

SURFACE TRANSPORTATION BOARD

Docket No. EP 788

**ELIMINATING REGULATORY BARRIERS TO
COMPETITION: REVIEW OF PART 1144**

**Summary of Ex Parte Meeting Between CN
and STB Chairman Patrick Fuchs**

April 2, 2026

CN Attendees:

- Kathryn Gainey, Senior Director, Head of Global Regulatory Affairs
- Christopher Diamond, Counsel, Regulatory Affairs

STB Attendees:

- Patrick Fuchs, Chairman
- Lisa Novins, Chief of Staff
- Thomas Quinn, Attorney Advisor
- Sharon Clark, Senior Advisor
- Terry McDermott, Senior Advisor
- Rob Reilly, Senior Advisor

Meeting Summary:

CN thanked Chairman Fuchs for the opportunity to meet. CN expressed its appreciation for the Board's anticipated focus on the context of individual cases and their unique fact patterns. CN noted the benefits of clarifying background principles in advance of a merits decision for efficient use of case-by-case adjudication. CN explained that how some of these principles would apply is a matter for individual cases, but there is value for potential litigants in knowing that these principles would be part of the Board's determination.

Chairman Fuchs and CN discussed the principles that CN proposed in its comments, including ineligibility of contract and exempt traffic, the definition of reciprocal switching, the need to consider practicability, burden of proof, and the

appropriateness of addressing petitioners' cases individually rather than as a group, given the fact-specific inquiries to be performed.

Chairman Fuchs and CN talked through scenarios involving the timing of cases in reference to contract expiration and surrounding circumstances.

Chairman Fuchs and CN discussed definitions of reciprocal switching, including the definition of "terminal area," views on what is traditionally considered to be reciprocal switching, and ways of framing the upper bounds of what the Board can and should consider in deciding whether to order reciprocal switching. They also talked about the importance of considering potential operational impacts of a reciprocal switch.

Chairman Fuchs asked CN about safety considerations in reciprocal switching or through routes cases and the distinction between what the Board might offer as guidance for parties to consider in bringing cases versus the range of safety-related evidence that might be admissible in such a case.

CN and Chairman Fuchs talked about how the Board might communicate background principles if it chose to do so. They also discussed how the Board might consider the appropriate duration of an order.

CN and Chairman Fuchs thanked each other for their time and concluded the meeting.