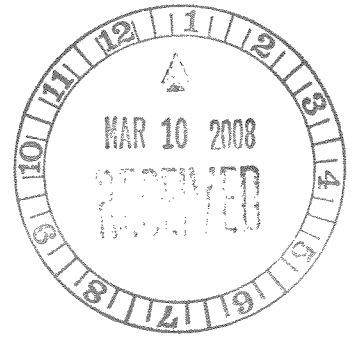




The Honorable Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
Office of the Secretary
395 E Street, S.W.
Washington, DC 20423-0001

**Re: Canadian National Railway Company and Grand Trunk
Corporation – Control – EJ&E West Company (STB Finance
Docket No. 35087)**

Dear Ms. Quinlan:

Attached please find one copy of my letter to U.S. Congresswoman Judy Biggert, of the Illinois 13th Congressional District, dated March 3, 2008. It was written in response to a letter from Cong. Biggert to STB Chairman Nottingham dated 2-12-08, that was subsequently issued as a press release by Cong. Biggert's office on 2-18-08. Both the original Biggert letter and subsequent press release concerned STB Finance Docket No. 35087.

I am a long-time resident of the Illinois 13th Congressional District and currently reside in Downers Grove. I am currently employed as a transportation and logistics consultant. My past work experience includes employment with two Class One railroads, a pair of interstate motor carriers and several third party logistics companies.

In January 2008 I was appointed to the Citizens Advisory Committee of the Chicago Metropolitan Agency for Planning and also serve as the Legislative Chairman of the Midwest Association of Rail Shippers. I have published numerous professional articles and Op-Ed pieces over the past decade.

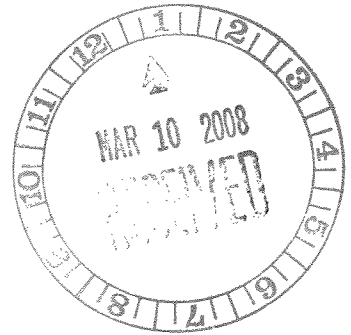
Sincerely yours,

Jim Giblin
Jim Giblin

cc: Victoria J. Rutson, SEA
All parties of record

Surface Transportation Board
CN-EJ&E BIS - FD-35087
Log and Distribution
Date Rec'd. _____
File No. _____
Seamco (Unkn). _____
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Cc: Original - Job File
cc 3 + D. Wong

P.O. Box 677
Downers Grove, IL 60515
March 3, 2008



The Honorable Judy Biggert
Congresswoman, 13th District of Illinois
6262 South Route 83, Suite 305
Willowbrook, IL 60527

Dear Ms. Biggert:

I'm a long-time resident of the Illinois 13th Congressional District, writing in response to your letter of 2-12-08, to Surface Transportation Board Chairman Nottingham concerning STB Finance Docket 35087: Canadian National Railway Company and Grand Trunk Corporation – Control – EJ&E West Company. Frankly, there are a number of statements in your letter that I find confusing and misleading. I'd like to ask your assistance in clearing up the confusion.

First, those of us who live here in Downers Grove welcome your somewhat belated concerns about the impact of train congestion and grade crossing delays on your constituents. But at the same time we respectfully ask where have you been on this important matter during the rest of your professional political career? Many of your constituents are already forced to deal with these problems on a daily basis.

In July 2002 the Illinois Commerce Commission (ICC) released a comprehensive analysis of grade crossing delays in the Northeast Illinois Region that had been completed as part of a larger study of regional rail operations conducted by the Federal Railroad Administration (FRA). This report "Motorist Delay at Public Highway – Rail Grade Crossings in Northeastern Illinois" is available on the ICC website, and remains the only study of its kind.

Ironically, the FRA study was originally requested by the Illinois Congressional Delegation during the 107th Congress, which I believe you were a member of. Here's an excerpt from United States Congress House Resolution 2299 that requested the original study.

"The conferees are aware of significant delays currently affecting railroad freight in and around Chicago, Illinois. It is not uncommon for freight trains in and around Chicago, Illinois to take 72 hours or more to move cargo through the metropolitan area. The conferees direct the Administrator, in cooperation with the Surface Transportation Board, to prepare a comprehensive analysis of the railroad freight congestion problems in the Chicago region, including possible administrative solutions and report back to the House and Senate Committees on Appropriations no later than January 15, 2002."

That study has a number of interesting findings directly related to the Illinois 13th Congressional District. The relevant highlights are as follows:

- In a ranking of the top 30 cities with the greatest amount of daily motorist grade crossing delay, Downers Grove, IL ranked #10 and Westmont, IL ranked #29 (ICC Table 16).
- In a ranking of the top 30 cities with the greatest number of vehicles delayed at grade crossings on a daily basis, Downers Grove, IL ranked #3 and Westmont, IL ranked #24 (ICC Table 15).
- In a ranking of the top 30 grade crossings that delay the greatest number of vehicles on a daily basis, Cass Avenue in Westmont ranked #7 and Belmont Road in Downers Grove ranked #14 (ICC Table 12).
- In a ranking of the top 30 railroad line segments with the greatest amount of daily motorist grade crossing delay (by line segment), the BNSF mainline between Aurora and Cicero, IL, ranked #2 (ICC Table 11).
- In a ranking of the top 30 railroad line segments with the greatest number of vehicles delayed at grade crossings on a daily basis (by line segment), the BNSF mainline between Aurora and Cicero, IL ranked #1 (ICC Table 10).

As I'm sure you and your staff are aware, the BNSF mainline between Cicero and Aurora cuts right across the Illinois 13th District, through the communities of Hinsdale, Westmont, Downers Grove, Lisle and Naperville.

If you compare the detailed findings of the ICC Study with the volume increases along the EJ&E proposed by CN (FD 35087, Attachment A.2), it's apparent that the increased congestion and motorist delay along the EJ&E (between Waukegan and Joliet) will still be less than that being experienced today along the BNSF mainline between Aurora and Cicero, as well as along the Union Pacific/Metra West mainline between Geneva and Chicago.

Here's an excerpt from the conclusion of the ICC's study (pg. 25).

"Neither IDOT, ICC, the railroads, or the affected communities alone, or in combination, have the financial resources necessary to make a significant improvement in the amount of delay currently being experienced at grade crossings. As highway and train traffic continues to increase at a steady rate, the grade crossing delay problem is likely to worsen. Relying on the current grade crossing improvement programs of the ICC and IDOT is not a realistic answer to the grade crossing delay program. A new program that does not take away from the current improvement programs of ICC and IDOT is necessary in order to reduce delays at grade crossings in northeastern Illinois."

We would be extremely interested in hearing what you, as a Member of Congress from northeastern Illinois, have done since 2002 to facilitate the implementation of the recommendations of the Illinois Commerce Commission.

It should be noted that the community of Downers Grove already bears a disproportional share of grade crossing burdens. Advocate Good Samaritan Hospital, on the north side of Downers Grove, has the only Level 1 Trauma Center in all of Du Page County, one of the most populous counties in the State. Access to this critical care facility is routinely hampered by grade crossing delays in the Downers Grove and Westmont areas. The Village of Downers Grove has been struggling for almost 10 years now to get a grade crossing separation constructed at Belmont Road. Can you please advise what specific steps, if any, your office has taken to secure funding for this critical project since we are having some difficulty locating any signs of your efforts in the public record?

We would also like to note for the record that while Downers Grove has been struggling here, former U.S. House Speaker Dennis Hastert (R-Oswego) was able to secure a \$7 million earmark in the last Federal highway authorization bill, SAFETEA-LU, for a grade crossing separation project in the town of Elburn, IL, with a total estimated cost of \$9.5 million. (By my calculation, the population of Downers Grove is approximately 10 times that of Elburn.)

It seems obvious Ms. Biggert that a substantial number of your constituents are already bearing the burden of grade crossing delays on “their backs”. We’d be very interested in hearing exactly what you are doing today to help these constituents since we’ve had a great deal of difficulty locating any evidence of any appreciable efforts on your part to solve these very serious problems until your recent letter to STB Chairman Nottingham.

We would also submit Ms. Biggert that you, along with the rest of the Illinois Congressional delegation, directly deserve much of the responsibility for the current overall situation. As you know, there was (and still is) a landmark public-private partnership called CREATE that would have solved many of the problems you are now complaining so strongly about in your letter to STB Chairman Nottingham. If CREATE had received anything approaching full funding under SAFETEA-LU in 2005 many of these rail-related congestion problems would now be well on their way towards being solved, but as you know the funding actually received was woefully inadequate. You failed your constituents in 2005 and now we must all deal with the consequences of your failure.

It should be noted however that Senator Dick Durbin has been attempting to secure supplemental funding for CREATE under Section 9002 of SAFETEA-LU, which authorizes \$350 million per year for rail line relocation projects. These efforts began with a letter from Senator Durbin to the members of the Senate Appropriations Subcommittee on Transportation, dated June 1, 2006. We were wondering, Ms. Biggert, what if anything have you done on behalf of your beleaguered constituents to assist Sen. Durbin in these efforts?

Your letter includes a number of wide-ranging, expansive recommendations for environmental mitigations that you yourself admit would require CN “to make a significant additional investment”. This seems contradictory with the STB’s statutory

authority to impose conditions on railroad mergers and acquisitions. In the final version of the Environmental Impact Statement for Finance Docket 33388, which covered the Conrail Acquisition, the Board specifically stated that any condition, including environmental, imposed on any merger or acquisition “must be reasonable”. This statement is based on the actual language contained in 49CFR1180.1, which specifically states that the Board,

“will not impose conditions that undermine or defeat beneficial transactions by creating unreasonable operating, financial or other problems for the combined carrier”.

In Section 1180.1 the Board also makes clear its preference for voluntary agreements to mitigate environmental impacts noting that,

“they can be extremely helpful and effective in addressing specific local and regional environmental and safety concerns, including the sharing of costs associated with mitigating merger-related impacts”.

One of your numerous recommendations was for the creation of a “system-wide quiet zone”. Are you aware that Canadian National has already indicated they will fully comply with all existing Federal regulations concerning the development and implementation of whistle bans and Quiet Zones? The Northwest Municipal Conference began a process several years ago to establish Quiet Zones both along the EJ&E tracks between Waukegan and Hoffman Estates, and along the CN tracks between Antioch and Wheeling.

During the past 24 months a number of communities along the EJ&E between Waukegan and Joliet have already taken steps to make grade crossings in their communities compliant with Federal Quiet Zone regulations originally established by the Congress. The Village of Plainfield recently completed their grade crossing modifications and implemented a local whistle ban based on current Federal regulations administered by the Federal Railroad Administration. Ms. Biggert, are you advocating changing or modifying the existing Federal regulations on railroad Quiet Zones, which I believe you helped to enact, or simply making an exception to the law to suit the needs of some of your constituents?

We are also confused and bewildered by the final paragraph of your letter to Chairman Nottingham, where you urge the Surface Transportation Board to “take whatever time is necessary to fully analyze the effects this acquisition”. I’m sure you and your staff are aware that the Staggers Rail Act, passed by the 96th Congress in 1980, established a very specific timetable or timeline for railroad acquisition and merger cases like this one (see 49CFR1180.4). One of the goals of that Act was “to provide a regulatory process that balances the needs of carriers, shippers and the public”.

The Staggers Act also made a number of important changes to the Rail Transportation Policy of the United States. One of these changes is as follows:

“In regulating the railroad industry, it is the policy of the United States Government –

(2) To minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required.”

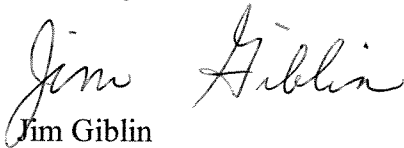
Ms. Biggert, are you advocating changing the provisions of the Staggers Act relating to railroad mergers and acquisitions, or merely ignoring them in the name of political expediency?

One final question. In your press release of 2-18-08, which includes the text of your original letter to STB Chairman Nottingham, you refer to the CN-EJ&E transaction as a “major rail deal”. Could you please explain your basis for the use of that phrase since as you know the STB has already correctly classified the CN-EJ&E acquisition as a “minor transaction” under existing Federal statutes.

A copy of this letter is being sent to the Surface Transportation Board, for inclusion in the public record of STB Finance Docket 35087. Since your original letter to STB Chairman Nottingham is also posted on your official website as a press release we are taking the liberty of providing copies of this letter to various news media in the 13th Congressional District. Your copy is being transmitted both via USPS and by fax machine.

I look forward to your timely response to this communication.

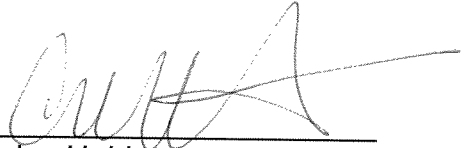
Sincerely,

A handwritten signature in cursive script that reads "Jim Giblin". The signature is written in dark ink and is positioned above the printed name.

Jim Giblin
Downers Grove, IL

Certificate of Service

I hereby certify that on March 10, 2008 I caused the forgoing document to be served by first class mail, postage prepaid, on all parties of record in this proceeding.



Carolyn Holden