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

Dear Ms. Phillis Johnson-Ball:

Acquisition of the Elgin, Joliet & Eastern Railway Company by the Canadian National Railway Company

As a scientist at the University of Notre Dame and a lifelong resident of the Chicago suburbs, I would like to call to your attention to the information that I have gathered regarding the proposed acquisition of the Elgin, Joliet & Eastern Railway Company (EJE) by the Canadian National Railway Company (CN) with the intent of rerouting freight train traffic from Chicago into the surrounding suburbs. My main concerns regarding this proposal include:

- The overall increased risk of a hazmat accident, particularly because CN has a low safety rating (1 out of 5) (Appendix A)
- The increased percentage of minorities and low income groups being negatively affected (Appendix B)
- The total increase of air pollutants, including greenhouse gases, being emitted around the Chicagoland area (Appendix C)
- The decrease of property values along the EJE line (Appendix D)
- The increase of noise pollution along the EJE line (Appendix E)

The negative effects, both potential and guaranteed, on the Chicagoland area, especially around the EJE line would be severe and unnecessary. I have concluded that the Canadian National Railway Company should not be allowed to acquire and reroute its trains onto the Elgin, Joliet, and Eastern Railway Line. I hope that my information will aid you in preventing the sale of the EJE to the CN.

Sincerely,



Ryan Truesdale
Enclosures: Appendices A, B, C, D, E

Appendix A-Increased Hazmat Accident

The purchase of EJE by CN and resulting rerouting should not be allowed as it will increase the overall risk of a hazmat accident in Chicagoland because trains on average would be traveling further and at higher speeds (STB 2008). These two factors, speed of the train and distance traveled, directly correlate with the likelihood of a train accident (U.S. Department of Transportation 2008). Also, Chicagoland residents will be put at more risk because it is not clear who, if anyone, would be responsible for any accident cleanup (Kane 1998). CN claims that railroads are the safest way of transporting hazardous materials across the country citing the fact that hazmat materials transported along a railroad have 99.9 percent chance of arriving without an accident (Canadian National Railway Company 2008). Between 1998-2008, however, 8,652 U.S. rail accidents involving hazardous materials occurred, resulting in over a thousand injuries (U.S. Department of Transportation 2008). Furthermore, the Canadian House of Commons gave CN a one out of five for safety and claimed that workers lived in a "state of fear" which encouraged whistle-swallowing (Canadian House of Commons 2008).

Furthermore, if rail transportation were safe, rail-shipping companies and their customers would not be arguing over who has to pay for the cleanup in the case of an accident; currently the railroad industry is asking federal regulators to require chemical companies to assume the majority of the financial risk of transporting hazardous materials (Hess 2008). The fact that the rail industry is lobbying Congress about hazmat-transportation liability indicates that the risks involved are significant.

In addition it is almost certain that Chicago, like Washington DC, will be protected from having to ship nuclear waste through its borders (D'Amico 2007). It is unlikely, however, that the Chicago suburbs along the EJE line would be included in this protection. Considering that 75% of all nuclear waste is scheduled to go through Illinois on its way to Yucca Mountain, it is likely that much of it would be shipped on the EJE line if the rerouting is approved (U.S. Department of Energy 1995). The proposed additional use of the line would further increase the risk of an accident on what has already been described as a terrorist target and should not be allowed (Smith 2003). Furthermore, in the event of a nuclear accident, the amount of compensation victims could receive is curbed by the Price-Anderson Act which limits the liability of the nuclear industry (Mokhiber 2002).

References:

- Canadian House of Commons. 2008. *Report of the Standing Committee on Transport, Infrastructure and Communities on Rail Safety in Canada*. 39th Parliament, 2nd session, 2008. Accessed: 20 October 2008.
http://cmte.parl.gc.ca/Content/HOC/committee/392/tran/reports/rp3521696/392_TRAN_Rpt03/392_TRAN_Rpt03-e.pdf.
- Canadian National Railway Company. 2008. *Setting the Record Straight: CN'S Proposed Acquisition of the EJ&E*. Accessed: 20 October 2008.
http://www.cn.ca/documents/About-EJE/Myths_vs_Facts_en.pdf.

- D'Amico, Esther. 2007. Bush signs 9/11 bill; Hazmat rail safety, security reforms included. *Chemical Week* 169, (26): 8, Accessed: 20 October 2008. <http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=26201317&site=ehost-live>.
- Hess, Glenn. 2008. Battle Over Hazmat Liability. *Chemical Engineering News* 86, (33): 28.
- Kane, Richard J. 1998. Railroad easements: Who should pay the freight for environmental contamination? *Dickinson Journal of Environmental Law Policy* 7, (1): 147.
- Mokhiber, Russell 2002. "Nuclear Liability Shield." *Multinational Monitor* 23, (9): 30. Accessed 10 December 2008. <http://web.ebscohost.com/ehost/pdf?vid=8&hid=2&sid=3a9e7bf0-7b7d-441f-bf21-9d27d01fa4e7%40SRCSM>.
- Smith, Gar. 2003. A gift to terrorists? *Earth Island Journal* 17, (4): 41, Accessed: 20 October 2008. <http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=7507517&site=ehost-live>.
- Surface Transportation Board (STB). 2008. *Draft Environmental Impact Statement for the Proposed Canadian National Railway Company Acquisition of the Elgin, Joliet & Eastern Railway Company*. STB ID No: 39185. Accessed: 20 October 2008. <http://www.stbfinancedocket35087.com/html/deis-report.html>
- U.S. Department of Transportation. 2008. *Hazardous Materials Information System 10 Year Report*. Accessed: 20 October 2008. <http://hazmat.dot.gov/pubs/inc/data/tenyr.pdf>.
- U.S. Department of Energy. 1995. *Proposed Nuclear Transportation Routes-Illinois*. Accessed: 20 October 2008. <http://www.state.nv.us/nucwaste/states/illinois.htm>.

Appendix B-Increased Harm to Minorities and Low-Income Groups

The sale of the EJE and rerouting proposal should not be allowed because rerouting would negatively affect a larger percentage of minority and low-income groups than it would benefit. According to the STB, of the 161 census blocks located along the EJE line, which are likely to be harmed by the rerouting, 67 (41.6%) are classified as minority, and 26 (16.1%) are low-income groups (STB 2008). Among the 113 census block groups located along the CN line, which are likely to benefit from decreased traffic, 35 (30.9%) are classified as minority, and only 8 (7.1%) are low-income groups (STB 2008). These numbers indicate that an increased percentage of minorities, roughly a third more, and over twice the percentage of low-income groups will be negatively affected by the proposed rerouting. This risk-benefit gap is likely to increase as Chicago experiences a demographic inversion with wealthy whites moving into the city, along the CN line, and minorities relocating to the suburbs, along the EJE line (Ehrenhalt 2008). Furthermore any benefits seen by those living along the CN line would be short lived because freight-train traffic in Chicago is projected to increase from 37,500 to 67,000 cars daily by 2020 (STB 2008). This increase would likely return CN traffic to its present day levels because under the proposed rerouting the EJE line would be already running at maxim capacity (STB 2008).

Some may claim that because the population density along the already heavily polluted CN line is higher than that along the EJE line, an accident on the CN line would put more individuals at risk (STB 2008). This is true only if one assumes that the increased distances traveled by, and greater speed of the trains on, the EJE line would not increase the likelihood of an accident. This is not the case, and it is possible that more accidents on the suburban EJE line could cause greater harm than fewer accidents on the densely populated CN line. Furthermore even allowing this incorrect assumption, the environmental-impact-assessment formula used to decide if there is an environmental injustice is a function of the percentage of the population that is minority and low-income, not a function of the total number of individuals. Thus, although the total number of individuals harmed by any given accident may potentially be smaller, the total number of accidents likely will be greater, and the percentage of minorities and low-income groups harmed by pollution resulting from the rerouting is guaranteed to be higher by almost 20% (STB 2008). Therefore an environmental injustice will take place (Environmental Protection Agency 2008).

References:

- Ehrenhalt, Alan. 2008. Trading Places: The Demographic Inversion of the American City. *The New Republic* 239, (2): 18-22, Accessed: 9 November 2008.
<http://www.tnr.com/politics/story.html?id=264510ca-2170-49cd-bad5-a0be122ac1a9>.
- Environmental Protection Agency. 2008. The Environmental Justice Strategic Enforcement Assessment Tool (EJSEAT) Accessed: 20 October 2008.
<http://www.epa.gov/compliance/resources/policies/ej/ej-seat.html#scoring>.
- Surface Transportation Board (STB). 2008. *Draft Environmental Impact Statement for the Proposed Canadian National Railway Company Acquisition of the Elgin, Joliet & Eastern Railway Company*. STB ID No: 39185. Accessed: 20 October 2008.
<http://www.stbfinancedocket35087.com/html/deis-report.html>.

Appendix C-Increased Pollution

The proposal to sell EJE to CN and reroute freight trains should not be allowed because the Chicagoland-area air pollution will increase as the amount of diesel burned daily on the EJE line increases from 4,792 to 20,056 imperial gallons (STB 2008). While there is a projected decrease of 11,317 to 1,704 imperial gallons along the current CN lines, the net amount of daily fuel used on both lines will increase by an additional 5,651 imperial gallons of diesel (STB 2008). Diesel emissions have been linked to adverse-health effects including asthma, lung cancer, heart disease, and ovarian cancer (Garshick 2004). According to the Environmental Protection Agency, diesel is responsible for 15,000 premature deaths every year in the US and is especially dangerous for children who breathe in 50 percent more air per pound of body weight than adults (EPA 2003). Chicago, as the United States' busiest rail hub, already experiences one of the nation's highest diesel emissions levels; the additional emissions which would result from the proposed rerouting contradict Chicago's current efforts to reduce diesel pollution (EPA 2008). Additionally, while the increased pollution would lead to a rise in heart disease and asthma attacks, emergency vehicles along the EJE line would have a harder time reaching these victims and transporting them to local hospitals due to the lack of overpasses and bridges which CN expects taxpayers to fix (STB 2008).

The above numbers do not even take into consideration the increase in fuel burned by cars and trains which will be forced to idle at EJE crossings due to insufficient bridges and overpasses (STB 2008). This increased consumption of oil will quicken the depletion of an already limited resource and the resulting increase in greenhouse gases will contribute to global climate change. Furthermore, quality of life would decrease for automobile commuters along the EJE line who would be forced to wait on up to 42 trains a day at several crossings; the highest number of trains currently seen by any crossing along the CN line is 22 (STB 2008).

References:

Environmental Protection Agency (EPA). 2003. *Diesel Exhaust in the United States*.

Accessed: 28 November 2008.

<http://www.epa.gov/otaq/retrofit/documents/420f03022.pdf>.

Environmental Protection Agency (EPA). 2008. *Midwest Clean Diesel Initiative*.

Accessed: 28 November 2008.

<http://www.epa.gov/midwestcleandiesel/sectors/rail/index.html>.

Garshick, Eric . 2004. Lung Cancer in Railroad Workers Exposed to Diesel Exhaust.

Environmental Health Perspectives 112, (15): 1539-1543, Accessed: 9 November 2008.

[http://www.jstor.org.proxy.library.nd.edu/sici?sici=0091-](http://www.jstor.org.proxy.library.nd.edu/sici?sici=0091-6765(2004)112:15%3C1539:LCIRWE%3E2.0.CO;2-)

[6765\(2004\)112:15%3C1539:LCIRWE%3E2.0.CO;2-](http://www.jstor.org.proxy.library.nd.edu/sici?sici=0091-6765(2004)112:15%3C1539:LCIRWE%3E2.0.CO;2-)

[&cookieSet=1#&origin=sfx%3Asfx.](http://www.jstor.org.proxy.library.nd.edu/sici?sici=0091-6765(2004)112:15%3C1539:LCIRWE%3E2.0.CO;2-)

Surface Transportation Board (STB). 2008. *Draft Environmental Impact Statement for the Proposed Canadian National Railway Company Acquisition of the Elgin, Joliet & Eastern Railway Company*. STB ID No: 39185. Accessed: 20 October 2008.
<http://www.stbfinancedocket35087.com/html/deis-report.html>

Appendix D-Decreased Property Values

The proposal to sell EJE and reroute freight lines should not be allowed because freight trains statistically lower property value by an average of 5%–7% for houses within 750 feet of the track and would likely have a negative effect on those living along the EJE line (Simons 1994). A common claim is that the homes are already along the EJE line and are unlikely to see any additional decrease in property values (STB 2008). However, there is a negative and statistically-significant impact on property values for each additional daily freight train (Simons 1994). The minorities and low-income groups living along the EJE line have likely been hit hard by the current housing crisis. A further depletion in the value of their homes would likely lead to additional foreclosures and economic hardships. It is unjust to place this burden on minorities and low-income individuals when they are unlikely to see any benefit from the rerouting.

References:

Simons, Robert A., and Abdellaziz El Jaouhari. 2004. The effect of freight railroad tracks and train activity on residential property values. *Appraisal Journal* 72, (3): 223-33, Accessed: 20 October 2008.

<http://search.ebscohost.com/login.aspx?direct=true&db=crh&AN=14050301&site=ehost-live>.

Surface Transportation Board (STB). 2008. *Draft Environmental Impact Statement for the Proposed Canadian National Railway Company Acquisition of the Elgin, Joliet & Eastern Railway Company*. STB ID No: 39185. Accessed: 20 October 2008.

<http://www.stbfinancedocket35087.com/html/deis-report.html>

Appendix E-Increased Noise Pollution

The proposal to sell EJE and reroute freight lines should not be allowed because it would greatly increase noise pollution along the suburban EJE line while creating little reduction of noise pollution along the CN line, because will continue to experience increased noise pollution from other sources (STB 2008). Noise pollution, by interfering with sleep, concentration and communication, directly impairs health and degrades residential, social, working, and learning environments with corresponding real economic losses (Goines 2007). The majority of homes and business along the EJE line were not built to block out the noise resulting from freight trains. In addition, much of the EJE line runs along forest preserves; noise pollution has been shown to have adverse effects on wildlife by disrupting animals' mating calls, discouraging grazing, and preventing animals from hearing nearby predators (Tennesen 2008). The loss of native species could affect the desirability of certain areas along the EJE line, further decreasing their property values as discussed in Appendix D.

References:

- Goines L, Hagler L. 2007. Noise Pollution: A Modern Plague. *Southern Medical Journal* [serial online]. 100, (3):287-294. Accessed: 28 November, 2008.
<http://web.ebscohost.com/ehost/detail?vid=4&hid=104&sid=6b72140a-9b08-45a4-ab6c-22b2dfaa3e13%40sessionmgr102&bdata=JkF1dGhUeXBIPWlwLHVybCcx1aWQsY29va2llJnNpdGU9ZWWhvc3QtbGl2ZQ%3d%3d#db=bmh&AN=24521631>.
- Surface Transportation Board (STB). 2008. *Draft Environmental Impact Statement for the Proposed Canadian National Railway Company Acquisition of the Elgin, Joliet & Eastern Railway Company*. STB ID No: 39185. Accessed: 20 October 2008.
<http://www.stbfinancedocket35087.com/html/deis-report.html>.
- Tennesen, Michael. 2008. Calls of the Wild. *Scientific American* 229, (4): 24-24. Accessed: 20 October 2008. <http://web.ebscohost.com/ehost/detail?vid=1&hid=104&sid=9a26d9cf-d997-49cb-a7f7b9203020c418%40sessionmgr103&bdata=JnNpdGU9ZWWhvc3QtbGl2ZQ%3d%3d#db=mth&AN=34236094>.