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September 29, 2008

Ms. Phillis Johnson-Bell
Surface Transportation Board
395 East Street SW
Washington, D.C. 20423-001

Re: STB Finance Document No. 35087

Dear Ms. Johnson-Bell:

I am writing to express my concerns regarding the conclusions reached in the the Draft Environmental Impact Statement for the proposed acquisition of the Elgin Joliet & Eastern Railroad ("EJER") by the Canadian National Railroad ("CN").

Specifically, I am concerned with the area shown in Appendix L, Figure L-1, pages 97-99 of the Draft EIS. This is the area where the railroad runs parallel to Aberdeen Road in Frankfort. We live on this street and know that the Draft EIS does not accurately reflect existing conditions or predict conditions that would be created by the proposed acquisition. The Draft EIS, which appears to be based on modeling not observation, understates the actual noise and vibration impact in this area. In addition, there is no consideration being given to the impact that the CN operation will have on the only avenue of ingress and egress to Aberdeen Road, which is from Harlem avenue at a location just north of the EJ&E crossing.

Exhibit L-1 purports to outline the boundaries of 65dba and 70 dba noise levels along the railroad and show the amount of expansion from the current to the future if this transaction takes place. Just from practical experience, I know that the noise levels in the Draft EIS are understated. A television in our house at normal level puts out 60-68 dba. When the EJ&E trains come through, they often entirely mask the television sound. In plain English, you can't hear the TV over the noise of the train. The rumble and roar of some trains is also enough to wake a sleeping person. Not shown in the Draft EIS is the fact that the train where it passes our house is on an embankment that is maybe 15 feet above the back yards of adjacent houses allowing sound to travel farther than the engineers predict.

The Draft EIS states that noise was measured at select locations. It gives no discernible information on the location or results of those measurements. Consequently, I under took measurements of my own. Our front porch is shown in Exhibit L-1, p. 98 as sitting on the 65 dba contour after the acquisition and 100 feet or more outside the existing 65 dba contour. However, I have routinely measured EJ&E trains at a sustained level of 70-74 dba at the front of our house with peaks above 76 dba. This is the case even though I have not gotten to my meter quick enough to read the the noisiest part of the event, the engines passing by. My empirical study indicates that your engineers' modeling is wrong.

The Draft EIS, and even some of our politicians, seem to have a dismissive attitude about the effects of noise. Dr. Lars Järup of the Imperial College, London recently released a study showing that noise from such sources as airplanes and heavy road traffic affected sleeping adults by raising their blood pressure even though the participants believed they were accustomed to the noise. There are also many studies that indicate that sleep disruption over long periods of time can adversely impact one's health. Despite, this research, the Draft EIS, in addition to lacking any real data on noise, completely disregards the impact of noise on our community.

Figure L-1 also includes a vibration contour. While there is much general discussion of vibration impacts in Appendix L, there is no definition of what the vibration contour signifies. I can tell you from experience that the vibration of the EJ&E trains can set our house vibrating, can cause the light fixtures to tinkle and sway, and can shake a bed at night enough to wake a person from sleep. I don't think your engineers have any empirical data that can dispute those facts. To increase the number of those impacts, without mitigation, would be an imposition our community should not suffer.

Someone also needs to take a hard look at the intersection of the EJ&E and Harlem Avenue. (Figure L-1, p. 99.) To dismiss this important intersection as not requiring mitigation is shortsighted. It doesn't look like much in the aerial photo in Figure L-1, but it is heavily traveled and the number and length of trains that CN intends to run will without doubt severely disrupt ingress and egress to Aberdeen Road which lies a short distance to the north. This would be untenable for life in general, but could be catastrophic when emergency vehicles require access to Aberdeen Road. Hopefully, you can see why there is such vocal opposition here to the acquisition. People on Aberdeen Road believe with good reason that their lives are being threatened by this acquisition.

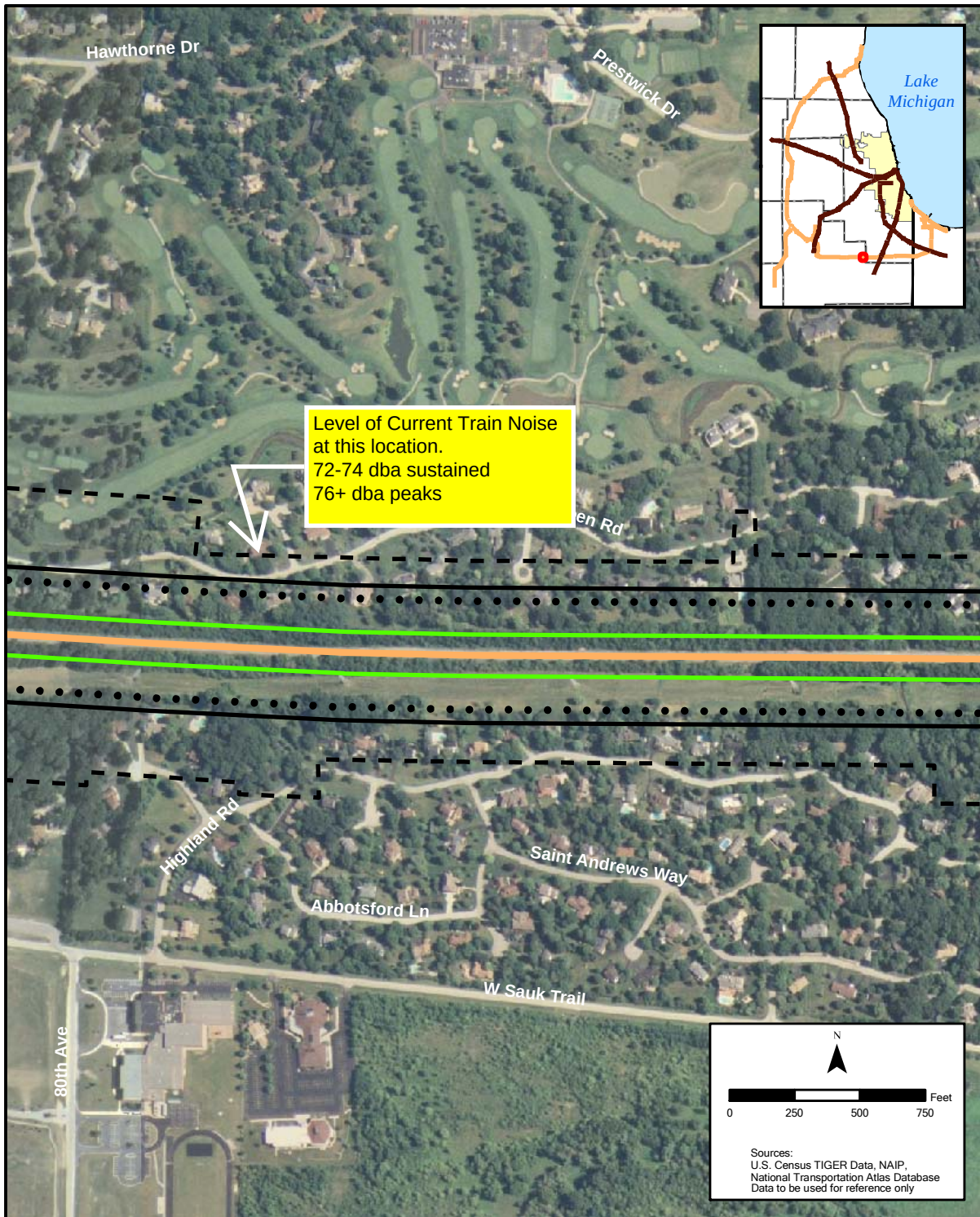
I expect that the proponents of this acquisition, those that see an economic benefit for themselves, will say that these issues have been studied by highly qualified engineers and found not to constitute a problem requiring mitigation. At the risk of being accused of hyperbole, I would point out that the best engineers assured NASA that the shuttles were safe to fly, only to have two of them blowup. Highly qualified engineers told Minnesota that the interstate bridge was safe before it collapsed. Engineers said the tunnel at the "Big Dig" in Boston was safe, until its ceiling collapsed on an unsuspecting motorist. We don't want to be the victims of an "engineering OOPS." We want every aspect of the impact studied with actual data and mitigation of all impacts that could affect us or our home values. Is it too much to ask that the job be done right?

We hear from proponents about the supposed economic benefit of this acquisition. But, for us there would only be economic loss. Should not those who would benefit pay the cost of mitigating the negative impact on others? The cost to us has not been quantified at all in the Draft EIS. You need to look at both sides of the equation. To do that, you need to actually measure the impacts. Then, if the cost of mitigating those impacts is too high for the proponents to pay, you have your answer. The acquisition does not make economic sense.

Sincerely,



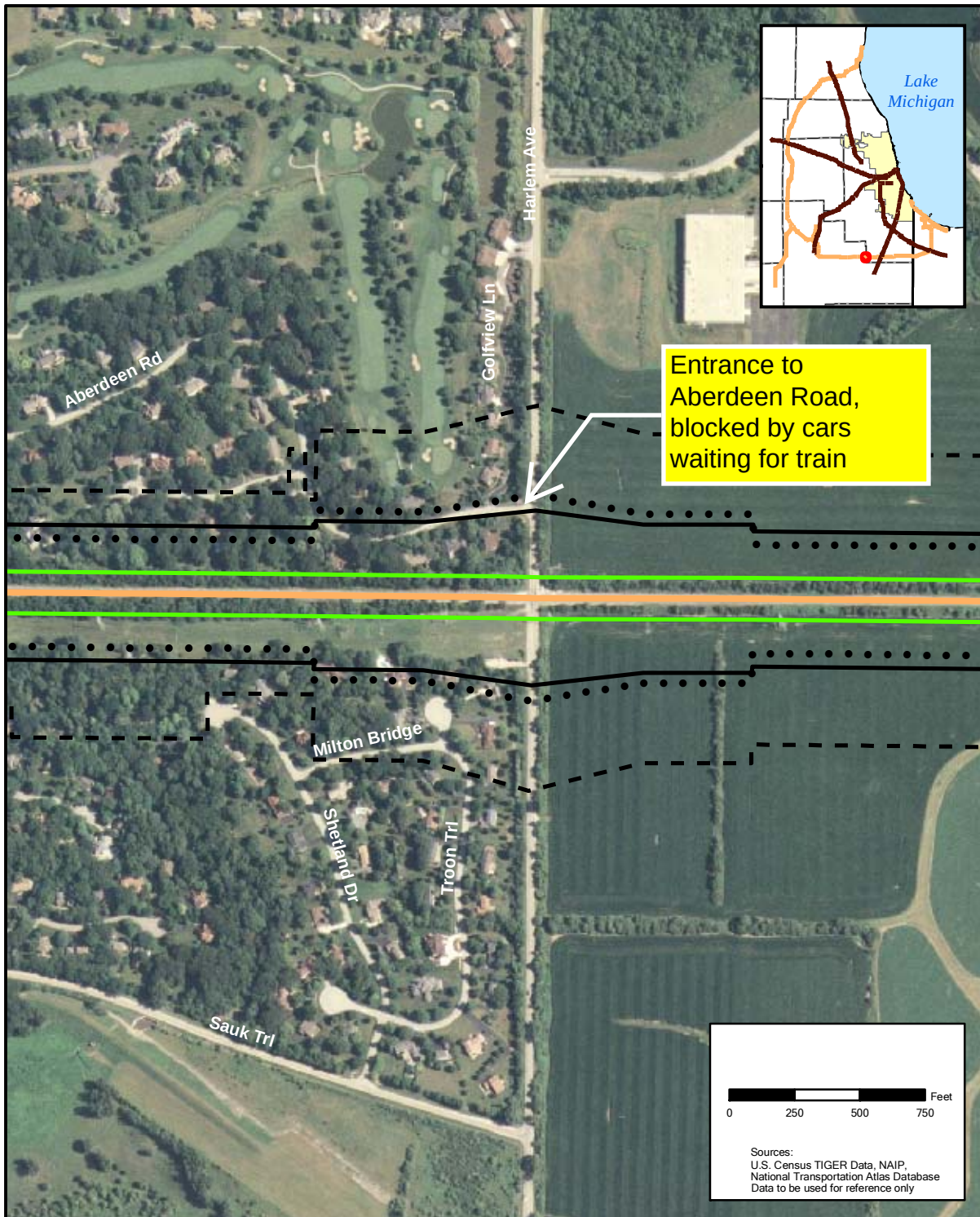
Timothy F. Kocian



- CN Rail Line
- EJ&E Rail Line
- Proposed Track
- - - Construction Limits

- Existing
- • • 65 dBA Contour
- Proposed Action
- - - 65 dBA Contour
 - 70 dBA Contour
 - Vibration Contour

Figure L-1
Noise and Vibration
Contours



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- EJ&E Rail Line
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