



**Karen Borlaug Phillips**  
Vice President – North American  
Government Affairs

601 Pennsylvania Avenue, NW  
Suite 500, North Building  
Washington, DC 20004  
T 202-347-7816  
F 202-347-8237

karen.phillips@cn.ca

July 10, 2009

Ms. Phillis Johnson-Ball  
Deputy Chief  
Section of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

Dear Ms. Johnson-Ball:

Please find enclosed the second 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 & Eastern Railway Company (EJ&E).

As documented in our report, we have made substantial progress to date on a number of these measures and conditions. Please also note the following additional information on three of the mitigation conditions:

- In compliance with VM 65, CN went live on May 20, 2009 with a web site dedicated to transaction-related construction projects. Available through [www.cn.ca](http://www.cn.ca), there are links to updates on the EJ&E acquisition, and to information about construction projects. While VM 65 requires that the web site provide information on transaction-related construction projects, we are also including descriptions of normal maintenance projects that may be noticeable to residents but are not directly related to the transaction. We believe this additional information will be useful to local residents and will help minimize the number of inquiries to local municipal government representatives.
- As an additional tool to comply with VM 49, where we are to conduct miscellaneous surveys in advance of construction projects, we have developed a small project checklist tailored to each project that lists all of

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the applicable environmental mitigation measures. We are finding it to be a very useful tool to ensure that we meet all requirements for each construction project. An example of this checklist is included as an attachment to the report.

- In compliance with Final Mitigation Condition 19, CN continues to meet with Gary/Chicago International Airport officials, most recently on June 18. On June 23, we agreed upon a preliminary engineering layout and have agreed to work over the next 90 days on the detailed engineering and a definitive agreement to accommodate the relocation of the EJ&E line.

In addition, I am pleased to report that CN has continued to be successful in negotiating Voluntary Mitigation Agreements (VMAs) with communities located along the EJ&E in the months since the Board approved our EJ&E acquisition. CN has signed VMAs with seven EJ&E communities in 2009. Most recently, since we filed our first quarterly status report, CN signed three VMAs – with Gary, Indiana and Elgin and Warrenville, Illinois. We now have agreements with 17 EJ&E communities, which include more than half the population along the EJ&E line, and we are continuing to hold productive discussions with additional EJ&E communities.

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.

Sincerely,



Karen Borlaug Phillips  
Vice President  
North American Government Affairs

Enclosure

cc: Victoria Rutson

# Quarterly Environmental Report

2<sup>nd</sup> Quarter, 2009

CN/EJ&E  
 Applicants' Voluntary Mitigation measures and STB's additional conditions  
 Per STB's Final Decision dated 12/24/08  
 Submitted July 10, 2009

<u>Category &amp; Sub Category</u>	<u>Number</u>	<u>Description</u>	<u>Implementation Deadline</u>	<u>Status (changes since last report in bold)</u>	<u>Date of completion</u>	<u>Comments to STB</u>
Safety - Grade Crossings	VM 1	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 to discuss implementation and schedule of grade crossing protections, CN and ICC began a diagnostic review of crossings on April 6. <b>IL crossing diagnostics were completed on April 15; Indiana crossing diagnostics were completed on May 8. Please see Attachment VM #1 (to Q2 2009 Report) for reports.</b>		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. <b>As per VM #49, part of EJ&amp;E small project checklist.</b>
	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) <i>Manual on Uniform Traffic Control Devices</i> (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.	February 2, 2009 Temporary signs installed at all public crossings, and all accessible private crossings. The format and lettering complies with the FHWA's <i>Manual on Uniform Traffic Control Devices</i> . On February 2, 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 Attachment VM 2 (to Q1 2009 Report) for copy of temporary signage, copy of ad placed in area publications and list of publication dates.</i>	
	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. <b>Dependent on completion of quiet zone studies.</b>		
	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.		
	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.		
	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. This diagnostic review will determine which crossing improvements are needed. Affected communities will be invited to take part in review. <b>IL crossing diagnostics were completed on April 15; Indiana crossing diagnostics were completed on May 8. Please see Attachment VM #1 (to Q2 2009 Report) for reports.</b>		
	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. This diagnostic review will determine which crossing improvements are needed. <b>IL crossing diagnostics were completed on April 15; Indiana crossing diagnostics were completed on May 8. Please see Attachment VM #1 (to Q2 2009 Report) for reports</b>		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.		<b>As per VM #49, part of EJ&amp;E small project checklist.</b>

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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. <b>Please see Attachment VM #9 (to Q2 2009 Report) for list.</b>		The identification numbers will be converted to be uniform with CN's system.
	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. <b>Preliminary meetings have been held with school officials in several communities. Please see Attachment VM #10 (to Q2 2009 Report) for list of meeting dates.</b>		
	VM 11	Applicants shall continue ongoing efforts with community officials to identify elementary, middle and high schools within 0.5 miles of the EJ&EW's ROW and provide, upon request, informational materials concerning railroad safety to such identified schools.		CN has developed a list of schools within .5 miles of EJ&E ROW. To date, no contact has been made by schools.		
	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, began on April 6, will identify pedestrian and recreational paths in areas of existing or proposed quiet zones. <b>CN initiated review on 6/5 and listing is completed. Will schedule meetings with affected parties. Please see Attachment VM #12 (to Q2 2009 Report) for a list of private trail crossings.</b>		
Construction	VM 13	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.		<b>Prevention and suppression plans will be part of contractor responsibilities.</b> All turbo locomotives are equipped with working spark arrestors and low-spark brake shoes. All locomotives have two ABC-rated fire extinguishers. <b>No such construction has been started.</b>		
Hazardous Materials Transportation (ER = emergency response)	VM 14	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.		CN complies with "key route" guidelines found in AAR Circular No. OT-55-1 and any subsequent revisions.
(ERP = Emergency Response Plan)	VM 15	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.		CN complies with "key train" guidelines found in AAR Circular No. OT-55-1 and any subsequent revisions.
	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	<b>Two sets of plans (a map and the written emergency response plan) were distributed at emergency preparedness seminars CN organized, which began on April 7. CN invited emergency personnel in each affected community to attend one of five seminars.</b>		
	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.	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.		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.		<b>CN has received several inquiries and is currently working with City of Schererville, as of June 3, on implementation and preparation for October drill.</b>		

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	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. <b>Follow-up letter sent 4/21 further explaining requirements for attendance to Pueblo training. Please see Attachment VM #20 (to Q2 2009 Report) for copy of letter and a list of attendees at the Pueblo training. For those communities that cannot provide technicians, CN has provided a list of other training opportunities.</b>	On February 20, 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, CN's Safety Group hosted five introductory meetings for emergency personnel in each affected community. <i>Please see Attachment VM 20 (to Q1 2009 Report) for copies of invite letters and distribution lists.</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.		CN will make TransCAER workshops available to designated personnel within each impacted community. <b>CN offered to make workshops available to communities at emergency preparedness meetings, which were held beginning on April 7.</b>	March 11, 2009 - CN has 2009 TransCAER presentations finalized in both English and Spanish. Will conduct upon request	
	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, 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. <b>See status column for VM #20.</b>		
	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. <b>Equipment lists were prepared and distributed along with copies of emergency response plans at the emergency preparedness meetings, beginning on April 7. Relevant state agencies will receive copies separately.</b>		
	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.		<b>Distributed.</b>		
	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.	
	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. <b>General plan is developed; site-specific modifications to general plan will be part of contract requirements.</b>		<b>As per VM #49, part of EJ&amp;E small project checklist.</b>
Transportation Systems						
Grade Crossing Delay	VM 27	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 to discuss implementation of mitigation measures. Run-around route is currently being designed - construction is scheduled to begin in 2009. <b>Run-around route plan has been approved and preliminary work begun June 2009.</b>		

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	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 community requests received to date.		
	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. <b>Continuing to revise operations to minimize blockages due to stopped trains. Please see CN's Monthly Operations Reports (discussing measures to reduce blockages).</b>		
	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; gates on or near the highway/rail at-grade crossing.		Diagnostic review has been developed in coordination with ICC, affected communities and appropriate road authorities. <b>No closure candidates apparent; CN will continue to explore.</b>		
	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.		<b>CN will coordinate with road authorities as projects are initiated.</b>		
	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.		<b>ICC and INDOT surveys were completed on April 15 and May 8 respectively. Please see Attachment VM #1 (to Q2 2009 Report) for survey results.</b>		
	VM 30 d)	Cooperate with state and local agencies to develop and implement a plan to grade-separate the highway/rail crossing.		<b>Not yet proposed.</b>		
	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. <b>Installations started in May 2009.</b>		
	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. For example, <b>as a result of discussions between CN and UP, Midwest Generation will no longer store coal trains on EJ&amp;E's lines.</b>		
	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 occupy crossings.		
	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.		
	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. <b>Please see CN's Monthly Operations Reports (discussing measures to reduce blockages).</b>		
	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 maintaining reports of ten-minute delays at crossings. Analysis to reduce blockages is ongoing.		

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Commuter and Passenger Rail Service	VM 37	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;		<b>Completed-November 18, 2008.</b>		
		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).	30 days	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.		
	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.		During AND AFTER construction. This is a discrepancy with p.50 of Dec 24 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	Observance of applicable curfew agreements is ongoing.		
Emergency Vehicle Delay	VM 42	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. Train visibility programs are currently being developed. <b>Final proposal received - approved June 2009.</b>		
	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. <b>All invitations extended and presentations completed. Please see Attachment VM #43 (to Q2 2009 Report) for list of presentations.</b>		
	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 is currently ordering Spanish materials and has identified Spanish-speaking presenters if required. <b>Materials were received; no programs requested to date.</b>		

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Construction	VM 45	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.		<b>These measures were introduced at emergency preparedness meetings, beginning on April 7. 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.</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.		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 scheduled to local emergency service providers.		Ongoing.		
Land Use						
General Land Use	VM 49	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. <b>Comprehensive checklist of all applicable mitigation measures has been developed for each transaction-related construction project. Please see Attachment VM# 49 (to Q2 2009 Report) for example of checklist.</b>		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.		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. <b>All ROW researched; no known habitat exists. In advance of construction activity, areas will be surveyed to identify any suitable habitat.</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.		<b>Will be incorporated into construction plans - construction has not yet started anywhere outside of ROW.</b>		As per VM #49, part of EJ&E small project checklist.
	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.		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.		<b>Will be incorporated into construction plans where appropriate.</b>		As per VM #49, part of EJ&E small project checklist.
	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.		<b>Will be incorporated into construction plans where appropriate.</b>		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 reseedling can be completed.		<b>Will be incorporated into construction plans where appropriate.</b>		As per VM #49, part of EJ&E small project checklist.

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	VM 58	Applicants shall limit ground disturbance to only the areas necessary for Transaction-related construction activities.		<b>Will be incorporated into construction plans where appropriate.</b>		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.		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.		<b>Will be incorporated into construction plans; e.g. Munger power switch locations. Please see Attachment VM# 60 (to Q2 2009 Report).</b>		As per VM #49, part of EJ&E small project checklist.
	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.		<b>Will be incorporated into construction plans where appropriate.</b>		As per VM #49, part of EJ&E small project checklist.
	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.		<b>Will be incorporated into construction plans.</b>		As per VM #49, part of EJ&E small project checklist.
Community Outreach	VM 64	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 2nd, 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 and March 9, updating them on the status of CN's integration of the EJ&E. <i>Please see attachment VM 64 (to Q1 2009 Report) 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.		<b>Operational on May 20, 2009. Updated weekly. Available at: <a href="http://ejeupdates.cn.ca">http://ejeupdates.cn.ca</a></b>		
Residential	VM 66	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.		<b>Will be incorporated into construction plans - where appropriate.</b>		As per VM #49, part of EJ&E small project checklist.
Business and Industrial	VM 67	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.		<b>Will be incorporated into construction plans - where appropriate.</b>		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.		<b>Will be incorporated into construction plans - where appropriate.</b>		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.		<b>Will be incorporated into construction plans - where appropriate.</b>		As per VM #49, part of EJ&E small project checklist.
State Lands	VM 70	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 (none is anticipated), CN will coordinate with the proper agency.		As per VM #49, part of EJ&E small project checklist.

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Utility Corridors	VM 71	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. <b>As design plans are finalized, any such utility will be identified and owners contacted to coordinate.</b>		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. <b>No pipelines identified to date (June 2009).</b>		As per VM #49, part of EJ&E small project checklist.
Air Quality	VM 73	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.		
	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.		
	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.		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.		As per VM #49, part of EJ&E small project checklist.
Noise and Vibration	VM 77	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.		
	VM 78	Applicants shall consult with affected communities and work with their construction contractors to minimize, to the extent reasonable practicable, construction-related noise disturbances near any residential areas.		<b>Will be incorporated into construction plans.</b>		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.		<b>Will be incorporated into construction plans.</b>		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 work ring 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. <b>Please see Attachment VM #80 (to Q2 2009 Report) for list of anticipated rail lubricator locations.</b>		
	VM 81	To minimize noise and vibration, Applicants shall install and maintain rail and rail beds according to AREMA standards.		<b>Will be incorporated into construction plans.</b>		
	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. <b>Torrence Ave. underway; other locations to follow.</b>		

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Biological Resources	VM 84	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.
	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. <b>No construction locations have identified habitats. Biologist will conduct review pre-construction, as well as periodic reviews during construction.</b>		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. <b>Please see Attachment VM #86 (to Q2 2009 Report) for letter to NRCS regarding Griffith.</b>		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.		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).		As per VM #49, part of EJ&E small project checklist.
Water Resources	VM 89	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.		<b>Will be incorporated into construction plans.</b>		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. Wetland mitigation to be handled through permitting process.		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.		As per VM #49, part of EJ&E small project checklist.
	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 reseeded 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. <b>E.g. Torrence Avenue silt fencing and Munger power switch location.</b>		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. <b>All jurisdictional areas have been identified for infrastructure improvement projects.</b>		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.		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.		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.		
	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.		

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	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.		As per VM #49, part of EJ&E small project checklist.
	VM 99	Applicants shall, to the extent reasonably practicable, ensure that any filled place 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.		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.		As per VM #49, part of EJ&E small project checklist.
Monitoring and Enforcement	VM 101	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.		
Supplemental Voluntary Mitigation Measures	VM 102	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.		
	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. The Applicants will also work with and support the efforts of adjacent property owners who have developed a Habitat Conservation Plan.		
	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 to discuss the appropriate monitoring programs. <b>At the April 1 meeting, TNC indicated that an informal agreement for protection and maintenance of the habitat was acceptable. Additionally, a two-year study has been initiated to consider the issue in Illinois.</b>		
	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. <b>Locations identified - determination of appropriate passages underway.</b>		
	VM 106	Identify areas of habitat of Karner Blue Butterfly. Protect or enhance habitat. Contact TNC about participation in Safe Harbor Agmt.		Preliminary meeting held on March 19. Second meeting held on April 1.		
	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. <b>A draft contract has been received from TNC and is under review.</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.		

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	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	<b>Survey of areas to be undertaken - will start this summer (late June to mid-July). Please see Attachment VM #108 (to Q2 2009 Report).</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.

### Final Mitigation Conditions

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	1)	Applicants shall comply with their voluntary mitigation measures.	30 days	Ongoing.		
Rail Operations	2)	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. Please see CN's Monthly Operations Reports (discussing measures to reduce blockages).		
	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. See VM 64.		
Rail Safety						
Safety Integration Plan	4)	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.		
	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.		
Freight Rail Safety	6)	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						
Industry Track	7)	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 to discuss implementation and schedule of grade crossing protections. CN and ICC began a diagnostic review of crossings on April 6. <b>Review completed on April 15.</b>		
Quiet Zones	8)	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. <b>FRA's annual review to take place this summer.</b>		

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Haz Mat Safety	9)	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.		
	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.		
Pedestrian and Bicycle Safety	11)	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. <b>Please see Attachment VM #10 (to Q2 2009 Report) for list of fencing locations and status.</b>		
	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.		CN has begun coordination with ICC on design and distribution of program. Has not yet discussed with INDOT. <b>Presentations are underway. Please see Attachment VM #43 (to Q2 2009 Report).</b>		
	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.		
Transportation Systems						
Regional and Local Highway Systems	14)	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. <b>IDOT meetings have begun.</b>	Letters from CN CEO E. Hunter Harrison were sent to appropriate contacts in each affected community on January 8 and March 9, updating them on the status of CN's integration of the EJ&E. <i>Please see VM 64 (to Q1 2009 Report) Attachment.</i>	
		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 <i>Manual on Uniform Traffic Control Devices</i> . 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. <b>IDOT advises 'do not block intersection' signs unwarranted.</b>		
	16)	Applicants shall construct the revised connection at Matteson, Illinois, and the revised double track connection at Leithon (near Mundelein, Illinois) as described in the Applicants' letters dated August 21, 2008 and September 17, 2008, respectively.		Design in progress.		

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	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. <b>CN has begun coordination with INDOT.</b>		
Emergency Response	18)	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. <b>Final proposal received; CN approved June 2009.</b>		
Airports	19)	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. <b>On June 23, 2009, CN and the airport approved a conceptual engineering track-alignment plan subject to a definitive agreement and detailed engineering plans that the parties hope to complete in 90 days.</b>		
Land Use	20)	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.	<b>INDNR has indicated preliminary compliance with CZMA for the overall acquisition. Individual projects will be evaluated for compliance after design plans have been prepared.</b>		<b>As per VM #49, part of EJ&amp;E small project checklist.</b>
Environmental Justice	21)	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.		Materials are available and ready to be distributed upon request.		
	22)	In addition to VM 65, Applicants shall make materials and information on their project-related website available in both English and Spanish.		<b>Website was launched on May 20. Updated weekly. Available at: <a href="http://ejeupdates.cn.ca">http://ejeupdates.cn.ca</a></b>		
	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.		
Air Quality and Climate	24)	Applicants shall comply with EPA emissions standards for diesel-electric railroad locomotives (40 CFR 92) when purchasing and rebuilding locomotives.		In compliance.		
	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.		Investigating whether CN allows open burning on property. If so, CN will comply. <b>CN does not allow open burning on property.</b>		<b>As per VM #49, part of EJ&amp;E small project checklist.</b>
Noise and Vibration	26)	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.		
	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.		
	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.		

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Biological Resources						
Resource Agency Liaison	29)	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 (Senior Manager of Environmental Compliance) and work is underway.		
	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.		
Plant Communities	31)	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.		
	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.		
	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.		
Federally-Listed and State Listed Threatened/Endangered Species	34)	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. See Attachment Condition 35 for supporting documentation.		As per VM #49, part of EJ&E small project checklist.
Water Resources	36)	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	<b>Contacted resource agencies to request information regarding sensitive surface and groundwater resources.</b>		
	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-handled through permitting process.		
	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.		As per VM #49, part of EJ&E small project checklist.
Constructions						
Rail Operations	39)	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.		Specifies that we "devise reasonable requirements" with Metra. <b>This is in conflict with other parts that say we shall maintain tunnel during and after construction. Need clarification with STB.</b>
Rail Safety	40)	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. <b>ICC and INDOT meetings completed. In discussions.</b>		As per VM #49, part of EJ&E small project checklist.

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Hazardous Waste Sites	41)	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.		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 handle site assessments where it is acquiring property.		As per VM #49, part of EJ&E small project checklist.
Land Use	43)	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 (none is anticipated), CN will coordinate with the proper agency.		As per VM #49, part of EJ&E small project checklist.
	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.		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.		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.		
Noise and Vibration	47)	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.		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.		As per VM #49, part of EJ&E small project checklist.
Biological Resources	49)	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).		Prior to construction activity, construction areas will be re-surveyed for the presence of Federal or state-listed threatened or endangered species.		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.		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 once breeding season begins.		
	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.		As per VM #49, part of EJ&E small project checklist.
	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.		
Water Resources	55)	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.		To be addressed as part of permit process.		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.

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	57)	When performing transaction-related construction activities, Applicants shall not affect existing wetlands in order to create the ponds or stormwater detention that may be required for the management of stormwater runoff.		To be incorporated into project design.		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.		To be addressed as part of permit process.		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.		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 Leithon Connection, Diamond Lake to Gilmer double-track, Munger Connection, Griffith Connection, Gary Connection and the three WILD sites. For the projects where wetlands have been identified, permit applications are being processed.		As per VM #49, part of EJ&E small project checklist.
Cultural Resources	61)	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.		As per VM #49, part of EJ&E small project checklist.
Negotiated Agreements	62)	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.		<b>In progress.</b>		
	65)	Applicants shall comply with the terms of the negotiated agreement that was executed by Dyer, Indiana and the Applicants on December 4, 2008.		<b>In progress.</b>		
	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.		Need to initiate. <b>Left messages, not yet returned.</b>		
	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.		
Monitoring and Enforcement	72)	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.		As agreed to by STB and CN.
	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.		
	75)	Applicants shall comply with the terms of the negotiated agreement that was executed by Mokena, Illinois and the Applicants.		In progress.		<b>Executed since final decision issued.</b>
	76)	Applicants shall comply with the terms of the negotiated agreement that was executed by West Chicago, Illinois and the Applicants.		In progress.		<b>Executed since final decision issued.</b>
	77)	Applicant shall comply with the terms of the negotiated agreement that was executed by Richton Park, Illinois and the Applicants.		In progress.		<b>Executed since final decision issued.</b>

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	78)	Applicant shall comply with the terms of the negotiated agreement that was executed by Matteson, Illinois and the Applicants.		In progress.		Executed since final decision issued.
	79)	Applicant shall comply with the terms of the negotiated agreement that was executed by Vernon Hills, Illinois and the Applicants.		Need to initiate. <b>In progress.</b>		Executed since final decision issued.
	80)	Applicant shall comply with the terms of the negotiated agreement that was executed by Gary, Indiana and the Applicants.		<b>In progress.</b>		Executed since final decision issued.
	81)	Applicant shall comply with the terms of the negotiated agreement that was executed by Elgin, Illinois and the Applicants.		<b>In progress.</b>		Executed since final decision issued.
	82)	Applicant shall comply with the terms of the negotiated agreement that was executed by Warrenville, Illinois and the Applicants.		<b>Preparing to initiate.</b>		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 for 5 years, but STB reserves the right to extend oversight period.**

See p. 26 of final decision

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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 will be prepared separately and 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 will be prepared separately and 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 will be prepared separately and submitted separately.		

# Supporting Documents for STB Condition No. 9 (VM 1)

## Documents Include:

Indiana Crossing Diagnostic Report  
Illinois Crossing Diagnostic Report

### INDIANA CROSSING DIAGNOSTICS<sup>1</sup>

No.	Crossing DOT #	Jurisdiction Type	Jurisdiction	Road Name	Date Inspected	Fed. & Rail Attendees	State & Local Attendees	Local Observations
1	260-652K	City	Dyer	Lake St.	5/8/2009	Wagner, Meyer, Henriksen		
2	260-653S	City	Dyer	Hart St.	5/8/2009	Wagner, Meyer, Henriksen		FRA noted the sidewalk sunk
3	260-655F	City	Schererville	Airport Road	5/8/2009	Wagner, Meyer, Henriksen		
4	260-657U	City	Schererville	Kennedy Ave.	5/8/2009	Wagner, Meyer, Henriksen		
5	230-082T	City	Griffith	Broad St.	5/8/2009	Wagner, Meyer, Henriksen	Konopasek, Gully	City noted heavy queueing at crossing at rush hour and have noted cars trapped between gates. FRA noted crossing will be complex to quiet and suggested city add cross hatched pvmt markings at crossing
6	260-659H	City	Griffith	Main St.	5/8/2009	Wagner, Meyer, Henriksen	Konopasek, Gully	City requested stimulus money to widen crossing, as they will need more lane width to install medians for QZ
7	260-661J	City	Griffith	Lake St.	5/8/2009	Wagner, Meyer, Henriksen	Konopasek, Gully	City noted school is located on Lake Street and is used by students and wanted to know whether CN plans to add Ped Gates with signal package?
8	260-662R	City	Griffith	Miller St.	5/8/2009	Wagner, Meyer, Henriksen	Konopasek, Gully	Does CN plan to add Ped Gates with signal package
9	260-663X	City	Griffith	Elm St.	5/8/2009	Wagner, Meyer, Henriksen	Konopasek, Gully	Possible 4 quad gate location
10	260-664F	City	Griffith	45th Ave.	5/8/2009	Wagner, Meyer, Henriksen	Konopasek, Gully	City noted a minor issue with people driving around gate
11	260-665L	City	Griffith	40th Place	5/8/2009	Wagner, Meyer, Henriksen	Konopasek, Gully	City wants to talk about access to interceptor sewer
12	260-670H	City	Gary	25th Ave.	5/8/2009	Wagner, Meyer, Henriksen	Realeza, Jones	City complained of rough crossing, asked about highway sign replacement. DOT numbers missing
13	260-671P	City	Gary	15th Ave.	5/8/2009	Wagner, Meyer, Henriksen	Realeza, Jones	City complained of missing DOT on bungalow, rough surface

<sup>1</sup> This is a summary of the safety inspection of Indiana EJ&E grade crossings as required by the STB, in accordance with CN voluntary measures. All aspects of the crossings were inspected and no immediate exceptions were noted.

No.	Crossing DOT #	Jurisdiction Type	Jurisdiction	Road Name	Date Inspected	Fed. & Rail Attendees	State & Local Attendees	Local Observations
14	260-672W	City	Gary	9th Ave.	5/8/2009	Wagner, Meyer, Henriksen	Realeza, Jones	
15	260-673D	State	Gary	5th Ave.	5/8/2009	Wagner, Meyer, Henriksen	Realeza, Jones	City questioned small DOT signs on posts being adequate.

**Inspection Attendees**

FRA  
 Tammy Wagner  
 Regional Crossing & Trespasser Manager

FRA  
 Bob Meyer

CN  
 John Henriksen  
 Manager Public Works

City of Griffith  
 Rick Konopasek  
 Director Public Works

City of Griffith  
 Michale E. Gully  
 Operations Lt. Griffith Police Department

City of Gary  
 Felix V. Realeza  
 Traffic Engineer

City of Gary  
 Dept. of Transportation  
 Vannessa Jones

Indiana DOT  
 Bob White  
 (participated by telephone)

**Agencies Invited/Contacted Prior to Inspections**

Town of Dyer  
 Town Manager  
 Joseph Neeb  
 One Town Square  
 Dyer Indiana 46311  
 (219) 865-6108  
 Fax (219) 865-4233

Town Of Schererville  
 Town Manager  
 Robert Volkman  
 10 East Joliet Street  
 Schererville Indiana 46375  
 (219) 322-2211 Ext. 323  
 Fax (219) 865 5515

Indiana DOT  
 Section Manager Rail  
 Mike Riley  
 100 N Senate Ave  
 Indianapolis, IN 46204  
 317-232-1491

LaPort Dist InDOT  
 Director  
 Mike McPhillips  
 219-362-6125  
 mcphillips@indot.in.gov

Town Of Griffith  
 Director Public Works  
 Rick Konopasek  
 111 North Broad Street  
 Griffith Indiana 46319  
 (219) 924-3838  
 Fax (219) 924-3840

City of Gary  
 Director of Public Works  
 Rinzer Williams III  
 401 Broadway Suite 300  
 Gary Indiana 46402  
 (219) 881-1310  
 Fax (219) 882-7371

Indiana DOT  
 Senior Rail Projects Engineer  
 Fred Hohl  
 100 N Senate Ave  
 Indianapolis, IN 462202  
 317-232-5301  
 317-233-3055

Lake County, Indiana  
 Superintendent of Highways  
 Marcus Malczewski  
 219-663-05250  
 malczmw@lakecountyin.org

### ILLINOIS CROSSING DIAGNOSTICS<sup>1</sup>

No.	Crossing DOT #	Jurisdiction Type	Jurisdiction	Road Name	Date Inspected	Fed. & Rail Attendees	State & Local Attendees
1	260495U	TWNSHP	LIBERTYVILLE	Diamond Lake Road (Lake Street)	15-Apr-09	Powers, Henriksen	
2	260496B	IDOT	Illinois Division of Highways	IL.60&83 (Ivanhoe Road)	15-Apr-09	Powers, Henriksen	
3	260500N	COUNTY	LAKE	Gilmer Road	15-Apr-09	Powers, Henriksen	
4	260503J	COUNTY	LAKE	Old McHenry Road	15-Apr-09	Powers, Henriksen	
5	260507L	IDOT	Illinois Division of Highways	Main Street (Lake Zurich)	15-Apr-09	Powers, Henriksen	
6	260508T	CITY	LAKE ZURICH	Old Rand Road(Paine Street)	15-Apr-09	Powers, Henriksen	
7	260510U	COUNTY	LAKE	Ela Road	15-Apr-09	Powers, Henriksen	
8	260511B	COUNTY	LAKE	Cuba Road	15-Apr-09	Powers, Henriksen	
9	260513P	CITY	BARRINGTON	Lake Zurich Road	15-Apr-09	Powers, Henriksen	
10	260514W	IDOT	Illinois Division of Highways	Northwest Highway	15-Apr-09	Powers, Henriksen	Burmeister
11	260515D	IDOT	Illinois Division of Highways	Hough Street (IL. Route 59)	15-Apr-09	Powers, Henriksen	
12	260516K	IDOT	Illinois Division of Highways	Main Street (Barrington)	15-Apr-09	Powers, Henriksen	
13	260517S	COUNTY	COOK	Otis Road	15-Apr-09	Powers, Henriksen	
14	260520A	COUNTY	COOK	Penny Road	15-Apr-09	Powers, Henriksen	
15	260521G	COUNTY	COOK	Sutton Road	15-Apr-09	Powers, Henriksen	
16	260525J	COUNTY	COOK	Shoe Factory Road	15-Apr-09	Powers, Henriksen	
17	260530F	CITY	ELGIN	Spaulding Road	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
18	260532U	COUNTY	COOK	West Bartlett Road	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
19	260533B	COUNTY	DUPAGE	Stearns Road	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
20	260535P	CITY	WAYNE	Army Trail Road	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
21	260536W	TWNSHP	WAYNE	Smith Road	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
22	260538K	CITY	WEST CHICAGO	Hawthorne Lane	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	

<sup>1</sup> This is a summary of the safety inspection of Indiana EJ&E grade crossings as required by the STB, in accordance with CN voluntary measures. All aspects of the crossings were inspected and no immediate exceptions were noted. The ICC is going to compile and forward a report of their findings to all concerned. The ICC determined the crossings to be looked at and chose not to include those where no increase in train traffic is expected.

No.	Crossing DOT #	Jurisdiction Type	Jurisdiction	Road Name	Date Inspected	Fed. & Rail Attendees	State & Local Attendees
23	260541T	CITY	WEST CHICAGO	Washington Street	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
24	260542A	CITY	WEST CHICAGO	Aurora Street	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
25	260543G	CITY	WEST CHICAGO	Church Street	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
26	260545V	CITY	WEST CHICAGO	Ann Street	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
27	260556H	CITY	NAPERVILLE	Diehl Road	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
28	260558W	CITY	AURORA	Liberty Street	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
29	260560X	IDOT	Illinois Division of Highways	U.S. Route 34 (Ogden Ave)	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
30	260562L	CITY	AURORA	Montgomery Road (83rd Street)	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
31	260563T	TWNSHP	WHEATLAND	87th Street	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
32	260564A	TWNSHP	WHEATLAND	Hafenrichter Road (91st Street)	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
33	260565G	TWNSHP	WHEATLAND	Wolf's Crossing (95th Street)	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
34	260567V	TWNSHP	WHEATLAND	West 111th Street	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
35	260569J	TWNSHP	WHEATLAND	Ferguson Road (119th Street)	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
36	260571K	TWNSHP	WHEATLAND	Normantown Road	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
37	260573Y	TWNSHP	WHEATLAND	Chapins Road (127th Street)	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
38	260575M	TWNSHP	PLAINFIELD	135th Street(Pilchers Road)	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
39	260576U	CITY	PLAINFIELD	Van Dyke Road	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
40	260577B	IDOT	Illinois Division of Highways	143rd Street	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	

No.	Crossing DOT #	Jurisdiction Type	Jurisdiction	Road Name	Date Inspected	Fed. & Rail Attendees	State & Local Attendees
41	260580J	CITY	PLAINFIELD	Plainfield Naperville Road	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
42	260581R	IDOT	Illinois Division of Highways	Main Street ( Plainfield)	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
43	260582X	CITY	PLAINFIELD	Center Street	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
44	260583E	CITY	PLAINFIELD	Eastern Ave.	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
45	260584L	CITY	PLAINFIELD	Lockport Road	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
46	260585T	COUNTY	WILL	Renwick Road	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
47	260587G	IDOT	Illinois Division of Highways	Essington Road	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
48	260588N	TWNSHP	PLAINFIELD	Division Street	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
49	260589V	TWNSHP	LOCKPORT	Gaylord Road	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
50	260597M	CITY	JOLIET	Woodruff Road	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
51	260601A	CITY	JOLIET	Washington Street	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras, Ortiz
52	260603N	TWNSHP	JOLIET	North Rowell Ave.	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras, Ortiz
53	260604V	COUNTY	WILL	Mills Road	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras, Ortiz
54	260605C	CITY	JOLIET	South Rowell Ave.	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras, Ortiz
55	260606J	TWNSHP	JOLIET	West Spencer Road (Country Club Rd.)	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras, Ortiz

No.	Crossing DOT #	Jurisdiction Type	Jurisdiction	Road Name	Date Inspected	Fed. & Rail Attendees	State & Local Attendees
56	260607R	COUNTY	WILL	Briggs Street	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras, Ortiz
57	260609E	TWNSHP	NEW LENOX	Cherry Hill Road	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras, Ortiz
58	260611F	COUNTY	WILL	South Gougar Road	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras, Ortiz
59	260612M	CITY	NEW LENOX	Nelson Road	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras, Ortiz
60	260614B	COUNTY	WILL	South Cedar Road	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras
61	260616P	TWNSHP	NEW LENOX	South Spencer Road	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras
62	260617W	TWNSHP	NEW LENOX	Schoolhouse Road	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Kvedaras
63	260620E	TWNSHP	FRANKFORT	Owens Road/116th Ave(Bobzin Road)	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Pierson, Kestel
64	260621L	CITY	FRANKFORT	Wolf Road	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	Pierson, Kestel
65	260623A	COUNTY	WILL	Center Road	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	
66	260626V	COUNTY	WILL	Old Sauk Trail	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	
67	260627C	TWNSHP	FRANKFORT	Pfeiffer Road/88th Ave.	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	
68	260628J	COUNTY	COOK	Harlem Ave.	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	
69	260629R	COUNTY	COOK	Ridgeland Ave.	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	
70	260630K	COUNTY	COOK	Central Ave.	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	
71	260632Y	IDOT	Illinois Division of Highways	Cicero Ave.	6-Apr-09	Stead, Powers, Wagner, Milewzski, Henriksen	
72	260636B	COUNTY	COOK	Main Street (Matteson)	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
73	260638P	IDOT	Illinois Division of Highways	Western Ave.	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
74	260639W	CITY	CHICAGO HEIGHTS	Euclid Ave.	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	

No.	Crossing DOT #	Jurisdiction Type	Jurisdiction	Road Name	Date Inspected	Fed. & Rail Attendees	State & Local Attendees
75	260640R	IDOT	Illinois Division of Highways	Chicago Road	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
76	260641X	CITY	CHICAGO HEIGHTS	West End Ave.	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
77	260642E	CITY	CHICAGO HEIGHTS	East End Ave.	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
78	260644T	CITY	CHICAGO HEIGHTS	Wentworth Ave.	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
79	260645A	COUNTY	COOK	State Street	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
80	260646G	COUNTY	COOK	Cottage Road Ave.	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
81	260649C	IDOT	Illinois Division of Highways	Torrence Ave.	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
82	260651D	IDOT	Illinois Division of Highways	Lincoln Highway (U.S. Route 30)	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
83	260794B	CITY	LAKE ZURICH	Oakwood Drive	15-Apr-09	Powers, Henriksen	
84	260799K	CITY	CREST HILL	Oakland Ave	8-Apr-09	Powers, Verrecruz, Wagner, Milewzski, Henriksen	
<b>Private Crossings Inspected</b>							
85	260803X	PRIVATE AGREEMENT	Pedestrian	ARMY TRAIL BKPTH	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
86	260539S	PRIVATE AGREEMENT	Private	PRIVATE	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
87	260540L	PRIVATE AGREEMENT	Private	NW CHEM CO	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
88	260542A	PRIVATE AGREEMENT	Public	AURORA ST	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
89	260544N	PRIVATE AGREEMENT	Pedestrian	GEORGE STREET	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
90	260550S	PRIVATE AGREEMENT	Private	BATAVIA ROAD	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	

No.	Crossing DOT #	Jurisdiction Type	Jurisdiction	Road Name	Date Inspected	Fed. & Rail Attendees	State & Local Attendees
91	260805L	PRIVATE AGREEMENT	Pedestrian	ILL PRAIRIE PATH	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
92	260935H	PRIVATE AGREEMENT	Pedestrian	OGDEN BIKE PATH	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	
93	260905R	PRIVATE AGREEMENT	Private	PRIVATE	9-Apr-09	Powers, Verrecruz, Milewzski, Henriksen	

**Inspection Attendees**

Illinois Commerce Commission Mike Stead Bureau Chief - Railroads	Illinois Commerce Commission Stan Milewzski Railroad Safety Specialist	CN Jim Kvedaras Director Government Affairs	City of Barrington Dennis Burmeister Director Public Works
Illinois Commerce Commission Dan Powers Railroad Safety Specialist	FRA Tammy Wagner Regional Crossing & Trespasser Manager	City of Joliet David Ortiz Public Works	City of Mokena Paul Pierson Director Public Works
Illinois Commerce Commission Brian Verrecruz Railroad Safety Specialist	CN John Henriksen Manager Public Works	City of Frankfort Terry Kestal Director Public Works	

**Agencies Invited/Contacted Prior to Inspections**

<p>City of Waukegan John Moore P.E. City Engineer 100 N. Martin Luther King Jr. Ave Waukegan Illinois (847) 599-2500</p>	<p>Illinois Division of Highways Region 1 District 1 Regional Engineer Diane M. O'Keefe 210 West Center Court Schaumburg Illinois 60196 (847) 705-4000</p>	<p>City of Shorewood Public Works Supervisor Rodger Barrowman One Town Center Blvd. Shorewood Illinois 60404 (815) 725-2437 Fax (815) 741-7709</p>	<p>Troy Township Township Highway Commissioner Daniel R. Ward 25358 Seil Road Shorewood Illinois 60431 (815) 744-7760 Cell (815) 405-3482 Fax (815) 744-7746</p>
<p>City of North Chicago Street Commissioner John McKnight 1850 Lewis Avenue North Chicago Illinois 60064 (847) 596-8870</p>	<p>Libertyville Township Township Highway Commissioner Bill Morgan 343 Merrill Court Libertyville Illinois 60048 (847)362-3350 Emergency (847)549-5200</p>	<p>Illinois Division of Highways Region 2 District 3 Regional Engineer George F. Ryan 700 East Norris Drive P.O. Box 697 Ottawa Illinois 61350 (815) 434-6131</p>	<p>Goose Lake Township Township Highway Commissioner Bruce Trotter 525 North Gorman Road Mazon Illinois 60444 (815) 634-4168 Garage (815) 942-5706</p>
<p>City of Libertyville Engineering Division Senior Engineer Dennis Kilbane Libertyville Illinois 60048 (847) 918-2100 Fax (847) 918-9439</p>	<p>Village of Mettawa Village Engineer Ted Anderson/ James Anderson Company 920 W. North Shore Drive Lake Bluff Illinois 60044 (847) 295-3322 Fax (847)295-0734</p>	<p>Village of Lake Zurich Public Works Director/Village Engineer David Heyden Robert Duprey, Assistant Public Works Director 505 Tesler Road Lake Zurich Illinois 60047 (847) 540- 1696 Fax (847) 726-2182</p>	<p>City of Crest Hill Streets Working Foreman Eric Newbery 1610 Plainfield Road Crest Hill Illinois 60403 (815) 741-5108</p>
<p>City of Elgin Public Works Street Maintenance Supervisor Blalark Charles 1900 Holmes Road Elgin Illinois 60123 (847) 931-6099 Fax (847) 931-5983</p>	<p>Lake County Illinois Transportation Division Director/County Engineer Marty Buehler 600 W. Winchester Road Libertyville Illinois 60048 (847) 377-7400 Fax (847) 362-5290</p>	<p>City of Barrington Director of Public Works Dennis Burmeister 200 S. Hough Street Barrington Illinois 60010 (847) 381-7903 Fax (847) 382-3030</p>	<p>City of Sauk Village Director of Public Works Kevin J. Weller 21701 Torrence Ave Sauk Village Illinois 60411 (708) 758-3330</p>

**Agencies Invited/Contacted Prior to Inspections**

Wayne Township Township Highway Commissioner Ken Spitz 4N230 Klein Road West Chicago Illinois 60185 (630) 231-4923 Fax (630) 231-4929	Dupage County Dupage County Division of Transportation Jack T. Knuepfer Administration Building 421 N. County Farm Road, 2nd Floor Wheaton Illinois 60187 (630) 407-6900 Fax (630) 407-6901	Cook County Illinois Highway Department Bureau of Administration 69W. Washington Room# 2300 Chicago Illinois 60602 Director Rupert F. Graham Jr. Superintendent (312) 603-1600 Fax (312) 603-9945	Seward Township Township Highway Commissioner Rex Pritz 16272 Grant Street Seward Illinois 61077 (815) 247-8830 Fax ((815) 247-8843
City of Aurora Engineering Department City Engineer Ken Schroth P.E. 44 East Downers Place Aurora Illinois 60507 (630) 844-3621 Ext 3621	City of West Chicago Director of Public Works Robert E. Flatter P.E. Mailing Address 457 Main Street West Chicago Illinois 60185 (630) 293-2255 Fax (630)293-3028	Village of Wayne Public Works Rick Goncher 5N430 Railroad Street P.O. Box 532 Wayne Illinois 60184 (630) 584-3090 Fax (630) 584-0259	Village of Frankfort Superintendent of Public Works Terry Kestel 432 West Nebraska Street Frankfort Illinois 60423 (815) 469-2177 Fax (815) 469-7999
Lockport Township Township Highway Commissioner Jack Waxweiler 123 South Avenue Lockport Illinois 60441 (815) 726-6056	Wheatland Township Township Highway Commissioner Dayton Jarnagin 11S 711 Book Road Naperville Road 60564 (630) 851-8330	City of Naperville Department of Public Works 180 Fort Hill Drive Naperville Illinois 60540 (630) 420-6095	City of Chicago City of Chicago Streets and Sanitation Commissioner Michael J. Picardi 121 North LaSalle Street Chicago Illinois 60602 (312) 744-4611 Fax (312) 744-5317
City of Joliet Public Works Jim Trizna 921 East Washington Street Joliet Illinois 60433 (815) 724-4200	Will County Will County Highway Department Bruce D. Gould P.E. County Engineer 16841 West Laraway Road Joliet Illinois 60433 (815) 727-8426	Plainfield Township Township Highway Commissioner Sam Reichert 22525 West Lockport Road Plainfield Illinois 60544 (815) 436-6090	Aux Sable Township Township Highway Commissioner Ray Underhill 8960 East Route 6 Morris Illinois 60450 (815) 467-6832 Garage (815) 942-9630

**Agencies Invited/Contacted Prior to Inspections**

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Village of New Lenox  
Public Works  
Nick Perez  
901 Country Drive  
New Lenox Illinois 60451  
(815) 485-7729

Joliet Township  
Township Highway Commissioner  
Jim Maffeo  
901 South Joliet Street  
Joliet Illinois 60436  
(815) 722-6646

Village of Plainfield  
Director of Public Works  
Allen Persons  
24401 West Lockport Street  
Plainfield Illinois 60544  
(815) 436-7093  
Fax (815) 436-1950

New Lenox Township  
Township Highway  
Commissioner  
Dennis McPartlin  
1080 South Cedar Road  
New Lenox 60451  
(815) 485-6484

City of Chicago Heights  
Director of Street & Sewer  
Department  
Jesse Perez  
1601 Chicago Road  
Chicago Heights Illinois  
60411  
(708) 756-5360  
Fax (708) 756-0719

Frankfort Township  
Township Highway Commissioner  
Bill Carlson  
9434 West LaPorte Road  
Mokena Illinois 60448  
(708) 479-9673

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

## Documents Include:

Table of EJ&E Grade Crossings within 250 feet of another railroad's grade crossings

**EJ&E GRADE CROSSINGS WITHIN 250 FEET OF ANOTHER RAILROAD'S GRADE CROSSINGS**

<b>RAILROAD</b>	<b>EJE XING #</b>	<b>EJ&amp;E SUB</b>	<b>HIGHWAY</b>	<b>STREET</b>	<b>BRANCH</b>	<b>MILEPOST</b>	<b>SEPRR</b>	<b>Other RR Xing #</b>	<b>DIST. FROM EJE Xing</b>	<b>LATITUDE</b>	<b>LONGITUD</b>	<b>CNTYNAM</b>	<b>TIMETABLE STA.</b>	<b>CITYNAM</b>
EJE	260465C	L	MS4055	MADISON ST	YARD LEAD	73.10	UP	176624D	250' W	423572200	-878272200	LAKE-IL	WAUKEGAN	WAUKEGAN
EJE	260815S	L		GIFFORD RD	INDUSTRY	NA	METRA	372214T	200' N	NA	NA	COOK	SPAULDING	ELGIN
EJE	260538K	L	FAU1389	HAWTHORNE LA	MAINLINE	30.24	UP	174532J	100' W	418997200	-882208300	DU PAGE	WEST CHICAGO	WEST CHICAGO
EJE	260541T	L	FAU1397	WASHINGTON ST	MAINLINE	28.39	UP	174973G	140' E	418830500	-882091600	DU PAGE	WEST CHICAGO	WEST CHICAGO
EJE	260644T	M	MUN1480	WENTWORTH AV	MAINLINE	25.92	UP	260644T	40' S*	414988800	-876211100	COOK	CHICAGO HGTS	CHICAGO HTS
EJE	260645A	M	FAU2916	STATE ST	MAINLINE	26.16	UP	260645A	30' S*	414986100	-876161100	COOK	CHICAGO HGTS	CHICAGO HTS
EJE	260646G	M	FAU2920	COTTAGE GROVE AV	MAINLINE	27.17	NS	522100W	90' N	414994400	-875969400	COOK	CHICAGO HGTS	CHICAGO HTS
EJE	260649C	M	FAU2937	TORRENCE AV	MAINLINE	29.18	NS	260649C	90' N*	414988800	-875580500	COOK	CHICAGO HGTS	SAUK VILLAGE
EJE	260655F	M		AIRPORT RD (213TH)	MAINLINE	33.66	NS	522093N	90' N	415074400	-874739600	LAKE-IN	HARTSDALE	SCHERERVILLE
EJE	260657U	M		KENNEDY AVE	MAINLINE	34.36	NS	522092G	100' N	415109350	-874609390	LAKE-IN	HARTSDALE	SCHERERVILLE

\*NOTE: BOTH RAILROADS USE EJ&E CROSSING NUMBER

# Supporting Documents for STB Condition No. 9 (VM 10)

Documents Include:  
Summary of fencing coordination

**CN-EJ&E Acquisition - Summary of Fencing Coordination (VM 10/FMC 11)**

<b>Community</b>	<b>Location</b>	<b>Initial Coordination</b>	<b>Most Recent Coordination</b>
Hawthorn Woods	Hawthorn Woods Community Park	2008	6/1/2009
Lake Zurich	Lake Zurich School District 95	2008	6/30/2009
Barrington	School District 220	6/24/2009	6/24/2009
Barrington	Barrington Park District	6/24/2009	6/24/2009
Aurora	Fox Valley Park District	6/4/2009	6/4/2009
Naperville	School District 204	5/18/2009	6/23/2009
New Lenox	School District 210	6/9/2009	6/9/2009
New Lenox	New Lenox Park District	6/9/2009	6/9/2009
Park Forest	School District 163	2008	5/6/2009
Sauk Village	Wagoner Park	6/11/2009	6/11/2009

- 8 communities are being coordinated with as listed above.
- 17 communities have VMAs.
- 6 communities have no parks or schools within 1/4 mile (Deer Park, Barrington Hills, Bartlett, Wayne, Ford Heights, Lynwood)
- 2 communities have parks or schools within 1/4 mile but facilities are already fenced or are separated by the EJ&E right-of-way by other development (Long Grove, Plainfield)

# Supporting Documents for STB Condition No. 9 (VM 12)

Documents Include:  
Table of Private Trail Crossings

## VM 12 – PRIVATE TRAIL CROSSINGS

<b>Crossing</b>	<b>Owner</b>	<b>Location</b>
Illinois Prairie Path	DuPage County	South of Army Trail Road
Batavia Road	Warrenville	North of Batavia Road crossing – Warrenville
Illinois Prairie Path	DuPage County	North of 1-88
Illinois Prairie Path	DuPage County	South Diehl Road
Ogden Bike Path	IDOT	At Ogden Avenue
Lockport Road	Will County	At Lockport Road

# Supporting Documents for STB Condition No. 9 (VM 20)

## Documents Include:

Letter from CN dated April 21, 2009

List of attendees at Pueblo training



U.S.Operations

17641 S. Ashland Avenue  
Homewood, Illinois 60430  
708-332-6567

AVP Risk Management  
Robert M. Keane

April 21, 2009

Dear Mr. Zoellner,

As you know, CN has begun a series of informational outreach meetings with various police and fire departments, along with other emergency responders from communities in which the Elgin, Joliet & Eastern Railway tracks run. These are the meetings to which members of your departments or response agencies have previously been invited to attend. Our purpose at these outreach meetings remains to introduce CN, explain what capabilities we have, what training we offer to your community or response agency, and answer any questions about who we are and what we do.

We have found in the Q&A sessions that follow each outreach session that there still exists some uncertainty about the hazardous materials responder training CN is offering, in which we will send two emergency responder representatives from your local area to receive world-class railroad hazardous material responder training at the Association of American Railroad's premier training facility in Pueblo, Colorado.

It is important to note that this training is only being offered at this time to qualified Hazardous Materials Technician responder representatives from those EJ&E communities that will have an increase in train activity as a result of CN's purchase of the EJ&E. Many of you are already aware of this, as a result of conversations you have already had with CN, but others may not be aware that this is a requirement.

We will sponsor their attendance in a five-day Tankcar Specialist training course, all expenses paid by CN. The attendees will receive both classroom training and field training. They will be tested on the instructional material and will be required to demonstrate their proficiency by performing physical tasks, typical of what a hazardous material responder may have to do upon arrival at a scene of a railroad incident. This course will not offer Continuing Education Units (CEUs), as it is a customized program.

As we have previously communicated, all your attendees have to do is get themselves to and from O'Hare - the rest is covered. We will arrange for all transportation, housing, meals and tuition for the five-day course.

There are some important points that you need to note when selecting attendees for this training. As previously mentioned, this particular course requires participants to be already certified at the hazmat responder Technician level. CN is a firm believer in sharing the training at this top-notch railroad

industry training facility, but it will be offered **only** for those attendees that are already Technician-certified, so that they will benefit from the training and in turn can take it back to their home community or agency to share the knowledge gained.

In order to ensure the value of the training to all the participating communities and responder agencies, we require a fax or photocopy of the attendees' current technician certificate to confirm their qualifications and so we can make their travel arrangements. We have held off making travel arrangements until now, due to the number of questions we have received about the training prerequisites the attendees must have.

If any of you were planning on sending lesser-trained individuals, we ask that you reconsider. Please recognize the importance of providing the best possible candidates for this training, in order to develop the most qualified individuals for your community should a railroad incident occur that requires a trained response. If you do not have Technician-certified responders, please consider offering your available slots to a response agency that covers your community, so that more responders directly responsible for protecting your residents can realize the benefits of this premier training opportunity.

Many of you have already submitted names of attendees. If they are already Technician certified, please email a copy of their certification at your earliest convenience to Marcy Jensen, at [mjensen@grisko.com](mailto:mjensen@grisko.com), or by fax at 312-335-0103. Please also include a personal telephone number (home or cell - not the number of the station or agency) , to be used in case of last minute changes.

Make sure you confirm which session they prefer to attend - the August 17-21 session or the September 21-25 session. We need to fill the sessions evenly in order to maximize the effectiveness of each, and may contact you back if one is overbooked, to determine your ability to switch sessions.

All attendees must be confirmed by May 1, so that travel arrangements can be made.

As we discuss in our outreach meetings, we will also offer other railroad-specific hazardous materials training in select local locations for your other personnel. This training will be a combination of classroom and field settings at local locations, so do not feel that if you cannot provide Technician-trained attendees for the Pueblo training that you will not have an opportunity to receive railroad-specific training. We remain committed to providing ongoing training opportunities, and will coordinate with you to schedule these other sessions.

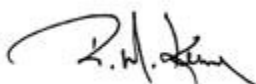
Should you have other questions, please do not hesitate to contact Jim Kvedaras, CN's Community Liaison, or me, using my contact information above.

[Jim.kvedaras@cn.ca](mailto:Jim.kvedaras@cn.ca)

708-332-4361 fax

708-332-3508 office

Sincerely,





### Canadian National Seminar Attendees

Town	Seminar	Agency	First	Last	Address	City	Zipcode	Phone	E-mail
Aurora	Aug.	Aurora FD	Phil	Bergeron	401 N. Park Ave.	Aurora	60506	630-966-0050	<a href="mailto:pbergeron@sbcglobal.net">pbergeron@sbcglobal.net</a>
		Aurora FD	Steve	Kish	2326 Orr Ct.	N. Aurora	60542	630-907-0610	<a href="mailto:kishafd@comcast.net">kishafd@comcast.net</a>
	Sep.								
Barrington	Aug.	Barrington	Lt. Jeffrey	Tress	309 Talismon Dr.	Crystal Lake	60012	815-382-1656	<a href="mailto:jtress@sbcglobal.net">jtress@sbcglobal.net</a>
	Sep.	Barrington	Asst. Chief Charlene	McLear	5705 Fieldstone Tr.	McHenry	60050	815-790-4520	<a href="mailto:avs@avsdev.com">avs@avsdev.com</a>
Barrington Hills	Aug.								
	Sep.								
Bartlett	Aug.								
	Sep.	Bartlett FD	Dave	Bosse	234 Oak Ave.	Bartlett		630-837-3701	
Chicago Heights	Aug.	CH FD	Christopher	Bednarek	344 Ashland Ave.	Chicago Heights	60411	708-709-0892	<a href="mailto:cbednarek@chicagoheights.net">cbednarek@chicagoheights.net</a>
		CH FD	Lt. James	Angell	373 Patricia Dr.	Chicago Heights	60411	708-756-5374	<a href="mailto:chfd101@aol.com">chfd101@aol.com</a>
	Sep.								
Crest Hill	Aug.								
	Sep.	Lockport Twp FPD	Capt. Edward	Rossetto	828 E. 9th Street	Lockport	60441	815-838-3287	<a href="mailto:erossetto@lockportfire.org">erossetto@lockportfire.org</a>
Deer Park	Aug.								
	Sep.								
Dyer	Aug.	Dyer	Asst. Chief John	Huppert	2150 Hart St.	Dyer	46311	219-680-0686	
	Sep.								
Elgin	Aug.								
	Sep.	Elgin FD	Lt. Vince	Rychtanek	2269 Knollwood Dr.	Elgin	60123	847-354-0659	<a href="mailto:rychtanek_v@cityofelgin.org">rychtanek_v@cityofelgin.org</a>
		Elgin FD	Andrew	Zawada	610 Edgemont Ln.	Hoffman Estates	60196	847-354-5299	<a href="mailto:zawada_a@cityofelgin.org">zawada_a@cityofelgin.org</a>
Ford Heights	Aug.								
	Sep.								
Frankfort	Aug.	Frankfort PD	William	Bankes	26345 W. Silverstream Dr.	Channahon		815-530-5505	<a href="mailto:bjbankes@comcast.net">bjbankes@comcast.net</a>
	Sep.	Frankfort FPD	Lt. Sean	Fierce	5520 Gate House Way	Bourbonnais	60914	815-6845-0760	<a href="mailto:fierce@frankfortfire.org">fierce@frankfortfire.org</a>
Gary	Aug.	Gary FD	Paul	Bradley	2723 W. 58th P.	Merrillville IN	46410	219-545-4776	<a href="mailto:lp.ld.123@hotmail.com">lp.ld.123@hotmail.com</a>
	Sep.	Gary FD	Chief Jeffrey	Ward	580 Cleveland St.	Gary, IN	46404	219-882-2603	
Griffith	Aug.								
	Sep.	Griffith FD	Martin F.	Michaels	1141 N. Lafayette St.	Griffith, IN	46319	219-808-2275	<a href="mailto:lostsalt2@comcast.com">lostsalt2@comcast.com</a>
		Griffith FD	Mike	Cope	1334 N. Woodlawn	Griffith, IN	46319	219-922-3093	<a href="mailto:mpcope@sbcglobal.net">mpcope@sbcglobal.net</a>





### Canadian National Seminar Attendees

Town	Seminar	Agency	First	Last	Address	City	Zipcode	Phone	E-mail
Richton Park	Aug.	RPF	Rick	Kara	661 Downing	New Lenox	60451	708-774-6972	<a href="mailto:rickdcff@aol.com">rickdcff@aol.com</a>
	Sep.	RPF	Rodney	Wilson	3808 Dewey	Richton Park	60471	708-528-1253	
Sauk Village	Aug.	SVVFD	Kevin	Phillips	2121 216th St.	Sauk Village	60411	708-699-1155	
	Sep.								
Schererville	Aug.	Schererville PD	Asst. Chief Rob	Dowling	1650 Cline Ave.	Schererville, IN	46375	219-322-2599	<a href="mailto:rdowling@schererville.org">rdowling@schererville.org</a>
	Sep.								
Vernon Hills	Aug.								
	Sep.	Countryside Lincolnshire Riverwoods	Battalion Chief Ed Lt. Duane	Heinz Christensen	2580 Savannah Dr. 858 Lange	Wauconda Mundelein	60084 60060	847-487-8847 847-421-5836	<a href="mailto:ehinz@countrysidefire.com">ehinz@countrysidefire.com</a> <a href="mailto:dchristensen@rfpdd.org">dchristensen@rfpdd.org</a>
Warrenville	Aug.								
	Sep.								
Wayne	Aug.								
	Sep.								
West Chicago	Aug.	W. Chicago FD	Jason	Day	655 Rosewood Dr.	West Chicago	60185	630-330-2814	<a href="mailto:jasond@wegofpd.org">jasond@wegofpd.org</a>
	Sep.	W Chicago	Frank	Smogur	1053 Bluestem Ln.	Batavia	60510	630-987-0049	<a href="mailto:franks@wegofpd.org">franks@wegofpd.org</a>

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

Documents Include:

List of Operation Lifesaver presentations



## **Operation Lifesaver Presentations**

### **May 13, 2009**

**Location:** Hickory Creek Middle School, Frankfort IL

**CN Presenter:** David Barajas, CN Police Chief

**# of Students:** 800 students (five separate presentations)

### **May 14, 2009**

**Location:** Elsie Wadsworth Elementary School, Griffith IN

**CN Presenter:** David Barajas, CN Police Chief

**# of Students:** 291 students (3 separate presentations)

### **May 14, 2009**

**Location:** Franklin Elementary School, Griffith IN

**CN Presenter:** David Barajas, CN Police Chief

**# of Students:** 308 students (2 separate presentations)

### **May 15, 2009**

**Location:** Eldon Ready Elementary School, Griffith IN

**CN Presenter:** David Barajas, CN Police Chief

**# of Students:** 455 students (3 separate presentations)

**May 18, 2009**

**Location:** Aurora Montessori School, Aurora IL

**CN Presenter:** David Barajas, CN Police Chief

**# of Students:** 118 students (3 separate presentations)

**June 18, 2009**

**Location:** Goddard School, Plainfield IL

**CN Presenter:** David Barajas, CN Police Chief

**# of Students:** 50 students, 2 teachers (2 separate presentations)

# Supporting Documents for STB Condition No. 9 (VM 49)

## Documents Include:

Mitigation Checklist for Transaction-Related  
Construction Projects along the EJ&E

**Transaction-Related Construction Projects along the EJ&E  
Small Project Checklist**

Project:

<b>Number</b>	<b>Description</b>	<b>Not Applicable</b>	<b>Addressed</b>	<b>Comments</b>	<b>Responsible</b>
VM 1	Applicants shall consult with appropriate agencies to determine the final design and other details of the grade crossing protections or rehabilitations on the EJ&EW'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	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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 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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 49	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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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 habitat areas.	<input type="checkbox"/>	<input type="checkbox"/>		

**Transaction-Related Construction Projects along the EJ&E  
Small Project Checklist**

Project:

Number	Description	Not Applicable	Addressed	Comments	Responsible
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 58	Applicants shall limit ground disturbance to only the areas necessary for Transaction-related construction activities.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 61	Applicants shall notify the trail managers of new construction that intersects trails during 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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 66	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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 67	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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 68	Applicants shall work with affected businesses or industries to appropriately redress Transaction-related construction activity issues affecting any business or industry.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		

**Transaction-Related Construction Projects along the EJ&E  
Small Project Checklist**

Project:

Number	Description	Not Applicable	Addressed	Comments	Responsible
VM 70	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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 71	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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 84	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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 86	Prior to initiating Transaction-related construction activities, Applicants shall consult with the local offices of the Natural Resource Conservation Service ("NRCS") to develop an appropriate plan for restoration and re-vegetation of the disturbed areas (including appropriate seed mix specifications).	<input type="checkbox"/>	<input type="checkbox"/>		
VM 87	During construction activity, Applicants shall take reasonable steps to ensure contractors use fill material appropriate for the project area.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 89	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.	<input type="checkbox"/>	<input type="checkbox"/>		

**Transaction-Related Construction Projects along the EJ&E  
Small Project Checklist**

Project: \_\_\_\_\_

<b>Number</b>	<b>Description</b>	<b>Not Applicable</b>	<b>Addressed</b>	<b>Comments</b>	<b>Responsible</b>
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
VM 98	During construction, Applicants shall prohibit Transaction-related construction vehicles from driving in or crossing streams at other than established crossing points.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		
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.	<input type="checkbox"/>	<input type="checkbox"/>		

**Transaction-Related Construction Projects along the EJ&E  
Small Project Checklist**

Project:

Number	Description	Not Applicable	Addressed	Comments	Responsible
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).	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 20	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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 40	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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 41	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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 43	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.	<input type="checkbox"/>	<input type="checkbox"/>		

**Transaction-Related Construction Projects along the EJ&E  
Small Project Checklist**

Project:

Number	Description	Not Applicable	Addressed	Comments	Responsible
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 45	Applicants shall store construction-related equipment and materials in established storage areas or on the Applicants' property.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 47	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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 49	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).	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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).	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 55	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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 57	When performing transaction-related construction activities, Applicants shall not affect existing wetlands in order to create the ponds or stormwater detention that may be required for the management of stormwater runoff.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 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.	<input type="checkbox"/>	<input type="checkbox"/>		

**Transaction-Related Construction Projects along the EJ&E  
Small Project Checklist**

**Project:**

Number	Description	Not Applicable	Addressed	Comments	Responsible
FMC 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).	<input type="checkbox"/>	<input type="checkbox"/>		
FMC 61	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.	<input type="checkbox"/>	<input type="checkbox"/>		

Supporting  
Documents for STB  
Condition No. 9  
(VM 60)

Documents Include:

Letter from CN dated May 14, 2009



www.cn.ca

May 14, 2009

Mr. John Oldenburg  
Director  
Office of Natural Resources  
Forest Preserve District of DuPage County  
P.O. Box 5000  
Wheaton, Illinois 60189-5000

**Re: Planned Construction Work (EJ&E / CC&P) Power Switch Installation  
Adjacent to Pratt's Wayne Woods Forest Preserve  
Wayne, Illinois**

Mr. Oldenburg,

As follow-up to our telephone conversation yesterday, CN is hereby providing notice of planned work to replace existing manual switches with power switches at two locations within the northeast quadrant of the CN (Chicago Central & Pacific Railroad (CCP)) and the EJ&E overpass in Wayne, Illinois.

The subject work will be conducted on the CCP approximately one-half mile west of Munger Road and on the EJ&E just south of Stearns Road. The project is scheduled to begin on May 27, 2009 and will be completed by May 30, 2009. Periodic signal and electrical work may continue for weeks following completion of the power switch installations but should not involve heavy equipment.

CN has completed wetland delineation throughout the project area. Wetlands and property boundaries will be flagged prior to commencement of construction activities. All work will be conducted on railroad property.

Should you require additional information, please contact me.

Respectfully,

Devin Sprinkle  
Regional Manager – Environment

cc: Mr. D. Crader, CN  
Mr. R. Baker, CN  
Mr. N. Pellerin, CN  
Mr. J. Kvedaras, CN  
Ms. L. Patterson, CN

**Environment**

**Devin Sprinkle**

Regional Manager – Environment

17641 South Ashland Avenue  
Homewood, Illinois 60430

T 708-332-3850

F 708-332-3514

**From:** Devin.Sprinkle@cn.ca [mailto:Devin.Sprinkle@cn.ca]  
**Sent:** Monday, May 18, 2009 1:51 PM  
**To:** Raymond.Baker@cn.ca; Pakeltis, Anthony  
**Cc:** jim.kvedaras@cn.ca  
**Subject:** Fw: Planned Work in Wayne, IL

Confirmed receipt of Forest Preserve District notification of work @ Munger. I responded to this email to confirm that all work would remain on CCP / EJE ROW.

Devin

----- Forwarded by Devin Sprinkle/SPRINKLE/CNR/CA on 05/18/2009 01:49 PM -----

"John \"Ole\" Oldenburg"  
<[joldenburg@dupageforest.com](mailto:joldenburg@dupageforest.com)>

To <[Devin.Sprinkle@cn.ca](mailto:Devin.Sprinkle@cn.ca)>

cc

Subject RE: Planned Work in Wayne, IL

05/14/2009 05:34 PM

Confirmed receipt. Just for clarification, all access as well as construction activities will be limited to CC&P and EJ&E ROW's correct?

John "Ole" Oldenburg  
Director  
Office of Natural Resources  
Forest Preserve District of DuPage County  
(630) 933-7669

Save a tree. Please consider the environment before printing this e-mail.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, privileged or other information, protected by law. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

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From: [Devin.Sprinkle@cn.ca](mailto:Devin.Sprinkle@cn.ca) [mailto:[Devin.Sprinkle@cn.ca](mailto:Devin.Sprinkle@cn.ca)]  
Sent: Thu 5/14/2009 3:56 PM  
To: John "Ole" Oldenburg  
Cc: [normand.pellerin@cn.ca](mailto:normand.pellerin@cn.ca); [jim.kvedaras@cn.ca](mailto:jim.kvedaras@cn.ca)  
Subject: Planned Work in Wayne, IL

Ole,

Attached please find the letter that was sent to your attention today as follow-up to our conversation yesterday in regard to power switch installation on CCP and EJ&E adjacent to Pratt's Wayne Woods. Feel free to contact me with questions.

Devin Sprinkle  
Regional Manager - Environment  
CN  
17641 S. Ashland Ave.  
Homewood, Illinois 60430  
708.332.3850

# Supporting Documents for STB Condition No. 9 (VM 80)

Documents Include:  
Table of 2009 Lubricator Installations

## 2009 Lubricator Installations

Priority	Location	Subdivision	# Units	Supplier	TOR/Gauge	Cost
1	Leithton, Waukesha MP 38 Hill Track	Waukesha	1	Lincoln	Gauge	\$ 9,649
2	Barrington , Leithton MP 49.5 main	Leithton	1	Lincoln	TOR	\$ 14,528
3	Barrington Hills, Leithton MP's 47.7 & 48.4	Leithton	2	Lincoln	TOR	\$ 29,036
4	Plainfield, Il River Line, MP 9.8	Il River Line	1	Lincoln	Gauge	\$ 9,649
5	E Joliet Yard MP 100-101 runaround	Leithton	1	Lincoln	Gauge	\$ 9,649
6	E Joliet Yard MP 100-101 UP connection	Leithton	1	Lincoln	Gauge	\$ 9,649
7	Matteson MP 28.2 SE Wye	Matteson	1	Lincoln	Gauge	\$ 9,649
8	Griffith, Matteson MP 36.2 main 1	Matteson	1	Tranergy	Combo	\$ 13,700
9	Griffith, Matteson MP 36.2 main 2	Matteson	1	Tranergy	Combo	\$ 9,900
10	West Chicago, Leithton MP 29.2 main	Leithton	1	Lincoln	TOR	\$ 14,528
11	Normantown, Leithton MP 12.9 main	Leithton	1	Lincoln	TOR	\$ 14,528
12	Kirk Yard, Matteson MP 44.5 main tracks	Matteson	1	Lincoln	Gauge	\$ 14,518
13	Cavanaugh, Matteson MP 43.1 Hammond Branch	Matteson	1	Tranergy	Combo	\$ 9,900
14	Cavanaugh, Matteson MP 43.1 East wye	Matteson	1	Tranergy	Combo	\$ 9,900
15	Kirk Yard, Matteson MP 44.4 City Track	Matteson	1	Lincoln	Gauge	\$ 9,649
16	Kirk Yard, Matteson MP 44.5 Lake Front Conn	Matteson	1	Lincoln	Gauge	\$ 9,649
17	Shearson, Matteson MP 44.9 Whiting Branch	Matteson	1	Tranergy	Combo	\$ 9,900
Leithton Sub (former Western)		6 Locations	7	Units		\$ 91,918
Sales Tax					6.25%	\$ 5,745
Subtotal						\$ 97,663
Contingency					10%	\$ 9,192
<b>Leithton Sub Total - Network C-6044.006</b>						<b>\$ 106,855</b>
Matteson Sub (former Eastern)		11 Locations	11	Units		\$ 116,063
Sales Tax					6.25%	\$ 7,254
Subtotal						\$ 123,317
Contingency					10%	\$ 12,332
<b>Matteson Sub Total - Network C-6044.007</b>						<b>\$ 135,649</b>
<b>Totals</b>		<b>17 Locations</b>	<b>18</b>	<b>Units</b>		<b>\$ 242,503</b>

# Supporting Documents for STB Condition No. 9 (VM 86)

## Documents Include:

Letter from Planning Resources Inc. dated June 8, 2009 regarding the Griffith Connection Restoration and Re-vegetation Coordination



PLANNING  
RESOURCES INC.

402 West Liberty Drive  
Wheaton, Illinois 60187  
Web: www.planres.com  
P: 630.668.3788  
F: 630.668.4125

June 8, 2009

P209005-00

USDA – Natural Resources Conservation Service  
Crown Point Service Center  
928 S. COURT ST., STE C  
Crown Point, IN 46307-4848  
Attn: Mr. Bill Moran, District Conservationist

Re: Canadian National Railway  
Griffith Connection  
Restoration and Re-vegetation Coordination

Dear Mr. Moran:

Planning Resources Inc. (PRI) is assisting Canadian National Railway Corporation and the Grand Trunk Corporation (collectively CN) with environmental compliance issues associated with the construction of a new rail connection in Griffith, Indiana. The attached **Soil and Erosion Control Plan** prepared by Patrick Engineering Inc. illustrates the proposed connection between the EJ&E – Matteson Subdivision and the GTW – South Bend Subdivision.

CN has committed to 108 voluntary mitigation measures to address a wide variety of environmental effects identified during the environmental review process. One voluntary mitigation measure states “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).”

CN is proposing to install native vegetation in all non-wetland areas within the construction zone illustrated on the **Soil and Erosion Control Plan**. Attached is a proposed native seed list and associated specifications. The seed list was generated using the *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois*, prepared by the NRCS’s Chicago Metro Urban and Community Assistance Office. Please review the attached plan and native vegetation specifications, and provide written verification that the above measures are satisfactory. Thank you in advance for your assistance on this project.

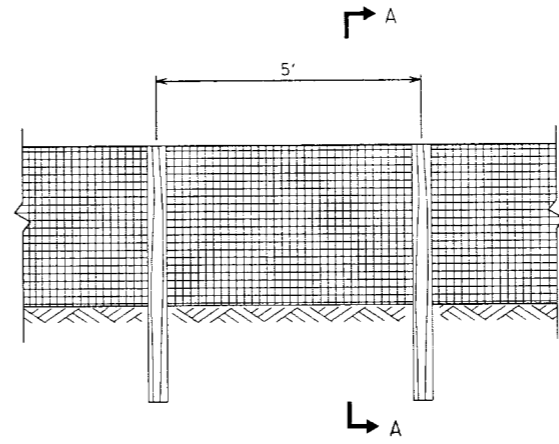
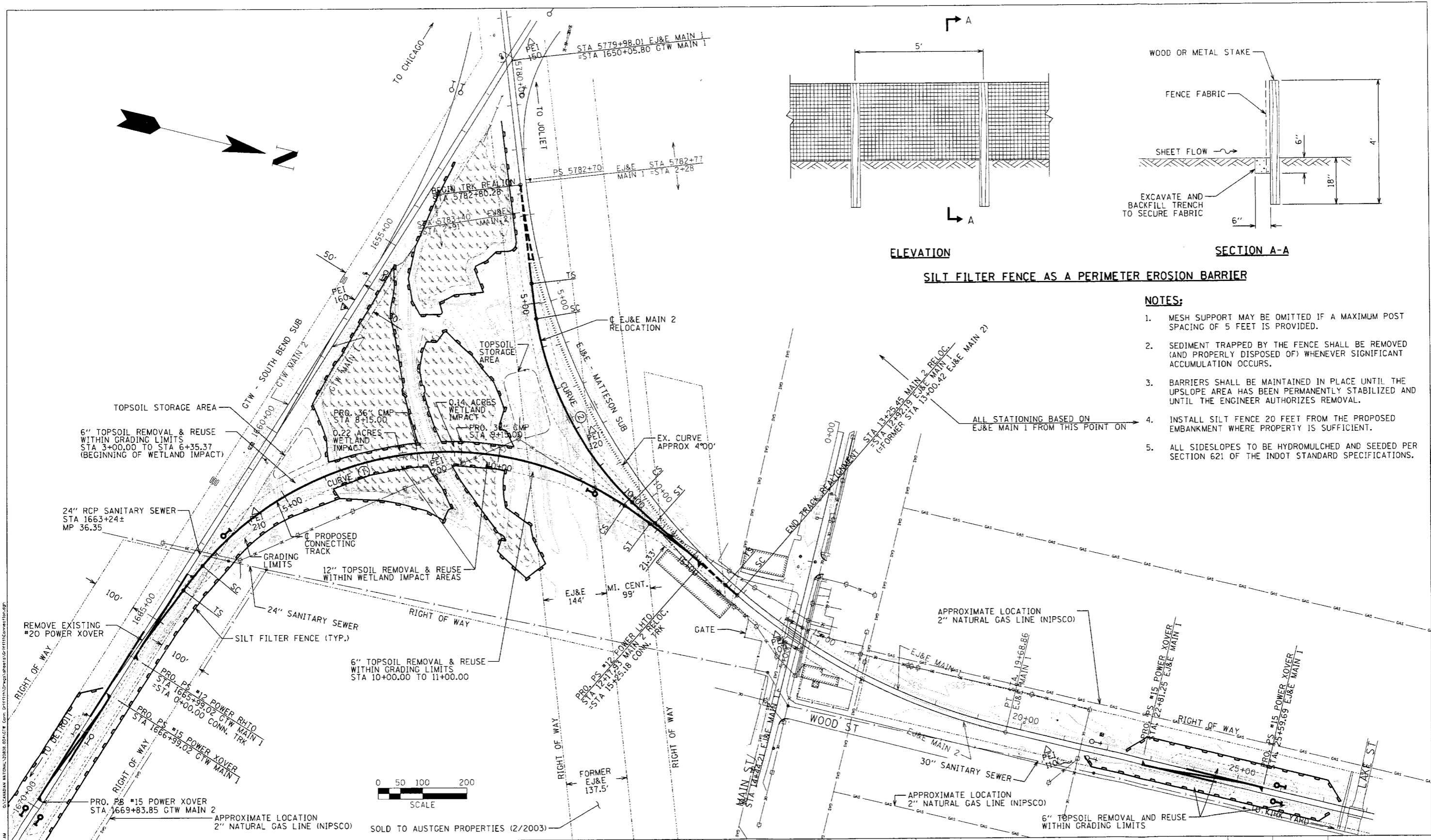
Sincerely,  
Planning Resources Inc.

Kevin M. Jury  
Environmental Services

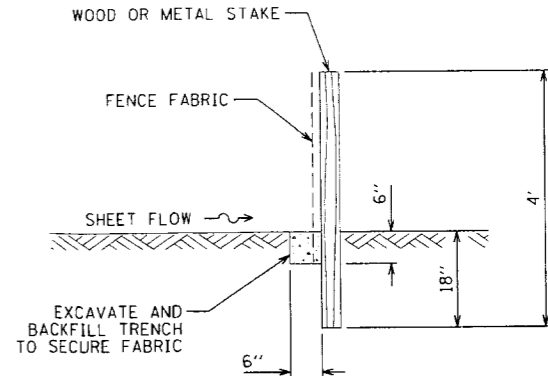
Xc: Tony Pakeltis (PARSONS, 10 South Riverside Plaza, Suite 400, Chicago, Illinois 60606)

Attachment: Soil and Erosion Control Plan, Native Vegetation Specifications

PLANNERS  
ECOLOGISTS  
LANDSCAPE  
ARCHITECTS



ELEVATION

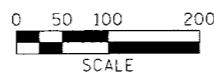


SECTION A-A

SILT FILTER FENCE AS A PERIMETER EROSION BARRIER

NOTES:

1. MESH SUPPORT MAY BE OMITTED IF A MAXIMUM POST SPACING OF 5 FEET IS PROVIDED.
2. SEDIMENT TRAPPED BY THE FENCE SHALL BE REMOVED (AND PROPERLY DISPOSED OF) WHENEVER SIGNIFICANT ACCUMULATION OCCURS.
3. BARRIERS SHALL BE MAINTAINED IN PLACE UNTIL THE UPSLOPE AREA HAS BEEN PERMANENTLY STABILIZED AND UNTIL THE ENGINEER AUTHORIZES REMOVAL.
4. INSTALL SILT FENCE 20 FEET FROM THE PROPOSED EMBANKMENT WHERE PROPERTY IS SUFFICIENT.
5. ALL SIDESLOPES TO BE HYDROMULCHED AND SEEDING PER SECTION 621 OF THE INDOT STANDARD SPECIFICATIONS.



6/13/2009  
 9:03 AM  
 G:\LANDMAN\INTERNATIONAL\CONTRACTS\Griffith\Griffith Connection\SP\FINAL\CONNECTION.DWG

**FINAL PLANS**



**PATRICK ENGINEERING INC.**  
LISLE, ILLINOIS

SOIL AND EROSION CONTROL PLAN  
 GTW-EJ&E GRIFFITH CONNECTION  
 SOUTH BEND SUB - MATTESON SUB  
 GRIFFITH, INDIANA

SCALE	AS NOTED	DATE: 6/3/2009
DESIGNED BY	EAR	PROJ. No.: 20808.004
DRAWN BY	EAR	SHEET NO.
CHECKED BY	SPH	13
APPROVED BY	SPH	13 OF 15 SHEETS

REV. No.	DATE	DESCRIPTION

## NATIVE VEGETATION SPECIFICATIONS Griffith, IN Connection

### General

1. Under no circumstances shall wheat (*Triticum aestivum*), cereal rye (*Secale cereale*), perennial rye (*Lolium perenne*), or barley (*Hordeum vulgare*) be used as a temporary cover crop.
2. Forb seeds shall have undergone a period of appropriate stratification. All storage requirements, stratification, and vernalization considerations shall be the sole responsibility of the Contractor.
3. Contractor shall provide a fresh, clean current season crop of the specified seeds. Seed containing noxious weeds shall not be accepted, nor shall seed collected from the wild.
4. All native seed shall be provided on a pure live seed (PLS) basis where available. Actual seed amounts used on the project will vary with the actual percent of PLS in the seed lot. Seed supplied to the site shall contain documentation of PLS testing and, if required, adjustment of the seed weights to provide 100 percent PLS standards. PLS adjustment must be based on seed test results no older than 12 months.
5. All native seed mixes shall be combined with an appropriate endomycorrhizal inoculant such as AM 120 Mycorrhizal Inoculum (or comparable). The inoculants shall contain a diverse mixture of glomales fungal species (*Glomus* spp.) in palletized form. Application rate shall be 40 lbs/acre.

### Installation

1. The Contractor shall be responsible for performing all work necessary to achieve and maintain an acceptable seedbed prior to seeding. All areas must be properly prepared before seeding begins.
2. When the soil is wet, seeding shall be performed in a manner that that limits soil compaction. Where possible, it is preferred that seeding be delayed when the ground is wet. Ideally, seeding will occur when the soil is moist to dry-damp and be timed such that rainfall occurs within 48 hours after seeding.
3. Drill seed installation shall be conducted before broadcast seed installation. The Contractor shall determine the optimal method and equipment for seed installation in each area.
4. With drill-seed application, three-quarters (75 percent) of the cover crop and all native grasses shall be installed with a rangeland-type drill designed to install native grasses (e.g., Truax No-Till drill). Prior to starting work, seeders shall be calibrated and adjusted to sow seeds at the required seeding rate and to the proper depth. Native grass seed shall be installed at a depth no greater than one-quarter (0.25) inch. If seeded species requires exposure to sunlight for germination, such species shall be planted separately, after drilling, using a broadcast application method. Following drill seeding operations, the balance of the cover crop (25 percent) and all forbs shall be placed using a tractor-mounted broadcast spreader or cyclone seeding implement.
5. If site conditions preclude the use of drill seeding, a broadcast seed application method shall be used and must achieve the following requirements. Broadcast seed shall be mixed with an equal amount of inert filler (e.g., perlite, ground corncobs, vermiculite) to enable even distribution. Double (2x) the indicated seed rate for permanent matrix species shall be used. Seed shall be broadcast in two separate applications, with each application of seed overlapping the previous application by one-half the weight to ensure double coverage of the seeded area. For example, half the weight would be installed in a north-south direction and half the weight of seed would be installed in an east-west direction. Within 12 hours following broadcast seeding or as soon as site conditions permit, the Contractor shall rake, drag, or roll broadcast seeded areas perpendicular to

- the slope using an approved roller or cultipacker to firm the seedbed and place the seed in contact with the soil.
6. If hydroseeding is used, the hydraulic seeding equipment shall include a pump rated and operated at no less than 100 gallons per minute and at no less than 100 lbs. per square inch pressure. A minimum of 1,000 gallons of slurry shall be used. The tank shall have a mechanical agitator powerful enough to keep all materials in a uniform suspension in the water. Calibration of the hydraulic seeding equipment shall be accurate. If Contractor has another method for hydroseeding, he/she shall submit this method to CN for evaluation and approval 30 days prior to the scheduled start date.
  7. No seed shall be sown when winds exceed a velocity of 10 miles per hour or when the ground is not in proper condition for seeding, nor shall any seed be sown until the purity testing has been complete for the seeds to be used, and shows the seed meets the noxious weed requirements.
  8. Schedule: Seeding may occur any time between 15 October and 30 June provided site conditions afford good seed-oil contact and workable soils. Springtime seeding activities typically is performed between 15 April and 1 June. Unless regular watering is provided, seed installation in late June through August is not recommended. Fall dormant seeding typically is performed from 15 October to snow cover. Seed should not be installed when snow is present, although under certain conditions, frost seeding may be appropriate.

**Seed List**

Scientific Name	Common Name	Quantity (LB/AC)
<b>Cover Crop</b>		
<i>Avena sativa</i>	Seed Oats	32.00
<i>Elymus canadensis</i>	Nodding Wild Rye	2.00
<b>Permanent Matrix</b>		
<i>Aster laevis</i>	Smooth Blue Aster	0.02
<i>Aster novae-angliae</i>	New England Aster	0.02
<i>Coreopsis tripteris</i>	Tall Coreopsis	0.10
<i>Elymus virginicus</i>	Virginia Wild Rye	2.00
<i>Mondarda fistulosa</i>	Wild Bergamot	0.10
<i>Panicum virgatum</i>	Switch Grass	4.00
<i>Ratibida pinnata</i>	Yellow Cone Flower	0.20
<i>Rudbeckia hirta</i>	Black-eyed Susan	0.20
<i>Schizachyrium scoparium</i>	Little Bluestem	5.00
<i>Silphium laciniatum</i>	Compass Plant	0.10
<i>Silphium terebinthinaceum</i>	Prairie Dock	0.10
<i>Solidago rigida</i>	Stiff Goldenrod	0.10
<i>Tradescantia ohioensis</i>	Spiderwort	0.10
<i>Verbena stricta</i>	Hoary Vervain	0.20
<i>Vernonia fasciculata</i>	Common Ironweed	0.10
<b>TOTAL</b>		<b>46.3</b>

Supporting  
Documents for STB  
Condition No. 9  
(VM 108)

Documents Include:

Email regarding Eastern Prairie Fringed Orchid  
surveys

-----Original Message-----

**From:** Cathy\_Pollack@fws.gov [mailto:Cathy\_Pollack@fws.gov]

**Sent:** Monday, June 22, 2009 3:29 PM

**To:** Kevin Jury

**Subject:** Re: Eastern Prairie Fringed Orchid

Kevin,

Starting your surveys in Will County this year prior to June 28th is acceptable since the known population at the Grant Creek Nature Preserve is blooming. I suggest you start your searches, but save at least the third non-consecutive day for the middle of next week.

Starting mid next week for the more northern sites is acceptable also, but again, I suggest your last search day to be after the 4th of July weekend.

Cathy

\*\*\*\*\*

Cathy Pollack  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
1250 S. Grove Ave., Suite 103  
Barrington, Illinois 60010  
847/381-2253 ext.20  
847/381-2285 (fax)

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"Kevin Jury"

<[KMJ@planres.com](mailto:KMJ@planres.com)>

06/22/2009 02:48 PM

To <[cathy\\_pollack@fws.gov](mailto:cathy_pollack@fws.gov)>

cc "Juli Crane" <[jcrane@planres.com](mailto:jcrane@planres.com)>, "Pakeltis, Anthony"  
<[Anthony.Pakeltis@parsons.com](mailto:Anthony.Pakeltis@parsons.com)>

Subject Eastern Prairie Fringed Orchid

Hi Cathy:

Thanks for all your help so far regarding blooming orchids. We expect to start searching our Will County sites tomorrow and the northern sites mid next week. My client is concerned that we are beginning the searches prior to the written June 28<sup>th</sup> date typically referenced in USFWS letters. Please respond via e-mail that starting the surveys in Will County this year prior to June 28<sup>th</sup> is acceptable since known populations are already in flower.

Thanks,

**Kevin M. Jury, CPESC**

Planning Resources Inc.

402 W. Liberty Drive

Wheaton, Illinois 60187 /630.668.3788