

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

ENTERED  
Office of Proceedings  
April 1, 2021  
Part of  
Public Record

**STB Finance Docket No. 36500**

---

***CANADIAN PACIFIC RAILWAY LIMITED, ET AL. – CONTROL –  
KANSAS CITY SOUTHERN, ET AL.***

---

**NORFOLK SOUTHERN RAILWAY COMPANY  
COMMENTS**

Norfolk Southern Railway Company (“Norfolk Southern”) proposes that the Surface Transportation Board (“STB”) apply the current merger guidelines to the proposed transaction between Canadian Pacific Railway Limited and the Kansas City Southern Railway Company (“KCS”). As Chairman Oberman recently observed, the freight railroad system is a crucial component of our Nation’s infrastructure—a key engine of economic growth and essential to maintaining our national security. Norfolk Southern shares the Board’s desire to make sure that the U.S. maintains its robust, efficient, competitive, and economically viable surface transportation network.

Norfolk Southern is taking no position on the merits of the proposal. Norfolk Southern encourages the Board to apply the 2001 merger guidelines to this proposed transaction. The prior rules are antiquated, adopted over forty years ago. The railroad industry has transformed itself since then, and the STB modernized its major merger guidelines in sync with those changes. KCS has similarly grown in size and stature since 2001. Winding back the clock to antiquated guidelines would deny the agency the suite of modern tools to gauge and address the broad implications of any major rail merger in the current economic and operational environment.

Moreover, the current merger guidelines require applicants to submit “service assurance plans” to focus the applicants, the Board, other connecting carriers, and interested rail customers on the potential for undesired service disruptions. As the

Board knows, service disruptions are not confined to the applicants and would ripple throughout the Nation's freight rail network.

Respectfully submitted,

/s/ Hanna M. Chouest

Vanessa A. Sutherland  
Thomas E. Zoeller  
Hanna M. Chouest  
Julianne C. Freeman  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, VA 23510

*Counsel to Norfolk Southern Railway  
Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of April, 2021, a copy of the foregoing  
Comments was served by email on the parties of record.

/s/ Julianne C. Freeman  
Julianne C. Freeman  
NORFOLK SOUTHERN CORPORATION

*Counsel to Norfolk Southern Railway Company*