



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

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October 17, 2022

The Honorable Betty McCollum
2256 Rayburn House Office Building
Washington, DC 20515

Dear Representative McCollum,

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 appreciate hearing your concerns about the potential impacts the proposed transaction could have on Minnesota. Thank you for also forwarding the concerns of elected officials in St. Paul and Minneapolis.

Between September 28, 2022, and October 7, 2022, the Board held several days of public hearings on the transportation merits of the proposed merger. 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. Moreover, on August 5, 2022, the Board's Office of Environmental Analysis (OEA) issued a Draft Environmental Impact Statement (EIS) for the proposed acquisition, on which the public was invited to comment, both in writing and at various public meetings. 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 in late winter.

I also appreciate hearing your views about utilizing idle railroad corridors for public purposes, such as pedestrian and bicycle pathways. The Trails Act permits a railroad to preserve established railroad corridors for future reactivation of rail service, a practice known as "railbanking," while allowing the right-of-way to be transferred to a sponsor for interim use as a trail. The Board's role under the Trails Act is limited, and a railroad must voluntarily agree to railbank a line and work directly with the trail sponsor. A railbanked line remains part of the national rail network and subject to the Board's jurisdiction.

Because this case is pending, I cannot comment on the merits at this time. However, please be assured that the Board 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 cursive script, reading "Martin J. Oberman".

Martin J. Oberman
Chairman