

From: [William Mullins](#)
To: [Wood, Diana](#)
Cc: [Gosselin, Danielle](#); [Wayland, Joshua](#); [Jeff Songer](#)
Subject: Re: FD 36500 (Sub-No. 1) Canadian National Railway Company - Permission to Access Kansas City Southern Railway Company's Properties
Date: Monday, October 24, 2022 12:07:04 PM
Attachments: [OEA - CN Divestiture -Request to Access KCS Properties.pdf](#)
[Permit License and Release - Entry on KCS Property.doc](#)

Diana

KCS is of course willing to have OEA and its 3rd Party Contractor perform whatever necessary studies that need to be done for OEA to fulfill its NEPA obligations with respect to CN's inconsistent application. KCS only requests that any contractor or personnel who will be accessing KCS property sign this attached form and give KCS advance notice of the visit. The dates and names in the attached form can be adjusted as necessary. The KCS point person is Jeff Songer, who is cc'd on this memo.

William ("Bill") A. Mullins
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From: Wood, Diana <Diana.Wood@stb.gov>
Sent: Thursday, October 20, 2022 1:55 PM
To: William Mullins <WMullins@bakerandmiller.com>
Cc: Gosselin, Danielle <Danielle.Gosselin@stb.gov>; Wayland, Joshua <Joshua.Wayland@stb.gov>
Subject: FD 36500 (Sub-No. 1) Canadian National Railway Company - Permission to Access Kansas City Southern Railway Company's Properties

Dear Mr. Mullins,

As you may know, the Office of Environmental Analysis (OEA) is in the process of preparing an environmental document that evaluates the environmental effects of Canadian Railway Company's (CN) amended responsive application - filed on June 9, 2022 - which requests that the Surface Transportation Board order the sale of the Kansas City Southern Railway Company's (KCS) rail line between Kansas City, Missouri and Springfield and East St. Louis, Illinois to CN as a condition of any approval

of the primary application filed jointly by Canadian Pacific et al. (CP) and KCS in Docket No. FD 36500.

In order to prepare the document, OEA's independent third party contractor, Burns & McDonnell, will need to access various KCS properties to conduct field studies. The attached letter requests KCS's approval for such access. We appreciate your attention in this matter and request that you respond by October 28, 2022. If you have any questions, please contact me at the contact below or Danielle Gosselin at 202-245-0300.

Thanks,
Diana

Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423
202-245-0302

THE KANSAS CITY SOUTHERN RAILWAY COMPANY

LICENSE

Permission is hereby granted to _____, hereinafter referred to as the
Licensee Name
"Licensee", to be on the property and right of way of The Kansas City Southern Railway Company, hereinafter referred to
as "Railway", at _____ on _____, 2022, subject to the following conditions:
Location of KCS property visited Date of visit

1. All dates/locations/activities shall be within those identified on the attached Exhibit A. Specific dates/locations/activities shall be coordinated in advance with Railway's designated coordinator.
2. A copy of this permit, properly executed by the Licensee and an officer or other authorized agent of the Railway, shall be carried by the Licensee at all times when on Railway property and shall be made available to the employee in charge of the property upon request.
3. Licensee shall at all times remain in a position so as not to interfere with the operation of trains, vehicles or other equipment. Licensee shall at all times maintain a careful lookout. Licensee hereby agrees to abide by any instructions or direction given the Licensee by Railway's personnel in connection with this permit.

Executed this _____ day of _____, 2022.

The Kansas City Southern Railway Company

By _____ Title _____

ACCEPTANCE AND RELEASE

I verify that I am eighteen (18) years of age or older. I fully understand that Railway facilities can be places of danger, that a train, locomotive or railcar can appear at any time on any track, and that my presence on Railway property may create a risk of health or safety to me. I further understand that track conditions on Railway property may change from time to time and that I am fully responsible for ascertaining whether the location where I am working is safe for my work before working there. In consideration of the Railway's permitting me to enter upon Railway's property and right of way, I hereby accept all of the terms and conditions enumerated above and assume all risk of injury, death and damage to property. I hereby release, discharge and agree to hold Railway harmless from and against every claim, liability, cause of action and demand of any kind or nature for or on account of any personal injury, death or damage of any character sustained by me, whether caused by the negligence of the Railway or its employees, or otherwise. The undersigned hereby covenants and agrees to indemnify, defend and hold harmless the Railway, its officers, directors, agents and employees, from and against any and all liability, responsibility or obligation for or on account of my death or injury or damage to property. I further agree that this release and indemnification shall be binding upon my heirs, successors, administrators, assigns and anyone holding power of attorney with respect to me or my welfare, as well as being binding on me.

This is a legally binding document. If you have any questions about it, you should consult an attorney before executing it.

Signature of Licensee

Date _____, 2022

Printed name _____

Address _____

EXHIBIT A

LICENSE TO / RELEASE BY BURNS & MCDONNELL SURVEY TEAM

The foregoing license grants to Burns & McDonnell and its agents/employees who sign the attached Release permission to conduct an environmental evaluation relating to CN's proposal in an amended responsive application in FD36500 (Sub-No.1). In connection with this evaluation, Burns & McDonnell is acting as an independent third-party contractor for the Surface Transportation Board's Office of Environmental Analysis,

DATES: The dates shall be limited to November 9 – December 14, 2022, unless extended in writing by Railway. The specific dates and locations shall be coordinated in advance with Railway's designated coordinator.

COORDINATION: For each survey conducted, Railway will be provided in advance details regarding how surveys will be conducted, the time of day the survey will take place, the number of field staff required to conduct the survey, and the duration of the survey.

SURVEY TEAM / ACTIVITIES: The survey team will consist of specialists in biology, hydrology, archaeology, history, noise, safety, traffic, safety. None of the field team shall be employees of Canadian National Railway Company or its United States rail carrier affiliate, Illinois Central Railroad Company. The field studies will consist primarily of observation with the possibility of minor ground disturbance with a soil probe. Analytical equipment, such as noise and traffic monitors, may be set up for short periods of time, but only in consultation with Railway's designated coordinator. No materials may be removed from any property, and fenced locations shall remain secure during and after the survey. Field personnel shall strictly adhere to all safety requirements and operate all vehicles carefully and in accord with all speed limits.

LOCATIONS OF SURVEYS:

1. On the KCS Springfield Subdivision, the rail line segment between Roodhouse Illinois and Murrayville, Illinois;
2. On the KCS Springfield Subdivision, the rail line segment between Murrayville, Illinois and Springfield, Illinois;
3. On the KCS Godfrey Subdivision, the rail line segment between Roodhouse, Illinois and Godfrey, Illinois;
4. On the KCS Mexico Subdivision, the westernmost portion (approximately 20 miles) of the rail line segment between Kansas City, Missouri and Slater, Missouri;
5. Six existing siding locations in Grain Valley, Harmony, Mexico West and Bowling Green in Missouri; and Pleasant Hill and Roodhouse in Illinois;
6. One proposed siding relocation in Blackburn, Missouri;
7. One proposed new siding in Cockrell, Illinois along the existing rail line between Kansas City, Missouri and Springfield, Illinois;
8. East St. Louis Yard/Proposed Intermodal Terminal in Illinois for proposed construction of 6,000 track feet with intermodal pads and accompanying pavement; 5,000 track feet for loading/unloading and car storage; and development of approximately 25 acres of land for necessary roadways, parking, and truck areas;
9. International Freight Gateway terminal in Missouri for proposed construction of 20,000 track feet (with pad) and storage, and accompanying pavement; and 6,600 track feet for loading/unloading and storage, roadways and railhead parking and truck areas; and
10. Roodhouse Yard in Illinois for proposed construction of 5,000 feet of new yard track.