

September 28, 2008

Phillis Johnson-Ball
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

Ref: STB Finance Docket No. 35087

Dear Ms. Johnson-Ball

I want to express that I am very much opposed to the Canadian National (CN) acquisition of the EJ&E rail line. A decision in favor of this acquisition by CN, a foreign owned company, is a decision against the American communities affected by the massive increase in rail freight and the American citizens that live in these communities.

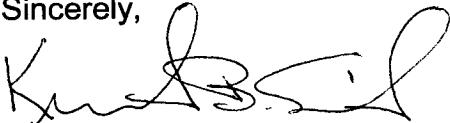
I strongly oppose this acquisition for the following reasons:

- There will be an immediate, permanent, and negative impact on quality of life, land usage, property values, business opportunities, and economic growth in our communities. Under the CN plan, all the benefits of the acquisition are for the sole enjoyment of this foreign owned corporation. And each of these benefits represents a detriment for the sole enjoyment of the American citizens in our communities. How else would you describe the increased frequency of freight trains, the increase length of freight trains, the increased delays at railroad crossings, and the increased difficulty to access homes and businesses in our own community?
- There will be an immediate and permanent reduction in safety and security within our communities accompanied by a very real risk that people may die. Safety will decline dramatically because of a significant increase in rail traffic that directly intersects with school children and school buses crossing over these railroad tracks every school day of the year. It's a fact that there are not sufficient enough grade separation crossings to avoid this everyday risk. This is not a probability. It is an actuality and it occurred within recent years in Fox River Grove, IL when such an accident took the lives of several school children. Security will decline because police or fire personnel will not be able to respond to traffic accidents, fire emergencies, and calls for police help when lives are threatened. And lives will be lost when medical emergency personnel cannot reach those in need of critical care when moments count. It is clear that under the CN plan, this is of no concern. After all, it's not their safety or security at risk. And I doubt there are many Canadian citizens or close relatives living in our communities whose lives would be placed at risk. Only American citizens would lose their lives. Not a bad deal for CN.

- There will be an immediate and permanent threat to the environment of our communities. This threat can result in air, water, and ground contamination. Damage to the resources of our community and our nation can easily be achieved by the CN freight trains carrying increased quantities of hazardous materials. The increasing rail traffic will continue to generate higher amounts of pollutants that are exhausted into the air we breathe. One tragic accident could permanently damage the ground water we rely upon for sustaining life in our community. And one giant spill of diesel fuel would contaminate the ground area adjoining the railroad. Each of these risks increase proportionate to the increase in freight trains. Based on CN's accident history, safety does not seem to be their concern or a part of their corporate doctrine. Otherwise, they would comply with requests for detailed manifests and it would not necessary for the citizens of our communities and our country to bring this to their attention by constantly reminding them that this is critically important.
- In addition to the environmental damage, there will be immediate and permanent environmental damage of noise and vibration. First, there has to be a recognition by CN that this is a critical and important issue that needs to be addressed. Based on the CN's past and current performance, they continue to maintain a commitment not to commit to do what is right for the citizens of these communities and the citizens of this country. Therefore, any and every compliance requirement has to be a contractual requirement. In this case, it has to be a requirement that CN establish Quiet Zones with provisions for immediate enforcement if there is a failure to comply. This should not optional.

How you proceed and resolve these issues has a direct consequence for the residents of our communities and the citizens of this country. We are a nation of progress and are able to embrace progress when it promises to benefit the people of this nation. Canadian National has not acted in good faith or brought the promise of benefits with their proposal. These are serious concerns that need to be addressed and resolved before further consideration is given to this acquisition. This is a business proposition and the costs of resolving these concerns should be paid for by the benefactor of the business acquisition. That benefactor is Canadian National, not the residents and citizens of this country.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth B. Smith', with a stylized, flowing script.

Kenneth B. Smith
251 Denberry Drive
Lake Zurich, IL 60047