



Kathryn J. Gainey  
Counsel, US Regulatory Affairs

601 Pennsylvania Avenue, NW  
Suite 500, North Building  
Washington, DC 20004  
T 202-347-7840

Kathryn.Gainey@cn.ca

July 1, 2019

248072

Allison C. Davis  
Acting Director, Office of Proceedings  
Surface Transportation Board  
395 E St SW  
Washington, DC 20423

ENTERED  
Office of Proceedings  
July 1, 2019  
Part of  
Public Record

Re: *Assessment of Mediation and Arbitration Procedures*, Ex Parte No. 699:  
Notice of Arbitration Opt-in

Dear Ms. Davis,

The US rail operating subsidiaries of the Canadian National Railway Company ("CN") hereby gives notice that it will consent to participate in the Board's Arbitration Program pursuant to 49 C.F.R. § 1108.3. CN consents to participate in the Arbitration Program for disputes involving demurrage charges ranging from \$3,000 to \$200,000 in value ("eligible matters").

CN will agree to arbitrate those eligible matters involving regulated commodities moving under common carrier rates and conditions. In the event that eligible matters fall within the scope of other arbitration agreements, such as the National Grain and Feed Association (NGFA) Rail Arbitration Rules, the AAR Interchange Rules, or the matter is subject to an arbitration clause in an agreement, CN will continue to arbitrate such disputes under the other applicable arbitration rules, unless both parties agree in writing to use the Board's Arbitration Program for a specific dispute.

CN's participation in the Arbitration Program is limited to disputes between CN and individual shippers. CN does not agree to arbitrate disputes involving class actions or disputes brought by trade associations. Furthermore, CN does not consent to arbitrate any dispute that is subject to pending litigation that would otherwise be an eligible matter.

Allison C. Davis  
July 1, 2019  
Page 2

CN reserves its right pursuant to 49 C.F.R. § 1108.3(b) to withdraw or limit its participation in the Board's Arbitration Program upon 90-days' written notice, or, in the event the regulations are altered, to 90 days or the time specified by the regulations, whichever is shorter.

Sincerely,

A handwritten signature in black ink that reads "Kathryn J. Gaaney". The signature is written in a cursive style with a large, sweeping flourish at the end.

Kathryn J. Gaaney