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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. 46) – Union Pacific Corp. & Union Pacific R.R. – Control – Norfolk Southern Corp. & Norfolk Southern Ry. – CPKC Responsive Application (Kansas City Terminal 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, Dakota, Minnesota & Eastern Railroad Corporation, and Soo Line Railroad Company (collectively, CPKC), submits to the Surface Transportation Board's Office of Environmental Analysis this environmental information for CPKC's Responsive Application addressing Kansas City Terminal trackage rights, which CPKC will file on November 18, 2026 in Docket No. FD 36873 (sub-no. 46).

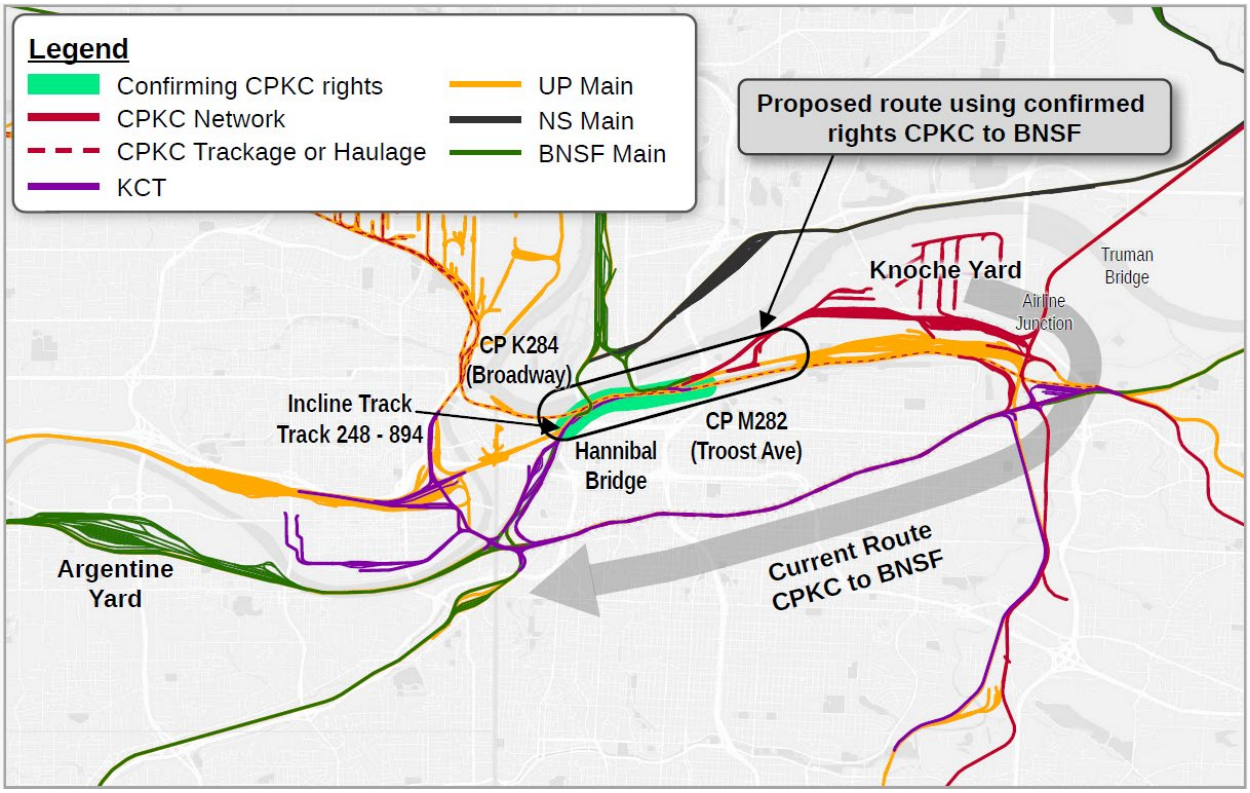
Relief Sought

The relief CPKC seeks in the Kansas City Terminal 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 Kansas City Terminal Responsive Application.

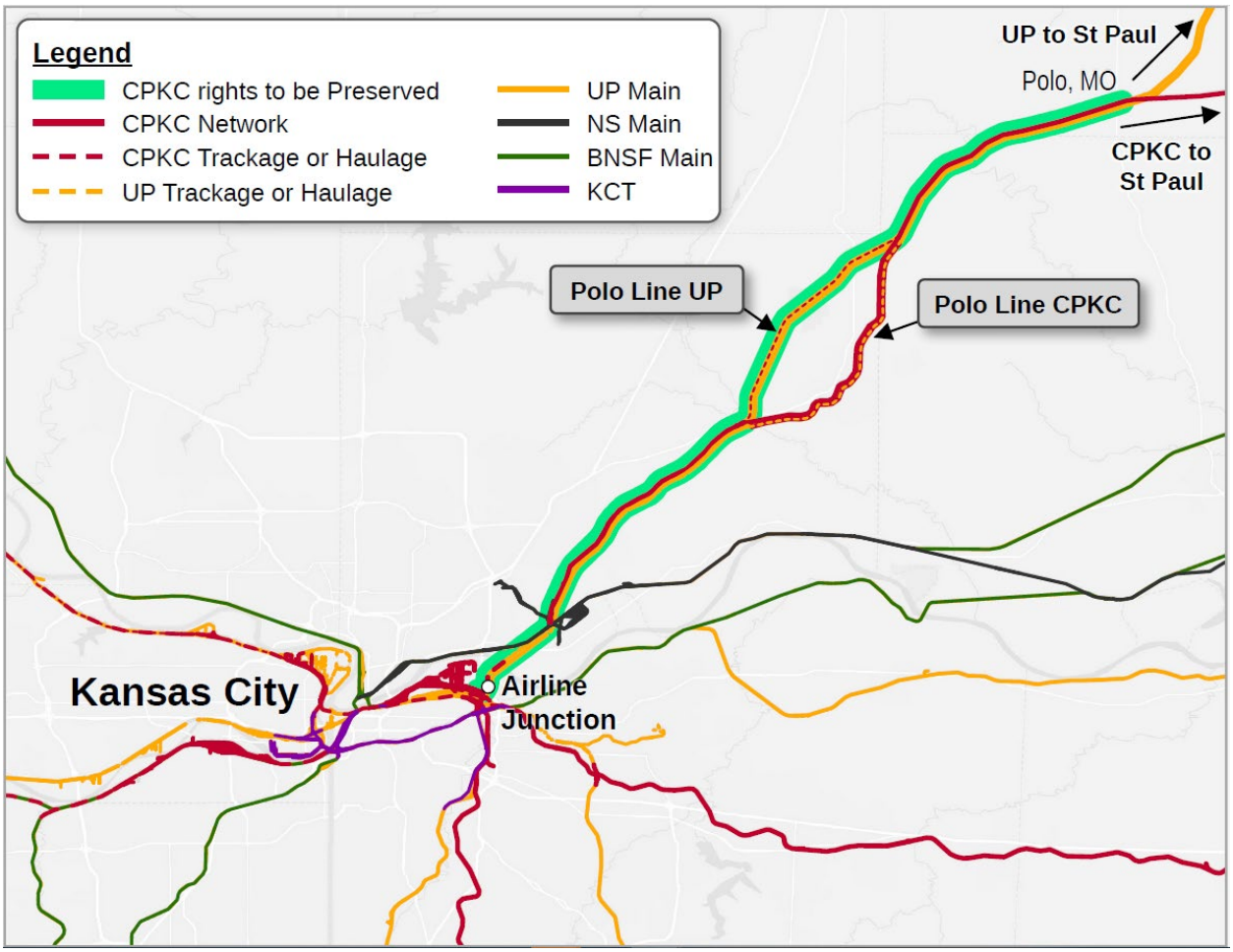
If the merger is approved, CPKC asks the Board for trackage rights within the vital Kansas City Terminal. Specifically, CPKC's Kansas City Terminal Responsive Application will ask: (1) that the Board confirm or grant CPKC's trackage rights over UP lines between the west end of CPKC's Knoche Yard at

Troost Avenue and Kansas City Terminal Railway (KCT) lines near Broadway, at the western end of the "Incline Track"; and (2) that the Board adjust CPKC's paired-track arrangement with UP on the Polo Line between Airline Junction in Kansas City and Polo, MO. Those adjustments would prevent UP from terminating the arrangement when the current agreement expires in 2030 and would revise its service standards and dispatching provisions. The Kansas City Terminal Responsive Application will also seek "springing" transfer of dispatching rights if service materially degrades.

A map of the Troost-Broadway trackage-rights route via Incline Track appears below, with an arrow indicating CPKC's current route:



A map of the Polo Line 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 Kansas City Terminal Responsive Application seeks only trackage rights, § 1105.6(c)(3)'s rule excusing preparation of environmental documentation applies here.

No Extraordinary Circumstances

The Kansas City Terminal Responsive Application presents no extraordinary circumstances that would likely have reasonably foreseeable significant adverse effects. Instead, the requested relief restores and preserves CPKC's trackage rights within the Kansas City Terminal. CPKC's predecessor operated over the Troost–Broadway segment for decades after operations moved there from KCT's North End Freight Line in the 1990s, until UP purported to cancel CPKC's rights in 2024. Adjustments to CPKC's paired-track arrangement with UP on the Polo Line would prevent UP from terminating the current agreement. In other words, the relief requested in the Kansas City Terminal Responsive Application simply restores pre-2024 operating patterns for the Incline Track and preserves existing Polo Line operations, protecting competition in the corridor.

Traffic Effects

Incline Track. The relief requested in the Kansas City Terminal Responsive Application would simply reroute CPKC's existing local transfer; it would add no trains or traffic to the Kansas City Gateway. The reroute would have environmental benefits because it would take CPKC movements off the congested route through Airline Junction, Sheffield Junction, KCT's line past Union Station (shared with Amtrak's Southwest Chief and River Runner), and the Santa Fe Junction flyover. It would also end the roughly 45-minute doubling move that now occupies the main line. All of this simply restores CPKC's use of the Incline Line before 2024; none of it is likely to cause a reasonably foreseeable significant adverse effect.

Polo Line. Preserving CPKC's existing rights on the Polo Line would cause no change from pre-merger operations.

Yard Effects

Activity at Knoche Yard and Argentine Yard would not change; the same cars would move between the same yards. No traffic would shift from rail to truck.

Operating Plan and Supporting Evidence

CPKC will file an operating plan and verified statement with the Kansas City Terminal 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 Kansas City Terminal 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