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SERVICE DATE – OCTOBER 14, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36500¹

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

Decision No. 32

Decided: October 14, 2022

By notice served on July 22, 2022, the Board announced that it would hold a public hearing in these dockets on September 28, 29, and 30, 2022. The Board also amended the procedural schedule to set October 14, 2022, as the deadline for final briefs, and set a limit of 30 pages for final briefs. See Canadian Pac. Ry.—Control—Kan. City S., FD 36500 et al., slip op. at 3 (STB served July 22, 2022). Additional hearing days were subsequently scheduled, and the public hearing concluded on October 7, 2022. See Canadian Pac. Ry.—Control—Kan. City S., FD 36500 et al. (STB served Sept. 30, 2022); Canadian Pac. Ry.—Control—Kan. City S. (Decision ID No. 51450), FD 36500 et al. (STB served Oct. 7, 2022). To allow parties adequate time to prepare their final briefs in light of the hearing extension, the procedural schedule was revised to extend the deadline for final briefs to October 21, 2022. See Canadian Pac. Ry.—Control—Kan. City S. (Decision ID No. 51445), FD 36500 et al. (STB served Oct. 7, 2022).

¹ This decision embraces: Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad—Acquisition of a Line of Railroad Between Kansas City, Mo., & Springfield & East St. Louis, Ill.—Kansas City Southern Railway; Docket No. FD 36500 (Sub-No. 2), Illinois Central Railroad—Trackage Rights Between Airline Junction, Mo., & Grandview, Mo.—Kansas City Southern Railway; Docket No. FD 36500 (Sub-No. 3), Canadian National Railway—Control—Gateway Eastern Railway; Docket No. FD 36500 (Sub-No. 4), Illinois Central Railroad—Assignment of KCS Trackage Rights Between Rock Creek Junction, Mo., & Airline Junction, Mo.—Union Pacific Railroad; and Docket No. FD 36500 (Sub-No. 5), Norfolk Southern Railway—Trackage Rights—Kansas City Southern.

By letter filed on October 11, 2022, the applicants in the main docket (Applicants)² seek clarification that their final brief may include appendices outside the 30-page limit, or, in the alternative, request formal leave to provide such appendices to the Board outside the 30-page limit for final briefs. Applicants state that they intend to respond to the Board's questions raised during the hearing by submitting material as appendices to the final brief, but, in doing so, the final brief would exceed the 30-page limit.

In order to allow Applicants to respond to the questions raised by the Board during the public hearing, Applicants' request for leave to file appendices outside the 30-page limit for final briefs will be granted.

It is ordered:

1. Applicants' request for leave is granted, as discussed above.
2. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

² The applicants in the main docket are Canadian Pacific Railway Limited, Canadian Pacific Railway Company, and their U.S. rail carrier subsidiaries, Soo Line Railroad Company, Central Maine & Quebec Railway US Inc., Dakota, Minnesota & Eastern Railroad Corporation, and Delaware & Hudson Railway Company, Inc. (collectively, CP) and Kansas City Southern and its U.S. rail carrier subsidiaries, the Kansas City Southern Railway Company, Gateway Eastern Railway Company, and the Texas Mexican Railway Company (collectively, KCS).