

Congress of the United States
Washington, DC 20515

November 17, 2008

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

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

Dear Secretary Quinlan:

We are writing to express our strong opposition to the October 27, 2008, letter submitted by the United States Department of Transportation (USDOT) that urges the Board to expedite the NEPA review process and Board consideration of Canadian National Railway Company and Grand Trunk Corporation's (CN) proposed acquisition of the EJ&E West Company (EJ&E). We urge the board to reject USDOT's request and allow the NEPA review process and Board consideration to continue on its current course.

On November 26, 2007, the Board issued Decision Number 2, which required the Section of Environmental Analysis (SEA) to prepare an Environmental Impact Study (EIS). In issuing this decision the Board stated: "...a full EIS is warranted in view of the large projected traffic increases on certain line segments, and the potential impacts of the proposed transaction on a number of communities that would likely result from the increased activity levels on rail line segments and at rail facilities," (FD 35087 Decision No. 2 Page 12). In addition, the Board explained, "The time the EIS will take to prepare cannot be determined ahead of time because there is no way to predict in advance all of the specific issues that may arise. In prior cases, the EIS process has ranged from approximately 18 months to several years," (FD 35087 Decision No. 2 Page 13).

The USDOT request would undermine the NEPA process and unduly fast-track the Board's consideration of this proposed transaction. However, up to this point, the Board has made it clear through its decisions that it will not succumb to these requests.

On July, 25, 2008, the Board issued Decision No. 13, which rejected CN's request to set a deadline for service of the Final Environmental Impact Statement (EIS). On September, 8, 2008, the Board issued Decision No. 14 in which it denied CN's petition to modify the procedural schedule to bifurcate the Board's decisions on the transportation merits and the environmental impact. After the September 8th Decision, CN sought a writ of mandamus from the United States Court of Appeals for the District of Columbia seeking to overturn the decision; however, on November 10, 2008, the court denied CN's petition. These decisions reaffirm the Board's initial

decision in November 2007 that refused to put a time frame on the EIS review process.

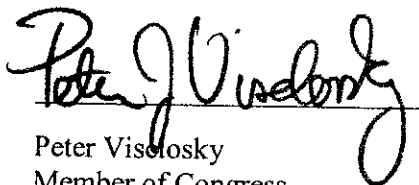
As noted by those involved in this proceeding, the level of input from interested parties has been unprecedented. Between December 21, 2007, when the Section of Environmental Analysis (SEA) published its notice of intent announcing the start of the scoping process, and September 30, 2008, when the comment period for the draft environmental impact statement ended, well over 10,000 people registered comments with SEA and/or participated in one of the public meetings held throughout the region. Many of these comments expressed concerns over the effect the dramatic increase in train traffic proposed by CN will have on the quality of life in their communities.

After the record set forth by the Board's decisions and the recent U.S. Court of Appeals ruling, it would be disingenuous for the SEA and the Board to unduly expedite the process. For that reason, we strongly urge you to reject the request from the General Counsel of the United States Department of Transportation and continue the diligent review of the entire environmental record.

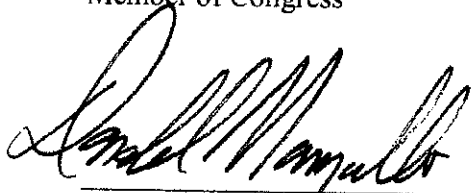
Sincerely,



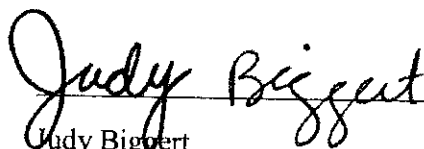
Melissa Bean
Member of Congress



Peter Viselovsky
Member of Congress



Donald Manzullo
Member of Congress



Judy Biggert
Member of Congress



Bill Foster
Member of Congress



Peter Roskam
Member of Congress

cc: All Parties of Record