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# Iowa Department of Transportation

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March 4, 2008

Vernon A Williams, Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

Dear Secretary Williams:

RE: STB Finance Docket No 35081  
Canadian Pacific Railway Company, et al – Control –  
Dakota, Minnesota & Eastern Railroad Corp , et al

Enclosed are the Iowa Department of Transportation's support comments with conditions on the above referenced proceeding. Environmental comments were previously submitted on February 4, 2008, and are repeated in this submittal.

Sincerely,

A handwritten signature in black ink that reads "Neil Volmer".

Neil Volmer, Director  
Planning, Programming and Modal Division  
Iowa Department of Transportation

NV.TM:pir  
Enclosures

cc: Peggy Baer, Office of Rail Transportation, Iowa DOT  
Tammy Nicholson, Planning, Programming & Modal Division, Iowa DOT

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Finance Docket No 35081  
Canadian Pacific Railway Company, *et al*  
--Control--  
Dakota, Minnesota & Eastern Railroad Corp., *et al.*

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**Support with Conditions by the Iowa Department of Transportation on the above-referenced proceeding.**

**Environmental comments were previously submitted on February 4, 2008 and are repeated in this submittal.**

Prepared by:  
Neil Volmer  
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Dated: March 4, 2008

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Finance Docket No 35081  
Canadian Pacific Railway Company, *et al*  
--Control--  
Dakota, Minnesota & Eastern Railroad Corp., *et al*

**Support with Conditions by the Iowa Department of Transportation on the above-referenced proceeding. Environmental comments were previously submitted on February 4, 2008 and are repeated in this submittal.**

The Iowa Department of Transportation (Iowa DOT) supports the Application by Canadian Pacific Railway Company (CPR) for Approval of the Control of Dakota, Minnesota & Eastern Railroad Corporation (DM&E) with the following two conditions.

1. Iowa DOT encourages the STB to require CPR to work with Iowa shippers to assure the future viability of the "Corn Lines" by maintaining and upgrading the line to a 25 mph standard.
2. Iowa DOT encourages the Surface Transportation Board (STB) to require CPR to provide competitive rates and markets to the "Corn Lines" shippers and farmers they represent.

**Background:**

The "Corn Lines" in Iowa include the line from Marquette, Iowa to Sheldon, Iowa and Mason City, Iowa to Lyle, Minnesota.

Grain farming and other industries associated with the production, distribution, and utilization of grain constitutes a vital part of the economy of Iowa as well as the United States and the world. It is well documented that Iowa is a major agricultural state ranking first in the production of corn and soybeans. The counties served by the "Corn Lines" from Marquette to Sheldon account for a major portion of Iowa's corn and soybean production. For counties served by the "Corn Lines" plus one county on either side, the corn plus soybean production was over 893,000,000 bushels in 2007. This accounts for 31.8% of the state total production in bushels. Corn and soybeans produced in Iowa move to domestic and foreign markets through a well-developed transportation system. Barge, rail, and truck transportation facilitate a highly competitive market that bridges the gap between the Iowa farmers and domestic and foreign consumers. The shipping on the "Corn Lines" continues to grow with increased production of ethanol in northern Iowa. The continued availability of competitive transportation will have a direct impact on the rates shippers must pay for service by common carriers and on farm and other personal income as well.

The Iowa, Chicago and Eastern Railroad Corporation (IC&E, formerly IMRL, Soo Line/CP, Milwaukee Road) system has played, and should continue to play, a significant role in providing efficient and competitive rail service so vital to the Midwest and the State of Iowa. The presence of effective rail-to-rail, rail-to-barge, or rail-to-truck competition is necessary to stimulate lower rail rates for shippers. When effective competition is present, rail rates are much lower. Generally, savings from lower transportation costs go directly to agricultural producers.

**Reasons for concern:**

The State of Iowa, shippers and railroads have made investments of \$27 million (attached Exhibit A) for 10 projects from 1977 to 1992 on the line from Marquette to Sheldon. We have made significant investments in these lines to keep them in service and to assure competitive grain markets and rates for the shippers and farmers they serve in northern Iowa. These lines need to continue to be upgraded to eventually reach a 25 mph operating speed. The CPR application identifies an investment of \$300 million in the IC&E and DM&E lines over the next three years which we believe is insufficient to continue the upgrading of the entire line to 25 mph. Iowa DOT encourages the STB to require CPR to work with Iowa shippers to assure the future viability of the "Corn Lines" by maintaining and upgrading the line to a 25 mph standard.

While the market reach of CPR extends to larger markets when compared to the existing IC&E and should favor the provision of new markets for Iowa grain and goods, the market access to Cedar Rapids, Chicago and Kansas City which are important to Iowa shippers must be maintained. Iowa DOT encourages the Surface Transportation Board (STB) to require CPR to provide competitive rates and markets to the "Corn Lines" shippers and farmers they represent. Iowa DOT encourages the STB to require CPR to work with Iowa Northern Railroad Railway Company (IANR) to assure competitive rates for Iowa shippers to Cedar Rapids. Iowa DOT encourages the STB to require CPR to work with Kansas City Southern (KCS) to assure competitive markets for Iowa shippers, particularly grain shippers.

**Environmental Background Information:**

In 2003, the Surface Transportation Board (STB) ruled in favor of the acquisition and control of the former I&M Rail Link (IMRL) (now called the Iowa, Chicago and Eastern Railroad Corporation or IC&E) by the Dakota, Minnesota & Eastern Railroad (DM&E).

On February 15, 2006, the STB (in Finance Docket No. 33407) granted DM&E authority to construct and operate 282 miles of new railroad lines to serve coal origins in Wyoming's Powder River Basin (PRB).

On October 18, 2006, the STB filed a Decision on Finance Docket 34177, involving the acquisition by IC&E, of the former IMRL. In that decision, the STB modified conditions imposed in paragraphs Number 2 and 3 of the July 22, 2002 decision to read as follows.

- (2) DM&E is precluded from transporting any Powder River Basin coal trains over the former IMRL rail lines until the Board issues a decision finding that the

- environmental review process is completed and, upon weighing and considering the complete record, allows such operations by DM&E over those rail lines
- (3) DM&E shall prepare an Environmental Appendix for review by the board's Section of Environmental Analysis (SEA). Once SEA has approved the content of the Environmental Appendix, DM&E shall make the Environmental Appendix publicly available in the project area for review and comment in a manner deemed appropriate by SEA, and request that comments be sent directly to SEA. Following its review of all comments received, SEA will recommend to the Board what level of further environmental review, if any, is appropriate.

On December 4, 2006, the Iowa Department of Transportation (Iowa DOT) provided comments to the SEA on the Environmental Appendix provide by the DM&E relative to Finance Docket 34177. Our concerns and comments center on the appropriateness of the process and the ability of Iowa shippers and communities to become involved and be provided opportunity for appropriate relief from any environmental impacts due to increase rail traffic resulting from the construction for the Powder River Project. Our position has not changed.

On January 30, 2007, the STB decided to proceed with preparation of a full environmental impact statement (EIS) on the environmental effects of the proposal by the DM&E to route coal trains form the PRB on the former IMRL (now IC&E) system in Iowa, Minnesota, Wisconsin and Missouri. At the request of DM&E, preparation of the EIS was put on hold.

On October 5, 2007, the Canadian Pacific Railway Company (CPR) submitted an Application for Approval of the Control of Dakota, Minnesota & Eastern Railroad Corporation.

**Environmental Comments:**

The Iowa DOT does not oppose the construction of the Powder River (PRB) project expansion of the DM&E. We raise our concerns about the potential long term impacts that PRB coal traffic may have on Iowa Shippers and communities. We believe that Iowa communities should be provided the same opportunities for an environmental review and mitigation of impacts as Minnesota and South Dakota communities had during the Powder River Construction proceedings.

The Iowa DOT recommends that the Board's previous determination that an EIS be completed before movement of PRB coal trains over the IC&E system be upheld (January 30, 2007 Press Release No. 07-07).

The Iowa DOT is in agreement with the modified conditions proposed in the Board's Decision No. 4, dated December 27, 2007 for FD 35081. These are as follows

*Applicants may not transport coal unit trains originating on the new rail line approved for construction in DM&E PRB Construction over lines currently operated by IC&E and /or CPR until the Board has prepared an Environmental Impact Statement, and has*

*issued a final decision addressing the environmental impacts of such coal operations and allowed such operations to begin*

*Prior to commencing any construction of the new rail line approved in DM&E PRB Construction, Applicant shall notify the Board of Applicants' intent to begin construction, and shall submit to the Board reasonably foreseeable projections regarding the movement of DM&E PRB coal traffic on the rail lines of IC&E and/or CPR, so that the environmental review can begin.*

The Applicant, CPR, proposes that the Board defer any required analysis of the environmental impacts of the movement of PRB trains over the lines of IC&E and /or CPR until such time as more definitive information regarding the likely volume and routing of those trains becomes available. The Applicant argues that definitive information regarding the likely volume, destination, and routing of DM&E PRB coal trains beyond DM&E's existing line cannot be determined with certainty in absence of definitive transportation contracts.

We ask the STB to place as a condition on the environmental review that the base traffic and the subsequent change in base traffic resulting from the DM&E PRB project will be as of today, 2008 traffic levels, and not as of some hypothetical construct developed by the Petitioner. Iowa DOT has never seen any reasonable estimates of the routing pattern and number of trains anticipated from the PRB.

In Iowa Department of Transportation's filings with the STB on DM&E/IC&E (IMRL) lines and PRB coal traffic, we have consistently asked that Iowa communities be treated as fairly as the South Dakota and Minnesota communities were in the Powder River construction approval case. To the DM&E's credit, it came to an agreement with virtually all of the communities along the DM&E lines in Minnesota and South Dakota. We see no reason why such agreements cannot be reached with Iowa communities. An appropriate analysis of the impact of increased traffic, environmental impacts and cumulative impacts should be contained in the EIS. There needs to be a commitment from the DM&E and CPR on providing realistic traffic estimates, estimating the potential impact of those traffic levels and offering to mitigate some of those impacts. Between now and the time the PRB construction project begins, mutual agreements with Iowa communities can be developed and put in place.

# Exhibit A

Iowa Department of Transportation  
March 4, 2008

## Upgrading Projects between Iowa DOT, Northline Shipper's Asso. and Railroad

Phase	Miles	Date	Total	State/Fed	Shipper	Railroad	Loan Repay to DOT	Net DOT Investment
I	32	Feb-77	\$ 1,647,666	\$ 553,500	\$ 553,500	\$ 540,666	\$ -	\$ 553,500
II	35	Aug-78	\$ 2,692,861	\$ 766,000	\$ 925,000	\$ 1,002,861	\$ 122,667	\$ 642,333
III	45	Aug-80	\$ 4,795,537	\$ 2,065,670	\$ 1,530,733	\$ 1,199,134	\$ 249,802	\$ 1,815,868
IV	70	Jun-81	\$ 6,904,417	\$ 3,318,581	\$ 1,787,811	\$ 1,798,025	\$ 304,898	\$ 3,013,683
V	53	Aug-82	\$ 5,441,405	\$ 2,276,798	\$ 1,163,881	\$ 2,000,726	\$ -	\$ 2,276,798
VI	15	Nov-83	\$ 1,812,950	\$ 463,088	\$ -	\$ 1,349,862	\$ -	\$ 463,088
VII	6.5	Jun-86	\$ 527,264	\$ 210,906	\$ 158,179	\$ 158,179	\$ 105,453	\$ 105,453
VIII	20.1	Sep-89	\$ 2,024,730	\$ 668,893	\$ 594,571	\$ 761,266	\$ 494,935	\$ 173,958
IX	12.9	May-91	\$ 1,187,125	\$ 408,331	\$ 326,664	\$ 452,130	\$ 272,220	\$ 136,111
X	5.9	Mar-92	\$ 586,640	\$ 386,640	\$ 200,000	\$ -	\$ 257,760	\$ 128,880
<b>Totals</b>	<b>295.4</b>		<b>\$ 27,620,595</b>	<b>\$ 11,117,407</b>	<b>\$ 7,240,339</b>	<b>\$ 9,262,849</b>	<b>\$ 1,807,735</b>	<b>\$ 9,309,672</b>

### Project locations from Marquette to Sheldon, Iowa:

- I Lawler to New Hampton, Basset to Charles City, Sexton to Whittemore
- II Ft. Atkinson to Lawler, Monona to Ossian, in Charles City
- III Marquette to Monona, Ossian to Ft. Atkinson, New Hampton to Basset, Charles City to Rudd
- IV Rudd to Sexton, Whittemore to Cylinder
- V Cylinder to Evely, Hartley to Sanborn
- VI Castalia to Ossian, Lawler to New Hampton
- VII Hartley to Evely
- VIII Ionla to Charles City - welded rail
- IX Charles City to Rudd - welded rail
- X Nora Springs to Portland - welded rail

### **Certificate of Service**

The Notice of Intent to Participate and comments by the Iowa Department of Transportation for Finance Docket No. 35081. Canadian Pacific Railway Company, *et al*-Control - Dakota, Minnesota & Eastern Railroad Corp, *et al* have been served upon the following Parties of Record on March 3, 2008, via first class mail

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**Prepared and submitted by,**

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**Dated: March 3, 2008**