

BY EMAIL

April 8, 2019

Mme Manon Fillion
Secretary,
Canadian Transportation Agency,
Ottawa, Ontario K1A 0N9

Email:

Secretariat.Secretariat@otc-cta.gc.ca

Enquete.ferroviaire-Inquiry.rail@otc-cta.gc.ca

**RE: 2019 Vancouver Freight Rail Investigation Agency Case No. 19-00189 –
Reply of BNSF Railway Company**

Dear Mme Fillion:

This is BNSF Railway Company's reply as provided by the Agency in Decision No. LET-R-29-2019 dated March 6, 2019.

None of the issues identified by the Agency in Decision No. LET-R-29-2019, nor any of the evidence on the record of this proceeding including the responses filed by CN, CP and FPAC on March 26, 2018, reveals any concern regarding BNSF's service.¹ On the contrary, the only evidence on the record of these proceedings touching on BNSF shows that it worked closely with its customers and connecting railways to address the Vancouver experienced congestion-related challenges from mid-November to mid-December 2018.

The Agency has directed no further examination or questions to BNSF. Given the constraints under which connecting railways were operating and the absence of any evidence that BNSF caused the delays and shortfalls that the Agency identified, BNSF submits that, having regard to the considerations of s.116(1.2) of

¹ Parts of the record before the Agency has been withheld from BNSF per Agency Decision No. LET-R-30-2019 and by the fact the Agency has only posted redacted versions of certain documents to its website. BNSF is not therefore able to respond to this information. If withheld information related to BNSF, the Agency would be required to provide BNSF with the opportunity to respond under the requirements of natural justice and fairness (as was the case with CN – see paragraph 50 of Agency Decision No. LET-R-30-2019).

the *Canada Transportation Act*, there is no legal basis for the Agency to grant any relief against BNSF. BNSF therefore respectfully requests that the Agency exclude BNSF from any relief that may be granted against the other railway companies in its final decision.

Yours truly,

A handwritten signature in blue ink, appearing to read "Ian S. MacKay". The signature is fluid and cursive, with the first name "Ian" and last name "MacKay" clearly distinguishable.

Ian S. MacKay