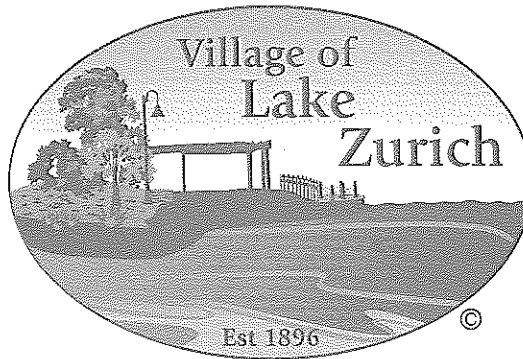


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May 15, 2008

Phillis Johnson-Ball
Section of Environmental Analysis
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423-0001

Re: COMMENTS ON THE FINAL SCOPE OF EIS
Finance Docket No. 35087

Surface Transportation Board

CN-EJ&E EIS - FD-35087

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Dear Ms. Johnson-Ball,

On Friday, April 25th, the Surface Transportation Board issued its Final Scope of Study regarding the proposed CN-EJ&E transaction. The Final Scope of Study outlines the environmental issues and concerns the Board's Section of Environmental Analysis (SEA) intends to address in its Environmental Impact Statement (EIS) as part of the environmental review process for the transaction. It also reflects the results of the Board's analysis of the thousands of submitted comments on the Draft Scope of Study, as well as the numerous public hearings held during the scoping process.

Notable changes to SEA's proposed environmental review from the previous draft scope include that the forthcoming draft EIS will:

- Not consider CREATE or other non-EJ&E rail corridors as alternatives to the proposed action, because the Board believes they will not meet the "purpose and need" of CN's application;
- Examine alternate configurations for proposed connections of CN lines;
- Address quantities and types of hazardous materials transported, as well as response plans for accidents or spills;
- Use a year 2015 threshold, rather than a three-year time horizon, for analysis of effects of increased rail traffic, including vehicle delay;
- Forecast highway traffic out until 2020 for the purposes of vehicle delay analysis;
- Include vehicle delay analyses in some instances for highway/rail at-grade crossings with less than average daily highway traffic of 2,500 vehicles per day;
- Evaluate the net increase in emissions from increased train operations and vehicle delays at crossings;
- Evaluate potential increases in noise and vibration; and ;
- Evaluate other indirect and cumulative effects of the transaction.

Village of Lake Zurich staff have reviewed the Final Scope of Study for the EIS ("Final Scope") as it relates to the Canadian National Railroad Acquisition as described in Appendix A and compared the action items to those we suggested as major concerns for the Village of Lake Zurich area. The following issues have not been specifically addressed in the report.

1. Safety

- a. Although the Final Scope mentions consideration of at-grade crossing accident probability and safety factors for vehicular traffic, **it does not address the local impact to pedestrian safety** at the various usage points and especially at the High School area. In the last month with current train frequency and number of cars, three separate accidents occurred in our area involving the death of children. Although they may not result in fault to the railroad, increased train frequency will increase opportunity and probability of additional accidents of this nature.

2. Hazardous Materials Transportation

- a. Although it appears the study will provide a general knowledge of the quantities and types of hazardous materials along with safety practices, protocols and contingencies established by CN, **it does not address any resource or educational support program from CN for local communities or responders.**

3. Transportation Systems

- a. It appears the study in Section G. will identify delays at rail crossings and discuss potential effects of the proposed transaction as it relates to increased train traffic on emergency response facilities, **it does not address resource or systems program to assist first responders ability to identify blocked crossings or alternate routes prior to getting blocked.** The use of GPS type crossing telemetry for first responder view in responding apparatus is an example of this resource.
- b. In Section H, it addresses the discussion on potential effect of traffic on railroad bridges, **it does not indicate establishing a program to test the structural integrity of current bridges and validate them for increased traffic.** The route 12 overpass is a large concern due to the number of accidents that occurred over the years with vehicles hitting it.

4. Land Use

- a. In the preamble to the actual Final Scope, the STB stated the proposed transaction is not expected to change the physical character of the line or adjoining lands. **The projected increase in trains actually would impact negatively on the land uses abutting the line.** For example, areas planned or approved for residential uses may not be viable anymore because of the significant increase in trains as well as overall quality of life issues.

5. Socioeconomics

- a. The Final Scope states that it will evaluate the economic effects of the transaction, construction and improvements, and increased train traffic. **Should the EJ&E rail line not accommodate the future commuter rail service (Star Line), the negative impacts on quality of life will out-**

weight the benefits to the transportation systems, thereby potentially jeopardizing the prospect of having a community rail service.

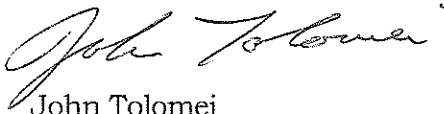
6. Noise and Vibration

- a. The Final Scope states that it will 'discuss' existing or planned Quiet Zones. **At a meeting with Village staff in Lake Zurich on March 5, 2008, CN officials made a commitment to help maintain the Quiet Zones.**

The Village of Lake Zurich, along with its neighboring communities, would like to make sure that the EIS would be as thorough as possible. With this intent, we urge the STB to address the additional concerns noted above in the Draft EIS, which we were told that may be released by the end of this summer.

Should you have any questions, please feel free to contact the Village Administrator Bob Vitas at 847-540-1683.

Sincerely,



John Tolomei

Village President

CC: Village Board of Trustees
The Honorable Melissa Bean, U.S. Representative (8th Congressional District)

Village Administrator Bob Vitas
Village Attorney Mark Burkland
Village Planner Vijay Gadde
Building & Zoning Director Daniel Peterson
Fire Chief Terry Mastandrea
Village Engineer David Heyden