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Surface Transportation Board

CN-EJ&E EIS - FD-35087

Log and Distribution

Date Recd: _____

File No: _____

April 29, 2008

Scanned (Initial): JMA

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Cc: Original - Job File

Ms. Phillis Johnson-Ball
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: Docket FD 35087 0
Canadian National Railway Company / EJ&E West Company

Dear Ms. Johnson-Ball:

Our firm represents the East Joliet Sanitary District, which maintains a system of sanitary sewers serving unincorporated Joliet Township, Will County, Illinois.

The East Joliet Sanitary District in approximately in 1986 was granted an easement by the EJ&E Railway Company allowing the construction of certain sanitary sewers paralleling certain railroad tracks maintained by the EJ&E Railway situated south of U.S. Route 30 and extending for several blocks to approximately Washington Street, Joliet, Illinois.

The East Joliet Sanitary District has become aware of the possible sale of the EJ&E tracks in the Joliet, Illinois area from the EJ&E Railroad to the Canadian National Railway Company. It is our understanding that your office is preparing an environmental impact statement concerning the possible acquisition of the tracks by the Canadian National Railway Company.

It is our understanding that part of the work contemplated in the sale would result in additional siding extensions and second mainline track.

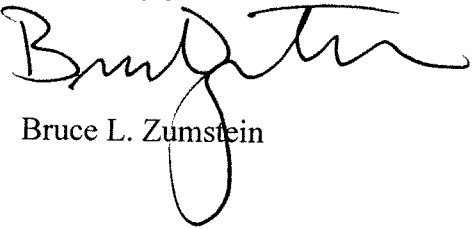
The East Joliet Sanitary District wants to bring to your attention that any siding extensions or constructions of a second mainline track should not be made over the lines constructed by the East Joliet Sanitary District within the easement granted by the EJ&E Railway Company.

We would appreciate being informed of the nature of the environmental impact study in order that we may comment on the location of any siding extensions or second mainline tracks, as they should not be constructed over the sanitary sewers constructed by the East Joliet Sanitary District.

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We would appreciate being included in any announcements for participation in the preparation of the Environmental Study. Please advise us what further information, if any, we can make available to your agency as it is preparing the environmental impact statement for the possible acquisition of the EJ&E Railroad by the Canadian National Railway Company.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bruce L. Zumstein', with a large, stylized loop at the end.

Bruce L. Zumstein

BLZ/cj

CC: Mr. Jeffery Plyman, *Corporation Counsel of City of Joliet*
Mr. Jerry Ross
Mr. William Doyle
Mr. Jesus Casillas

SURFACE TRANSPORTATION BOARD DECISION DOCUMENT

Decision Information

Docket **FD_35087_0**

Number:

Case Title: **CANADIAN NATIONAL RAILWAY COMPANY AND
GRAND TRUNK CORPORATION--CONTROL--EJ&E WEST
COMPANY**

Decision **Decision**

Type:

Deciding **Chief Of Section Of Environmental Analysis**

Body:

Decision Summary

Decision **DECISION PROVIDED NOTICE OF AVAILABILITY**

Notes: **OF THE FINAL SCOPE OF STUDY FOR THE
ENVIRONMENTAL IMPACT STATEMENT.**

Full Text of Decision

38996
SEA

SERVICE DATE – APRIL 25, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35087

CANADIAN NATIONAL RAILWAY COMPANY AND GRAND TRUNK
CORPORATION CONTROL – EJ&E WEST COMPANY

Decided: April 23, 2008

Agency: Surface Transportation Board.

Action: Notice of Availability of the Final Scope of Study for the Environmental Impact Statement (EIS).

Summary: On October 30, 2007, the Canadian National Railway Company (CN) and Grand Trunk Corporation (collectively CN or the Applicants) filed an application with the Surface Transportation Board (Board or STB) seeking the Board's approval to acquire control of EJ&E West (EJ&EW) Company, a wholly owned noncarrier subsidiary of the Elgin, Joliet and Eastern Railway Company^[1] (EJ&E). In their application, Applicants state that they plan to construct six new rail connections and approximately 19 miles of siding extensions and second mainline track (double track). EJ&E is a Class II railroad that currently operates approximately 200 miles of track in northeastern Illinois and northwestern Indiana.

On November 26, 2007, the Board issued Decision No. 2 announcing that its Section of Environmental Analysis (SEA) will prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts that may result from the proposed acquisition. On December 21, 2007, SEA published a Notice of Intent (NOI) in the Federal Register announcing the start of the scoping process and the dates and times of public scoping meetings. This document, as well as a Draft Scope of Study, was served and distributed to approximately 350 stakeholders and 41 federal, state, and local agencies on an environmental distribution list. A press release was issued to 21 Chicago-area newspapers to announce the NOI to the public.

Information about the STB's environmental review of the proposed acquisition was also made available through the Board's website, www.stb.dot.gov. The Board's

website provides an overview of the proposed acquisition; public comment guidance; links to documents (including the NOI and Draft Scope of Study); links to CN's, and EJ&E's websites; and SEA contact information. Additionally, SEA established a toll-free information line (1-800-347-0689) for public comments with a Spanish-language option available. An electronic filing system is also available on the Board's website, www.stb.dot.gov, to receive comments.

To promote participation in a series of 14 public scoping meetings scheduled for January 2008, SEA placed quarter-page advertisements and published public notices in 21 Chicago-area newspapers announcing the meetings. SEA issued a follow-up press release to the same newspapers. Announcement posters were placed in 42 public libraries in communities along the EJ&E rail line, and SEA emailed notices to 285 local elected officials.

Approximately 2,600 individuals participated in the open-house scoping meetings held at seven locations throughout the Chicago region. Two meetings per location were held: one from 1 p.m. to 4 p.m. and one from 6 p.m. to 8 p.m. The dates and locations of the 14 open house meetings were:

- January 8, 2008: Mundelein, Illinois
- January 9, 2008: Barrington, Illinois
- January 10, 2008: Joliet, Illinois
- January 15, 2008: Matteson, Illinois
- January 16, 2008: Gary, Indiana
- January 17, 2008: West Chicago, Illinois
- January 22, 2008: Chicago, Illinois

On January 30, 2008, SEA extended the deadline for Draft Scope of Study comments from February 1, 2008 to February 15, 2008. To publicize the extension, postcards were mailed to 3,038 persons on an updated environmental distribution list, and 43 letters were sent to agencies during the week of January 28, 2008. SEA issued a press release to the 21 Chicago-area newspapers and emailed 310 elected officials to alert them to the comment period extension.

In total, SEA received:

- 1,347 comments from individuals attending the open house meetings;
- 1,268 comment letters;
- 219 oral comments on SEA's information line; and
- 858 individual comments filed electronically on the Board's website.

At the conclusion of the comment period, SEA mailed follow-up postcards acknowledging the receipt of comments and participation in the scoping process. SEA placed the names of all commenters on the environmental distribution list, thereby ensuring that they will receive notice of availability of the Draft and Final EIS, as well as the Final Scope of Study.

Based on the comments received and further analysis, SEA has prepared the Final Scope of Study for the EIS, which is included in this Notice of Availability as Appendix A.

Addresses for Further Information: Written requests for further information on the proposed acquisition should be directed to:

Phillis Johnson-Ball
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Telephone requests may be made by calling 1-800-347-0689 (SEA's information line), and emails may be sent via the Board's website at www.stb.dot.gov by clicking on the "E_FILING" link.

Supplementary Information: On October 30, 2007, Canadian National Railway Company (CN) and Grand Trunk Corporation (GTC), a noncarrier holding company through which CN controls its U.S. rail subsidiaries, filed an application with the Board under 49 USC 11323-25. The application seeks the Board's authorization for CN to acquire control of the EJ&E rail line, land, and related assets west of Buchanan Street in Gary, Indiana, along with the hump and Dixie lead tracks located east of Buchanan Street leading into Kirk Yard. Trackage east of Buchanan Street would be handled by the Gary Railway Company.