

September 30, 2008

Phillis Johnson-Ball
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Dear Ms. Johnson-Ball,

This letter pertains to the Draft EIS for docket number FD 35087 Canadian National Railway Company and Grand Truck Corporation – Control- EJ&E West Company. My comments/concerns on the DEIS are as follows:

Local Meetings / Time for Comment Were Not Adequate

There was no meeting in my high impact area of Naperville and Plainfield. We were also ignored in the January round of Scoping meetings. There is a tremendous amount of public interest; however, the locations selected for Public Meetings were not in the neighborhoods where people are most greatly affected. In July 2008, Naperville/Aurora held a town hall meeting within one mile of the tracks at Waubonsie Valley High School. It is estimated that 1,500 people attended when this meeting was held in an appropriate area. When the September 9, 2008, Public Meeting was held many miles from the tracks at West Aurora High School, although many elected officials asked for a meeting in closer proximity to the alignment, only 300 people were able to attend. The meetings should have been held in closer proximity to the EJ&E alignment.

EJ&E operates on 200 miles of track. Eight public meetings for this study area is inadequate, particularly since the public has repeatedly asked for more local meetings.

Due to the potential negative impacts in our region, a time period to comment longer than 45 days is needed. I respectfully request that we be given 120 days to perform the proper due diligence and more thoroughly examine the DEIS.

Quiet Zone/Noise

The cities of Naperville and Aurora are working with EJ&E to enact a Quiet Zone by November 2008; I did not see this mentioned in the DEIS. Could you please add a section to the DEIS that will hold CN accountable for ensuring that this anticipated Quiet Zone is honored? In addition, the noise assessment is outdated.

Construction noise also needs to be addressed. While the DEIS clearly details the equipment that may be used and the fact that this equipment causes noise and vibration above acceptable levels, there is absolutely no mitigation proposed such as the use of temporary soundwalls, restrictions on construction hours or months, or other such typical mitigation. The plans for construction of additional track needs to be outlined so the public can properly consider the impact and the suggested mitigation. If another track is added next to a sensitive receptor such as Peterson Elementary School in Naperville, the dates/hours of construction, estimated project length, construction noise levels, etc. need to be reported.

Please study the construction impacts and detail proper mitigation for the FEIS. For instance, I request that construction be completed at times when children are not in school at Peterson Elementary in Naperville for their safety and to promote an environment that does not pollute or disrupt their education.

Emergency Service Response Time

Emergency Services Response Time will be greatly delayed. As just one example, Rush Copley Hospital in Aurora on Route 34 constantly uses the at grade crossing on Route 34 for emergency vehicles. Gate closures are anticipated to increase up to 10 minutes per train if the CN acquisition occurs. This time delay is unacceptable during a life threatening emergency. The first responder impacts appear to be seriously down played. Please use accurate vehicle counts and closely study the location of hospitals, fire houses and ambulance services in relationship to the EJ&E alignment. It does not appear that the first responder impacts were mapped, studied or detailed appropriately.

Vehicle Count/ Freight Traffic Projects

The DEIS does not properly list the substantially affected at-grade crossings since the vehicle count is incorrect.

It appears that Parsons Transportation Group, a direct consultant to CN, provided the information for traffic counts. This is a conflict of interest. It is my understanding that this information was then also used for air quality analyses. I respectfully request that the STB do not use CN's data for this important issue. For the FEIS, I ask that the STB provide their own study material and analyses.

The DEIS needs to go beyond 3 years. The rail shipping system is not stagnant and, in fact, it is expected to grow. This is evidenced by CN's major investment in a new port facility. Growth needs to be properly examined to understand the true impact on our environment. Why has the STB taken CN at their word that traffic will be moved off of the inner Chicago arc and why are rail vehicle counts studied for only three years out? The STB needs to address more realistic train traffic as you move toward the FEIS. What mechanisms are in place to cap CN's traffic at those numbers studied? An increase in rail traffic in five or six years means that the air quality, noise and traffic analyses are incorrect and NEPA regulations require impacts studied beyond a three year window.

The Village of Plainfield will be crippled by the anticipated increase of traffic. Plainfield has a total of 17 crossing and 16 of them are at-grade crossings. The FEIS needs to realize the vast negative impact that the CN purchase will have on villages like Plainfield that do not have the necessary infrastructure to accommodate 2 mile long trains passing by 42 times a day.

STAR/Metra

The DEIS minimizes the disruption of current Metra rail operations. Also, the planned commuter STAR line likely will no longer be feasible. In the Final EIS, please write a section that ensures CN will allow the STAR line to co-exist with them in the future.

No alternatives to the CN acquisition seemed to be reviewed. Please review and analyze CREATE.

Safety

The schools located along the alignment are numerous yet it doesn't appear that there is any mitigation proposed for the safety of school children in close proximity to the tracks. Please detail mitigation in the FEIS to mitigate the potential for accidents. Containers with hazardous material should not be able to idle near schools; Speed and switching should be modified to reduce the potential for accidents near schools; construction should not occur while children are in school,

etc.

Peterson Elementary School in District 204, 4008 Chinaberry Lane, Naperville, IL. (between 111th and 103rd) is one of the sensitive receptors. Hazardous materials will be transported on an average of one train per day through residential neighborhoods and very close to Peterson School. Again, for the safety of our children, CN should not be allowed to transport hazardous material while children are in school.

It also appears that there are plans to add a THIRD track near Peterson Elementary School for storage. Why is CN allowed to store trains so close to an elementary school? Anti-Idling provisions within a protected school zone should be incorporated to reduce the exposure to EPA documented hazards of Train Diesel emissions. The Risk-Screening Environmental Indicators (RSEI) database ranks Will County as the 100th worst county for air quality out of 2,265 counties nationwide. Clearly, the huge increase in train diesel emissions will only add to further deteriorate air quality and pose a serious danger to all residents. Children are the most vulnerable to effects of pollution and their toxins. Their school environment must be protected!

Why is there a wildlife study and not also a study to measure the detrimental effects to the school children whose environment is dangerously disrupted?

Home Values

Home values will decrease. Please analyze the value of homes in close proximity to the alignment and incorporate these figures into the FEIS.

Benefits to Current CN Towns

The "benefits to the region" were not outlined in the DEIS and nothing holds CN accountable for long term guarantees. It appears very likely that traffic on the current tracks will increase at a later date. There is every indication that CN plans to increase the number of trains to increase profitability. Benefits to the existing CN tracks can not be relied upon if there is nothing preventing CN from adding more trains at a later date.

Also, the counts are estimated only three years out. Please study CN's growth over the last 10 to 15 years. CN's rail counts have not been stagnant. Better assumptions need to be made for this study. The maximum rail traffic capacity should be examined.

School District 204

The EJ&E tracks split School District 204 in half. Transportation costs, pollution of idling buses, and safety of students need to be examined for District 204 as well as all other school districts along the alignment.

It does not appear that you specifically studied the impacts on schools such as Peterson Elementary in Naperville, a sensitive receptor within close proximity of the alignment. In the DEIS, local and state parks were studied. School playgrounds and sports fields were not incorporated and studied in the DEIS. Why not? In many cases, these fields are used after school, on weekends, and during school hours.

Indian Prairie School District 204 transports 17,500 students each day. The EJ&E tracks run through more than 11 miles of this district. Seven schools (sensitive receptors) are located within

a half mile of the tracks. There are two at-grade crossings that are used frequently to transport our children. School buses cross the Ogden Avenue tracks a total of 164 times each day and the Montgomery Avenue tracks 139 times each day. Gate closures are anticipated to increase up to 10 minutes per train. Delays created by rail traffic will force students to ride on the buses longer and cost our district more money to run the buses for a longer time. Buses will pollute our environment as they idle waiting for trains to cross. Please incorporate this pollution count into your FEIS.

Essential Lack of Mitigation

The DEIS has effectively detailed very little tangible mitigation. Over and over I read that those impacted should work with CN on proper mitigation. This is not mitigation! The DEIS details no specifics, no funding mechanisms and no accountability for significant impacts. For instance, the DEIS acknowledges that noise levels in the area of 103rd to 111th Street in Naperville will be above acceptable levels. The proposed mitigation is to work with CN on solutions. Are you aware of the level of commitment to the local communities shown by CN? Have you inquired about MOUs or the meetings they have scheduled? Have they attended meetings with elected officials when they have been invited? They are not working with communities and cities to reduce the impacts. They are trying to cut the STB, the NEPA process and the communities along the alignment out of their acquisition process to bother themselves with accountability for proper mitigation. The STB needs to detail specific accountability for mitigation in the FEIS. You can not approve this acquisition with empty promises of mitigation.

Construction Impacts

NEPA requires the study of construction impacts. In this DEIS the construction impacts are non-existent. As you move forward, when will construction impacts be studied? When will the communities where double tracks are planned to be added be able to comment? I believe that at this point an addendum should be made for the DEIS on Construction Impacts. Construction of 19 miles of tracks will have an enormous, negative impact on the environment and this issue appears to have been forgotten in the DEIS. You have simply omitted this because CN did not provide plans. This is not acceptable.

Conclusion

The DEIS includes what has been called "voluntary mitigation" proposed by CN. It appears that many of the items within this long list are actually required by the FRA or other agencies and they are not voluntary. For the FEIS, please compile an accurate list of the mitigation that is truly voluntary.

Overall, Canadian National has not demonstrated a willingness to meet the needs of the communities along the EJ&E line. CN has not provided long-term commitments to the region or guaranteed full cooperation with the proposed STAR Line and current Amtrak service. I have not heard of any Memorandums of Understanding (MOU) between CN and the various cities and villages that they will negatively impact. How will CN be held accountable?

Senator Dick Durbin wrote, "Joined by other members of the Illinois Congressional delegation, I met with Canadian National Railroad President E. Hunter Harrison to seek further details of the proposal. Mr. Harrison explained why the transaction would be good for CN's business, but he was indifferent to the potential burden on suburban communities in terms of traffic, safety issues, quality of life, and the undue tax burden associated with supporting this private transaction."

If our Senator is reporting that CN already appears to be "indifferent to the burden" on our communities now, then how can we expect CN to carry their fair share of the financial and environmental burden once they are running their trains on the tracks?

I respectfully request that as you move towards the FEIS, you address the issues outlined above. Please study the true negative impact that the CN acquisition will have on our villages, cities, and people.

Sincerely, 

Julie Malinowski

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