



September 25, 2008

Phillis Johnson-Ball
STB Finance Docket No. 35087
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: STB Finance Docket No. 35087 – Comments on the Draft Environmental Impact Study

Dear Ms. Johnson-Ball:

Please find enclosed a Resolution from the City of St. Charles regarding the proposed acquisition of EJ&E West Company by Canadian National Railway Company and Grand Trunk Corporation (collectively, "CN").

St. Charles requests mandatory mitigation measures be placed on CN in order to address the adverse impacts of this transaction, including noise and vehicle traffic delays. Without mandatory measures in place to mitigate the adverse impacts, the City of St. Charles opposes the proposed transaction.

Sincerely,

Brian Townsend
City Administrator

Enclosure

cc: Donald P. DeWitte

DONALD P. DEWITTE *Mayor*
BRIAN TOWNSEND *City Administrator*

RESOLUTION NO. _____

A RESOLUTION REQUESTING THE SURFACE TRANSPORTATION
BOARD REQUIRE MANDATORY MITIGATION MEASURES TO THE
PROPOSED ACQUISITION OF THE EJ&E WEST COMPANY BY THE
CANADIAN NATIONAL RAILWAY CORPORATION
(STB – FINANCE DOCKET NO. 35087)

WHEREAS, on October 30, 2007, the Canadian National Railway Corporation, along with its U.S. subsidiary, Grand Trunk Corporation (collectively, “CN”) filed an application with the federal Surface Transportation Board (“STB”) seeking approval to acquire the EJ&E West Company, a wholly owned subsidiary of the Elgin, Joliet and Eastern Railway Company (collectively, “EJ&E”); and

WHEREAS, the proposed railway acquisition is a 200-mile system located in Cook, DuPage, Lake and Will counties, forming an arc around Chicago and connecting all five of the CN rail lines in the Chicago Metropolitan Area; and

WHEREAS, the proposed acquisition by CN would involve shifting a significant amount of train traffic that currently moves over the CN rail lines in the City of Chicago to sections of the EJ&E rail lines west and south of the City of Chicago, including a segment to the east of the City of St. Charles, through Wayne and West Chicago; and

WHEREAS, CN estimates that if the proposed transaction takes place, hazardous materials traffic along the segment of the EJ&E rail line that runs through Wayne and West Chicago will increase from the current 21.1 carloads per year to 265.5 carloads per year, an increase of 1,158 percent; and

WHEREAS, CN estimates that if the proposed transaction takes place, that the average number of daily trains that run along the segment of the EJ&E rail line that runs through Wayne and West Chicago will increase from 4.4 to 24.4 trains per day, an increase of 455 percent; and

WHEREAS, CN estimates that if the proposed transaction takes place, that the gross tons of freight per day that run along the segment of the EJ&E rail line that runs through Wayne and West Chicago will increase from 14,397 tons to 184,969 tons, an increase of 1,185 percent; and

WHEREAS, CN train lengths will be much longer than the current EJ&E train lengths;
and

WHEREAS, the increase in freight train traffic resulting from the proposed acquisition by CN will create adverse impacts on the communities near and along the EJ&E rail line, including increased noise and vehicle travel delays; and

WHEREAS, the projected increased volume of train traffic and rail related operations will result in more frequent blockage of road/rail at-grade crossings, including Stearns Road,

Army Trail Road, Smith Road, Hawthorne Lane, and Washington Street, and will likely increase traffic to road/rail grade separated crossings, including IL Route 64; and

WHEREAS, the draft Environmental Impact Statement prepared by the STB recommends a number of voluntary mitigation measures and negotiated agreements between the CN and affected communities; and

WHEREAS, such voluntary mitigation measures and agreements do not fully address the primary regional concerns of affected communities, especially with regard to vehicle traffic flow and congestion; and

WHEREAS, St. Charles believes greater emphasis must be placed on mandatory mitigation measures including cooperative multi-jurisdictional coordination for grade separations to address traffic flow, congestion, public safety, and emergency vehicle access; and

WHEREAS, St. Charles believes that the cost of funding the mitigation measures such as grade separations must be funded by CN; and

NOW THEREFORE, be it resolved, by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

SECTION ONE: That the City of St. Charles hereby asks that the Section of Environmental Analysis ("SEA") of the Surface Transportation Board ("STB") include and incorporate the issues, concerns and comments of the City of St. Charles set forth in this Resolution in the scope of study for the draft Environmental Impact Study and final Environmental Impact Study (collectively, the "EIS"), and that said comments and concerns be considered and addressed in the EIS, and by the STB.

SECTION TWO: That the City of St. Charles hereby formally requests and urges the Surface Transportation Board to create mandatory mitigation measures, consistent with its statutory law, to address the concerns and the negative impact the proposed acquisition of the EJ&E by CN will have on the City of St. Charles, its residents, and the region.

SECTION THREE: That if the Surface Transportation Board does not impose mandatory mitigation measures to address the concerns expressed, the City of St. Charles does hereby formally object to the proposed acquisition of the EJ&E by CN, and urges the Surface Transportation Board to disapprove of the proposed transaction based on the negative impacts it will have on the City of St. Charles, its residents, and the region.

SECTION FOUR: This Resolution shall be in full force and effect upon its passage and approval.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ____ day of _____, 2008.

PASSED by the City Council of the City of St. Charles, Illinois, this _____ day of _____, 2008.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2008.

Donald P. DeWitte, Mayor

Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Abstain : _____

Absent : _____