

SERVICE DATE – OCTOBER 19, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35087¹

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

Decision No. 20

Decided: October 16, 2009

In Decision No. 16, served December 24, 2008 (Approval Decision), the Board approved, subject to numerous environmental mitigation and other conditions, the acquisition of control by Canadian National Railway Company and Grand Trunk Corporation (together, CN or Applicants) of EJ&E West Company, a wholly owned, noncarrier subsidiary of Elgin, Joliet and Eastern Railway Company (EJ&E).

In the Approval Decision (slip op. at 40), the Board encouraged communities and other entities to continue seeking to reach negotiated settlement agreements with Applicants. The Board indicated that the terms of any such agreements would be imposed as additional mitigation conditions in lieu of any site-specific mitigation conditions related to that community or entity in the Approval Decision. In Decision No. 19, served August 5, 2009 (Reconsideration Decision), the Board modified the mitigation measures imposed in the Approval Decision to reflect new negotiated agreements entered into with various communities in Illinois and Indiana.

Applicants recently have submitted new negotiated agreements entered into with Village of Hawthorne Woods, IL (executed September 14, 2009), and Village of Park Forest, IL (executed September 23, 2009). Accordingly, we will reopen the Approval Decision to impose

¹ This decision also embraces Elgin, Joliet and Eastern Railway Company—Corporate Family Exemption—EJ&E West Company, STB Finance Docket No. 35087 (Sub-No. 1); Chicago, Central & Pacific Railroad Company—Trackage Rights Exemption—EJ&E West Company, STB Finance Docket No. 35087 (Sub-No. 2); Grand Trunk Western Railroad Incorporated—Trackage Rights Exemption—EJ&E West Company, STB Finance Docket No. 35087 (Sub-No. 3); Illinois Central Railroad Company—Trackage Rights Exemption—EJ&E West Company, STB Finance Docket No. 35087 (Sub-No. 4); Wisconsin Central Ltd.—Trackage Rights Exemption—EJ&E West Company, STB Finance Docket No. 35087 (Sub-No. 5); EJ&E West Company—Trackage Rights Exemption—Chicago, Central & Pacific Railroad Company, STB Finance Docket No. 35087 (Sub-No. 6); and EJ&E West Company—Trackage Rights Exemption—Illinois Central Railroad Company, STB Finance Docket No. 35087 (Sub-No. 7).

upon Applicants conditions requiring them to comply with the terms of these new agreements. There are no existing site-specific conditions that pertain to the communities that have now entered into negotiated agreements.

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

It is ordered:

1. This proceeding is reopened.
2. To reflect new negotiated agreements, the following condition is added to the end of the environmental conditions in Appendix A of the Approval Decision (as modified by the Reconsideration Decision):

Additional Agreements

76. Applicants shall comply with the terms of the following negotiated agreements:
 - a. the negotiated agreement executed by Hawthorne Woods, IL, and Applicants on September 14, 2009.
 - b. the negotiated agreement executed by Park Forest, IL, and Applicants on September 23, 2009.
3. This decision is effective on the date of service.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.

Anne K. Quinlan
Acting Secretary