VENABLE LLP

600 MASSACHUSETTS AVE., NW WASHINGTON, DC 20001
T 202.344.4000 F 202.344.8300 www.Venable.com

November 13, 2026

Jay C. Johnson

T 202.344.4698
jcjohnson@venable.com

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

Re: Docket No. FD 36873 (sub-no. 44) – Union Pacific Corp. & Union Pacific R.R. – Control – Norfolk Southern Corp. & Norfolk Southern Ry. – CPKC Responsive Application (Lufkin Subdivision Trackage Rights)

Dear Ms. Gosselin:

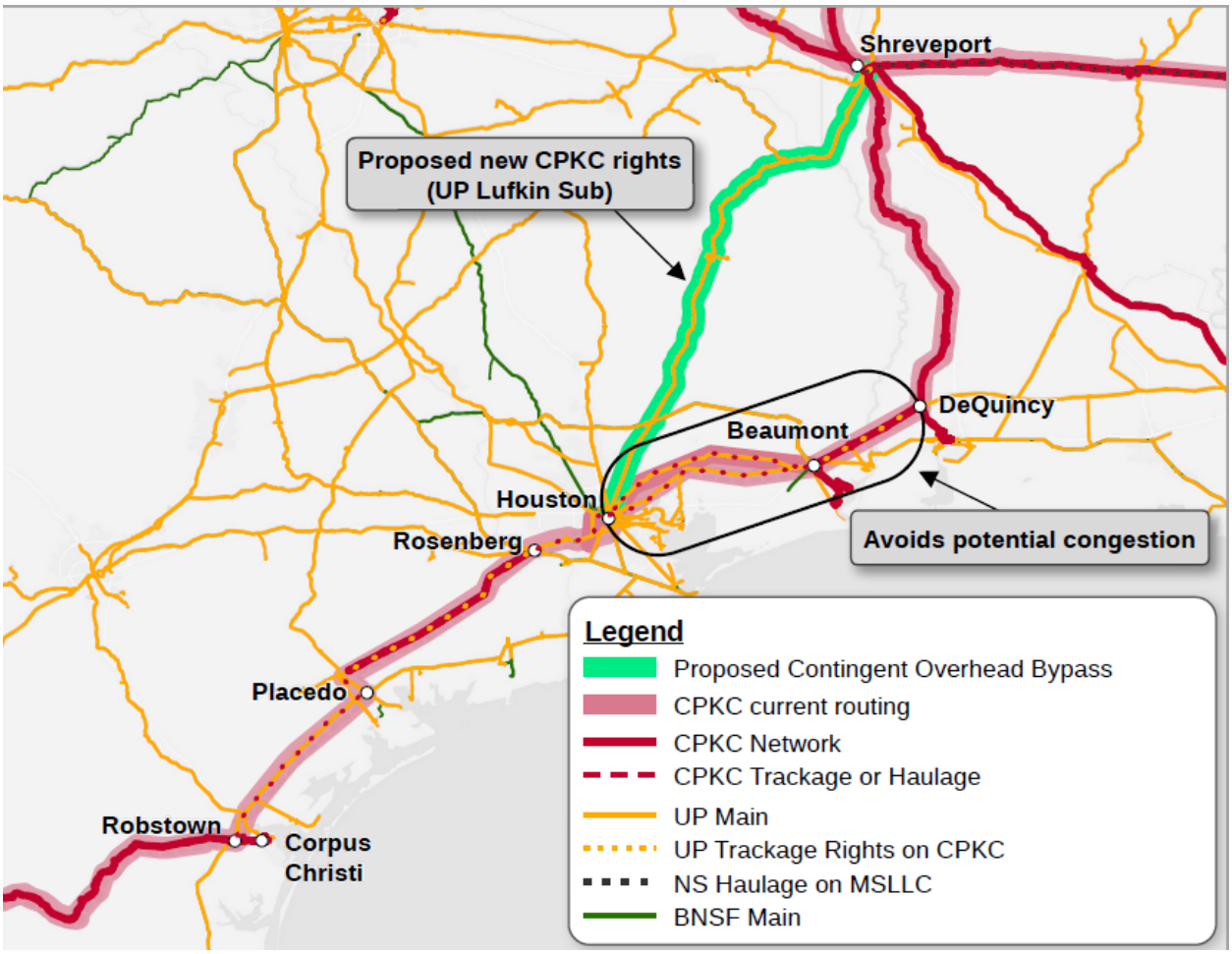
Canadian Pacific Railway Company, d/b/a Canadian Pacific Kansas City, on behalf of itself and the Kansas City Southern Railway Company (collectively, CPKC), submits to the Surface Transportation Board's Office of Environmental Analysis this environmental information for CPKC's Lufkin Responsive Application, which CPKC will file on November 18, 2026 in Docket No. FD 36873 (sub-no. 44).

Relief Sought

The relief CPKC seeks in the Lufkin 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 Lufkin Responsive Application.

If the merger is approved, CPKC asks for trackage rights, as a springing condition, over UP's Lufkin Subdivision between Houston, TX and Shreveport, LA. CPKC also asks for rights over connecting UP trackage at Shreveport to reach CPKC and The Meridian Speedway, LLC, and for connecting rights to CPKC's existing rights in the Houston Terminal. These rights would allow CPKC trains to bypass merger-related congestion between Houston and DeQuincy, LA, including at

the Neches River Bridge in Beaumont, TX. CPKC could use the rights only if merger-related service between Houston and DeQuincy deteriorates. A map showing these changes appears 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 Lufkin Responsive Application seeks only trackage rights, § 1105.6(c)(3)'s rule excusing preparation of environmental documentation applies here.

Further, the Lufkin Responsive Application seeks trackage rights as a "springing condition." In other words, the trackage rights that CPKC seeks in the Lufkin Responsive Application would not be granted unless, at some point in the future, it can be shown that merger-related service between Houston and DeQuincy has deteriorated. 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 Lufkin Responsive Application presents no extraordinary circumstances that indicate significant adverse effects are likely. The requested relief is conditional on a showing that merger-related service between Houston and DeQuincy has deteriorated. This presents no current change to the status quo. If the described service deterioration occurs, then the requested relief enables CPKC to serve customers already using the Lufkin Subdivision between Houston and Shreveport, as well as connecting trackage at Shreveport to reach CPKC and the Meridian Speedway, LLC. Such access would not increase traffic on these rail corridors and would protect competition. The trackage rights requested in the Lufkin Responsive Application also preserve CPKC's existing rights in the Houston Terminal. In short, the Lufkin Responsive Application does not include the kind of changes that are likely to have a reasonably foreseeable significant adverse effect on the environment.

Traffic Effects

If the trackage rights requested in the Lufkin Responsive Application are triggered, decisions about rerouting a specific train would depend on an evaluation of the conditions on the two available routes. These decisions would be made in the day before the routing was made, and would generally benefit the lines between Shreveport and Houston by mitigating congestion. The overall routing patterns are not reasonably foreseeable, and the overall environmental effect of this routing option would be de minimis in any event.

Yard Effects

Rerouted trains would perform no work en route, so no yard would see increased activity.

Operating Plan and Supporting Evidence

CPKC will file an operating plan and verified statement with the Lufkin 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 Lufkin Responsive Application should not require environmental documentation under 49 C.F.R. § 1105.6(c).

As always, we are happy to provide any additional information OEA may need. Please contact me if you have any questions.

Sincerely,



Jay C. Johnson

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