

United States Senate

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June 29, 2021

The Honorable Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, D.C. 20423

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Office of Proceedings
June 29, 2021
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Re: FD 36514 Canadian National Railway Company, et al. – Control -- Kansas City Southern, et al.

Dear Ms. Brown:

I write today regarding the merger between Kansas City Southern (KCS) Railway and Canadian National (CN) Railway.

Since its beginnings in the late 1800's, Kansas City Southern Railway has provided a vital link between the commercial and industrial districts of the Kansas City region with ports in the southern United States and Mexico. Recently, KCS announced their intent to combine with Canadian National to create a railway connecting ports in the United States, Mexico, and Canada. Should this merger be approved, it would facilitate trade and increased economic opportunity throughout the middle section of the United States and beyond. Streamlining access to growing markets in Canada and Mexico would be beneficial to farmers, ranchers, and manufacturers across Kansas, and could help unlock the full potential of the recent United States-Mexico-Canada Trade Agreement (USMCA) for producers and manufacturers nationwide.

While the merger between CN and KCS would expand current operations, the resulting rail line will remain one of the smaller Class I railroads, operating approximately 32,000 miles of rail across the United States, Canada, and Mexico. As part of the agreement, CN has made a commitment to divest the overlapping line between the CN and KCS systems, signaling their commitment to economic competition.

For all of these reasons, I urge the STB to give full and fair consideration of CN's proposal for a plain vanilla voting trust. The use of a voting trust will ensure that KCS operations are insulated from an unlawful control violation during the review process, and will ensure that KCS remains independent from CN until the Board completes its review of the merger proposal.

I appreciate your thoughtful and timely review of this proposal. Please do not hesitate to reach out to my office should you have any questions.

Sincerely,



Roger Marshall, M.D.
United States Senator