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September 30, 2011

Ms. Lucille Marvin
Acting Director
Office of Public Assistance, Governmental
Affairs & Compliance
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

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

Dear Acting Director Marvin:

In accordance with Decisions Nos. 16 and 23 in the above captioned proceeding, CN reports monthly on each instance when a highway/rail at-grade crossing on EJ&E is blocked to vehicular traffic for 10 minutes or more. As we have discussed with you, there are two crossings we believe should be dropped from that report because they are adjacent to or within private facilities and inaccessible to vehicles operated by members of the public. The purpose of this letter is to request permission to do so.

The two crossings at issue are (1) the Marina Lot Drive crossing located on the EJ&E Lakefront Line and switching lead to the State Line Power Station in Hammond, IN, and (2) the Old Locks Road crossing, located on a spur of the EJ&E Illinois River Line, in East Morris, IL.

The Marina Lot Drive crossing connects the unstriped, far end of a paved parking/storage area adjacent to the Hammond Marina with a parcel of undeveloped property across EJ&E's tracks, which is apparently used by the marina for storing extra

pieces of dock. See Attachment 1 (satellite images and photos). The crossing is not used by the general public and is rarely used at all. It sits behind a locked, unmanned gate (located on the eastern (paved) side of the crossing), and is further separated from public roads by a manned security gate at the entrance to the marina parking area.

The crossing warning gates for the Marina Lot Drive crossing are often activated for extended periods of time by trains waiting to enter the State Line Power Station, which is located along EJ&E's line just north of the crossing. (There was an average of approximately 40 activations per month during the last year.) Nonetheless, as described above, vehicles and pedestrians are unaffected by these activations, because the general public does not have access to this crossing and, in any event, it is rarely used.

The Old Locks Road crossing is located within Equistar's facility at East Morris and is entirely inaccessible to the public. Both ends of the road that approach the crossing are protected by locked gates manned by security guards. See Attachment 2 (satellite images and photos). Warning device activations at this location, which have averaged 16 per month during the past year, are caused by CN train movements in and out of the Equistar plant, and also by switching by Equistar itself within its facility. Like those at Marina Lot Drive, however, these warning device activations do not affect the general traveling public.

CN believes that the Marina Lot Drive and Old Locks Road crossings are not the types of crossings that the Board had in mind when it required CN to report rail/highway crossing blockages. Both of these crossings are behind locked gates and inaccessible to the general traveling public. Therefore, data concerning activations at these crossings do not provide useful information concerning vehicle delays or the broader impacts of EJ&E train service on public mobility. Instead, including crossing gate activations for these two locations in CN's monthly reports misleadingly inflates CN's reported totals and potentially obfuscates trends and patterns in the vehicular delay information that is of interest to the STB and the public. For these reasons, CN respectfully requests confirmation that it may discontinue reporting blockages for the crossings at Marina Lot Drive and Old Locks Road.

Please feel free to contact me if you require additional information or have any questions concerning this request.

Sincerely,



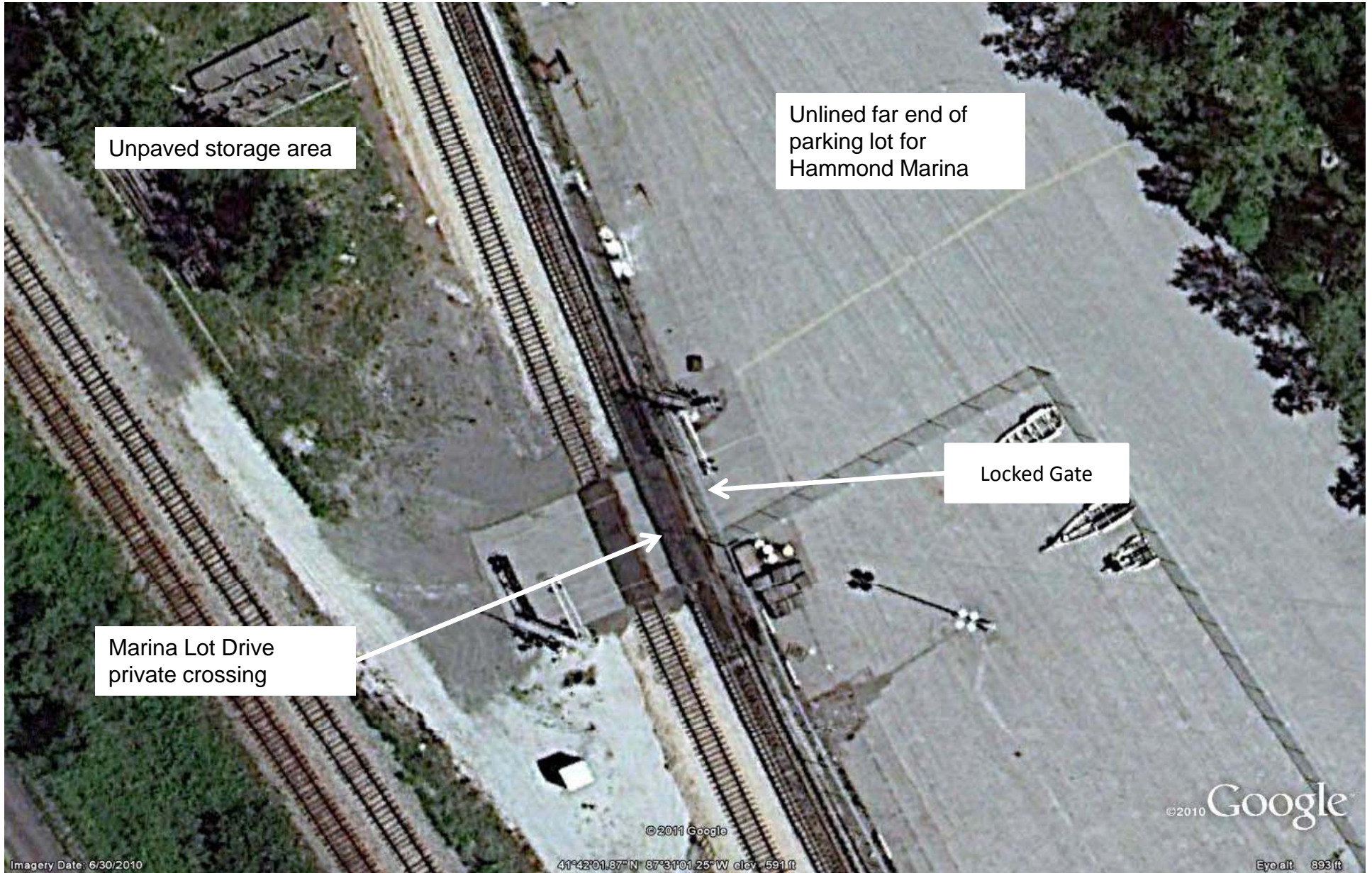
Theodore K. Kalick

Attachments

Marina Lot Drive Area Overview



Marina Lot Drive Closeup



Crossing looking east from unpaved storage area into parking lot (locked gate visible)



Crossing looking north from unpaved storage area towards State Line Power Station



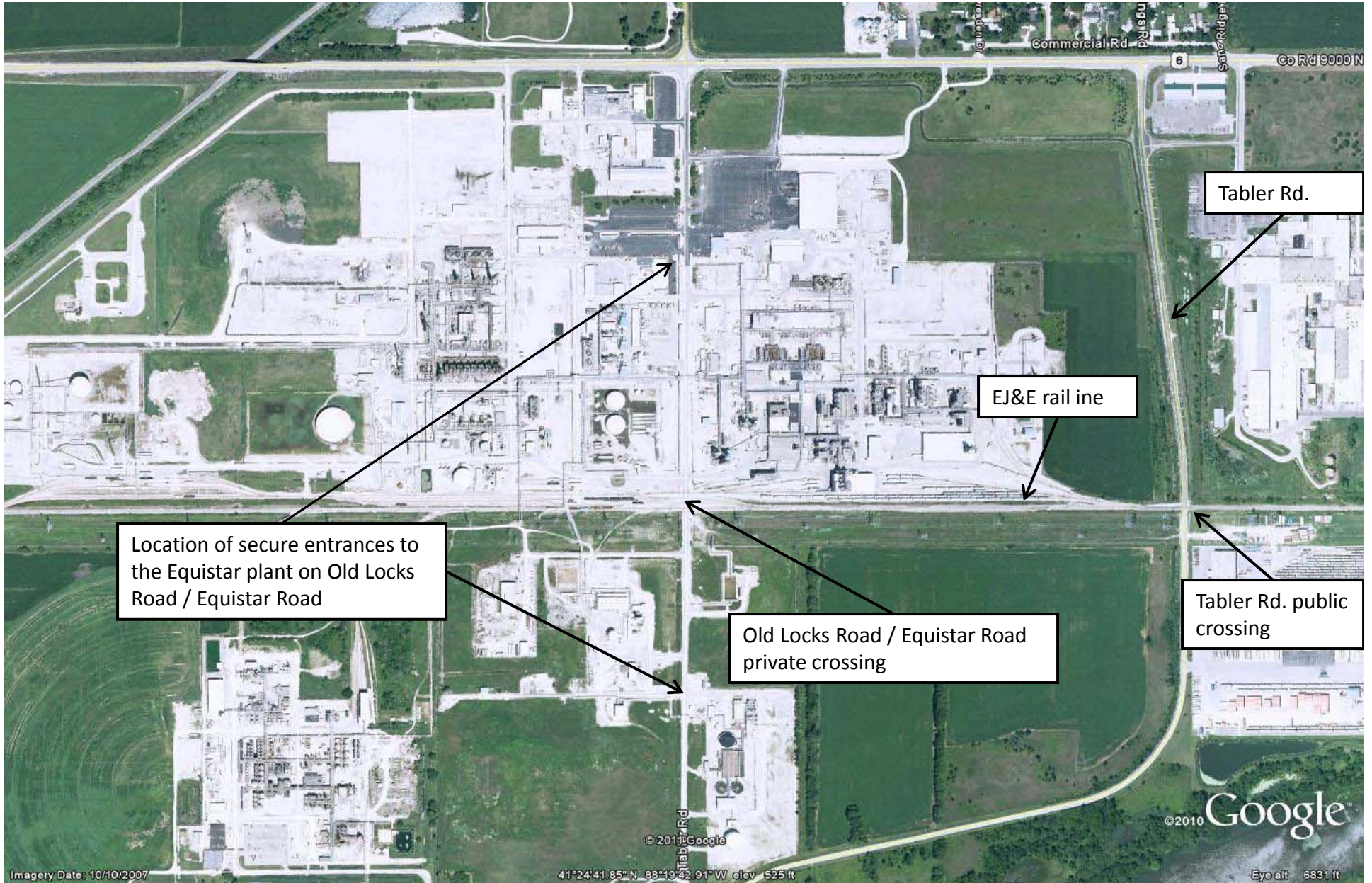
Crossing looking south from unpaved storage area towards marina



Crossing looking west from parking lot into unpaved storage area (taken inside locked gate)



Old Locks Road Location



North Security Gate



South Security Gate



Inside Equistar Plant looking west



Inside Equistar Plant looking east

