question could we go into

17 the same PTC data, identifying these trains that

18 operated between Northtown Shoreham on one end and

19 Hoffman on the other and for the CPKC trains using

20 some kind of geofencing, figure out whether it

21 passed through a know that's only on the Midway or

22 only on the St. Paul. I suspect the answer is

1   probably yes.

2   MR. ANDERSON: That's helpful. I

3   understand that there is a difference with data when

4   it comes to possible versus the amount of work needed

5   to get there and that there's disparate data

6   sources, but that was helpful. I am just used to the

7   event data with AEI readers. And now that there's

8   more data sources it's been helpful to think about

9   PTC here with respect to the Neches Bridge and the

10   lines at issue, so that was helpful.

11   MR. MEYER: We'll come back to the PTC

12   data in a few minutes when we talk about Houston and

13   really I mean the reason why we went to that data

14   source at all was to solve the question of Houston

15   dwell time, having figured out that this was the only

16   possible way for us, CPKC, to have any insight into

17   that question.

18   We then tried to harness it here where

19   the statistic is here for Neches River where the

20   statistic is relatively comparable in concept.

21   Obviously, there are more complexities here than

22   there are in Houston and I'll explain why, but this

1   is the best we think we can do for the Neches River

2   Bridge and so methodology we're proposing.

3   DIRECTOR BRENNAN: All right. Thank you,

4   appreciate your insights there. David, just as a

5   reminder, we're at 2:13. We had pledged to take a

6   30-minute break at 2:30 and I would like to keep on

7   that schedule. I think we're ahead of schedule, but

8   I don't think that we're going to be able to finish

9   between now and 2:30.

10   MR. MEYER: I think that's fair.

11   Hopefully, I can bring you to the outskirts of

12   Laredo, Texas by the time we get to 2:30.

13   DIRECTOR BRENNAN: That sounds lovely.

14   MR. MEYER: Okay. So Beaumont, Rosenberg

15   is I think very straightforward, so the Board's only

16   asking about CPKC trains. It's asking us to

17   identify the trains and give the lengths and transit

18   times and we think we can do that without any

19   significant set of issues around methodology, but

20   again this is the map of the segment.

21   If you go to the next page, everything

22   lights up green, which means good, and we'll show you

1   exactly where we propose to measure on the next page.

2   So this is a zoom in on the geography, a slightly

3   different map, but we are proposing to identify the

4   trains using train movement event data and we're

5   proposing to identify them using a reader or an event

6   at Beaumont and then the available events to the west

7   of Rosenberg.

8   Not all trains have the same set of

9   events in the database and so we identify a cluster

10   of those events that would capture all of the through

11   trains across the segment, the CPKC trains at least.

12   Actually, I should have not put it that way. If

13   we're going onto the KCS or the CPKC line at

14   Rosenberg, those are all going to be CPKC trains.

15   No other railroad have operating rights there, so

16   that's fairly straightforward, I think.

17   Now for a transit time number to be

18   consistent on how we're measuring transit time, we're

19   proposing to grab an appropriate CTC signal read at

20   the Beaumont end and an appropriate CTC signal read

21   just onto CPKC at Rosenberg so that we're getting

22   all the trains across the same mileage rather than

1   some having an extra 10 miles or so to get to

2   Kendleton to Rosenberg. Kendleton is the intermodal

3   facility and yard that CPKC has, as I said, of

4   about 10 miles from where the start of CPKC

5   ownership begins.

6   MR. ANDERSON: Can I just ask? A pattern

7   among the CTC signal data I just want to make sure

8   that I understand. And forgive me if it was already

9   answered, but related to a signal I'm thinking of two

10 situations. I think maybe Todd spoke to this

11 before, but I just want to make sure that I

12 understand.

13   The first is receiving a signal that

14 allows movement, so the train crew sees some kind of

15 permissive signal indication, whether that be

16 restricting all the way up to full, clear signal

17 highball, now are we talking about the signal data

18 event being something along the lines of that train

19 the headend knocking down the signal, entering the

20 block following the signal or are we talking about

21 when it gets at green or some kind of permissive

22 indication?

1   MR. MEYER: The former.

2   MR. ANDERSON: Okay.

3   MR. MEYER: Is that right, Todd?

4   MR. WORKMAN: That is correct. Yes.

5   MR. ANDERSON: Okay. Thank you.

6   MR. MEYER: Okay. I think we'll see that

7   Rosenberg to Laredo is a very similar pattern to

8   this, but we're just taking things in order that are

9   from Appendix B. Houston Terminal is next. We're

10   trying to come up with transit times and average

11   dwell for the Houston Terminal.

12   If you could advance to the maybe the

13   slide that has the chart with the yellow.

14   MR. WORKMAN: Sorry, David, I missed the

15   one you're trying to get to.

16   MR. MEYER: The Houston Terminal proposed

17   reporting.

18   MR. WORKMAN: Okay.

19   MR. MEYER: Okay. So we think we can do

20   this and it's yellow because there's issues that I

21   wanted to sensitize you to as we describe our

22   proposed methodology and so let's take a look at the

1   next slide, which is the map of our data source

2   locations.

3   So for both transit time and a dwell time

4   calculation, the first thing we need to do is

5   identify -- well, obviously we'd need to identify

6   trains, but we need to identify the outer boundaries

7   of the terminal. And based on our operating

8   knowledge and background and so forth, what we are

9   recommending and what we believe is the proper

10 definition of the terminal is at the west end,

11 starting at West Junction. And at the east end,

12 depending on route, going to either Dawes, which is on

13 the Houston Sub or Dyersdale which is on the Beaumont

14 Sub.

15   And remember what I said about the

16 directional routing between Beaumont and Houston.

17 You'll see this is also labeled on this map, which is

18 the same map that the Board had in its decision.

19 The primary routing is westbound. This is certainly

20 for CPKC and as I said, general for other through

21 trains. But the primary routing is westbound on the

22 Houston Sub and eastbound on the Beaumont Sub

1   routing. Those routings overlap a great deal up to a

2   point called -- it's not actually Tower 26, but it's

3   very close to Tower 26 where the westbound routing

4   comes past Englewood yard and continues through Tower

5   26 and then onto the -- I think that's the Glidden

6   Sub UP, whereas the eastbound routing diverges a

7   little bit before Tower 26. I don't want to misstate

8   the name of that junction point. And it heads up

9   towards Belt Junction and Gulf Coast Junction and

10   Cedi Gaz Junction. And I'm tempted to say there is

11   no Petticoat Junction in that area.

12   So in terms of the boundaries, Dyersdale

13   in the east for the eastbound, but if there were

14   westbound movements across that route those would be

15   captured as well and vice versa.

16   And so for transit times, we'd be

17   measuring transit times in a straightforward way this

18   time using locomotive onboard GIS data because that's

19   all we have in this area. This is all UP owned, UP

20   dispatched, and we don't have train events that are

21   in any way reliable and we don't have access to the

22   signal data, et cetera.

1   So what we have is access to -- the only

2   thing we really reliably have access to is the PCT

3   data and we'd use that to identify a timestamp for a

4   train passing through West Junction and then exiting

5   by passing through Dyersdale or vise versus on the

6   Houston Sub routing -- I'm sorry -- on the Beaumont

7   Sub routing. And then we'd do the same thing for the

8   Houston Sub routing by identifying the trains that

9   are passing through West Junction and Dawes and that

10   would give us the transit times.

11   We also would use the same boundaries to

12   perform a similar calculation to what I described for

13   the Neches River Bridge to calculate dwell and we

14   would ask the following question of the data. For

15   every one of the trains that passed between West

16   Junction and Dawes on the Houston Sub routing how many

17   minutes did that train spend stopped for more than

18   two minutes between those boundaries and we would

19   just add up the number of minutes for that train and

20   then we'd add up all the number of minutes for all

21   the other trains to get to a total number and we'd

22   divide by the number of trains and we'd have our

1 average dwell. And that, we think, is the closest we

2 can come to a dwell time calculation. Any questions

3 about that?

4   MR. PLUM: I got one question. Dawes, why

5 not Tower 87 versus Dawes?

6   MR. MEYER: So this is for predominately

7 westbound flow. And Nick can speak to this more

8 specifically. When you look at the data, and so we

9 actually kind of scanned data to kind of get a sense

10 of where dwells are occurring for trains coming

11 through Houston and I don't want to overstate or

12 misrepresent how persistent a pattern there is, but

13 when you look at over a period and ask the question

14 like where do westbound trains cross this territory,

15 encounter delays, dwells, Tower 87 is the number one

16 point, but it's not the only point and so for the

17 westbound it's basically a series of points beginning

18 at about Dawes and ending -- I don't think ending at

19 Tower 87, but by the time you get to Tower 26

20 basically the train can continue freely for most of

21 the rest of the terminal.

22   Coming east to obviously a very different

1 pattern, so if we were to just say -- let's call

2 Tower 87 the one place we were going to measure, we

3 could do that. We could tell you how long a train

4 spent stopped at Tower 87, but we'd missing the dwell

5 that was preceding that.

6   MR. PLUM: Okay.

7   MR. MEYER: Next slide, I think, is back

8 to Rosenberg/Laredo. I think Rosenberg/Laredo if you

9 keep going a couple more slides. There, yes, this is

10 very much akin to the Beaumont/Rosenberg, same

11 metrics, all CPKC trains. Next page everything is

12 green on the chart. And then on the following page

13 we'll show you how we're proposing to capture the

14 data and then just a few things to note.

15   So we're proposing to on the eastern end

16 of this segment -- and by the way, I put in a green

17 arrow here because there are a lot of lines on this

18 map that aren't relevant to our operation. Our

19 trains are flowing from Rosenberg through Victoria,

20 Bloomington, Robstown, et cetera, all the way to

21 Laredo and vice versus.

22   And what we propose to do is capture

1   trains that cover this entire segment, beginning at

2   the east end at exactly the same locations where the

3   prior segment, not the Houston one, but the Beaumont

4   and the Rosenberg segment stops, but there is a

5   methodological question for you there on the east

6   end, which is that would entail transit times

7   incorporating dwell at Kendleton, which has pros and

8   cons. And we could also choose to measure transit

9   times from just west of Kendleton, for example,

10 across the segment. So that's sort of a question for

11 you.

12   And then on the west end of the segment,

13 we would identify the trains using the train events

14 that are shown in purple, but for transit time

15 purposes we would see CTC signal data just east of

16 Laredo yard, which is the beginning of the Laredo

17 Terminal Complex.

18   Now note that there are trains that move

19 over CPKC that would not be captured in these data

20 because either they're local trains out of

21 Kendleton. I'm not sure there are any of those, but

22 if there were they wouldn't be picked up because

1 those trains don't go to Laredo. And there are

2 trains that come through Laredo and are interchanged

3 with BNSF at Robstown or are locals that go to Corpus

4 Christi. Corpus Christi isn't labeled here, but

5 it's just to the east of Robstown where UP's red line

6 and the CPKC blue line intersect. That's just

7 industrial trackage in that area.

8   The BNSF trains wouldn't fit this

9 reporting paradigm because at Robstown BNSF there's

10 an interchange with BNSF. There's some dwell there

11 and then BNSF would take the train north across the

12 UP trackage rights that it has through Bloomington

13 and instead of turning at Bloomington like CPKC --

14 well, I don't know if this dot is actually in the

15 right place, but the CPKC's trains turn just past

16 where that dot is shown and head up to Victoria.

17   BNSF trains would continue straight at

18 the location to I think a point called Algoma, which

19 is off the map and then they turn and head up through

20 Rosenberg on the green line completely off of our

21 radar, so we don't have a way to capture those trains

22 over this segment, other than the portion of the

1 movement between Laredo and Robstown.

2   So that is Rosenberg/Laredo and I think

3 that brings us to our planned break.

4   DIRECTOR BRENNAN: Yes, it does. So just

5 one clarifying question here, David. Can you show me

6 your little green light, yellow light, red light for

7 this section here?

8   MR. MEYER: Yes. It was all green. It's

9 a prior slide. It's all green because we can identify

10 all of the CPKC trains that go from Rosenberg to

11 Laredo and vice versa and have reliable access to

12 complete information about those trains.

13   DIRECTOR BRENNAN: Okay. Thank you very

14 much. We are 2:30. We will be taking a short break

15 and I hope that we will be able to finish well before

16 my proposed time today. See you all in 30 minutes.

17 Thank you very much.

18   (Whereupon, at 2:30 p.m., a break was

19 taken.)

20   DIRECTOR BRENNAN: Okay. We are all

21 back. David, thank you. So we are here at 3

22 o'clock. We are scheduled to go to 5:00. We will,

1   barring any extraordinary substances, if it turns

2   out we have more to do at 5 o'clock, we'll likely try

3   to reschedule, go maybe a little bit over, but we

4   have to be courteous to our court reporter. But I do

5   think we're ahead of schedule, so I'm fully expecting

6   that we'll be able to wrap things up before then.

7   MR. MEYER: I'm optimistic. Certainly

8   the remaining operating metric issues are fairly

9   straightforward, I will say, with one exception for

10 Laredo, which we can talk about now.

11   So, Todd, if you have the PowerPoint,

12 let's go to Texas Laredo Bridge, Slide 44, I think.

13   (Slide 44)

14   MR. MEYER: So this is the Board's

15 Appendix B language. I think everything here is

16 straightforward and I'll explain why, with the

17 exception of the last item, which we're having

18 trouble thinking about and I don't think is likely to

19 be feasible, but let's go ahead to the map on the

20 next page.

21   So this is a detailed map of Laredo. I

22 think it's a schematic rather than to scale. So

1   there's the UP line coming in from the North. UP's

2   track comes all the way to a switch that's just north

3   of the International Bridge, CPKC's former Tex-Mex

4   line comes in from the East pass Laredo yard, comes

5   through downtown Laredo and heads to the bridge

6   somewhere in the middle of the bridge, I think, is

7   where the Mexican border is. In any event, that's

8   the CPKC route from Robstown and ultimately from

9   Houston.

10   South of the bridge, Mexico, that's still

11   legally Kansas City Southern de Mexico. It will

12   eventually be known as CPKCS de Mexico, but it will

13   be a separate entity. There is a yard just -- well,

14   just -- relatively close to the border that's called

15   the Nuevo Laredo yard. Nuevo Laredo is the Mexican

16   side of the border city name. And then farther from

17   the border the major yard in this complex is Sanchez

18   yard. When I say major, I mean in Mexico.

19   And there have been place processes for

20   many years between KCS and UP to track, monitor,

21   cooperate, with respect to the operations over the

22   bridge and I don't know how much detail is necessary

1   here, but there are at least currently directional

2   windows that are designed to enable bridge operations

3   to handle, maximize the throughput during the course

4   of any given 24-hour period by having -- I think they

5   are four-hour windows northbound then southbound,

6   then northbound then southbound and there's a very

7   cooperative process between UP and KCS to keep track

8   of how the bridge is being operated and whether the

9   capacity of the bridge is being fully exploited.

10   So because of that process most of the

11   metrics that are requested by the Board are easy to

12   report directly from that daily, ultimately weekly,

13   monthly, et cetera, reporting of bridge operations.

14   If we go to the next page, we can do all these things

15   for both CPKC and UP. And I'll show you how we do

16   it from the data that I've described on the next

17   page.

18   So this is a snip directly from one of

19   the spreadsheets that contains the entries from the

20   folks. I think they're based in Mexico who are

21   recording this information on an ongoing basis,

22   drawing from the available sources in Laredo to

1 describe the operation.

2   And this is depicting just two actual

3 trains. They're actual movements that were recorded

4 on the 15th of April during one of the windows, so

5 this window must be 2:00 in the morning to 6:00 in

6 the morning, but I could be wrong, maybe it's in the

7 afternoon. Both of these trains were northbound

8 trains which kind of suggests it was a northbound

9 window.

10   One was a CPKC train and one was a UP

11 train and then there is a time when the train cleared

12 the bridge, which is the second from the last column

13 on this snip. So you can identify the trains that

14 cross the bridge within a certain 24-hour period or

15 seven-day period. We can identify the number of UP

16 trains, the number of CPKC trains. There's an

17 indication of the length of the train, which is

18 circled in the center there. Those are meters.

19 We'd convert from meters in order to report in feet.

20   And then for purposes of the occupancy

21 metric, we would use two fields that are already

22 recorded, so there this -- and the actual

1   calculation is here too, but I'll tell you how it's

2   arrived at. There is a field for a set-to bridge,

3   which is the time the train was moved onto the bridge

4   and there's a field for the time when the train

5   cleared the bridge.

6   And you can see the CPKC train took 20

7   minutes on the bridge, the UP train took 17 minutes

8   on the bride and that would be what would be report.

9   We report the average occupancy time for the period,

10 UP and CP, very straightforward. And so this is

11 something we can do and we think these records would

12 take us back five years and these reporting processes

13 are in place and sitting here now we don't have a

14 reason to think they can't be continued for the

15 duration of the oversight period.

16   So let me pause there and ask any

17 questions about this so far?

18   DIRECTOR BRENNAN: No. That seems

19 understandable.

20   MR. MEYER: Okay. Now were this gets

21 difficult for us is in thinking about the question

22 that has been asked about minutes held prior to

1 movement over the bridge. And the reason this is

2 difficult is remember when we were looking at Neches

3 River Bridge the Board asked for the same statistic

4 and in that context we have train movements that were

5 coming from somewhere away from Beaumont and heading

6 across the bridge to go to somewhere else.

7   The cross the bridge to go somewhere is

8 less relevant for purposes of this statistic when

9 we're talking about a through train movement that's

10 encountering the bridge as an intervention in that

11 route. Here, if you go to the map -- and this is an

12 interconnected terminal and also an international

13 border. And one of the reasons that's important is

14 because there are no through train crews that operate

15 on these trains.

16   If a train is moving between Sanchez yard

17 and Laredo yard, there are international CPKC

18 international crews that are basically terminal crews

19 that -- you know just some work back and forth during

20 the course of the day and hop on trains when they're

21 ready to be sent to the bridge and then get on

22 another train heading in the other direction, et

1 cetera.

2   For UP trains, UP crews can't come across

3 the border into Mexico. I think there is, and my

4 understanding is there are discussions about

5 extending the international crew concept to trains

6 moving between Sanchez yard and UP that predate the

7 transaction and I don't know the status. I think

8 there may be labor issues there that I don't fully

9 understand.

10   In any event, the UP crews are not

11 approaching the bridge and then heading across,

12 right, so all UP trains would come in and the UP crew

13 would get off the train and then an international

14 CPKCM crew would get on the train. But in all of

15 these cases the trains are not sent towards the

16 bridge from the places where the crews would be

17 getting off of them or onto them until the bridge had

18 a slot available.

19   So when we look at the data that's

20 gathered by this local process that you saw some of

21 the fields for a minute ago, there's nothing like a

22 minutes train is held waiting for bridge. There is

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1 an attempt to monitor how efficiently the bridge

2 capacity issue lies, so there's an effort to keep

3 track of how long the bridge sits empty waiting for

4 the next train, which is really trying to say can we

5 identify situations where the available capacity at

6 the bridge was underutilized because of something

7 that caused the next train available to be slow

8 getting to the bridge. And in that connection, we

9 keep track of situations where a train that departed

10 for the bridge took longer than one would have

11 expected and things like it was a heavy train, so it

12 moved slowly or things like there's some mechanical

13 issue that lead to the train being delayed reaching

14 the bridge. But those aren't really statistics about

15 holding for the bridge. Those are statistics that

16 reflect inefficiencies in getting across.

17   DIRECTOR BRENNAN: So I think the -- and

18 again, this is somewhat difficult because the Board

19 said what it said and the Board asked what it asked

20 for. But if you had to ask me what do you think the

21 Board was driving at with this minutes held at the

22 bridge concept, the Board was looking for a way to

1 gather insight into potential discriminatory behavior

2 that would disfavor UP here.

3   MR. MEYER: Right.

4   DIRECTOR BRENNAN: Now thank you for

5 explaining the operations here in the Laredo Nuevo

6 Corridor where you have these four-hour blocks,

7 northbound blocks, southbound blocks alternating

8 that. That makes sense to me from a standpoint of

9 trying to maximize the efficiency of the bridge. I

10 guess just casting about, one thought would be how

11 many times is a UP train ready to go and somehow

12 doesn't get to hit the first window that was

13 available to it to have to wait for a subsequent

14 opportunity to get across and how does that compare

15 with the KCS performance across the bridge?

16 Something along those lines is I think what the Board

17 is trying to get at, but I completely understand the

18 sense that there is no waiting for the bridge. You

19 get dispatched to the bridge and everybody's waiting

20 until the moment they get their ticket.

21   MR. MEYER: Right. And I think on this

22 one our current thought is it's going to be difficult

1 to have a meaningful, consistent, reliable statistic.

2 I totally hear where you're coming from on the

3 concept of a train that was ready to cross during a

4 window, but couldn't because the window had so much

5 room for so many trains and whose trains got to cross

6 during that window, that kind of conceptual concept.

7   And I think we probably have some more

8 homework that we can do to make sure that we're right

9 about how we might go bout tracking that

10 consistently. I think there are probably things like

11 daily lineups that are discussed at a local level in

12 advance of the upcoming day or upcoming windows.

13 Trains anticipated to be crossed, but I know enough

14 to know that that's kind of estimated as well. If

15 the trains makes it from San Antonio then it'll make

16 it, but if it doesn't, it doesn't. What I think what

17 we want to pin down, and it maybe, Nick, already has

18 more certainty than I do about this. But we can try

19 and pin down whether there is -- because it's not in

20 the data that we've looked to here, whether there's

21 another source of data for when a train was declared

22 ready to have a crew sent to it if the bridge had

1   room to take it, something like that.

2   I am not aware of that being something

3   that's reliably tracked, but that I hear that in the

4   spirit of what you're getting at and I understand how

5   that --

6   DIRECTOR BRENNAN: Yes. And I think that

7   you can appreciate that we have a court reporter

8   here. We are preparing to work with you to identify

9   whatever redactions are necessary, but it's our

10   expectation that at some point this conversation will

11   be released in transcript form and obviously Union

12   Pacific and other people will have an opportunity to

13   read this and they might come in and weigh in with

14   their thoughts as well, no doubt.

15   But I mean that is, I think, the gravamen

16   of what he Board was trying to do here, is just as

17   part of its oversight responsibilities to ensure that

18   a combined CPKC network was operating in an

19   equitable fashion with respect to this bridge and

20   also to the Neches River Bridge. And that, I think,

21   is where the Board is trying to get at with its delay

22   minutes. And if there's some alternative suggestion

1   that you think gets at the spirit of that, the Board

2   might very well take a look at that and consider it

3   in lieu of this particular metric that we proposed.

4   And I totally appreciate where you're coming from,

5   David, in terms of you can't give what you can't

6   give.

7   MR. MEYER: Right. No, I mean totally

8   understood and we will think harder about what we can

9   do objectively. And one of the things that has

10   occurred to me as I thought about various options is

11   the importance of measuring something that's not,

12   shall we say, controllable by or manipulable by one

13   of the participants in the process, right?

14   So if you were to define a process which

15   was, you, railroad would report to me when the train

16   is ready and I'll use that number as my metric you

17   can see how there may be incentive to report like

18   subjectively about those things in order to yield a

19   statistic that may yield --

20   DIRECTOR BRENNAN: Of course. It works

21   in the other direction as well.

22   MR. MEYER: Absolutely. And so we really

1   are looking for something that's an observation by a

2   reader or a signal indication or something that's not

3   manipulable. And here the challenge so far is that

4   we don't know were we would pull that measure and

5   have it be comparable and meaningful and consistent,

6   but we'll keep thinking about it. And if we can

7   arrive at something that provides insight into the

8   question you're outlining, which I think is a fair

9   way of thinking about why the Board would've been

10 interested in such a metric, we will certainly let

11 you know the progress we make.

12   DIRECTOR BRENNAN: Thank you. Appreciate

13 that.

14   MR. MEYER: With respect to the remainder

15 of the geographies, they're all Chicago area

16 geographies. I think the issues are pretty

17 straightforward and I imagine we can tick through

18 them relatively quickly. So we'll start with Randall

19 Road to B17, so that's from essentially Bensenville

20 yard, train operations to and from the West.

21   If you go to the next slide, you'll see

22 everything lights up as green and here's how we're

1 proposing to fill in these data points. We've got

2 train movement data with events at Randall Road which

3 is where Metro ownership and CP ownership transitions

4 and at Tower B17, which is at the west end of

5 Bensenville. We would capture trains that move between

6 those two points that would necessarily be avoiding

7 -- inadvertently capturing the trains that go from

8 Bensenville past Tower B17 and head north to

9 Milwaukee or come from Milwaukee, but we're

10 consciously avoiding inadvertently counting those

11 trains. We're counting the through trains, this

12 part of the segment, and the train movement event

13 data we believe will give us consistent reads on the

14 number of trains, the lengths of those trains and the

15 transit times for those trains between those two

16 points. I think that all is very straightforward.

17   It gets a little more complicated east of

18 Bensenville, so this is from Bensenville to the east.

19 Tower A5 is where you see the yellow line, which is

20 Metro's Milwaukee west line, intersecting the grey

21 line, which is the Milwaukee District north line.

22 Tower A5 is that juncture point and if you continue

1 you'll see this yellow here. The yellow is here

2 because of the time period for which we will have

3 data.

4   Going to the next slide, so this is a

5 zoom in on the geography. So we're able to identify

6 CPKC trains that move between Tower B12 and A5 by

7 identifying the trains that pass Tower B12, head east

8 out of Bensenville. And we have other train event

9 movement information north of Rondout. You see the

10 purple north. And then we would be catching all only

11 the trains going in and out of Bensenville yard from

12 the east, but we would check to make sure that we

13 weren't inadvertently capturing a train that operated

14 between Tower A20 and Bensenville on the west end by

15 removing those trains using the AEI train event --

16 I'm sorry, not necessarily AEI. The train event data

17 there between B17 and Bryn Mawr on the CPKC short

18 segment before UP trackage rights.

19   So that would identify the trains that

20 are moving through between B12 and A5 and then

21 reverse.

22   That wouldn't give us the transit times.

1 We don't have any readers that would allow us to get

2 transit times across that segment. And the way we

3 would do it is using the locomotive GIS data that

4 you've heard us talk about and we'd have a coordinate

5 at B12 and a coordinate at A5 and we'd measure

6 transit times between those two points.

7   So the issue there again is the GIS data

8 would only take us back in time in the past to about

9 mid-2021.

10   DIRECTOR BRENNAN: And you don't have

11 this data because these are Metra's lines and not

12 yours and you don't have access to their data.

13   MR. MEYER: Correct.

14   DIRECTOR BRENNAN: Okay. Well, I mean it

15 wouldn't shock me if Metra might proffer its

16 historical data to the Board or to you. We shall see

17 what comes of that, if anything comes of that, but I

18 understand why it is you are proposing to do what

19 you're doing here.

20   MR. MEYER: Okay. The next segment is

21 from A5 to Rondout and I think you'll recognize the

22 map. I'm sorry. I should go back. With respect to

1   the prior two segments we just discussed, the Board

2   did spell out that it would like to get train counts

3   directionally and that's not a problem. We can

4   report separately trains departing A5, departing B12

5   for this segment. And for the prior segment, we can

6   report trains departing Randall Road and departing

7   B17. There was I think a typo in Appendix B. If we

8   go to that language for the very first segment, the

9   prior one, this is a clip directly from Appendix B

10   and it referred to the split between A5 and B12.

11   And I think that was probably just an

12   inadvertent cut and paste that didn't get adjusted,

13   so as your template does, we've interpreted that as

14   referring to trains departing Randall Road and

15   trains departing B17, just for clarity.

16   DIRECTOR BRENNAN: I think that's a fair

17   way to understand that particular weirdness.

18   MR. MEYER: Okay. Fair now. And now I

19   guess the other thing there's also two references to

20   transit times here, so we're planning to report

21   average transit time and maximum transit time?

22   There are two bullet points that refer to that and I

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1   don't know how to interpret that, but I assume we

2   report it just once.

3   DIRECTOR BRENNAN: I think that's --

4   MR. MEYER: If we move to the final

5   segment, so this is A5, to Rondout it's really the

6   same story. It's likely to be essentially the same

7   trains. These are trains that would be moving -- you

8   know the trains that leave Bensenville and pass A5

9   are trains that are turning left at A5 and heading up

10 to Rondout and beyond. And the trains that are

11 between Rondout and A5 are turning and heading west

12 to Bensenville.

13   So as a general proposition, it's likely

14 to be the same trains, but that's not how we're going

15 to be identifying them. We're going to be

16 identifying them in the way shown on the annotated

17 map, which is few slides later.

18   So we have the same train movement event

19 records to identify trains that pass the sensor on

20 the north and then enter Bensenville from the east or

21 vice versa and did not come on the segment between

22 Tower A20 and Tower B17 and hat would indicate that

1 the train went pass Rondout and A5.

2   And then for transit times, again, we

3 don't have sensors at those locations, so we have to

4 go to the GIS data to identify those times and same

5 limitations on the date range for availability of

6 that data for the same reason.

7   And unless there are questions, that

8 brings us to the final segment, which is Sabula

9 Junction to River Junction along the Mississippi

10 River. There is one additional item that the Board

11 asked for here, the status of capacity expansion

12 work. I'll cover that at the end. That's a unique

13 aspect of the reporting here and not captured in your

14 templates for understandable reasons, but it's the

15 same metric we're familiar with for the reporting on

16 train counts and transit times and length.

17   So next slide is the map of the segments,

18 so Chicago is east to the map, to the right of the

19 map. The Twin Cities is just to the north of the

20 map. Kansas is down and to the left. Sabula to

21 River Junction is along the Mississippi River. And

22 the good news is on the next -- well, maybe two pages

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1   later where we have the map we have train event data

2   that will allow us to report times or identify the

3   trains that are moving between the two points and

4   report times and lengths without any complication, I

5   think.

6   For purposes of the status of capacity

7   work, what I think the Board was referring to there,

8   if we go to the next slide, is the fact that there

9   are four merger-related projects that we identified

10 in the application, installation of additional CTC

11 between Sabula Junction and Marquette. The

12 installation of a siding up near River Junction.

13 That's at Brownsville, Mile Plus 155, and then two

14 other sightings between Marquette and Sabula

15 Junction.

16   The sidings, at least, were work that was

17 addressed in the environmental process. The plan

18 here, I think, would be that with each of our monthly

19 reports we would provide area synopsis of the status

20 of that work, probably don't need a lot of detail,

21 but not yet underway or grading commenced or track

22 work underway or something like that is along the

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1 lines of what we anticipate reporting so that people

2 would understand where in the lifecycle of those

3 projects were and if we had information about the

4 anticipated in-service date we'd probably be able to

5 provide that as well. And that's the end of our

6 presentation.

7 　　　　　DIRECTOR BRENNAN: Well, thank you. Ian,

8 do you have any questions for the folks at CPKC?

9 　　　　　MR. ANDERSON: Yes. Thanks, David, for

10 the representation.

11 　　　　　And I just think we covered it earlier

12 with respect to the data dictionary that it was sort

13 of a helpful icebreaker for starting the conversation

14 today, but as we've talked about, there's a lot of

15 flexibility in terms of what's going to be reported

16 and some adjustments that I think that we would make

17 going forward, specifically like with the gateways,

18 for example, doing those by FSAC rather than by the

19 Rule 260 junction codes. But I think we'd be able to

20 capture all of that as we iterate, so that was just

21 one thing that we just had on the table. Were there

22 any questions form you, David, or the rest of the

1   team about the data dictionary?

2   MR. MEYER: There was one category of

3   question and I'll ask the team to chime in with more

4   specifics, but there were some of the notes fields

5   with respect to the EP724 and 770 reporting that

6   looked to us that they had notes that were both

7   format related, which make sense. And then were also

8   seemingly notes about the compilation of data from

9   multiple railroads that probably were relating to

10   maybe your own internal processes to compile the

11   data or just seemed otherwise possibly out of place.

12   I want to make sure we're not

13   misunderstanding what's being asked for us, so if you

14   want to take a look at those and let us know if

15   there's something we should be taking away from that.

16   There were notes on items that talked about reporting

17   by railroad, for example.

18   MR. ANDERSON: I understand, yes, what

19   you're talking about. Yes. With the railroad I

20   think just in terms of thinking about going backwards

21   and going forwards in terms of the look-back data

22   versus the ongoing reporting. So for ongoing

1   reporting at some point in the future there would be

2   consolidated CPKC data and then until that point

3   happens there's going to be, right, CP data and KCS

4   data separate, so I think that's why there's all

5   these reference to the railroad.

6   MR. MEYER: I see. That makes sense.

7   MR. ANDERSON: Yes. Yes.

8   DIRECTOR BRENNAN: Just on this point, I

9   mean the Board has approved your control application

10 and we understand that for the historical data and

11 for some short period of time for the ongoing data

12 there might be a need for you to report that data by

13 the former CP and the Legacy KCS. That's fine. We

14 understand. But at some point that'll come to an

15 end, so I think we're trying to be as flexible as

16 possible to accommodate how that evolves in the time

17 it evolves.

18   MR. MEYER: Understood. Okay, that makes

19 total sense now that I understand what you meant by

20 railroad. I probably should've figured that out

21 myself.

22   So Todd and others, are there other

1 specific questions that you had looking at the data

2 dictionary where you wanted to flag something, a

3 question?

4   MR. WORKMAN: I don't think there's

5 anything significant there. I mean the only things

6 that I noted were the weekly unplan re-crew count

7 shows as having five decimal places, but to me, that

8 has to be an integer, so I'm not going to break up

9 the weekly total number of unplanned crews, unless

10 we're talking about a daily average in that, so a

11 little thing like that.

12   MR. ANDERSON: Thank you for observing

13 that, yes, no partial crews, only whole crews.

14 That's right.

15   MR. WORKMAN: And the only other thing

16 that I'd noticed with Chicago seven-day average

17 transit number. I'm not super familiar with that or

18 familiar with it at all. I know it's published in

19 the 724 summary data that the Board puts out, but we

20 do not have a submission that incorporates that item,

21 so that's just something that I just noted it as

22 something as something I didn't understand.

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1   MR. ANDERSON: No, that's right. There's

2   two Item 8s. One of the Item 8s applies to railroad.

3   The other Item 8 applies to a different reporting

4   entity, the Chicago Transportation Coordination

5   Office and so that is a different data definition

6   that is not part of the metrics here. So thank you

7   again also for pointing that out.

8   MR. WORKMAN: Okay. Thank you. That's

9   it.

10   DIRECTOR BRENNAN: All right. Well, I

11 certainly would like to thank the folks at CPKC for

12 making themselves available. And David, you

13 represented them today extensively and we appreciate

14 the time that you put in to get your knowledge up to

15 speed.

16   I would just like to say again that if

17 there are any questions, as look at the data

18 dictionaries, to feel free to contact us and we can

19 try to resolve some of those statements through

20 simple, ordinary email exchanges. But right now we

21 are grateful for the information that you've given us

22 today and we are going to take it back and think

1 about it and we will either be in touch with you in a

2 similar kind of setting at some future date or

3 perhaps the Board itself will issue a subsequent

4 decision in which it specifies, by Order, what is to

5 be reported, what the cadence is going to be, and

6 things of that nature. So we will be looking at the

7 transcript of today's event as we consider and make

8 our plans and preparations.

9 I would expect that this will move

10 reasonably quickly. The Board is eager to get all of

11 this going, has no desire to delay, so I would expect

12 that you will be hearing ins some form or fashion

13 from the Board or from us in the not-too-distant

14 future.

15 Roberta Workman, can you make sure that

16 we can capture and save a copy of the transcript of

17 the Zoom call here that has a closed captioning AI

18 that captures that?

19 MS. WORKMAN: Yes.

20 DIRECTOR BRENNAN: Okay. David, we will

21 mail you a copy in advance. And of course, we will

22 end you over, as soon as it's available to us, the

1 court reporter's transcript and feel free to send it

2 back to us with whatever proposed redactions you

3 think are appropriate. Mindful, of course, that this

4 is something that we are releasing to the world. It's

5 part of our oversight. It's part of our good

6 government and transparency effort, so make sure

7 that the redactions are appropriate and no more than

8 we have to.

9   MR. MEYER: Understood.

10   DIRECTOR BRENNAN: And I think, Adam,

11 Jessica, do any of you have anything to say before we

12 close this out?

13   MS. CAINE: Just a reminder that also

14 copies of the slides should also be submitted as

15 well.

16   DIRECTOR BRENNAN: Yes. And an email

17 version and specified in an email where they should

18 be going, where the slide should be sent. Is it

19 going through just the normal e-filing system or how

20 should the send them to us?

21   MS. CAINE: I think if you can send them

22 to the STB's Hearings mailbox, we'll just start from

1   there.

2   DIRECTOR BRENNAN: Very good. Thank you.

3   MR. MEYER: We'll follow up there with a

4   redacted version that we're comfortable with for the

5   public record and a full version of what you saw and

6   then the Hearings mailbox. And I think we have some

7   follow-up items that we'll be taking back and

8   thinking harder on, that Laredo point, in particular.

9   And mindful of the fact that things may move quickly,

10   we'll try to get back to you no later than -- I'm not

11   going to commit. That's silly, but I'm going to aim

12   for this week with what we think we can do so that

13   we're reporting something, whatever we can report

14   within our knowledge for a particular metric.

15   DIRECTOR BRENNAN: I appreciate that. So

16   I don't think I have anything else, so David, thank

17   you all and your crew. Appreciate it very much and

18   we look forward to having a smooth and easy oversight

19   and monitoring process with respect to the provision

20   of data back and forth. Hope for it to be smooth and

21   easy on every other dimension, but as far as this is

22   concerned, this is what we're working on today.

1   MR. MEYER: Understood.   Appreciate it.

2   Thank you.

3   DIRECTOR BRENNAN: Bye now.

4   MR. MEYER: Bye-bye.

5   (Whereupon, at 3:42 p.m., the technical

6   conference was concluded.)

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1   CERTIFICATE OF COURT REPORTER

2

3   I, BALA CHANDRAN, Court Reporter, do hereby certify

4   that that the testimony contained herein is a true

5   record of the testimony given by said witness, and I

6   further certify that I am neither attorney nor

7   counsel for, related to, or employed by any of the

8   parties to the action in which this statment is

9   taken; and, further, that I am not a relative or an

10   employee of any attorney or counsel employed by the

11   parties hereto, or financially interested in the

12   action.

13

14

15

16   Bala Chandran

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21

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