

Congress of the United States
Washington, DC 20515

June 17, 2008

The Honorable Joseph Boardman
Administrator
Federal Railroad Administration
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Administrator Boardman:

On May 29, 2008, the Canadian Parliament's Standing Committee on Transport, Infrastructure and Communities issued a report on rail safety in Canada. We were deeply troubled to read that Canadian National (CN), which traverses the continental United States, was cited several times for not adequately meeting the safety standards set forth by the Canadian government. We are specifically concerned with this report because presently Canadian National is seeking approval from the Surface Transportation Board (STB) to acquire the Elgin, Joliet, and Eastern Railroad (EJ&E), which travels through or near our Congressional Districts around the city of Chicago in Illinois and northwestern Indiana (STB Finance Docket #35087).

The report cited many concerns with Canadian National that were raised during the committee's investigation into rail safety in Canada including:

- "A perceived 'disconnect' between management and frontline workers in understanding management's commitment to safety." (Page 3)
- CN was rated the lowest among its peers for implementing Safety Management Systems—"On a scale of one to five, with five being the optimum level, CN was at level 1 or 2, CP at 3 and Via Rail at about 4." (Page 6)
- "...the Committee heard evidence that employees were reluctant to report safety violations, for fear of reprisals from the companies. This was especially true in the case of CN rail, where employees stated they were working within a 'culture of fear'." (Page 8)

Currently, the STB's Section on Environmental Analysis (SEA) is preparing a draft environmental impact statement, which will evaluate among other things the impact on the proposed Canadian National acquisition will have on safety. Given the concerns raised by the rail safety in Canada report, we ask that the Federal Railroad Administration (FRA) prepare a report evaluating the safety of railroads operating in the United States—including Canadian National—referencing all safety citations issued by the FRA or other transportation safety agencies. We request that upon completion of this report, the Federal Railroad Administration

submit all relevant sections that discuss Canadian National's safety record to the STB Finance Docket #35087 so it can be considered in those proceedings.

Thank you in advance for your consideration of this request. If you have any questions, please feel free to contact us.

Sincerely,

Melissa L. Bean

Peter J. Gaudy

[Signature]

Judy Biggart

[Signature]

CC: Acting Secretary Anne Quinlan, Surface Transportation Board re: FD #35087

Encl: *Report of the Standing Committee on Transport, Infrastructure and Communities on Rail Safety in Canada*