

September 25, 2008

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 on the DEIS are as follows:

Emergency Services Response Time will be greatly delayed. A sensitive receptor, Rush Copley Hospital on Route 34 constantly uses the at-grade crossing on Route 34 for emergency vehicles. I did not see this addressed in the DEIS. In general, the first responder impacts appear to be seriously down played in the DEIS.

No alternatives to the CN acquisition seemed to have been reviewed. Was CREATE reviewed or analyzed?

The noise assessment appears to be outdated. Construction noise also needs to be addressed in the FEIS. It appears that 19 miles of new tracks will be added if CN acquires the EJ&E. This construction will be very near to homes, schools and parks. Construction noise mitigation in the FEIS needs to be detailed and CN and their contractors and construction firms need to be accountable. In addition to noise impacts of construction, the FEIS must address mitigation for construction traffic and air quality. The DEIS lacks construction impact details and mitigation.

The cities of Naperville and Aurora are in the Approval Stages for a Quiet Zone for enactment in November 2008. The Final EIS needs to ensure that this quiet zone is honored.

The DEIS does not properly list the substantially affected at-grade crossings since the vehicle count is incorrect. For example, at Haffenrichter Street in Aurora the traffic count appears to be off by 300%. The FEIS needs to reflect accurate traffic counts, the impact of these counts and the mitigation. I am expecting mitigation with accountability and funding. A grade crossing recommendation is worthless without accountability; please ensure that the FEIS has "real" mitigation.

I did not see in the DEIS an examination of the negative environmental impact of emissions as vehicles idle as they wait for trains to pass (especially when trains are predicted to be up to 2 miles long). The FEIS must consider the effect on air quality due to idling cars, trucks, emergency response vehicles and school buses? The wait time at crossings along 200 miles will be tremendous.

The DEIS assumes that traffic will free flow once the trains have passed. The DEIS did not take into account the bottleneck that will occur at busy at-grade crossings such as Ogden Road in Aurora. The DEIS minimizes the disruption of current Metra rail operations.

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.

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.

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 per day through residential neighborhoods and very close to Peterson School. For the safety of our children, is it possible NOT to transport hazardous material while they are in school? It appears that the plans are to add a THIRD track near Peterson Elementary School for storage. Why is CN allowed to store their trains so close to an elementary school? What are the plans for construction noise, storage, and switching? What is being done to ensure that our children are safe and that their school and playground is not polluted? The construction noise of the additional track appears that it will be above acceptable levels. What is being done to correct this? Could construction be done at time when our children are not in school? Could construction be done at a time when residents are not sleeping?

The DEIS only projects out for 3 years. The Final EIS needs to extend to 2015. There is anticipated growth in our communities and this must be included in the Final EIS to have a more accurate understanding of the true impact. The FEIS must address full capacity of the expanded EJ&E line not just current CN shipments being moved west? What will prevent CN from increasing shipments?

The planned commuter STAR line will likely no longer be feasible. Naperville/Plainfield already purchased approximately 100 acres for the STAR line. Why isn't anything written in the DEIS to ensure that CN will allow the STAR line to co-exist with them in the future? There is no real assurance that CN will help implement the STAR line. If CN is operating the tracks at capacity, how will the STAR line be able to use these tracks? I also find it contradictory that in a letter, CN asked the STB not to consider the impacts to the future STAR line while conducting the EIS.

The DEIS fails to suggest how the communities along the 200 miles of tracks are going to pay for the necessary crossing improvements. In Aurora alone, it is estimated that it will cost \$120-\$180 million to mitigate traffic. The busy at-grade crossing at Ogden is estimated to cost \$50-\$55 million alone. IDOT does not have the funds. How are we going to fund this?

The purchase price for CN is \$300 Million. The true cost to the region is estimated at \$1.8 - \$2 Billion. The negative environmental impact that this type of financial drain will have on our region is devastating.

Along the EJ&E line, about 20% of the land is residential and 20% consists of parks and preserves. The 62 mile Prairie Path will be greatly disrupted. It is predicted that four species will suffer habitat loss if the CN purchase is allowed. The negative environmental impact of our parks and preserves was greatly down played in the DEIS; the FEIS should accurately portray impacts and detail mitigation and accountability for mitigation.

Home values will likely decrease. The DEIS simply stated that "home value within 250 feet of the tracks will experience a decrease in home value. Why weren't they further analyzed and this analysis made a part of the DEIS?

The "benefits to the region" were not outlined in the DEIS and nothing holds CN accountable for long term guarantees that traffic on the current tracks will not increase at a later date.

The DEIS did not address true safety mitigation but simply acknowledged issues and impact. In light of the recent MetroLink collision with a freight train in the Los Angeles area, what safety mechanisms are in place to ensure the safety of commuter rail passengers?

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 burden once they are running their trains on the tracks?

I respectfully request that you address these issues and report on the true negative impact that the CN acquisition will have in your Final EIS.

Sincerely,



Tony Zapolsky
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