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November 13, 2026

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Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Docket No. FD 36873 (sub-no. 43) – Union Pacific Corp. & Union Pacific R.R. – Control – Norfolk Southern Corp. & Norfolk Southern Ry. – CPKC Responsive Application (Baton Rouge Operating Rights)

Dear Ms. Gosselin:

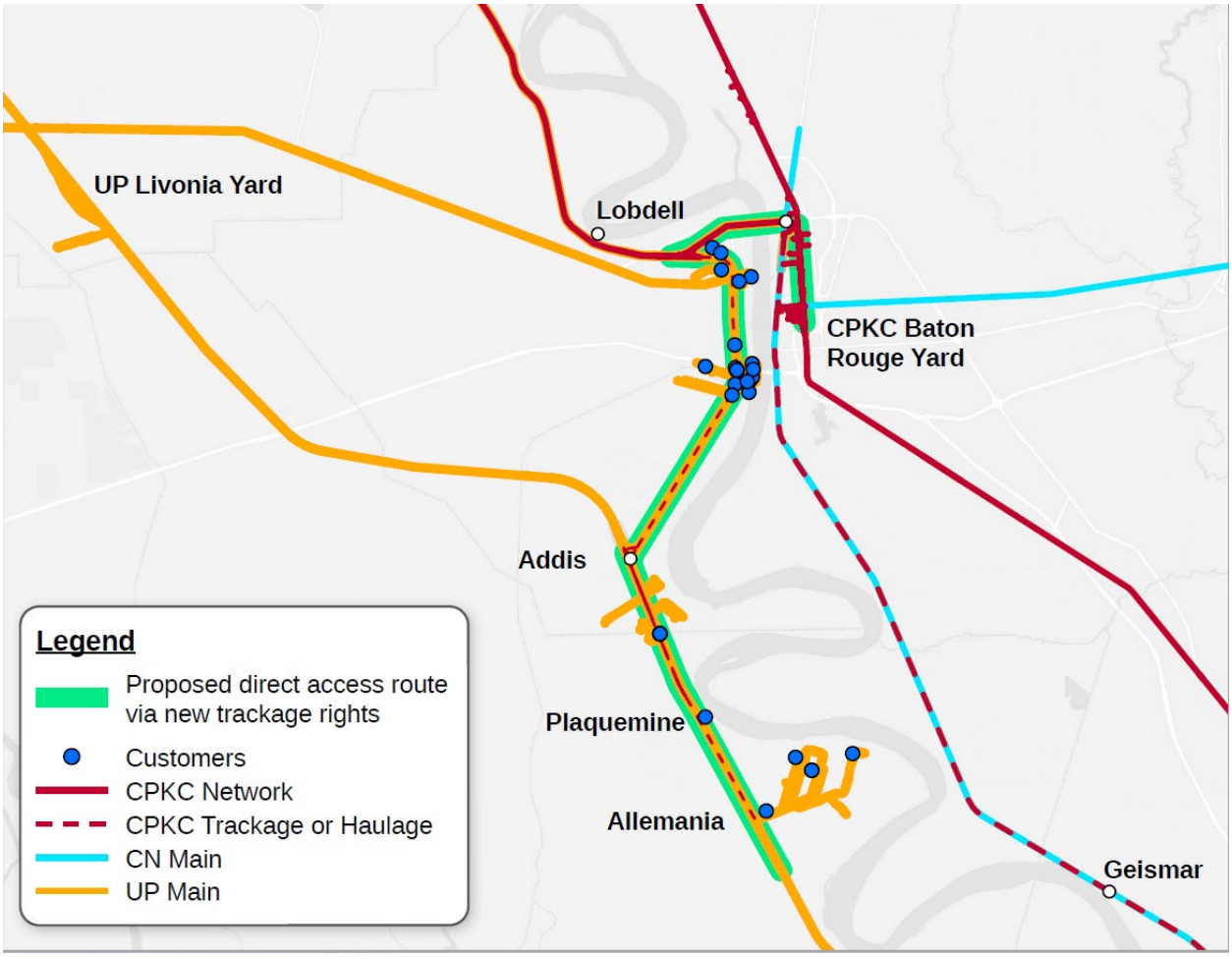
Canadian Pacific Railway Company, d/b/a Canadian Pacific Kansas City, on behalf of itself and the Kansas City Southern Railway Company (collectively, CPKC), submits to the Surface Transportation Board's Office of Environmental Analysis this environmental information for CPKC's Baton Rouge Responsive Application, which CPKC will file on November 18, 2026 in Docket No. FD 36873 (sub-no. 43).

Relief Sought

The relief CPKC seeks in the Baton Rouge Responsive Application would be necessary only if the Board approves the underlying UP-NS merger—which CPKC urges the Board not to do. For reasons CPKC has explained and will continue to explain in its merits-docket filings, the UP-NS merger is not in the public interest and the Board should deny it. If the Board concludes otherwise, it should mitigate the merger's anticompetitive effects by imposing the conditions proposed in CPKC's Baton Rouge Responsive Application.

If the merger is approved, CPKC seeks access to certain UP-served customers west of the Mississippi River near Baton Rouge, LA. To acquire that access, CPKC plans to pursue a condition in the merger decision that would grant it access to those customers through reciprocal switching, which does not require a responsive application.

But in case such reciprocal switching leads to a breakdown in effective competition, or UP fails to provide adequate service, CPKC is also filing the Baton Rouge Responsive Application to request a springing condition that would allow direct access over UP trackage. The Baton Rouge Responsive Application will address the trackage rights needed for that direct access, as shown below.



No Environmental Documentation Required

Acquiring trackage rights under 49 U.S.C. § 11323(a)(6) normally requires no environmental documentation under 49 C.F.R. § 1105.6(c)(3), which excludes "[c]ommon use of rail terminals and *trackage rights*" from environmental review. (Emphasis added.) Because the Baton Rouge Responsive Application seeks only

trackage rights, § 1105.6(c)(3)'s rule excusing preparation of environmental documentation applies here.

Further, the Baton Rouge Responsive Application seeks trackage rights as a "springing condition." In other words, the trackage rights that CPKC seeks in the Baton Rouge Responsive Application would not be granted unless, at some point in the future, it can be shown that reciprocal switching does not create effective competition for the relevant customers near Baton Rouge. Because such a showing is not reasonably foreseeable now, and because any extraordinary circumstances requiring environmental review could be addressed in the future, this springing condition does not require review.

No Extraordinary Circumstances

The Baton Rouge Responsive Application presents no extraordinary circumstances that indicate significant adverse effects are likely. First, the requested relief is conditional on reciprocal switching resulting in a breakdown in effective competition, or on UP failing to provide adequate service. There is therefore no current change in the status quo and no reasonably foreseeable significant adverse effects from the requested relief. Further, even if the trackage rights CPKC seeks in the Baton Rouge Responsive Application are granted, those trackage rights would preserve CPKC's existing operations. As discussed below, CPKC would not increase the number of trains it operates between Baton Rouge and Shreveport, Louisiana or Baton Rouge and New Orleans as a result of the springing trackage rights. The requested relief would instead preserve current operations and protect competition in the corridor.

Operating Plan and Supporting Evidence

CPKC will file an operating plan and verified statement with the Baton Rouge Responsive Application on November 18, 2026. Those materials, which are still being finalized, will provide additional support for the operational facts discussed in this letter, and CPKC incorporates them by reference. If the final Responsive Application is materially different from what is described in this letter, CPKC will supplement its submission to OEA.

* * *

For the reasons discussed above, the Baton Rouge Responsive Application should not require environmental documentation under 49 C.F.R. § 1105.6(c).

As always, we are happy to discuss these issues with you, so please contact me if you have any questions or need any additional information.

Sincerely,



Jay C. Johnson

cc: Elizabeth Webster
Joe Van Humbeck
Glen Wilson
Alan Summerville
Waymon Peer