

Comments in regards to the Draft EIS associated with STB Finance Docket No. 35087

1) The integrity of the Draft EIS depends heavily upon the assumption that CN will not gain market share and therefore continue to use existing rail lines. Looking at CN's publicly available materials for investors, this assumption is highly suspect. CN is not currently required to adhere to their projected train counts for the lines from which trains will be rerouted to the EJ&E trackage.

1a) A potential mitigation would be for CN to cede responsibility for and operational control of all trackage "inside" the EJ&E circle to Metra. As a condition of approval, CN would be prohibited from operating more than 3 times the number of trains reported in their application over these tracks without a separate STB approval. Metra would control and maintain the assets, and they would be made available for both Metra and Amtrak use. The improved air quality due to increased passenger train frequencies and ridership could be used in the EIS to offset the increased energy usage and emissions incurred by rerouting freight trains over the EJ&E.

STB would calculate the environmental impact based upon CN's maximum freight allotment on these lines (increasing emissions and energy usage), plus an expanded Amtrak and Metra presence (reducing emissions and energy usage by diverting riders from automobiles and airplanes).

2) Were CN to cede operational control of two stretches of track to Metra, a series of passenger services could be developed at a substantially lower capital cost than previous proposals.

- The line (Waukesha Subdivision) could be made available for Amtrak to service O'Hare airport, using the route from Chicago Union Station that Metra uses today. This would have the effect of providing convenient multimodal connections to and from international flights for residents of Illinois, southern Wisconsin, northwestern Indiana, and possibly southwestern Michigan.

- Metra could schedule trains to O'Hare from the UP-Northwest line with minimal construction required at the existing UP-Northwest / CN Waukesha Subdivision diamond located near downtown Des Plaines.

- Metra could potentially schedule trains to O'Hare from the UP-North line without worrying about CN freight interference, given UP agreement to use their line connecting Proviso Yard to their lines to Milwaukee. This would be particularly attractive when the "West Entrance" to O'Hare is built, as the UP's line skirts the western edge of the airport.

- The line (Elsdon Subdivision) between downtown Chicago and Griffiths could be used

as a passenger-dominant line to get trains into and out of Chicago quickly, which is essential for High Speed corridor service. This could be developed at a far lower cost than previous proposals, such as the CREATE proposal, which CN is on record as supporting.

- Some of Amtrak's maintenance facilities could be moved from their current location just south of downtown Chicago to locations where land is less costly. Amtrak could then sell their existing land and facilities for redevelopment, quite likely at a handsome profit. This profit could be then be reinvested in bringing the lines ceded to Metra up to high frequency passenger standards, improving fluidity and mobility throughout the region.

3) Many days of the year, Chicago / Cook County has a substandard air quality where fine particulates are concerned. The region is home to one of the nation's largest per capita populations of asthma sufferers. Increased diesel fuel particulate emissions resulting from rerouting freight trains over the EJ&E will increase the incidence and severity of asthma attacks. The health and economic consequences of this, such as direct costs, additional car trips to medical offices, and lost work time due to parents taking children for diagnosis and treatment are not considered in the draft EIS.

3a) A potential mitigation would be for CN to buy rail cars for Metra, thus accommodating an increasing ridership, and reducing other emissions in turn.

3b) A second potential mitigation would be to prohibit CN from using locomotives that are rated lower than EPA Tier 2 on the EJ&E trackage.

4) The draft EIS did not consider secondary and tertiary effects of train - train congestion upon overall emissions and lost time, particularly emissions and lost time caused by idling cars waiting for trains to clear at grade crossings. Consider, for example, the case of Barrington. Metra trains have dispatching priority over freight trains on the UP-Northwest line. If an outbound Metra train is stopped at the Barrington station, any freight trains on the EJ&E will be required to stop and wait for the Metra train to pass before restarting. At 2:15 pm, this isn't likely to be a major issue.

Now consider Barrington amid Metra's afternoon rush: Metra trains making a station stop would halt traffic on Lake-Cook Road (as they do today), and a southbound CN train waiting to clear the EJ&E / UP diamond would be halting traffic on Hough Road (IL route 59) and Northwest Highway (US Route 14). This effectively cuts the Barrington / Inverness area in two for 10 to 15 minutes at each occurrence, lengthens fire and police response times to health and property emergencies, and makes it difficult to access the nearest hospital from the southeast part of the Barrington / Inverness area. Additionally, Northwest Highway (US Route 14) is a heavily used artery, and traffic counts during rush periods are likely high enough to trigger thresholds for grade separation.

4a) A potential mitigation would be to grade separate the EJ&E, preferably in a trench, from the UP-Northwest, IL Route 59, Lake-Cook Road, and US Route 14 in Barrington.

This would eliminate the congestion noted above as well as eliminate hazards to school students. It would also eliminate concerns about emergency response lengthening due to trains blocking grade crossings, and it would keep both the UP-Northwest and the EJ&E lines more fluid. The final EIS should investigate the costs and benefits of such a grade separation through Barrington. The costs and benefits for a similar mitigation should be investigated for West Chicago.

5) The draft EIS does not take into consideration the different planning assumptions of the affected municipalities. Municipalities that abut or straddle the existing CN lines have known for years that they needed to plan life safety and property protection services around the trains, and they have managed accordingly. By contrast, the planning assumptions of all municipalities adjacent to the EJ&E are entirely scuttled by the change in use accompanying this financial transaction. Some, like Barrington and Bartlett, have gone to great expense recently to plan and construct a modern police or fire station -- one police or fire station, which is inherently on one side of the tracks. If this transaction goes forward without mitigations for such communities, people will die because the existing facilities and staff are on the "wrong side of the tracks". Communities on current CN lines have had years to plan around blocked at grade crossings, and so the risk is not nearly as great in those cases. This is not considered in the draft EIS.

5a) Please see comment 4a for a potential mitigation.

6) The draft EIS focused mostly, if not exclusively, on railroad-caused incidents, and not on railroad-exacerbated incidents. As a result, it seriously underestimates the harms and costs associated with blocked grade crossings, especially where emergency response is concerned. A more sophisticated approach is required.

7) The draft EIS does not consider the impacts of the newly merged Canadian Pacific/DM&E carrying Powder River Basin coal to points east of Chicago. Some may consider this a "wash", as the coal would be hauled by the existing, incumbent carriers, BNSF and UP, but it is not, as the CP/DM&E junction with the EJ&E is much further north than the junctions for UP-West and BNSF. A shift away from BNSF and UP toward CP/DM&E would have the effect of increasing train density in the EJ&E's northwestern quadrant, roughly from Rondout to West Chicago and Eola. This has not been adequately considered by the draft EIS.

8) The draft EIS does not consider what would occur when the EJ&E loses fluidity due to natural events, such as flooding, snowstorms, and other common occurrences around the Chicago area. As a single-track railroad, the EJ&E is uniquely sensitive to fluid movements, and if a switch ices up during a snowstorm, fluidity is lost and delays compound. As Chicago has many snow and ice events each year, and as construction and maintenance along the EJ&E will undoubtedly cause slow orders, the draft EIS does not adequately consider the impacts of a loss of fluidity.

9) The draft EIS' planning horizon should be longer than 7 years. The infrastructure

required to mitigate any concerns will certainly last longer than 7 years; therefore, the justification for such infrastructure should be considered over an equivalent horizon. The growth expected in the areas bordering the EJ&E over 20 years is much greater than the growth expected in the next 7 years, and the choice of horizon greatly effects the integrity of the draft EIS' calculations and conclusions.

10) Some of the mitigations discussed in these comments are far-reaching. However, this transaction has the potential, if managed properly, to completely reshape both freight and passenger railroading in the Chicago area for the next 50 years. The EJ&E should be a premier freight corridor with appropriate grade separations in high cross-traffic areas, multiple tracks over time, and consistent, freight-only dispatching contributing to a highly fluid railroad. The current CN lines "inside" the EJ&E's circumference have the potential to completely rewrite the story of passenger railroading in the nation's second-busiest passenger rail marketplace. Please, let's do this properly. Thank you for your consideration.