Attachment Q4

Information Request No. 4

*SURFACE TRANSPORTATION BOARD*
*Washington, DC 20423*

*Section of Environmental Analysis*

April14, 2008

Normand Pellerin
Assistant Vice-President, Environment
935, rue de La Gauchetiere Street West
Floor 12
Montreal, Quebec H3B 2M9

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

Dear Mr. Pellerin:

Pursuant to 40 C.F.R. § 1506.5(a), I am enclosing our fourth request (information request #4) for information needed for the purposes of the Section of Environmental Analysis' (SEA) environmental review in connection with the above-referenced proceeding. As we previously discussed, this information will assist SEA in conducting the technical analysis necessary for the preparation of the Draft Environmental Impact Statement. This information specifically relates to the proposed transaction and associated rail improvements.

Thank you for your continued assistance. Please provide a copy of your response as soon as possible to Phillis Johnson-Ball of my staff and to our independent third-party consultant, John Morton, at HDR, 8404 Indian Hills Drive, Omaha, Nebraska, 68114-4098.

Sincerely

Victoria J. Rutson
Chief
Section of Environmental Analysis

Cc: Phillis Johnson-Ball, STB
John Morton, HDR Engineering, Inc.

HDR copy

STB Finance Docket No. 35087, Canadian National Railway Company and Grand Trunk Corporation – Control – EJ&E West Company

Information Request #4
April 14, 2008

1. Please describe CN's proposed vegetation management program (both mechanical and chemical) within the study area. Do CN's management activities vary around water/wetlands, sensitive species and critical habitats?

2. Please explain how CN controls invasive plant species within railroad ROW. What is CN's proposed plan to control invasive species within the areas of new rail construction (e.g., is the area seeded with plant species native to the project vicinity)?

3. Are any rail improvements planned on bridges or culverts that are in wetlands or over water crossings? If so, where are these locations?

4. Concerns were raised during scoping regarding the potential for trains hitting animals. Does CN or EJ&E have any historic or current records for animal strikes/kills within the EJ&E rail corridor?

5. What information does CN or EJ&E have on limitations to rail operations within the critical habitat for the Hine's Emerald Dragonfly?

6. The Phase I site assessment report CN provided for Information Request #1 does not contain any information about the auto scrap yard that is a hazardous materials concern at the CN/EJ&E rail connection in Joliet. Please provide any recent site assessment information or reports CN may have regarding the Joliet auto scrap yard.

7. Since freight rail traffic will decrease on several CN lines inside the EJ&E rail arc, what effects or changes in rail operations are anticipated at Markham Yard and other rail yards inside the EJ&E arc?

8. CN previously provided estimated fuel use for both the pre and post transaction based on gross ton-miles and fuel efficiency factors. We understand that CN is now up-dating this fuel use estimate to include a full consideration of the reduced idling time for the post-transaction scenario. In addition, we understand that CN is also preparing an assessment of the possible change in fuel use for other rail lines since under the post-transaction scenario the interchange location will change. Please provide us with the updated fuel use estimates and a discussion of the assumptions CN used in calculating off-setting fuel savings.

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May 1, 2008

**BY FEDEX**

Ms. Victoria J. Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

**Re:** ***Canadian National Railway Company and Grand Trunk Corporation – Control – EJ&E West Company*** **(STB Finance Docket No. 35087)**

Dear Ms. Rutson:

I am writing, on behalf of Applicants Canadian National Railway Company and Grand Trunk Corporation (together, "Applicants"; together with their rail carrier subsidiaries, "CN"), to provide you and HDR Engineering, Inc. ("HDR"), with the responses to your Data and Information Request #4, which you sent as an enclosure to your letter of April 14, 2008, to Normand Pellerin of CN.

1. Please describe CN's proposed vegetation management program (both mechanical and chemical) within the study area. Do CN's management activities vary around water/wetlands, sensitive species and critical habitats?

CN primarily uses chemical herbicides, applied by a contractor (currently, RWC Inc. ("RWC")), to manage vegetation on its right-of-way. In addition, it uses brush cutting or mowing to control vegetation on portions of the right-of-way where spraying is ineffective. RWC, which has had the CN vegetation control contract for several years, designs the control program, varying the chemicals to be applied according to the particular species being controlled in different areas. All of RWC's applicators are licensed in all states in which CN operates, and the company is required to accept liability for any misapplication. RWC is therefore very careful not to apply chemicals in a way that would be harmful to any water or wetland areas. As a general rule, CN takes care to avoid spraying chemicals on open water, and RWC applicators have notes to inform them about areas which for this reason should not be sprayed.

Through the efforts of the railroad industry, most U.S. states recognize a continuing education program offered through Purdue University, which administers an exam

under which RWC's applicators are qualified. In addition, CN has its own quality control program to check on RWC's work.

2. Please explain how CN controls invasive plant species within railroad ROW. What is CN's proposed plan to control invasive species within the areas of new rail construction (e.g., is the area seeded with plant species native to the project vicinity)?

CN is very aggressive in controlling invasive plant species, and its contract with RWC calls for the contractor to spray herbicides to control invasive species such as Johnson grass and Canadian thistle. If RWC is unable to control such species by spraying during its regular vegetation control treatment, it makes a special trip to spray exclusively for invasive plants. In most areas, the result that CN is seeking from its vegetation control program is not bare ground, but rather control of undesirable species. If RWC fails to provide this, it is required to come back and re-treat the area.

RWC designs its spraying program by applying its knowledge of available herbicides to specific observations of what is present on the CN property. In addition to performing vegetation control treatments, RWC applicators working on the CN right-of-way report in on species that have emerged and problems that have arisen, so that the program may be modified as appropriate. RWC applicators also make additional annual inspection trips to see if there have been any changes in the species present on the property.

CN's treatments would be applied to any areas of new construction. CN does not anticipate problems with invasive species on those areas, however, as it plans to seed them with native species.

3. Are any rail improvements planned on bridges or culverts that are in wetlands or over water crossings? If so, where are these locations?

Under current Illinois Environmental Protection Agency ("IEPA") policy, wetland determinations can only be made when wetland species are growing (*i.e.*, between May and October); therefore, CN's consultants have not yet been able to perform the required reviews to determine whether wetlands are present at the locations of rail construction proposed in connection with by the Transaction. However, CN can offer the following tentative judgment, based on currently available USGS quadrangle maps and GIS data and information from CN's consultants, regarding the probability that wetlands would be found at the site of each of the proposed improvements:

Gary connection – none

Griffith connection – none

Matteson connection – It is probable that wetlands would be found to be present at or near the site of the proposed connection. There are wetlands on the south side of the EJ&E line, east of Main Street. (The "stream" that crosses the EJ&E (Bridge No. 265, station 5013+16.50), is shown on EJ&E's track charts as 36" pipe, and Bridge No. 266, station 5021+87, is shown on the track charts as 30" pipe. That information is consistent with the field observations.)

Joliet to Frankfort second main track – A second track will be added over all of the bridges and culverts within the project limits, using the portion of the right-of-way where a second main track was removed several years ago. It is possible that some of the culverts running under the right-of-way may need to be replaced or extended. Bridge No. 219 (station 4057+94), which is an open deck plate girder, crosses an unnamed tributary to Sugar Run. A new deck will be required for the side that will carry the new track, but CN does not anticipate any channel disturbance at this structure.

Joliet connection – No improvements are planned to existing bridges over water crossings. A new bridge or culvert will be required on or under the connecting track adjacent to Bridge AO-35.0 on the IC main tracks. (The quadrangle maps do not show a blue line stream running under the IC track at the site of Bridge AO-35.0, so it appears that it is not a water crossing; CN has not yet determined whether it is a wetland crossing.)

East Siding to Walker second main track – A second track will be added over all of the bridges and culverts within the project limits. It is possible that some of the culverts running under the right-of-way may need to be replaced or extended, especially in the locations where no previous second track existed. There appear to be wetlands at following culvert locations:

| CULVERT ID | STATION | DIAMETER | PIPE MATERIAL | LENGTH (FT) | WETLANDS PRESENT |
|---|---|---|---|---|---|
| BRIDGE NO. 163 | 2899+85 | 48" | CIP | 54 | YES |
| BRIDGE NO. 164.5 | 2952+89 | 18" | CIP | 30 | YES |
| BRIDGE NO. 165 | 2981+35 | 48" | CIP | 48 | YES |
| BRIDGE NO. 170 | 3116+41 | 30" | CIP | 48 | YES |

Note: CIP = corrugated iron pipe

Munger connection – It is probable that wetlands would be found to be present at Bridge No. 124 (station 2026+09), where there is a 48-inch reinforced concrete pipe culvert, and at a 36-inch reinforced concrete pipe culvert under the main line of CN's Freeport Subdivision, west of the EJ&E line (not shown on the track charts).

Diamond Lake Road to Gilmer Road second main track – A second track will be added over all of the bridges and culverts within the project limits. Some of the culverts running under the right-of-way where no previous second track existed will probably need to be replaced or extended. Judging from CN and EJ&E track charts, there appear to be wetlands at following culvert locations:

| CULVERT ID | STATION | DIAMETER | PIPE MATERIAL | LENGTH (FT) | WETLANDS PRESENT |
|---|---|---|---|---|---|
| BRIDGE NO. 53 | 844+99 | 36" | CIP | 42 | YES |
| BRIDGE NO. 54 | 838+30 | 18" | CIP | 72 | YES |
| BRIDGE NO. 51 | 827+53 | 30" | CIP | 60 | YES |
| BRIDGE NO. 49 | 798+73 | 7'-6" x 8'-3" | STONE & CONCRETE BOX | 33 | YES |
| BRIDGE NO. 48 | 791+65 | 24" | CIP | 60 | YES |
| BRIDGE NO. 47 | 764+97 | 18" | CIP | 66 | YES |
| BRIDGE NO. 46 | 754+55 | 18" | CIP | 36 | YES |
| | | 18" | CSP | 8 | YES |

Note: CIP = corrugated iron pipe; CSP = corrugated steel pipe

Leithton connection – It is probable that wetlands would be found to be present at or near the site of the proposed connection, as CN's current plan is to construct a second track through the ponded area.

4. Concerns were raised during scoping regarding the potential for trains hitting animals. Does CN or EJ&E have any historic or current records for animal strikes/kills within the EJ&E rail corridor?

CN does not track animal strikes/kills on its own lines, nor has it ever tracked such occurrences on the EJ&E corridor. Similarly, EJ&E reports to CN that it does not keep records of such incidents, though it has discussed the issue internally, and believes that the frequency of such incidents is negligible, and has fallen significantly as property adjacent to its right-of-way has been developed.

5. What information does CN or EJ&E have on limitations to rail operations within the critical habitat for the Hine's Emerald Dragonfly?

CN has not imposed any limitations on its rail operations for the benefit of the Hines emerald dragonfly ("HED"). CN is in contact with U.S. Fish and Wildlife Service regarding this issue and is actively studying CN's operations on the IC lines in the Lemont, Lockport, and Joliet areas (as

well as Metra and Amtrak lines in those areas) to determine if there is any evidence that those operations are resulting in a "take" of the HED for purposes of the Endangered Species Act.

EJ&E has designated certain areas along its Romeoville Branch as "Environmentally Sensitive," with signs posted at the outer limits of the sensitive zones, on account of the HED. Locomotives operating within such an Environmentally Sensitive zone must be shut down if left unattended for more than 30 minutes, and trains may not exceed a maximum speed of six miles per hour while any portion of the train is within such a zone during the "Restricted Season" (May 15 through September 15 of each year).

6. The Phase I site assessment report CN provided for Information Request #1 does not contain any information about the auto scrap yard that is a hazardous materials concern at the CN/EJ&E rail connection in Joliet. Please provide any recent site assessment information or reports CN may have regarding the Joliet auto scrap yard.

No additional environmental assessment has been conducted on any property associated with the subject proposed connection.

CN's current plan is to construct the connection at Joliet on the alignment identified in a PDF file (Question 6-NE Wye Alt 2 (NW).pdf) provided as part of Exhibit C to my letter to you of March 26, 2008 (responding to item no. 6 of SEA's Data and Information Request #2). CN therefore does not intend to acquire any property from the various parcel owners operating auto scrap yards to the east of the existing IC right-of-way in Joliet. Instead, CN is in the process of acquiring property located to the west of the IC tracks and to the north of the EJ&E. According to current plans, a portion of the new connection will be constructed on property located to the east of the IC tracks and north of the EJ&E, but existing information indicates that the properties in question are currently owned by the EJ&E. CN's Real Estate Department is currently working to verify ownership of the parcels in questions located to the east of the IC tracks.

At present, it appears that the owner of the parcel adjacent to this EJ&E property east of the IC tracks and north of the EJ&E may have encroached on the EJ&E property. Any identified environmental impacts from this encroachment will be properly assessed and/or remediated, as necessary, in accordance with IEPA requirements.

7. Since freight rail traffic will decrease on several CN lines inside the EJ&E rail arc, what effects or changes in rail operations are anticipated at Markham Yard and other rail yards inside the EJ&E arc?

The requested information may be found in an Excel file (Question 27-Traffic in Yards.xls) submitted as Exhibit E to my letter to you of April 1, 2008 (responding to item no. 27 of SEA's Data and Information Request #2).

8. CN previously provided estimated fuel use for both the pre and post transaction based on gross ton-miles and fuel efficiency factors. We understand that CN is now up-dating this fuel use estimate to include a full consideration of the reduced idling time for the post-transaction scenario. In addition, we understand that CN is also preparing an assessment of the possible change in fuel use for other rail lines since under the post-transaction scenario the interchange location will change. Please provide us with the updated fuel use estimates and a discussion of the assumptions CN used in calculating off-setting fuel savings.

CN's Service Design team is working to develop information regarding changes in fuel consumption by railroads other than CN and EJ&E, and from reductions in idling time. We will provide this information as soon as it becomes available and has been verified.

* * * * *

If you have any questions regarding any of these responses, please let me know, and we will provide you whatever additional information is needed.

Very truly yours,

Paul A. Cunningham /jmg

Paul A. Cunningham
Counsel for Canadian National Railway Company
and Grand Trunk Corporation

cc: John H. Morton
Normand Pellerin

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May 23, 2008

**BY HAND**

Ms. Victoria J. Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

**Re:** ***Canadian National Railway Company and Grand Trunk Corporation – Control – EJ&E West Company*** **(STB Finance Docket No. 35087)**

Dear Ms. Rutson:

I am writing, on behalf of Applicants Canadian National Railway Company and Grand Trunk Corporation (together, "Applicants"; together with their rail carrier subsidiaries, "CN"), to provide you and HDR Engineering, Inc. ("HDR"), with the information requested in item no. 8 of SEA's Data and Information Request #4, which you sent as an enclosure to your letter of April 14, 2008, to Normand Pellerin of CN.

8. CN previously provided estimated fuel use for both the pre and post transaction based on gross ton-miles and fuel efficiency factors. We understand that CN is now up-dating this fuel use estimate to include a full consideration of the reduced idling time for the post-transaction scenario. In addition, we understand that CN is also preparing an assessment of the possible change in fuel use for other rail lines since under the post-transaction scenario the interchange location will change. Please provide us with the updated fuel use estimates and a discussion of the assumptions CN used in calculating off-setting fuel savings.

SEA previously requested information regarding fuel consumption in item no. 19 of SEA's initial Data and Information Request, to which CN responded in my letters to you of February 15, February 29, and March 12, 2008 (including Exhibit C to my February 15 letter and Exhibit B to my March 12 letter). The exhibits to this letter (included on the enclosed CD) supplement CN's previous responses by providing information about changes in fuel consumption by railroads other than CN and EJ&E, and about fuel consumption by locomotives idling on the rail lines.

The first two panels ("EJE Lines" and "CN and Other Lines") of the Excel file enclosed as Exhibit A (Ex A-Segment_Fuel_Consumption_Summary_revised.xls) are identical with the panels of the same name in Exhibit B of my March 12 letter, adjusted to include a calculation of fuel consumed by locomotives while stopped along the lines, and to reflect CN's conclusion that two trains that the Operating Plan had projected would be rerouted to the EJ&E line after the Transaction will remain on their existing route.[1]

The third panel ("Foreign Carriers' Lines") presents CN's calculations of fuel consumed by other railroads to move trains received from or forwarded to CN within the EJ&E arc at present, to reflect the reduction in that consumption resulting from the anticipated shift of interchange locations. The third panel also presents CN's calculations of the gross-ton-miles moved on those trains per day on the other railroads' lines within the EJ&E arc, and the resulting gross-ton-miles per gallon. All these calculations are presented both pre- and post-Transaction. The fourth panel ("Total") sums up the data from the preceding three panels, and the final panel ("Change") reports a net increase in fuel consumption after implementation of the Transaction as 1,440 Imperial gallons per day (or 1,729 U.S. gallons per day, using a conversion factor of 1.20094992550486 U.S. gallons per imperial gallon).

To arrive at its conclusions regarding fuel consumed by locomotives idling while delayed on the EJ&E line after implementation of the Transaction, CN selected a section of its track (the Waukesha Subdivision between Leithton and Fond du Lac) that it judged had a traffic mix and other operating characteristics comparable to those of the EJ&E arc following implementation of the Transaction. Using all train events reported on this segment in 2006, CN determined the average run time between Leithton and Fond du Lac. CN then applied its train performance calculator ("TPC") to the typical train used in CN's previous fuel calculations (reported in my February 15 and March 13 letters) to determine the minimum run time ("MRT"). Total delay minutes on the Leithton-Fond du Lac segment were calculated by deducting the MRT from the 2006 average run time, and delay minutes per mile calculated by dividing that number by the mileage of the segment. The number of delay minutes per mile was then applied to the train miles in the operating plan to yield an estimate of 49.9 hours of delay per day for CN trains on the EJ&E arc.

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[1] Those trains, with train IDs 346 and 442, are interchanged today with CSXT at BRC's Clearing Yard. The Operating Plan projected that the interchange point would be shifted to Kirk Yard after the Transaction. As the Operating Plan observed, however, shifts in interchanges would require "CN and its Class I partners . . . to negotiate changes to existing Chicago-area interchange arrangements" (CN-2 at 217). CSXT has informed CN that it is unwilling to change the current arrangement, under which trains 346 and 442 are interchanged at Clearing Yard, and CN has therefore adjusted its fuel consumption calculations to reflect the fact that these trains are now expected to remain on their current route.

CN calculated the delay of CN trains currently operating on CN and other lines inside the EJ&E arc by using actual train events reported in 2006 to determine the average run time, then deducting the MRT time (calculated using the TPC), and arriving at a total delay of 200.4 hours per day. CN then followed the same procedure, but examining only those trains that are expected to remain on their current inside-the-arc routes after implementation of the Transaction, to calculate a delay of 24.1 hours per day for CN trains inside the arc after implementation of the Transaction. (This implicitly assumes that those trains would encounter the same delay that they do today, which is a conservative assumption, given that it is likely that the reduced congestion on those lines would result in a decrease in idle time.)

CN calculated the fuel consumed by its idling trains by applying the idle burn rates for each type of locomotive in the typical locomotive consist (one Dash 9 and one SD40) that was for the calculations reported earlier to SEA for trains moving on the EJ&E arc and on their current routes inside the arc.

To estimate the reduction in delay to other railroads' trains that are presently interchanged with CN inside the EJ&E arc, CN used its 2006 trains database to calculate the total time that CN trains occupy the lines of other carriers (*i.e.*, BRC, CSXT, CP, IHB) on a typical day, then calculating the delay minutes per mile and applying that factor to the inside-the-arc mileage of each run-through train interchanged with other railroads, to yield total delay minutes per day for those trains. CN then applied the delay minutes per day to its idle burn rate for the locomotives in the typical "other" locomotive consist (two Dash 9s) that were used in CN's earlier fuel calculations.

* * * * *

With the response to this item, there are no longer any outstanding items from SEA's Information Request #4. If you have any follow-up questions about this or any other items from Request #4, please feel free to call me, and I will do whatever I can to provide you with the answers.

Very truly yours,

Paul A. Cunningham
Counsel for Canadian National Railway Company
and Grand Trunk Corporation

Enclosure (on CD)

cc: Phillis Johnson-Ball
John H. Morton
Normand Pellerin

# *Fuel Consumption Summary for Line Segments in United States Affected by Canadian National/EJ&E West Company Transaction with CSXT Traffic via BRC Clearing Yard*

***EJE Lines***

| | Total Gallons (Imp) per Day | | Total GTM's per Day | | GTM's/Gallon (Imp) | |
|---|---|---|---|---|---|---|
| | Pre-Transaction | Post-Transaction | Pre-Transaction | Post-Transaction | Pre-Transaction | Post-Transaction |
| EJE Trains - Active | 2,849 | 2,849 | 2,549,135 | 2,549,135 | 895 | 895 |
| Other Trains - Active | 1,577 | 1,577 | 1,829,254 | 1,829,254 | 1,160 | 1,160 |
| CN Trains - Active | 366 | 14,133 | 340,192 | 17,213,079 | 930 | 1,218 |
| CN Trains - Delay | | 249 | | | | |
| Total | 4,792 | 18,808 | 4,718,581 | 21,591,468 | 985 | 1,148 |

Note: CN train delay fuel pre-transaction is included in CN and Other Lines

***CN and Other Lines***

| | Total Gallons (Imp) per Day | | Total GTM's per Day | | GTM's/Gallon (Imp) | |
|---|---|---|---|---|---|---|
| | Pre-Transaction | Post-Transaction | Pre-Transaction | Post-Transaction | Pre-Transaction | Post-Transaction |
| CN Trains - Active | 11,317 | 1,896 | 12,066,766 | 2,686,396 | 1,066 | 1,417 |
| CN Trains - Delay | 1,317 | 241 | | | | |
| Total | 12,633 | 2,137 | 12,066,766 | 2,686,396 | 955 | 1,257 |

***Foreign Carriers' Lines***

| | Total Gallons (Imp) per Day | | Total GTM's per Day | | GTM's/Gallon (Imp) | |
|---|---|---|---|---|---|---|
| | Pre-Transaction | Post-Transaction | Pre-Transaction | Post-Transaction | Pre-Transaction | Post-Transaction |
| Foreign Trains - Active | 2,803 | 981 | 2,642,519 | 941,805 | 943 | 960 |
| Foreign Trains - Delay | 267 | 10 | | | | |
| Total | 3,070 | 991 | 2,642,519 | 941,805 | 861 | 950 |

***Total***

| | Grand Total Gallons (Imp) per Day | | Grand Total GTM's per Day | | GTM's/Gallon (Imp) | |
|---|---|---|---|---|---|---|
| | Pre-Transaction | Post-Transaction | Pre-Transaction | Post-Transaction | Pre-Transaction | Post-Transaction |
| Total | 20,496 | 21,936 | 19,427,867 | 25,219,670 | 948 | 1,150 |

| | | |
|---|---|---|
| Change | | 1,440 |