

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35087 (Sub-No. 8)

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

[Barrington Petition for Mitigation]

Decided: November 1, 2011

In the lead docket in this matter, FD 35087, the Board approved the acquisition of control by Canadian National Railway Company and Grand Trunk Corporation of EJ&E West Company, subject to numerous conditions, including a monitoring and oversight condition under which the Board retained jurisdiction to impose additional conditions and take other action if necessary.¹

On October 14, 2011, the Village of Barrington, Ill. (Barrington) filed a petition seeking imposition of additional mitigation pursuant to the Board's continuing oversight jurisdiction and, in the alternative, a petition to reopen the proceeding. Barrington simultaneously filed with its petition a motion seeking partial waiver of the requirement that each document filed in this proceeding be sent to all persons designated as a "party of record" on the service-list notice in the lead docket.² Barrington states that, because the relief it seeks on reopening applies only to Barrington, there is no need for service on the several hundred individuals who have no continuing interest in this proceeding, especially in light of the financial burden imposed by such a service requirement. Barrington further suggests the creation of a new sub-docket to permit any interested persons the opportunity to intervene as parties of record in a new proceeding.

Barrington's motion will be granted. A new sub-docket, FD 35087 (Sub-No. 8), has been created for adjudicating Barrington's petition. Any interested person wishing to file comments or other pleadings related to Barrington's petition shall do so in this new sub-docket. Any document filed with the Board in this sub-docket shall be furnished promptly to interested persons on request, consistent with the protective order in Docket No. FD 35087. Also, any

¹ See Canadian Nat'l Ry. & Grand Trunk Corp.—Control—EJ&E W. Co., FD 35087 (STB served Dec. 24, 2008).

² See Canadian Nat'l Ry. & Grand Trunk Corp.—Control—EJ&E W. Co., FD 35087 (STB served Jan. 25, 2008).

document filed in this sub-docket should include a certificate showing simultaneous service upon all parties in this sub-docket.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Barrington's request for partial waiver of service in the lead docket, FD 35087, is granted.
2. All filings pertaining to Barrington's petition for mitigation shall be filed in, and served upon all parties in, the newly created sub-docket, FD 35087 (Sub-No.8). The Board's regular rules of procedure set forth in 49 C.F.R. pt. 1104 shall apply.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.