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November 13, 2026

Jay C. Johnson

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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.49) – Union Pacific Corp. & Union Pacific R.R. – Control – Norfolk Southern Corp. & Norfolk Southern Ry. – CPKC Responsive Application (Chicago–Detroit Trackage Rights)

Dear Ms. Gosselin:

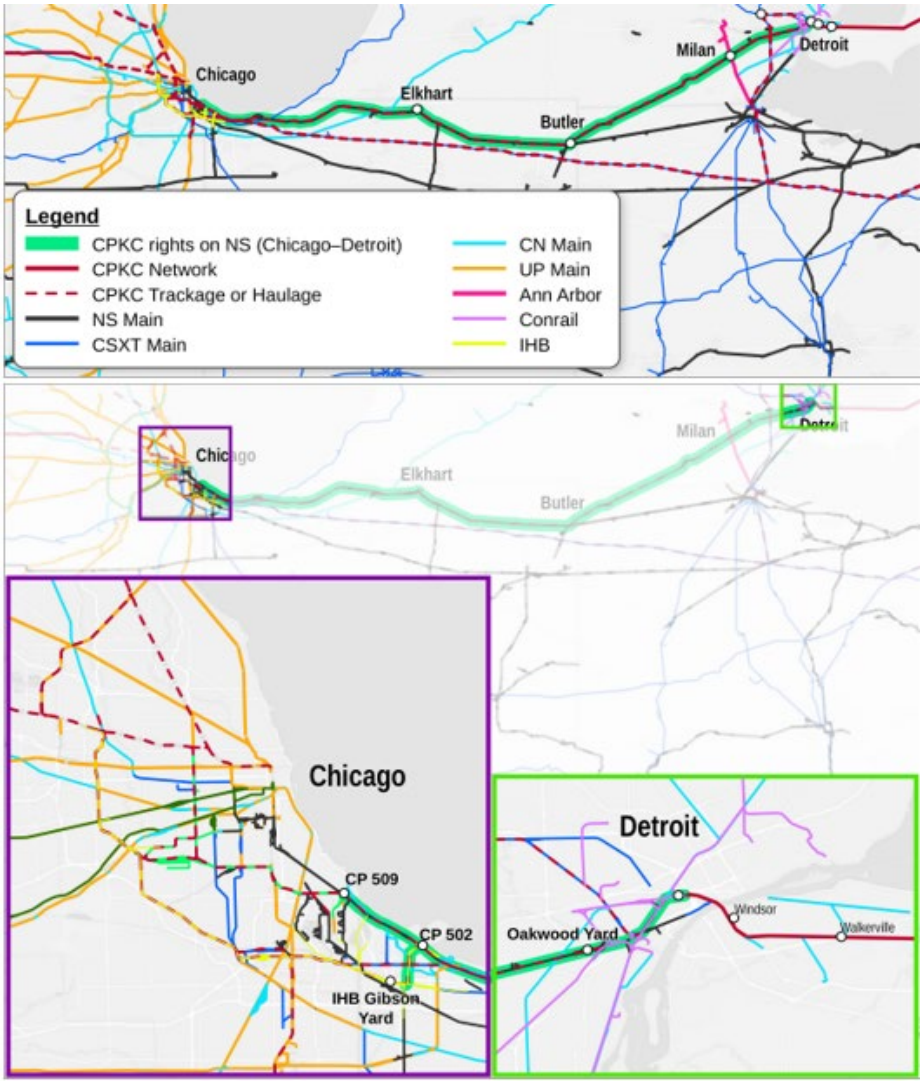
Canadian Pacific Railway Company, d/b/a Canadian Pacific Kansas City, on behalf of itself and Soo Line Railroad Company (collectively, CPKC), submits this environmental information to the Surface Transportation Board's Office of Environmental Analysis for CPKC's Responsive Application addressing Chicago–Detroit Trackage Rights, which CPKC will file on November 18, 2026 in Docket No. 36873 (sub-no. 49).

**Relief Sought**

The relief CPKC seeks in the Chicago–Detroit 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 Chicago–Detroit Responsive Application.

If the merger is approved, the Chicago–Detroit Responsive Application will ask the Board to adjust CPKC's existing trackage rights over NS lines between Chicago, IL and Detroit, MI. These adjustments would: (1) bar termination or narrowing of those rights; (2) remove paper-barrier-like restrictions so that CPKC may handle traffic interchanged with Conrail in the Detroit Terminal, traffic interchanged with the Ann Arbor Railroad (Ann Arbor) at Milan, MI, and local

traffic of a future CPKC-served facility in Southeast Michigan; (3) grant rights over UP-NS trackage to interchange with Conrail (e.g., at Livernois or Oakwood Yard) and with Ann Arbor; (4) grant the right to connect CPKC facilities with the trackage rights lines; (5) impose service standards; (6) provide a springing transfer of dispatching; and (7) at the Chicago end, make permanent CPKC's existing rights to enter and exit the NS line at CP 502 and to operate between CP 502 and the Indiana Harbor Belt Railroad (IHB), including IHB's Gibson Yard. A map showing the relevant lines appears below:



**No Environmental Documentation Required**

The Chicago–Detroit Responsive Application primarily seeks trackage rights. 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.) To the extent the Chicago–Detroit Responsive Application seeks trackage rights, § 1105.6(c)(3)'s rule excusing preparation of environmental documentation applies.

Further, the Chicago–Detroit Responsive Application seeks a "springing" transfer of dispatching. This dispatching transfer would not be granted unless, at some point in the future, it can be shown that it is necessary as a result of service failures. 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 transfer of dispatching does not require review.

**No Extraordinary Circumstances**

The Chicago–Detroit Responsive Application presents no extraordinary circumstances that indicate significant adverse effects are likely. To the contrary, the requested relief would preserve the status quo of CPKC's trackage rights over NS lines between Chicago, IL and Detroit, MI, protect competition by removing paper-barrier-like restrictions, and would not change overall operations or traffic in the Oakwood yard, where the traffic would simply transfer from the NS account to CPKC's account. Any increases in traffic on NS's Chicago Line would be minimal, and CPKC would not add any new train starts for new interchange traffic. Further, the requested relief includes a "springing" transfer of dispatching, which would not occur unless necessary as a result of service failures. None of this relief would alter the status quo. Thus, the relief requested in the Chicago–Detroit Responsive Application would not likely have reasonably foreseeable significant adverse effects.

*Traffic Effects*

CPKC operates about four trains per day over these lines today, as well as on-demand bulk trains. NS's Chicago Line can accommodate nearly 100 freight trains per day. Any trains that it would add as a result of the relief requested in the

Chicago–Detroit Responsive Application would fall well below the Board's usual thresholds for environmental review.

For the new interchange traffic that the Chicago–Detroit Responsive Application would facilitate, CPKC would not be adding any new train starts. Ann Arbor traffic would ride existing Ann Arbor and NS locals. Conrail traffic would move on an extension of Conrail's existing local into Oakwood Yard in an existing slot. Indeed, much of the Conrail-interchange traffic already moves through Oakwood Yard in NS's account; under the requested relief, it would simply move through the same yard in CPKC's account.

*Yard Effects*

The relief requested in the Chicago–Detroit Responsive Application would add rail-to-rail interchange traffic and would not likely divert traffic from rail to motor carriage above the Board's usual thresholds.

**Operating Plan and Supporting Evidence**

CPKC will file an operating plan and verified statement with the Chicago–Detroit 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 Chicago–Detroit 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