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December 3, 2014

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, D. C. 20423

Re: Docket No. FD 35087, Canadian National Railway Company and  
Grand Trunk Corporation—Control—EJ&E West Company

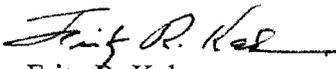
Dear Miss Brown:

Attached for filing in the subject proceeding is the Petition of the Illinois Department of Transportation respectfully requesting the Board to extend its monitoring and oversight period for an additional two years, until January 23, 2017.

Copies of this letter and its attachment are being served by me by email to counsel for the Canadian National Railway Company, Paul A. Cunningham, Esq.

If you have a question concerning this filing or if I otherwise can be of assistance, please let me know.

Sincerely yours,

  
Fritz R. Kahn

Att.

Cc: Paul A. Cunningham, Esq.

SURFACE TRANSPORTATION BOARD

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Docket No. FD 35087

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

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PETITION  
OF  
ILLINOIS DEPARTMENT OF TRANSPORTATION

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Attorneys for

ILLINOIS DEPARTMENT OF TRANSPORTATION

Dated: December 3, 2014

SURFACE TRANSPORTATION BOARD

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Docket No. FD 35087

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

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PETITION  
OF  
ILLINOIS DEPARTMENT OF TRANSPORTATION

Petitioner, Illinois Department of Transportation (“IDOT”), respectfully requests the Board to extend the monitoring and oversight period for an additional two years, until January 23, 2017.

By its Approval Decision, served December 24, 2008, the Board approved the Canadian National Railway Company’s acquisition of the EJ&E West Company, subject to numerous environmental and other conditions. As the Board stated in Decision No. 26, served December 21, 2010:

“The approval was subject to 5-year monitoring and oversight period to allow the Board to examine closely various aspects of the transaction, including community concerns about post-acquisition increased delay and blockage at the numerous highway/rail at-grade crossings . . . on the former EJ&E line. As part of the oversight process, CN must file monthly reports on operational matters, including information pertaining to post-merger interchanges, railroad at-grade crossings, train volumes, accidents and incidents, and street crossing blockages. CN is also required to file quarterly environmental reports

on the implementation of the Board's environmental conditions.”

Although the Approval Decision provided for a five-year monitoring and oversight period, the Board by its Decision No. 26 extended it for an additional year, until January 23, 2017. The reasons for this are twofold: first, and most importantly, CN has experienced significant increased business in the Chicago area since the entry of the Board's Approval Decision and particularly over the last two years. The increase is due to new business acquired by CN attributable to the strength of the country's economic recovery and the growth in the movement of crude oil by rail, which also have positively affected other freight railroads. From representatives of the affected communities, IDOT has learned that this surge in new business has resulted in corresponding increases in both the number of CN trains per day and the average length of those trains running over the CN corridor through the communities of Northeastern Illinois located along the former EJ&E line acquired by the CN. The Board would be well advised to continue to receive, for two more years, the monthly reports from CN of its compliance with the conditions which the Board imposed in its Approval Decision; it seems clear that the Board's mere instruction to CN to continue its filing of monthly reports should not and would not constitute a reopening of the Approval Decision.

A second reason for the filing of this Petition is that an extension of two years would provide the Board oversight through final completion of the two grade separation projects (on Route 30 in Lynwood, Illinois, and on Route 34 in Aurora, Illinois) ordered as Environmental Condition No. 14 by the Board, which was such an important and essential element of the Board's Approval Decision.

In sum, the railroads' merger continues significantly to affect the communities of Northeastern Illinois, and it is therefore in their interest that IDOT respectfully asks the Board to continue, for another two years, its general monitoring and oversight of the transaction that the Board conditionally approved by its Approval Decision.

WHEREFORE, the Illinois Department of Transportation requests that Board extend the monitoring and oversight period for an additional two years until January 23, 2017.

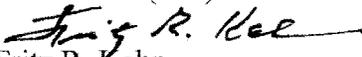
Respectfully submitted,

ILLINOIS DEPARTMENT OF TRANSPORTATION

By its attorneys,

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Dated: December 3, 2014

CERTIFICATE OF SERVICE

I certify that I this day have served a copy of the foregoing comments on Canadian National Railway Company by e-mailing a copy to its attorney, Paul A. Cunningham, Esq. at [pac@harkinscunningham.com](mailto:pac@harkinscunningham.com).

Dated at Washington, DC, this 3<sup>rd</sup> day of December, 2014.

  
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Fritz R. Kahn