



September 22, 2008

16919

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 seems 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?

The noise assessment is outdated.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 a 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 have been a farce. NEPA regulations require impacts studied beyond a three year window.

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. I was not able to locate any specific mitigation or safety features for the schools, playgrounds or sport fields within extremely close proximity to schools. 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.

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!

In the DEIS, rail traffic counts assume rail traffic moves off existing Chicago routes to the EJ&E lines yet remain the same. 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.

On the CN website there are advertisements for shippers in order to increase their business. If CN currently uses 42 trains, then the DEIS should study the effects of more trains in future years. Please do not allow your traffic time frame to be short sighted. Rail traffic is predicted to double in the Chicago area in the next 20 years. The growth of container-traffic capacity from the Port of Prince Rupert in Canada is expected to grow from 500,000 to more than 2,000,000 in the next 4 years. Currently CN is the only freight rail line from Prince Rupert to all of North America. If the acquisition is approved by the STB, you have detailed no prohibitions against CN adding numerous trains to this line and the impacts you have studied are not valid.

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.

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. And, the proposed mitigation is to work with CN on solutions. I ask you, 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 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.

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.

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,



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The Anti-Cruelty Society