

## **SURFACE TRANSPORTATION BOARD ISSUES GUIDANCE ON PARTICIPATION IN ECONOMIC & ENVIRONMENTAL ANALYSES OF THE PROPOSED CANADIAN NATIONAL RAILWAY ACQUISITION OF ELGIN, JOLIET & EASTERN RAILWAY**

In response to inquiries from the public, The Surface Transportation Board (Board) is providing additional guidance on how to participate in the economic and environmental analyses of the proposed acquisition of the Elgin, Joliet & Eastern Railway Company by Canadian National Railway Corporation and Grand Trunk Corporation.

The Board will review the proposed transaction through two parallel but distinct processes: (1) a process that examines the competitive, transportation, and economic implications of the acquisition on the national rail system, and (2) a process conducted by the Board's Section of Environmental Analysis (SEA) that assesses the potential environmental effects of the proposed acquisition on the human and natural environment through preparation of an Environmental Impact Statement (EIS). Interested persons may participate in either, or both, processes, but if interests are focused on potential impacts on communities, including grade crossing safety, air emissions, emergency vehicle access, noise, vibration, and other similar environmental issues, then the appropriate forum is SEA's environmental review process.

**Environmental review process.** SEA's environmental review process is intended to assist the Board and the public in identifying, assessing, and if appropriate, mitigating, the potential environmental consequences of a proposed action before a decision on the proposed action is made. The environmental review process includes the following steps:

**Notice of Intent.** The Board will publish in the Federal Register, likely in late December 2007, a Notice of Intent to prepare an EIS. The NOI also will be mailed to all parties on the environmental distribution list, which includes anyone who has sent the Board a letter on the proposed CN-EJE transaction, and will be posted on our Web site. The NOI will also include information about the next phase of the environmental review process, known as "scoping."

**Scoping.** Scoping is an open process for determining the breadth of environmental issues to be addressed in the EIS. The scoping process will include a number of open house meetings to be held in mid to late January in the project area, at which members of the public will have the opportunity to discuss their interests and concerns with SEA staff. Members of the public can also submit written comments to SEA at this stage of the process.

**Draft EIS.** Following scoping, SEA will prepare a Draft EIS (DEIS) and will distribute it widely for public review and comment. Once the DEIS is released, the public will have at least 45 days to submit comments. During the public comment period, additional public meetings may be held. If members of the public are unable to travel to meetings, they may send in written comments at any time during the comment period. Both oral and written comments will be given equal attention.

**Final EIS.** SEA will then prepare a Final EIS (FEIS) that considers comments on the DEIS and makes final recommendations to the Board. In reaching its decision whether

to approve the transaction, deny it, or approve it with mitigating conditions, the Board will take into account the DEIS, the FEIS, and all the environmental comments (both oral and written) that are received.

**Review of competitive and economic issues.** Filings addressing the competitive and economic aspects of the proposed transaction must be filed with the Board in Finance Docket No. 35087 in accordance with the schedule outlined in Decision No. 2, available on the Board's Web site as indicated below. Any person who wishes to participate in this aspect of the Board's review process as a Party of Record (POR) must file a notice of intent to participate by December 13, 2007. (POR is a legal status requiring formal service of all submissions on all other PORs. There is no need to become a POR to participate actively in the environmental review process.) All economic and competition-related comments, protests, requests for conditions, and any other evidence and argument in opposition to the transaction must be filed by January 28, 2008. Parties will then be given the opportunity to file responses and rebuttal in support of the transaction by March 13, 2008. If a public hearing or oral argument is held, it will be held on a date determined by the Board.

Following completion of both the economic/competitive review process and the EIS process, the Board will issue a final decision approving the transaction, denying it, or approving it with mitigation conditions.

For further information on deadlines and dates, please see the Board's [decision in Canadian National Ry. and Grand Trunk Corp.—Control—EJ&E West Co., STB Finance Docket No. 35087](#), which 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).

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