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Congress of the United States
House of Representatives
Washington, DC 20515-1308

September 30, 2008

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

**RE: Environmental Filing: Finance Docket No. 35087, Canadian National Railway
Company and Grand Trunk Corporation – Control – EJ&E West Company**

Dear Ms. Johnson-Ball:

As the United States Representative for Illinois' Eighth Congressional District, I represent several communities along the Elgin, Joliet & Eastern (EJ&E) railroad that will be adversely impacted by an increase of freight traffic proposed by Canadian National (CN) as part of its acquisition proposal. In my Congressional District alone, over 5,000 residents have directly participated in the comment period expressing their strong opposition to the proposed transaction and the recent draft environmental impact statement that seems to endorse allowing a private company to destroy local communities' quality of life, safety and economies, while expecting those communities to pick up the tab. I urge you to consider their concerns and those brought forth by the local elected offices of the communities I represent as you work to finalize the environmental impact statement.

In addition to the issues I raised during my comments on August 26 and 27, 2008, I would like to share with you the following analysis I asked my staff to conduct based on information my office received from Canadian National with regard to the proposed increases and decreases of freight traffic as planned with the proposed transaction. **While I remain unconvinced that Canadian National will maintain the traffic levels both on the EJ&E and inside the EJ&E since they have not to date made any long term commitment in writing, I request that you take this information into consideration as you further evaluate the proposed transaction.**

According to Canadian National, of the 37 communities that will experience an increase in traffic, **32 communities would experience an average increase of thirteen or more freight trains per day at a total of 98 grade crossings.** In total, in the communities where there is an expected increase in freight traffic, the median is an **increase of 19 freight trains per day.**

Of the 64 communities including the City of Chicago, **only 15 communities would experience an average decrease of thirteen or more freight trains per day at 55 crossings. Twenty communities do not have any crossings and of the remaining 29 communities (including Chicago), 22 will see an average decrease of less than five trains per day.** Seven will see a

decrease between five and 13 trains per day. In total, in the communities where there is an expected decrease in freight traffic, **the median decrease is 5.6.**

In the City of Chicago, the subject of the recent paper entitled *Stalemate Over Rail Plan Reflects Failure of Political Leadership*, **there will be an average decrease of approximately 3.5 trains per day at grade crossings in 11 of the 38 neighborhoods CN identifies. The other 27 neighborhoods do not have at-grade crossings. In total, the median decrease for the 38 neighborhoods is 4.6 freight trains per day.** Specifically, **the Austin neighborhood cited in the study has no at-grade crossings and will only see a net-decrease of 3.6 freight trains per day compared to Naperville which is comparable in size has two at-grade crossings and will see a median increase of 20.35 trains.**

There are many concerns with freight traffic besides the number of freight trains passing through at-grade highway crossings including noise pollution, impact on the physical environment, and safety. However, the primary concern of many of my constituents is the impact more freight trains going through at-grade crossings will have on road congestion, first responders, pedestrian safety, and access to emergency facilities. **From the information provided by Canadian National to my office on a comparison basis, the proposed transaction shifts more freight traffic to more communities than it alleviates since almost all the communities on the EJ&E will see at least a thirteen freight train increase at grade crossings while only 15 communities inside the EJ&E will see the same level of relief.**

In light of this analysis and the thousands of comments you have received in opposition of this acquisition, I urge you the board to reject this proposed acquisition outright. If, however, the board chooses to allow this transaction to move forward, it should only do so if Canadian National is required to fund and complete all needed mitigation as identified by our communities before any increase in freight traffic is allowed.

Thank you in advance for your review and thoughtful consideration. If you have any questions about the analysis cited in my letter, please contact J.D. Grom on my staff at 202-225-3711 or JD.Grom@mail.house.gov.

Sincerely,



Melissa L. Bean
U.S. Representative (IL-08)

Enclosures: (1) Written Statement for DEIS Public Meetings
(2) Train Volume Spreadsheet
(3) Email Correspondence between Karen Phillips, CN, and J.D. Grom and relevant documents