

BLACHLY, TABOR, BOZIK & HARTMAN, LLC

January 2, 2008

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Duane W. Hartman
David L. Hollenbeck
Thomas F. Macke
Randall J. Zromkoski
Richard J. Rupcich
Craig R. Van Schouwen
Patrick Lyp
Jeffrey S. Wrage

**Re: Letter of Support to the Request of Indiana Harbor Belt
Company's Petition for Reconsideration**

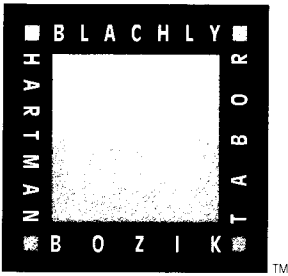
Dear Secretary William:

Our firm represents the **Gary/Chicago International Airport Authority**, a Party of Record in these proceedings. Please consider this letter as support for the request of the Indiana Harbor Belt Company's *Petition for Reconsideration* of the Surface Transportation Board's initial determination that the proposed Canadian National/EJ&EW transaction be considered a "minor transaction" as such is defined under 49 CFR 1180.2 (c). Consistent with federal law and facts of this transaction, this is not a "minor transaction."

As a preliminary matter, many of the issues raised in Indiana Harbor Belt Company's *Petition for Reconsideration* are not germane to airport operations. On issues concerning rail operations, consolidations and the transaction's national significance, the Gary Airport will leave such to those more involved. That said, airport safety is a paramount concern to the Gary Airport Authority and the time period allotted to respond does not give adequate time for the parties and the STB to consider the substantial issues created by the proposed increase of rail traffic in close proximity to the Gary Airport.

As will be further explained in the Gary Airport's formal filing with STB, the proposed increased rail traffic will create substantial safety issues relating to aircraft operations at the Gary Airport. At its closest point, the current EJ&EW rail lines are approximately 270 feet from and 15 feet above the end of the Airport's primary runway. Such conditions are prohibited under current Federal Aviation Administrations guidelines and the Gary Airport is in the process of resolving this safety hazard by relocating the EJ&EW rail line. Should this proposed transaction be approved prior to completion of negotiations with the EJ&EW, the proposed substantial additional rail traffic will exasperate an already dangerous condition for both air and rail traffic.

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Consistent with Canadian National's *Railroad Control Application*, a *Safety Integration Plan* is due on or before December 30, 2007. This will give the Gary/Chicago International Airport approximately **28 days** under the current schedule to review and submit comments. Without the ability to carefully review and commit on the *Railroad Control Application* and *Safety Integration Plan*, the Gary Airport Authority and the public will be placed at a substantial disadvantage.

Based on the proceeding, we would ask that the Canadian National *Railroad Control Application* be considered a "significant transaction" and that the proposed schedule suggested by Indiana Harbor Belt Company in its *Petition for Reconsideration* be adopted or an alternative schedule be adopted to provide adequate time to respond to safety issues.

Thank you for your considerations.

Patrick Lyp
Blachly, Tabor, Bozik & Hartman, LLC
56 South Washington St., Suite 401
Valparaiso, Indiana 46383

PL/lmb

CERTIFICATE OF SERVICE

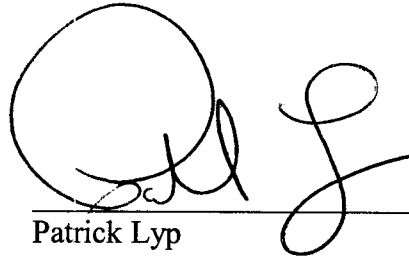
I hereby certify that on this 2nd day of January 2008, a copy of the Gary/Chicago International Airport Authority Letter of Support to the Request of Indiana Harbor Belt Company's Petition for Reconsideration was served by first class mail, postage prepaid, on:

The Honorable Vernon A. Williams
Secretary of Transportation
1200 New Jersey Ave., SE
Washington DC 20590

Attorney General of the United States
c/o Assistant Attorney General
Antitrust Division, Room 3109
Department of Justice
Washington DC 20530

Paul A. Cunningham
Harkins, Cunningham LLP
1700 K. Street NW, Suite 400
Washington DC 20006-3804

And All Parties of Record

A handwritten signature in black ink, appearing to read 'Patrick Lyp', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

Patrick Lyp