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Surface Transportation Board
CN-EI&E EIS - FD-35087

WISCONSIN DOT
WisDOT-4

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File No. _____ BEFORE THE SURFACE TRANSPORTATION BOARD

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STB Finance Docket No. 35087

Cc. Original - Job File

~~CAN~~ADIAN NATIONAL RAILWAY COMPANY AND GRAND TRUNK
CORPORATON
-- CONTROL --
EJ&E WEST COMPANY

**COMMENTS ON THE DRAFT SCOPE OF ENVIRONMENTAL IMPACT
STATEMENT (EIS)
BY WISCONSIN DEPARTMENT OF TRANSPORTATION**

These comments are filed by the Wisconsin Department of Transportation ("WisDOT") in response to the decision served December 21, 2007 seeking comments on the draft scope of the Environmental Impact Statement ("EIS") to be prepared by the Surface Transportation Board's ("STB") Section of Environmental Analysis ("SEA") in FD_35087_0¹.

The WisDOT is pleased that the SEA is going to prepare an EIS that will "address secondary and cumulative effects of environmental impacts that have regional or system-wide ramifications."² WisDOT believes that such secondary and cumulative impacts will occur in Wisconsin along the Canadian National ("CN") line between Superior - Appleton - and Silver Lake, Wisconsin. As such, these impacts should be identified in the SEA's EIS and mitigation actions included in any decision by the STB.

In their application, CN indicates that their current lines in the Chicago area cause them to operate in an inefficient manner. The proposed transaction is designed to allow CN's operations to flow more smoothly. The CN's application discusses how the proposal will benefit the current customers. What is noticeably absent however is the impact the transaction will have on other portions of the CN system that feed into the Chicago area. In particular, the Wisconsin Department of Transportation is concerned about the congestion that exists on the lines of the CN traversing through the state.

¹ STB SEA Decision served December 21, 2007, FD_35087_0

² STB SEA Decision served December 21, 2007, FD_35087_0, Appendix A, Environmental Categories II, Secondary and Cumulative Effects

According to the CN's web site,³ the opening of Phase I of the Port of Prince Rupert Container Terminal on September 12, 2007, will facilitate CN's entering the intermodal business in a significantly more active way. Phase I of the project will allow the Container Terminal to handle 500,000 TEUs. Phase II of the CN's project at the Port of Prince Rupert will expand the capacity of the facility to allow it to handle 2,000,000 TEUs. Phase II is scheduled for completion in 2010. The consummation of the proposed transaction may allow this traffic to flow more smoothly in the Chicago area, but without improvements to its trackage in Wisconsin, greater congestion is likely in Wisconsin.

According to CN officials, the projected volume of TEUs to be moved by 2010, only two years from now, translates into more than 6 loaded 100-car double stack trains with 400 TEUs each. Returning the TEUs to their origin will require an equivalent movement of more than 6 trains per day. This will mean more than an additional 12 trains per day moving on the CN.

A significant portion of this traffic can be expected to move over the CN's lines from the Port of Prince Rupert to Superior, Wisconsin before moving through Wisconsin to the Chicago area for movement on the lines involved in this proposed transaction, and points south and east. This additional traffic will cut through the heart of Wisconsin and represent a 50% increase of the number of trains on the already congested lines of the CN. This additional traffic will well exceed the threshold defined by 49 CFR 1105.7 and identified in the decision served December 21, 2007.⁴

Some of the CN's increased traffic in Wisconsin will pass through areas that are classified as non-attainment areas by the U.S. Environmental Protection Agency. Any delay in the movement of the trains or of motor vehicles at highway/railway at-grade crossings through the area is likely to have a negative impact on the air quality of the area. Since the SEA's EIS will "address secondary and cumulative effect of environmental impacts that have regional or system-wide ramifications"⁵ of the proposed transaction, these impacts should also be identified along with any necessary mitigation measures.

WisDOT is also concerned that the increase in traffic through Wisconsin on its way to the proposed, more efficient Chicagoland route will add to the existing problem of blocking access to driveways in Wisconsin, such as the instance discussed in WisDOT's Comments and Request for Conditions filed January 28, 2008.⁶

According to information from the Federal Railroad Administration's Grade Crossing Inventory at their website⁷ there are numerous highway/railway at-grade public crossings in Wisconsin that have greater than 2500 AADT that is identified as the threshold of concern by

³ http://www.cn.ca/specialized/ports_docks/prince_rupert/fairview/en_KFPortsPrinceRupert_fairview.shtml

⁴ STB SEA Decision served December 21, 2007, FD_35087_0, Appendix A, Environmental Impact Analysis, 1

⁵ See footnote 2

⁶ See WisDOT Comments and Requests for Conditions filed January 28, 2008, FD_35087_0

⁷ <http://safetydata.fra.dot.gov/OfficeofSafety/NewCrossing/Default.asp>

SEA in their draft EIS scoping document⁸. Some of these include 689907U, 689911J, 689913X, and 689915L.

CN currently operates its trains over numerous highway/railway at-grade crossings in Wisconsin. Most of these crossings are not located within FRA approved Quiet Zones. The addition of the trains headed to or from Chicago to serve the CN's newly opened Prince Rupert Container Terminal will result in additional noise at these highway/railway at-grade crossings that exceeds the thresholds identified in the Draft Scope of the EIS.⁹

As a result of the impacts within Wisconsin cited above, WisDOT requests that the SEA modify the Draft Scope of the EIS included in the STB Decision served December 21, 2007 in FD_35087_0 to include areas within Wisconsin in its study.

Respectfully Submitted,



Kathleen Chung, Attorney
Office of General Counsel
Wisconsin Department of Transportation
4802 Sheboygan Ave.
P.O. Box 7910
Madison, WI 53707-7910
(608) 266-8810
February 15, 2008

cc: Secretary Frank Busalacchi, WisDOT
Congressman Steve Kagen
Congressman David Obey
Congressman Tom Petri
State Representative Al Ott
Mayor Kevin Crawford, Manitowoc, WI
Jessica Stoller, WI Department of Commerce
Timothy LeMonds, WI Public Service Commission
Frank Huntington, WisDOT
Ron Adams, WisDOT
Rod Clark, WisDOT

⁸ STB SEA Decision served December 21, 2007, FD_35087_0, Appendix A, Environmental Categories, 2. Transportation Systems, E

⁹ STB SEA Decision served December 21, 2007, FD_35087_0, Appendix A, Environmental Categories, 6. Noise and Vibration

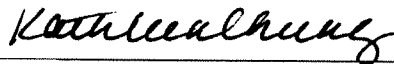
CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Comments on the Draft Scope of the Environmental Impact Statement in regards to Financial Docket No. 35087, Canadian National Railway Company – Control – EJ&E West Company, to be served by first class mail, postage prepaid, this 15th day of February 2008, on all parties of record on the service list, and the following:

Secretary of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Attorney General of the United States
C/o Assistant Attorney General
Antitrust Division
Room 3109
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Paul A. Cunningham
Harkins Cunningham, LLP
1700 K Street, N.W.
Suite 400
Washington, D.C. 20006-3804



Kathleen Chung, Attorney
Wisconsin Department of Transportation
Office of General Counsel