

RICHARD J. DURBIN
ILLINOIS

COMMITTEE ON APPROPRIATIONS

COMMITTEE ON THE JUDICIARY

COMMITTEE ON RULES
AND ADMINISTRATION

ASSISTANT MAJORITY
LEADER

United States Senate
Washington, DC 20510-1304

309 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1304
(202) 224-2152
TTY (202) 224-8180

230 SOUTH DEARBORN, 38TH FLOOR
CHICAGO, IL 60604
(312) 353-4962

525 SOUTH EIGHTH STREET
SPRINGFIELD, IL 62703
(217) 492-4062

701 NORTH COURT STREET
MARION, IL 62959
(618) 998-8812

durbin.senate.gov

September 30, 2008

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
Office of the Secretary
395 E Street, N.W.
Washington, D.C. 20423

Dear Ms. Quinlan:

I am writing regarding the Draft Environmental Impact Statement (EIS) of CN's proposed acquisition of the Elgin, Joliet and Eastern Railway (EJ&E). The proposed sale would have serious implications for Amtrak service in Illinois, the proposed Metra New Starts project, the STAR Line, and the communities and residents living along the EJ&E. The Draft EIS does not adequately address these issues and I urge the Surface Transportation Board to fully address the sale's impact on each of these in their Final EIS.

First, consider the impact on Amtrak service. If CN purchases the EJ&E railroad without conditions, the transaction would effectively eliminate a CN rail line known as the St. Charles Airline that is critical to the operation of six daily Amtrak trains. This would put Amtrak service to Champaign and Carbondale in jeopardy.

CN has offered Amtrak the use of the St. Charles Airline at current costs plus inflation indefinitely. This is, at best, a temporary solution. The Airline is an aging piece of track that will become the responsibility of Amtrak and the State of Illinois under this agreement. The Draft EIS does not adequately address these costs and what effect indefinite use of the Airline would have on Amtrak service.

There is a way to minimize the risk this transaction poses to Amtrak. Building a new connection between the CN and the Norfolk Southern Railroad at Grand Crossing (near 75th St. in Chicago) would protect Amtrak's southern routes and improve the on-time performance of Amtrak trains. To date, CN has declined to make any commitment to this project and has instead left Amtrak's future operations in question. The Final EIS should fully consider this alternative and any associated costs to Amtrak and the State of Illinois for maintaining the status quo.

The Draft EIS also fails to fully account for the future of Metra's STAR Line New Start project. The proposed STAR Line would serve as Metra's first suburb-to-

suburb line. The 55-mile route would utilize a corridor running approximately 36 miles along the EJ&E railroad.

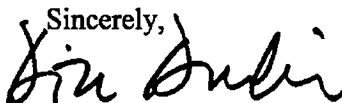
The Draft EIS acknowledges that the sale of the EJ&E to CN will "introduce potential operational complexities" to Metra's STAR Line. The increased freight along this track would also likely require Metra to build additional track to operate commuter trains. However, the Draft EIS does not fully account for these costs or the additional costs the added operational complexities would place on Metra. The Final EIS should break down these costs so communities can fully understand how this sale will affect the STAR Line both financially and operationally.

The Draft EIS also falls short of documenting the proposed acquisition's overall impact on the communities affected by this transaction. Thousands of people across the Chicagoland region have packed the public hearings held by the STB Environmental Section, however many residents still do not have the information necessary to fully understand how the sale would affect their community.

The lack of information is especially significant in regard to the possible mitigation the STB might impose on this sale. Out of the 112 total at-grade crossings, the Draft EIS lists 15 highway/rail at-grade crossing that will require mitigation. However the Draft EIS does not specify any specific mitigation measures. The lack of details regarding mitigation makes it difficult for those communities near those 15 sites to make an informed opinion regarding the sale. The Final EIS should lay out mitigation scenarios for all of the grade-crossings along the EJ&E so communities and residents can fully understand how any mitigation might affect the increased train traffic along the routes.

Chicago remains the busiest rail gateway in the United States, accounting for one-third of the nation's freight rail traffic. Many communities have argued that CN's greater use of the EJ&E could significantly relieve rail congestion in Northeastern Illinois and provide benefits to communities along railroad track that CN plans to use less frequently. The Draft EIS lacks a thorough cost-benefit analysis to weigh the impacts of this sale relative to its potential benefits. The Final EIS should include such a cost-benefit analysis.

Thank you for the opportunity to comment on the Draft EIS, I strongly encourage the STB to take these concerns into account as you prepare the Final EIS.

Sincerely,

Richard J. Durbin
U.S. Senator