

September 22, 2008

16583

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

Dear Ms. Johnson-Ball:

RE: 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:

Construction noise - Construction noise needs to be addressed and mitigation recommended in the FEIS. 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.

Freight Traffic Projections and Benefits to Current Towns within the Chicago Arc - The FEIS freight projections need 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 have been a farce. NEPA regulations require impacts studied beyond a three year window.

CN is not accountable for long term guarantees to the *benefits to the region*. It appears likely that freight traffic on the current Chicago arc and the EJ&E tracks will increase in the future. There is every indication that CN plans to increase the number of trains to increase profitability. In the DEIS, rail traffic counts assume rail traffic moves off existing Chicago routes to the EJ&E lines yet remains the same. Please study CN's growth over the last 10 to 15 years – their stockholders want growth which means more freight and more trains!

Essential Lack of Mitigation - The DEIS has 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. And, the proposed mitigation is to work with CN on solutions. CN has shown no commitment to working with local communities. Have you inquired about MOUs or the meetings they have scheduled? Have they attended meetings with electeds when they have been invited? They are not working with communities and cities to reduce the impacts, they are too busy trying to cut the STB, the NEPA process and the communities and cities 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.

I respectfully request that as you move towards the FEIS, you address the issues outlined above.

Sincerely,

*Opinion written by
Luzia Brunsweiler
2/11/10
66583*