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IN RE: PROPOSED ACQUISITION of the KANSAS CITY
SOUTHERN by CANADIAN PACIFIC

DOCKET NO. FD 36500

TRANSCRIPT FROM THE REMOTE
PROCEEDINGS via ZOOM taken before the Surface
Transportation Board by LORI ANN ASAUSKAS,
CSR, RPR, on December 7, 2021, at 6:00 o'clock
p.m.

1 A P P E A R A N C E S:

2

3 VANASSE HANGEN BRUSTLIN (VHB),
Main Campus Drive, Suite 500
4 Raleigh, North Carolina 27606

5 BY: MR. ALAN BELNIAK, Facilitator
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6 MS. CANDICE ANDRE, Project Team
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(703) 622-3019

8 SURFACE TRANSPORTATION BOARD,
Main Campus Drive, Suite 500
9 Raleigh, North Carolina 27606

10 BY: JOSHUA WAYLAND,

11

Appeared on behalf of the Surface
Transportation Board.

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(Various other participants were not identified
on the record.)

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1 MR. BELNIAK: Okay. It looks
2 like our join rate has leveled off. So with
3 that, we can start our meeting.

4 Thank you for spending some
5 time this evening to join us for the Surface
6 Transportation Board's online public scoping
7 meeting of the Canadian Pacific's acquisition
8 of Kansas City Southern.

9 This process is FD 36500.
10 My name is Alan Belniak, a contractor
11 assisting with the meeting. I've just given
12 you introduction as to the meeting and the
13 name.

14 Next, I'll review some
15 meeting logistics, how we're going to spend
16 the next two hours together. Then I will
17 hand it over to a representative of the
18 Surface Transportation Board for some
19 welcoming remarks.

20 After that, we'll shift
21 to a prerecorded project meeting -- project
22 presentation -- excuse me -- providing you
23 some details.

24 And then the balance of time

1 we have tonight is spending it with you
2 all to hear some public comments. Note,
3 this is not a Q and A session. It's
4 more for public comments and we'll talk
5 more about that in just a moment.

6 So some meeting logistics
7 for those who have not partaken in a Zoom
8 meeting before. To hear the audio of this
9 meeting in Spanish, or Español, we are
10 translating live. You can press the
11 interpretation button on the bottom tray
12 of Zoom controls to toggle a different
13 language.

14 If closed captioning is
15 of interest to you, you can press the live
16 transcript button and choose to display
17 those transcripts at the bottom of the
18 screen or along the right side.

19 As I mentioned, we are
20 going to have a comment section, a comment
21 section of the meeting, after the
22 presentation.

23 First, we're going to turn
24 to those who have preregistered to comment

1 and what I'll do is I'll read off those names
2 as I have them and call them out in the
3 audience.

4 Some of you, I can see
5 your names and which I'll recognize you.
6 Some of you may be excused calling in on
7 telephone and I'll ask you to identify
8 yourselves that way.

9 If you choose to speak,
10 you can let us know you would like to do
11 so by using the raised hand feature. If
12 you are using a telephone, you can press
13 * and then 9 and that will raise your
14 hand also. That's an indication to me
15 that you'd like to speak.

16 We will add you to the
17 speaker's queue and I will call on you in
18 the order that we've had you added to the
19 queue.

20 I'll remind you kindly
21 now, and once again later, to try and
22 speak slowly as we are having this meeting
23 live interpreted into a second language.
24 So we want to ensure that our interpreters

1 can keep pace.

2 Furthermore, we do have
3 a court stenographer with us as well
4 capturing live meeting notes.

5 When it is your turn to
6 speak, I will call out your name. I will
7 unmute your microphone or your telephone
8 and you'll be given three minutes to share
9 your comments with the panelists and the
10 Board here.

11 Note that this is not a
12 Q and A session. There are other ways to
13 ask questions about the project. This
14 is here just to offer up comments to the
15 members here this evening.

16 So with that, I would
17 like to hand the meeting controls over
18 to a representative of the Surface
19 Transportation Board. Josh?

20 MR. WAYLAND: Thank you, Alan.

21 Hello, everyone and thank
22 you so much for joining us this evening for
23 this public scoping meeting for the proposed
24 acquisition of Kansas City Southern by

1 Canadian Pacific.

2 My name is Josh Wayland
3 and I am an environmental protection
4 specialist with the Surface Transportation
5 Board's Office of Environmental Analysis
6 and I am the project manager for the
7 Environmental Impact Statement for the
8 proposed merger of these two railroad
9 companies; Canadian Pacific and Kansas
10 City Southern.

11 We would, of course,
12 prefer to be able to be with you in person
13 for these public scoping meetings, but are
14 not able to do so because of the ongoing
15 COVID-19 pandemic.

16 However, we are very glad
17 to be able to meet with you through this
18 online format and we're looking forward
19 to hearing your comments a little later
20 in the meeting.

21 I see that at this time
22 we have 23 people on the line tonight.
23 That includes our panelists from -- from
24 the Surface Transportation Board and from

1 our contractor, VHB, as well as everyone
2 from the public who has called in or who
3 has joined us online.

4 I want to recognize Dave
5 Navecky. He's also from the Office of
6 Environmental Analysis. Thanks for attending,
7 Dave.

8 Thanks also to the staff
9 from VHB, our third party contractor. They
10 are assisting the Office of Environmental
11 Analysis in preparing the Environmental
12 Impact Statement.

13 Welcome as well to any
14 representatives of other agencies who may
15 have joined us tonight and to any elected
16 officials who may have joined us tonight.
17 Thank you for attending.

18 Alan and VHB will review
19 the process for the commenting portion of
20 the meeting a little bit later, but I wanted
21 to briefly remind everyone once again that
22 the main purpose of today's meeting is to
23 hear public comments and we want to reserve
24 as much time as possible for people to be

1 able to comment if they choose to do so.

2 For that reason, we
3 will not be holding a question and answer
4 session today or at our other public
5 scoping meetings in order to reserve enough
6 time to make sure that everyone has a chance
7 to talk.

8 If you do have questions,
9 though, about the proposed acquisition or
10 about the Surface Transportation Board's
11 environmental review process, I recommend
12 that you visit the Board sponsored website.
13 It's at www.CP-KCSMergerEIS.com. We'll
14 put that website address on the screen in
15 a little bit.

16 Through that website,
17 you can find all of the project-related
18 information that is available to date,
19 including descriptions of the proposed
20 acquisition, the notice of intent that
21 we issued to begin this scoping process
22 that we are currently in or the
23 Environmental Impact Statement and
24 there's also an interactive map that

1 shows how rail traffic might change
2 along the combined network if the
3 proposed acquisition is approved.

4 Before we move into
5 the comment portion of tonight's meeting,
6 as Alan indicated earlier, we would
7 like to play a presentation for you
8 that will provide you with a brief
9 overview of the proposed acquisition
10 and also an overview of the Board's
11 environmental review process.

12 This presentation will
13 be available on the project website, as
14 I mentioned earlier, in case you would
15 like to watch it again later.

16 So with that, I would
17 just like to welcome everyone again.
18 Thank you again for your participation
19 in this process and I will ask Alan to
20 please go ahead and start the presentation.

21 MR. BELNIAK: Thank you for
22 that, Josh.

23 Bear with me while I
24 switch content sharing.

1 (Whereupon, the video
2 presentation was shown
3 as follows:)

4 MR. WAYLAND: Hello, and welcome
5 to this public scoping meeting for the
6 proposed acquisition of Kansas City Southern
7 by Canadian Pacific. The docket number for
8 this proposed merger is FD 36500.

9 This meeting is being hosted
10 by the Surface Transportation Board's Office
11 of Environmental Analysis, which is the lead
12 federal agency for the environmental review
13 of the proposed acquisition.

14 My name is Josh Wayland and
15 I am an environmental protection specialist
16 in the Office of Environmental Analysis.

17 In this presentation, I will
18 provide a brief overview of the environmental
19 review process for the proposed merger of
20 these two railroad companies, Canadian Pacific
21 and Kansas City Southern.

22 Here are the topics I will
23 be covering in this presentation. First,
24 I will briefly introduce the Surface

1 Transportation Board, the railroad applicants,
2 that's Canadian Pacific and Kansas City
3 Southern, and the applicants' proposed
4 acquisition of Kansas City Southern by
5 Canadian Pacific.

6 Second, I will provide
7 an overview of the environmental review
8 process.

9 Third, I will present some
10 of the details of the proposed acquisition.

11 Then I will cover the
12 preliminary list of impact topics that will
13 be covered in the Environmental Impact
14 Statement.

15 And finally, I will go over
16 the options for commenting during the scoping
17 process and for staying engaged during the
18 rest of the environmental review process.

19 Let's begin with an overview
20 of the federal agency. As I mentioned, I
21 work for the Surface Transportation Board.
22 The Surface Transportation Board, also
23 referred to as just the Board, or as STB,
24 is a federal bipartisan independent

1 adjudicatory board with broad economic
2 regulatory oversight of railroads,
3 including railroad rates and service
4 as well as abandonment, construction
5 and operating of railroad lines.

6 The Board is also the federal
7 agency that is responsible for reviewing
8 and authorizing proposed railroad mergers
9 such as the proposed acquisition of Kansas
10 City Southern by Canadian Pacific.

11 When considering whether
12 or not to authorize a proposed acquisition,
13 the Board considers both the transportation
14 merits of the proposal and the potential
15 environmental impacts of the proposal.

16 The Board's Office of
17 Environmental Analysis, or OEA, is the
18 office at the Board that is responsible
19 for conducting the environmental review.
20 And OEA does this under the National
21 Environmental Policy Act, or NEPA, and
22 related environmental laws.

23 For the proposed acquisition
24 of Kansas City Southern by Canadian Pacific,

1 OEA is preparing an Environmental Impact
2 Statement, or EIS, because the transaction
3 has the potential to result in significant
4 environmental impacts.

5 The proposed merger of
6 Canadian Pacific and Kansas City Southern is
7 not a project that is being proposed or
8 sponsored by the federal government. The
9 applicants in this case are two Class I
10 railroads that own and operate rail lines
11 in the United States, Canadian Pacific and
12 Kansas City Southern.

13 From here on out, I will
14 be referring to Canadian Pacific as CP and
15 Kansas City Southern a KCS. The acronym
16 CP refers to Canadian Pacific Railway, Limited,
17 Canadian Pacific Railway Company and their
18 U.S. rail carrier subsidiaries, Soo Line
19 Railroad Company, Central Main and Quebec
20 Railway, U.S. Incorporated, Dakota, Minnesota
21 and Eastern Railroad Corporation and Delaware
22 and Hudson Railway Company, Incorporated.

23 The term KCS refers to
24 Kansas City Southern and its U.S. rail

1 carrier subsidiaries, the Kansas City
2 Southern Railway Company, Gateway Eastern
3 Railway Company and the Texas/Mexican
4 Railway Company.

5 On October 29, 2021, CP
6 and KCS jointly filed an application seeking
7 authority from the Board for CP to acquire
8 KCS. If the Board authorizes the proposed
9 acquisition, the two companies and their
10 two railroad networks would combine and
11 they would form one system known as Canadian
12 Pacific Kansas City.

13 The proposed acquisition
14 would be an end-to-end merger because the
15 CP and KCS networks currently do not overlap.
16 The combined railroad system would be the
17 first to extend from Canada through the
18 United States and into Mexico.

19 The applicants, CP and
20 KCS, state that the combination would
21 provide benefits to shippers by creating
22 a more efficient transportation system.

23 The statute setting forth
24 the procedures for the Board's review of

1 acquisitions and the Board's own regulations
2 require that the Board complete its review
3 of proposed acquisitions within approximately
4 15 months after the application is accepted
5 and OEA must complete the environmental
6 review process before the Board issues its
7 final decision.

8 The proposed acquisition
9 would result in a number of changes,
10 including changes in rail traffic on portions
11 of the combined rail network. Rail traffic
12 would increase on some rail line segments
13 and it would decrease on others.

14 Levels of activity at
15 certain rail yards and certain intermodal
16 facilities could change as a result of
17 the proposed acquisition as well.

18 And the applicants plan
19 to make a number of capital improvements
20 in the rail right-of-way to support the
21 increased rail traffic on some rail lines.

22 These capital improvements
23 would include adding new passing sidings,
24 extending some existing sidings, adding

1 double track and adding a facility working
2 track at a couple of locations in the rail
3 right-of-way.

4 According to the applicants,
5 the purpose of the proposed acquisition is
6 to combine America's two smallest, but fastest
7 growing Class I railroads, CP and KCS, to
8 build a more efficient and more competitive
9 rail network.

10 The applicants state that
11 the proposed acquisition would further the
12 need for expanded and more capable and
13 efficient transportation infrastructure
14 while simultaneously advancing the interests
15 of current and future customers in more
16 reliable and economical rail transportation
17 options serving important north/south trade
18 flows.

19 The applicants also state
20 that the proposed acquisition would generate
21 environmental benefits by reducing truck
22 transportation on highways in North America
23 by more than 60,000 trucks annually. This
24 could result in less congestion, less

1 maintenance and improved safety on those
2 roads as well as less noise pollution in
3 the places where those trucks would have
4 driven and lowered air emissions, including
5 lowered greenhouse gas emissions.

6 Now, I will turn to the
7 environmental review process. As I have
8 mentioned, before the Board can authorize
9 the proposed acquisition, it must first
10 consider the impacts of the merger on the
11 environment.

12 This is a requirement
13 of the National Environmental Policy Act,
14 or NEPA. NEPA is intended to assist
15 the Board, that's the federal agency, and
16 the public in identifying and assessing
17 potential and environmental consequences
18 of a proposed action such as this proposed
19 acquisition of KCS by CP.

20 OEA is preparing an
21 Environmental Impact Statement, or EIS,
22 that will assess the potential environmental
23 impacts of the proposed acquisition. And
24 the EIS will also address related environmental

1 laws as appropriate such as Section 106 of
2 the National Historic Preservation Act and
3 Section 7 of the Endangered Species Act.

4 This slide shows the
5 generalized Environmental Impact Statement,
6 or EIS, process. OEA initiated the process
7 by issuing a notice of intent to prepare
8 an EIS on November 12, 2021.

9 The issuance of that
10 notice of intent began a scoping process,
11 which will continue until December 17,
12 2021.

13 During scoping, we are
14 requesting public comments on the scope
15 of the EIS, including issues to be analyzed
16 in the EIS.

17 At the end of the scoping
18 process, OEA will issue a final scope of
19 study and will then prepare a draft EIS.

20 After the draft EIS is
21 issued, there will be a public comment
22 period and additional public meetings.
23 OEA will then prepare a final EIS that
24 will address the public and agency comments

1 on the draft.

2 The Board will then issue
3 its final decision on the proposed acquisition
4 after considering the entire record, including
5 the draft EIS, the final EIS and public and
6 agency comments.

7 As shown on the previous
8 slide, we are currently in the scoping
9 process for the Environmental Impact
10 Statement, or EIS. Scoping is an open
11 process that is intended to involve
12 interested agencies, other stakeholders
13 and the public in helping the lead agency
14 to determine the range of issues to be
15 examined and assessed in the EIS.

16 As part of this process,
17 OEA is requesting your comments on the
18 scope of EIS, including the issues to be
19 analyzed.

20 OEA is also conducting
21 agency consultation during this time and
22 requesting comments from interested agencies
23 about impacts from the proposed acquisition
24 on resources under their jurisdiction.

1 Later in this presentation,
2 I will go over the ways in which you can
3 submit your written scoping comments. Written
4 comments must be sent by the end of the scoping
5 period on December 17, 2021.

6 Following the presentation,
7 there will be an opportunity for you to
8 deliver oral comments. Whether delivered
9 orally at a public scoping meeting or
10 submitted in writing, all scoping comments
11 will be considered equally and all comments
12 will be made available to the public on the
13 Board's website at www.stb.gov.

14 After the end of scoping,
15 OEA will prepare a draft EIS for the proposed
16 acquisition.

17 A draft EIS will identify
18 and analyze alternatives, including the no
19 action alternative. The draft EIS will
20 address issues and concerns identified
21 during scoping and it will focus on several
22 types of potential environmental impacts.

23 It will address impacts
24 from increases in rail traffic on rail

1 lines where those increases would exceed
2 the Board's thresholds for environmental
3 review.

4 These could include air
5 quality impacts, noise impacts and impacts
6 on traffic safety and delay at road
7 crossings.

8 The draft EIS will also
9 assess potential impacts at rail yards
10 where the Board's thresholds for environmental
11 review would be met.

12 And finally, the draft
13 EIS will assess potential impacts from
14 planned capital improvements within the
15 rail right-of-way, including adding new
16 passing sidings, extending existing
17 sidings, adding double track and adding
18 facility working track.

19 OEA at this time anticipates
20 issuing the draft EIS in the spring of 2022
21 and the draft EIS will then be made available
22 for public and agency review and comment for
23 45 days.

24 The draft EIS will assess

1 potential environmental impacts at locations
2 where the Board's thresholds for environmental
3 review would be met. The thresholds can be
4 found in the Board's environmental regulations
5 at 49 CFR 1107(e).

6 For rail lines, the threshold
7 for environmental review is an increase
8 in rail traffic of at least 100 percent
9 measured in gross ton miles annually or
10 an increase of at least eight trains per
11 day.

12 For rail lines in areas
13 that are in non-attainment under the Clean
14 Air Act, there is an additional threshold
15 for the analysis of air quality impacts,
16 which is an increase in rail traffic of
17 at least 50 percent measured in gross ton
18 miles annually or an increase of at least
19 three trains per day.

20 For rail yards, the
21 threshold for environmental review is
22 an increase in rail yard activity of
23 at least 100 percent measured by carload
24 activity.

1 And for railcars in
2 non-attainment areas, the threshold for
3 air quality analysis is an increase in
4 rail yard activity of at least 20 percent,
5 also measured by carload activity.

6 For affected railways, the
7 threshold for environmental review is
8 an increase in truck traffic of more
9 than ten percent of the average daily
10 traffic or 50 vehicles per day.

11 After issuing the draft
12 EIS and receiving public and agency
13 comments on the draft EIS during the
14 public comment period, OEA will prepare
15 and issue a final EIS that will address
16 those comments.

17 The final EIS will also
18 set forth OEA's final recommendations to
19 the Board regarding the environmental
20 impacts of the proposed acquisition,
21 including OEA's final recommended mitigation
22 measures.

23 This slide shows the
24 anticipated schedule for the EIS. As I

1 mentioned earlier, OEA issued the notice
2 of intent to prepare an EIS on November
3 12, 2021.

4 The public comment period
5 for scoping will last until December 17,
6 2001, (sic.) and OEA is holding six public
7 meetings during scoping.

8 At this time OEA anticipates
9 issuing a final scope of study for the EIS
10 in winter of 2022 and the draft EIS in the
11 spring of 2022.

12 We will hold a public
13 comment period and additional public meetings
14 following the issuance of the draft EIS in
15 the spring.

16 We anticipate issuing the
17 final EIS in the fall of 2022 and the
18 Board will make its final decision on the
19 proposed acquisition after the issuance
20 of the final EIS.

21 I will now discuss some
22 of the details of the proposed acquisition.
23 The map on this slide shows the current
24 CP and KCS rail networks.

1 On this map, the current
2 CP network is shown in red. In the U.S.,
3 CP connects to Buffalo and Albany, New York
4 and Searsport, Maine. It also runs south
5 into the midwest of the United States and
6 connects with KCS in Kansas City, Missouri.

7 The KCS network is shown
8 here in orange. It extends from Kansas
9 City, Missouri to the Gulf Coast and into
10 Mexico operating across ten states in the
11 midwest and southeast. The two companies'
12 networks connect in Kansas City, Missouri.

13 The map on this slide
14 shows the projected increase in freight
15 train traffic along the new combined
16 network with darker lines representing
17 larger increases in train traffic.

18 The darkest color represents
19 the rail lines where the increase would
20 exceed the Board's threshold for environmental
21 review of eight trains per day. Rail lines
22 that would exceed the Board's threshold
23 include the CP line extending westward from
24 Chicago, Illinois to Sabula, Iowa; the CP

1 line extending southward from Sabula to
2 Kansas City, Missouri; and the KCS line
3 extending southward from Kansas City toward
4 the Mexican border at Laredo, Texas.

5 The largest increase in
6 rail traffic would occur on the CP rail
7 line between Sabula, Iowa and Kansas City,
8 Missouri. On that rail line, the projected
9 increase in traffic could be approximately
10 14.4 additional trains per day on average.

11 The draft EIS will assess
12 the potential environmental impacts from
13 this increased rail traffic on those rail
14 lines where thresholds for environmental
15 review would be met.

16 For more information about
17 the potential train traffic increases,
18 please visit the Board sponsored project
19 website at www.CP-KCSMergerEIS.com. There,
20 you can view an interactive map showing
21 the projected traffic changes for every
22 individual rail line segment in the
23 combined system.

24 The map on this slide

1 shows the locations of planned capital
2 improvement projects along the rail
3 right-of-way.

4 The applicants have
5 identified 26 locations where capital
6 improvements would be made. Those projects
7 would include adding 11 new passing sidings,
8 extending 13 existing passing sidings,
9 adding approximately four miles of double
10 track and adding approximately five miles
11 of facility working track all within the
12 rail right-of-way.

13 For more information
14 regarding the planned capital improvements,
15 please visit the Board-sponsored project
16 website. Again, it's www.CP-KCSMergerEIS.com
17 where you can view an interactive map showing
18 the locations of each capital improvement
19 project.

20 This slide lists the types
21 of impacts that OEA will assess in the draft
22 EIS. The draft EIS will analyze impacts
23 related to freight rail capacity and safety,
24 passenger rail capacity and safety, grade

1 crossing safety and traffic delay, traffic
2 and roadway systems, air quality, noise,
3 biological resources, water resources,
4 hazardous waste sites, cultural resources,
5 environmental justice and cumulative
6 impacts.

7 At this time I would
8 like to discuss how you can submit your
9 comments. As I mentioned earlier, there
10 will be an opportunity following this
11 presentation for interested individuals
12 to deliver comments orally.

13 If you prefer to submit
14 written comments, there are several ways
15 in which you can do so. You can submit
16 written comments electronically through
17 the Board-sponsored project website.
18 Again, that's www.CP-KCSMergerEIS.com or
19 through the Board's website at www.stb.gov.

20 We do encourage you to
21 submit written comments electronically
22 through one of those websites. However,
23 if you would like to submit written
24 comments by mail, you can send them

1 to the address shown on this slide.

2 Please address mailed
3 comments to me, Joshua Wayland, Surface
4 Transportation Board, care of VHB 940,
5 Main Campus Drive, Suite 500, Raleigh,
6 North Carolina, zip code 27606, attention
7 environmental filing docket number
8 FD 36500. Please do be sure to refer
9 to docket number FD 36500 in any written
10 documents that you submit.

11 Please also note that
12 any comments you submit will be made
13 public on the Board's website and also
14 note that the scoping comments for this
15 product must be sent no later than
16 December 17, 2021.

17 The Board sponsored project
18 website at www.CP-KCSMergerEIS.com includes
19 project information, including project-related
20 documents and an interactive map.

21 This slide shows the public
22 involvement page on the project website. From
23 this page, you can submit your written scoping
24 comments directly into the comment box that's

1 shown at the right.

2 If you would like to upload
3 an attachment with your comments, such as a
4 letter, you can do so through the Board's
5 website at www.stb.gov.

6 This slide shows the Board's
7 environmental comment form. On this form,
8 there is an option to upload files such as
9 Microsoft Word documents or PDF files as
10 part of your scoping comments.

11 This slide shows how you
12 can stay informed and engaged throughout
13 the remainder of the EIS process. For
14 updates about the environmental review
15 process, you can review the Board-sponsored
16 website. One more time, that's
17 www.CP-KCSMergerEIS.com.

18 To view Board decisions,
19 filings or environmental comments related
20 to the proposed acquisition, please visit
21 the Board's website at www.stb.gov.

22 To receive updates by
23 email, sign up for the project email
24 list through the project website.

1 There are also resources
2 available in the online meeting room that
3 you used to enter this online meeting.
4 That meeting room will stay open for the
5 remainder of the scoping process so you
6 can come back to review the materials as
7 often as you like.

8 If you have questions
9 about the environmental review process,
10 you can also email the project to email
11 address at contact@CP-KCSMergerEIS.com
12 or you can call the information line at
13 (888) 319-2337. That's toll free (888)
14 319-2337.

15 This brings us to the
16 end of the presentation portion of today's
17 public meeting. I will now turn the
18 meeting back over to the facilitators
19 to begin the public comment portion of
20 the meeting.

21 Thank you for your
22 interest in the environmental review
23 process for this proposed acquisition.
24 We look forward to hearing your comments.

1 (Video concluded.)

2 MR. BELNIAK: Excellent. Thank
3 you all for attending -- I'm sorry -- for
4 spending time with us to watch that meeting
5 presen- -- meeting presentation.

6 Now, as Josh alluded to
7 earlier, and as the video indicates, we are
8 now moving on to the comment session and I
9 will remind everyone how that is going to
10 work just to ensure that everyone is
11 clear and in case anyone happened to join
12 late.

13 So once again, we are
14 simultaneously interpreting the English
15 portion of this meeting into Spanish.
16 You can access the English -- excuse me --
17 you can access the Spanish language by
18 clicking on the interpretation button
19 in the bottom tray of Zoom controls.
20 Let me get back to that screen for one
21 moment. There we go.

22 Again, in that top bullet,
23 you can access the bottom tray of Zoom
24 controls and you can toggle on the

1 interpretation button.

2 You can also view a live
3 transcript of the evening's meeting as well
4 and you can toggle whether that displays
5 at the bottom or on the right side or not
6 at all.

7 As indicated we are now
8 moving into the comment section and first,
9 in just a moment, I'll read out everyone's
10 name who is preregistered to speak. I'll
11 just check with you if you would still like
12 to speak tonight.

13 I'll also -- I also
14 understand that some folks may be dialing
15 in via telephone. So if I call out your
16 name and you would like to speak, please
17 raise your hand.

18 After that, if there are
19 any elected officials, please raise your
20 hand as well. And then after that, if
21 anyone else would like to speak, please
22 raise your hand and I'll add you to the
23 queue in the order that I see those hands
24 raised.

1 Please remember, as
2 indicated a moment ago, we are translating
3 and interpreting this meeting live. So
4 please do your best to speak a little
5 more slowly and a little more clearly
6 for our interpreters as well as our court
7 reporter, as I mentioned earlier.

8 Once you are given the
9 opportunity to speak, you will have up
10 to three minutes to share your comments
11 about the project.

12 As I also indicated
13 earlier, this meeting is being recorded
14 for archival purposes and you'll be able
15 to find a recording of that meeting in
16 the virtual meeting room as Josh mentioned
17 earlier.

18 In just a moment --
19 actually, just about right now, I'm going
20 to paste some details into the chat and
21 those details are some of the ways that
22 you can follow-up with us.

23 You can visit various
24 websites or email list or telephone number

1 that Josh mentioned a moment ago and I'll
2 have that information on screen coming up
3 in just a moment. I figured I'd put it
4 into the chat as well so it's persistent
5 throughout the rest of the meeting.

6 And there's that information
7 on the screen right now. And so with that,
8 I'm going to pull up my attendee list and
9 look at the list of people who have
10 preregistered for this evening's meetings
11 and just to do a quick call to see if
12 every -- if anyone who has preregistered
13 is here.

14 All right. So first, I'm
15 going to -- just going to read out some
16 names. If I read out your name, please do
17 me a favor and raise your hand.

18 So Christopher Peterson,
19 Dr. M.K. Dorsey, Jake A., Jesse McKnight.
20 Again, if you're hearing your name, please
21 just -- and if you would like to speak,
22 please just raise your hand. Jim Hull,
23 Linda O'Neill, Sam Krieger, Steven Baker,
24 Tim Dolan and Tom Riggs.

1 So if you heard your name,
2 please raise your hand. That's *9 on your
3 telephone, if you'd like to raise your hand,
4 or the raise hand button on the bottom tray
5 of Zoom controls.

6 Next, if we have any elected
7 officials who would like to speak, please
8 do -- please also raise your hand. We'll
9 give that a moment.

10 Okay. And so with that,
11 I think we are ready to call upon our first --
12 our first commenter. So give me one moment
13 while I arrange some windows on my screen.
14 I'm just going to get everything reorganized
15 again.

16 And so I know for folks
17 dialing in on the telephone, they may not
18 have the ability to see a timer, but we
19 will chime in at about three-minute mark
20 to let you know that -- that your time
21 is up.

22 And if this meeting goes
23 as other meetings have gone, there may
24 be opportunity to speak later on in the

1 evening, but for right now, we just want
2 to make sure we give everyone an equal
3 opportunity to speak.

4 So with that, it's --
5 the first hand raised I see is a telephone
6 number ending 465. So phone number ending
7 in 465, please unmute your telephone. That
8 should be *6 and once you do, you'll have
9 three minutes to share your comments.

10 UNIDENTIFIED SPEAKER: Hey,
11 how's it going. Thanks for allowing me to
12 speak.

13 I just want to call in
14 really quickly on -- I oppose the merger --
15 the Canadian Pacific merger. Their safety
16 record -- you know, I -- I don't want
17 them carrying oil and toxic chemicals
18 with their safety record across America,
19 basically.

20 That's really it. I'm
21 not going to use up three minutes. I just
22 wanted to call in and express my displeasure
23 with this merger.

24 MR. BELNIAK: Okay. I

1 appreciate you sharing that information
2 with us -- sharing your comments. Thanks
3 so much.

4 Okay. And let me reset
5 my timer here.

6 Next, in the audience, I
7 see a phone number ending in 656. So 656,
8 if you could please unmute your telephone.
9 And with that, the floor is yours to share
10 your comments.

11 MR. McKNIGHT: Good afternoon.
12 My name is Jesse and I'd like to say I
13 oppose this merger because they're letting
14 trains like the one in Canada, Canadian
15 Pacific, destroyed -- 200 people lost their
16 homes and some even lost their lives.

17 Thank you for letting me
18 speak.

19 MR. BELNIAK: Thank you, Jesse.

20 All right. Oops. There
21 we go.

22 So once again, if you would
23 like to speak, you can do so. You can let
24 us know a few different ways. You can

1 raise hand by using the raised hand button
2 in the bottom tray of Zoom controls, *9
3 on your telephone does the same thing.

4 If you would also just
5 like to enter an official name, you can
6 use the Q and A box down below. Again,
7 we're not taking questions. We're just
8 using that as a way to register. We
9 don't necessarily have a backup in queued
10 speakers so we don't necessarily need to
11 use that method, but if that's something
12 you'd like to do, you're -- you're more
13 than welcome to do so.

14 I would like to add also
15 that this is the fourth of six meetings
16 in the series of meetings. We're conduct- --
17 we conducted three last week and three
18 this week. A portion of those are in the
19 evening and a few of those are in the
20 afternoon.

21 That's to hit as broad
22 a base as possible to make sure we're
23 soliciting as much public comment and
24 feedback as we possibly can.

1 The reason I mentioned
2 that is that there still are, in addition
3 to tonight's meet, and we're very happy
4 that you're spending time with us today,
5 is that there are a few other opportunities
6 to attend other meetings and I'm going to
7 paste these meeting dates into the chat
8 as well if that's something that you'd
9 like to attend.

10 Just for our point of
11 record, or our point of order, excuse me,
12 is those meetings -- those meetings are
13 going to be running essentially the same
14 as -- as you've heard so far today where
15 we'll open the meeting up with some brief
16 remarks from a representative from the
17 Surface Transportation Board, like Josh.
18 We'll move into a prerecorded project
19 presentation meeting to provide some
20 background on the meeting itself and
21 then we'll move into a comment period
22 just like this.

23 So there'll be no new
24 information if you were to attend tomorrow's

1 meeting or Thursday's meeting other than
2 the comments from the public such as
3 yourself.

4 So if you'd like to sit
5 in and see what -- excuse me -- hear what
6 others have to say, we'd love to have you
7 there, but don't feel like you're missing
8 out on anything new from a presentation
9 or information-wise. So...

10 Okay. So looking at my
11 list, I don't see anymore hands raised
12 at the moment. So we'd love to hear from
13 you.

14 One other thing worth
15 noting is that we are here with you until
16 8:00 p.m. central. So we still have a
17 little more than an hour. So we're --
18 we're going to be with -- we're going to
19 stay on the meeting -- keep the meeting
20 open for duration. So we'd love to hear
21 you -- love to hear you comments.

22 So if you want to
23 think about them and then raise your hand
24 in a little bit, that's fine. We're also

1 happy to accept them now.

2 So raised hand or *9 will
3 do that and we'll sit tight and wait for --
4 here we go.

5 Okay. So we have a hand
6 raised and so phone number ending 365,
7 365, you should now be able to unmute
8 your mic -- your phone -- excuse me --
9 with *6 and the floor is yours.

10 MR. EVANS: Hey, this is Dan
11 Evans calling in. Thank you for your
12 time today.

13 I just want to state my
14 opposition to the railway merger. And
15 I've read a bit about Canadian Pacific's
16 safety records and it just has me with
17 no words. So I really don't like it and
18 I oppose it.

19 Thank you for your time.

20 MR. BELNIAK: Okay. Thank you,
21 Dan, for your comment. We appreciate
22 hearing that.

23 Okay. Scanning the list
24 once more, I don't see any hands raised.

1 So we will move into a bit of a holding
2 pattern for now. So we look forward to
3 hearing from you. Let's go with that.
4 We'll wait for our next -- our next person
5 who -- person who wishes to speak. Thank
6 you.

7 And for those of you on
8 the telephone, I'll share with you some
9 of the meeting information that's on the
10 screen. I suspect some of you are on the
11 telephone for audio only and can't see
12 this, but just in case, the project website
13 that Josh mentioned earlier is CP/KCS Merger
14 and that's www.CP-KCSMergerEIS.com.

15 I know that Josh -- that
16 was shared in the video, but I just want
17 to make sure you all have that.

18 You can also go to the
19 Board website and that's www.stb.gov,
20 that's Surface Transportation Board,
21 stb.gov, G-O-V, for a government-related
22 website.

23 You can also go back to the
24 virtual meeting room from where you started.

1 In fact, if you don't do anything different
2 when you exit the Zoom meeting, the -- the
3 browser of your -- of your -- your internet
4 browser, the tab should automatically switch
5 back to that meeting so you can peruse the
6 contents there as well.

7 You can also contact us
8 through email and that's contact@ -- and
9 it's the same website -- so it's
10 CP-KCSMergerEIS.com. And the telephone
11 information line that was mentioned is
12 toll free (888) 319-2337. That's (888)
13 319-2337.

14 I'll be sharing this
15 information a few more times later as
16 we go. So if you missed it, just sit
17 tight and I'm happy to read it off
18 again.

19 There are no hands raised
20 at the moment, but still plenty of time
21 to share with us your comments. Like we
22 mentioned a moment ago, you can use the
23 raised hand feature in Zoom or *9.

24 And as was mentioned

1 earlier, comments received in any form
2 are treated equally and weighted the
3 same. So whether it be a comment in
4 tonight's meeting, a written document
5 through the website or postal mail,
6 they're all the same to us in the sense
7 that they're all treated equally.
8 They're all treated the same -- excuse
9 me.

10 So please, which- --
11 whichever format is most comfortable
12 for you is the format that we'd like
13 for you to share with us. So, please,
14 pick any method. We'd love to hear from
15 you. Thank you.

16 I do see a few names
17 joining the meeting in the attendee list.
18 In fact, one of those names is someone
19 who had registered to speak. So I just
20 want to remind everyone if you have
21 joined late and you would like to speak,
22 we are in the comment portion of the
23 meeting and you can use raised hand
24 either through the tray of Zoom -- the

1 bottom tray of Zoom controls -- excuse
2 me -- or *9 on your telephone.

3 And you may have
4 registered to speak, but don't feel like
5 speaking this evening, and that's totally
6 fine. I just want to make sure that you
7 all know that there are opportunities to
8 do so and be welcome to comments and
9 feedback. Thank you.

10 All right. We've got a
11 hand raised and so with that, I'm going
12 to call out the phone number that's ending
13 in 283. So 283, I want to send a command
14 to you to unmute your phone. And when
15 you do, you'll have three minutes to share
16 your comments with the panelists here.
17 There you go.

18 UNIDENTIFIED SPEAKER: Hi. I
19 just want to say that as a citizen that cares
20 generally about the planet and about making
21 sure, given our already devastating impact,
22 we'd go out to resist those that are
23 very casually causing harm to the planet
24 around them.

1 I cannot say harshly
2 enough how bad allowing Canadian Pacific,
3 given their incredibly terrible safety
4 record, I think it's incredibly important
5 to highlight the -- frankly, the natural
6 atrocities they've been involved with in
7 the past and make sure people remember
8 that casually letting hundreds of people
9 die because your systems weren't designed
10 to protect them is not something that
11 should endear safe or a -- a sense of
12 security by any measure.

13 And the -- any- -- anybody
14 who's capable of listening to the words
15 oil tanker spill, but on land, and continue
16 on to think, yeah, you know, that's a
17 reasonable risk, frankly, that's somebody
18 who doesn't have enough experience to have
19 an opinion.

20 The -- the damage that
21 they're talking about is so catastrophic
22 that it -- like, not focusing on that and
23 focusing on any other positive is doing a
24 disservice to humanity, to the planet

1 and to existence and morality on a basic
2 level.

3 This is a -- this
4 expansion needs to be resisted at every
5 possible avenue. This is not something
6 that would be okay for the planet or
7 for any of its citizens, both the furry
8 and fuzzy kind and just regular old
9 humans who enjoy breathing air and not
10 dying.

11 I yield the remainder of
12 my time.

13 MR. BELNIAK: Okay. Thank you
14 very much for your comments. We appreciate
15 you -- appreciate you coming off mute and
16 sharing those with us. Thank you.

17 Okay. I'm doing a quick
18 scan. I don't see any other hands raised,
19 but if you'd like to join the fellow people
20 who have already spoken this evening, *9
21 on telephone or raise hand in the tray of
22 Zoom controls below will raise your hand
23 to us and let us know that you'd like to
24 comment. And that's what we're here for

1 this evening. So please do so.

2 And as mentioned a moment
3 ago and as you can see on the screen, lots
4 of ways to stay engaged. Three different
5 websites you can visit both the project
6 website and the Board website as well as
7 the online room that you were spending
8 time in before you joined today's meeting.

9 You can contact us
10 through email or talk to us on the telephone
11 toll free. So we will look forward to
12 hearing from you in various ways, shapes
13 and forms.

14 All right. I see another
15 hand raised. So there's a -- pardon me --
16 there's a phone number ending in 891. So
17 891, if you'd like to take yourself off
18 of mute and you'll have three minutes
19 to share your comments with everyone
20 here.

21 UNIDENTIFIED SPEAKER: Hello.

22 MR. BELNIAK: Hello.

23 UNIDENTIFIED SPEAKER: I was
24 just -- thank you for calling on me. I

1 just wanted to express my serious concerns
2 about safety in my -- my brief remarks
3 here.

4 I just wanted to make the
5 point that Canadian Pacific Railway has a
6 long history of serious safety violations,
7 including numerous accidents.

8 To then merge with another
9 rail company that also has a horrible
10 safety record will only end in tragedy.
11 This merger and plan should be prevented
12 on safety an accounts alone.

13 Thank you.

14 MR. BELNIAK: Okay. Thank you
15 very much for sharing your comments.

16 All right. I would love
17 to keep up the momentum. So please, if
18 you would like to speak, raise hand in the
19 tray of assume controls, *9, as several
20 of you have done through telephone. I'd
21 love to hear your comments what you've
22 seen and read so far tonight.

23 And we are with you for
24 about another, as I check my clock, 55

1 minutes or so. So plenty of time to
2 think of your comments and share them
3 here. Thank you.

4 One other thing worth
5 pointing out, as was mentioned in the
6 video and in Josh's remarks, this is
7 a meeting and every comment is treated
8 equally. And we want to make sure we
9 can capture those comments and attribute
10 them to the right people.

11 So as you've raised your
12 hand and we give you the opportunity to --
13 the opportunity to speak, it would be
14 wonderful if you could just state your
15 name for the record just so we know who --
16 who we're speaking with or rather who
17 is sharing their comment with us so we
18 can again attribute those comments to the
19 correct people.

20 So, please, when you're
21 giving -- when you're given your turn to
22 speak, which we look forward to, please
23 just state your name and then -- and then
24 move into the comment. Thank you.

1 Okay. I do see a hand
2 raised and this was also a hand raised
3 from one of our preregistered speakers
4 and that is Tim Dolan. And so, Tim, I'm
5 going to send a command for you to open
6 your mic. And when you do so, you've
7 got three minutes to share your comments
8 with us.

9 MR. DOLAN: Hey, thank you,
10 and -- and hello to everybody on the
11 call.

12 I just want to, once
13 again, voice my strenuous opposition
14 to this proposed merger and encourage
15 those in opposition and with us against
16 Canadian Pacific to make their voices
17 heard both here and online, especially
18 on Twitter.

19 Canadian Pacific simply
20 cannot manage this effort safely. Their
21 track record is atrocious. They vaporized
22 a town quite literally. They operate as
23 a syndicate with no accountability
24 whatsoever. This merger should be opposed

1 in every way possible on every forum
2 currently in existence.

3 Should this merger be
4 approved, it only will lead to significant
5 environmental impacts not only for our
6 country, but also for other countries and
7 indeed for the planet.

8 Thank you so much for
9 listening.

10 MR. BELNIAK: Okay. Thank you,
11 Tim, for that.

12 And we'll get this taken
13 care of administratively. There you go.

14 And just like Tim, I --
15 I welcome any other comments from any
16 other attendees, raised hand or *9,
17 we'd love to hear what you have to say.

18 And we're at the point
19 in the meeting, we don't have a backup --
20 a backed up queue of speakers. So if you
21 have already spoken, we would be willing
22 to grant you a fresh three minutes to
23 speak again. It doesn't seem like you'd
24 be stealing much time from anyone else.

1 So if that's of interest to you, please
2 just raise your hand, but we will give
3 priority to new speakers if we do see
4 a bunch of hands go up.

5 So I look forward to
6 hearing from you and want -- in just
7 a moment, I'll share the same information
8 that you see on the screen, I'll share
9 that in the chat as well in case that's
10 easier to copy down or to click on.

11 For example, if you
12 click on it, it'll open up a new tab
13 in your internet browser. You can keep
14 that parked for a while and then perhaps
15 visit it when the meeting is over. So
16 I'll paste that into chat right now for
17 your use. Thank you.

18 All right. It looks
19 like we have a taker on the -- ope,
20 nope, sorry. I spoke too soon. I saw
21 a hand raised and it quickly went
22 away.

23 I ask you not to tease
24 me like that. I do want to see -- I do

1 want to hear from you all. So please
2 do raise your hand and share your comments
3 with us.

4 So -- and as I mentioned
5 a moment ago, in case you missed it, we
6 are allowing people who have already spoken
7 to speak up once again. We'll give you a
8 fresh three minutes.

9 And as I also stated, we
10 are going to prioritize those who have
11 not spoken first, but we will grant time
12 to those of you who have already spoken.
13 So we're looking forward to hearing from
14 you all.

15 Okay. At this time, I do
16 see a hand re-raised and that is Tim Dolan.
17 And so, Tim, I'm going to send a command to
18 you once more to unmute your mic. Hopefully,
19 I caught you at the right time -- the right
20 way this time.

21 MR. DOLAN: You did. Thank you.

22 I just wanted to -- to
23 circulate the account that I've been following
24 on this issue. It's @keeperclimate on Twitter.

1 This is an account that's opposed to
2 the merger just like I am and reasonably
3 has a -- has done some yoma work on
4 this issue, @keeperclimate on Twitter.

5 I encourage everybody
6 who is opposed to the merger just like
7 I am to check it out. It's a good
8 grounds fall community based in Minnesota
9 apparently and really again some -- some
10 good local commentary there. So I --
11 again, I appreciate the ability to speak.

12 Thanks very much.

13 MR. BELNIAK: Okay. Thank you,
14 Tim, for that.

15 Okay. With Tim's hand
16 lowered, I do not see any other hands
17 raised, but would once again encourage
18 you. We've got about 44 minutes left
19 in our time together this evening,
20 plenty of time for you to share a comment.
21 So please do so with raise hand or *9.
22 Please use any of the methods on the
23 screen here for follow-on engagement
24 information.

1 There's three websites,
2 an email address and telephone number
3 all for you to use to stay informed on
4 the project. Thank you.

5 No hands raised at the
6 moment, but we've got about 34, 33 minutes
7 left in the evening with our time with you
8 tonight. So once again, we'd love to hear
9 a comment from you. So raise hand and let
10 us know. Thank you.

11 No hands raised at the
12 moment, but we certainly invite you to
13 do so. So please use *9 on telephone or
14 the raised hand feature in the bottom
15 tray of Zoom controls to have your comments
16 shared with us, the panelists, and recorded
17 into the record. Thank you.

18 No hands raised, but we've
19 got just under a quarter of an hour, about
20 15 minutes plus time in this evening's
21 meeting. So if you are holding out and
22 waiting to put together that perfect
23 comment, now is a great opportunity to
24 raise your hand and share it with us.

1 And if you choose not
2 to, like we mentioned earlier, all
3 comments received are treated and weighted
4 equally. So you can choose to do so by
5 the website, by a postal mail, by an
6 email, any which way you'd like to get
7 your comments in, we'll certainly and
8 gladly take them. Thank you.

9 We are coming up on about
10 six minutes left in our time tonight. So
11 if you were waiting to share a comment
12 toward the end of the evening, now would
13 be a good time to do so. Six minutes
14 give us about two three-minute allotments.

15 And we only have one or
16 two parting remarks with you tonight before
17 we end. So now would be a good time to
18 share your comment if you were waiting to
19 do so. Thank you.

20 We're coming up to the top
21 of the hour. So as we prepare to close out
22 for the evening, I just want to call your
23 attention once more to the chat where I have
24 pasted some information in there, the same

1 information you can see on the screen right
2 now, which are the three project websites.
3 I'm sorry.

4 The three websites, the
5 project website itself, the Board website
6 as well as the virtual online meeting
7 room where you were spending some time
8 before joining us in this meeting here.

9 You can also see the
10 email address on how to reach us through
11 email as well as the EIS information
12 line, toll free (888) 319-2337.

13 Also, previously pasted
14 into the chat is the full slate of six
15 meetings we have, this being the fourth
16 of sixth. Two more; one tomorrow, Wednesday
17 the 8th, and the last one on Thursday, the
18 9th.

19 With that, we are at the
20 conclusion of tonight's allotted time. It
21 is 8:00 p.m. central.

22 I, on behalf of the entire
23 project team here, wish to thank you for
24 your time spent with us tonight.

1 Once again, all comments
2 received in any way, shape or form are
3 treated equally no matter the format
4 received. So we encourage you to give
5 those to us, whichever form is most
6 comfortable for you.

7 And with that, I thank
8 you all and bid you a good rest of the
9 evening. Thanks.

10 (Whereupon, the remote
11 meeting was adjourned.)


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C E R T I F I C A T E

I, LORI ANN ASAUSKAS, a Shorthand Reporter,
and Notary Public, do hereby certify that I
reported the remote proceedings before the
Surface Transportation Board regarding
Docket FD 36500 and that the foregoing is
a true and accurate transcription of my
stenographic notes and is a true record of
the testimony given during the foregoing
hearing.

I further certify that I am not employed by or
related to any party to this action by blood or
marriage and that I am in no way interested in
the



Lori Ann Asauskas

Lori Ann Asauskas, CSR, RPR.
Notary Public, Cook County, Illinois
C.S.R. NO. 084-002890

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