

BEFORE THE
SURFACE TRANSPORTATION BOARD

CSXT-1

302230

DOCKET NO. FD 36514

ENTERED
Office of Proceedings
April 30, 2021
Part of
Public Record

CANADIAN NATIONAL RAILWAY COMPANY, GRAND TRUNK CORPORATION,
AND CN'S RAIL OPERATING SUBSIDIARIES – CONTROL – KANSAS CITY
SOUTHERN, THE KANSAS CITY SOUTHERN RAILWAY COMPANY, GATEWAY
EASTERN RAILWAY COMPANY, AND THE TEXAS MEXICAN RAILWAY COMPANY

CSX TRANSPORTATION, INC. COMMENTS WITH RESPECT TO RULES APPLICABLE
TO THIS PROCEEDING

Kent A. Gardiner
Ryan C. Tisch
Crowell & Moring LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004-2595
(202) 624-2674
rtisch@crowell.com

Paul A. Cunningham
Harkins Cunningham, LLP
1700 K Street, N.W., Suite 400
Washington, D.C. 20006
(202) 973-7601
pac@harkinscunningham.com

Nathan D. Goldman
John P. Patelli
Jason M. Marques
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-3276

Louis E. Gitomer
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for CSX Transportation, Inc.

Dated: April 30, 2021

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CANADIAN NATIONAL RAILWAY COMPANY, GRAND TRUNK CORPORATION, AND
CN'S RAIL OPERATING SUBSIDIARIES – CONTROL – KANSAS CITY SOUTHERN,
THE KANSAS CITY SOUTHERN RAILWAY COMPANY, GATEWAYEASTERN
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When the Board adopted certain regulations in 2001 concerning Class I mergers¹ (the “2001 Rules”), it decided for reasons existing at that time that in reviewing the consolidation of Kansas City Southern Railway Company (“KCS”) and another Class I railroad, the regulations in effect before July 11, 2001 (the “2000 Rules”)² would apply (the “KCS Waiver”) unless the Board is “shown why such a waiver should not be allowed.” 49 CFR § 1180.0(b).

For the reasons set forth in CSXT’s comments in the KCS-CP Docket,³ the KCS Waiver should also apply in this Docket to the Board’s review of any voting trust proposed or application filed for authority to acquire KCS. The 2000 Rules are entirely sufficient to permit the Board to efficiently and thoroughly review the matters presented in both Dockets and to assure that any resulting transaction will be consistent with the public interest.

¹ 66 FR 32583 (July 11, 2001).

² The rules contained in 49 CFR, Parts 1000 to 1199, revised as of October 1, 2000.

³ See CSX Transportation, Inc. Comments with Respect to Rules Applicable to This Proceeding (CSXT-1) filed April 2, 2021 in Docket No. FD 36500.

Respectfully Submitted,

/S/ Paul A. Cunningham

Kent A. Gardiner
Ryan C. Tisch
Crowell & Moring LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004-2595
(202) 624-2674
rtisch@crowell.com

Paul A. Cunningham
Harkins Cunningham, LLP
1750 K Street, NW, Suite 400
Washington, DC 20006
(202) 973-7601
pac@harkinscunningham.com

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CSX Transportation, Inc.
500 Walter Street
Jacksonville, FL 32202
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Louis E. Gitomer
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MS 21204
(410) 296-2250
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Dated: April 30, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have caused these CSX Transportation, Inc. Comments with Respect to Rules Applicable to This Proceeding in Docket No. FD-36514, *Canadian National Railway Company, Grand Trunk Corporation, and CN's Rail Operating Subsidiaries – Control – Kansas City Southern, The Kansas CitySouthern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company*, to be served electronically or by first class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Paul A. Cunningham

Paul A. Cunningham
*Attorney for CSX Corporation and
CSX Transportation, Inc.*

April 30, 2021