

Congress of the United States
Washington, DC 20515

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May 16, 2008

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

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

Dear Ms. Quinlan:

We are writing to express our strong opposition to Canadian National Railway Company and Grand Trunk Corporation's (CN) request for establishment of time limits for NEPA review and final decision (CN-33) that was filed before the Surface Transportation Board (STB) on May 13, 2008 for the above-referenced docket. We urge the board to reject CN's request and allow the NEPA review process 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). Further, 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).

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 February 15, 2008, when the comment period ended, approximately 2,600 people attended one of the public scoping sessions held at locations throughout the Chicago region and over 3,600 people registered comments with SEA. Since the close of the comment period, the affected communities have formed a broad coalition to advocate their collective interests on the proposed acquisition, which will likely increase the amount of participation during the comment period on the draft EIS.

During the scoping period, participants raised several issues that led SEA to make significant changes when issuing the final scope. These changes will require additional consideration beyond that originally planned in the draft scope of study. The changes include, but are not limited to:

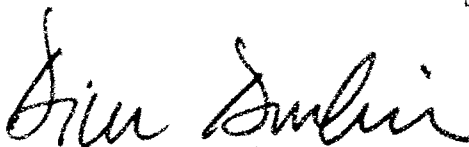
1. Expanding the projection of rail traffic from three to five years
2. Forecasting highway traffic until 2020
3. Evaluating the net increase in emissions
4. Evaluating potential increases in noise and vibration
5. Addressing quantities and types of hazardous materials that would be transported
6. Including vehicle delay analyses in some instances of highway/rail at-grade crossings with less than 2500 vehicle crossings per day
7. Evaluating impact on regional passenger rail (METRA)

In addition, many of the interested parties and the SEA itself have raised concerns with the accuracy and scope of information CN has provided for the analysis of this transaction. To date, SEA has sent four formal requests to CN asking for information on over 60 issues. Furthermore, in March 2008, we personally requested from CN President & CEO Hunter Harrison information about the mitigation Canadian National has offered each of the communities affected. To date, we have not received a response to our request.

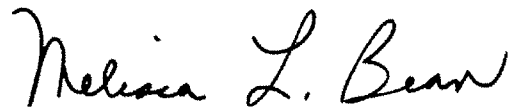
As noted by the Board in Decision Number 2, the time to complete an EIS cannot be determined due to many mitigating factors. Further, the Board cited past EIS's that have taken 18 months or longer to complete. Under the schedule requested by CN, the time from the issuance of the final scope at the end of April to the completion of the final EIS would only be six months. For a case and level of involvement that has been recognized by all participants and the STB to be unprecedented, an EIS process that is completed in less than the typical time frame of 18 months to several years, as cited by the Board as an average, would jeopardize the ability of the STB to do the comprehensive investigation warranted and undermine the credibility and authority of the EIS recommendations and proceedings.

For the aforementioned reasons, we urge the Board to reject CN's request for a time frame to be set on the NEPA review and final decision process. Thank you for your consideration of this matter.

Sincerely,



Richard Durbin
United States Senator



Melissa L. Bean
Member of Congress

cc: All Parties of Record