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March 1, 2023

VIA EMAIL

Ms. Danielle Gosselin
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, N.W.
Washington, D.C. 20423

RE: STB Finance Docket No. 36500, *Canadian Pacific Ry., et al.* – Control
– *Kansas City Southern, et al.*

Dear Ms. Gosselin:

This letter is submitted on behalf of the Coalition to Stop CPKC to briefly respond to the letter submitted by counsel for the Applicants on February 27, 2023 in response to the Coalition's letter to you of the same date. The majority of Applicants' letter is devoted to a discussion of actions which preceded the mitigation measures in "VM-Community-03" ending up in the Final EIS. While there are numerous problems with Applicants' counsel's recounting, that discussion is ultimately not relevant to the purpose of the Coalition's letter.

That purpose was, and remains, to enter into the very dialogue with OEA and the Applicants that their counsel's letter states in two places they are committed to engage in "about how the Applicants anticipate implementing the commitments they have made." Indeed, the Coalition's letter to you was also provided to Applicants' counsel for that reason. Unfortunately, notwithstanding Applicants' counsel's statements about their commitment to engage in a dialogue with the Coalition, the letter did not address a single question raised by the Coalition in any way. More troubling, the Applicants brazenly advocate for OEA to refuse to provide any of the requested guidance or clarification to the Coalition by imploring OEA to not take "any further action" in response to the Coalition's inquiries, with no time limitation.

The Coalition is committed to obtaining answers to its questions, which are all directly related to how the Applicants anticipate implementing the commitments they have made and OEA has memorialized in the FEIS. The Coalition therefore implores OEA to reject the Applicants'

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position that OEA should not respond to the Coalition and clarify the intent behind the text of these measures, and the Coalition again also asks the Applicants for their responses to the questions posed, and any other information about their intent and expectations on how they will implement these mitigation measures, if directed to do so by the Board in the final decision to be served in this proceeding.

Respectfully submitted,



Attorney for the Coalition to Stop CPKC

Cc: Mr. Joshua Wayland
David L. Meyer, Esquire
Kathryn K. Floyd, Esquire