

December 21, 2022

Kathryn K. Floyd

T 202.344.4696
KKFloyd@Venable.com

Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Docket No. FD 36500, Voluntary Mitigation

Dear Ms. Gosselin:

I'm writing to let you know that it recently has come to our attention that that Applicants' Voluntary Mitigation Measure 12 contains an error. That language was taken directly from the Board's EIS in a prior merger decision, the CN/EJ&E. Unfortunately, it cites an operating rule and summary that is not from the General Code of Operating Rules adopted by CP (and hundreds of other railroads); rather, it is from CN's own individual version of rail operating rules. The previously submitted language read as follows:

Original VM 12 – The Applicants will operate under U.S. Operating Rule No. 526 (Public Crossings), which provides that public crossings must not be blocked longer than 10 minutes unless it cannot be avoided and that, if possible, rail cars, engines, and rail equipment may not stand closer than 200 feet from a highway/rail at-grade crossing when there is an adjacent track.

To correct the error, the Applicants' request the following language for VM12 be substituted so that it accurately reflects CP's adoption of the General Code Operating Rules as provided to the Federal Railroad Administration.

VM 12 – The Applicants will operate under the General Code of Operating Rules (GCOR) rule numbers 6.32.6 (Blocked Public Crossings) and 6.32.4 (Clear of Crossings and Signal Circuits) which

Danielle Gosselin
December 21, 2022
Page 2

provide that, when practical, a standing train or switching movement must avoid blocking a public crossing longer than 10 minutes and, when practical, cars, engines and other equipment should not be left standing closer than 250 feet from a road crossing when there is an adjacent track.

As always, we are happy to discuss these issues with you, so please don't hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Kathryn K. Floyd".

Kathryn K. Floyd

cc: Sean Cline
David Meyer
Jeffrey Songer
Glen Wilson
Joe Van Humbeck
Kayden Howard
William Mullins
Erin Glavich
Joshua Wayland
Victoria Rutson
Alan Summerville