

COUNTY BOARD

DuPage County

(630) 407-6023

May 28, 2008

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Surface Transportation Board
CN-EJ&E EIS - FD-35087

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

Dear Ms. Quinlan:

We are writing to express our strong opposition to Canadian National Railway Company and Grand Trunk Corporation's (CN) *Request for Establishment of Time Limits for NEPA Review and Final Decision* that was filed before the Surface Transportation Board (STB) on May 13, 2008 for the above referenced docket (Filing 222352). DuPage County urges the board to reject CN's request and allow the NEPA review process to continue on its current course.

In its filing, CN requests that the Surface Transportation Board establish a fast-track schedule that would result in the Board issuing the Environmental Impact Statement (EIS) no later than July 15, 2008, and a Final Decision on the transaction on December 1, 2008. CN uses as a basis for its request the fact that the Stock Price Agreement (SPA) signed by CN and EJ&E established a deadline of December 31, 2008 for the completion of the transaction. CN's argument is not valid, as the parties must have been aware of the fact that the proposed transaction, based on the projected large increases in train traffic on the EJ&E line, would trigger an environmental review process under NEPA guidelines that could extend beyond December 31, 2008. Moreover, CN and EJ&E could by mutual agreement at any time amend the established deadlines so that they do not conflict with the STB's environmental process.

On November 27, 2007, the Board issued a decision that required the Section of Environmental Analysis (SEA) to prepare an Environmental Impact Study (EIS). In issuing this decision, the Board stated: "...a full EIS is warranted in view of the large projected traffic increases on certain line segments, and the potential impacts of the proposed transaction on a number of communities that would likely result from the increased activity levels on rail line segments and at rail facilities. The EIS process will ensure that the Board takes a hard look at environmental consequences required by NEPA." The Board also added: "The time the EIS will take to prepare cannot be determined ahead of time because there is no way to predict in advance all of the specific issues that may arise. In prior cases, the EIS process has ranged from approximately 18 months to several years". According to Council of Environmental Quality (CEQ) guidelines that implement NEPA, an EIS is required to contain a "full and fair discussion of significant environmental impacts from the proposed transaction" (40 C.F.R., 1502.1).

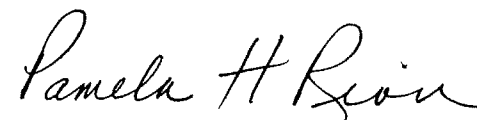
In preparing the draft EIS (DEIS), the Board's SEA must have sufficient time to collect a large volume of data, formulate and complete detailed analyses of the potential environmental impacts, evaluate alternatives, and consider mitigation measures. Then, SEA must give the public adequate time to review and comment on the DEIS before it begins to work on the final EIS (FEIS). As noted by those involved in this proceeding, including STB staff, the level of input from interested parties during the scoping period has been unprecedented. Over 2,600 people attended the public scoping sessions, and the SEA received registered comments on its Draft Scope from a total of 3,692 people. Due to the unprecedented level of involvement of this case, the comment period on the DEIS will be much longer than the required minimum of 45 days. The large number of communities, jurisdictions, and agencies that would be affected by the potential negative impacts of the proposed transaction dictates that the EIS process should be allowed to be completed in a reasonable fashion, consistent with the time frame of 18 months to several years, as stated by the Board in its November 27, 2007 decision. Rushing this process will shortchange the affected communities and adversely impact the quality of life for the hundreds of thousands of people who live and work along the EJ&E arc in Northeastern Illinois and Northwest Indiana.

DuPage County strongly believes CN's request to shorten the time frame required for the environmental review process would jeopardize the Board's ability to conduct the warranted comprehensive investigation and undermine the credibility and authority of the EIS recommendations and proceedings. Any proposal that would have such dramatic potential impacts on public safety, environmental, economic, and infrastructure concerns for such a large number of communities and people must be reviewed in a deliberate and prudent manner.

For the aforementioned reasons, we urge the Board to reject CN's request for limiting the time frame of the NEPA review and final decision process. Thank you for your consideration of this matter.

Sincerely,


Robert J. Schillerstrom, Chairman
DuPage County Board


Pamela H. Rion, Chairman
Transportation Committee

cc: Senator Richard Durbin
Senator Barack Obama
Congresswoman Judy Biggert
Congressman Peter J. Roskam
Congressman Bill Foster