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Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Washington, D.C. 20423-0001

Re: Request for Oral Hearing in Finance Docket No. 35087 (Sub-No. 8),
*Canadian National Railway Company and Grand Trunk
Corporation—Control—EJ&E West Company*

Dear Ms. Brown:

This letter on behalf of the Village of Barrington, Illinois, (“Barrington”) respectfully requests that the Surface Transportation Board (“Board”) waive the provisions of 49 C.F.R. § 1116.1(c) and permit oral argument or a hearing on this docket. As the Board is well aware, Barrington has actively participated for over seven years in the underlying Finance Docket whereby the Canadian National Railway Company (“CN”) acquired ownership of the EJ&E line that runs through Barrington. It is one of only five municipalities¹ on the rail line that never reached a negotiated settlement with CN for the very reason that a grade separation is the only mitigation that can effectively lessen the harms caused by that transaction.

In seeking oral argument or a comprehensive hearing on Barrington’s pending petition seeking grade separation relief, Barrington respectfully submits that this would allow the Board an opportunity to hear first-hand from Barrington and CN in order to determine the best course of action on Barrington’s petition. Such a hearing is very much in keeping with the Board’s action of holding a shipper hearing in April 2014 that enabled Commissioners to get all parties in one room to address growing concerns about poor rail service. When the Board granted the TRAC/Barrington September 2014 motion seeking an extension of the oversight period, it likewise recognized the substantially changed circumstances concerning recent rail congestion in the Midwest, particularly in Chicago, and the potential impact of this congestion on the EJ&E line.

¹ The other four communities not signing a negotiated settlement with CN are Aurora and Lynwood (where grade separations were granted by the Board), as well as Naperville and Deer Park. Much of Naperville’s concerns are addressed by the grade separation in Aurora, and Deer Park is just northeast of Barrington on the EJ&E and shares the Village’s concerns.

As the Board is aware, the Court of Appeals has on two prior occasions affirmed the Board's decisions in which the Board denied grade-separation relief to Barrington.² However, even though the Court of Appeals has affirmed those decisions, that does not prevent the Board from taking further action. As the Interstate Commerce Commission has explicitly explained, the Commission [and now the Board] retains discretion to reopen and reconsider previous decisions and change a prior agency action, even those previously affirmed by the courts on judicial review, and a decision to reopen will be overturned only upon a 'showing of the clearest abuse of discretion.'" *Assoc. of P&C Dock Longshoremen v. The Pitts. & Conneaut Dock Company*, 8 I.C.C.2d 280, 288 (1992). The Board continues to enjoy that same discretion.

In this entire proceeding, Barrington has never been provided with any opportunity to address the Board and respond in person to any questions regarding its evidence that may be raised by a member of the Board. In seeking this opportunity to do so now, Barrington has no desire to rehash old arguments. Instead, Barrington wishes to focus on the actual and foreseeable, material impact caused by the confluence of recent events. This would include changes in traffic mix, the increase in the number of trains and carloads, trains that are consistently longer than 6,800 feet and are even in excess of 10,000 feet, as well as the impact of the clearly evident additional traffic from new and growing markets which will unquestionably and perpetually gridlock Barrington in the future. In taking this approach, Barrington agrees with Vice-Chairman Begeman who noted in her dissenting opinion that "[d]ata collection alone is not enough."

In seeking oral argument, Barrington wishes to get beyond the narrow issue of blockages and averages and asks the Board to use the proposed hearing to determine whether its pre-transaction assumptions about impacts in Barrington can be reconciled with what is happening post-transaction and what is reasonably foreseeable to happen based on new and expanding freight volumes that were not accounted for during the EIS process. When that is done, there is no avoiding the conclusion that CN's rapidly expanding freight operations are having a material and substantial adverse impact on Barrington and the surrounding region. This is true even when a train moves through Barrington without incident. Of course, when a CN train encounters a

² Unfortunately, because Barrington's original counsel failed to mention Barrington's traffic study in the opening brief before the U.S. Court of Appeals in 2010, the Court refused to consider Barrington's argument that it had been subjected to disparate treatment (even while noting it seemed like powerful evidence.)

mechanical problem, similar to that which happened on February 9, 2015, a stopped train can simultaneously block multiple, heavily traveled crossings located in downtown Barrington with a combined ADT of 70,000 vehicles. In this latest instance, it took CN thirty-five (35) minutes to repair the train and get it moving again. Although the impact of that stopped train was minimized because it happened late at night, other incidents have occurred during the day. When that happens, it not only disrupts vehicular traffic but it also impacts the commuter trains that pass through Barrington throughout the day that then spreads the gridlock over a larger network of roadways.

Barrington must emphasize its concern about the recent and post-transaction change in traffic mix that has never been considered by the Board in this proceeding. The change in traffic mix, which is clearly demonstrated by the vast expansion of crude oil shipments and intermodal traffic that was virtually non-existent in 2006, clearly supports Barrington's position that the full impact of CN's business decisions has yet to surface.

In this regard, Barrington must once again invite attention to the fact that CN's original application did *not anticipate any gains to CN/EJ&E of entirely new business in which neither CN nor EJ&E had any participation in 2006*. As a result, neither Barrington nor the Board had any reason to anticipate and focus on the wholly unforeseen surge in the movement of crude oil by rail that has developed on CN's crude-by-rail franchise since 2010. Nor could they have imagined the potential devastation that could result if a train transporting multiple carloads of crude were to derail and explode within Barrington. Given the vast intervening expansion of crude oil shipments and intermodal traffic that was virtually non-existent in 2006, such traffic clearly supports Barrington's position that the full impact of CN's business decisions has yet to surface.

As the Board is no doubt aware, within the past week, there have been two derailments of trains transporting crude oil in CPC 1232 tank cars³ that resulted in massive fires.⁴ One derailment involved CN and one involved CSXT.⁵ While the CSXT train was transporting the highly flammable Bakken

³ The 1232 tank car is are a slightly enhanced version of the DOT-111 tank car that has long been faulted by the National Transportation Safety Board.

⁴ <http://www.reuters.com/article/2015/02/17/us-usa-train-derailment-csx-idUSKBN0LK1ST20150217>

⁵ See: <http://www.aol.com/article/2015/02/16/west-virginia-train-derailment-sends-oil-tanker-into-river/21143251/?ncid=webmail6>

crude oil, it has been reported that the CN train was transporting diluted heavy crude. According to several reports generated by CN, the fires in Ontario were continuing to burn in -24F weather four days after the derailment on February 14 of 29 of 100 cars transporting heavy crude from Alberta to eastern Ontario.⁶

Although Barrington does not wish to be viewed as an alarmist, it must face the reality that a derailment of a train (whether it be a unit train or a manifest train) in Barrington transporting heavy crude, light crude, ethanol, or a myriad of other flammable hazmat could cause multiple explosions and a massive fire. That, in turn, would likely require the evacuation of much of the Village. If that were to happen, impeding the ability by First Responders to cross the EJ&E line would greatly hamper expeditious efforts to contain the damage and move the public out of harm's way.

The substance of the issues Barrington seeks to have discussed in oral testimony are detailed in the pleadings already of record. To support its request for an oral hearing, however, Barrington has prepared a list of points and counterpoints stemming from CN's January 26 filing that highlight multiple aspects of the case that are subject to dispute between Barrington and CN. These issues -- and the full record of Barrington's petitions during oversight -- can be best addressed and most easily clarified by allowing both parties to respond to inquiries raised by the Commissioners.

It is respectfully submitted that the Board's modified procedures, which have supplanted the former oral hearings, have effectively deprived Commissioners of any opportunity to hear first-hand from the parties who are materially affected by their decisions. Although Barrington is no longer relying on its 2008 traffic study, which clearly showed that the U.S. Highway 14 crossing would be substantially impacted by the Transaction, it cannot help but note that the results of that study, which were provided to the Board in September 2008, were never mentioned in the Final Environmental Impact Statement or in the Board's December 24, 2008 Decision that approved CN's acquisition of the EJ&E line. Had oral argument been allowed before the Board, it is Barrington's position that the evidence would have carried the day for it and there would be no need to seek relief at this point in time.

Barrington stresses that it would not be continuing to seek relief if it were not warranted by substantial and probative material evidence that has not been previously considered by the Board. That new evidence demonstrates

⁶ CN Rail says still cleaning up Northern Ontario derailment, Reuters, February 17, 2015.

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that current and foreseeable impacts will not be mitigated by anything less than a grade separation at U.S. Highway 14.

For all the above-stated reasons, the Board is requested to grant this request and permit oral testimony that will provide Board members with an unfiltered and full opportunity to hear first-hand from Barrington why a grade separation is required at the U.S. Highway 14 crossing in Barrington. Should the Board require further information or raise concerns and questions, these issues can be resolved by the involved parties during such a hearing.

Respectfully submitted,

/s/ Richard H. Streeter

Richard H. Streeter
Counsel for the Village of Barrington, IL

RHS:rs
Attachments
Cc: All parties of record

	CN POINT	BARRINGTON COUNTERPOINT
1	Barrington keeps revisiting the well on the same issues after repeated failures in a <i>“ceaseless barrage of repetitive arguments.”</i> 1/26/15 CN Surreply at 23.	Neither the STB nor the Court have denied Barrington the right during the oversight period to ask the Board for further relief based on post-transaction conditions and new evidence of an entire new rail market and Intermodal freight volumes that were unanticipated and not fully accounted for during the EIS process.
2	<i>“Barrington made its case to the Board in 2008 and again in 2011 for why CN should fund a grade separation. The Board rightly rejected that claim, as the D.C. Circuit twice held. Barrington made its case yet again in its 2014 Petition, and CN has thoroughly refuted it. There must be an end to Barrington’s repeated efforts to wear the Board down by repeating the same essential arguments over and over again.”</i> 1/26/15 CN Reply to Motion at 4.	As the Board recently reaffirmed in the December 16, 2014 STB Decision extending oversight on the transaction for an additional two years: <i>“Given that the potential impacts from higher rail traffic levels led the Board to institute oversight in the first place, in our view it would not be appropriate to end our oversight at a time when the pressure to avoid Chicago is greater due to increasing congestion levels. While CN has generally complied with the mitigation conditions included in the Approval Decision, we believe extending oversight for two years will enable the Board to better monitor traffic congestion issues in and around Chicago and specifically on operations on the EJ&E line, including impacts on surrounding communities.”</i>
3	Barrington’s request for additional mitigation in 2014 undermines the idea of administrative finality. 1/26/15 CN Surreply at p 21 through 25.	It was not Barrington, but the Board, that retained oversight jurisdiction, which by definition, is the antithesis of administrative finality. CN has known since it closed the transaction that additional mitigation was always a possibility as it has acknowledged in its post-transaction Annual Reports.
4	Barrington’s 2014 Petition contains no new evidence, it’s just a retelling of information that’s been told in its failed 2011 petition: <ul style="list-style-type: none"> • The 2010 TIGER grant • Barrington’s 2011 traffic study • A discussion of “averages” • 2007 Prince Rupert traffic • A 2009 CN statement to investors • A critique of 2008-ordered mitigation 1/26/15 CN Reply to Motion at 3 and 4.	Barrington introduced the following post-2011 evidence that CN has not refuted: <ul style="list-style-type: none"> • The transcript of the October 21, 2014 CN Q3 2014 Earnings Conference Call discussing how important the EJ&E is for CN’s business. • CN’s Annual Report for 2013 detailing the recent post-acquisition shifts in traffic mix. • Post-2007 Prince Rupert traffic is already 24% higher than was projected in 2008 and the full Phase 1 capacity is fully 50% higher than 2008 assumptions. • The extensive data presented to DOT in the TIGER II grant application that reflects the adverse impact on Barrington. • Information regarding the completion of the \$2.8 million TIGER II planning grant for Phase I

		<p>work on a grade separation at the U.S. Highway 14 crossing that only received final IDOT approval in September 2014.</p> <ul style="list-style-type: none"> • CN’s request that the proposed railroad bridge at the U.S. Highway 14 grade separation should accommodate future double-tracking.
5	<p>CN states that the TIGER II grant for a grade separation at U.S. Highway 14 does not indicate that <i>“the Board should order CN to pay for that grade separation.”</i> 1/26/15 CN Surreply at 10.</p>	<p>The TIGER II grant application was based entirely on the reality that a grade separation is necessitated by CN’s freight traffic and it was awarded on that basis. It is irrelevant that DOT did not order the Board to require CN to pay for the grade separation. What is relevant and highly material is that the grant reflects the conclusion of all parties that a grade separation is now required as a result of CN’s freight operations.</p>
6	<p><i>“Barrington provides no evidence that actual environmental impacts on Barrington in 2014-15 are substantially (or at all) greater than projected in 2008.”</i> 1/26/15 CN Surreply at 4.</p>	<p>Barrington provided evidence in September 2008 and again in the fall of 2011 demonstrating that U.S Highway 14’s full-traffic projected delays would be more than double the “substantially affected” threshold set by the Board and that the associated queue lengths were the longest on the EJ&E. The data Barrington presented in September 2008 and again in the Fall of 2011 has never been refuted. Barrington has now provided the Board with new evidence showing that post-transaction traffic that was never planned for is going to further increase freight-induced congestion in the Village in the years ahead.</p>
7	<p><i>“As for Barrington’s claim that its 2011 study “was never rebutted and shown to be in error” (Surreply at 6), that is incorrect. CN rebutted it in 2011.”</i> 1/26/15 CN Surreply at 5. <i>“Barrington’s repeated reliance (see Surreply at 6, 31-32) on a flawed 40-month-old study that made assumptions about train quantities, train speeds, train schedules, and vehicular traffic levels that Barrington has not attempted to update in light of current realities only underlines its lack of material new evidence.”</i> 1/26/15 CN Surreply at 6.</p>	<p>Although CN’s attorneys argued that the results of Barrington’s 2011 study were erroneous, no expert testimony was presented by the Board or CN to refute the accuracy of the results set forth in the final version of Barrington’s 2011 traffic analysis.</p>

<p>8</p>	<p>Barrington speculates <i>“that train volumes and lengths may increase in the future, that energy-related traffic may increase in the future, and that train volumes and train lengths may be substantially higher than the average in some instances. There is nothing new or material about those speculations.”</i> 1/26/15 CN Surreply at 3.</p>	<p>The entire EIS process that led to the Board’s mitigation orders was based on CN application assumptions that <i>“2006 traffic data are the best general source of available information about likely traffic gains as a result of the Transaction”</i> and that the <i>“environment of the railroad industry is that which existed on December 31, 2006, except for the direct effect of the Transaction on traffic, which I estimate as if the Transaction were fully implemented.”</i></p> <p>New current evidence that shows material variances in the actual freight volumes, train lengths, slower train speeds and new mixes of traffic that are greater than was assumed in 2008 is not speculation. Moreover, it is the material new evidence that requires appropriate mitigation.</p>
<p>9</p>	<p><i>“General statements about growth ‘says very little about changes in traffic that can be expected on the particular segment of that line that includes Barrington.’ Liepelt V.S. at 3; see also Murray Reply V.S. at 2.”</i> 1/26/15 Surreply at 11 FN 19.</p>	<p>Barrington must rely upon the specific statements of CN’s executive team when it comes to touting the value of the EJ&E to arrive at its conclusions. Barrington must also rely upon a close look at CN’s national rail network to arrive at probable routing conclusions. As the CN route maps reflect, in order to avoid moving through Chicago, trains moving in a north/south direction will likely move through Barrington. The Board should also keep in mind that CN never actually provided any real data regarding routing that can rebut the Village’s claims that CN is the only railroad serving the Port of Prince Rupert where traffic has already expanded beyond pre-transaction assumptions.</p>
<p>10</p>	<p><i>“The very CAPP report on which Barrington relies projects that overall rail movements of heavy crude from Western Canada will increase at a far slower rate than loading capacity there. See id., Figure 4.5. Moreover, Barrington ignores the fact that since the June 2014 CAPP Report crude oil prices have declined by over 50%, causing CAPP to reduce its production forecast for 2015 by 65,000 barrels per day.”</i> 1/26/15 CN Surreply at 12.</p>	<p>Although CN’s argument reflects a short-term focus, its top management and its customers in the oil industry that are heavily invested in Alberta tar sands take a much different long-term view. CN’s characterization of the updated CAPP report clashes with the rosier scenario painted of the CAPP update and CN’s projected 2015 crude business by CN’s top executives on an earnings call with investors only one day later on January 27:</p> <ul style="list-style-type: none"> • <i>“There is a lot of investments that are being made by our customers in the energy markets, whether it’s new frac sand plant or whether it’s new infrastructure to allow to move crude and other petroleum products. We believe those investments are made for the long-term. And we believe our customers are</i>

		<p><i>producing with a run rate that is there for the long-term.” 1/27/15 CEO Claude Mongeau Investor Call Comments</i></p> <p>Further perspective immediately followed from another CN executive:</p> <ul style="list-style-type: none"> • <i>“Basically we are going to be harvesting the momentum of it, major infrastructure from 2014 which are carrying into 2015 major infrastructure in crude production, major infrastructure in crude by rail infrastructure as well. So last week, the CAPP, Canadian Association of Petroleum Producers, came out with their new forecasts of crude production in Canada and they see an increase of 150,000 barrels per day in 2015 versus 2014 meaning that there is this carry forward of major capital investment from the past year, the past 2 or 3 years that is still going to be carrying in 2015. Same thing in sand, on our track there has been major capital investment made on production side. I have mentioned those in my notes. And we also have major capital investment on the receiving side on loop track for us to be able to receive frac sand in Western Canada which will come into place sometime in the spring or during the summer. So these dollars are about to produce a return and it will be put in operation and that’s what will help us to see growth in carload in both frac sand and crude in 2015.” 1/27/15 EVP & CMO J.J. Ruest Investor Call Comments</i>
11	<p><i>“Barrington asserts that I “downplay[ed]” the flammability of heavy crude as compared to light crude and that the addition of diluent will cause heavy crude to become more flammable. Surreply at 16-17. My statements regarding the relative combustibility of heavy crude versus Bakken light crude did not “downplay” any risks, which are, in any event, extremely small, but I did note the important difference in combustibility between the two products, which has been recognized by</i></p>	<p>Barrington and the TRAC Coalition have been actively involved in the PHMSA rulemaking process. In comments on the NPRM, TRAC focused on industry comments that when heavy crude is shipped in rail tank cars it requires an additive to decrease its viscosity. That mixture is known as dilbit or railbit and contains a percentage of condensate -- a substance that is highly flammable and toxic. A Material Safety Data Sheet (MSDS) from Imperial Oil identifies dilbit as follows: <i>“Extremely flammable; material will readily ignite at normal temperatures; may release vapours that form flammable mixtures at or above the flash point; flammable toxic gases will form at</i></p>

	<p><i>PHMSA and incorporated into the proposed rulemaking.” 1/26/15 Murray VS at 3 and 4.</i></p>	<p><i>elevated temperatures (thermal decomposition); toxic gases will form upon combustion.”</i></p> <p>The 2/14/15 derailment of a CN train in Ontario loaded with heavy crude (dilbit) that burned for at least three days following the derailment of 29 cars illustrates the potential danger associated with the transportation of diluted tar sands.</p>
<p>12</p>	<p><i>“It is Barrington, however, that fails to address the on-the-ground reality that activations in Barrington of 10 minutes or longer have changed very little due to CN traffic as compared to pre-Transaction levels.” 1/26/15 Liepelt VS at 2.</i></p>	<p>It is unrealistic to assume that CN would have failed to take extra precautions with regard to Barrington during the oversight, especially when its settlement agreements with other communities have placed gag orders on them. Given the data attached in Appendix A, Mayor Darch shudders to think what is likely to happen at the four Village crossings after Board oversight ends.</p>
<p>13</p>	<p><i>“To be clear, CN has no “pre-design phase” plan or plan of any other kind to double track the line through Barrington.” 1/26/15 Liepelt VS at 5.</i></p>	<p>Given the importance of the EJ&E to CN’s overall rail network, it is critical that the Board assume that CN will maximize the line’s use in the years ahead. It only makes good business sense for CN to maximize capacity on this “crown jewel” asset and thereby avoid Chicago congestion, which was a key motivation for the Transaction in the first place.</p> <p>Barrington can only note that during the design phase of the underpass at U.S. Highway 14, it was CN that specified the need to anticipate double tracking in the designs. Given the emerging energy and Intermodal business as described by CN’s own executives, and the continued and ever increasing congestion in Chicago and CN’s stated intent to move traffic to the E&E, Barrington cannot accept CN’s current assurances about having no plans to double-track the EJ&E through Barrington and neither should the Board.</p>
<p>14</p>	<p><i>Phase I of the Fairview Container Terminal at Prince Rupert began operations in October 2007 (before CN acquired EJ&E), and has been operating at capacity for years, so that that any intermodal traffic to or from Prince Rupert (or any other location) that moves through Barrington has been reflected in CN’s monthly train volume reports filed with the Board.” 1/26/15 Murray VS at 6.</i></p>	<p>The Fairview Container Terminal -- serviced only by CN -- has not been operating at capacity for years and is currently not at capacity. In 2009 (the first year of CN’s operations on the EJ&E) a total of 265,259 TEUs passed through PPR. By 2011, the Fairview Terminal was up to 410,469 TEUs for the year, and in 2014, it was up to 618,167 TEUs. CN has also admitted Phase I Fairview will only reach full capacity at 750,000 TEUs. (See Appendix B hereto for additional details.)</p>

15	<p><i>“CN’s 2007 operating plan included intermodal traffic that CN anticipated as a result of completion of Phase I of the Fairview Container Terminal”</i> in Port of Prince Rupert. 1/26/15 CN Surreply at 13 and Exhibit A.</p>	<p>CN’s 2007 operating plan assumptions about Intermodal traffic from Phase I of the Port of Prince Rupert were based on the Phase I capacity expectations that were announced at that time – 500,000 TEUs as confirmed by Paul A. Cunningham (CN’s Attorney) in his October 21, 2008 letter addressed to Victoria J. Rutson. As Barrington’s Appendix B attached to this filing shows, the actual capacity of Phase I is 750,000 TEUs, and increase of 50%. This post-transaction evidence must now supersede the outdated information upon which the Board relied in 2008 because the original PPR traffic assumptions have now been exceeded by almost 24%. Without doubt, there has been and will continue to be a greater impact on Barrington from Phase I Intermodal traffic than had been contemplated by the Board in 2008.</p> <p>Furthermore, even the Appendix provided by CN on 1/26/15 states that carloads were not accounted for in the EIS process. Because the number of carloads also has a major impact on the time it takes for any given train to travel through Barrington, simply looking at train numbers gives only an incomplete picture of the freight impacts being experienced in Barrington. Clearly, the Village’s request for grade separation relief is supported by current and reasonably foreseeable operations at the Port of Prince Rupert.</p>
16	<p>CN states: <i>“As long ago as -- almost a decade before the transaction – Barrington was conducting traffic studies to analyze ways to reduce congestion in downtown Barrington”</i> and that one of the options was a grade separation at Hough Street. 1/26/15 CN Surreply at 7. <i>“Barrington had been seeking a grade separation independent of the Transaction.”</i> 1/26/15 CN Surreply at 20.</p>	<p>As Barrington could more fully explain during the course of oral argument, the 2001 traffic study had nothing to do with U.S. Highway 14, but instead, addressed roadway conditions on Hough Street/IL Route 59, which is a 2-lane road. That study did not address U.S. Highway 14, which is a 4-lane highway. The Board should also note that a grade separation on Hough for the EJ&E and the UP rail lines was one of just 19 options reviewed and, in short order, eliminated. As IDOT’s Deputy Director correctly noted in his letter supporting Barrington’s current Board petition, “IDOT had no plans for improvement” on U.S. Highway 14 prior to CN’s freight traffic, and neither did Barrington.</p>
17	<p><i>“Barrington argues that CN’s reliance on average number of trains per day, even</i></p>	<p>CN fails to understand that the discussion on train averages was only meant to show that the use of</p>

	<p><i>if accurate, is ‘highly misleading’ and then goes on to explain how averaging is used. 1/26/15 CN Surreply at 14.</i></p>	<p>averages deflects attention from the actual impact of what is happening on the ground in Barrington as a result of CN’s freight traffic, which on a given day may include 25 trains. Whether you have 18 or 25 6,916-foot trains (on average) traveling on a rail line on any given day that cut across four crossings within a span of 5,918 feet -- especially with US Highway 14 having an ADT of 30,800 in 2013 – the result is gridlock due to that freight traffic and the ensuing vehicle queues that interconnect in all directions.</p>
<p>18</p>	<p><i>“Regardless of the Board’s monitoring and oversight condition, if Barrington ‘has presented no new evidence, changed circumstances, or material error that ‘would mandate a different result,’ then the Board will not reopen.” 1/26/15 CN Surreply at 21.</i></p>	<p>Nothing prevents the Board from reopening of its own volition as it stated in its December 16, 2014 Decision extending oversight on this transaction: <i>“The Board may, on its own motion ... reopen a proceeding based on material error, new evidence, or substantially changed circumstances.49 U.S.C. § 722(c); 49 C.F.R. § 1115.4.7”</i> Barrington simply requests that the Board invoke its powers to reopen, re-examine current and reasonably foreseeable emerging impacts, and then provide relief to the Village that is equitable with the relief it granted to Lynwood and Aurora.</p>
<p>19</p>	<p>CN argues that Barrington’s speculations regarding the general prospects for rail freight traffic across North America, should not <i>“trump the specific evidence provided by CN about its expectations for, and limitations on, traffic growth through Barrington.”</i> 1/26/15 CN Surreply at 10.</p>	<p>Because CN’s self-serving statements to the Board in this proceeding are consistently contradicted by its own senior executives in annual reports, corporate fact books, and in earnings calls with the investor community, and further undermined by third-party market reports, the Board must take a hard look at the comments that reflect the views of top CN management that the acquisition of the EJ&E line is of crucial importance to CN’s rail franchise – especially when a key goal driving CN’s acquisition of the EJ&E was to shift traffic from Chicago’s congested inner rail lines to a bypass line that could transport freight more rapidly to tri-coastal destinations.</p>

APPENDIX A
POST-ACQUISITION DATA FOR REPORTABLE BLOCKAGES ON THE EJ&E
(Spaulding to Leighton Line Segment)
Includes March 2009 through December 2014 Data

Roadway Name	Gilmer Road	Old McHenry Road	Oakwood Road	Main Street in LZ (SR 22)	Old Rand Road (ADT of 4,300)	Ela Road	Cuba Road	Lake Zurich Road	US 14	Hough Street (IL 59)	Lake Cook/Main Street	Otis Road	Penny Road	Old Sutton Road
Total Blockages	229	87	73	58	Crossing Omitted From All CN Reports	160	344	44	60	62	63	199	89	127

NOTES:

- Numbers are conservative based on early implementation CN undercounts.
- Grade crossings are arranged from north to south on the EJ&E.
- Blue cells indicate Barrington's four grade-level crossings.

APPENDIX B
PRINCE RUPERT PORT AUTHORITY
ANNUAL TRAFFIC SUMMARY for FAIRVIEW CONTAINER TERMINAL
FROM 2007 THROUGH 2014 (FULL YEAR)

(Per PPR: Fairview Terminal began operations Nov. 1, 2007)

YEAR	TOTAL TEUs	TOTAL TONS	IMPORT TEUs	EXPORT TEUs	IMPORT TEU VARIANCE
2014	618,167	6,181,680	359,960	258,208	18.47%
2013	536,439	5,364,393	303,840	232,599	-4.47%
2012	564,857	5,648,567	318,068	246,789	37.61%
2011	410,469	4,104,693	234,742	175,727	21%
2010	343,366	3,433,662	193,507	149,859	24.2%
2009	265,259	2,652,598	155,893	109,365	54.2%
2008	181,890	1,818,900	data not available	data not available	988.9%
2007	16,703	167,030	data not available	data not available	not applicable

Future Capacity Statements:

CN Rail's Intermodal network links Prince Rupert's Maher Terminals to the rest of the continent

Posted By [DevAdmin](#) On November 1, 2013 @ 10:08 am In [Business and Economy, Gateways and Corridors, Ocean Carriers, Other, Ports and Terminals, Rail, Supply Chain and Logistics](#) | [Comments Disabled](#)

By R. Bruce Striegler

Intermodal centres changing the nature of North American rail shipments

CN Rail's Vice-President of Intermodal Services, Keith Reardon, tells us, "Our intermodal operations from the port of Prince Rupert originate at the Fairview Container Terminal operated by Maher Terminals." It sits on a 24-hectare site with direct on-dock access to the rail line and is the first dedicated intermodal terminal in North America with operational capacity to move 750,000 TEUs (twenty foot equivalents units) per year. "We run about two trains per day from Prince Rupert, transferring containers loaded with imports from the ships to trains, which then move that cargo out to destinations across North America." He says each train is about 10,500 to 11,000 feet long (approximately 100 to 110 cars), pulled by two high-horsepower locomotives. Trains arriving in Prince Rupert carry both loaded containers for export, along with empties, which are all transferred to the waiting ship.