



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

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August 12, 2022
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August 12, 2022

The Honorable Richard J. Durbin
711 Hart Senate Office Bldg.
Washington, DC 20510

The Honorable Raja Krishnamoorthi
115 Cannon House Office Bldg.
Washington, DC 20515

The Honorable Tammy Duckworth
524 Hart Senate Office Bldg.
Washington, DC 20510

The Honorable Marie Newman
1022 Longworth House Office Bldg.
Washington, DC 20515

Dear Senator Durbin, Senator Duckworth, Representative Krishnamoorthi, and Representative Newman,

Thank you for your recent letter regarding 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, Docket No. FD 36500. I respect and appreciate hearing your concerns about the potential impacts the proposed transaction could have on local communities in Illinois.

On August 5, 2022, the Board's Office of Environmental Analysis (OEA) issued a Draft Environmental Impact Statement (EIS) for the proposed acquisition. The Draft EIS analyzes the potential environmental impacts of the proposed acquisition, which include increased delays at grade crossing and noise impacts and provides an opportunity for public comment. The Draft EIS also provides details on the in-person and online public meetings that OEA will hold during the comment period, including a meeting in Itasca, Illinois at the Westin Chicago Northwest, 400 Park Boulevard, on Monday, September 12, 2022, from 6 to 8pm CDT. These meetings are designed to ensure that all concerned members of the public have an opportunity to comment on the Draft EIS. OEA will respond to all comments received on the Draft EIS and will consider those comments in making its recommendations to the Board in the Final EIS. It is anticipated that the Final EIS will be issued this winter. Because of the magnitude of the proposed transaction and because of my interest in the issues raised by those who have already communicated their concerns to OEA and the Board, I intend to attend as many of the meetings on the Draft EIS as possible as an observer. It is my understanding that other Board members plan to attend some of these meetings as well.

The Board will also be holding a three-day public hearing on the transportation merits of the proposed merger on September 28, 29 and 30, 2022 at the Board's headquarters in Washington, DC. Speakers will also be permitted to participate online using video conferencing. In light of

the significant issues involved in the Board's consideration of the proposed transaction, it is essential that we hear directly from our stakeholders and do so in public. Environmental and historic preservation issues will continue to be addressed through the ongoing, comprehensive environmental review process being conducted by OEA, and the Board will not consider those issues at the public hearing.

Because this case is pending, I cannot comment on the merits at this time. However, please be assured that the Board takes seriously the concerns that you have outlined in your letter, and we will fully consider all public comments and submissions in this proceeding regarding the potential impacts of the proposed merger.

A copy of your letter and this response has been placed in the public docket. If you or your staff have any questions, please contact Ms. Janie Sheng, Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

Sincerely,

A handwritten signature in dark ink, reading "Martin J. Oberman". The signature is written in a cursive, flowing style.

Martin J. Oberman
Chairman