

Phillis Johnson-Ball
Surface Transportation Board
Ref.: STB Finance Docket No. 35087

September 27, 2008

After attending the public meeting in Joliet and reviewing the documents presented, I feel compelled to write in opposition to the CN's acquisition. The "Draft Environmental Impact Statement" is a defective and biased document which favors the CN's position to the detriment of the local communities and US taxpayers for the following reasons.

1. The report states that with the CN acquisition of the E. J. & E. areas of the line will be maxed out by the increase in traffic. Then the report bases its mitigation proposals on the best case operations of the railroad. Yet actual studies of railroad operation prove time and time again that railroads do not perform to best case operations. Unless CN is going to be held to the high standard of best case operations, mitigation remedies should be based on worst case performance to insure benefit to all.
2. The report uses general and historical growth patterns for determination of mitigation needs. Yet many areas along the E. J. & E. line are among the fastest growing population areas. Mitigation needs to be based on today's growth rate of these area projected into the future as opposed to general growth patterns.
3. The noise and vibration contours used in the Draft Statement conveniently exclude areas which would reflect poorly on the conclusions drawn in the Statement. For example, in figure L-1, sheet 85 of 139, the 65dBA contour steps around the group of homes that would negatively effect the conclusion thus showing a bias in favor of the CN acquisition.
4. Since most of the local communities located along the acquisition route are unsatisfied with the finding and conclusions of the Draft Statement, it should be obvious that the draft findings have been prepared to reflect favorably on the CN position. Again, an unbiased and fair Statement should be able to obtain a reasonable number of local communities supporting the acquisition.
5. The Draft Statement implies that mitigation costs for the railroad are set at 5% of the total cost. But that is only the customary amount US railroads have been asked to pay. With the financial situation of today there is no good reason that the US taxpayers should be asked to subsidize CN (a non-US railroad) who stands to significantly profit by the acquisition of the E. J. & E. railroad line.


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