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Chief Legal Officer

ENTERED
Office of Chief Counsel
December 11, 2025
Part of
Public Record

December 10, 2025

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD 36500 (Sub-No. 6), *Canadian Pacific Railway Ltd. et al.—Control—Kansas City Southern, et al. (General Oversight)*

Dear Chief of Case Administration:

Norfolk Southern Railway Company (“NS”) writes to update the Board on the current status of the Meridian Speedway (“MSLLC”) service issues presented in NS’s September 30, 2025 filing in this docket.

The “Reply to UP and NS Correspondence Regarding Meridian Speedway” filed by Canadian Pacific Kansas City Limited (“CPKC”) in the above-referenced docket is wrong on multiple fronts. NS disagrees that the service commitments in the CPKC merger approval decision are as narrowly drawn as CPKC would construe them; disagrees that CPKC’s recent service performance has satisfied its contractual commitments, its merger service promises, or the needs of customers; and disagrees with CPKC’s quantitative analysis purporting to show a restoration of adequate service levels. NS stands by the evidence it presented to the Board.

Most egregiously, CPKC’s response completely ignores the NS-CPKC interline intermodal business losses that we have incurred over the Meridian Speedway and the Meridian gateway since the merger. CPKC’s response only addressed the haulage business that moves over the Speedway, whereas NS’s September 30 filing covered both haulage and interline business. NS currently projects that we will have lost 100,000 intermodal loads over the Meridian gateway with CPKC since 2022 (the last full year of KCS’ per-merger operation of the Meridian Speedway). As we noted in our September 30 filing, we acknowledge that some of that was lost to a competing intermodal service launched by CPKC and CSX. However, it is important to note that the majority of those losses are to competing highway services. CPKC promised highway diversions to rail in their merger application. What we have experienced over the Meridian Speedway is the exact opposite. NS believes this is attributable in large part due to the service product CPKC has offered over the Meridian Speedway.

That said, NS and CPKC have made some progress on MSLLC performance issues. After NS’s September 30, 2025 filing, CPKC agreed to temporarily reverse its unilateral decision to impose a train length restriction that was causing customer delays, and the parties have worked constructively to implement a compromise and ensure sufficient crews are available to staff trains transporting NS Traffic. NS has also been pursuing several avenues for private sector resolution of this dispute, including multiple Joint Operating Committee meetings, a potential third party audit of operational performance, and other mechanisms.



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NS remains concerned that service over the Meridian Speedway has faltered since the CP-KCS merger and that significant business has been lost to the highway. Nevertheless, at this time, NS is optimistic that CPKC and NS will be able to reach a satisfactory resolution without the need for further Board action. NS reserves its right to renew its request for a Board order to enforce CPKC merger conditions or otherwise protect adequate service for customers if Board action becomes necessary

Respectfully submitted,

A handwritten signature in cursive script that reads "Jason M. Morris".

Jason M. Morris

cc: Parties of Record in FD 36500 (Sub-No. 6)