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October 17, 2011

Ms. Phillis Johnson-Ball  
Deputy Director  
Office of Environmental Analysis  
Surface Transportation Board  
395 E Street SW  
Washington, D.C. 20423-0012

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

Dear Ms. Johnson-Ball:

Please find enclosed the eleventh quarterly status report on CN's implementation of the environmental and safety mitigation measures imposed in the Board's final decision served December 24, 2008, approving CN's acquisition of the major portion of the Elgin, Joliet and Eastern Railway Company (EJ&E).

As documented in our report and the attachments, we continue to make progress on these measures and conditions. Please note in particular that, in accordance with Voluntary Mitigation Condition #42 and the Board's determination that CN may use the so-called Active Crossing System (ACS) in lieu the closed circuit camera system originally required in Final Mitigation Condition #18, CN has now finalized the details of the ACS and it is rolling the ACS out to affected communities. CN has sent copies of the license agreement for the necessary software to the communities listed in "VM #42 ACS Attachment," and it plans to send copies to all other affected communities. The software is already in use in Griffith. Final implementation of ACS in other communities will depend on when those communities make the necessary personnel available. Please see "VM #42 ACS Attachment" for details on implementation progress as of the third quarter of 2011. CN will update this attachment in subsequent reports to reflect when communities have accepted and are using the ACS software.

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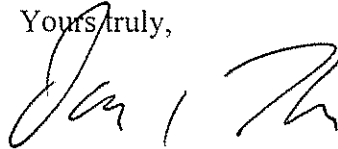
Ms. Phillis Johnson-Ball

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Please do not hesitate to contact me if you or your colleagues have any questions on this report or need additional information on CN's environmental mitigation activities.

Yours truly,

A handwritten signature in black ink, appearing to read "David A. Hirsh". The signature is stylized and cursive.

David A. Hirsh

Enclosure

cc: Victoria Rutson

# Quarterly Environmental Report

3<sup>rd</sup> Quarter, 2011

CN/EJ&E  
 Applicants' Voluntary Mitigation measures and STB's additional conditions  
 Per STB's Final Decision dated 12/24/08  
 Third Quarter 2011

Changes made since last report are noted in **bold** or ~~strikethrough~~.

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 1	Safety - Grade Crossings	Applicants shall consult with appropriate agencies to determine the final design and other details of the grade crossing protections or rehabilitations on the EJ&E's rail line. Implementation of all grade crossing protections shall be subject to the review and approval of the Federal Railroad Administration ("FRA") and the appropriate state Departments of Transportation.		CN met with the ICC on March 10, 2009 to discuss implementation and schedule of grade crossing protections, CN and ICC began a diagnostic review of crossings on April 6. IL crossing diagnostics were completed on April 14, 2009; Indiana crossing diagnostics were completed on May 8, 2009. <i>Please see VM #1 Attachment for reports.</i> Final ICC reports not yet received as of 12/14/09. ICC and CN have been exchanging information to clarify. Awaiting final return correspondence from ICC. This is standard procedure for all new or rehabilitated crossings and is ongoing.	In IL, ICC has responsibility for coordination. INDOT has responsibility for Indiana. FRA does not have authority. We will provide to FRA and/or IDOT upon their request. As per VM #49, part of EJ&E small project checklist.
VM 2		Applicants shall consult with appropriate state departments of transportation, counties and affected communities along the EJ&E rail line to develop a program for installing temporary notification signs or message boards, where warranted, in railroad right-of-way ("ROW") at highway/rail at-grade crossings, clearly advising the motorists of the increase in train traffic on affected rail line segments. The format and lettering of these signs shall comply with the Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (FHWA 2007b) and shall be in place no less than 30 days before and 6 months after the acquisition by CN of the control of the EJ&EW. The Applicants shall conduct a media campaign throughout the affected counties and communities surrounding the EJ&E rail line advising the public of increased operations along the EJ&E rail line. The campaign shall include the use of different media (radio, television, newspaper, Internet). Applicants shall distribute all information in both English and Spanish, where appropriate.	30 Days	Completed. Temporary signs installed at all public crossings, and all accessible private crossings. The format and lettering complies with the FHWA's Manual on Uniform Traffic Control Devices. On February 2, 2009, CN began a media campaign throughout the affected communities, running an ad advising residents of increased operations along EJ&E line. The ad, which was presented in both English and Spanish where appropriate, ran in print publications and online news websites. The media campaign ran for 30 days, ending on March 3. <i>Please see VM #2 Attachment for copy of temporary signage, copy of ad placed in area publications and list of publication dates.</i> Advisory signs being removed, beginning on 9/8/09. Leighton to Joliet completed 9/30/09. All signs removed as of 10/09.	
VM 3		Where necessary for implementation of a Quiet Zone, and in consultation with the affected community, FRA, and the appropriate state Department of Transportation, Applicants shall construct or install roadway median barriers to reduce the opportunity for vehicles to maneuver around a lowered gate.		Preliminary discussions underway with several communities regarding Quiet Zones. Dependant on completion of quiet zone studies. First studies by communities' consultants completed 9/9/09. Studies by consultants for Griffith, Schererville, Dyer (including Lynwood), Matteson, Richton Park, Frankfort (including Mokena), Joliet, Crest Hill, Warrentonville, West Chicago, and Barrington have been forwarded to and reviewed by CN. Work anticipated for 2010. As of 10/1/10, several quiet zone projects are in various stages of planning and construction. Median barriers and delineators have been installed at crossings in Frankfort and Griffith, IN to comply with quiet zone requirements. Others are being planned for other communities.	
VM 4		Applicants shall cooperate with the municipalities affected to determine which improvements would be necessary for existing Quiet Zones to maintain FRA compliance.		Based on STB's review, no existing quiet zones are in jeopardy except for Barrington, which is covered under STB Condition #8. No update from Barrington regarding status of any other reviews. Monitoring of compliance with existing quiet zones is ongoing.	

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 5		Applicants shall cooperate with interested communities for the establishment of Quiet Zones and assist in identifying supplemental or alternative safety measures, practical operational methods, or technologies that may enable the community to establish Quiet Zones.		Preliminary discussions underway with several communities regarding Quiet Zones. First studies completed 9/9/09. Studies by consultants for Griffith, Schererville, Dyer (including Lynwood), Matteson, Richton Park, Frankfort (including Mokena), Joliet, Crest Hill, Warrenville, West Chicago, and Barrington have been forwarded to and reviewed by CN. Work anticipated for 2010. As of 1/1/11, several quiet zone projects are in various stages of planning and construction. Quiet Zones were established in cooperation with Frankfort, Joliet, and Mokena in 2010. <b>Griffith, Barrington and Matteson have established quiet zones in 2011.</b>	
VM 6		Applicants shall consult with affected communities to improve visibility at highway rail at-grade crossings by clearing vegetation or installing lighting to illuminate passing or stopped trains.		CN and ICC began a diagnostic review of crossings on April 6, 2009. This diagnostic review will determine which crossing improvements are needed. Affected communities were invited to take part in review. IL crossing diagnostics were completed on April 14, 2009; Indiana crossing diagnostics were completed on May 8, 2009. <i>Please see VM #1 Attachment for reports.</i> Ongoing. Crossings in several communities required additional vegetation clearing. CN continues to clear vegetation at locations as necessary.	
VM 7		Within 6 months of acquisition by CN of control of EJ&EW, Applicants shall cooperate with the Illinois Department of Transportation, Indiana Department of Transportation and other appropriate local agencies to coordinate a review of corridors surrounding highway/rail at-grade crossings to examine safety and adequacy of the existing warning devices, and identify remedies to improve safety for highway vehicles.	6 months	CN and ICC began a diagnostic review of crossings on April 6, 2009. This diagnostic review will determine which crossing improvements are needed. IL crossing diagnostics were completed on April 14, 2009; Indiana crossing diagnostics were completed on May 8, 2009. <i>Please see VM #1 Attachment for report.</i>	In IL, ICC has responsibility for coordination, not IDOT. INDOT has responsibility for Indiana.
VM 8		Where grade-crossing rehabilitation is agreed to, Applicants shall assure that rehabilitated roadway approaches and rail line crossings meet or exceed the standards of the State Department of Transportation's rules, guidelines, or statutes, and the American Railway Engineering and Maintenance of Way Association ("AREMA") standards, with a goal of eliminating rough or humped crossings to the extent reasonably practicable.		Due to the addition of double trackage, a number of grade crossing locations will be reconfigured. CN has already begun discussions with the ICC and will cooperate on challenges associated with "humped" crossings. Ongoing. CN testified at ICC hearing 1/20/10 that one exception (127th St.) needs consideration. Others continue to proceed. Three additional crossings identified between Joliet and Frankfort where conditions will be improved but cannot meet ICC standards due to local conditions. The 127th Street ICC order has been obtained, with variance from regulatory specifications required to meet local conditions. ICC has issued orders for seven crossings between Joliet and New Lenox, including variances for two crossings that cannot feasibly be built to ICC standards, and for crossings at Diamond Lake Road and IL Route 83, also including variances from ICC standards. <b>Design is underway for six crossings on double-track project between Normantown Road and Liberty Street, including two (83rd and 87th Streets) that will require ICC variances due to physical limitations.</b>	As per VM #49, part of EJ&E small project checklist.

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VM 9		For each of the public grade crossings on the EJ&EW's rail line, Applicants shall provide and maintain permanent signs prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with Federal Highway Regulations (23 CFR, Part 655). The toll-free number shall enable drivers to report accidents, malfunctioning warning devices, stalled vehicles, or other dangerous conditions and shall be answered 24 hours per day by Applicant's personnel. At crossings where EJ&EW's ROW is close to another rail carrier's crossing, Applicants shall coordinate with the other rail carrier to establish a procedure and share information regarding reported accidents and grade-crossing device malfunctions.		Signage is in place. <i>Please see VM #9 Attachment for list.</i> New signage, uniform with all CN properties, on hold pending final MUTCD (Manual of Uniform Traffic Control Devices) revisions. Anticipate release of revisions by end of 2009. MUTCD revisions were released in mid-December 2009. CN is currently reviewing requirements for implementation. Contract to create new Emergency Notification Signage has been executed. Installation anticipated to be completed by mid-summer 2010. Completed June 25, 2010. CN Police posted 500 "No Trespassing" signs from Gary, IN to West Chicago, IL. Protocol developed for sharing information with other carriers. <i>Please see VM #9a Attachment.</i> Independent of this VM, CN is in the process of installing additional, supplemental signs with this information and anticipates completion in April 2011. All signs in place except for a limited number requiring special attention to buried obstacles.	The identification numbers will be converted to be uniform with CN's system. IDOT and INDOT have yet to sign off on signage requirements.
VM 10		Within 6 months of acquisition by CN of control of EJ&EW, Applicants shall cooperate with school and park districts to provide fencing where schools or parks are within one-quarter mile of the right of way and to identify at-grade crossings where additional pedestrian warning devices may be warranted.	6 months	CN has identified the affected schools and park districts. Preliminary meetings have been held with school officials in several communities. Coordination regarding fencing is ongoing. Fences have been installed for one School District in the corridor. <i>Please see VM #10 and Condition #11 Attachment for latest communication regarding coordination with Indian Prairie School District #204. Please see updated VM #10 and Condition #11 Attachment for latest communication with Fox Valley Park District and summary of fencing coordination.</i> Fencing has been installed in West Chicago, Naperville, New Lenox, and Sauk Village as part of this mitigation commitment. Coordination with the Village of Barrington and the Fox Valley Park District (in Aurora) continues regarding the potential installation of fencing. Fox Valley Park District fencing installation is proceeding as weather permits over the 2010-2011 winter months. Fox Valley Park District fencing has been installed.	School and park districts were contacted within six-month deadline.

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 11		Applicants shall continue ongoing efforts with community officials to identify elementary, middle and high schools within 0.5 miles of the EJ&E's ROW and provide, upon request, informational materials concerning railroad safety to such identified schools.		CN has developed a list of schools within 0.5 miles of EJ&E ROW. To date, none of these schools have contacted CN. <i>Please see VM #11 Attachment.</i> As of 7/1/10, CN has presented 44 Operation Lifesaver Presentations to 14 schools located within .5 miles of EJ&E ROW to a total audience of 3,363. <i>Please see updated VM #43 Attachment.</i> <del>An Operation Lifesaver Presentation was presented to school officials in West Chicago, IL to determine if the presentation would be beneficial to their students. After seeing the presentation, it was agreed that Operation Lifesaver Presentations will be presented to 700 fourth-grade students attending the six schools, and five presentations to School District 33 Open House Events. These presentations will be given within the first few months of the school year. Please see VM #43 Attachment, updated through 12/31/10.</del> Several OL Presentations have been made since the Q1 2011 Report. <b>By September 30, 2011, CN Police will have Operation Lifesaver program invitation letters sent out to a total of 29 schools that have been identified within 0.5 miles of the EJ&amp;E's right-of-way between Lynwood and Matteson, IL. The invitation letters will advise each of the schools to contact CN Police in order to schedule an Operation Lifesaver program for the current school year.</b> <i>Please see VM #43b c Attachment showing Q2-Q3 2011 updates only.</i>	CN's standard practice is to cooperate with any schools requesting information.
VM 12		Within 6 months of the effective date of the Board's final decision, Applicants shall initiate review of the locations of designated pedestrian and recreational trail at-grade crossings along the EJ&E rail line that would see an increase in train traffic under the Proposed Action. The Applicants shall cooperate in the review with local agencies and community trail groups to assess the adequacy of the existing warning devices, to ascertain if particular trail uses or issues reduce the effectiveness of these warning devices, and to identify appropriate remedies to improve safety for pedestrian and recreational trail users.	6 months	Diagnostic review of crossings, begun on April 6, 2009, will identify pedestrian and recreational paths in areas of existing or proposed quiet zones. CN initiated review on 6/5/09 and listing is completed. Will schedule meetings with affected parties. Met with ICC and DuPage County on 9/10/09. Ongoing discussions and communication with DuPage County regarding timing of proposed track improvements. <i>Please see VM #12 Attachment for crossings list.</i> Completed pedestrian warning device installations in Frankfort/Mokena. Scheduled to install at I-88 Prairie Path crossing in 2011.	
VM 13	Construction	Before starting any construction activities for the proposed connections or installation of double track, Applicants shall develop - in conjunction with the affected communities and local fire and emergency response departments along the EJ&E rail line -- an adequate plan for fire prevention and suppression and subsequent land restoration during construction and operation along the EJ&E rail line. Applicants shall submit the plan to local communities and local fire and emergency response departments. Applicants' plan shall ensure that all non-turbocharged locomotives are equipped with functional spark arrestors on exhaust stacks, and carry fire extinguishers suitable for flammable liquid fires, electrical fires, and combustible materials fires, as well as provide for the installation of low-spark brake shoes on all locomotives.		Prevention suppression plans will be part of contractor responsibilities. All turbo locomotives are equipped with working spark arrestors and low-spark brake shoes. All locomotives have two ABC-rated fire extinguishers. No such construction has been started. The Griffith Connection Project was initiated in the fourth quarter of 2009. <i>Please see VM #13 Attachment for a copy of the Fire Prevention and Suppression Plan that was prepared for this project.</i> Plans also received from contractors for the following projects: Normantown to Walker, Matteson, Joliet Bypass, West Chicago, Sutton Siding Extension, E Joliet to New Lenox Double-Track, <del>Watermain water main</del> relocation at Leithton, Eola Siding, and No. 1 Main (former Turner Siding). As part of contract requirements, CN contractors will make all appropriate contacts.	Meetings will be held with FDs as soon as contractors are chosen.
VM 14	Hazardous Materials Transportation (ER = emergency response)	Applicants shall comply with the current Association of American Railroads ("AAR") "key route" guidelines, found in AAR Circular No. OT-55-1, and any subsequent revisions.	30 days	Completed 03/02/09.	CN complies with "key route" guidelines found in AAR Circular No. OT-55-1 and any subsequent revisions.
VM 15	(ERP = Emergency Response Plan)	Applicants shall comply with the current AAR "key train" guidelines, found in AAR Circular No. OT-55-1 and any subsequent revisions.	30 days	Completed 03/02/09.	CN complies with "key train" guidelines found in AAR Circular No. OT-55-1 and any subsequent revisions.

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VM 16		To the extent permitted and subject to applicable confidentiality limitations, Applicants shall distribute to each local emergency response organization or coordinating body in the communities along the key routes a copy of the Applicants' current Hazardous Materials Emergency Response Plans.	30 days	Two sets of plans were distributed at emergency preparedness seminars CN organized, which began on April 7, 2009. CN invited emergency personnel in each affected community to attend one of five seminars. Only non-attendees do not have plans. <i>Please see VM #16 Attachment for a list of attendees at each seminar.</i> Plans will be sent to all non-attendees. Emergency Response Plans were hand-delivered to Lynwood and to Ford Heights on or before 4/30/10. This confirms that all impacted communities have received plans.	
VM 17		Applicants shall incorporate EJ&EW into their existing Hazardous Materials Response Plan.	30 days	No specific modifications necessary. CN has incorporated the EJ&E into its existing Hazardous Materials Response Plan. Completed.	CN's response plan applies to all CN properties. No specific modifications were required to have it also apply to EJ&E.
VM 18		Applicants shall comply with all hazardous materials regulations of the United States Department of Transportation (including the Federal Railroad Administration and the United States Pipeline and Hazardous Materials Safety Administration) and Department of Homeland Security (including the Transportation Security Administration). Applicants shall dispose of all materials that cannot be reused in accordance with applicable law.	30 days	Completed 03/02/09 and monitoring is ongoing.	CN complies with all hazardous materials regulations.
VM 19		Upon request, Applicants shall implement real-time or desktop simulation emergency response drills with the voluntary participation of local emergency response organizations.		CN has received several inquiries and is currently working with City of Schererville, as of June 3, 2009, on implementation and preparing for October drill. Drill is scheduled for 10/17/09. Drill took place as scheduled. <i>Please see VM #19 Attachment for summary article.</i>	
VM 20		Applicants shall continue their ongoing efforts with community officials to identify the public emergency response teams located along the EJ&EW and shall provide, upon request, hazardous materials training.	30 days	Ongoing. On February 20, 2009, CN sent a letter to emergency response contacts in each affected community along EJ&E line, inviting their appointed personnel to HazMat training in Pueblo, Colorado. Letters were either emailed or faxed. Beginning on April 7, 2009, CN's Safety Group hosted five introductory meetings for emergency personnel in each affected community. <i>Please see VM #20 Attachment for copies of invite letters and distribution lists.</i> Follow-up letter sent 4/16/09 further explaining requirements for attendance to Pueblo training. For those communities that cannot provide technicians, CN has provided a list of other training opportunities. <i>Please see VM #20 Attachment for copy of letter.</i> <i>Please see VM #20 Attachment for a copy of the most recent TransCAER presentations, including lists of attendees, updated through 12/31/10.</i>	
VM 21		Applicants shall conduct Transportation Community Awareness and Emergency Response Program (TransCAER) workshops (training for communities through which dangerous goods are transported) in those communities along the EJ&E rail line that request this training.		March 11, 2009 - CN has 2009 TransCAER presentations finalized in both English and Spanish. Will conduct upon request. CN will make TransCAER workshops available to designated personnel within each impacted community. CN offered to make workshops available to communities at emergency preparedness meetings, which were held beginning on April 7, 2009. <i>Please see updated VM #20 Attachment for a copy of the most recent list of TransCAER presentations, including lists of attendees.</i>	



Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 22		Applicants shall assist in the hazardous materials training of emergency responders for affected communities that express an interest in such training. Applicants shall support through funding or other means the training of one representative from each of the communities located along the EJ&E rail line segments where the transportation of hazardous materials would increase. Applicants shall complete the training within 3 years from the date the Applicants initiate operations changes associated with the Proposed Action.		On February 20, 2009, CN sent a letter to emergency response contacts in each affected community along EJ&E line, inviting two appointed personnel to a week-long HazMat training session in Pueblo, Colorado. Each affected community can send two contacts to training session. <i>See status change for VM #20 Attachment.</i> First session completed. All communities represented except for few who cancelled due to budget constraints. <i>Please see VM #22 Attachment for final attendee list.</i> <i>Please see updated VM #20 Attachment for a copy of the most recent communication and trainings offered.</i> CN has reached out repeatedly to the two communities that did not participate in 2009, offering them the opportunity to participate in the 2010 session. One of the two communities participated in the 2010 session.	
VM 23		Applicants shall develop internal emergency response plans to allow for agencies to be notified in an emergency, and to locate and inventory the appropriate emergency equipment. Applicants shall provide the emergency response plans to the relevant state and local authorities within 6 months of acquisition by CN of the control of the EJ&E.	6 months	Emergency response plan already in place, and includes agencies requiring notification. Equipment lists were prepared and distributed along with copies of emergency response plans at the emergency preparedness meetings, beginning on April 7, 2009. Relevant state agencies will receive copies separately.	
VM 24		Applicants shall provide a dedicated toll-free telephone number to the emergency response organizations or coordinating bodies responsible for communities located along the EJ&E rail line. This telephone number shall provide access to Applicant personnel 24 hours per day, 7 days a week, enabling local emergency response personnel to obtain and provide information quickly regarding the transport of hazardous materials on a given train and appropriate emergency response procedures should a train accident or hazardous materials release occur.		Distributed. Completed. <i>Please see updated VM #20 Attachment showing dates when this has been distributed.</i>	
VM 25		In accordance with their Emergency Response Plan, Applicants shall make the required notifications to the appropriate Federal and state environmental agencies in the event of a reportable hazardous materials release. Applicants shall work with the appropriate agencies such as the United States Fish and Wildlife Service, Illinois Environmental Protection Agency and Indiana Department of Environmental Management to respond to and remediate hazardous materials releases with the potential to affect wetlands or wildlife habitat(s), particularly those of federally threatened or endangered species.	30 days	Notification procedures are in place. CN will make the required notifications in the event of a reportable hazardous materials release. Completed. Notification procedures are included in CN's Emergency Response Plan (latest version May 2010). Information also communicated to Indiana Natural Resources Stakeholder Group on June 10, 2010 during Emergency Response tabletop exercise. Information was communicated to Illinois Natural Resources Stakeholder Group on January 13, 2011 during Emergency Response tabletop exercise.	

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 26		Prior to initiating any Transaction-related construction activities, Applicants shall develop a spill prevention plan for petroleum products or other hazardous materials during construction activities. At a minimum, the spill prevention plan shall address the following: Definition of what constitutes a reportable spill; Requirements and procedures for reporting spills to appropriate government agencies; Methods of containing, recovering, and cleaning up a spilled material; Equipment available to respond to spills and location of such equipment; and a List of government agencies and Applicants' management personnel to be contacted in the event of a spill. In the event of a reportable spill, Applicants shall comply with their spill prevention plan and applicable Federal, state, and local regulations pertaining to spill containment and appropriate clean-up.	Prior to initiating construction activities.	CN is currently developing a spill prevention plan and will include it in our contract requirements for construction projects. Plan completed June 2009; compliance is ongoing. Spill Prevention Plan has been prepared and will be followed on all major construction projects. <i>Please see VM #26 Attachment.</i> Contractors are required to update Spill Prevention Plan for each construction project. Plan updated for all construction contracts to date: Griffith Connection, Matteson Connection (Contracts 1, 2, and 3), Joliet Bypass, Normantown to Walker (Phase 1 and Phase 2), Leighton Connection, and E. Joliet to Nelson Road.	As per VM #49, part of EJ&E small project checklist.
	Transportation Systems				
VM 27	Grade Crossing Delay	Applicants shall comply with the Voluntary Mitigation Agreement concluded with the City of Joliet, which among other things addresses delay at the public highway/rail at-grade crossings at Woodruff Road and Washington Street.		Preliminary meeting was held on March 17, 2009, to discuss implementation of mitigation measures. Run-around route plan has been approved and preliminary track removal begun June 2009. Design is complete and project was put out to bid in August, 2009. Construction started in October 2009. All required plans from contractor are on file in Joliet engineering office. Quiet zone on the Illinois River Line in Joliet implemented June 2010. Most track work is complete. CN anticipates that final work and related signalization will not be completed before April 2011. Joliet implemented a mainline quiet zone at Essington and Division Streets, effective October 2010, and anticipates implementing a mainline quiet zone in 2011 from Joliet Yard south. CN is working with the City of Joliet and Illinois officials on a plan to construct a new road that would provide improved access to Collins Street without the need for any grade crossing and then allow for the immediate closure of Woodruff Road. CN is continuing to work toward completion of compliance with all terms of the Joliet VMA, including the run-around track now anticipated to be complete by Q4 2011.	
VM 28		Although Applicants have not identified any grade crossings, other than Woodruff Road and Washington Street, that would require mitigation under SEA's established standards, Applicants shall, upon request, cooperate with municipalities and counties in support of their efforts to secure funding in conjunction with appropriate state agencies, for grade separations where they may be appropriate under criteria established by relevant state Department of Transportation. Applicants shall contribute their statutorily required amount of funding to the cost of the grade separation.		No action required by CN to date.	No community requests received to date.

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VM 29		Applicants shall examine train operations for ways of reducing highway/rail at-grade crossing blockages.		CN is currently maintaining reports of ten-minute delays at crossings. Analysis to reduce blockages is ongoing. Continuing to revise operations to minimize blockages due to stopped trains. Ongoing. We have daily checks to ensure trains are sufficiently powered for the territories they operate through. All Transportation and Operations personnel are required to conduct "roll-by" inspections, where they get on the ground and watch/listen for any irregularities on a passing train. Improved vigilance overall helps reduce incidences of train stoppages. <i>Please see updated Condition #2 Attachment for discussion of measures taken and under consideration as of 6/30/11 9/30/11 to reduce crossing blockages.</i>	
VM 30 a)		Applicants shall cooperate with the appropriate state and local agencies and municipalities to: Evaluate the possibility that one or more roadways listed in Table ES-1 [of the Draft EIS] could be closed at the point where it crosses the EJ&E rail line, in order to eliminate the at-grade crossing.		Diagnostic review has been developed in coordination with ICC, affected communities and appropriate road authorities. <i>Please see VM #1 Attachment (submitted July 10, 2009) for survey results and VM #30 Attachment for general evaluation of crossings listed in Table ES-1 of the Draft EIS.</i> Woodruff Road identified by CN as candidate for closure, but no other closure candidates apparent. CN will continue to explore. CN continues to explore closure of Woodruff Road with the City of Joliet.	
VM 30 b)		Improve or identify modifications to roadways that would reduce vehicle delays by improving roadway capacity over the crossing by construction of additional lanes.		Will coordinate with road authority projects over time. <i>Please see VM #30 Attachment.</i>	
VM 30 c)		Assist in a survey of highway/rail at-grade crossings for a determination of the adequacy of existing grade crossing signal systems, signage, roadway striping, traffic signaling inter-ties, and curbs and medians. Identify conditions and roadway, signal, and warning device configuration may trap vehicles between warning device gates on or near the highway/rail at-grade crossing.		ICC and INDOT surveys were completed on April 14 and May 18, 2009, respectively. <i>Please see VM #1 Attachment (submitted July 10, 2009) for survey results.</i>	
VM 30 d)		Cooperate with state and local agencies to develop and implement a plan to grade-separate the highway/rail crossing.		Two meetings held with IDOT and consultants on Rte30/Rte34 Grade Separations as of March 2010. Additional meeting held June 25, 2010. No decision on NS track at Rte 30 yet. Additional meeting held Aug. 27, 2010. As of 10/1/10, NS has verbally agreed to eliminate their track at Route 30. Negotiation of formal agreement is ongoing. CN's Community Liaison continues to coordinate information sharing with IDOT's consultants. With the final determination from the US Court of Appeals as to funding requirements for Routes 30 and 34, CN continues to work with IDOT and their consultants to advance these projects. CN met with IDOT's project staff on <del>3/1/2011</del> <b>9/13/2011 for Route 30 and 9/16/2011 for Route 34 to review separations discuss design options and to review the Phase I design process going forward.</b> CN will participate in public hearings. Expect IDOT to select Preferred Alternative for each separation by the end of 2011.	
VM 31		Applicants shall install power switches along EJ&E where Applicants determine that manual switches could cause stopped trains to block grade crossings for excessive periods of time and that power switches would increase the speed of rail traffic and reduce the likelihood of such blockages.		CN is conducting preliminary engineering design for installing power switches at eight separate locations on the EJ&E. Installations started in May 2009. <i>Please see updated VM #31 Attachment for an updated list and status of power switches.</i> Last power switches to be installed in 2010 and 2011. Installation complete at seven of the eight locations. Installation of power switches at Van Loon is <del>anticipated</del> <b>scheduled</b> for 2012. <i>Please see VM #31 Attachment for a list and status of power switches, updated through Q1 2011.</i>	

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 32		In order to minimize the number of trains being stopped by operators at locations that block grade crossings on the EJ&E system, Applicants shall work with other railroads to establish reasonable and effective policies and procedures to prevent other railroads' trains from interfering with Applicants' trains on the EJ&E.		CN will initiate or continue discussions with other railroads, as appropriate. e.g. coordinated with UP for coal to Midwest Gen. Will not hold on EJ&E. (Crossing blockages not involved). We have dramatically improved the cooperation and coordination with foreign railroads at non-CN controlled interlockings to minimize stoppages due to lack of clearance to proceed. CN changed interchange operations at West Chicago from a shove move from UP to EJE, which blocked Washington and Church Streets, to a pull-forward move directly onto CN tracks. As of October 2010, CN has also developed a separate operating protocol with UP at West Chicago to allow them to accept up to two trains immediately onto UP property that would normally have to wait on EJ&E for an interchange.	
VM 33		Applicants' design for wayside signaling systems shall be configured and implemented to minimize the length of time that trains or maintenance-of-way vehicles or activities occupy at-grade crossings or unnecessarily activate grade-crossing warning devices.		Where centralized traffic control (CTC) is to be added along the EJ&E, once implemented, will help minimize the amount of time trains occupy at-grade crossings. Installation of power switches - covered in VM 31 - will also help minimize the amount of time maintenance-of-way vehicles and trains occupy crossings. <b>CTC completed on Joliet Yard Bypass Mains in September 2011. CTC between Frankfort and Joliet is scheduled for 2011 completion.</b> Ongoing.	
VM 34		Applicants shall install control signals ("A" block or absolute stop signals) at the ends of sidings, double track sections, crossovers, and other control switch locations (Applicants 2008a).		Control signals will be provided where new power switches are installed. This will include the new double track and connection projects as well as other areas where existing manual switches will be upgraded to power switches. Ongoing.	
VM 35		Applicants shall operate under U.S. Operating Rule No. 526 (Public Crossings), which provides that a public crossing 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 (Applicants 2008a). If the blockage is likely to exceed this time frame, then the train shall promptly be cut to clear the blocked crossing or crossings.	30 days	CN is currently maintaining reports of ten-minute delays at crossings. Analysis to reduce blockages is ongoing. Monthly operations reports demonstrate improvements. Ongoing.	
VM 36		Applicants shall develop and submit to SEA a report on frequency and duration of train delays at crossing for a period covering the first 3 years of operational changes.		CN is currently providing reports of ten-minute delays at crossings in its monthly operational reports to the Board. Analysis to reduce blockages is ongoing.	
VM 37	Commuter and Passenger Rail Service	Applicants and the National Railroad Passenger Corporation (Amtrak) will amend the February 1, 1995 operating agreement between Illinois Central Railroad Company (IC) and Amtrak to provide as follows: 1) IC shall maintain the St. Charles Air Line Route and Markham-to-Grand Crossing Route (as each is defined in the Settlement Agreement for purposes of the 1995 Agreement) for use by Amtrak at not less than the 1995 Agreement Section 4.2, "Maintenance of Rail Lines," conditions existing on April 28, 2008; 2) Costs paid to IC by Amtrak for use of the St. Charles Air Line Route shall be capped at their April 28, 2008 levels, adjusted only for inflation pursuant to the formula in Appendix IV of the 1995 Agreement (as it may be amended); 3) Costs paid to IC by Amtrak for use of the Markham-to-Grand Crossing Route shall be determined on the same basis as costs for Amtrak's use of IC's lines between Markham and New Orleans;		Completed-November 18, 2008.	

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
		4) Amtrak's rights and obligations under these conditions regarding the St. Charles Airline Route shall cease upon the earlier of (a) six (6) months after Amtrak begins to provide regularly scheduled passenger rail service either over the Grand Crossing Route or over another route that provides an alternative to the St. Charles Air Line Route for passenger rail service to or from Union Station in Chicago that is acceptable to Amtrak, or (b) such time as Amtrak ceases for a continuous period of one (1) year to use the St. Charles Air Line Route to provide regularly scheduled passenger service at least (3) days per week to and from Union Station in Chicago; 5) Amtrak's rights and CN's obligations under these conditions regarding the Markham-to-Grand Crossing Route shall cease upon such time as Amtrak ceases for a continuous period of one (1) year to use the Markham-to-Grand Crossing Route to provide scheduled passenger rail service at least three (3) days per week to and from Union Station in Chicago.			
VM 38		Applicants shall operate the key interlockings at West Chicago and Barrington, Illinois, according to the current agreements under which EJ&E operates. Those agreements require EJ&E to give priority to passenger trains over either UP or EJ&E freight trains (Applicants 2008k).		Ongoing.	
VM 39		Applicants shall work with Metra to explore all options for service on the proposed STAR Line, including use of the EJ&E rail line. The timing and implementation of STAR Line service remain subject to numerous variables, including securing government funding, but the Applicants are committed to continuing discussion with Metra on the STAR Line (Applicants 2008j).		To date, CN has not been approached by Metra. As of October 2010, per Metra request, CN is preparing a proposal for a capacity analysis for STAR Line.	
VM 40		During and after construction, Applicants shall maintain the pedestrian tunnel from the Metra Park-n-Ride lot to the Metra train station on the east side of the Chicago Subdivision rail line at Matteson (Applicants 2008l).		Currently in design. Preliminary discussion with Metra held 9-21-09. Access to tunnel will be maintained throughout construction. Coordination with Park Forest, Matteson and Metra is ongoing. Construction began July 2010 and is continuing. Pedestrian access is being maintained but will require a brief off-hours closure when overhead concrete bridge panels are set. Will coordinate with Metra. All station related work completed Q4 2010. New access to station opened 1/10/2011.	During AND AFTER construction. This is a discrepancy with p.50 of Dec. 24, 2009, decision, para 3, where "access" is stated but not "maintenance". Clarification w/STB is required.
VM 41		Applicant shall comply with any written and executed curfew agreements that are now in effect regarding operations affecting passenger or commuter train service.	30 days	Completed. Confirmed absence of written curfew agreements.	Continuing to voluntarily observe curfews as part of operating practices.
VM 42	Emergency Vehicle Delay	Applicants shall notify Emergency Services Dispatching Centers for communities along the affected segments of all crossings blocked by trains that are stopped and may be unable to move for a significant period of time. Applicants shall work with affected communities to minimize emergency vehicle delay by maintaining facilities for emergency communication with local Emergency Response Centers through a dedicated toll-free telephone number; and providing, upon request, dispatching monitors that allow Emergency Response Center dispatching personnel to see real-time train locations.		CN has a dedicated toll-free number that was shared at emergency preparedness meetings, beginning on April 7, 2009. Train visibility programs are currently being developed. Final proposal received - approved June 2009. Preliminary coordination meetings held on 9/2/09, 9/23/09 and 12/10/09. Implementation to begin ASAP. Dispatchers' Active Crossing System (ACS) is undergoing enhancement before being rolled out to all communities. Protocol developed for notifying Emergency Services Dispatching Centers. <i>Please see VM #42 Attachment.</i> Final system was made available to Lake Zurich in May 2011. Once all are comfortable with the system, it will be made available to other communities. <b>Implementation is underway. Please see VM #42 ACS Attachment.</b>	

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VM 43		Applicants shall make Operation Lifesaver programs available to communities, schools, and other organizations located along the affected segments.		CN has identified all schools less than 1/4 mile from EJ&E tracks and is reaching out to them for Operation Lifesaver programs. All invitations extended. Presentations underway. <i>Please see updated VM #43 Attachment for updated list of presentations.</i> As of 7/1/10, CN has presented 44 Operation Lifesaver Presentations to 14 schools located within .5 miles of EJ&E ROW to a total audience of 3,363. <i>Please see updated VM #43 Attachment.</i> CN set up Operation Lifesaver Booths during 6 different events that were held in communities located within .5 miles of EJ&E ROW and distributed railroad safety materials to those in attendance, and an Operation Lifesaver (OL) presentation was given at a local day camp to a total audience of 18. <i>Please see VM #43 Attachment, updated through 12/31/10.</i> Several OL Presentations have been made since the Q1 2011 Report. <i>Please see VM #43b c Attachment showing Q2 Q3 2011 updates only.</i>		
VM 44		For up to 3 years after acquisition by CN of the control of the EJ&EW, Applicants shall provide Operation Lifesaver programs in Spanish, upon request.		CN has ordered Spanish materials and has identified Spanish-speaking presenters if required. Materials are received; no programs requested to date.		
VM 45	Construction	At least one month prior to initiation of Transaction-related construction activities, Applicants shall provide the information described below regarding Transaction-related construction of sidings, double-tracking, or connections, as well as any additional information, as appropriate, to fire departments and the Local Emergency Planning Commissions ("LEPC") for communities within or adjacent to the construction area: The schedule for construction throughout the project area, including the sequence of construction work relating to public grade crossings and approximate schedule for these activities at each crossing; A toll-free number to contact Applicants' personnel, to answer questions or attend meetings for the purpose of informing emergency-service providers about project construction and operations; and Revisions to this information, including changes in construction schedule, as appropriate.		These measures were introduced at emergency preparedness meetings, beginning on 4/7/09. No relevant construction projects started. CN is also providing a toll-free number and construction updates on its website, which was launched in late May 2009. Ongoing. e.g. - Griffith FD was invited to pre-bid meeting on 9/16/09 for Griffith Connection. Joliet Fire Department included in pre-construction meeting 9/23/09. CN's contractor met with Plainfield FD prior to start of Normantown to Walker project in March 2010. Contractors are required in bid packages to make these outreaches to the locals. To date, each has been done. Sutton siding, North Eola, and Plainfield/Crest Hill meetings were held prior to start of construction in Q4 2010, along with Leithton in Q2 2011. <b>Work at on Diamond Lake Road to Gilmer Road double-track project</b> is anticipated in Q3 2011.	<b>Completed for Griffith Connection, E Joliet Yard Bypass, Normantown to Walker DT, Joliet-New Lenox DT, Leithton Connection, Matteson Connection, N Eola Extension, Frankfort Siding Extension, Sutton Siding, and various sub-projects. Meetings for Diamond Lake to Gilmer Road DT are anticipated in October 2011.</b>	
VM 46		In undertaking Transaction-related construction activities, Applicants shall use practices recommended by AREMA and recommended standards for track construction in the AREMA Manual for Railway Engineering.		In progress.	As per VM #49, part of EJ&E small project checklist.	
VM 47		During Transaction-related construction concerning at-grade crossings, when reasonably practicable, Applicants shall consult with the appropriate state Department of Transportation regarding detours and associated signage, as appropriate, or maintain at least one open lane of traffic at all times to allow for the quick passage of emergency and other vehicles.		Ongoing. Detours are being handled directly with local agencies: Townships, Counties, IDOT, as is appropriate.	As per VM #49, part of EJ&E small project checklist.	
VM 48		Applicants shall minimize temporary road closures during construction activities associated with the connections and double track. Applicants shall manage construction schedules to: Minimize highway/rail at-grade crossing closures; Relay highway/rail at-grade crossing closure schedule to local emergency service providers.		Ongoing. Project Staff handling with local authorities on case by case basis. To date, projects requiring closures have been completed at <del>two</del> <b>three</b> locations. This is standard procedure for road closures and is ongoing. <del>Community Liaison discussed closure of Main Street in Matteson with the Matteson Fire Department on 3/21/2011.</del>		
	Land Use					

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 49	General Land Use	Before beginning construction activity, Applicants shall survey all suitable habitats potentially impacted by the construction activity for Federally and state-listed threatened or endangered plant species. If any listed plant species are located, Applicants shall implement a mitigation plan in consultation with the appropriate Federal and state agencies.		Ongoing. Comprehensive checklist of all applicable mitigation measures has been developed for each transaction-related construction project. <i>Please see VM #49 Attachment for example of checklist.</i> Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 50		If identified in the area, Applicants shall coordinate with USFWS-Indiana and The Nature Conservancy (TNC) to monitor effects on the Karner blue butterfly in the West Gary Recovery Unit.		Ongoing. Through coordination with the Indiana Natural Resources Stakeholder Group, it was agreed that there is no required action at this time regarding the Karner Blue Butterfly. None of the currently planned construction areas are located within the West Gary Recovery Unit. CN has sent letters to USFWS and TNC on 6/24/10 confirming no action is required at this time. <i>Please See VM #50 &amp; #106 Attachment.</i>	As per VM #49, part of EJ&E small project checklist.
VM 51		Applicants shall continue with the existing agreements for Paul Ales Branch operation for the protection of the Federally listed Hine's emerald dragonfly.	30 days	Ongoing.	
VM 52		Applicants shall identify suitable habitat for Franklin's ground squirrel within construction limits, and minimize mowing along the ROW beyond what is necessary for reasonable railroad maintenance and safety.		Ongoing. All ROW researched; no known habitat exists. In advance of construction activity, areas surveyed for existence of any suitable habitat. <i>Please see VM #52 Attachment for maps showing IDNR data on possible locations of the Franklin Ground Squirrel.</i> In Indiana, Franklin's ground squirrel habitat survey is underway in Kirk Yard. <del>Results will be available early 2011.</del> 2010 studies confirmed no evidence of Franklin's ground squirrels in Kirk Yard. Additional ground squirrel habitat surveys in Kirk Yard were completed in May are planned for 2011 in Kirk Yard. <b>Ongoing.</b>	As per VM #49, part of EJ&E small project checklist.
VM 53		Land areas that are directly disturbed by Applicants' Transaction-related construction and are not owned by the Applicants (such as access roads, haul roads, and crane pads) shall be restored to their original condition, as may be reasonably practicable, upon completion of Transaction-related construction.		Will be incorporated into construction plans. Through construction contract general provisions, all contractors are required to restore private property to original condition. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist. All construction has been and is expected to be on CN property. Self-auditing is instituted to assure that any such construction results in non-disturbance (or restoration of any disturbance) on non-CN land.
VM 54		During construction, temporary barricades, fencing, and/or flagging shall be used in sensitive habitats to contain construction-related impacts to the area within the construction Right Of Way ("ROW"). Staging areas shall be located in previously disturbed sites and not in sensitive areas.		Ongoing. e.g.; silt fencing installed at Torrence Ave. WILD site and Munger Power Switch location. <i>Please see updated VM #54 Attachment listing the silt fence analysis by project. Please see VM #54 &amp; VM #92 Attachment, updated as of 6/30/11 9/30/11.</i>	As per VM #49, part of EJ&E small project checklist.
VM 55		To the extent reasonably practicable, Applicants shall confine construction traffic to a temporary access road within the construction ROW or established public roads. Where traffic cannot be confined to temporary access roads or established public roads, Applicants shall make necessary arrangements with landowners to gain access from private roadways. The temporary access roads shall be used only during project-related construction. Any temporary access roads constructed outside the rail line ROW shall be removed and restored upon completion of construction unless otherwise agreed to with the landowners.		Will be incorporated into construction plans where appropriate. All three WILD sites require railroad roadway only. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.

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VM 56		During Transaction-related earthmoving activities, Applicants shall remove topsoil and segregate it from subsoil. Applicants shall also stockpile topsoil for later application during reclamation of disturbed areas along the ROW. Applicants shall place topsoil stockpiles in areas that would minimize the potential for erosion and use appropriate erosion control measures around all stockpiles to prevent erosion.		Will be incorporated into construction plans where appropriate. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 57		Applicants shall commence reclamation of disturbed areas as soon as reasonably practicable after Transaction-related construction ends along a particular stretch of rail line. The goal of reclamation shall be the rapid and permanent reestablishment of native ground cover on disturbed areas. If weather or season precludes the prompt reestablishment of vegetation, Applicants shall use measures such as mulching or erosion control blankets to prevent erosion until reseeding can be completed.		Will be incorporated into construction plans where appropriate. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 58		Applicants shall limit ground disturbance to only the areas necessary for Transaction-related construction activities.		Will be incorporated into construction plans where appropriate. All contractors are provided with an environmental compliance summary where they are directed to limit ground disturbance activities. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 59		Applicants shall review the limits of land disturbance prior to construction to determine whether any U.S. Department of Commerce, National Geodetic Survey monuments (that is, a government-owned permanent survey marker) would be disturbed. If any survey monuments would be disturbed, Applicants shall give a 90-day notification to the U.S. Department of Commerce.		Monument locations were downloaded from the National Geodetic Survey Web site. None of the currently planned transaction-related construction activities will disturb any of the survey monuments. Completed 6/1/2009.	As per VM #49, part of EJ&E small project checklist.
VM 60		Applicants shall consult with the appropriate state, county personnel, Forest Preserve and trail managers prior to construction activities on state land and shall flag the boundaries of the ROW.		Will be incorporated into construction plans; e.g. Munger power switch locations. Lockport WILD site also needs Forest Preserve coordination. <i>Please see updated VM #60 Attachment for letters to Forest Preserve regarding cooperation. Please see updated VM #60 Attachment. Please see updated VM #60a Attachment showing Q1 2011 updates only.</i>	As per VM #49, part of EJ&E small project checklist. No projects involve state land.
VM 61		Applicants shall notify the trail managers of new construction that intersects trails during the final design. Where possible, Applicants shall maintain access to all existing trails, greenways, and scenic corridors during construction. If temporary trail closures are required during construction, Applicants shall provide appropriate signage to detour pedestrian and recreational trail users to a safe alternate route.		Will be incorporated into construction plans where appropriate. Meeting with ICC and DuPage County on 9/10/09 <b>regarding Prairie Path at Eola to East Siding Extension</b> . Most recent meeting was 12/10/09 <b>regarding the Prairie Path</b> . Ongoing. 3/17/10 this VM is applicable for two projects: <b>E. Joliet -to Nelson Road Double Track</b> (Wauponsee Glacial Trail), and <b>Eola to East Siding Extension</b> (Prairie Path). CN is coordinating with the trail managers regarding potential construction impacts and appropriate signage. Construction has not been initiated for either project. Agreement signed with Will County Forest Preserve District for Wauponsee Glacial Trail at N Rowell Ave. IL Prairie Path at Eola currently under review. The Forest Preserve District of Cook County is being consulted for proposed improvements to Poplar Creek Trail at Shoe Factory Road. After coordination with DuPage County, IL, Prairie Path at Eola has been relocated to provide recreational crossing at Diehl Road. <b>Construction at N Rowell Avenue and Wauponsee Glacial Trail is expected Q4 of 2011.</b> Ongoing.	As per VM #49, part of EJ&E small project checklist.



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VM 62		Before construction of the Applicants' Proposed Munger Connection adjacent to the Pratt's Wayne Woods Forest Preserve, Applicants shall flag the boundaries of the CN ROW, the EJ&E ROW, and the portion of the Commonwealth Edison ROW required for construction. Applicant shall remain within the flagged boundaries. Unless agreed by the Forest Preserve Management, no construction shall take place outside of the flagged construction area. Where possible, Applicants shall maintain access during construction activities to all existing roads, trails, and facilities within the Pratt's Wayne Woods Forest Preserve.		Will be incorporated into construction plans - construction has not yet started.	
VM 63		Applicants shall require contractors to dispose of waste generated during Transaction-related construction activities in accordance with all applicable Federal, State and local regulations.		Will be incorporated into construction plans. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 64	Community Outreach	Prior to initiation of Transaction-related construction activities, Applicants shall name a Community Liaison to: consult with affected communities, businesses, and agencies; seek to develop cooperative solutions to local concerns regarding construction activities; be available for public meetings; and conduct periodic public outreach regarding Transaction-related construction activities. The Community Liaison shall be available to consult with businesses and agencies until all Transaction-related construction activities are complete. Applicants shall provide the name and phone number of the Community Liaison to mayors and other appropriate local officials in each community where Transaction-related construction activities will occur.		Completed. Community Liaison Appointed - Jim Kvedaras, Director U.S. Government Affairs). All affected communities notified February 1, 2009 via letter that was emailed or faxed to appropriate contact (Mayor, Village President or Town Council Chair). On February 2, 2009, CN's community liaison also placed calls to appropriate contact within each community. In addition, letters from CN CEO E. Hunter Harrison were sent to appropriate contacts in each affected community on January 8, 2009, and March 9, 2009, updating them on the status of CN's integration of the EJ&E. <i>Please see VM #64 Attachment for copies of letters and distribution list.</i>	
VM 65		Applicants shall continue their ongoing community outreach efforts by maintaining, throughout the period of construction of Transaction-related sidings, double-track and connections, a website about the construction.		Operational on May 20, 2009. Updated weekly. Ongoing. Also includes normal maintenance projects, non- transaction related.	
VM 66	Residential	Applicants' Transaction-related construction vehicles, equipment, and workers shall not access work areas by crossing residential properties without the permission of the property owner or occupant.		Will be incorporated into construction plans - where appropriate. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 67	Business and Industrial	Applicants' Transaction-related construction vehicles, equipment, and workers shall not access work areas by crossing business or industrial areas, including parking areas or driveways, without advance notice to the business owner.		Will be incorporated into construction plans - where appropriate. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 68		Applicants shall work with affected businesses or industries to appropriately redress Transaction-related construction activity issues affecting any business or industry.		Will be incorporated into construction plans - where appropriate. Details are included in "boiler plate" bidding specifications for the projects. CN <del>will</del> worked with local interests at Matteson during road closure of Main Street - 3/28/2011 through 6/2/2011. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 69		To the extent reasonably practicable, Applicants shall ensure that entrances and exits for businesses are not obstructed by Transaction-related construction activities, except as required to move equipment.		Will be incorporated into construction plans - where appropriate. Details are included in "boiler plate" bidding specifications for the projects. CN <del>will</del> worked with local interests at Matteson during road closure of Main Street - 3/28/2011 through 6/2/2011. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 70	State Lands	Applicants shall consult with the General Land Office ("GLO") of Illinois to coordinate an easement Agreement for crossing State-owned parks to reach Transaction-related construction areas.		GLO no longer exists. No construction plans are identified on State-owned lands. If it becomes necessary to access State-owned land for construction, CN will coordinate with the proper agency. CN will lease State of Illinois property for access to pipe culvert replacement at Bridge #45, approximate MP 59.3, Leighton Subdivision.	As per VM #49, part of EJ&E small project checklist.

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VM 71	Utility Corridors	Applicants shall make reasonable efforts to identify all utilities that are reasonably expected to be materially affected by the proposed construction within their existing ROW or that cross their existing ROW. Applicants shall notify the owner of each such utility identified prior to commencing Transaction-related construction activities and coordinate with the owner to minimize damage to utilities. Applicants shall also consult with utility owners to design the rail line so that utilities are reasonably protected during Transaction-related construction activities.		Will be incorporated into construction plans. As design plans are finalized, any affected utility will be identified and owners contacted to coordinate. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 72		Applicants shall use the services of a qualified pipeline engineering firm that is familiar with the project area to assist in the identification of the various pipeline crossings and to assist in the design of crossings as necessary for Transaction-related construction activities.		Will be incorporated into construction plans. No pipelines identified to date (April 2010). Consultants chosen by utilities are currently designing crossings for gas and water lines at Leithton. The designs for the relocation of utility lines at Matteson have been completed by CN's consultant and reviewed by the Village of Matteson's consultant. All projects involving pipelines have been addressed with qualified pipeline engineers. Ongoing coordination with pipeline engineers at Leithton and Matteson.	As per VM #49, part of EJ&E small project checklist.
VM 73	Air Quality	Applicants shall accelerate implementation of EPA locomotive emissions reduction efforts by installing idling control systems on their switching locomotives assigned to the Chicago area and shall accelerate replacement of switching locomotives that are excluded from EPA emission standards and are now in service at Chicago-area yards that will experience increased yard activity as a result of the Transaction with locomotives that are compliant with EPA Tier 0 or more stringent emission standards.		Nearly all switch locomotives in the Chicago area are minimum EPA Tier 0 stds. Some on the EJ&E are still being evaluated. As EJ&E switch locomotives are upgraded or removed, idling control systems are included. CN is cooperating with locomotive manufacturer to test a retrofitted CN locomotive with emissions-improving devices. Preliminary results expected by Q3 2011.	
VM 74		Applicants, to the extent reasonably practicable, shall adopt efficient fuel saving practices that may include a range of operating practices that will help reduce locomotive emissions, such as shutting down locomotives when not in use and when temperatures are above 40 degrees.		Fuel-saving practices are in place across region. Practices are established. We give daily directions to crews about how to conserve fuel. Daily audits of our operations are conducted to assure compliance. Chief Dispatchers run a "fuel optimizer" calculator to match trailing tons with appropriate horsepower. Model is refreshed and instructions issued to crews to adjust power as cars are picked up or dropped off. Additional fuel-saving guidelines are shared with crews as they become available. Ongoing.	
VM 75		To minimize fugitive dust emissions created during Transaction-related construction activities, Applicants shall implement appropriate fugitive dust suppression controls, such as spraying water or other approved measures. Applicants shall also regularly operate water trucks on haul roads to reduce dust.	Before construction activity begins.	Will be incorporated into construction plans. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 76		Applicants shall work with their contractors to make sure that construction equipment is properly maintained and that mufflers and other required pollution-control devices are in working condition in order to limit construction-related air emissions.		Will be incorporated into construction plans. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 77	Noise and Vibration	Applicants shall work with affected communities that have sensitive receptors that would experience an increase of at least 5 dBA [A-weighted decibel] and reach 70 dBA to mitigate train noise levels as low as 70 dBA by cost effective means as are agreed to by an affected community and Applicants. In the absence of such an agreement, Applicants shall implement cost effective mitigation that could include such measures as (1) constructing noise control devices such as noise barriers, (2) installing vegetation or berming, or (3) installing, or providing funding for installation of, enhanced warning devices in order to provide the level of warning necessary to allow the community to request a waiver from Federal Railroad Administration (FRA) of the requirement to sound the horn and achieve quiet zone requirements.		In progress. Several identified locations currently in VMA discussions. Ongoing. There are <del>three</del> four remaining areas identified within the FEIS where noise mitigation is required. Community Liaison has engaged Bartlett and <del>unincorporated Cook County</del> Richton Park to discuss noise factors and explore resolution. In cooperation with the management company that owns the property affected, CN is proceeding with design of sound wall in <del>unincorporated Cook County</del> Richton Park. <b>This project is being constructed separate from VMA. Liaison is working with Homeowners Association in Barrington to address their issue. Only one other area, in unincorporated Lake County, IL, still needs to be addressed.</b>	
VM 78		Applicants shall consult with affected communities and work with their construction contractors to minimize, to the extent reasonably practicable, construction-related noise disturbances near any residential areas.		Will be incorporated into construction plans. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 79		Applicants shall work with their construction contractors to maintain Transaction-related construction and maintenance vehicles in good working order with properly functioning mufflers to control noise.		Will be incorporated into construction plans. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 80		In addition to the development of other noise mitigation measures, Applicants shall consider lubricating curves where doing so would both be consistent with safe and efficient operating practices and significantly reduce noise for residential or other noise sensitive receptors. Applicants shall also continue to employ safe and efficient operating procedures that, in lieu of, or as complement to, other noise mitigation measures can have the collateral benefit of effectively reducing noise from train operations. Such procedures include: inspecting rail car wheels to maintain wheels in good working order and minimize the development of wheel flats; inspecting new and existing rail for rough surfaces and, where appropriate, grinding these surfaces to provide a smooth rail surface during operations; regularly maintaining locomotives, and keeping mufflers in good working order; and removing or consolidating switches determined by Applicants to no longer be needed.		Locations for lubricators have been identified and planning is underway. All locomotives have daily and periodic inspections, including soot emissions. <del>Final lubricators to be installed Q3, 2010. Completed in Q4 2010. Please see updated VM #80 and Condition #26 Attachment for final list of rail lubricator locations.</del> Additional lubricators will be installed at Matteson and Leithton by end of 2011, after track construction is complete.	
VM 81		To minimize noise and vibration, Applicants shall install and maintain rail and rail beds according to AREMA standards.		Will be incorporated into construction plans. Ongoing.	
VM 82		Applicants shall comply with FRA regulations establishing decibel limits for operations.		Already in compliance with applicable regulations.	
VM 83		Applicants shall install or relocate a Wheel Impact Load Detector (WILD) on the EJ&E rail line within three years of acquisition by CN of control of EJ&E.		Three locations identified and construction plans have begun. Torrence Ave. underway/other locations to follow. Lockport Road & Torrence Avenue are completed. Brinker Road is scheduled for 10/2009. All three locations completed as of 12/14/09.	
VM 84	Biological Resources	For impacts to non-jurisdictional isolated wetlands habitat along the new line, Applicants shall survey the route to determine if the Hine's emerald dragonfly is present along the ROW.		No construction projects identified in breeding area.	As per VM #49, part of EJ&E small project checklist.

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 85		Upon consultation with U.S. Fish and Wildlife Service, should the Hine's emerald dragonfly be observed on the site of Transaction-related construction activities, Applicants shall implement appropriate measures prior to and during construction to reduce or eliminate impacts on the Hine's emerald dragonfly.		Pending breeding season—cannot begin yet. Will be monitored once breeding season begins. No construction locations have identified habitats. Biologist will conduct review pre-construction, as well as periodic reviews during construction. Biologist studies have been completed for 2008 - 2011. No Hine's emerald dragonflies have been observed in proposed construction areas. Potential habitat is considered during pre-construction planning phase. CN will again study the Hine's emerald dragonfly area in 2012.	As per VM #49, part of EJ&E small project checklist.
VM 86		Prior to initiating Transaction-related construction activities, Applicants shall consult with the local offices of the Natural Resources Conservation Service ("NRCS") to develop an appropriate plan for restoration and re-vegetation of the disturbed areas (including appropriate seed mix specifications).	Prior to construction	Coordination with the NRCS regarding restoration and re-vegetation will occur as part of the design process. As appropriate, recommendations from the NRCS will be incorporated into the contract plans. <i>Please see VM #86 Attachment for NRCS letter regarding Griffith.</i> Coordination with all NRCS offices has been conducted. Recommended seed mix has been established for all counties, except DuPage County. <i>Please see VM #86 Attachment for a summary of the NRCS coordination and the current native vegetation specifications and seed mix.</i> A recommended seed mix is now in place for all counties. The final seed mix has been distributed to all NRCS offices. <i>Please see updated VM #86 Attachment.</i> Completed on May 20, 2010.	As per VM #49, part of EJ&E small project checklist.
VM 87		During construction activity, Applicants shall take reasonable steps to ensure contractors use fill material appropriate for the project area.	During construction activity	Will be part of construction bid requirements/specifications. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 88		Applicants shall, to the extent reasonably practicable, revegetate the bottom and sides of the drainage ditches using natural recruitment from the native seed sources in the stockpiled topsoil.		These provisions will be incorporated into the contract plans (i.e., Grading Specifications and Seeding Specifications). Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 89	Water Resources	In the case where there is a potential for a railroad drainage ditch to influence wetland hydrology, Applicants shall construct low permeability clay berms (wetland berms adjacent to the drainage channels that would be proximal to the isolated wetlands). These berms would minimize the impact to the surface water drainage from the proposed drainage ditch.		Will be incorporated into construction plans.	As per VM #49, part of EJ&E small project checklist.
VM 90		Applicants shall compensate in accordance with USACE regulations in both Illinois and Indiana for wetland impacts that cannot be avoided and for impacts that are determined by USACE to be on waters of the U.S. for construction related to the proposed action.		Preliminary meeting held with USACE on March 4, 2009. Wetland mitigation to be handled through permitting process. USACE permit was obtained for Normantown to Walker Double Track Project; awaiting permits for other locations. USACE provisional permit for Matteson received; fee paid. Waiting on Illinois EPA certification for Matteson. Permit applications submitted through USACE for Leithton and Diamond Lake-Gilmer. Ill. EPA certification for Matteson received Aug. 27, 2010. USACE permits received: Matteson Connection, September 20, 2010; Leithton Connection, December 13, 2010.	As per VM #49, part of EJ&E small project checklist.
VM 91		Applicants shall maintain drainage ditches as permanent vegetated swales to provide storm water retention and treatment. Removal of accumulated sediments shall be conducted only as necessary to maintain storm water retention capacity and function.		Will be incorporated into construction plans. Ditch clearing is underway, E. Joliet to Nelson Road. Will seed and stabilize.	As per VM #49, part of EJ&E small project checklist.

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
VM 92		To minimize sedimentation into streams and waterways during construction, Applicants shall use best management practices, such as silt fences and straw bale dikes, to minimize soil erosion, sedimentation, runoff and surface instability during project-related construction activities. Applicants shall seek to disturb the smallest area possible around any streams and shall conduct reseeding efforts to ensure proper revegetation of disturbed areas as soon as reasonably practicable following Transaction-related construction activities.	During construction activity	Will be incorporated into construction plans. e.g. Torrence Avenue silt fencing and Munger power switch location. <i>Please see VM #54 and #92 Attachment.</i> Details are included in "boiler plate" bidding specifications for the projects. Ongoing. <i>Please see VM #54 and VM #92 Attachment, updated as of 6/30/11 9/30/11.</i> Ongoing	As per VM #49, part of EJ&E small project checklist.
VM 93		In order to control erosion, Applicants shall establish staging and lay down areas for Transaction-related construction material and equipment at least 300 feet from jurisdictional waters of the United States and in areas that are not environmentally sensitive. Applicants shall not clear any vegetation between the staging area and the waterway or wetlands. To the extent reasonably practicable, areas with non-jurisdictional isolated waters will not be used for staging and lay down and will only be impacted when necessary for construction. When Transaction-related construction activities, such as culvert and bridgework, require work in streambeds, Applicants shall conduct these activities, to the extent reasonably practicable, during low-flow conditions.	During construction activity	Will be incorporated into construction plans. All jurisdictional areas have been identified for infrastructure improvement projects. <i>Please see VM #93 Attachment for example of how issue was addressed at Matteson location.</i> After consultation with and with concurrence of USACE and the Lake County Stormwater Management Commission, equipment and materials may be stored within 300 feet of jurisdictional wetlands at the Leithton Connection as a way to minimize potential impacts. CN plans to revisit this approach during future phases of the project.	As per VM #49, part of EJ&E small project checklist.
VM 94		During Transaction-related construction activities, Applicants shall require all contractors to conduct daily inspections of all equipment for any fuel, lube oil, hydraulic, or antifreeze leaks. If leaks are found, Applicants shall require the contractor to immediately remove the equipment from service and repair or replace it.	During construction activity	Will be part of construction bid requirements/specifications. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 95		Applicants shall employ best management practices to control turbidity and disturbance to bottom sediments of surface waters during Transaction-related construction. Applicants shall implement best management practices in wetlands or other waters of the United States to avoid adverse downstream impacts on fish, mussels, and other aquatic biota.	During construction activity	Will be incorporated into construction plans. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 96		Applicants shall implement their current noxious weed control program during construction and operation of Transaction-related sidings, double-track, and connections. All herbicides used by Applicants shall be approved by the U.S. EPA.	During construction activity	Implementation of Applicants' noxious weed control program will occur as scheduled, including within those areas where construction is proposed. Ongoing. Vegetation control contractor is required to only use U.S. EPA-approved herbicides. Vegetation control program was modified to use only those products approved for aquatic application in order to ensure protection of sensitive resources. The 2011 vegetation control program <del>will be</del> <b>was</b> implemented in the Summer of 2011. The products to be used <del>will be</del> <b>were</b> provided to the Indiana and Illinois Natural Resources Stakeholder Groups for comment. Ongoing.	
VM 97		Applicants shall ensure that any herbicides used in ROW maintenance to control vegetation are approved by the U.S. EPA and are applied by licensed individuals who shall limit application to the extent necessary for rail operations. Herbicides shall be applied so as to prevent or minimize drift off of the ROW onto adjacent areas.		Will be incorporated into construction plans. Annual herbicide plan meets these requirements. Vegetation control program was modified to use only those products approved for aquatic application. This change was made to address Natural Resources Stakeholder comments. <i>Please see updated VM #97 Attachment.</i>	
VM 98		During construction, Applicants shall prohibit Transaction-related construction vehicles from driving in or crossing streams at other than established crossing points.	During construction activity	Will be part of construction management activities. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.

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VM 99		Applicants shall, to the extent reasonably practicable, ensure that any fill placed below the ordinary high water line of wetlands and streams is appropriate material selected to minimize impacts to the wetlands and streams. All stream crossing points shall be returned to their pre-construction contours to the extent reasonably practicable and the crossing banks will be reseeded or replanted with native species immediately following project-related construction.	During construction activity	Will be part of construction bid requirements/specifications. Ongoing.	As per VM #49, part of EJ&E small project checklist.
VM 100		Applicants shall obtain a National Pollutant Discharge Elimination System ("NPDES") storm water discharge permit from U.S. EPA or appropriate State agencies for Transaction-related construction activities.	Prior to construction	NPDES permits will be obtained where required and prior to construction activities. To date, no such permits have been secured. NPDES permits are being obtained where required and prior to construction activity. <i>Please see VM #100 Attachment for copy of Illinois EPA permits for Joliet and Bypass Tracks, Normantown to Walker Double Track Phase 1 and Phase 2, Leighton Connection, Matteson Connection and Frankfort Siding Extension projects. Please see updated VM #100 Attachment for complete list of permits as of 12/31/10. Please see VM #100a for the Kirk Yard (Dixie 1 and 2 Extensions) permit. Please see VM #100b Attachment for the NPDES permit obtained for Kirk Yard Mid-Yard Improvements that includes track work east of Kirk Yard Junction and Lakefront Lead. Ongoing.</i>	As per VM #49, part of EJ&E small project checklist.
VM 101	Monitoring and Enforcement	Applicants shall submit quarterly reports to SEA on progress of, implementation of, and compliance with the mitigation measures for a period covering the first 3 years of operational changes.	3 months and throughout implementation period.	Ongoing	
VM 102	Supplemental Voluntary Mitigation Measures	Applicants shall cooperate with Midwest Generation, LLC ("MWG"), to identify locations on Applicants' property, or available to Applicants, on which loaded coal trains could be staged while awaiting delivery to MWG's Will County Generating Station and Joliet Generating Station and which would make unnecessary the construction of additional train storage capacity on MWG property that would adversely affect the Hine's emerald dragonfly or its habitat. If no adequate existing train storage locations can be identified, Applicants shall make reasonable efforts to acquire or construct, at MWG's expense, new train storage capacity, at locations where construction would not have adverse impacts on Hine's emerald dragonfly or its habitat, and which would make construction of additional storage capacity on MWG's property unnecessary, and shall make that capacity available as needed for staging of coal trains destined for Will County and Joliet Stations.		CN has held meetings with MWG to discuss and address these issues. Capacity to hold coal trains continues to be a challenge - closest available location is actually on the Paul Ales Branch, which is in the midst of dragonfly breeding ground, and therefore not an option. Coal trains for MWG are delivered to EJ&E by Union Pacific. If the plants are full (with trains), CN will coordinate with UP on train spacing and delivery to plant. Ongoing. CN has identified two possible locations for storage tracks and is in discussions with Midwest Generation to explore.	

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VM 103		In consultation with the U.S. Fish and Wildlife Service (USFWS) and relevant natural resource stakeholders, Applicants shall participate in the development of a Habitat Conservation Plan for the Hine's emerald dragonfly or necessary work plans applicable to State and Federally listed threatened and endangered species and take the necessary measures to ensure that rail operations do not cause undue impact to those species.		Through coordination with U.S. Fish and Wildlife Services, it has been determined that the Applicants' operations will not result in a take of the Hine's emerald dragonfly. The Applicants have agreed to study potential impacts to the Hine's emerald dragonfly for a two-year period on CN's Joliet Subdivision, where Hine's emerald dragonfly habitat is present. The Applicants will also work with and support the efforts of adjacent property owners who have developed a Habitat Conservation Plan. The Applicant met with USFWS on February 18, 2010 to discuss the 2009 study which indicated that there was no take for that year. Applicant has agreed to continue the Corridor Study in 2010 (third year). The 2010 study is complete. There was no take of the Hine's emerald dragonfly in 2010. CN will continue to work with USFWS and is awaiting information on the schedule for the next meeting. CN has decided to extend the study for 2011. <b>The 2011 study is complete. CN will extend the study for 2012.</b>	
VM 104		[Migratory Birds] Where warranted, Applicants shall work with relevant natural resource stakeholder groups, Forest Preserve Districts, the Indiana office of The Nature Conservancy (TNC), Illinois Department of Natural Resources (IDNR), Indiana Department of Natural Resources (INDNR), and the USFWS to support the creation or enhancement of migratory bird habitat away from those segments of the EJ&E rail line on which Applicants project Transaction-related increases in rail traffic, and where there is proposed Transaction-related construction of double-track and new or improved connections.		The Applicants have coordinated with the Illinois natural resources stakeholders group and have agreed to fund a study of migratory bird habitat in the areas of proposed Transaction-related construction and where rail traffic is projected to increase. Throughout the study and its conclusion, recommendations may be made regarding the creation or enhancement of migratory bird habitat. Similar coordination is occurring with the Indiana natural resources stakeholders group. A second meeting with this group is scheduled for April 1, 2010 to discuss the appropriate monitoring programs. A two-year study has been initiated to consider the issue in Illinois. All preliminary reports for Illinois received by 12/18/09. The second year of study is underway in Illinois. Indiana studies have been initiated for 2010. Second quarter 2010 meetings with Stakeholder groups were held in April 2010. Q3 meetings were held in July 2010. Q4 meetings were held in October 2010. Q1 meetings were held in January 2011. Q2 meetings were held in April 2011. <b>Q3 meetings were held in July 2011. Illinois Stakeholders are planning to provide recommendations in October 2011.</b> Ongoing.	Presentations with all stakeholders scheduled for 1/12/10 (Indiana) and 1/14/10 (Illinois).
VM 105		[Rare and Listed Turtles] In consultation with USFWS, Applicants shall construct and maintain adequate passages (that is, pipes or culverts) for turtles to cross through the track bed in areas on the EJ&E rail line between Leithton and Gary on which Applicants expect to increase rail traffic and where habitat for rare and/or listed turtle species (that is, Blanding's or spotted turtle) exists on both sides of the rail line.		Underway. Locations identified - determination of appropriate passages underway. Stakeholder group meeting was held on 10/26/09. Stakeholders to provide list of potential turtle crossing locations. Indiana and Illinois Stakeholder Group meetings were held on January 12 and 14, 2010, respectively. To date, potential turtle crossing locations have not been provided by stakeholders. The next stakeholder group meetings will occur in April 2010. Illinois Stakeholder Group has provided potential locations. CN is reviewing these locations for feasibility. Indiana Stakeholder Group is awaiting results from the monitoring program underway in 2010 before making any recommendations. CN plans to install turtle crossings at the locations recommended by the Illinois Stakeholders in 2011 and 2012. Potential locations in Indiana have not yet been identified by Stakeholders. Ongoing.	

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VM 106		[Karner Blue Butterfly] In consultation with USFWS, Applicants shall identify areas of suitable habitat of the Karner blue butterfly within Kirk Yard and in the vicinity of all planned Transaction-related construction of double track and new or improved connections within the State of Indiana for potential habitat protection and/or enhancement. Applicants shall contact TNC about participation in the Safe Harbor Agreement for the Karner blue butterfly.		Preliminary meeting held on March 19, 2009. Second meeting held on April 1, 2009. At January 12, 2010 Stakeholder Group Meeting, USFWS and TNC indicated no action is required at this time. CN has sent letters to USFWS and TNC on 6/24/2010 confirming no action is required at this time. <i>Please see VM #50 &amp; #106 Attachment.</i>	
VM 107 a)		[Indiana Dune Swale] In consultation with appropriate Federal and State natural resource stakeholders, including USFWS, INDNR, and TNC, Applicants shall designate EJ&EW-owned areas of prime prairie and dune swale habitat for potential land management agreement and/or conservation easement.		Underway. Draft contract agreement received from TNC and is being reviewed. Draft contract and right of entry agreement was submitted to TNC in January 2010 and is under review by TNC. CN continues to work with TNC regarding development of a land management agreement. <b>Ongoing.</b>	
VM 107 b)		Should modifications to Kirk Yard be proposed in the future, Applicants shall review proposed plans for upgrading and expansion of Kirk Yard in order to avoid construction in identified dune swale areas. In the event that unavoidable impacts are identified, Applicants shall work with TNC to develop a plan for mitigation of those impacts and improvement of the quality of remaining dune swale areas.		No modifications to Kirk Yard proposed at this time at dune swale locations. Ongoing.	
VM 108		[Eastern prairie fringed orchid] Prior to any ground disturbing activities, Applicants shall hire a qualified biologist to survey for the Eastern prairie fringed orchid ( <i>Platanthera Leucophaea</i> ) in areas containing suitable habitat. Applicants shall survey each area on at least three non-consecutive days between June 28 and July 11, as this is when the orchid typically flowers and is most identifiable. If Applicants' biologist finds orchids, Applicants shall not conduct any construction activities in that area and Applicants shall notify USFWS and the Board immediately. The Board shall reinstate consultation with USFWS. Applicants shall work with the board and USFWS to determine appropriate measures to offset impacts, most likely providing funding for an ongoing hand pollination project or providing funding to be used to enhance another orchid site (that is, brush cutting, prescribed burning).	Prior to construction, June 28 to July 11	Survey of areas to be undertaken - will start this summer (late June to mid-July). <i>Please see VM #108 Attachment.</i> Surveys were completed from late June to mid July, 2009. No orchids were identified. <i>Please see updated VM #108 Attachment for copy of Survey Report.</i> Where necessary, additional orchid surveys will be conducted in 2010. Orchid Surveys were conducted at two locations in 2010. No orchids were identified. <i>Please see updated VM #108 Attachment.</i> Where necessary, additional orchid surveys will be conducted in 2011. <b>In 2011, orchid surveys were conducted at the Normantown to Liberty Street Double Track project area and a potential sound wall location in Richton Park. No orchids were found.</b>	As per VM #49, part of EJ&E small project checklist.
* Most measures are silent on time to complete. Unless noted otherwise, assume that these are applicable throughout entire planned 3 year implementation period.					
<b>Final Mitigation Conditions</b>					
1)		Applicants shall comply with their voluntary mitigation measures.	30 days	Ongoing.	
2)	Rail Operations	As part of the Applicants' quarterly reports that will be required under VM 101, VM 36, and Condition 74, Applicants shall report quarterly to SEA and communities adjacent to or intersected by the EJ&E rail line on the frequency, cause, and duration of train blockages of crossings of 10 minutes in duration or greater, listing each delay and including any notifications from persons affected by the blockage and the time of the beginning and end of each delay. Applicants shall summarize the cause of each type of blockage that the Applicants self-report and shall state how the Applicants intend to reduce the incidence of all blockages not attributed to emergencies or weather-related incidents (sometimes called Acts of God) in the quarterly report.	Quarterly	Delay information from dispatch reports, public inquiry line and police communication is being collected. Analysis to reduce blockages has begun. CN is changing operations to reduce crossing blockages due to stopped trains. Ongoing. Monthly recaps of individual occurrences continues to be part of monthly operations report. Quarterly summaries of principal causes of blockages and CN's intended remedies are submitted with this report. <i>Please see Condition #2 Attachment, updated through Q2 Q3 2011.</i>	



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3)		Applicants shall distribute to communities adjacent to or intersected by the EJ&E rail line the contact information for the Applicants' community liaison established in VM 64 to ensure that Applicants are aware of highway/rail at-grade crossing blockages lasting 10 minutes or more.	30 days	Completed 2/1/2009. See VM 64.	
	Rail Safety				
4)	Safety Integration Plan	Applicants shall comply with their approved final Safety Integration Plan (SIP), prepared pursuant to 49 CR 1006, which may be modified and updated as necessary to respond to evolving conditions.		Underway. <i>Please see updated Condition #4 and #5 Attachment.</i>	
5)		Applicants shall continue to coordinate with FRA in implementing the approved final SIP, including any amendments thereto. The ongoing safety integration process shall continue until FRA notifies the Board that the integration of Applicants' operations has been safely completed.		Underway. <i>Please see updated Condition #4 and #5 Attachment.</i> CN has instituted two separate employee safety programs to modify behaviors and encourage safe operations. <i>Please see Condition #5 Attachment for summary of programs.</i>	
6)	Freight Rail Safety	Applicants shall adhere to all applicable Federal Occupational Safety and Health Administration (OSHA), FRA, and state construction and operational safety regulations to minimize the potential for accidents and incidents on the EJ&E rail line.		Underway.	
	Vehicle Safety				
7)	Industry Track	As requested by the Illinois Commerce Commission, Applicants shall notify the Illinois Commerce Commission prior to modifying rail service to existing rail shippers along the EJ&E rail line during the morning and evening commuter rush hours, in areas where: 1) industry tracks cross highway/rail at-grade crossings, and 2) those industry tracks highway/rail at grade-crossings are protected with warning devices that are not interconnected with or part of the warning devices at a highway/rail at-grade crossing of the same roadway located within 300 feet which experiences commuter rail traffic. Before modifying the rail service Applicants shall allow the Illinois Commerce Commission to review the adequacy of the highway/rail at-grade warning devices and abide by the Illinois Commerce Commission's reasonable determination(s), including contributing to funding any required modifications.		CN met with the ICC on March 10, 2009, to discuss implementation and schedule of grade crossing protections. CN and ICC began a diagnostic review of crossings on April 6, 2009. Review completed on April 14, 2009. Final ICC report not yet received as of 6/30/11. Coordination with ICC is standard practice for all public grade crossing projects. Ongoing.	
8)	Quiet Zones	Applicants shall work with Barrington, Illinois, to determine which improvements would be necessary for the City to maintain its quiet zone designation, should the transaction cause it to fall out of compliance with FRA regulations. The existing Barrington Quiet Zone includes the highway/rail at-grade crossings at Lake/Cook Road, Otis Road, Penny Road, Old Sutton Road, Shoe Factory Road, Spaulding Road, and West Bartlett Road. For 3 years from the effective date of the Board's final decision, Applicants shall fund reasonable improvements FRA deems necessary to maintain the existing quiet zone.		In progress. Discussions have started with Northwest Municipal Conference representative. FRA's annual review to take place in 2009. No FRA notification received as of 6/30/11 9/30/11..	
9)	Haz Mat Safety	To supplement Applicants' VM 21, Applicants shall conduct TransCAER workshops in English and Spanish upon request for 3 years from the effective date of the Board's final decision authorizing the Proposed Action.		Materials have been translated and are available upon request. <i>Please see VM #20 Attachment for copy of most recent communication and trainings offered.</i>	
10)		In addition to Applicants' VM 25, Applicants shall adhere to all EPA regulations as described in 40 CFR 263 and shall coordinate with EPA, state agencies, and local agencies on spill responses.		In progress. Ongoing.	

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11)	Pedestrian and Bicycle Safety	To supplement Applicants' VM 10, Applicants shall coordinate with each affected community prior to installation of this fencing and shall install fencing where the community deems appropriate. Applicants shall furnish and install at their sole expense a standard 6-foot-high, galvanized, chain-link fence at all locations where an effective fence does not currently exist. Upon completion of construction, the fence shall be owned and maintained by the community unless both parties agree otherwise in writing. The community may decide to install fencing that differs from this standard, but Applicants shall only be obligated to provide funds sufficient to construct the standard fence.		In progress. <i>Please see VM #10 and Condition #11 Attachment for correspondence on latest coordination.</i> Fencing has been installed in West Chicago, Naperville, New Lenox, and Sauk Village as part of this mitigation commitment. Coordination with the Village of Barrington and the Fox Valley Park District (in Aurora) continues regarding the potential installation of fencing. Fox Valley Park District fencing installation was completed over the 2010-2011 winter months.	
12)		To supplement Applicants' VM 43 and 44, Applicants shall make Operation Lifesaver programs available to communities, schools, and other appropriate organizations located along the EJ&E rail line for 3 years after the effective date of the Board's final decision. The programs will be designed and provided in coordination with the Illinois Commerce Commission and INDOT.		Presentations are ongoing. <i>Please see VM #43 Attachment. Please see VM #43b c Attachment showing Q2- Q3 2011 updates only.</i>	
13)		To address concerns raised by the U.S. Department of Transportation, Applicants shall either continue EJ&E's practice of holding trains south of Ann Street in West Chicago, Illinois, or work with the community to replace the George Street pedestrian crossing. Ann Street is located approximately 0.1 mile south of the George Street pedestrian crossing and 0.3 mile south of the signal in West Chicago. Applicants shall hold their trains at this location to avoid blocking the at-grade crossing at Ann Street (USDOT #260545V, MP28.50), the pedestrian crossing at George Street (USDOT #260806T, MP 28.27), and the at-grade crossing at Church Street (USDOT #260543G, MP 28.77). Upon obtaining a clear signal, to the extent possible, Applicants' trains shall not stop and block the at-grade crossings.		No longer necessary due to VMA with West Chicago. STB Decision #19, issued on August 4, 2009, removed this condition.	
	Transportation Systems				
14)	Regional and Local Highway Systems	In addition to VM 28, Applicants shall coordinate with the following state and local officials for the expeditious implementation of a grade separation at: The highway/rail at-grade crossing of Ogden Avenue and the EJ&E rail line in Aurora (USDOT #260560X). Coordinate with DuPage County, Illinois, and Aurora, Illinois, the Illinois Department of Transportation (IDOT), and the Illinois Commerce Commission. The highway/rail at-grade crossing of Lincoln Highway (US 30) and the EJ&E rail line in Lynwood (USDOT #260651D). Coordinate with Cook County, Illinois, Lynwood, Illinois IDOT, and the Illinois Commerce Commission. The substantial effects of the transaction on traffic delay, regional and local mobility, and grade-crossing safety warrant an increase over the traditional railroad share of the cost of these grade separations if they are approved and funded. Once applicants have been notified that the required non-CN funds have been committed and obligated, applicants shall pay 67% of the cost of the grade separation at Ogden Avenue and 78.5% of the Lincoln Highway grade separation		Expect to commence discussions shortly with relevant agencies. IDOT meetings have begun. IDOT progressing to preliminary engineering phase - 10/1/09. No update available from IDOT as of 12/14/09. Kick off Meeting with IDOT and Consultants for Grade Separations held at Joliet February, 2010. Follow-up meetings held 4/7/10, 6/25/10, 8/27/10, and 3/1/11. CN met with IDOT's project staff on <del>3/4/2011</del> <b>9/13/2011 for Route 30 and 9/16/2011 for Route 34 to review separations discuss design options and to review the Phase I design process going forward.</b> CN will participate in public hearings. Expect IDOT to select Preferred Alternative for each separation by the end of 2011. CN furnished IDOT's consultants with unit cost pricing for use in preparing their cost estimates. <b>CN has committed to exploring Value Engineering practices with IDOT.</b>	

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		Applicants shall pay this percentage of the cost of the preliminary engineering and environmental analysis, final design, ROW acquisition, utility relocation, and construction costs of these grade separations. However, applicants shall not be required to pay for more than one preliminary engineering study for each crossing. This obligation shall only be in effect for projects where construction is initiated no later than 2015. The Board anticipates that IDOT will be the lead agency for the development of these grade separations.			
15)		Applicants shall coordinate with IDOT and the appropriate counties and affected communities to develop a program to install traffic advisory signs on roadway ROW at certain public highway/rail at-grade crossings along the EJ&E rail line. These signs shall clearly advise motorists not to block intersections, and the format and lettering of these signs shall comply with FWHA's Manual on Uniform Traffic Control Devices. These signs shall be in place within a year of the effective date of the Board's final decision, subject to the approval of the coordinating agencies, and shall be located near the following intersections: a. Old McHenry Road/Midlothian Road, Hawthorn Woods, Illinois; b. Main Street/IL 22, Lake Zurich, Illinois; c. Hough Street (IL 59)/Northwest Highway (US 14), Barrington, Illinois; d. Plainfield-Naperville Road/IL 59, Plainfield, Illinois.	1 year	Lake County has agreed to install traffic advisory signs on Old McHenry Road. Coordination has begun with IDOT on other locations. IDOT advises 'do not block intersection' signs unwarranted. <i>Please see Condition #15 Attachment.</i> Advisory signs have been installed along Old McHenry Road.	
16)		Applicants shall construct the revised connection at Matteson, Illinois, and the revised double track connection at Leithton (near Mundelein, Illinois) as described in the Applicants' letters dated August 21, 2008 and September 17, 2008, respectively.		Design in progress. Design finalized; awaiting permits. For Matteson Connection, second contract has been let, third contract was sent out for bidding July 2010. Construction started second quarter 2010. Matteson: All Contracts have been let, construction underway. Leithton: ComEd relocation is underway. Additional utility relocation is under design, civil and track design is complete, pending Army Corps Of Engineers/Lake County Stormwater Management Commission permitting approval; construction anticipated in 2011. Matteson construction is underway. <del>Anticipated completion in Q3-2011.</del> <b>Construction will be completed in early Q4 2011.</b> Preliminary work is underway at Leithton. First of two tracks anticipated for completion in 2011.	
17)		As requested by the Illinois Commerce Commission, Applicants shall consult with Illinois Commerce Commission, as well as INDOT, to locate roadway intersections with traffic lights within 1,000 feet of existing highway/rail at-grade crossings along the EJ&E rail line to identify circumstances where queued cars could extend over the EJ&E rail line and to consider reasonable solutions.		CN has begun coordination with ICC. CN has begun coordination with INDOT. No further progress.	

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
18)	Emergency Response	In addition to VM 42, to further assist with the timely response of the emergency service providers listed in Table ES- 1 below, Applicants shall consult with all appropriate agencies to implement a CCTV system with video cameras placed in locations so that the movement of trains can reasonably be predicted at the highway/rail at-grade crossings listed in Table ES- 1. Applicants shall pay for the necessary equipment, including cameras, monitors, poles, cables, controllers, cabinets, communications equipment, electrical connections, or other necessary components, electrical connections, or other necessary components, the installation of the equipment, the equipment training for up to two individuals for each emergency service provider listed in Table ES- 1 below. Applicants shall work with all appropriate agencies to determine specifications and scheduling for the installation of this system. Applicants shall not be responsible for the ongoing maintenance and operation of the CCTV system after the system is installed and operational.		In progress/alternative technology being developed and discussed with municipalities and response agencies. Final proposal received; CN approved June 2009. First implementation meetings on 9/2/09 and 9/23/09. See <i>Condition #18 Attachment for copies of correspondence from relevant communities</i> . Most recent call took place on 12/10/09; installation will begin ASAP. Dispatchers' Active Crossing System (ACS) is undergoing enhancement before being rolled out to all communities. STB Decision #24 confirmed that ACS is an appropriate substitute for CCTV. Contract with vendor has been executed to redesign initial ACS to allow for constant access by dispatchers. Anticipated delivery by end of 2010, with full rollout starting in 2011. Ongoing.	
19)	Airports	Applicants shall comply with the four-party Preliminary Memorandum of Understanding (PMOU) announced by the Gary/Chicago International Airport, EJ&E, CSX, and NS on June 27, 2008, regarding the airport's plan to extend its main runway and to relocate the EJ&E rail line.		Ongoing discussions with Gary Airport. Revised Phase 1 Plan approved in October, 2009. Contract Negotiations underway. Update meetings held 3/11/10, 7/26/10, 11/8/10, 1/5/11, 2/7/11, and 3/1/11. Airport has provided CN with 30% and 60% complete engineering plans. CN is currently reviewing the 60% plans.	
20)	Land Use	Applicants shall consult with and comply with the reasonable requirements of INDNR to demonstrate compliance with the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451-1456) and the Indiana Lake Michigan Coastal Program in accordance with the guidelines found in the Indiana Natural Resources Commission's Information Bulletin #43 (Indiana Natural Resources Commission 2007). Applicants shall demonstrate CZMA compliance prior to initiating any project-related construction activities in Indiana.	Prior to construction activity.	INDNR has indicated preliminary compliance with CZMA for the overall acquisition. Individual projects will be evaluated for compliance after design plans have been prepared. <i>Please see updated Condition #20 Attachment</i> . CN met with INDNR on July 14, 2010 to discuss compliance with the CZMA. Projects requiring a federal permit will be reviewed by INDNR for CZMA compliance. Securing a state permit satisfies CZMA compliance. <b>Kirk Yard (Dixie 1 and 2 Extensions) NPDES permit was forwarded to INDNR in October 2010.</b>	As per VM #49, part of EJ&E small project checklist.
21)	Environmental Justice	In addition to VM 23, which requires Applicants to provide a copy of their emergency response plan to all appropriate state and local authorities within 6 months of the effective date of the Board's final decision, Applicants shall provide the appropriate authorities a Spanish-language version of the emergency response plan, upon request.		Spanish version is available upon request.	
22)		In addition to VM 11, all of Applicants' informational materials concerning railroad safety shall be provided to elementary, middle, and high schools within 0.5 mile of the EJ&E ROW in both English and Spanish, upon request. In addition to VM 65, Applicants shall make materials and information on their project-related website available in both English and Spanish.		Materials are available and ready to be distributed upon request. Website was launched on May 20, 2009. Updated weekly. Ongoing.	
23)		In addition to VM 64, Applicants shall provide a Spanish-language translator to work with the Applicants' community liaison as needed to consult with affected communities and businesses, to attend public meetings, and to conduct public outreach.		Will be provided upon request. No programs requested to date.	
24)	Air Quality and Climate	Applicants shall comply with EPA emissions standards for diesel-electric railroad locomotives (40 CFR 92) when purchasing and rebuilding locomotives.		In compliance.	

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
25)		Applicants shall notify local fire departments along the EJ&E rail line at least 4 hours before any open burning activities along the EJ&E rail line ROW and in proposed construction areas and shall obtain oral or written permission from the fire departments prior to such burning activities.		CN does not allow open burning on property. "Boiler Plate" specifications include that no open burning on RR property is allowed.	As per VM #49, part of EJ&E small project checklist.
26)	Noise and Vibration	Upon request, Applicants shall consult with communities affected by wheel squeal at existing locations on the EJ&E rail line, and cooperate in determining the most appropriate methods for implementing VM 80.		Being addressed by rail lubricator locations/already under design. <i>Please see updated VM #80 and Condition #26 Attachments for updated list of completed and anticipated rail lubricator locations.</i> Final locations were installed in Q4 2010. Additional lubricators to be installed at Matteson and Leithton by end of 2011 after track construction is complete.	
27)		Applicants shall make reasonable efforts to notify the U.S. Department of Energy Fermi National Accelerator Laboratory (Fermi Lab) in Batavia, Illinois, of potentially significant operational changes, such as substantial increases in train speed and/or axle loadings that could affect their vibration-sensitive equipment.		No contact made so far since there have been no significant operations increases. Meeting with Fermilab was held July 8, 2010; CN has followed up with several telephone conversations since then.	
28)		In addition to VM 77 through 83 and Condition 74, Applicants shall include in their quarterly reports documentation of their efforts to implement in a timely manner their voluntary noise and vibration mitigation, which is intended to provide effective and measurable noise reduction in areas that qualify for noise mitigation under IDOT or INDOT criteria, as discussed in Chapter 2 of the Final EIS.	Quarterly	In progress. Several identified locations currently in VMA discussions. Barrington has been approached separately. The last item for Barrington, a median barrier, is awaiting approval from all parties. Final median barrier plans were sent to all parties for approval in October 2010. Construction will begin upon approval by all parties to complete all construction to allow for establishment of quiet zone at Rte 59. One other location may be addressed by a voluntary agreement, and Bartlett has been approached to discuss resolution of two areas as identified in the FEIS. Barrington - Final plans for center median were forwarded to IDOT and Village on 3/17/2011. Construction anticipated July 2011. <del>Unincorporated Cook County Area</del> <b>Richton Park</b> - Representatives were approached 3/17/2011 for resolution of noise issue in their area; in cooperation with owner of affected property, CN is proceeding with design of sound wall. Bartlett - Meetings were held 2/4/2011 and 5/25/2011, and 8/29/2011 with Village to explore resolution. Only one other area, in unincorporated Lake County, IL, still needs to be addressed.	
	Biological Resources				
29)	Resource Agency Liaison	In addition to VM 64, Applicants shall establish a local resource agency liaison(s) with expertise in environmental and natural resource management to work closely with Federal, state, and local natural and water resource agencies (including Fermi lab) for the purpose of improved adaptive natural resource management. Applicants shall name their liaison(s) within 1 month of the effective date of the Board's final decision. Applicants' liaison(s) shall ensure that the adaptive management measures developed shall be incorporated into all relevant railroad ROW maintenance contracts. Applicants' liaison(s) shall be available to consult with resource agencies for 5 years following the effective date of the Board's final decision.	30 days	CN Liaison has been named - Devin Sprinkle (Regional Manager - Environment) and work is underway.	

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
30)		Applicants shall work with relevant natural resource stakeholder groups, forest preserve districts, TNC, INDNR, IDNR, and USFWS to establish appropriate monitoring programs. These programs shall include identifying baseline conditions and post-transaction conditions, in areas adjacent to forest preserves and designated natural areas on species of concern to the above groups. Applicants shall fund the monitoring programs for a period of 5 years from the effective date of the Board's decision.		The establishment of monitoring programs is progressing with the natural resources stakeholder groups in Illinois and Indiana. See response to VM 104 above. Ongoing. All preliminary reports were received by 12/18/09. 2010 studies have been completed. Progress and results are being discussed at the quarterly stakeholder group meetings. 2011 studies are underway. <i>Please see Condition #30 Attachment for a list of Illinois and Indiana stakeholders.</i>	Presentations with all stakeholders scheduled for 1/12/10 (Indiana) and 1/14/10 (Illinois).
31)	Plant Communities	In addition to VM 96 and VM 97, Applicants shall work with the natural resource agencies through the Applicants' resource agency liaison(s) (see Condition 29, above) to define sensitive areas where use of herbicides should be restricted.		Underway. Indiana only - <i>Please see Condition #31 Attachment for list of sensitive areas.</i> In both Illinois and Indiana, CN's vegetation control program was modified to use only those products approved for aquatic application in order to ensure protection of sensitive resources. The 2011 vegetation control program <del>will be</del> <b>was</b> similar to the 2010 program and <del>will be</del> <b>was</b> coordinated with the natural resources stakeholder groups.	
32)		In addition to VM 96, Applicants shall consult with and develop cooperative and adaptive management strategies with natural resource agencies to address invasive species spread directly by transaction-related operations. Applicants' local resource agency liaison(s) (see Condition 29 above) shall serve as coordinators(s).		Ongoing by resource liaison. <b>Results from the monitoring programs will be used to determine appropriate management strategies.</b>	
33)		Applicants, through the local resource agency liaison (established in Condition 29, above) shall work with the forest preserve districts to minimize disruptions and complications to the management and implementation of district-prescribed burn programs, to the extent possible.		Ongoing by resource liaison. As of 10/26/09, awaiting schedule of prescribed burns from Forest Preserve Districts. CN developed a burn notification form that has been distributed to the natural resources stakeholders. <i>Please see Condition #33 attachment.</i> CN has developed and coordinated procedures with the forest preserve districts regarding the conduct of prescribed burns on or adjacent to railroad property.	
34)	Federally-Listed and State Listed Threatened/Endangered Species	In addition to VM 51, Applicants shall continue to abide by the special conditions of the 1996 USACE Permit #19960211 for train operations on the Paul Ales Branch in order to minimize further effects on the Hine's emerald dragonfly.		CN's operating department is in compliance.	
35)		To avoid any direct take of Indiana bats, Applicants shall not remove trees within the former EJ&E ROW with a diameter of 3 or more inches between April 15 and September 15. Applicants shall avoid or minimize tree clearing and snag removal within project-related construction area limits.		USFWS indicates this is a non-issue. Please see <i>Condition #35 Attachment for supporting documentation.</i> STB Decision #19, issued on August 4, 2009, removed this condition. Closed.	As per VM #49, part of EJ&E small project checklist.
36)	Water Resources	Within 6 months of the effective date of the Board's final decision, Applicants shall consult with EPA, Illinois Environmental Protection Agency (IEPA), and Indiana Department of Environmental Management (IDEM) regarding sensitive surface or groundwater resources along the EJ&E rail line and potential cost-effective preventative measures that could be taken to protect such resources from potential contamination in the unlikely event of a hazardous material release from a rail car on the EJ&E rail line. Applicants shall include in their quarterly reports documentation of the outcome of their consultations and shall abide by the consulting agencies' reasonable requirements.	6 months	Contacted resource agencies to request information regarding sensitive surface and groundwater resources. All surface and groundwater information was obtained from the resource agencies by November 2, 2009. Stakeholders Group is to provide Hazardous Response Watershed Management Plan so that preventative measures can be considered and implemented. CN conducted emergency response tabletop exercise on June 10, 2010 for Indiana Stakeholder Group to discuss actions that will be taken in the event of an incident. Representatives from USEPA, INDNR, and TNC were in attendance. An emergency response tabletop exercise for the Illinois Stakeholder Group was held on January 13, 2011. CN is developing a conceptual plan to illustrate how an Emergency Response Team would mobilize in the event of a hazardous material release to minimize the impact to sensitive surface or groundwater resources. <b>Conceptual plan will be coordinated with stakeholders in Q4 2011.</b>	

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
37)		In addition to VM 90, and in response to concerns raised by INDNR, Applicants shall coordinate project-related wetland mitigation planning with INDNR.		Underway by resource liaison; will be handled through permitting process. INDNR was coordinated with regarding wetland mitigation required for the Griffith Connection. To date, this is the only construction activity within Indiana. Coordination with INDNR has been initiated regarding potential wetland impacts in Kirk Yard. <b>A meeting was held on September 14, 2011 with resource agencies, including INDNR, to discuss potential wetland impacts in Kirk Yard.</b>	INDNR's initial concerns related only to the NS Connection at Gary and Kirk Yard improvements.
38)		Applicants shall meet with EPA, USFWS, and USACE during the design of all project-related construction (including the locations of connections and double track) and shall comply with the reasonable requirements of those agencies in order to avoid and minimize, to the extent feasible, effects on wetlands and biological resources.	Prior to construction activity.	Underway by resource liaison-handled through permitting process. Coordination with these agencies is ongoing and is occurring through the stakeholder group meetings and permit review process.	As per VM #49, part of EJ&E small project checklist.
	Constructions				
39)	Rail Operations	In addition to VM 40, Applicants shall maintain access to the pedestrian tunnel from the Metra Park-n-Ride lot to the Metra train station on the east side of the Chicago Subdivision at Matteson, Illinois. Construction of the Applicants' proposed connection shall not interfere with the public's access along Front Street in Matteson. Prior to the proposed construction, Applicants shall consult with Metra to devise reasonable requirements pertaining to coordinating tunnel access, track construction and existing pedestrian safety.		Still in design. STB Decision #19, issued on August 4, 2009, removed this condition.	
40)	Rail Safety	Applicants shall consult with state Departments of Transportation and other appropriate agencies and shall abide by the reasonable requirements of the Illinois Commerce Commission or INDOT prior to constructing, relocating, upgrading, or modifying highway/rail at-grade crossing warning devices on the EJ&E rail line.	Prior to construction activity.	CN has held preliminary meeting with ICC/meeting to be scheduled with INDOT. ICC and INDOT meetings completed. In discussions. ICC hearings held 1/10/10 for 3 crossing on Normantown to Walker project, other petitions under development, ICC Form 3 process underway for Main Street, Matteson. Coordination with respective road authority and ICC is standard practice for all public grade crossing projects. All appropriate ICC notifications are being made. CN has received ICC Orders for all crossings for Normantown to Walker, E. Joliet to Nelson Road, Diamond Lake Road, and IL Route 83 track projects. CN anticipates projects to be completed in 2011. Ongoing.	As per VM #49, part of EJ&E small project checklist.
41)	Hazardous Waste Sites	Applicants shall use established standards for recycling or reuse of construction materials, such as ballast and rail ties. When recycling construction materials is not a viable operation, the Applicants shall use disposal methods that comply with applicable solid and hazardous waste regulations.		Will be part of construction bid requirements and specifications. Ongoing.	As per VM #49, part of EJ&E small project checklist.
42)		Applicants shall follow American Society of Testing and Materials (ASTM) E1527-05, Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process, prior to construction activities related to the Proposed Action in areas where potential contamination may be encountered (ASTM 2005). If the Applicants encounter contamination (or signs of potential contamination) during these activities, Applicants shall perform a Phase 2 environmental investigation.	Prior to construction activity.	CN will conduct site assessments where it is acquiring property and where the potential for contamination exists. Phase I ESAs have been completed for the properties to be acquired at the Matteson Connection where the potential for contamination existed. Phase I ESAs have been completed for properties that will be acquired at the proposed Leithton Connection, <b>and initiated in Joliet for the connection to CN's Joliet Subdivision.</b>	As per VM #49, part of EJ&E small project checklist.
43)	Land Use	In addition to VM 70, in response to concerns raised by IDNR, Applicants shall consult with IDNR or INDNR to coordinate a reasonable easement agreement for crossing state-owned parks in Illinois or Indiana, respectively, to reach project-related construction areas.	Prior to construction activity.	No construction plans are identified on State-owned lands. If it becomes necessary to access State-owned land for construction, CN will coordinate with the proper agency. CN is leasing state-owned land for the Diamond Lake to Gilmer Road project. CN will lease State of Illinois property for access to pipe culvert replacement at Bridge #45, approximate MP 59.3, Leithton Subdivision	As per VM #49, part of EJ&E small project checklist.

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
44)		In addition to VM 54, VM 60, and VM 62, Applicants shall flag the boundaries of any project-related construction near a forest preserve, nature preserve, protected area, local park, scenic corridor, or land and water reserve and shall coordinate with the respective owners and/or managers and abide by their reasonable requirements.		Will be part of construction bid requirements and specifications. Ongoing.	As per VM #49, part of EJ&E small project checklist.
45)		Applicants shall store construction-related equipment and materials in established storage areas or on the Applicants' property.		Will be part of construction bid requirements and specifications. Ongoing.	As per VM #49, part of EJ&E small project checklist.
46)		Prior to construction of double track near Gilmer Road near Hawthorn Woods, Illinois, Applicants shall coordinate with and abide by the reasonable requirements of Hawthorn Woods regarding the Gilmer Road scenic corridor.	Prior to construction activity.	Not applicable- no construction planned within this scenic corridor. VMA was executed with Hawthorn Woods on 9/10/09.	
47)	Noise and Vibration	Applicants shall implement best management practices when developing construction plans and performing transaction-related construction activities to ensure that construction-related noise and vibration effects are minimized to the extent possible.	Prior to construction activity.	Will be included as part of construction management process. Ongoing.	As per VM #49, part of EJ&E small project checklist.
48)		Applicants shall design and build all new transaction-related, curved track sections of 3 degrees or above in a manner that minimizes or eliminates the potential for wheel flange squeal using guidance provided by AREMA standards.		Will be incorporated into construction plans. Ongoing. Additional lubricators are being installed with track connection projects.	As per VM #49, part of EJ&E small project checklist.
49)	Biological Resources	Applicants shall immediately cease transaction-related construction in the event that a previously unidentified Federally or state-listed threatened or endangered species is encountered during transaction-related construction activities. In that event, Applicants shall consult with USFWS for Federally-listed species and IDNR and/or INDNR for state-listed species for guidance on how to minimize transaction-related effects and protect these species, and shall comply with the reasonable solutions suggested by those agencies. Applicants' resource agency liaison(s) (see Condition 29, above) shall serve as coordinator(s).		Ongoing.	As per VM #49, part of EJ&E small project checklist.
50)		In addition to VM 86, Applicants shall not include any invasive weed species in seed mixes for revegetation of areas that would be disturbed during transaction-related construction activities.		Will be part of construction bid requirements and specifications. Details are included in "boiler plate" bidding specifications for the projects. Native vegetation seed mix shown in VM #86 Attachment does not include any invasive weed species. Completed.	As per VM #49, part of EJ&E small project checklist.
51)		Applicants shall avoid construction of the Munger connection within Pratt's Wayne Woods Forest Preserve or any other identified migratory bird nesting or breeding area, during the bird breeding season (April through August) to avoid disturbance of breeding birds.		Will observe through all breeding seasons. CN discussing appropriate duration of bird breeding season with the DuPage County Forest Preserve— <del>may adjust length</del> . <b>The Forest Preserve may recommend to the STB that the period during which construction is prohibited be shortened for 2012.</b>	
52)		Prior to transaction-related construction activities, Applicants shall reexamine the Federal and state lists of threatened and endangered species for any newly listed species and shall consult with the appropriate resource agencies on any newly listed species. Applicants' resource agency liaison(s) (see Condition 29, above) shall serve as coordinator(s).		Ongoing.	As per VM #49, part of EJ&E small project checklist.
53)		Applicants shall ensure that all equipment for transaction-related construction activities is washed prior to entering the construction site and after the construction activities are completed. Prior to leaving the construction site, Applicants shall inspect all construction equipment and remove any attached flora, fauna, mud or seeds.		Will be part of construction bid requirements and specifications. Details are included in "boiler plate" bidding specifications for the projects.	As per VM #49, part of EJ&E small project checklist.



Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
54)		Applicants shall maintain the current access to Pratt's Wayne Woods near Wayne, Illinois at the Applicants' Proposed Munger Connection in accordance with existing access and management agreements.		To be incorporated into project design.	
55)	Water Resources	Applicants shall compensate for the effects on isolated wetlands according to the regulations of the State of Indiana for transaction-related construction activities. Isolated wetlands in Indiana are regulated as State Regulated Wetlands (SRWs) under 327 Indiana Administrative Code (IAC) 17.		The Griffith Connection project includes impacts to isolated wetlands. A wetland permit was obtained from IDEM. The proposed mitigation is in compliance with the referenced state regulation. <i>Please see Condition #55 Attachment.</i> Griffith project completed. Currently in year two of three year mitigation monitoring.	As per VM #49, part of EJ&E small project checklist.
56)		For transaction-related construction activities, Applicants shall mitigate for effects on isolated wetlands according to the regulations of Lake and DuPage counties in Illinois, both of which have specific mitigation requirements for effects on isolated waters and their associated buffer areas.		To be addressed as part of permit process.	As per VM #49, part of EJ&E small project checklist.
57)		When performing transaction-related construction activities, Applicants shall not affect existing wetlands in order to create the ponds or storm water detention that may be required for the management of storm water runoff.		To be incorporated into project design. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
58)		Applicants shall comply with the reasonable requirements of the Will County, Illinois Stormwater Management Ordinance for all transaction-related construction activities in Will County.		Coordination with Will County is ongoing regarding applicable projects. Permits have been obtained for Normantown to Walker (Phases 1 and 2), East Joliet to Nelson Road double track (all 8 segments), and the West Frankfort Siding Extension. The next project requiring coordination with Will County will be the Normantown to Liberty Street double track project. Coordination has begun on the Normantown to Liberty Street Double Track Project that was previously postponed for design purposes.	As per VM #49, part of EJ&E small project checklist.
59)		When performing transaction-related construction activities, Applicants shall avoid increasing upstream flood elevations in Federal Emergency Management Agency (FEMA)-regulated floodplains and shall obtain a Letter of Map Revision (LOMR) from FEMA where construction of bridges, culverts, or embankments would result in an unavoidable increase in 100-year flood elevations greater than 0.1 foot.		To be addressed as part of permit process. <del>All designs complete except for Eola to East Siding extension.</del> Site selection for NS and CSX connections at Gary, Kirk Yard is ongoing. <b>No LOMRs have been required as of September 2011.</b>	As per VM #49, part of EJ&E small project checklist.
60)		Prior to beginning transaction-related construction activities, Applicants shall delineate wetlands and conduct floristic quality assessments in jurisdictional wetland and non-jurisdictional wetland habitat in transaction-related construction areas along the EJ&E rail line (including the six connections and the proposed double track).	Prior to construction activity.	Wetland delineations and floristic quality assessments are being performed for all construction projects. They have been completed for the Leighton Connection, Matteson Connection, Diamond Lake to Gilmer double-track, Normantown to Walker double-track, Munger Connection, Griffith Connection, Gary Connection and the three WILD sites. For the projects where wetlands impacts have been identified, permit applications are being processed. All delineations complete except for NS and CSX Connections at Gary, Kirk Yard, which are still being selected. Wetland delineations and floristic quality assessments have also been completed for the Sutton Siding Extension, West Chicago Siding Extension, Eola to East Siding Extension, East Joliet to Nelson Road double track and East Siding to Normantown double-track. All required assessments have been completed. Normantown to Liberty Street double track is being surveyed per County and ACOE requirements. Coordination with Will County is underway for the Normantown to Liberty Street Double Track Project.	As per VM #49, part of EJ&E small project checklist.

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
61)	Cultural Resources	During transaction-related construction activities, Applicants shall immediately cease excavation work if archeological resources are encountered during construction activities. Applicants shall inform and consult with the appropriate State Historic Preservation Office and/or appropriate Tribal Historic Preservation Office regarding appropriate measures for addressing the resource, and shall comply with the reasonable requirements those agencies suggest.		Will be part of construction bid requirements and specifications. Details are included in "boiler plate" bidding specifications for the projects. Ongoing.	As per VM #49, part of EJ&E small project checklist.
62)	Negotiated Agreements	Applicants shall comply with the terms of their agreement with Amtrak as set forth in VM 37.		In progress.	
63)		Applicants shall comply with the terms of the negotiated agreement that was executed by Joliet, Illinois and the Applicants on August 25, 2008.		In progress.	
64)		Applicants shall comply with the terms of the negotiated agreement that was executed by Crest Hill, Illinois and the Applicants on November 18, 2008.		In progress.	
65)		Applicants shall comply with the terms of the negotiated agreement that was executed by Dyer, Indiana and the Applicants on December 4, 2008.		In progress.	
66)		Applicants shall comply with the terms of the negotiated agreement that was executed by Chicago Heights, Illinois and the Applicants on December 8, 2008.		In progress.	
67)		Applicants shall comply with the terms of the agreement that was executed by Mundelein, Illinois and the Applicants on December 9, 2008.		In progress.	
68)		Applicants shall comply with the terms of the negotiated agreement that was executed by Schererville, Indiana and the Applicants on December 11, 2008.		In progress.	
69)		Applicants shall comply with the terms of the negotiated agreement that was executed by Hoffman Estates, Illinois and the Applicants on December 15, 2008.		In progress.	
70)		Applicants shall comply with the terms of the negotiated agreement that was executed by Frankfort, Illinois and the Applicants on December 15, 2008.		In progress.	
71)		Applicants shall comply with the terms of the negotiated agreement that was executed by Griffith, Indiana and the Applicants on December 18, 2008.		In progress.	
72)	Monitoring and Enforcement	If there is a material change in the facts or circumstances upon which the Board relied in imposing specific environmental mitigation conditions, and upon petition by any party who demonstrates such material change, the Board may review the continuing applicability of its final mitigation, if warranted.		Ongoing.	
73)		Applicants shall retain a third-party contractor to assist SEA in monitoring and enforcement of mitigation measures on an as-needed basis until Applicants have completed transaction-related construction activities, as well as a period covering the first 5 years from the effective date of the Board's final decision.		Completed - April 2009 - contract retaining a third party contractor was executed. Ongoing.	As agreed to by STB and CN. <b>The oversight period was extended an additional year, to January 23, 2015, by STB Decision No. 26, served December 21, 2010.</b>
74)		In addition to VM 101, Applicants shall submit quarterly reports to SEA on the progress of, implementation of, and compliance with these mitigation measures for a period covering 5 years from the effective date of the Board's final decision. Applicants shall notify the Board in their quarterly reports if applicants substantially depart from their traffic projections on the five existing CN lines through Chicago on more than a short-term, temporary basis.		In progress.	<b>The oversight period was extended an additional year, to January 23, 2015, by STB Decision No. 26, served December 21, 2010.</b>

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
75) a		Applicants shall comply with the terms of . . . the negotiated agreement executed by Mokena, IL, and the Applicants on December 23, 2008.		In progress.	Executed since final decision issued.
75) b		Applicants shall comply with the terms of . . . the negotiated agreement executed by West Chicago, IL, and the Applicants on March 5, 2009.		In progress.	Executed since final decision issued.
75) c		Applicant shall comply with the terms of the negotiated agreement executed by Richton Park, IL, and the Applicants on March 11, 2009.		In progress.	Executed since final decision issued.
75) d		Applicant shall comply with the terms of the negotiated agreement executed by Vernon Hills, IL, and the Applicants on March 18, 2009.		In progress.	Executed since final decision issued.
75) e		Applicant shall comply with the terms of the negotiated agreement executed by Matteson, IL, and the Applicants on March 19, 2009.		In progress.	Executed since final decision issued.
75) f		Applicant shall comply with the terms of the negotiated agreement executed by Gary, IN, and the Applicants.		In progress.	Executed since final decision issued.
75) g		Applicant shall comply with the terms of the negotiated agreement executed by Elgin, IL, and the Applicants.		In progress.	Executed since final decision issued.
75) h		Applicant shall comply with the terms of the negotiated agreement executed by Warrenville, IL, and the Applicants.		In progress.	Executed since final decision issued.
76) a		Applicant shall comply with the terms of . . . the negotiated agreement executed by Hawthorn Woods, IL, and the Applicants on September 14, 2009.		In progress.	Executed since final decision issued.
76) b		Applicant shall comply with the terms of . . . the negotiated agreement executed by Park Forest, IL, and the Applicants on September 23, 2009.		In progress.	Executed since final decision issued.
77) a		Applicant shall comply with the terms of . . . the negotiated agreement executed by Lake Zurich, IL, and the Applicants on November 19, 2009.		In progress.	Executed since final decision issued.
77) b		Applicant shall comply with the terms of . . . the negotiated agreement that was executed by Plainfield, IL, and the Applicants on December 9, 2009.		In progress.	Executed since final decision issued.
78) a		Applicant shall comply with the terms of . . . the negotiated agreement executed by Village of Barrington Hills, IL, and the Applicants on May 1, 2010.		In progress.	Executed since final decision issued.
79) a		Applicant shall comply with the terms of . . . the negotiated agreement executed by the Village of Long Grove, IL, and the Applicants on August 26, 2010.		In progress.	Executed since final decision issued.
79) b		Applicant shall comply with the terms of . . . the negotiated agreement executed by Village of Sauk, IL, and the Applicants on October 13, 2010.		In progress.	Executed since final decision issued.
80) a		CN shall comply with the terms of . . . the negotiated agreement executed by the Village of New Lenox, IL, and CN on December 22, 2010.		In progress.	Executed since final decision issued.
* Most measures are silent on time to complete. Unless noted otherwise, assume that these are applicable throughout entire planned 3 year implementation period.					
Monitoring and Oversight Conditions per Final Decision, not otherwise included above					
All are mandated through January 23, 2015, but STB reserves the right to extend oversight period.					
See p. 26 of final decision					

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
	Interchanges	To monitor interchange activity, the Board will require CN to establish measurements of the effectiveness of each current (historic) interchange and to report the same measures for these interchanges post-merger. The reporting shall cover any new interchange should CN move traffic from one or more current interchanges to a new point. The new interchange with the Gary Railway Company shall also be included in the reporting.		Monthly reports submitted separately.	
	At-Grade road crossings	The Board will require monthly reporting and monitoring of the operations at these crossing points. CN shall provide a report of all existing (historic) protocols for service or priority at these crossings and shall report any changes that are made. CN shall also report monthly to the Board any delays occurring at each of these crossings by freight and passenger trains of CN, others using CN, and crossing carriers.		Monthly reports submitted separately.	
	Train volumes, Accidents and Incidents, Street Crossing Blockages	CN will be required to provide monthly the following information pertinent to post-merger operations: the number of trains operating over appropriate segments of the EJ&E and CN lines through Chicago per day; the date and descriptive information about each accident or incident that occurs on the EJ&E rail line or CN lines through Chicago, including grade crossing accidents; and the date and descriptive information about each crossing blocking occurrence on the EJ&E rail line that exceeds 10 minutes in duration.		Monthly reports submitted separately. CN has added dedicated personnel to monitor and report blockages. <i>Please see Condition #2 Attachment, updated through Q2 Q3 2011.</i>	

Additional reporting required under Decision No. 26 (pp. 14-15):					
	CN is directed to provide additional information on . . . the extent to which its construction projects in [the following four crossing] areas are contributing to the blockages, the progress of the construction, and, upon completion, how such construction projects will alleviate (or are alleviating) the frequency and duration of blocked crossings, if at all[:]				
		[1] around Leithton, Ill., at Diamond Lake Road (WSD milepost 59.13) and Route 60/83 (WSD milepost 59.02).[:]		Construction in this area involved utility relocation efforts and material staging conducted during second half of 2010 for the new higher speed double-track connection at Leithton, and the extension of the siding south toward Gilmer Road. This work contributed somewhat to additional crossing blockages, but the more significant causes were increased traffic and delays due to crew changes. The connection work is continuing through the winter of 2010-11 and is expected to be completed in late 2011 or early 2012. Once completed, the second track and lengthened siding should substantially reduce delays at both the Route 60/83 and Diamond Lake Road crossings. Anticipate actual track construction to start in 2011 and be completed in 2012.	

Number	Category & Sub Category	Description	Implementation Deadline	Status	Comments to STB
		[2] [a] series of crossings in Joliet, Illinois -- North Rowell Avenue (ESD milepost 1.8), South Rowell Avenue (ESD milepost 2.86), and Country Club Road (ESD milepost 3.15).[]		Westbound trains entering Joliet Yard have been faced with temporary slow orders throughout the construction period for the Joliet Yard bypass track. Eastbound trains have been able to bypass the work zones more often than westbound trains, but still have had to climb out of the yard on the ruling grade. Trackwork for the Joliet Yard bypass track was completed in 2010, and all that remains for this project is additional signaling. CN expects all work to be completed and higher track speed implemented by the end of 2011. This will make it possible to stage through trains that do not need to be worked in Joliet Yard. These improvements should produce substantial reductions at the grade crossings east of Joliet.	
		[3] [a]t the Main Street crossing in Matteson, IL.[]		This area is directly impacted by the major work underway to construct the IC - EJ&E connection. In the southeast quadrant, the existing single track is being realigned and the yard switches have been removed. This work is also preparation for grading work to shift the EJ&E mains to the south which is part of the design. This connection track is used by traffic coming from IC which now must reverse direction in Matteson to proceed west and north. The length of the trains and the slow zones have contributed to an increase in delays. The Connection is expected to be completed in phases, with the majority of the new routings in various directions in service in mid-2012. Upon completion of the new connection, the specific train movements that cause the greatest number of delays in this area will be routed so as to make a progressive move over the new elevated wye, at higher track speed than at present. Crossing was closed March 28, 2011 for complete track relocation and street rebuilding. <del>Street still closed due to excessive rainfall and outside party communication line relocation.</del> <b>Main Street crossing was opened September 2, 2011.</b>	
		[4] [a] series of crossings in Griffith, Ind. -- Broad Street (ESD milepost 36.22), Main Street Griffith (ESD milepost 36.52), and Elm Street (ESD milepost 37.02).[]		CN has now completed the installation of power switches for the connecting tracks in the southeast quadrant and has built a new connection in the northeast quadrant of the GTW-EJ&E crossing at Griffith. Before power switches were installed, trains had to stop to handle eastbound movements off of the EJ&E, causing delays to vehicular traffic on the Broad and Main Street crossings. The completion of improvements in both quadrants has already contributed to a decrease in the number of blockages.	
	CN also shall provide the above information in its quarterly environmental reports for any additional public crossing areas that experience a 25% increase in average blockages per month during the course of a reporting quarter.			Please see attached Table of Public Crossings with 25% or Greater Increase in Average Monthly Blockages Between the <del>First</del> <b>Second</b> and <del>Second</del> <b>Third</b> Quarter 2011.	

Supporting  
Documents for  
STB Condition  
No. 9  
(VM 42)

**Documents Include:**  
Active Crossing System Distribution

## VM #42 ACS Attachment



### Active Crossing System Distribution

Community	License Agreement Sent	License Agreement Received	Software in Use	Notes:
Dyer	22-Jul-11			
Griffith	20-Jul-11	26-Sept-11	27-Sept-11	
Schererville	20-Jul-11			
Aurora	14-Sep-11			
Barrington	25-Jul-11			
Barrington Hills	25-Jul-11			
Bartlett	14-Sep-11			
Hawthorn Woods	14-Sep-11			
Hoffman Estates	14-Sep-11			
Matteson	14-Sep-11			
Mundelein	14-Sep-11			
Park Forest	14-Sep-11			
Warrenville	14-Sep-11			
Wayne	14-Sep-11			

# Supporting Documents for STB Condition No. 9 (VM 43)

**Documents Include:**

- Operation Lifesaver Presentations



## **VM #43c Attachment**



### **Operation Lifesaver Presentations**

**July 8, 2011**

**Location:** Reed-Keppler Park, West Chicago, IL

**Operation Lifesaver Booth**

**# of Attendees:** 500

**July 9, 2011**

**Location:** Railroad Days, American Legion Post 66, Griffith, IN

**CN Presenter:** Eric Graf, CN Special Agent

**# of Attendees:** 50

**July 9, 2011**

**Location:** Railroad Days, American Legion Post 66, Griffith, IN

**Operation Lifesaver Booth**

**# of Attendees:** 300

**August 2, 2011**

**Location:** National Night Out Against Crime Community Initiative,  
Dyer, IN

**Operation Lifesaver Booth**

**# of Attendees:** 600

# Supporting Documents for STB Condition No. 9 (VM 54/92)

**Documents Include:**

- List of Sensitive Habitat Areas in Construction Zones

VM #54 & VM #92 Attachment

CN-EJ&E Acquisition - VM 54/92 Summary

Project Type	Project	VM 54 and/or VM 92	Sensitive Area	Mitigation Comments
WILD Sites	Brinker	X	Wetland	There is wetland located to the north of the project area on the east side of the track. 150 linear feet of silt fence was installed between the wetland and the EJ&E.
	Lockport	X	Lake Renwick Preserve	Construction limits were flagged prior to construction. All construction activity was contained on EJ&E property. CN sent letter to Will County Forest Preserve informing them of the construction activity.
	Torrence	X	Waters of U.S.	There is an unnamed creek to the south of the work area. Silt fence was installed to separate the construction area from the creek.
Power Switches	Sutton North	X	Spring Lake Preserve	Spring Lake Forest Preserve is located to the west of the project site. Three wetlands exist adjacent to the project site. Silt fence was installed to protect wetlands. Construction limits were flagged prior to construction. All construction activity was contained on EJ&E property. Discussed project with Cook County Forest Preserve at October 26th, 2009 Illinois Stakeholder Group Meeting.
	Munger	X	Pratt's Wayne Woods, Wetland	Construction limits were flagged and silt fence was installed prior to construction. All construction activity was contained on EJ&E and CN property. CN sent letter to DuPage County Forest Preserve informing them of the construction activity.
	Illinois River Line	X	Potential Water of U.S.	A short excavated ditch containing flowing water exists in the southwest portion of the project area. Culverts exist at the north and south limits of this ditch. Silt fence was installed to protect the ditch. No work was performed within the ditch.
	Robin	X	Butterfield Creek East Branch Tributary, Wetland	Butterfield Creek East Branch Tributary and associated wetlands exist adjacent to the construction limits. Silt fence was installed to protect wetlands. No in-stream work was performed.
	Stuenkel	X	Wetland	Four wetlands were identified adjacent to the project site. Approximately 750 linear feet of silt fence was installed to protect wetlands adjacent to construction area.
Turnouts/Crossovers	Smith Road	X	Pratt's Wayne Woods	Construction limits were flagged prior to construction. All construction activity was contained on EJ&E property. CN sent letter to DuPage County Forest Preserve informing them of the construction activity.
	Walker			No sensitive habitat directly adjacent to the project. No nearby streams or waterways.
	Allanson Road			No sensitive habitat directly adjacent to the project. No nearby streams or waterways.
	Gilmer Road			No sensitive habitat directly adjacent to the project. No nearby streams or waterways.
	Nelson			No sensitive habitat directly adjacent to the project. No nearby streams or waterways.

VM #54 & VM #92 Attachment

CN-EJ&E Acquisition - VM 54/92 Summary

Project Type	Project	VM 54 and/or VM 92	Sensitive Area	Mitigation Comments
Siding Extensions	West Chicago	X	Pratt's Wayne Wood, Norman Creek South Tributary	Norman Creek South Tributary, two wetlands, and floodplains exist within the project limits. Four other wetlands are present east of the project area. DuPage County recommended not installing silt fence in this area. Construction limits were flagged prior to construction. All construction activity was contained on EJ&E and CN property. CN sent letter to DuPage County Forest Preserve informing them of the construction activity.
	Sutton Siding Extension (Set-Out Track)	X	Spring Lake Preserve, Wetland	Spring Lake Forest Preserve is located to the west of the project site. One wetland exists adjacent to the project site. Silt fence was installed to protect wetland. Construction limits were flagged prior to construction. All construction activity was contained on EJ&E property. CN sent letter to Cook County Forest Preserve informing them of the construction activity.
	Sutton Siding Extension	X	Arthur L. Janura Preserve, Wetland	Arthur L. Janura Preserve is located to the east of the project site. Four wetlands exist adjacent to the project site. Perimeter erosion barrier will be placed to protect wetlands. Sufficient areas for staging are available outside of wetland areas. CN sent letter to Cook County Forest Preserve informing them of the construction activity.
	Kirk Yard (Dixie 1 and 2)	X	Lakeshore RR Prairie, Wetland	Silt fence will be placed to protect wetlands. Sufficient areas for staging are available outside of sensitive areas. The west end of the Dixie Extension project is located near the Lakeshore RR Prairie. Construction boundaries will be flagged prior to construction. Revegetation will commence immediately following construction activities.
	Frankfort Siding West Extension	X	Wetland	There are two wetlands identified adjacent to the project site. Silt fence will be placed to protect the wetlands. Sufficient areas for staging are available outside of wetland areas. No additional sensitive areas were identified.
Connections and Double Track	Eola to East Siding (North)			No sensitive habitat directly adjacent to the project. No nearby streams or waterways.
	Leithton Connection	X	Wetland	Perimeter erosion barrier to protect on-site wetlands will be installed for the Watermain Relocation, Sanitary Sewer Upgrades, and Connection projects. Revegetation will commence immediately following construction activities. Sufficient areas for staging are available outside of wetland areas.
	Joliet Bypass	X	Wetland	One wetland was identified adjacent to the project site. Silt fence was placed to protect the wetland. Sufficient areas for staging are available outside of wetland areas. No additional sensitive areas were identified.
	East Joliet to Nelson	X	Sugar Creek Forest Preserve, Wauponsee Glacial Trail, Wetland	Sugar Creek Forest Preserve and the Wauponsee Glacial Trail are adjacent to the project. Railroad right-of-way boundaries were flagged adjacent to these facilities prior to construction. Silt fence and temporary sediment barriers were installed through the project area to protect wetlands. CN secured a right-of-entry agreement to make slight modifications to the Wauponsee Glacial Trail. CN sent letter to the Will County Forest Preserve informing them of the construction activity.
	Griffith Connection	X	Griffith Historical Park and Museum	Contractor flagged the construction boundaries in the vicinity of the Griffith Historical Park and Museum. CN invited park representatives to the pre-construction meeting.
	Normantown - Walker DT (Phase I and II)	X	Wolf Creek, Wetland	Silt fence to be placed to protect wetlands and stream. Sufficient areas for staging available outside of wetland areas. No additional sensitive areas were identified.
	Diamond Lake to Gilmer Road DT	X	Wetland	Install perimeter erosion barrier to protect wetlands. Sufficient areas for staging are available outside of wetland area.
	Matteson Connection	X	Wetland, Stream	On-site wetlands and stream were clearly delineated in advance of brushing and clearing. Clearing was required in the wetland and stream areas. There were no sensitive areas within the Temporary Interchange Yard Lead or Contract 2 construction limits. Nearby wetlands and streams were protected with silt fence.

## Construction/Stormwater Pollution Prevention Plan Technical Review and Comment (Form 1)

Project Information	<b>Project Name:</b> Kirk Yard 10 Owner Option Improvement Construction Project <b>County:</b> Lake
	<b>Plan Submittal Date:</b> 06/27/11 <b>Hydrologic Unit Code:</b> 040400010210 and 20
	<b>Project Location Description:</b> Buchanan St. west 4 miles, Gary, IN
	<b>Latitude and Longitude:</b> Various. See sheet for exact longitudes and latitudes
	<b>Civil Township:</b> North <b>Quarter:</b> <b>Section:</b> 30-33 <b>Township:</b> 37 N <b>Range:</b> 8 & 9 W
	<b>Project Owner Name:</b> CN-Elgin, Joliet and Eastern Railroad
	<b>Contact:</b> F. Devin Sprinkle, Reg. Mgr. Environment
	<b>Address:</b> 17641 South Ashland Avenue
	<b>City:</b> Homewood <b>State:</b> IL <b>Zip:</b> 60430
	<b>Phone:</b> 708-332-3850 <b>FAX:</b> <b>E-Mail:</b> devin.sprinkle@cn.ca
<b>Plan Preparer Name:</b> Gerald L. DeMers, P.E.	
<b>Affiliation:</b> Shaw Environmental & Infrastructure, Inc.	
<b>Address:</b> 111 West Pleasant Street, Suite 105	
<b>City:</b> Milwaukee <b>State:</b> WI <b>Zip:</b> 53212	
<b>Phone:</b> 414-291-2350 <b>FAX:</b> 414-291-2385 <b>E-Mail:</b>	

Plan Review	<b>Review Date:</b> 07/27/11
	<b>Principal Plan Reviewer:</b> G. Steininger
	<b>Agency:</b> Lake County Soil and Water Conservation District
	<b>Address:</b> 928 South Lake Street, Suite C
	<b>City:</b> Crown Point <b>State:</b> IN <b>Zip:</b> 46307
	<b>Phone:</b> 219-663-7042 <b>FAX:</b> <b>E-Mail:</b>
<b>Assisted By:</b>	

**PLAN IS ADEQUATE:** A comprehensive plan review has been completed and it has been determined that the plan satisfies the minimum requirements and intent of 327 IAC 15-5.

Please refer to additional information included on the following page(s).

**Submit Notice of Intent (NOI):** Attach a copy of this cover page when submitting the NOI to the Indiana Department of Environmental Management. A copy of the NOI must also be sent to Gary Storm Water Management District MS4 Coordinator. Applicant must notify GSWMD MS4 Coordinator at least 48 hours prior to starting construction.

A preliminary plan review has been completed; a comprehensive review will not be completed within the 28-day review period. The reviewing authority reserves the right to perform a comprehensive review at a later date and revisions to the plan may be required at that time to address deficiencies.

Please refer to additional information included on the following page(s).

**Submit Notice of Intent (NOI):** Attach a copy of this cover page when submitting the NOI to the Indiana Department of Environmental Management. A copy of the NOI must also be sent to Gary Storm Water Management District MS4 Coordinator. Applicant must notify GSWMD MS4 Coordinator at least 48 hours prior to starting construction.

**PLAN IS DEFICIENT:** Significant deficiencies were identified during the plan review.

Please refer to additional information included on the following page(s).

**DO NOT** file a Notice of Intent for this project.

**DO NOT** commence land disturbing activities until all deficiencies are adequately addressed, the plan re-submitted, and notification has been received that the minimum requirements have been satisfied.

Plan Revisions     Deficient Items    should be mailed or delivered to the Principal Plan Reviewer identified in the Plan Review Section above.

## Construction/Stormwater Pollution Prevention Plan - Technical Review and Comment

**Project Name:** Kirk Yard 10 Owner Option Improvement Construction Project

**Date Reviewed:** 07/27/11

Latitude and Longitude: Option 1 41d 37' 26.6" N and 87d 23' 13.0" W; Option 2 41d 37' 12.2" N 87d 22' 28.6" W  
Option 3 41d 36' 56.2" N 87d 22' 1.5" W; Option 4 41d 37' 11.4" N 87d 22' 36.6" W and 41d 36' 50.3" N 87d 21' 41.8" W;  
Option 5 41d 37' 2.1" N 87d 21' 43.5" W; Option 6 41d 37' 6.2" N 87d 22' 14.8" W; Option 7 41d 37' 8.0" N 87d 22'  
16.3" W; Option 8 41d 36' 41.3" N 87d 21' 13.6" W; Option 9 41d 38' 6.6" N 87d 24' 42.6" W; Option 10 41d 37' 35.3"  
N 87d 23' 38.6" W

Supporting  
Documents for  
STB Condition  
No. 9  
(Environmental  
Condition No. 2)

**Documents Include:**

- Blockage Report
- Table of Public Crossings with 25% or greater increase in Average Monthly Blockages between the 2nd Quarter 2011 and 3rd Quarter 2011

**Condition #2 Attachment**

**THIRD QUARTER (JULY - SEPTEMBER) 2011**

FMC 2: “Applicants shall summarize the cause of each type of blockage that the Applicants self-report and shall state how the Applicants intend to reduce the incidence of all blockages not attributed to emergencies or weather-related incidents (sometimes called Acts of God) in the quarterly report.”

	<b>COMMON CAUSE OF BLOCKAGE</b>	<b>PLANS TO REDUCE THIS TYPE OF BLOCKAGE</b>
1	Train entering or leaving a yard	<p>Most yard-related crossing blockages are the result of trains moving slowly through yards at restricted speed, or moving into yards where they will stop and slowly move out of yards where they have been at rest. The resulting train delays can cause blockages at nearby street crossings. Although there is no way to prevent all such blockages with operational or rail infrastructure changes, CN works to reduce such blockages where it reasonably can by minimizing delays for trains entering yards and through infrastructure changes.</p> <p>At Joliet Yard, for example, CN is constructing a bypass track that will permit through trains to bypass Joliet Yard at 20-25 mph rather than 10 mph, thereby reducing blockages at Woodruff Road, Washington Street, and North Rowell Avenue. <del>Most</del><b>All</b> track, <del>and</del> bridge <b>and signal</b> work is complete <b>as of September, 2011.</b>, <del>and CN anticipates that related signalization and bridge repairs will be complete by the end of 2011.</del> When all work is complete, the speed on the bypass track will be increased from 10 mph to 25 mph. CN also plans to seek Federal Railway Administration approval to install DTMF (dual tone multi-frequency) switches in H-Yard (which is connected to Joliet Yard), which would enable engineers to line those switches from their cabs, resulting in improved traffic flow and reduced blockages. CN has <del>begun construction and</del><b>completed track work and resurfacing through H Yard and West Wye</b> <del>resurfacing</del>. Signal work to be completed by the end of <b>October, 2011.</b> CN also has <b>design work underway to relocate the UP connection through H Yard, and upgrade the West Wye in order to increase speeds over the crossings at Collins Street, Royce Avenue, and Henderson Avenue.</b></p> <p>In addition, CN is designing and constructing a siding extension (including installation of power switches) upgrading existing tracks at Eola in order to reduce blockages at Diehl Road</p>



Condition #2 Attachment

	COMMON CAUSE OF BLOCKAGE	PLANS TO REDUCE THIS TYPE OF BLOCKAGE
		<p>and Liberty Street related to movements in and out of BNSF's Eola Yard. The north Eola extension is in service at 15 mph, <del>and, depending upon available resources and</del> <b>but, due to the lack of execution of an agreement with BNSF, may be in service at CN has delayed the upgrades to 25 mph later in 2011 until 2012.</b></p> <p>CN is reconfiguring both the EJ&amp;E and IC yards at Matteson for use in setting out cars or equipment in need of inspection or repair. Regular switching at those locations <del>has been</del> <b>is being</b> eliminated. The EJ&amp;E yard has been removed except for one double ended setout track to the east of the IC/EJ&amp;E crossing, and there will be no regular switching movements over Main Street. The IC yard has been reduced to one setout track and one stub ended track (solely to store railroad maintenance of way equipment) relocated to the south, so that no switching movements in that yard should require crossing Main Street.</p> <p>Notes:</p> <p>(1) Although Woodruff Road outside of Joliet Yard is frequently blocked by trains for 10 minutes or more, there are alternative grade separated roads (Charlesworth Avenue and Collins St/Rte 171) nearby. In addition, CN is working with the City of Joliet and Illinois authorities on a plan to construct a new road that would provide improved access to Collins Street without the need for any grade crossing and then allow for the immediate closure of Woodruff Road. On April 20, 2011, EJ&amp;E and the City of Joliet signed a Memorandum of Understanding under which EJ&amp;E committed \$200,000 to be used by Joliet exclusively for preliminary engineering and related matters to (i) determine the feasibility of construction of the new roadway, (ii) prepare estimates for the construction of the new roadway, and (iii) related preliminary assessments. <b>CN has made the \$200,000 payment to the City of Joliet, and the parties have signed a contract for design and permitting of the new roadway.</b></p> <p>(2) Many yard-related blockages are unrelated to the Transaction. For example, any traffic moving through H Yard is subject to preexisting speed restrictions due to visibility obstructions and curvature.</p>

Condition #2 Attachment

	COMMON CAUSE OF BLOCKAGE	PLANS TO REDUCE THIS TYPE OF BLOCKAGE
2	Train moving between lines of EJ&E and another carrier (other CN or foreign)	<p>(a) CN has upgraded the track connection between WC and EJ&amp;E at Leithton, allowing trains to move at 15 mph rather than 10 mph (reducing blockages at Allanson Road, Route 60/83 and Diamond Lake Road); additional track construction, currently scheduled to begin in 2011 and be completed in 2012, will allow trains to use the first of two connections at 30 mph by the end of 2011. <b>Utility relocation work is nearly complete</b> CN will also add a second <b>30 mph</b> track, which it anticipates will also be completed in 2012-</p> <p>(b) CN will construct a connection in southwest quadrant of the crossing at Munger <del>in 2012</del>, eliminating the need for a reverse move from CN to EJ&amp;E (reducing blockages at Stearns Road and West Bartlett Road). Design and permitting are currently underway. <b>Construction is planned to begin in 2012, but CN must first complete an agreement with the Forest Preserve District and complete permitting</b></p> <p>(c) CN has instructed operating personnel, when making a reverse move at the existing Munger connection, to move trains to clear Stearns Road, when possible, before moving south on EJ&amp;E (reducing blockages at Stearns Road). CN has also increased the speed over this connection to 15 mph, which has reduced the number of blockages at Stearns Road related to this movement.</p> <p>(d) CN <del>will</del><b>completed the</b> upgrade of the connection between IC's Chicago Subdivision and EJ&amp;E's Matteson Subdivision to provide longer leads and new wyes that would allow trains to move through the <b>new</b> connection at 15 mph rather than 5 mph (reducing blockages at Main Street and Western Avenue); the south-east quadrant connection went into service at 15 mph in April 2011 and <del>will be</del><b>was</b> upgraded to 25 mph <del>upon completion of other work in the 3d Quarter of on October 3, 2011. Completion of the other connections (the</del> <b>The Loop and the Northeast Connection) were also placed into service at 15 mph at the same time.</b> <del>is scheduled for the end of September 2011. CN also uses a utility worker to pre-line</del><b>All switches through the Matteson connection, allowing the train to continue moving without having to stop to line switches are power operated; no hand throw movements are required.</b></p>

Condition #2 Attachment

	COMMON CAUSE OF BLOCKAGE	PLANS TO REDUCE THIS TYPE OF BLOCKAGE
		<p>(e) At the Griffith connection, CN replaced the crossover on EJ&amp;E’s line west of the crossing between EJ&amp;E’s Matteson Subdivision and GTW’s Elsdon Subdivision, increasing speed from 10 to 25 mph and reducing blockages at Broad Street. CN also completed the installation of a new connection in the northeast quadrant of the connection in Griffith, IN during the 4th Quarter of 2010. This connection, which uses power switches and has a track speed of 25 mph, allows for direct moves between GTW’s Southbend Subdivision and EJ&amp;E for trains headed toward Kirk Yard, where formerly trains had to stop and make a reverse movement through hand-lined switches. <b>CN is also designing a new connection in the northwest quadrant that will include main-to-main crossovers at each end that will operate at 25 mph.</b></p> <p>CN has been working and continues to work with foreign carriers to address blockages that arise on movements between EJ&amp;E and the foreign roads. For example, UP has planned improvements to the connection in Joliet between the EJ&amp;E line and UP’s line leading to its new Global IV intermodal facility, which should help reduce crossing blockages in the Joliet area. Construction of this connection requires further negotiation with UP, which is still under way. In addition, CN is working with foreign carriers to assure that utility workers are assigned and available to pre-line hand-thrown switches that can otherwise force trains arriving at interchange yards to stop to allow their crews to line switches or await the receiving carrier’s utility worker to do so. CN has implemented such arrangements with BNSF for EJ&amp;E’s movements to Eola, with UP for EJ&amp;E’s movement to West Chicago, and with both BNSF and UP for their trains entering Joliet.</p> <p>CN has also worked with UP to eliminate the need for UP coal trains to conduct a reverse movement onto EJ&amp;E in West Chicago before they can continue operating south on the EJ&amp;E. These efforts are intended to reduce blockages at Ann Street, Church Street, and Washington Street. CN has also reached an agreement with UP to expedite traffic coming from Midwest Generation. Under the agreement, UP will accept up to two trains from EJ&amp;E in cases where multiple trains are forced to move in close proximity to each other; formerly EJ&amp;E was forced to stage those trains on EJ&amp;E’s property.</p>

Condition #2 Attachment

	COMMON CAUSE OF BLOCKAGE	PLANS TO REDUCE THIS TYPE OF BLOCKAGE
		In order to reduce traffic through H-Yard and blockages at the Henderson, Royce, and Collins crossings, CN has changed the routing for some BNSF trains to a connection north of Joliet.
3	Train moving between EJ&E's own lines or tracks or entering/exiting siding	Although some crossing blockages may be caused by trains slowed due to operating constraints dictated by track geometry, CN is working to install power switches at appropriate locations to avoid unnecessary delays. For example, CN replaced spring switches with new bi-directional power switches at each end of the Frankfort siding, after having previously installed (in 2009) power switches at Plainfield to get onto and off the Illinois River Line without blocking streets. CN also installed (in 2009) a new power switch at the north end of Sutton Siding (Hoffman Estates) to reduce blockages at Sutton and Penny Roads and <del>expects to complete</del> the installation of a power switch at the south end of the siding (at Shoe Factory Rd.) <del>by the end of</del> <b>on September 27, 2011</b> to reduce blockages there. At Eola, CN has upgraded the track speed to 15 mph as of November 2010 and anticipates a further increase to 25 mph once planned power switches are installed and signal work is complete. These further improvements were originally scheduled for completion by mid-2011, but are currently on hold pending the conclusion of discussions with BNSF.
4	Customer/industry switching	Customer and industry switching can result in crossing blockages due to the slow speeds and stopping that are necessary to perform that work and also due to the infrastructure limitations at some customer locations. CN has instructed its crews and dispatchers to try to minimize such blockages by performing switching where possible without unnecessarily blocking road crossings.  Note: Many of the blockages in this category relate to Marina Lot Drive and 100th Street, both located on the Lake Front Line, and to Tabler Road and Quantum Road/Old Locks Road, both located on the Illinois River Line. These are lines with little or no impact from the CN/EJ&E Transaction. Moreover, <b>100th Street has little vehicular traffic, and Board staff has advised CN that as of the September, 2011 reporting period, CN will no longer be required to report blockages for Marina Lot Drive and Quantum Road/Old Locks Road, which are seldom used private roads closed by a locked gate, and 100th Street has little vehicular traffic.</b>

Condition #2 Attachment

	COMMON CAUSE OF BLOCKAGE	PLANS TO REDUCE THIS TYPE OF BLOCKAGE
5	Line speed restrictions	<p>Line speed restrictions slow trains and can cause or contribute to lengthy crossing blockages. CN works to minimize speed restrictions due to slow orders by timely completion of all necessary track and roadway maintenance and repairs. In addition, CN continues to look for opportunities to improve its track infrastructure and eliminate other speed restrictions that impair the flow of rail traffic.</p> <p>Examples of CN track improvements to remove slow conditions and improve fluidity include West Chicago, Eola (Aurora), University Park (between EJ&amp;E and CN), and Frankfort. Specifically, CN extended sidings at West Chicago and Frankfort. At West Chicago, CN converted a siding to a 45 mph second main line with power switches at either end. And at a siding in Frankfort, CN replaced <del>swings</del><b>spring</b> switches with power operation and raised the speed to 45 mph on the new straight through main line. CN also replaced the southeast Matteson connection switch (at Stuenkel Road), allowing trains to move at 25 mph. Eola and East Sidings upgrades are on hold pending the conclusion of discussions with BNSF. <b>CN has reached a tentative agreement with BNSF for the preliminary design of a bridge over their main lines at Eola.</b></p> <p>Other examples of improvements undertaken by CN to permit increased train speeds include the installation of a span lock on the Des Plaines River Bridge. Span locks have been installed and tested, <del>and with a final cutover was scheduled for the 3<sup>rd</sup> Quarter</del><b>completed in early September</b>, 2011. CN has also made improvements to increase track speed on one of the two main tracks through Crest Hill. The installation of a rail relay is complete and track speed has been increased to 25 mph; tie replacement is complete, and surfacing work <del>and rail</del><b>welding is scheduled</b> to be finished in <del>July</del><b>October</b>, which will allow the track speed to increase to 45 mph. This will help reduce blockages at Division Street, Gaylord Road, and Oakland Avenue.</p>
6	Train stopping or slowing (pacing) for wayside signal clearance	<p>CN continues to work to operate EJ&amp;E with maximum fluidity to minimize signal delays caused by other trains on the EJ&amp;E line. CN also works on communication issues with other carriers that control interlockings on EJ&amp;E to help avoid unnecessary delays.</p>

**Condition #2 Attachment**

	<b>COMMON CAUSE OF BLOCKAGE</b>	<b>PLANS TO REDUCE THIS TYPE OF BLOCKAGE</b>
7	Non-train causes ( <i>e.g.</i> , active crossing warning device (“ACWD”) malfunction or activation caused by a maintenance-of-way (MOW) or other vehicle in the crossing circuit)	<p>CN works to rapidly identify and address any mechanical failures with ACWDs that result in crossing blockages. When necessary, once appropriate notification safety measures have taken place, CN flags vehicular traffic through crossings with malfunctioning ACWDs or crossings that are undergoing repair.</p> <p>CN has instructed its MOW personnel to avoid stopping MOW vehicles within crossing circuits when feasible. Where that is not feasible, if an ACWD activation of ten minutes or more is anticipated, CN’s standard practice is to periodically flag vehicles through the affected crossing.</p> <p>Note: ACWD malfunctions and the crossing delays they cause are unrelated to CN’s acquisition of EJ&amp;E.</p>
8	Mechanical or power problems with the train (broken knuckles, unanticipated brake applications, horsepower shortage)	<p>CN works to maintain its equipment to exceed industry standards, but by their very nature, unanticipated mechanical problems cannot be avoided. When mechanical problems require a train to stop such that it is blocking a crossing, CN’s crews are under instructions to cut the train where it is safe and practical to do so.</p> <p>Trains tend to be slowed or stopped due to horsepower shortages on severe grades or curves during the winter months when traction may be limited. Based on experience during winter operations, CN identified a number of locations where additional horsepower is required for heavy loads on EJ&amp;E and changed its operating practices to address those needs.</p>
9	Multiple trains moving through crossing circuit	Two trains moving simultaneously or in quick succession through a crossing circuit can cause crossings to be blocked for 10 minutes or more at a time. There is no practical way to avoid this type of blockage, which is relatively unusual but is a normal part of railroading, nor is it clear that it should be avoided, as it may reduce overall crossing blockage time when compared to separate ACWD activations that do not overlap.
10	Train stopping for reasons not otherwise listed ( <i>e.g.</i> , crew change, crew inspection, crew throw or exercise switch)	<p>CN works to identify, reduce, and eliminate various crossing blockages within this category of causes through modified operating practices and investments, such as the following:</p> <p>(a)- Instructing crews and dispatchers to arrange for crew changes to take place at locations that do not block crossings;</p>

**Condition #2 Attachment**

	<b>COMMON CAUSE OF BLOCKAGE</b>	<b>PLANS TO REDUCE THIS TYPE OF BLOCKAGE</b>
		<p>(b) Instructing crews to perform inspections at locations that do not block crossings, unless inspection at the crossing is mandatory or required for safety;</p> <p>(c) Adding personnel and powering switches in problem locations where manual switches, which crews must throw by hand, result in recurring lengthy crossing blockages;</p> <p>(d) Conducting an internal call among the Operations, the Regional Operations Center, and Engineering units to review gate down activations;</p> <p>(e) Conducting a dialogue with BNSF and UP management to educate foreign crews about blocking crossings; and</p> <p>(f) Ensuring that foreign crews have adequate service hours left to complete their movement over EJ&amp;E before being permitted to enter the line.</p>
11	Operations on non-EJ&E lines crossing or adjacent to EJ&E lines	There are a number of locations where train operations on an adjacent or crossing non-EJ&E line can cause ACWD activations that block at-grade crossings of the EJ&E line due to interlocked gates at those locations. For example, operations of the Chicago South Shore and South Bend Railroad on its own line causes the gates at the Taylor Forge Road crossing of EJ&E to activate, while operations on UP's Belvedere Subdivision in West Chicago can cause the gates at the Liberty Street crossing of EJ&E to activate.

**Table of Public Crossings with 25% or Greater Increase in  
Average Monthly Blockages Between the Second Quarter 2011 and the Third Quarter 2011**

<b>No.</b>	<b>Crossing</b>	<b>Community</b>	<b>Q2 2011 monthly average</b>	<b>Q3 2011 monthly average</b>	<b>Percent Increase</b>	<b>Reason</b>
1	88th Ave. (Pfeiffer Rd.)	Frankfort	0	0.33	Infinity	Note 2.
2	Center Rd. (Frankfort)	Frankfort	0	1.00	Infinity	Note 2.
3	E. Water St.	Waukegan	0	0.33	Infinity	Note 2.
4	Ela Rd.	Lake Zurich	0	0.67	Infinity	Note 2.
5	Hough St. (IL 59)	Barrington	0	1.67	Infinity	Note 2.
6	Lake Zurich Rd.	Barrington	0	1.33	Infinity	Note 2.
7	Lincoln Hwy US 30	Plainfield	0	0.33	Infinity	Note 2.
8	Main St. (Barrington)	Barrington	0	1.00	Infinity	Note 2.
9	Main St. (Matteson)	Matteson	0	9.67	Infinity	Crossing was closed to vehicular traffic for the entire second quarter and most of the third quarter.
10	Mound Rd.	Minooka	0	0.33	Infinity	Note 2.
11	NW Hwy (US 14)	Barrington	0	3.00	Infinity	During July, an unusually large number (7) of trains moved at restricted speed through this crossing due to severe weather, the presence of maintenance of way personnel, and nearby crossing gate malfunctions.
12	Schoolhouse Rd.	New Lenox	0	0.33	Infinity	Note 2.
13	South Cedar Rd.	New Lenox	0	0.67	Infinity	Note 2.
14	Clark Rd. (City Track)	Gary	2.33	27.00	1057.14%	This location is interlocked with the CSXT mainline out of Chicago and the increase in blockages at this location is attributable to CSXT's operations. CN cannot control or reliably determine the reason for such activations, but believes that the increase may have been due to track work on the CSXT line in the area.



No.	Crossing	Community	Q2 2011 monthly average	Q3 2011 monthly average	Percent Increase	Reason
15	119th St. (Ferguson Rd.)	Plainfield	0.67	5.33	700.00%	There was an increase in the number of trains slowing to enter the Normantown siding, and an increase in the number of trains that had to stop and flag through nearby crossings due to gate malfunctions.
16	111th St.	Plainfield	1.33	7.33	450.00%	There was an increase in the number of trains slowing to enter the Normantown siding and in the number of activations caused by gate malfunctions at this location.
17	E. 95th St.	Chicago	0.33	1.67	400.00%	Note 2.
18	Washington St.	Joliet	15.33	76.33	397.83%	During the latter part of June and continuing into the third quarter, CN began building some longer trains in the south end of Joliet Yard for departure to the east. In addition, trains moving west into Joliet Yard face a limited window from Metra at the Rock Island Interlocker, and are often delayed when Metra traffic runs late and the CN train is not given the signal to proceed into the yard.
19	Ridgeland Ave.	Matteson	0.33	1.33	300.00%	Note 2.
20	Main St. (Plainfield) (IL 126)	Plainfield	1.00	3.33	233.33%	During Q3, an unusually large number (6) of trackage rights trains either moved at restricted speed due to crossing gate malfunctions or slowed due to hot box detector alarms.
21	Center St. (Plainfield)	Plainfield	0.67	2.00	200.00%	Note 2.
22	143rd St. (Lincoln Hwy.) (US 30)	Plainfield	1.33	3.67	175.00%	During Q3, an unusually large number (6) of trains either moved at restricted speed due to signal malfunctions or slowed due to mechanical problems with the train.
23	Nelson Rd.	New Lenox	1.00	2.67	166.67%	During August, an unusually large number (6) of gate malfunctions occurred at this crossing.

No.	Crossing	Community	Q2 2011 monthly average	Q3 2011 monthly average	Percent Increase	Reason
24	Plainfield-Naperville Rd.	Plainfield	1.00	2.67	166.67%	Note 2.
25	Lockport St. (Leithton Sub)	Plainfield	0.67	1.67	150.00%	Note 2.
26	Cicero Ave. (IL 50)	Matteson	2.00	4.67	133.33%	Additional activations resulted from an increase in flagging required through the signal at Robin (east of Cicero Avenue) during July, because switches were left open at the Matteson Connection to facilitate the effective flow of traffic across Main Street and up the hill.
27	Lake St. (Dyer)	Dyer	3.00	7.00	133.33%	In July, there was an increase in trains that had to flag through the Dyer interlocker due to signal issues on the CSX side.
28	Central Ave.	Matteson	4.33	9.00	107.69%	Flagging increased through the signal at Robin (east of Cicero Avenue) because switches were left open at the Matteson Connection. The switches were left open to facilitate effective flow across Main Street and up the hill.
29	Cuba Rd.	Barrington	1.67	3.33	100.00%	During July and August, an unusually large number (4) of CN trains had to stop at the Barrington interlocker due to Metra cross traffic, and an unusually large number (4) of trains moved at restricted speed due to weather, the presence of maintenance of way personnel, or crossing malfunctions.
30	Eastern Ave.	Plainfield	0.67	1.33	100.00%	Note 2.
31	Gouger Rd.	New Lenox	0.33	0.67	100.00%	Note 2.
32	Oakland Ave.	Joliet	18.67	36.00	92.86%	There was an increase in relatively short blockages attributable to trains starting from a stop after a meet or crossing over to avoid traffic arriving at and departing Joliet Yard.

<b>No.</b>	<b>Crossing</b>	<b>Community</b>	<b>Q2 2011 monthly average</b>	<b>Q3 2011 monthly average</b>	<b>Percent Increase</b>	<b>Reason</b>
33	Ann St.	West Chicago	22.33	39.33	76.12%	There was an increase in the frequency of coal trains entering and exiting UP's West Chicago Yard.
34	Hart St.	Dyer	3.67	6.00	63.64%	In July, there was an increase in the number of trains that had to flag through the Dyer interlocker due to signal issues on the CSX side.
35	Van Dyke Rd.	Plainfield	2.67	4.33	62.50%	During September, there was an increase in the number of blockages attributable to trains moving at restricted speed due to track conditions in the area.
36	Spaulding Rd.	Elgin	22.00	34.33	56.06%	There was an increase in blockages attributable to train building activity at Spaulding Yard that occurred over Spaulding Road.
37	West Bartlett Rd.	Elgin	20.33	31.00	52.46%	There was an increase in the number of blockages attributable to train building activity at Spaulding Yard that occurred over or on the circuit for Bartlett Road.
38	Cottage Grove Ave.	E. Chi Hts	5.67	8.33	47.06%	There was an increase in the number of blockages attributable to trains starting from a stop at Cottage Grove Avenue either after meeting another train or to stage a move onto the CN Chicago Subdivision at Matteson.
39	E. 100th St.	Chicago	3.00	4.33	44.44%	Note 2.
40	Halsted St.	Chicago Hts	9.33	13.33	42.86%	There was a small increase this quarter in the number of blockages attributable to trains slowing to cross over from Main 1 to Main 2 in Chicago Heights in preparation for departure to the CN Chicago Subdivision.

No.	Crossing	Community	Q2 2011 monthly average	Q3 2011 monthly average	Percent Increase	Reason
41	Broad St.	Griffith	20.33	28.67	40.98%	During August and September, there was an increase in the number of blockages attributable to trains moving from the CN Southbend Subdivision to the EJ&E Matteson Subdivision through the Griffith connection.
42	Lincoln Hwy. (US 30)	Sauk Village	3.33	4.67	40.00%	In July, there was an increase in trains that had to flag through the Dyer interlocker due to signal issues on the CSX side.
43	Wolf Rd.	Frankfort	1.67	2.33	40.00%	Note 2.
44	Euclid Ave.	Chicago Hts	9.00	12.33	37.04%	There was a small increase this quarter in the number of blockages attributable to trains slowing to cross over from Main 1 to Main 2 in Chicago Heights in preparation for departure to the CN Chicago Subdivision.
45	Stearns Rd.	Bartlett	8.67	11.67	34.62%	In August and September there was an increase in the number of blockages attributable to trains slowing over Stearns Road to prepare to yard at Spaulding Yard.
46	Bobzin Rd./ 116th St.	Frankfort	1.00	1.33	33.33%	Note 2
47	Penny Rd.	Barrington	1.00	1.33	33.33%	Note 2.
48	State St.	Chicago Hts	8.67	11.33	30.77%	There was a small increase this quarter in the number of blockages attributable to trains slowing to cross over from Main 1 to Main 2 in Chicago Heights in preparation for departure to the CN Chicago Subdivision.
49	95th St. (Wolf's Crossing)	Plainfield	2.33	3.00	28.57%	Note 2.
50	Liberty St.	Aurora	36.67	47.00	28.18%	There was an increase in the number of blockages attributable to BNSF trackage rights trains entering and departing Eola Yard.
51	Church St.	West Chicago	32.67	41.67	27.55%	There was an increase in the frequency of coal trains entering and exiting UP's West Chicago Yard.

No.	Crossing	Community	Q2 2011 monthly average	Q3 2011 monthly average	Percent Increase	Reason
52	Chicago Rd. (IL 1)	Chicago Hts	7.33	9.33	27.27%	There was a small increase in the number of blockages attributable to trains slowing to cross over to move from the EJ&E Matteson Subdivision to the CN Chicago Subdivision.

Notes:

1. Monthly blockage data comes from CN's monthly blocked crossing reports.
2. The increase in the actual number of blockages at this location was insubstantial and unrelated to construction project activity; it was due to minor variations in ordinary events affecting rail operations and/or small fluctuations in traffic levels.
3. In addition to the crossings listed above, a number of new RTUs were installed at crossings at the end of the 2nd quarter of 2011 or during the 3rd quarter of 2011. These locations are: 117th Street (Whiting, IN), 25th Avenue (Gary, IN), Calumet Avenue (Hammond, IN), Center Road (Gary, IN), Front Street (Whiting, IN), Lehigh Cement Road (private crossing in Gary, IN), Riley Road (East Chicago, IN), 45th Avenue (Griffith, IN), 40th Place (Griffith, IN), 5th Avenue (Gary, IN), and Miller Street (Griffith, IN). Due to the lack of comparable RTU data, no meaningful quarter-to-quarter comparison could be done for these crossing locations at this time. As full quarter-to-quarter data becomes available for individual crossings, however, CN will include them in the body of its future reports (insofar as blockages increase by 25% or more).