

**SURFACE TRANSPORTATION BOARD ISSUES PROCEDURAL DECISION IN  
PROPOSED CANADIAN NATIONAL RAILWAY ACQUISITION OF ELGIN, JOLIET &  
EASTERN RAILWAY**

The Surface Transportation Board (Board) today accepted for consideration the application of the Canadian National Railway Corporation and Grand Trunk Corporation (together, CN) to acquire control of the Elgin, Joliet & Eastern Railway Company (EJ&E), established a procedural schedule, and announced that its environmental review of the transaction would include preparation of a full Environmental Impact Statement (EIS).

In today's decision, the Board accepted the application as a "minor" transaction under the Board's regulations, and adopted a procedural schedule to govern the submission of evidence and argument regarding the transaction. The Board also concluded, however, that preparation of an EIS is warranted in view of the large projected traffic increases on certain line segments and the resulting potential impacts of the proposed transaction on a number of communities. A Draft EIS will be prepared that will analyze in detail the potential environmental impacts of the transaction. The public will have at least 45 days to comment on the Draft EIS, after which a Final EIS will be prepared that will respond to the public comments and include recommendations for any environmental mitigation conditions. The Board will then take the full environmental record into account in deciding whether to authorize the transaction as proposed, deny it, or authorize it with conditions.

Although, under the Board's statute, the transportation merits of the transaction would be reviewed and a final decision ordinarily be issued by April 2008, the Board noted today that it will not issue a final decision until the environmental review process, which proceeds on a separate track, is complete. The Board said that the length of time needed to prepare the EIS and complete the environmental review process cannot be predicted in advance, but that in past cases the EIS process has taken anywhere from 18 months to several years.

Commissioner Mulvey dissented from the Board's finding that this is a "minor" transaction.

The procedural schedule adopted in today's decision is attached.

The Board's [decision in Canadian National Ry. and Grand Trunk Corp.—Control—EJ&E West Co., STB Finance Docket No. 35087](#), will be published in the *Federal Register* and is available for viewing and downloading on the agency's Web site at <http://www.stb.dot.gov> under "E-Library," then under "Decisions & Notices," beneath the date "11/26/07." Printed copies of the Board decision also are available for a fee by contacting **ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706, telephone (202) 306-4004, or via [asapdc@verizon.net](mailto:asapdc@verizon.net)**.

**ATTACHMENT: PROCEDURAL SCHEDULE**

October 3, 2007: Motion for Protective Order filed.

October 22, 2007: Protective Order issued.

October 30, 2007: Primary Application, Related Filings, and Motion to Establish Procedural Schedule filed.

November 29, 2007: Board notice of acceptance of application published in the Federal Register.

December 13, 2007: Notices of intent to participate in this proceeding due.

January 28, 2008: All comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application or related filings, including filings of DOJ and DOT, due.

March 13, 2008: Responses to comments, protests, requests for conditions, and other opposition due. Rebuttal in support of the primary application or related filings due.

TBD: A public hearing or oral argument may be held.

TBD<sup>1</sup>: Date by which a final decision will be served.

TBD<sup>2</sup>: Date by which a final decision will become effective.

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<sup>1</sup>Under 49 U.S.C. 11325(d)(2), a final decision would be issued by April 25, 2008; however, the Board also is required to accommodate NEPA in its decisionmaking. Therefore, a final decision here will be issued as soon as possible after completion of the EIS process.

<sup>2</sup>The final decision will become effective 30 days after it is served.

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