



SURFACE TRANSPORTATION BOARD

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STB RULES ON PETITION IN CP/KCS MERGER APPLICATION

The Surface Transportation Board today issued a decision postponing any determination of whether the anticipated responsive applications that may be filed by BNSF Railway Company (BNSF) and Canadian National Railway Company (CN) would be deemed “minor” or “significant” transactions under the Board’s regulations until after any such applications are submitted.

On January 12, 2022, BNSF and CN each filed descriptions of anticipated responsive applications in the review of the merger application filed by Canadian Pacific Railway Limited (CP) and Kansas City Southern Railway Company (KCS). In addition to its description of responsive applications, BNSF also filed a petition for waiver and clarification. Today’s decision clarifies and waives certain filing requirements for BNSF’s planned responsive applications.

The Board’s decision in Canadian Pacific Railway Limited; Canadian Pacific Railway Company; Soo Line Railroad Company; Central Maine & Quebec Railway US Inc.; Dakota, Minnesota & Eastern Railroad Corporation; and Delaware & Hudson Railway Company, Inc.—Control—Kansas City Southern; The Kansas City Southern Railway Company; Gateway Eastern Railway Company; and The Texas Mexican Railway Company, Docket No. FD 36500, may be viewed and downloaded [here](#).

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