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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. 50) – Union Pacific Corp. & Union Pacific R.R. – Control – Norfolk Southern Corp. & Norfolk Southern Ry. – CPKC Responsive Application (Techny Line 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 the Techny Line trackage rights, which CPKC will file on November 18, 2026 in Docket No. FD 36873 (sub-no. 50).

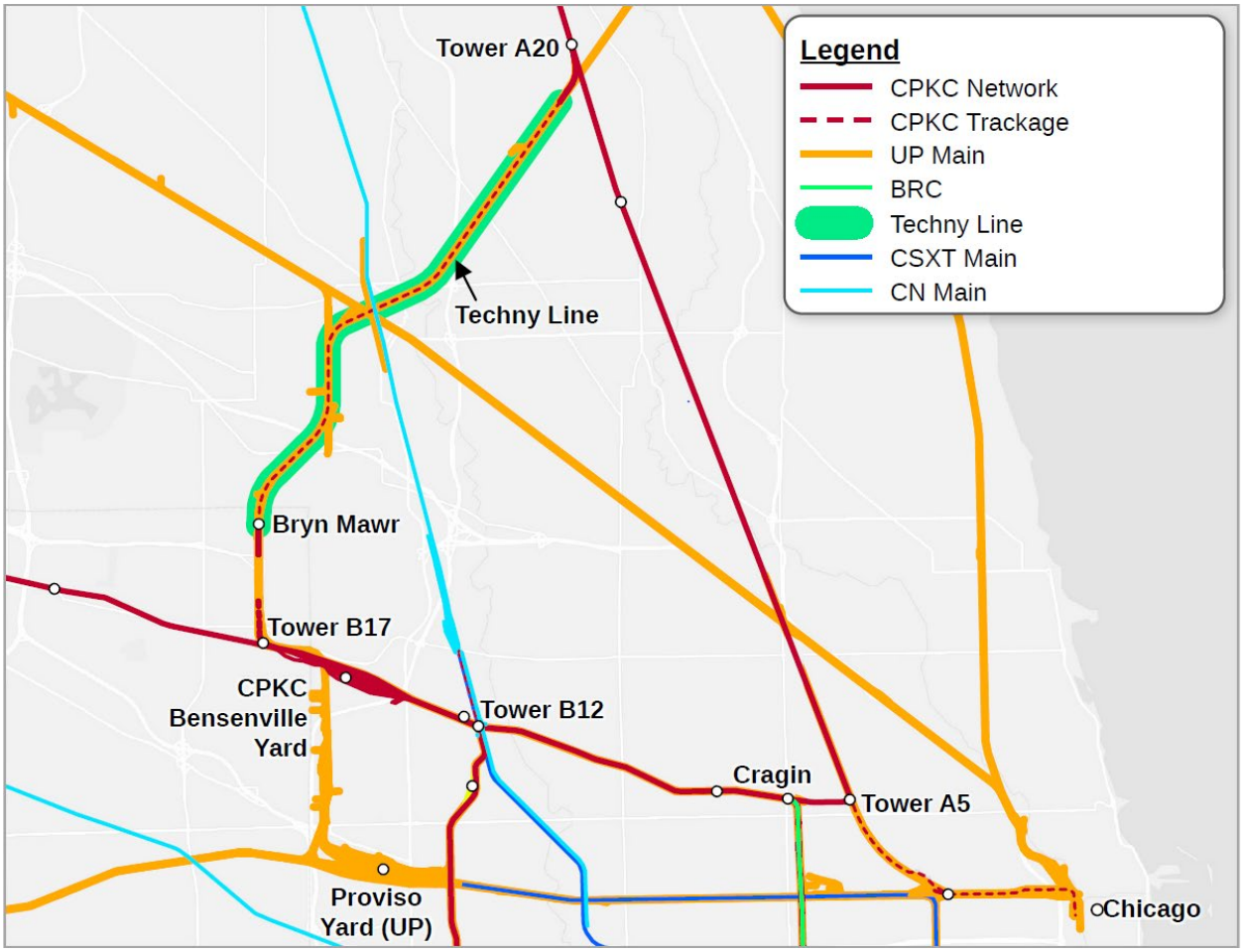
Relief Sought

The relief CPKC seeks in the Techny 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 Techny Responsive Application.

If the merger is approved, the Techny Responsive Application will ask the Board to condition any approval on three items: (1) a bar on UP terminating, restricting, or narrowing CPKC's existing trackage rights over UP's Techny Line between Bryn Mawr, IL (near CPKC's Bensenville Yard) and a connection with CPKC's Chicago & Milwaukee Subdivision near Tower A20, under an agreement that expires in 2027; (2) adjusted terms on service levels and operating rules; and

(3) enforcement mechanisms, including a springing transfer of dispatching to CPKC if UP's service fails.

The UP trackage at issue, over which CPKC operates today, is highlighted in green in the map below.



No Environmental Documentation Required

Acquiring—or in this case, preserving—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 Techny Responsive

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

The Techny Responsive Application also seeks a "springing" transfer of dispatching. That transfer would not be granted unless, at some point in the future, it can be shown that UP is experiencing 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 Techny Responsive Application presents no extraordinary circumstances that would likely have reasonably foreseeable significant adverse effects. The trackage rights relief merely preserves operations CPKC conducts today, and a springing transfer of dispatching, if triggered, would change only who dispatches the line, not the volume of operations over it.

The relief requested in the Techny Responsive Application also avoids adverse environmental effects. Without the Techny Line, CPKC would have to route these trains through Tower A5, where they would conflict with Metra MD-W, MD-N, and NCS commuter trains and with Amtrak trains between Chicago and Milwaukee.

Operating Plan and Supporting Evidence

CPKC will file an operating plan and verified statement with the Techny 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 Techny 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