

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35081

CANADIAN PACIFIC RAILWAY COMPANY, ET AL.—CONTROL—DAKOTA,
MINNESOTA & EASTERN RAILROAD CORP., ET AL.

Decision No. 5

Decided: February 5, 2008

On December 27, 2007, the Board issued Decision No. 4, accepting for consideration the application filed by Canadian Pacific Railway Corporation (CPRC), Soo Line Holding Company (Soo Holding), Dakota, Minnesota & Eastern Railroad Corporation (DM&E), and Iowa, Chicago & Eastern Railroad Corporation (IC&E), seeking approval for the acquisition of control of DM&E and IC&E by Soo Holding (and, indirectly, by CPRC). CPRC, Soo Holding, DM&E, and IC&E are referred to collectively as “applicants.”

Also in Decision No. 4, the Board issued a procedural schedule that required applicants to submit a proposed Safety Integration Plan (SIP) to the Board’s Section of Environmental Analysis (SEA) and the Federal Railroad Administration by February 4, 2008. Comments on SEA’s preliminary determinations regarding how to handle the environmental review must also be submitted to SEA by February 4.

On January 8, 2008, the State of South Dakota, Department of Transportation (South Dakota), filed a petition for partial reconsideration or for clarification of Decision No. 4. Given that the proposed SIP and public comments on SEA’s preliminary determinations are both due by February 4, South Dakota states that the procedural schedule does not allow for an opportunity for public comment on the content of the proposed SIP. It therefore requests that, on reconsideration, the Board provide for adequate time for the public filing of comments on the proposed SIP. Alternatively, South Dakota requests that the Board clarify or provide that public comments on the proposed SIP can be filed on or before March 4, 2008. In their reply, filed on January 15, 2008, applicants state that they do not object to giving interested parties an opportunity to comment on the proposed SIP on or before March 4, 2008, provided that applicants have an opportunity to submit a response to such comments on or before April 18, 2008.

Accordingly, the procedural schedule issued in Decision No. 4 will be amended to allow for comments on applicants’ proposed SIP to be filed by March 4, 2008, along with responsive applications, requests for conditions, and any other evidence and argument in opposition to the

application. Applicants may submit their response to these comments by April 18, 2008, along with replies to responsive applications, requests for conditions, and other opposition.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Comments on applicants' proposed SIP will be due by March 4, 2008.
2. Applicants' response to such comments will be due by April 18, 2008.
3. This decision is effective on the service date.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan
Acting Secretary