

Can you find a way to make the MAJOR RAILROAD 's (UP BNSF CN I CSX NS), put aside a %age of there profits to pay for AMTRAK' s budget in the future into an escrow account that the government can use to allow AMTRAK to survive over the next 12 years To increase rail passenger service that was abolished by the railroads in 1968, and the recreation of regulation of the railroad industry which I do now the railroads will fight tooth and nail instead of congress giving AMTRAK a BAND AID fix every other year like they have been for the last 20 years and maybe make the freight railroads let AMTRAK go back to making a profit for them as they get more cars off the road and so that would be used as gasoline to make the car trips and also cut down on the GREEN HOUSE GASES created by all the cars on the road like Mr. bush asked for in the State of the UNION ADDRESS on TUESDAY 1/23/007. Maybe if the railroads were brought back to the choice of paying to keep AMTRAK viable or face the nationalization of the railroad industry. Which they will fight all the way to the Supreme Court. To not be nationalized. Congress should be able to create a formula to make AMTRAK viable and the railroad industry happy without the use of nationalization of the rail industry. Without any harm in there profit margins and then congress would have to waste good time on trying to find money for AMTRAK ever again. Since the abolishment of the one AGENCY that had teeth that could stop railroads from stomping on the little guy by the re commissioning of the "ICC" that was done away with in 1995, and the SURFACE TRANSPORTATION BOARD was created in it place with a loss of almost 2500 jobs that are needed to keep railroads from having there worse record of railroad accidents other than at GRADE. The "STB has no way to fine railroads or do any type of punishments against the railroads they made sure of that with the republican congress of 1994. That why train 22/422 from Los Angeles can get into Chicago anywhere between 4 1/2 hours to EIGHT hours lat into Chicago because railroads think passenger trains should be second class trains vs. there Intermodal trains that the run like mad with out enough open track to not have a delay at some point so the stick AMTRAK in the siding for hours on end and yiu wonder why it takes 3day to get from Chicago to LA there as the freight train makes it in less than 20hours. Thre railroad industry is not working in the PUBLIC's good by tearing up track all over the nation at one time we had close to 190,000 miles of railroad trackage and most of it was double track now the railroads single track the lines or Class "X" exemptions it to make a bike trail out of it and give the railroads a big tax break for making it a trail and there by never have to pay the taxes on the property that was taken from the farmer long ago under the LAW of Eminent domain in which the rail road has the land condemned for railroad use and didn't have too give the farmer fare market value for the land, most farmers are still fighting to get the land back from the people so that they can farm it but most are never allowed to get it back even thou the deed's state that if the railroad abandons the right of way it's supposed to revert back to the farmer but it never does. We have had lots of railroad mergers the worse one that ever happened was NYC & PENNSYLVANIA to create the PENNCENTRAL that lasted 1 year and 5months before going bankrupt in 1968 and the federal government bailed that out and created CONRAIL that was merged into the NS & CSX railroads and CSX still hasn't made a profit since the merger. The one merger that never should have happened was the UP & SP that were by law never ever to be merged by federal law signed by Abe Lincoln in 1864 under the TRANS CONTINENTAL

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RAILROAD Act. But that was merged in 1998, to the AMTRAK's worst nightmare which was as bad as AT&T MI SUPREME COURT ruling that AT&T was a monopoly And needed to be broken up in 1984, but as of 2007 most of the company is back into the parent's name AT&T.

PAUL WISNER; 445E Washington; Lombard IL, 60148-2863 630629-0859

1
THE FOLLOWING 5 ATTACHMENTS
ARE CONNECTED to #12375
Submitted By PAUL WISNER
AT the 8/28/08 Bartlett
MEETINGS



**HOUSE OF COMMONS
CANADA**

**REPORT OF THE STANDING COMMITTEE ON
TRANSPORT, INFRASTRUCTURE AND
COMMUNITIES ON RAIL SAFETY IN CANADA**

**Report of the Standing Committee on
Transport, Infrastructure and Communities**

**Mervin Tweed, MP
Chair**

MAY 2008

39th PARLIAMENT, 2nd SESSION



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STANDING COMMITTEE ON TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

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THE STANDING COMMITTEE ON TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

has the honour to present its

THIRD REPORT

Pursuant to its mandate under Standing Order 108(2), the Committee has studied the rail safety in Canada and has agreed to report the following:

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REPORT OF THE STANDING COMMITTEE ON TRANSPORT, INFRASTRUCTURE AND COMMUNITIES ON RAIL SAFETY IN CANADA

REPORT OF THE STANDING COMMITTEE ON TRANSPORT, INFRASTRUCTURE, AND COMMUNITIES

Introduction

Due to the frequency of rail accidents in Canada in the last few years, notably in British Columbia, Alberta, Ontario and Quebec, there is a concern that the rate of accidents is on the rise. The repercussion from these accidents has been severe in terms of human fatalities and environmental damage.

In this context, the House of Commons Standing Committee on Transport, Infrastructure and Communities passed a motion in October 2006 to conduct an in-depth inquiry into rail safety in Canada. The motion reflects the Committee's concerns regarding both the increase in main track derailments and the need for better rail safety generally across the country.

At the end of December 2006, in an attempt to modernize the *Railway Safety Act* (RSA), the Minister of Transport, Infrastructure and Communities, the Honourable Lawrence Cannon, announced the third review of the RSA, which came into force on 1 January 1989. The Advisory Panel for the *Railway Safety Act* Review, which was appointed on 20 February 2007, released a Consultation Guidance Document on 30 March 2007 to help stakeholders participate in the public consultation process. Beginning in April 2007, the Advisory Panel traveled to selected cities across Canada to consult with stakeholders, including the public, railway companies and their industry associations, railway company employees and their unions, railway customers (e.g., travelers and shippers) and their associations, the provinces and territories, municipalities, aboriginal and environmental groups, and federal government departments and agencies. Consultations concluded in August 2007. The Advisory Panel reported to the Minister of Transport, Infrastructure and Communities with findings and over 50 recommendations. The report was tabled on 7 March 2008 (a brief summary of the Advisory Panel's findings are presented in Appendix B of this report).

During the Committee's deliberations, we heard witnesses from Transport Canada, the unions, the railroads as well as from the Advisory Panel on rail safety. While we endorse the findings and recommendations contained in the Advisory Panel's report, we believe that more needs to be done and there is considerable room for progress to ensure that rail safety meets the highest practicable standards. We believe, after hearing from the witnesses and reviewing the Advisory Panel's report, that in some areas, the Advisory Panel's recommendations can be strengthened. This was particularly evident in the area of Safety Management Systems (SMS) and their implementation.

What was evident from our study was that three major themes were continually raised during our hearings. These were: the governance and regulatory framework; safety management systems; and human factors.

In some instances, there is an overlap between themes as is the case with governance, human factors and the Safety Management Systems. We stress however, that common through all of the themes, is the paramount issue of the lack of communication. We were continually struck by the fact, that while safety and the implementation of SMS were stressed by all stakeholders as being the overriding objective of the railroads and the government, there was a lack of attention to the most vital component of achieving that goal – communication.

These themes are discussed in the following sections of the report along with our recommendations for improving rail safety in Canada.

Governance/Regulatory Framework

Throughout the Committee's hearings we heard evidence that there was a lack of accountability on the part of both Transport Canada and the railroads with regard to rail safety. Witnesses stated that the regulator was not accountable enough in enforcing safety regulations, harmonizing regulations across the regions and conducting safety audits in a timely manner and making audit results public. The railways, for their part, were criticised for the lack of meaningful management-employee consultations, poor crew training and poor prioritizing, implementing and carrying out of safety procedures.

We are particularly concerned with what appears to be a lack of consistency on how the rules and regulations are applied across the regions. While we recognize that there are regional differences, in terms of climate and geography, that might require variations in how rules are interpreted, we believe that there must be overall consistency in how rail safety is treated across the country. The railroads and the employees must have a clear understanding of how the rules are interpreted and applied. To achieve this, the Rail Safety Directorate in Transport Canada must work more collaboratively with the regional offices in developing a national safety framework while, at the same time, allowing for flexibility to meet local needs.

We agree with the Advisory Panel's first recommendation calling for the Rail Safety Directorate to assert its existing responsibility to provide guidance to the regions on the enforcement of rail safety rules and regulations. However, we would like to know how Transport Canada will achieve this goal and how long it will take. Therefore the Committee recommends that:

- 1. Transport Canada report, within one year from the presentation of this report in the House of Commons, to the Standing Committee on Transport, Infrastructure and Communities, on its progress in providing guidance to the regional offices, on the application of safety rules and regulations.**

Railroad employees told the Committee that with regard to the adoption of new rules and implementing safety procedures they participated in only cursory consultations with the companies and were not an integral part of the process. They stated that, especially in the case of CN Rail, there was a perceived "disconnect" between management and frontline workers in understanding management's commitment to safety. It was pointed out, that until recently, CN Rail did not have a senior management official dedicated to rail safety. This issue will be more fully addressed in the following section dealing with Safety Management Systems.

We were also told that the present governance structure lacks sufficient regulatory tools to ensure the enforcement of rail safety. In fact, Transport Canada told the Committee that it had become apparent that the current regulatory framework may not provide the full set of tools to effectively deal with safety enforcement. The department also stated that there is a view that the current framework needs to be modernized and better aligned with safety legislation in other modes of transport in

Canada. This view was also held by the Advisory Panel, which called for the adoption of Administrative Monetary Penalties (AMP) for companies that violate safety rules. We agree with this recommendation. Currently, there is no provision for fines under the RSA.

We believe that at the core of these concerns is the lack of an effective governance regime, both within the railroads and the regulator. We are encouraged that Transport Canada has established an Advisory Council on Railway Safety (ACRS) to provide a forum for the development and assessment of changes to the *Railway Safety Act* (RSA) regulatory framework through collaborative activities and for dialogue on railway safety issues. However, we are concerned that we do not know what kind of power the Council will have and how it will “feed” into Transport Canada’s decision making process.

We were told by witnesses and the Advisory Panel that there needs to be a better understanding of rail safety rules and how they are developed. That there needs to be a more structured and inclusive procedure established for rule making to ensure that all interested parties, especially labour, are included in the process. We believe that the ACRS could provide the appropriate model to achieve this if its mandate is clarified to include a formal process for rule making. Therefore, the Committee recommends that:

- 2. The government mandate the Advisory Council on Railway Safety (ACRS) to be an integral component of the rule making process with participants from all interested parties and ensure that its decisions are formally integrated into Transport Canada’s rule approval procedures.**

We also note that the Minister of Transport, Infrastructure and Communities has tasked a joint Transport Canada – Industry steering committee to develop an action plan to address the Advisory Panel’s recommendations. This steering committee is composed of officials from Transport Canada and the Railway Association of Canada (RAC) but does not have representatives from railway labour. As we have stated earlier, communication is one of the keys to improving railway safety and all participants in the industry must be part of the decision making process. Without labour representatives on the steering committee, full communication is not possible.

Therefore, the Committee recommends that:

3. **The government ensure adequate representation from railway labour organizations be part of the joint Transport Canada – Industry steering committee that is developing an action plan to address the Advisory Panel’s recommendations.**

Safety Management Systems (SMS)

The most important area of concern raised throughout our deliberations was the implementation of SMS. Safety Management Systems are not a new concept. They began in the 1990s as a new way to manage safety. SMS regulations were added to the *Railway Safety Act* in 1999 and came into effect in 2001. The Act, as amended, requires the railroads to implement and maintain an SMS, which is defined as a formal framework for integrating safety into day to day railway operations. It includes a safety policy with annual safety targets and initiatives to meet those targets. There must be clear responsibility for safety at all levels of the company and a means to involve employees in safety management.

In addition, as was stated by the Advisory Panel, within the SMS there must be:

- systems for identifying and showing compliance with applicable rules and regulations;
- a process for identifying hazards and assessing and mitigating risk;
- processes and procedures for accident reporting and investigation;
- methods to ensure that employees are properly trained;
- procedures for data collection and analysis and periodic internal safety audits; and
- requirements for monitoring corrective actions and consolidating documentation.

While we strongly agree with the concept of the SMS, we would not recommend that it replace the current regulatory system. As the Advisory Panel stated, the SMS is not intended to replace existing rail safety regulations, rules or standards, but to develop a more comprehensive way of managing safety by complementing the existing regulatory framework. We agree.

We have serious concerns regarding both the delays and the manner in which the SMS has been implemented by the railways and the government. We have heard that: it is difficult to create a “safety culture”; that this requires time and patience; that communications, especially with employees, has been difficult or non-existent; and that the system is “fragile.” It has been almost seven years since the railroads have been required to implement SMS and in our opinion, as well as that of the Advisory Panel, the railroads and Transport Canada have not made sufficient progress in attaining this goal. In fact, as the Chair of the Advisory Panel told the Committee, 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. With only one railway at the upper level of the scale, this is not, in our view, acceptable progress. This, coupled with the fact that employees who were at the front line of implementing SMS had, in many cases, very limited knowledge of SMS and what their role in this system was, makes it is inconceivable how SMS can successfully be implemented. Here again, we believe that the lack of communication is at the root of the problem.

We also note that Transport Canada has a key role to play in the successful implementation of SMS. We heard from witnesses as well as the Advisory Panel that the regulator requires a change in its approach to developing a safety culture. The Advisory Panel stated that Transport Canada would have to reorganize its activities to better integrate SMS as the key focus of its oversight role.

We are of the opinion that, if more stringent oversight by Transport Canada had taken place, there might have been better results in implementing SMS and the railroads would have been further along in developing a safety culture than they are today. Transport Canada will have to take a much more “hands on approach” in this process if we are to see a favourable implementation of SMS in a timely manner. To be at the stage we are today, after seven years, is clearly not acceptable.

In order to achieve the successful implementation of SMS, we recommend that three initiatives must take place. First, Transport Canada and the railroads must develop an action plan for implementing SMS. This should include the steps taken to date and the future steps required to fully implement SMS and the timeline for full implementation. Second, Transport Canada and the railroads must develop a concrete assessment tool to continuously monitor the progress of SMS implementation. Finally,

Transport Canada and the railroads should report their progress to the Standing Committee on Transport, Infrastructure and Communities within six months of the presentation of this report in the House of Commons.

Furthermore, we agree with the view of the Advisory Panel when it stated that the weakest component in SMS plans appears to be in the management of human resources and organizational factors, rather than the technical or equipment aspects.

Needless to say, we believe that labour has to be meaningfully involved in every step of this process and recommend that the regulator ensures that this takes place. We further suggest that this can be most effectively done through the participation of the railway health and safety committees. Without this, there can be little effective communication among railway employees, railway management and Transport Canada.

Finally, we want to stress, that given the slow and uneven pace of implementing SMS, we do not envisage it replacing a rigorous inspection program, with the appropriate level of resources, by Transport Canada. Therefore, the Committee recommends that:

- 4. Transport Canada and the railroad companies develop, within one year of the presentation of this report in the House of Commons, an action plan for the implementation of SMS, including timelines for full implementation of the system.**
- 5. Transport Canada and the railroad companies develop a concrete assessment tool to continually monitor the implementation of SMS.**
- 6. Transport Canada ensure that union and non union railway employees are meaningfully involved and consulted at every stage of implementing the SMS.**
- 7. Transport Canada and the railway companies report their progress in adopting measures to facilitate the implementation of SMS to the Standing Committee on Transport, Infrastructure and Communities within six months of the presentation of this report in the House of Commons.**
- 8. Transport Canada ensure that a rigorous rail safety inspection process is in place, with adequate resources to properly administer this program.**

Human Factors

During our study, the Committee heard from witnesses that there were critical challenges that need to be addressed which relate to what we term “human factors”. These include non-punitive reporting of safety violations, fatigue management, personnel shortages, and insufficient crew training.

A. Non-Punitive Reporting

With regard to non-punitive reporting of safety violations, 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.” While CP Rail was viewed as having a somewhat better approach to safety management, there was still concern that its safety record could be improved. The fear of discipline for reporting safety violations was viewed by railway employees as a major deterrent to reporting such violations.

This experience contrasts with the non-punitive reporting approach adopted in the airline industry in recent amendments to the *Aeronautics Act* under Bill C-7. Indeed, in testimony before the Committee we heard from union representatives that a system of non-punitive reporting was one of the key elements in ensuring that SMS achieves the desired result of reducing accidents and improving employee safety. We agree. Therefore, the Committee recommends that:

9. **The government amend the *Railway Safety Act* to require federally regulated railway companies to include in their Safety Management Systems, an effective process for the non-punitive reporting by employees of safety issues and incidents, violations and non-compliance with safety rules and regulations.**

B. Fatigue Management

We heard from witnesses that fatigue management was a significant problem in the railroad industry. Indeed, the Advisory Panel stated that it was convinced that the operational issue that affects an effective safety culture the most is fatigue management. Witnesses told the Committee that the current Work/Rest Rules do not provide a satisfactory baseline framework for managing the risks associated with fatigue and they should better reflect the current science in this field. We believe that there are lessons to be learned from the trucking and aviation industries and how these sectors handle fatigue. As the Advisory Panel stated, this issue cries out for an effective solution and fast.

We realize that there are many issues surrounding fatigue management, such as crew scheduling, suitable away from home rest facilities for crews, and collective bargaining agreements. However, the overriding issue should be to ensure that employees have the proper rest periods to ensure their safety and to provide for the safe operation of the railroad. We believe that there needs to be a collaborative effort between the employees and the railroads to develop effective Work/Rest Rules based on current science and the operating experience of the railway employees. Railway companies should have precise fatigue management plans and these should be carefully monitored by Transport Canada. Therefore, the Committee recommends that:

- 10. The government mandate the railway companies to work with their employees to develop Work/Rest Rules and fatigue management plans based upon the current science and operating experience of their employees.**
- 11. The railway companies file their fatigue management plans with Transport Canada and the department monitor the effective implementation of such plans.**

C. Training

We were told by some witnesses that limited training was provided by CN Rail for newly hired employees. This was occurring because of a shortage of employees to operate and service trains due to the difficulty recruiting and retaining employees resulting in these shortages. While we understand that there may be a tendency to rush

new employees through training to deal with staff shortages we believe that training cannot be compromised. Transport Canada must stringently monitor the railways' training programs to ensure they meet the proper training guidelines. Therefore, the committee recommends that:

- 12. Transport Canada monitor the railway companies' training programs for new employees to ensure they meet the highest practicable standards.**

D. Resources

We were told throughout our hearings that more resources were required by Transport Canada to advance railroad safety – especially when it came to monitoring and auditing the implementation of SMS. We have stressed this point in recommendation number 8 in an earlier section of our report. In the Advisory Panel's view, the department has inadequate financial and human resources to carry out its many responsibilities in the area of railway safety. We agree with the Advisory Panel and strongly urge the government to adopt its recommendation number 54 to give Transport Canada more resources to fulfill its mandate as inspector, auditor and monitor of the railway safety system.

Railway Technologies

We heard from witnesses that there are constantly evolving technologies that can be utilized to improve railway safety. These include systems for detecting rail flaws, hot box detectors, digital imaging and advanced train signal control systems. We also note, as did the Advisory Panel, that while the railways are investing in these technologies there is room for more innovation. This is especially true in the area of railway crossing safety. There is a need to increase the focus on scientific and technological advancements to improve safety in this area. As the Advisory Panel pointed out, crossing safety can be significantly improved with the use of moderately priced scientific innovation and technology to mitigate accidents. We believe that Transport Canada can play a leadership role in this area and provide the necessary guidance for implementing new technologies especially as they apply to railway crossing safety and track and wheel maintenance. Therefore, the Committee recommends that:

- 13. Transport Canada provide the leadership to implement new technologies for improving safety, with particular emphasis on railway crossings and track and wheel maintenance, and report its progress, within one year of the presentation of this report in the House of Commons, to the Standing Committee on Transport, Infrastructure and Communities.**

Conclusions

As we stated in the introduction of this report, we concur with the findings and recommendations of the Advisory Panel. However, we want to stress that there needs to be a more proactive approach in addressing the issues raised by the Advisory Panel and the ones we have highlighted in our study. As stated earlier, we believe that much more progress should have been made during the past seven years in implementing the Safety Management Systems.

Some witnesses have said that the rail systems are fragile and safety improvements take time. We do not entirely agree with this view. The system was not too fragile to introduce new technologies, operate longer trains and establish new services to the heartland of North America. Surely it is not too fragile to introduce new safety measures and regimes in a more timely manner. We believe that the lack of action has come about for two reasons – that it was not a high enough priority for the railroads and the government and that there has been a critical failure to communicate among the stakeholders on how safety issues must be addressed and how the SMS can be properly implemented. These failures are hampering the development of a “safety culture” in the Canadian railroad industry.

The government must recognize the importance of rail safety and that its advancement and the proper implementation of SMS will require more resources and more commitment by the regulator. The railroad companies will have to place a much higher priority on these issues than has previously been the case and all stakeholders must make a significant commitment to better communicate with each other. We cannot overly stress how important we believe that better communication is the key to improvements in railway safety. Until we have a clear indication of how the SMS is being implemented and working it may be necessary to increase the regulator’s oversight role.

In summary, to achieve increased safety and the efficient implementation of SMS there will have to be better communication among the stakeholders, more resources for the regulator and a higher priority given to railway safety by the government and the railroads. This must be done as quickly as possible. Therefore, the Committee recommends that:

- 14. Transport Canada report to the Standing Committee on Transport, Infrastructure and Communities, within two years of the presentation of this report in the House of Commons, on its progress and that of the railway companies in improving railway safety and the implementation of the Safety Management Systems and report annually thereafter.**

APPENDIX A

LIST OF RECOMMENDATIONS

- 1. That Transport Canada report, within one year from the presentation of this report in the House of Commons, to the Standing Committee on Transport, Infrastructure and Communities, on its progress in providing guidance to the regional offices, on the application of safety rules and regulations.**
- 2. That the government mandate the Advisory Council on Railway Safety (ACRS) to be an integral component of the rule making process with participants from all interested parties and ensure that its decisions are formally integrated into Transport Canada's rule approval procedures.**
- 3. That the government ensure adequate representation from railway labour organizations be part of the joint Transport Canada – Industry steering committee that is developing an action plan to address the Advisory Panel's recommendations.**
- 4. That Transport Canada and the railroad companies develop, within one year of the presentation of this report in the House of Commons, an action plan for the implementation of SMS, including timelines for full implementation of the system.**
- 5. That Transport Canada and the railroad companies develop a concrete assessment tool to continually monitor the implementation of SMS.**
- 6. That Transport Canada ensure that union and non union railway employees are meaningfully involved and consulted at every stage of implementing the SMS.**
- 7. That Transport Canada and the railway companies report their progress in adopting measures to facilitate the implementation of SMS to the Standing Committee on Transport, Infrastructure and Communities within six months of the presentation of this report in the House of Commons.**
- 8. That Transport Canada ensure that a rigorous rail safety inspection process is in place, with adequate resources to properly administer this program.**
- 9. That the government amend the *Railway Safety Act* to require federally regulated railway companies to include in their Safety Management Systems, an effective process for the non-punitive reporting by employees of safety issues and incidents, violations and non-compliance with safety rules and regulations.**
- 10. That the government mandate the railway companies to work with their employees to develop Work/Rest Rules and fatigue management plans based upon the current science and operating experience of their employees.**

APPENDIX B

The Advisory Panel for the *Railway Safety Act* Review Report

The report of the Advisory Panel entitled: *Stronger Ties: A Shared Commitment to Railway Safety* set forth a number of concerns and recommendations for improving railway safety in Canada. The Advisory Panel stated in its report that while the safety record of Canada's major railways is among the best in North America, there has not been sufficient improvement in their safety performance since the *Railway Safety Act* was last amended in 1999. With the exception of accidents and incidents involving dangerous goods, main track accidents have shown an upward trend in recent years. This needs to be addressed. In addition, the report noted that accidents in railway yards and on spur lines are occurring far too frequently.

Generally, the Advisory Panel found that the *Railway Safety Act* and its principles are fundamentally sound, but that a number of improvements are needed. The Advisory Panel goes on to say that the regulatory framework is founded on performance-based regulations and railway operating rules, and requires attention to ensure that it is implemented properly and effectively. Some areas that the Advisory Panel believes require improvement are set out as follows:

- The difference between rules and regulations needs to be better understood. A more structured and inclusive process needs to be developed for rule making and for consultation to ensure the involvement of all interested parties.
- There is a need to determine the baseline safety requirements that must be met before a company commences operations, and for this to be recognized through the issuance of a Rail Operating Certificate.
- The regulatory framework needs to make provision for the regulator to be better equipped with a broader range of enforcement tools, including an administrative monetary penalty scheme.
- The Act needs to be updated to clarify the basis upon which railway safety inspectors exercise their current powers and to better reflect the changing nature of the railway inspector's job to that of an auditor, a change brought about by the implementation of SMS a number of years ago.

- 11. That the railway companies file their fatigue management plans with Transport Canada and the department monitor the effective implementation of such plans.**
- 12. That Transport Canada monitor the railway companies' training programs for new employees to ensure they meet the highest practicable standards.**
- 13. That Transport Canada provide the leadership to implement new technologies for improving safety, with particular emphasis on railway crossings and track and wheel maintenance, and report its progress, within one year of the presentation of this report in the House of Commons, to the Standing Committee on Transport, Infrastructure and Communities.**
- 14. That Transport Canada report to the Standing Committee on Transport, Infrastructure and Communities, within two years of the presentation of this report in the House of Commons, on their progress and that of the railway companies in improving railway safety and the implementation of the Safety Management Systems and report annually thereafter.**

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- The regulatory framework needs to make provision for the regulator to be better equipped with a broader range of enforcement tools, including an administrative monetary penalty scheme.
- The Act needs to be updated to clarify the basis upon which railway safety inspectors exercise their current powers and to better reflect the changing nature of the railway inspector's job to that of an auditor, a change brought about by the implementation of SMS a number of years ago.

With regard to SMS, the Advisory Panel supports this approach to managing safety but stresses that there are implementation challenges. Railway companies need to make a concerted effort to communicate what SMS is and how it can improve safety, and to do so at all levels of their organization. Furthermore, the regulator must make safety management systems the key focus of its oversight activities. The regulator also needs to collaborate with the industry in developing meaningful performance indicators and to improve its capacity and approach to auditing railway SMS.

In terms of overall safety culture, the Advisory Panel stated that, from their point of view, passenger railways, and VIA Rail have a commendable safety culture. CP has made great strides in improving its approach to safety management and in developing a healthy safety culture in its company. On the other hand, in the Advisory Panel's opinion, CN's strict adherence to a rules-based approach, focussed largely on disciplinary actions when mistakes are made, has instilled a "culture of fear and discipline/ and is counter to an effective safety management systems. CN needs to acknowledge this openly and take concrete steps to improve.

In relation to human resources to monitor rail safety, the Advisory Panel recognizes that Transport Canada is facing significant financial and personnel challenges. With the rail traffic growing there are increasing demands on the regulator for ongoing monitoring and auditing of the SMS. This means that the regulator must be adequately funded if it is to maintain effective delivery of its regulatory oversight program. Transport Canada must enhance its financial and human resource capacity to perform its safety oversight role.

The Advisory Panel sums up its findings by concluding that Canadian railways are safe but could be safer. It recognizes that there is a need for the railways and the regulator to take more action in certain areas to improve safety. They believe that they are missing opportunities to do so – such as having better data for measuring and analyzing safety performance, encouraging participation at all levels in implementing effective SMS, and taking steps to enhance the regulator's capacity to perform its safety oversight role.

APPENDIX C

LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Department of Transport Luc Bourdon, Director General, Rail Safety Marc Grégoire, Assistant Deputy Minister, Safety and Security	2007/12/11	7
Department of Transport Douglas Lewis, Chair, Advisory Panel for the Railway Safety Act Review Tim Meisner, Executive Director, Railway Safety Act Review Secretariat Sheila K. Smith, Director, Planning & Liaison, Railway Safety Act Review Secretariat	2008/03/13	17
Department of Transport Luc Bourdon, Director General, Rail Safety Marc Grégoire, Assistant Deputy Minister, Safety and Security	2008/04/01	18
Canadian National Paul Miller, Vice-President and Chief Safety Officer	2008/04/03	19
Canadian Pacific Railway Glen Wilson, General Manager, Strategy, Planning and Regulatory Affairs Brock Winter, Senior Vice-President, Operations		
National Automobile, Aerospace, Transportation & General Workers of Canada John Burns, Vice-President and Coordinator, National Health and Safety Jim Wilson, Coordinator, National Health and Safety	2008/04/08	20
Teamsters Canada William Brehl, President, Teamsters Canada Rail Conference - Maintenance of Way Employees Division Mike Wheten, National Legislative Director, Teamsters Canada Rail Conference - Local Engineers		

Organizations and Individuals	Date	Meeting
United Steelworkers Todd Cotie, Coordinator, Health and Safety, Local 2004	2008/04/08	20
United Transportation Union Garth Bates, Vice-President and Legislative Director Robert McDiarmid, Chair, British Columbia Legislative Board		

APPENDIX D

LIST OF BRIEFS

Organizations

Canadian Pacific Railway

Department of Transport

Department of Transport, Advisory Panel for the Railway Safety Act Review

National Automobile, Aerospace, Transportation & General Workers of Canada

Teamsters Canada

United Steelworkers

United Transportation Union

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant Minutes of Proceedings (Meetings Nos. 7, 17, 18, 19, 20, 21, 22, 24, 27 and 28) is tabled.

Respectfully submitted,

Mervin Tweed, MP
Chair

SO WHY DOESN'T THE "CN" REBUILD THE OLD AMBOY SUB DIVISION THAT THE "ICG" TORE UP IN THE LATE 1980'S THAT LEADS OUT OF FREEPORT AND SOUTH DOWN ALONG THE OLD MAINLINE THAT WAS ABANDONED UNDER THE "STAGGERS ACT" OF 1976; UNDER THE OLD "ICC"; RULES INSTEAD OF TRYING TO USE THE "EJ&E"; IT WOULD MOVE TRAFFIC SOUTH AND AWAY FROM THE CHICAGO AREA. IN FACT WHY DON'T THEY TRY USING SOME OF THE RAILBANKED TRACKAGE OF THE OLD MILWAUKEE ROAD INTO WISCONSIN IN FACT WITH THAT TRACKAGE BEING USED IT WOULD CREATE MORE CAPACITY FOR TRAIN TRAFFIC IN THE WISCONSIN; ILLINOIS AREA. SO WHY ISN'T THE "CN"; DOING THAT RE USING TRACKAGE THAT HAS BEEN OUT OF SERVICE SINCE THE MILWAUKEE ROAD WENT BANKRUPT IN THE 1980'S, THE TRACK IS THERE ALL IT NEEDS IS TO BE REHABILITATED FOR 70 MPH TRAIN SERVICE IN FACT IF THEY REBUILT MOST OF THAT TRACKAGE THE "CN" WOULD HAVE MORE ROUTES OPEN TO THEM FOR USE WITHOUT THE USE OF THE "EJ&E" AS A SUPER RAILWAY. THE STATE OF WISCONSIN IN THE 1980'S HAD 5,733 MILES OF TRACKAGE; ILLINOIS HAD 10,555 MILES OF TRACK, IOWA HAD 7,547 MILES OF TRACKAGE, INDIANA HAD 6,357 MILES OF TRACKAGE. AND THESE NUMBERS ARE FOR THE BEGINNING OF CONRAIL.

THE "STB'S" "EIS" DOESN'T INCLUDE THE NEWEST "EPA" FACTS FOR THE CHICAGO LAND AREA REGRADING THE SMOG CONDITIONS IN THE (6) SIX COUNTY AREA. AND STATES THAT NO NEW INDUSTRIAL SITES WILL BE ALLOWED IN THE "RTA" ZONE DUE TO THE NEWEST REPORT THAT CAME OUT ON TUESDAY AUGUST 19, 2008; SO HOW DOES THE "CN" PLAN ON MAKING THIS MERGER WORK WITH THE INCREASED LEVELS OF POLLUTION THAT WOULD CERTAINLY BE INCREASED WITH THE INCREASE IN RAIL TRAFFIC FROM ANYWHERE IN THE AREA, AND WHAT HAPPENS IN (2) TWO YEARS WHEN THE "CP RAIL" MERGER; IS APPROVED WITHOUT A REDO OF THE "STB'S" RULING POWERS IF NOT A COMPLETE OVERHAUL TO SENDING THE "STB" BACK TO THE DAYS OF THE "ICC". WHERE THE TEETH ARE STRONGER FOR MITIGATION AND THE TRANSACTIONS WOULD TAKE LONGER TO BE COMPLETED WITH VERY MUCH MORE IN DEPTH STUDIES BEING DONE WITH REGARD TO THE CONDITIONS FOR THE MERGERS VIABILITY OVER THE LONG TERM AND THE EFFECT ON THE SURROUNDING COMMUNITIES AND THE TRAFFIC PATTERNS AND WHAT WOULD BE NEEDED IN THE LONG TERM TO MAKE THE MERGER A SUCCESS TO BOTH THE RAILROAD AND THE PLANET.

THE IDEA OF INTRODUCING "H.R. 6707" WOULD BE A START BUT THE BEST IDEA WOULD BE FOR THE CONGRESS TO ABOLISH THE "ICC" CANCELLATION ACT OF 12/31/1995; BY THE REPUBLICAN

CONGRESS LEAD BY NEWT GAINGREWICH, IN WHICH HE HAD THE "ICC" ABOLISHED FOR THE FUTURE OF THE RAIL INDUSTRY AND ALL SUBSEQUENT RAILROAD MERGERS WOULD BE MADE EASIER WITH A SHORTER TIME LINE THEN (3) THREE YEARS TO COMPLETE ALL THE HEARING THAT WERE NEEDED AND ALL THE "EIS" AND TRANSPORTATION STUDIES NEEDED TO MAKE A DECISION TO APPROVE THE MERGER OR NOT. SO THE CONGRESS LET THE LOBBYISTS CREATE THE BILL THAT DESOLVED THE "ICC" AND ANY OTHER BILLES THAT WERE PASSED IN THAT TIME PERIOD; NOT CONGRESS DOING THE WORK THEM SELVES THAT BRINGS US TO THIS POINT IN TIME. WHERE THE BUSINESS COMMUNITY IS HAVING THE LAWS WRITTEN TO HOW THEY WANT THEM (RE: THE NEWEST IS THE NEW BANKRUPTCY BILL) PASSED ONLY (2) TWO YEARS AGO. SO HOW DOES THE PUBLIC GET ANY HELP IF THE PEOPLE THAT ARE WRITING THE LAWS ARE THE SPECIAL INTEREST GROUPS AND NOT THE CONGRESSMEN. WHAT IS THERE TO PROTECT "JOHN Q. PUBLIC" FROM BAD LAWS OR RAILROAD MERGERS THAT LOOK AT THE BOTTOM LINE NOT THE TOTAL PICTURE OF WHAT WOULD HAPPEN DOWN THE ROAD IN SAY (3) THREE TO (5) YEARS TO THE AREA AND THE RAILROADS TRAFFIC PATTERNS AND ALSO WHAT OTHER RAILROADS HAVE TRACKAGE RIGHT ON THIS TRACKAGE LIKE THE "UP", "CP", "BNSF", AND ALL OTHER RAILROADS THAT CROSS PROPOSED MERGERED RAILROAD. WHAT WILL THE OTHER "CLASS 1"'S; DO IF THE "CN" DECIEDES TO TERMINATE THERE TRACKAGE RIGHT AGREEMENTS IN THE FUTURE OR IS THE "STB" STRONG ENOUGH TO MITAGE THAT PROBLEM OR NOT WITH THE ALSO LOOMING" CPRC" MERGER "FD_35081" THAT IS ON A LONGER TIMETABLE BECAUSE OF THE DAKOTA MINNESOTA & EASTERN RAILROAD AND THE "IE&E" RAILROAD THAT WILL BE IN LINE FOR THIS PROBLEM TOO. BY ADDING THEIR FREIGHT TRAINS TO THE MIX THAT WILL WANT TO MOVE AROUND CHICAGO AND ALSO, SO HOW WILL THE PUBLIC DEAL WITH ALL THIS TRAFFIC IF THEY CAN'T DEAL WITH THE CURRENT TRAFFIC THAT THE "CN" HAS NOW? THERE IS NO SILVER BULLET TO FIX THIS PROBLEM WITHOUT A MAJOR INFURSTUTE BILL GOING THROUGH CONGRESS TO ADDRESS THIS PROBLEM ALONG WITH THE STATE OF ILLINOIS COMING UP WITH A CAPITAL PLAN FAST TO ADD RAILCAPACITY TO THE AREA WITH OUT THIS MERGER FIRST. OTHERWISE THE MERGER IS DEAD ON ARRIVAL DUE TO THE FACT THAT FREIGHT TRAFFIC IS INCRESSING WITHOUT THE RAILROADS ADDING MORE SPACE TO HOLD THE TRAINS ON THE CURRENT TRACKAGE; WITHOUT MORE TRACKAGE FOR THE FREIGHT TRAFFIC WE MIGHT AS WELL START DOING WHAT THE FOREIGN GOVERNMENTS ARE DOING AND THAT WOULD BE TO NATIONALIZE THE RAILROADS. BECAUSE WITHOUT MORE TRACKAGE TO HOLD FREIGHT TRAIN TRAFFIC WE WILL NEVER BE ABLE TO CLEAR OUT THE CURRENT TRAFFIC FLOW WITHOUT A MAJOR TRACKAGE

INCREASE TO MOVE THE FREIGHT TRAFFIC MORE EFFECTIVELY AND THAT WOULD MEAN THAT THE CHICAGO LAND AREA WOULD HAVE TO TAKE OVER THE DISPATCHING OF TRAFFIC NOT: OMAHA, NE., TX, OR THE "CN"'S DISPATCH CENTER IN HOMERWOOD, ILL. WE NEED A NEW DISPATCH CENTER CREATED TO CONTROL THE TRAFFIC IN THE CHICAGO LAND AREA. BUT WHERE SHOULD THAT BE? THE FIRST THING THAT I WOULD PROPOSE IS THAT ALL THE RAILROADS AND THE "FRA" FIGURE OUT HOW TO MOVE THEIR TRAFFIC IN A BETTER FLOW PATTERN WITH DISPATCHERS THAT KNOW THE CHICAGO LAND AREA ONLY. THEN THEY CAN COMBINE TO MAKE THE TRAFFIC STUDY MORE TO WHAT IS REALLY NEEDED FOR THE AREA BECAUSE BY 2030; TRAFFIC WILL BE ANY WHERE FROM INCREASED TO 88% - 110%.

CONGRESS NEEDS TO ADDRESS BOTH THE LACK OF RAILROAD CAPACITY AND A MAJOR INCREASE IN TRACKAGE THAT WILL BE NEEDED TO INCREASE THE TRACKAGE THAT IS REALLY NEEDED TO WORK IN THE SHORT TERM AND THE LONG TERM. THE RAILROADS ALSO NEED TO STOP MERGING. AND IF AT ALL THEY NEED TO GET MORE EFFICIENT WITH THEIR TRAFFIC FLOW AND HOW TO KEEP TRAFFIC OUT OF THE CHICAGO LAND AREA WITHOUT THE USE OF THE "EJ&E", IF AT ALL POSSIBLE WHY CAN'T "CN" MOVE TRAINS THROUGH MICHIGAN TO THE EAST COAST OR TO THE SOUTH VIA TRACKAGE AGREEMENTS WITH "NS" AND "CSX". THAT COME THROUGH MICHIGAN TO INDIANA, DOWN TO MEMPHIS, TN. AND POINTS SOUTH AND SOUTHEAST. THAT MIGHT HELP MOVE TRAFFIC THROUGH AROUND CHICAGO WITHOUT THE CURRENT BOTTLENECKING PROBLEM; NOW IF ALL THE "CLASS 1"'S; DID THAT CHICAGO WOULD HAVE FEWER DELAYS THROUGH CHICAGO. AND MAYBE WE WOULD BE ABLE TO MOVE TRAFFIC MORE EFFICIENTLY THROUGH THIS AREA.

I CALL ON THE "STB" TO CREATE A "EIS" TO LOOK AT RAILROADING AS A WHOLE NATIONWIDE TO SEE WHAT IS NEEDED TO MOVE THE TRAFFIC AT A MORE EFFECTIVE COST AS IN CONTAINER SHIPMENT THAT NEED TO GO TO EAST COAST BEING UNLOADED ON THE EAST COAST INSTEAD OF THE WEST COAST AND SHIPPED BY RAIL TO THE EAST COAST, THAT WAY WE CAN CLEAR THE MIDWEST AREA COMPLETELY. SO CONGRESS NEEDS TO HAVE A COMMISSION LOOK AT WAYS TO UTILIZE THE TRANSPORTATION SYSTEM WE HAVE WITH A LOOK TOWARDS THE YEAR 2035, TO COME UP WITH A PLAN TO MOVE FREIGHT CHEAPER AND FASTER WITHOUT THE BOTTLENECKS THAT WE HAVE NOW MAYBE A FEDERALIZED TRACKAGE RIGHTS AGREEMENT IS NEEDED TO HELP THIS COUNTRY IT SURE COULDN'T HURT TO STUDY THE IDEA. SO IF THE RAILROADS AND THE "STB" CAN COME UP WITH AN IDEA THE RAILROADS AND "JOHN Q PUBLIC"

MIGHT CO -EXIST FOR YEARS TO COME WITHOUT KILLING EACH OTHER.

THE "STB" ONLY LOOKS AT THE ANTICOMPETITIVENESS OF A RAIL MERGER NOT ON THE TOTAL PICTURE LIKE THE "ICC" DID THAT'S WHY WERE DOING THIS MERGER AS A MINOR TRANSACTION; UNDER THE "ICC" RULES THERE WAS NO SUCH THING AS A MINOR TRANSACTION AND ALL MERGERS THAT WERE DONE BY THE "ICC" TOOK ANY WHERE FROM (3) THREE YEARS TO (6) SIX YEARS TO BE APPROVED. THAT WAY THE "PUBLIC" GOOD AND EFFECTS DOWN THE ROAD WERE REALLY ADDRESSED UN LIKE THIS MERGER HAS BEEN LOOKED AT AS THE TWO TO ONE OR THREE TO TWO RAILROADS SERVING THE AREA. HIS MERGER IS A SHAM AT THE USE OF THE MERGER PROCESS TO CONTROL MORE RAIL LINES BY "CN"; WITHOUT ANY TYPE OF MITIGATION FROM THEM WHAT SO EVER. SO IF THIS MERGER IS APPROVED "METRA" WILL BE LOCKED OUT OF ANY TYPE OF TRACKAGE RIGHTS ON THE "EJ&E" PLUS ALL THE TRAFFIC THAT THE "CN" SAYS THAT WILL DISAPPEAR WILL BE BACK WITHIN (2) TWO YEARS OF THE MERGERS COMPLETION DUE TO ADDED FREIGHT TRAFFIC FROM "PORT RUPERT"; PLUS ALL THE JOBS IN SEATTLE WILL BE LOST TO THE NEW PORT RUPERT UNLOADING FACILITY. AND THE "CN" WILL BE IN CONTROL OF MAYBE 40-55% OF ALL CONTAINER SERVICE INTO THE NORTH AMERICAN AREA. AND WHAT IS THE SAFETY RECORD FOR THE "CN" WITH REGARDS TO TRAIN ACCIDENTS AND HAZARDOUS SPILLS; AND WILL THE "FRA" BE ABLE TO FINE THE "CN" FOR THEM. OR WILL THE "CN" JUST CHARGE THEM OFF ON THE "GTW", AS A TAX RIGHT OFF AND DECLARE THAT SINCE THERE CANADIAN OWNED THERE NOT SUBJECT TO THE "US" LAWS MAYBE THE INTERNAL REVENUE SERVICE NEEDS TO CHANGE "CN"'S STATUS FOR "US" FEDERAL INCOME TAXES "NAFTA" OR NOT THE RAILROAD INDUSTRY NEEDS TO BE CONTROLLED BETTER AND THEY NEED TO PAY TAXES THAT CAN BE USED TO FUND THE FEDERAL RAILROAD ADMINISTRATION.

SO HOW DO WE GET THE RAILROADS TO WORK WITH THE PUBLIC AS A PARTNER TO THE WAY OF LIFE THAT THERE TRYING TO CHANGE IN THERE BENEFIT TO THERE BOTTOM LINE BUT NOT THE PUBLICS WELFARE. CONGRESS NEEDS TO REREGULATE THE RAILROADS AND NOT BALE THEM OUT WHEN THEY'RE IN TROUBLE LIKE WE DID AFTER 9/11/2001; FOR THE AIRLINES. SO WHY ARE THE RAILROADS ABANDONING TRACKAGE THAT IS NEEDED FOR TRAFFIC FLOW.

IN "CN-29" THE "CN" STATES THAT THEY WILL NOT BE INCREASING TRAIN TRAFFIC IN ALL AREAS SO WHAT GRANTEE DOES THE "STB" HAVE FROM "CN" THAT THEY WON'T INCREASE THE TRAFFIC IN THE NEXT (18) EIGHTEEN MONTHS OR LONGER? "CN" STATES THAT

THEY WILL WORK WITH ALL CLASS 1 RAILROADS FOR TRAFFIC FLOW BUT WHAT RAILROAD THAT EVER HAS GOTTEN A RAIL MERGER APPROVED HAS NOT GONE BACK ON THERE WORD AFTER IT WAS APPROVED? ANSWER NONE. SO HOW DOES THE "STB" ANSWER MY QUESTION WHY AFTER A MERGER IS THE MERGERED RAILROAD ALWAYS ABONDONING TRACKAGE THAT THERE PEOPLE SAY DOESN'T MAKE MONEY UNDERWHAT CRIEATEIA DOES THE RAILROAD USE TO FIGURE OUT THAT THEY LOSE MONEY, MOST USE THE STAGGERS ACT TO ABONDON THE TRACKAGE FOR MONEY TO THEM FROM SOME ONE THAT WILL BUILD A BIKE TRAIL OR PATH, BUT IHAVE NEVER SEEN THE RAILROADS EVER USE THE STAGGERS ACT TO RECLAIMTHE TRACKAGE TO REBUILD THE TRACKAGE. SO WHY IS THERE THE DOUBLE STAANDARD FOR RAILROADS ABONDONING TRACKAGE BUT NEVER REBUILDING IT? ANSWER: WHY SHOULD THEY. THE "STB" NEEDS TO LOOK AT A MERGER; AS IF THAT MERGER WAS GOING THROUGH THERE BACK YARDS AND REALLY LOOK AT THE IMPACTS TO THE ENVIORMENTTRAFFIC BY CAR OR PUBLIC TRANSPORTATION, GRADE CROSSINGS, RIVERS, BRIDGES, EVERYTHING NOT JUST IS THE TRANSACTION VIABLE TO RAILROADS REQUESTING IT.

THE STUDY BY "HDR"AND THE "EIS" DIDN'T GO FAR ENOUGH TO ADDRESS ALL THE QUESTIONS RAISED SO FAR AND I DON'T THINK IT WAS LOOKED AT FROM ALL THE ANGLES BOTH PRO'S AND CON'S AND WHAT OTHER MITIGATION COULD HAVE BEEN THOUGHT OF TO MAKE THIS MERGER MORE LIKABLE TO ALL OF THE CHICAGOLAND AREA. AS A WHOLE NOT JUST AS A ROUTE AROUND THE CURRENT CONGESTION THAT IS WHAT WE NEED TO SEE MORE OF THAN WHAT THE PEOPLE THAT WROTE IN FAVOR OF THE MERGER SENT INTO THE "STB" THERE OPPINIONS IN FAVOR OF THE MERGRER AS IF THET WOULDN'T HAVE TO RETHINK THERE POSITION WITHIN (18) EIGHTEEN MONTS AFTER IT WAS APPROVED AND THAT THE PROMMISED TRAIN OSES WERE GONE BUT(2) TWO YEARS LATER THEY'RE BACK TO THERE OLD LEVELS IF NOT MORE.

THE "STB" IS REQUIRED BY LAW TO LOOK OUT SIDE THE BOX AT THE POSSIBLE ANTICOMPETIVENESS OF EVEN A POSIBLE COFLICT OF INTEREST BY THE RAILROADS, OR THERE BOARD OF DIRECTIONS IN TRYING TO MUSCLE THIS MERGER THROUGH LET ALONE ANY MERGER. IF THE "ICC" WAS STILL INCONTROL WE WOULD HAVE HAD FAR LESS MERGERS THAN WE HAVE HAD SINCE THE ABLOISHMENT IN DECEMBER 31, 1995. SO AS FARAS IM CONCERNEDTHE LOBBYISTS THAT WROTE THE BILL TO ABOLISH THE "ICC" WERE WORKING FOR BUSINESS NOT THE "PUBLICS"GOOD. I WOUNDER HOW MUCH LEGISATATION DONE BETWEEN 1994 AND 1995; WAS ACTUALLY IN THE INTREST OF "JOHN Q. PUBLIC" VS. BIG BUSINESS? THE MERGER THAT "CN" WANTS WILL BE THE (7) SEVENTH MERGER THAT THEY HAVE

HAD DONE SINCE THE "STB" WAS CREATED. WHO WILL THEY BUY NEXT THE "KCS" FOR THE TRACKAGE INTO MEXICO SO THEY CAN GOBBLE UP THAT PORT TRAFFIC TO USE AGAINST THE "US" PORTS ON THE WEST COAST? WILL THEY EVER STOP UNTIL THEY CONTROL EVEN THE "UP", OR THE "G&W" TO MAKE THEM STRONGER IN MARKET SHARE THIS IS GETTING TO BE LIKE THE 1984 "AT&T" VS. "MCI" CASE IN THE SUPREME COURT, BUT IF THE "ICC" WAS STILL AROUND THESE MERGERS WOULD BE ABOLISHED ONCE ONE RAILROAD WAS GETTING TO BIG AS WITH THE SANTA FE /SOUTHERN PACIFIC MERGER OF 1983 ABOLISHED IN 1986; BY THE "ICC". CONRAIL WOULD HAVE NEVER BEEN ABLE TO BE PURCHASED BY THE "NS" AND "CSX"; IF THE "ICC" WAS STILL IN CONTROL OF MERGERS. BUT THE REPUBLICAN CONGRESS WAS INTO MAKING FEDERAL GOVERNMENT SMALLER AT THAT TIME AND THEY DIDN'T RELIZE THE EFFECTS OF WHAT WOULD HAPPEN DOWN THE ROAD. THEY WERE IN IT FOR THE NEXT (2) TWO YEARS NOT THE NEXT (25) TWENTYFIVE YEARS. SO NOW THEY CREATED A MONSTER THAT CAN'T BE HANDLED UNDER THE CURRENT LAW CREATING THE "STB" THEY NEED TO GO BACK TO THE "ICC" RULES TO CONTROL MERGERS AND ABANDONMENTS. BUT HERE AGAIN WILL CONGRESS DO WHAT IS RIGHT OR WILL THEY STICK THEIR HEADS IN THE SAND.

UNDER "CN"-29 THE "CN" STATES THAT THEY DON'T HAVE TO GO BY THE "STB"'S ORDERS FOR MITIGATION WITH TOM REGRADE TO OTHER CLASS 1 RAILROADS BEING GIVEN TRACKAGE RIGHT FROM THIS MERGER THIS SETS UP A VERY BAD FEELING FOR THE OTHER RAILROADS THAT WOULD HAVE TO INTERCHANGE WITH THE "CN"; ALMOST LIKE ILLINOIS STATE LEGISLATORS AND THE GOVERNOR OF ILLINOIS NOW, WHY SHOULD ANY RAILROAD TRUST "CN" AS TO WHAT THEY SAY THEY WILL DO IN REGRADS TO TRACKAGE RIGHTS ON THE "EJ&E" ON PAGE 18 OF THE "CN"-29 THERE TALKING ABOUT MITIGATING FOR INDUSTRIES BUT "CN" IS TWISTING THE "CFR" 49 TO READ IN THEIR FAVOR NOT THE SHIPPERS OR THE CLASS 1 RAILROADS. I THINK THAT THIS MERGER NEEDS TO BE TREATED A SUPER MAJOR TRANSACTION NOT AS A MINOR ONE AS THE "STB" DEEMED IT MAINLY BECAUSE OF THE SHEAR SCOPE OF THE CHICAGO SWITCHING DISTRICTS TOTAL TRACKAGE AND THE SHEAR NUMBER OF RAILROADS THAT WOULD BE EFFECTED BOTH HELPED OR HURT BY THIS TRANSACTION. I SAY THAT THE CURRENT "EIS" IS THE FIRST BABY STEP TOWARDS THIS MERGER WITH MANY MORE NEEDED TO BE LOOKED AT WITH REGARD TO THE CHICAGO LAND AREA BOTTLENECK PROBLEM IT WILL ACTUALLY TAKE MAYBE (4) FOUR YEARS TO CREATE A POSSIBLE SOLUTION TO THE FREIGHT TRAFFIC IN CHICAGO LAND AREA BUT "CN"'S IDEA ISN'T THE MAGIC BULLET TO THIS FREED UP TRAFFIC FLOW PATTERN. IT IS JUST A FIRST STEP TOWARDS IT WITH MANY MORE IDEAS NEEDED TO REMOVE THE

CONGESTION IN THE CHICAGOLAND AREA. EVEN IF THE CHICAGO SWITCHING DISTRICT HAS TO CREATE A NEW RAILROAD COMPANY TO OVERSEE THE SWITCHING IN THE CHICAGOLAND AREA'S RAILROADING AREA. THE CREATION OF A NEW ENTITY THAT WOULD CONTROL ALL FREIGHT TRAFFIC IN THE CHICAGOLAND CORRIDOR WOULD BE MADE UP OF ALL SWITCHING RAILROADS IN CHICAGO WITH ALL CLASS 1 RAILROADS LOCKED OUT OF THE AREAS SWITCHING STARTING AT WEST CHICAGO ON THE "UP" WEST LINE, JOLIET AT THE IOWA INTERSTATE AND "CSX" TRACKAGE, MUNGER OR FREEPORT ON THE "CN", ROUNDOUT ON THE "CP" AND "EJ&E", BARR YARD IN RIVERDALE, IL; MARKHAM YARD IN HOMEWOOD, ILL; WITH THE "UP" SOUTH OF 155TH STREET, "NS" AT WORTH, IL; "BNSF" AT EOLA YARD EAST OF AURORA PROPER; "BNSF" AT ELWOOD, IL; "CSX" AT THE INDIANA STATE LINE; "NS" AT THE INDIANA STATE LINE ALSO AND ANYTHING SOUTH OF CHICAGO HEIGHTS JUNCTION SOUTH ON THE "UP"; ALL BE INCLUDED INTO THE NEW SWITCHING RAILROAD THAT THE CITY OF CHICAGO NEEDS TO BE BUILT AND OPERATED FROM THE CITY OF CHICAGO NOT OMAHA, NE; FORT WORTH, TX; FLORIDA, OR ANY OTHER NON CHICAGO POINT; WITH THE EXCEPTION OF THE "IHB" THAT HAS THERE OFFICES IN GARY, IN; OR WE COULD GO FURTHER WEST TO ROCHELLE ON THE "UP" WEST LINE ROCHELLE ALSO ON THE "BNSF" WEST FROM AURORA, FREEPORT, ON THE OLD "CC&P", BENSENVILLE YARD ON THE "CP" WEST LINE WITH THE "IC&E" AND "DM&E"; AS THE NEW SWITCHING TERRITORY THAT WOULD MOVE ALL FREIGHT THROUGH THE CITY OF CHICAGO WITH THE "BRC", "IHB", "WSOR" BEING THE SWITCHING RAILROADS FOR ALL MAJOR CLASS 1'S. THIS IS WHAT THE "STB" NEEDS TO DO TO FULL FILL THEIR FIDUCIARY DUTIES TO "JOHN Q PUBLIC" NOT BUCKLE TO THE RANTINGS OF THE "CN" OR THEIR LAWSUIT THREATS. THEY NEED TO BE ABOVE REPROACH AND INDEPENDENT FROM LOBBYISTS FOR THE RAILROAD INDUSTRY. THEY NEED BE AS STRONG AS THE "ICC" WAS AND ABOLISH MANY OF THE MERGERS THAT THEY HAD APPROVED SINCE THEIR INCEPTION IN 1/01/1996.

FD_38087 CANADIAN NATIONAL GRAND TRUNK
WESTERN RAILROAD CONTROL MERGER OF THE ELGIN
JOLIET & EASTERN RAILWAY

THE IDEA OF A RAIL MERGER OUTSIDE OF THE CITY OF CHICAGO HAS MORE BAD POINTS THAN IT DOES GOOD ONES. THE CURRENT IDEA IS TO MOVE TRAFFIC FROM COOK COUNTY RAIL LINES AND MOVE IT WEST SO THAT THE RAILROADS IN PRINCIPLE THE "C.O. R. A. AREA" TO THE PLEASURE OF COOK COUNTY VILLAGES. THE ONLY THING THAT THIS PROPOSAL WILL DO DOES CREATE MORE PROBLEMS FOR AN AREA THAT DOESN'T WANT THIS TRAFFIC IN THERE TOWNS OR COMMUNITIES AND WILL CAUSE LOTS MORE HARM THAN GOOD IN THE LONG TERM.

THE CANADIAN NATIONAL RAILROAD PROPOSES TO HAVE THE STATE AND LOCAL GOVERNMENTS PAY FOR THERE IDEAS BUT IN REALITY THEY SHOULD BE PAYING THE TOWNS TO GET THE PERMISSION TO USE THE TRAFFIC "ROW" THAT IS THERE AND PAY A TAX OR A PERCENTAGE OF THE TON MILEAGE FOR EACH RAIL CAR THEY PLAN ON MOVING OVER THIS RIGHT OF WAY AND THE "STB" IS REQUIRED TO ACTION THE INTEREST OF THE PUBLIC GOOD NOT THE RAILROADS BOTTOM LINE. SO WHERE DOES THE "CN" PLAN ON GETTING THE MONEY THAT THEY'RE PLANNING ON BUYING THE EJ&E WITH NOT FROM THE FEDERAL GOVERNMENT AS A 4R TRACK REVIATAIZATION PROGRAM BECAUSE THE FEDERAL GOVERNMENT "FRA" 4R FUND IS BANKRUPT FROM ALL THE MONIES PAID OUT OVER THE LAST 50 YEARS THAT HAS NEVER EVER BEEN PAID BACK TO THE FEDERAL GOVERNMENT; BUT THE RAILROADS HAVE NEVER HAD TO PAY IT BACK CAUSE THEY SITE THAT THERE IMPROVING THE TRAFFIC FLOW OF THE RAILROAD INDUSTRY BUT IN FACT THERE DOING THE OPPISITE TO THE RAILROADS. THEY BUY RAILROADS THEN SINGLE TRACK THE LINES LIKE THE EJ&E DID IN THE EARLY 1970'S ALONG WITH EVERY OTHER RAILROAD DURING THE TIME ONLY NOW THAT FEIGHT TRAFFIC HAS SINCE 1980'S INCRESSED IN VOLUME THERE STILL BUYING UP TRACKAGE BUT INSTEAD OF INCREASING THE TRACKAGE CAPPACITY THE RAILROADS

CUT TRACKAGE AREA: EXAMPLE THE IC / GM&O DOUBLE TRACKAGE THAT WAS BETWEEN JOLIET AND SAINT LOUIS, MO. IS NOW SINGLE TRACKED WITH PASSING SIDINGS ON IT. THE "SP" BOUGHT THE TRACKAGE IN THE LATE 1990'S AND THE "UP" BOUGHT THEM AND NOW THE TRACKAGE HAS HAD IT'S SIDING CUT AND THE TRAFFIC IS RUNNING OF TWO TRACK WARRENTS INSTEAD OF CTC LIKE IT WAS UNDER THE GM&O ANOTHER EXAMPLE IS THE CONTROL MERGER OF CONRAIL BY THE NS AND CSX IN 2001 WHERE THE TACKAGE WAS DOUBLE OR EVER 4 TRACKS IT NOW IS DOWNTWO ONE OR 2 TRACKS SO HOW ARE THE RAILROADS IMPROVINGT THE QUALITY OF LIVING FOR JOHN Q. PUBLIC; IN THE LONG RUN. CN PROPOSES THAT THE TRAFFIC THEY SHIFT WONT HARM ANY ONE BUT HAVE THEY PLANNED ON AN 88% INCRESS IN RAIL TRAFFICLIKE IN THE 1980'S WE SAW THEIMERGING OFFV THE INTERMODAL STACK TRAINS THAT RAN LIKE A PASSENGER TRAIN SPEED AND IN THE FIRST 5 YEARS INRESSED TRAFFIC BY 25%. NOW THE RAILROADS ARE FIGHTING TO BUY RAILROADS THAT THEY SOLD IN THE 1980'S TO MAKE LARGER AND BIGGER SYSTEM OF THERE RAILROAD EMPIRES BUT TO WHAT DOES THAT MEAN TO THE ENVIREMENTAIAL IMPACT OF THE SURROUNDING AREA OF THE RAILROAD AND THE PEOPLE THAT LIVE NEAR IT AND AROUND IT.

THE CANADIAN NATIONAL WILL PUT 40 MILLION DOLLARS TOWARDS GRADE CROSSING UPGRADING BUT THE FACT THAT THERE ARE 198 MILES OF TRACK AND THAT THERE ARE ABOUT 133 GRADE CROSSING AT GRADE BETWEEN WAUKEGAN AND KIRK YARD THAT IS \$19,1387.55 PER GRADE CROSSING THAT CN IS WILLING TO PART WITH TOWARD THE PROJECT OF GRADE CROOSING SPERATIONS WITH CITIES STATES AND FEDERAL GOVERNMENTS COMING UP WITH THE REST BETWEEN THEM USES IT AS A TAX RIGHT OFF ANYWAY TO IT'S ADVANTAGE. I DO NOT SEE ANY REASONNNWHY THE CN SHOULDN'T BE REQUIRED TO PAY FAIR MARKET VALUE FOR THE ELGIN JOLIET &EASTERN RAILROAD IF IT WANTS IT SO BADLY THAT IT SHOULD HAVE TO PAY A PREMIUM FOR IT OTHER WISE ITS JUST ANOTHER RAILROAD THAT WILL BE CHOPPED UP FOR ABANDONMENTS IN LIKE 5 TO 10 YEARS BY THE CN LIKE IT HAS BEEN DOING TO THE OLD WISCONSIN

CENTRAL LTD THAT IT MERGERED WITH IN 2001; AFTER IT PRUCHASE OF THE ILLINOIS CENTRAL IN 1998.

THE ONLY THING THAT MAKES ME WONDER IS WHY THE EJ&E AND NOT A MERGER WITH THE IOWA INTERSTATE OR A BETTER ONE WOULD BE THE TELDO PERIOIA & WESTERN RR. WHICH WOULD MAKE THE TRIP AROUND CHICAGO EVEN LESS CONGESTED THEN THIS ROUTING WOULD BE AND ALSO THE TRAINS COULD MAKE TRACKAGE RIGHT IN THE ILLINOIS MIDLAND RR. OR THE DOUBLE TRACKING OF THE OLD ROCK ISLAND RAILROAD WOULD BE THE BETTER CHOICE OF THE CURRENT ONE IN FRONT OF THE "STB" THIS WAY THE CN COULD COME SOUTH ON THE DW&P FROM FORT FRANCE TO DULUTH, MN. TO THE CN'S WISCONSIN CENTRAL'S FOX RIVER VALLEY SUB DIVISION TO THE BNSF AT LA CROSS, WIS. AND DOWN TO GALESBURG OR TO SILVIS AND EASTON THE IOWA INTERSTATE AND SOUTH FROM THERE TO KENTLAND, IND. WHERE IT COULD MISS CHICAGO ENTIRELY AND MAKE FORT WAYNE, IND.; THEN IT COULD GO EAST TO DETRIOT, MI. AND POINTS NORTH AND EAST TO DELIVER THERE TRAFFIC TO THERE DISTANATIONS IN THE EAST OR NORTH AREAS. THE CN WOULD ALSO HAVE TO TAKE OVER ALL THE TRACKAGE RIGHTS AGREEMENTS WITH ALL THE CLASS "1" RAILROADS THAT CURRENTLY NOW HAVE TRACKAGE RIGHTS ON THE EJ&E RAILROAD. AND WHAT IF THE CN DECIDES THAT THEY DO NOT WANT TO HONOR ANY OF THE TRACKAGE RIGHTS AGREEMENTS THAT ARE CURRENTLY BEING USED BY THE "UP"; "BNSF"; "CP", AND WHAT WILL HAPPEN WHEN FD_34081 IS TAKEN INTO EFFECT WHEN THAT MERGER IS APPROVED BY THE "STB" IF IT IS APPROVED WHERE WILL ALL MONEY COME FROM TO MITIGATE THAT TRANSACTION ALONG WITH THE CN'S MERGER IF IT IS APPROVED WHAT WILL ALL THE FRIEGHT TRAFFIC THEN DO WITH THE COMPLETION OF THE "PRB" TRACKAGE PROJECT THAT THE DAKOTA MINNEAPOLIS & EASTERN RAILROAD HAS ON THE BOOKS FOR COMPLETION WHEN EVER THEY ARE ALLOWED TO START THE BUILDING OF IT WHAT WILL THE CHICAGO LAND AREA DO WITH ALL THE NEW COAL UNIT TRAINS COMING INTO THE AREA AND HOW WILL THEY BE ABLE COPE WITH A 35% TRAFFIC INCREASE IN THIS AREA WITH OUT A MAJOR TRACKAGE INCREASE TO BE

ABLE TO MOVE MORE TRAFFIC ON THE CURRENT TRACKAGE WITHOUT ANY INCREASE IN NEW TRACKAGE ADDED TO THE AREA; THAT IS SORELY NEEDED TO MAINTAIN THE TRAFFIC LEVELS THAT WE CURRENTLY HAVE AND THE INCREASED TRAFFIC INTO THE FUTURE THAT WE DO NOT HAVE THE TRACKAGE AREA TO CONTAIN OR TO MOVE WITHOUT ANY TYPE OF TRACKAGE INCREASES TO THE CHICAGO AREA'S TRAFFIC FLOW. WE NEED TO INCREASE THE NUMBER OF TRACKS TO MOVE THE FREIGHT ON WITHOUT ABANDONING TRACKAGE OR RE-SINGLE TRACKING IT AGAIN. WE NEED TO HAVE A LONG-TERM PLAN TO INCREASE RAILROAD CAPACITY IN THE AREA NOW CUT IT LIKE THE "UP" DID AT PROVISOR YARD THE BIGGEST RAIL YARD IN THE CHICAGO AREA THAT NEEDS MORE TRACKS THAN LESS TRACK FOR CLASSIFICATION OF RAILWAY CARS IN THE 1960'S PROVISOR HAD 9 YARDS FOR CLASSIFICATION OF TRAINS NOW THERE DOWN TO 3 1/2 YARDS TOO DO IT IN WITH TRAFFIC INCREASING AND NOT DECREASING ANY TIME IN THE NEXT 35 YEARS UNLESS THEY FIGURE OUT HOW TO HAVE AN "AIR TRAIN" THAT CAN FLY OVER THE CURRENT TRAFFIC PATTERNS.

SO HOW IS THE AREA TO CONTEND WITH AN SUPER INCREASE OF TRAFFIC IF THE CN IS ONLY GOING TO APPLY 40 MILLION DOLLARS TOWARDS GRADE CROSSING SEPARATIONS FOR THE PUBLIC TO DRIVE UNDER THE CN RAILROADS TRACKS FOR EMERGENCY VEHICLES UNLESS THE "STB" CAN BE PUSHED TO THE IDEA THAT THE CN SHOULD HAVE TO PAY AT LEAST 35% TOWARDS ANY TRAFFIC PROBLEMS THAT THEY CREATE WITH REGARDS TO THE FIRE AND EMERGENCY SERVICES ALONG THE RIGHT OF WAY THEY WANT TO BUY FOR SO SMALL A PRICE \$300 MILLION IS A DROP IN THE BUCKET COMPARED TO WHAT THE MERGER WILL BE MOVING TO THE AREA AND WE WON'T SEE ANY OF THIS MONEY TO HELP THE PEOPLE THAT LIVE HERE NOW SO WHY SHOULD THIS MERGER BE CONSIDERED AS GOOD FOR DUPAGE AND WILL COUNTIES WHAT DO WE GET FROM THIS IF THE DEAL THAT RTA AND THE EJ&E ISN'T REALIZED TO O'HARE AIRPORT. CN SHOULD BE REQUIRED TO PAY MORE THAN 25% TOWARDS THE GRADE SEPARATION PROGRAMS ON THE EJ&E OR FORGET THE MERGER AT ALL THE CITY OF CHICAGO IS BANKING ON THIS

MERGER SO THAT THEY CAN BUILD MORE TOWARD THE SUMMER GAMES OF 2016; ON THE OLD FRIEGHT YARDS THAT THE CTY OF CHICAGO WOULD NOT HAVE IN THE CITY AS THEY WOULD BE OUTSIDE OF COOK COUNTY AND THAT THE CITY OF CHICAGO COULD BUILD ON THE RAILWAY YARDS TO INCRESS THEIR PROPERTY TAX BASE BY USING THE RAILWAY YARDS AREAS TO BUILD HOUSING AND OTHER ITEMS ON THE OLD RAILROAD YARDS MAKING THE CITY MORE POPULATED THAN THE SUBURBS PER SQUARE FOOT WITH CONDO'S OR HIGH RISES ON THE RAILROAD'S RIGHT OF WAYS THAT BY THE USE OF EMINENT DOMAIN BY CHICAGO THEY CAN THEN BUILD ON BY WHICH THE LAND WOULD BE GONE FOREVER AFTER AND IF FOR SOME REASON THAT CONGRESS WOULD PASS A RAIL FUNDING BILL THE TRACKAGE COULD NEVER BE REPLACED IN THE CHICAGO CITY LIMITS AS MAYOR DALEY WANTS TO HAVE DONE JUST AS HE BULDOZED THE MEIG'S FIELD AIRPORT AND IS FIGHTING TO KEEP THE MONEY THAT THE "FAA" SPENT FOR THE CONTROL TOWER AT MEIG'S BECAUSE OF SEPTEMBER 11,2001. SO WHAT WILL HAPPEN TO RAIL TRAFFIC IN CHICAGO IF THE SAME IS DONE TO THE RAILROAD YARDS IN THE CITY OF CHICAGO WHERE WILL THE FRIEGHT TRAFFIC GO TO IF NOT INTO CHICAGO? CRETE, IL. IS THE CN'S IDEA OF A YARD REPLACEMENT FOR WOODCREST YARD THAT CN SHUT DOWN IN FAVOR OF GLENN YARD; THE ONLY PROBLEM WITH THAT IDEA IS THAT WOODCREST WAS A 20 ACREA AREA WHERE AS GLENN YARD IS LESS THAN ½ ACRE TO BUILD FRIEGHT TRAINS ON AND THE CN NEVER SAID THAT THEY WERE GOING TO CLOSE DOWN WOODCREST YARD IN THERE 1998 FILINGT FOR CONTROL OF THE ILLINOIS CENTRAL RAILROAD TO THE "STB" SO WHY SHOULD THIS MERGER BE APROVED CAUSE THE CN ISN'T FOLLOWING THE REGULATIONS CORRECTLY FOR A RAIL MERGER THEY SEE 2 YEARS DOWN THE ROAD NOT 35 YEARS AND THE TRAFFIC PROBLEMS THERE NOT MENTIONING WILL BE REALITY IN 1-2 YEARS DOWN THE ROAD AND THERE STICKING THEREEAD IN THE SAND AND NOT LOOKING AT THE MAJOR HARMFUL EFFECTS OF THIS MERGER THERE LOOKIMNG AT THE BOTTOM LINE OF THE STOCK PRICE AND WHAT THEY CAN MAKE BEFORE THERE IS A RAILROAD MELT DOWN AGAINN LIKE THERE WAS WHEN THE WISCONSIN CENTRAL STARTED OPERATIONS IN 1986; WHEN THE "UP" BOUGHT THE

"CNW" IN 1994; WHEN THE "UP" BOUGHT THE "SP" IN 1995; AND WHEN THE "NS & CSX" BOUGHT CONRAIL IN 2001. I SEE ONLY TROUBLES AND WASTED GASOLINE WAITING FOR THE CAR TRAFFIC AND EMERGENCY VEHICLES WITH DEATH RATES FROM LACK OF ON TIME EMERGENCY RESPONSES LOST TO THIS MERGER BY DELAYS IN TREATMENT BY THE PARAMEDICS CAUSE THEY CAN'T GET AROUND A STOPPED FREIGHT TRAIN OR BECAUSE THE LENGTH OF THE TRAIN IS WAY TOO LONG FOR ALL THE CLOSE GRADE CROSSINGS THAT ARE IN CERTAIN AREAS OF THE AREA SO WITHOUT THE CN PAYING FOR ALL THE NEW IMPROVEMENTS THAT THE GRADE CROSSINGS WILL NEED ALONG WITH THE CTC SIGNALING OF THE SYSTEM ALONG WITH ALL OF THE CITY OF CHICAGO AND THE SUBURBS I SEE NO EARTHLY REASON FOR THIS MERGER TO BE APPROVED AT THIS TIME TELL THE CN TO COME BACK WHEN WE KNOW MORE ABOUT "FD_34081" TO, AND RE APPLY FOR THE MERGER IN 2 YEARS

I DON'T SEE ANY WAY THAT THIS MERGER WILL HELP THE PUBLIC GOOD I DO SEE WHERE THE TRAFFIC IS MOVED FROM THE CN'S WISCONSIN CENTRAL'S TRAFFIC WILL GO DOWN BUT AT WHAT COST TO THE TAXPAYER AND AVERAGE CITIZEN IN THE AREA; WITHOUT TRACKAGE BEING INCREASED TO HANDLE THE CURRENT INCREASE IN TRAFFIC THAT THE CN MERGER AND THE CP MERGER WILL DUMP ON THE CITY OF CHICAGO AREA AND WITHOUT A CAPITAL PLAN TO FUND MASS TRANSIT AND RAILROADS I SEE NO REASON FOR THIS MERGER TO BE APPROVED BY THE "STB" FOR ANY REASON UNLESS THE CN IS PAYING OFF THE COMMISSIONERS TO PASS IT

THEN BY WHAT REASONS DOES THE "CN" WANT THE "EJ&E" RAILROAD WEST FOR IF IT WILL BE CONSIDERED AS A PART OF THE "GTW" RR; AS SET FORTH IN CN-2 PAGE 30 "DESCRIPTION OF RESULTING COMPANY" (SECTION 1180.6 (a) (7) (iii)): THAT STATES THAT PURSUANT TO THE AGREEMENT "GTC" WOULD ACQUIRE ALL OF THE OUTSTANDING AND ISSUED COMMON STOCK OF EJ&EW, WHICH WOULD THUS BECOME A WHOLLY OWNED SUBSIDIARY OF "GTC" AND, INDIRECTLY, OF THE "CNR". CN HAS NO PRESENT PLANS TO MERGE THE

“EJ&E” INTO ANY OTHER ENTITY IN THE CN SYSTEM SINCE THERE IS NO PLANNED MERGER OR CONSOLIDATION, THIS SECTION IS NOT APPLICABLE. BUT UNFORTUNATELY THE RAILROAD’S MOTIVES ARE THAT OF A “TAX EXEMPT “ TRANSACTION IN THE EYES OF THE “CN” THERE BY CREATING A TAX LOSS FOR THE “CN”. RE: SAM ZELL’S “PURCHASE OF THE CHICAGO TRIBUNE CORPORATION” THIS WOULD AMOUNT TO ALMOST THE SAME THING ONLY INSTEAD OF A NEWS PAPER CHAIN WE ARE DEALING IN “RAILROAD TRANSPORTATION” AND IT SHOULD BE HELD TO A HIGHER STANDARD DUE TO THE FEDERAL REGULATIONS OF A CANADIAN RAILROADS CONTROL MERGER OF A CLASS III RAILROAD PROPERTY THAT WAS IN TALKS WITH “RTA”/ “METRA” BEFORE OCTOBER 29,2007 FOR POSSIBLE EXPANSION OF THE PROPOSED “STAR LINE” ON THE ELGIN JOLIET EASTERN; FROM JOLIET TO O’HARE AIRPORT AND RUNNING OF SERVICE BETWEEN THOSE POINTS WITH STOPS AT: JOLIET, SHOREWOOD, PLAINFIELD, NAPERVILLE, EOLA TRANSFER, AURORA, WEST CHICAGO TRANSFER, SPAULDING(ELGIN/BARTLETT), PRAIRIE STONE(HOFFMAN ESTATES), BARRINGTON TRANSFER, LAKE ZURICH, HATHORN WOODS, LONG GROVE, MUNDELEIN, LEIGHTON TRANSFER, VERNON HILLS, GREEN OAKS, ROUNDOUT TRANSFER, NORTH CHICAGO, WAUKEGAN; WITH A POSSIBLE CONNECTION TO O’HARE AIRPORT IF THIS MERGER WAS FORGOTTEN WITH “DMUS”; AS TRANSPORTATION TO THE COLLAR AREAS. WITH MORE EFFICIENT WAYS OF TRANSPORTING PASSENGER TO THE VARIOUS TOWNS WITHOUT GOING INTO THE CITY OF CHICAGO AND THEN GOING BACK OUT WEST ON THE CURRENT TRAIN LINES OR THE “CTA” THIS WOULD CREATE MORE EFFECTIVE TRANSPORTATION OF PASSENGERS TO THE OUTLYING SUBURBS WITHOUT HAVING TO BUILD ALL NEW RAIL LINES TO EFFECT THIS BY THE USE OF THE “EJ&E” AND ONLY HAVE TO UPGRADE ALL THE RAIL THAT IS ON THE “J” PROPERTY ALSO REDUCING TRAVEL TIMES BY THE RIDING PUBLIC THIS IS A MORE EFFICIENT USE OF THE “EJ&E” THAN THE CN’S METHOD AND THE COMMUNITIES AROUND THE “EJ&E” WOULD RATHER HAVE THIS USE OF THE “J”; AND WOULD GLADLY SUPPORT THIS PLAN ANY DAY OVER THE PROPOSED INCREASE OF FREIGHT TRAFFIC THAT THE CN WANT TO IMPOSE ON THE AREA. WHAT GUARANTEE’S WILL THE CN SIGN TO PROMISE

THAT THE WISHES OF THE TRAVELING PUBLIC THAT VOTES AND PAYS TAXES TO PAY FOR RAILROAD CONSTRUCTION WILL HAVE THNAT THE CN WOULD ABIDE BY THE PUBLIC'S WANTS AND NOT TRY TO FORCE THE ISSUE IN THERE FAVOR IN THE FUTURE IF THE TOWNS COULD GET A PLAN THAT THEY COULD ALL AGREE ON WITH USE OF THE "EJ&E"; FOR USE WITH FREIGHT AND PASSENGER SERVICE. I THINK THAT IF THE CN WANTEDTO BE SMART THEY WOULD LOOK AT THEIR "METRA ELECTRIC LINE" AND RE-WRIGHT THE PLAN FOR THE MERGER WITH THE PASSENGER TRAIN SERVICE IN THE PLANS FROM WAUKEGAN TO EAST END OF TRACKAGE IN INDIANA WITH EITHER DOUBLE OR TRIPLE TRACKAGE SO BOTH FREIGHT AND PASSENGER SERVICE CAN BE CO EXEST AND WORK TOGETHER.

WHEN WAS THE LAST TIME THAT THE "EJ&E" HAD A SPERRY RAILCAR DO IT'S TESTING OF THE MAIN LINES AND SECONDARY TRACKS AND WHAT WERE THE REPORT FINDING AND WHY WEREN'T THEY INCLUDEDINTO THE DRAFT PROCEEDINGS FOR THE PUBLIC TO READ ANND COMMENT ON CASE AS FAR AS I KNOW THE LAST TIME THAT THE TRACKAGE HAD ANY STUDY BEFORE THIS "EIS"; WASIN APRIL OF 1999. THE REPORT WAS TITLED: "OUTER CIRCUMFERENTIAL COMMUTTER RAIL FEASIBILITY STUDY" PREPARED FOR "METRA" BY THE TYLIN INTERNATIONAL BASCOR IN ASSOCIATION WITH "DLK ARCHITECTURE INC. SO WHY DIDN'T CN TRY TO CREATE A STUDY THAT WOULD HELP THERE PROPOSED APPLICATION OF MERGER WITH USE OF "METRA" IN THE STUDY TO HELP THEM GAIN MORE OF A GOOD NEIBOR POLICY TO THE AREA OR IS THE ALMIGHTY (\$) DOLLAR THERE MAIN REASON FOR THIS MERGER CAAUSE IF IT IS THERE GOING TO END UP LIKE THE "SF& SP MERGER OF 1983 THAT WAS ABLOISHED IN 1986; BY THE "ICC". AND IT TOOK TIL THE MERGER FD_32780 "UP CONTROL MERGER OF THE SP" IN 1996; TO MERGER THE UP AND SP, WHICH SHOULD JHAVE NEVER BEEN ALLOWED UNDER THE "TRANS CONTINENTAL RAILROAD ACT ON 1860 SIGNED BY THE THEN PRESIDENT ABRAHAM LINCLON THAT HAD IN THAT ACT THAT THE "UP" AND "CP/SP"COULD NEVER EVER BE MERGERED INTO EACH OTHER BY ACT OF CONGRESS. SO WHY WERE THEY MERGERED IN 1998; THE FEDERAL LAW WAS ON THE BOOKS SO WHY DID THE "STB" IGNORE THE LALW TO THAT EFFECT. AND

WHY HASN'T THE "STB" GOT THE SAME TEETH THAT THE OLD "ICC " DID HAVE TO FORCE RAILROADS INTO MITIGATING CONDITIONS IF THEY WANTED A MERGER PLUS THE TIME LIMITS UNDER THE "ICC " WERE LONGER AND MORE EXTENSIVELY DRAWN OUT NOT LIKE TO DAYS MERGERS WERE IF THE PUBLIC DOES WATCH THEY MISS THE FACT THAT THERE ARE MERGER PROCEEDING IN THE WORKS AND WHAT WILL THE "SEA" HAVE TO SAY WHEN THE "FD_34081 COMES UP TO THIS POINT AND THERE FREIGHT TRAFFIC STARTS GOING DOWN THE CN/EJ&E IN TWO YEARS HAS THE "SEA" TAKEN THAT MERGER INTO THIS MERGER'S LONG TERM PROGRAM FOR THE YEAR 2015 TIME LINE THAT THEY ARE PROPOSING TO DO OR NOT CAUSE IF THEY DO NOT INCLUDE THAT MERGER THEN THIS MERGER SHOULD HAVE NO CHANCE OF EVER SEEING THE LIGHT OF DAY AND BEING APPROVED BY THE "STB" AT ALL. BECAUSE IF THE RAIL TRAFFIC PLANS FOR THE YEAR 2035; STATE THAT THE CHICAGO AREA WILL BE NEVER BE ABLE TO SUSTAIN THE 88% PERCENTAGE OF FREIGHT TRAFFIC INCREASE WITHOUT A TOTAL TRACKAGE CAPACITY INCREASE FOR THE TRAIN TRAFFIC THAT IS PLANNED FOR THE NATION. SO HOW DOES THIS MERGER PLAN ON BEING ABLE TO MOVE FREIGHT IN THE SUBURBS WITH A 88% INCREASE IN TRAFFIC WITHOUT ANY TYPE OF TRACKAGE ADDITIONS TO THE "EJ&E"? I SEE CN FLOODING THE AREA WITH CONTAINER TRAINS AND USING THE WISCONSIN CENTRAL LINES ALSO TO MAINTAIN THEIR TRAFFIC MOVEMENTS FROM "PRINCE RUPERT" AND I SEE "CP" MERGER GOING THROUGH AND ADDING ALL THE "PRB" COAL UNIT TRAINS OFF THE "CP" BEING ADDED TO AN ALREADY OVER LOADED SYSTEM OF TRACKAGE IN THIS AREA.

SO WHAT GRANTEE WILL THE "SEA" COME UP WITH TO HELP THE AREA SO THAT WE DON'T HAVE FREIGHT GRIDLOCK BEFORE 2015; AND WHAT OTHER PLANNED MITIGATION CAN THEY COME UP WITH TO STOP THE PROBLEMS THAT ARE GOING TO COME UP IN THE NEXT (3) THREE YEARS WITH THE POSSIBLE MERGER OF THE "CP" AND THEIR TRAFFIC THEN FLOWING ON TO THE "EJ&E" AT SPAULDING AND GOING SOUTH ALSO AROUND THE CITY OF CHICAGO. AND WHO KNOWS WHAT OTHER RAILROADS WILL WANT TO MERGE NEXT MAYBE THE "BRC"; "BOCT"; AND THE "IHB" WILL MERGE NEXT REALLY

TOSSING A MONKEY WRENCH INTO THE CHICAGO SWITCHING DISTRICT'S PROBLEMS. OR THE IOWA INTERSTATE MIGHT MERGER ALL OF THE SWITCHING ROADS INTO THERE UNBRELLA CAN THE "SEA" PLAN THAT FAR IN ADVANCE CAUSE I CAN AND I SEE RAILROAD GRIDLOCK TURNING CHICAGO AREA INTO A WAR ZONE WITHIN (2) TWO YEARS IF EITHER OF THE TWO MERGERS ARE PASSED WITH OUT MITAGING THE DUOBLE TRACKING OF ALL "ROW'S" AND THE REBUILDING OF WOODCREST YARD "ASAP"; SO THAT THE CN CAN BUILD THEERE TRAIN UP, AT MARKAM YARD; WOODCREST AT HOMEWOOD, ILL.

WHAT IS THE CN TRYING TO DO BY TRYING AN END RUN AROUND THE "STB"; TO GET THE "EJ&EW" MERGER PASSTED WIIITH OUT THE "STB" ALL BECAUSE THE UNITED STATE STEEL; WILL NOT GIVE THE "CN" AN EXTENTION FOR THE MERGER SOM "CN" WANTS TO FORCE THE MERGER THROUGH BEFORE THE "STB'S" DECISION CAUSE THEY MUST FINALLIZE THE SALEL WITH UNITED STATES STEEL BY DECEMBER 31,2008; AND THE "STB" BE DAMNED IF THEY CANT GET IT PASSED BY THEN. SO I PROPOSE THAT CONGRESS FILE A FORMAL PROTEST TO THE "CN" MERGER IF THEY WANT ANY TYPE OF HELP FROM THE "STB"

IN APPROVING THE MERGER IF THE "STB" SEE'S FIT TO DO SO OR THE "CN" CAN BITE THE BULLET AND LOSE ALL OF THEIR PAST MERGERS OF THE WISCONSIN CENTAL FD_34000; CN CONTROLMERGER OF THE ILLINIOIS CENTAL INN 1998; THE MERGER OF THE GREAT LAKES SHIPPPING COMPANY THAT CONTROLS THE DULUTH MISSABIE & IRON RANGE RAILROAD AND ALL THE IRON ORE BARGES THAT THEY ALSO HAVE A CONTROLLING INTREST IN ON THE GREAT LAKES OTHER THAN THOUS OWNED BY "GATX"; WHO OWNES THE OTHER 2/3RD'S OF THE BARGES PLUS OWNS ABOUT 55%OF ALL FREIGHT CARS THAT ARE CURRENTLY BEING LEASED FROM "GTAX" FOR TACINTIE TRAINS AND FOR ALL THE LEASED COVERED HOPPERS THAT MOOORE THAN LIKELY "CN" HAS A LONG TERM LEASE ON MAYBE THE SAID LEASES SHOULD BE ABOLISHED AND MAKE "CN" HAVE TO RELEASE ALL THERE EQUIPMENT ALL OVER AGAIN INCLUDING FREIGHT ENGINES FOR HAULING THE FREIGHT TRAINS CAUSE THERE LEASING FROM EITHER

HELMS ; GECX; OR UP; NS; CSXT; OR BNSF; OR CP RAIL OR ANY OTHER CLASS 1 RAILROAD OR CLASS 2 OPERATOR I ALSO SEE WHERE THE "IHB"; "BRC"; "BOCT"; AND THE CHICAGO SOUTH SHORE AND ELECTRIC SHOULD RAISE THE FREIGHT TRACKAGE RATES FOR THE "CN" TO COVER THERE OUT OF POCKET EXPENSES DUE TO THE PENDING MERGER FOR COURT COST WITH REGARD TO LOSS OF FREIGHT TRAFFIC PER THE POSSIBLE APPROVED MERGER; "FD_34087". WHAT GRANTEE'S DOES THE "CN" PROMISE TO THE ABOVE NAMES CARRIERS IF THE MERGER GOES THROUGH AND FREIGHT IS MOVED AWAY THE OTHER BELT RAILROAD OPERATOR'S. WILL "CN" USE THE SERVICES OF THE HARBOR OR THE BELT RAILWAY OF CHICAGO IN THE FUTURE OR ARE THEY PLANNING ON ARMAGEDON OF ALL CHICAGO FREIGHT HAULS. "CN" DOESN'T HAVE THE PUBLIC'S BEST INTERESTS AT HEART TOWARDS THIS MERGER IF THEY PLANNING TO FORCE THE MERGER TO BE FORMED WITHOUT A "STB" DECISION IN THEIR FAVOR; IF THIS IS DONE WHY SHOULD ANY RAILROAD WASTE THE "STB'S" TIME IN TRYING TO GET A MERGER PASSED WITH THE HELP OF THE "STB". LETS LET THEM TRY GOING TO EACH STATES LEGISLATURE TO GET WHAT THEY WANT FROM NOW ON THAT SHOULD BE AN INTERESTING IDEA OF TOTAL GRIDLOCK ESPECIALLY IN THE STATE OF ILLINOIS WHERE THE GOVERNMENT CAN'T EVEN PASS A BUDGET ON TIME FOR THE NEXT FISCAL YEAR OF STATE FUNDING I COULD SEE THE ILLINOIS STATE HOUSES PASSING ON TO THE "CN" A NICE 15% PER TON MILE TO EACH CAR THAT TRAVELS ON THE "CN" AND I CAN SEE EVERY RAILROAD IN THE "USA" ALSO BEING TAXED THAT SAME 15% OR EVEN MORE DEPENDING ON THE RAILROAD CAN THE "CN" AFFORD TO HAVE THAT HAPPEN TO THEIR RAILROADS AND ALSO THE FACT THE ILLINOIS STATE REPS WOULD DEMAND A QUARTERLY STATEMENT TO THEM OF THE "CN'S" PROFIT JUST LIKE THE "SEC"; DOES I WONDER WHAT KIND OF "R-1" STATEMENT THEY WOULD WANT TO SEE ON THE "CN". HAS THE "STB" SENT "CN'S"; "R-1" TO ANY ONE BECAUSE I WOULD LOVE TO SEE IT FOR MY READING AND ALSO FOR MORE AMUNITION AGAINST THEM IN FACT THE "CN" IS REQUIRED TO MAIL TO ALL PARTIES OF RECORD A "SEC 10 K"; FOR THEIR INFORMATION SO WHY DOES THE RAILROAD THINK IT IS ABOVE THE FEDERAL LAW IN NOT SENDING THAT

INFORMATION ABOUT THE CASH FLOW TO THE PARTIES OF RECORD OR BETTER YET INCLUDING THAT INFO IN THEIR FILED APPLICATION TO THE "STB" "FD_34087; WHY WASNT THAT INFO THERE FOR THE COMMUNITIES TO REGISTER IN MAKING UP THEIR MINDS ABOUT THE MERGER. APPLICATIONS FOR CONTROL MERGERS ARE REQUIRED TO HAVE ALL THE FACTS IN THEIR FILINGS NOT JUST THE ONES THAT THE RAILROAD WANTS YOU TO SEE. MAYBE THAT'S WHY THE 1995 CONGRESS GOT RID OF THE 7 MAN BOARD THAT MADE UP THE "ICC"; AND REPLACED IT WITH A MERE SHELL OF ITS TEETH SELF NOW CALLED THE "STB" WITH ONLY THREE MEMBERS TO MAKE THE RULING. JUST AS THE CREDIT CARD COMPANIES AND BANKS HAD THE CONGRESS REWRITE THE BANKRUPTCY CODE INTO THEIR FAVOR EXCEPT FOR THE CREDIT CRUNCH THAT IS NOW ON THE MOVE IN ALL 50 STATES. OF THE "USA". SO HOW DOES THE "CN" PLAN ON SUEING THE FEDERAL GOVERNMENT AGENCY THAT IS SUPPOSED TO "APPROVE OR DENY" THE MERGER THAT THEY SO WANT TO BE APPROVED. I HAVE YET TO FIND A CASE WHERE THE FEDERAL GOVERNMENT LOST A CASE IN COURT TO ANY ONE OR ANY COMPANY; THE BEST CASE IS THE HEARING BY THE "GAO" ON THE TANKER CONTRACT BETWEEN BOEING AND AIRBUS; BUT THAT WAS ONLY A RE BIDDING RULING CAUSE THE RULES WERE CHANGED 2/3RD'S OF THE WAY INTO THE BIDDING BY THE AIR FORCE.

SO WHAT DOES THE "CN" HAVE PLANNED NOW FOR THE MERGER IS IT READY TO HAVE ALL ITS PAST MERGERS ABOLISHED AND THEN LOSE ALL OF THEIR TRACKAGE RIGHTS AGREEMENTS TO THE CHICAGO AND AREA IT WILL BE SOMETHING IF THAT WERE TO BE DONE AS WAS DONE IN THE SANTA FE SOUTHERN PACIFIC MERGER OF 1983; THAT WAS ABOLISHED IN 1986; DUE TO ANTI COMPETITIVE EFFECTS OF THAT MERGER AND THE "SF/SP" MERGER WAS ORDERED TO BE SOLD OFF THE SOUTHERN PACIFIC RAILROAD WHICH IT DID TO THE "RIO GRAND WESTERN" IN 1991. WHAT WOULD "CN" DO IF THEY WERE ORDERED TO SELL OFF THE ILLINOIS CENTRAL, THE WISCONSIN CENTRAL, THE GRAND TRUNK AND WESTERN, THE "GLT" AND ALSO LOSE ANY TRACKAGE RIGHTS INTO THE "USA"; ON ANY RAILROAD WHAT SO EVER IT WOULD BE INTERESTING TO SEE WHAT WILL HAPPEN NEXT TO THE "CN". WILL THE FACT THAT

THEY ARE SUING THE "STB" WILL BE MORE TROUBLE THAN IT IS WORTH IN THE LONG TERM AND WOULD THE "CN" SURVIVE THIS AS A LOSS OF RAIL TRAFFIC INTO THE "USA", IF THEY WERE BANNED FROM DIRECT TRANSPORTATION OF FREIGHT INTO THE STATES IT WOULD BE THE BIGGEST LOSS IN MERGERS TO EVER HAVE HAPPENED SINCE THE CREATION OF THE "STB" IN 1995. AND THE SECOND TIME THAT A MERGER WAS ABLOISHED EVER, IN THE HISTORY OF RAILROAD MERGERS. SO WHAT WILL BE THE OUT COME A MERGER OF LOSS OF ALL PAST MERGERS, AND WHAT WOULD THAT SAY TO THE RAILROAD COMMUNITY AS A WHOLE. TO THE ADVANCEMENT OF MERGERS IN THE FUTURE FOR ANY RAILROAD WHAT SO EVER WILL THEY TRY TO MERGE OR STAY AWAY FROM A MERGER IF AT ALL POSSIBLE, IF THE "STB" WINS THE LAWSUIT AGAINST THE "CN". THIIIS MIGHT BE THE END OF RAILROAD MERGER'S, AS THEY ARE KNOWN FOR THE FUTURE OF THE RAILROAD INDUSTRY IF THE "CN" LOSES.

SO WHAT IS THE USE OF BRINGING INTO THE CHICAGO AREA SUYPPER INTERMODAL TRAINS OF 10,000 FEET INJ LENGH IF THERE ISNT THE RAILROADCAPASITY TO HANDLE SAID TRAINS IN THE CHICAGOLAND AREA, BECAUSE WITH OUT FREIGHT TRAIN CAPASITY THE MERGERS THAT ARE BEING FOR TOLLD TO B E HELPFUL ARENT IN THE LONG TERM WITHOUT CREATING TRACKAGE TO RUN THESE TRAINS ON TO AND 19 MILES WILL NEVER BE ENOUGH IN ONE YEAR OR IN 30YEARS WITH OUT THE RAILROADS MAKING MORE TRACKAGE TO HOLD THE TRAFFIC INSTEAD OF LESSENING THE TRACKAGE IN THE NEXT 2 YEARS ON ALL RAILROADS NATIONALLY TO INCRESSTHE FLOW OF TRAFFIC WITH OUT THE BOTTLENECKS THAT ARE NOW HERE SO WHAT IS THE "CN" PLAN TO REDUCE BOTTLE NECKS WITH OUT INCREASSING TRAFFIC I DIDN'T SEE ANY PLAN IN THE APPLICATION TO DO SO; EXCEPT FOR DOUBLE TRACKING 19 MILES OF "EJ&E"; UNFORTUNATELY THAT WILL NEVER BE ENOUGH TRACKAGE INCREASED TO HOLD TRAFFIC. SO WHAT IS THE MAGIC BULLET THAT "CN" NEEDS TO ADRESS FOR FREIGHT TRAFFIC, IT ISNT THE CURRENT MERGER IDEA OF ROUTING AROUND CHICAGO THEY HAVE TO THINK FARTHER WEST LIKE THE MISSISSIPPI RIVER AREA TO GET THERE TRAFFIC TO MOVE AROUND THE CITY OF

CHICAGO OR EVEN PARTNERING WITH THE IOWA INTERSTATE RAILROAD FOR TRAFFIC FLOW AND USING THE OLD ROCK ISLAND RAILROAD'S MAINLINE AREA. THE FURTHER WEST FROM CHICAGO THE BETTER ONLY WILL THE "BNSF" ALLOW IT OR NOT. IN ANY CASE THE TRAFFIC CANT FLOW DOWN THE "EJ&E" WITHOUT MAJOR RAIL RECONSTRUCTION BEING DONE FIRST.

THE "EIS" NEEDS TO BE TWEAKED SO "JOHN Q. PUBLIC"; CAN UNDER STAND THE METHODOLOGY OF HOW THE "TRANSPORTATION STUDY" WAS ARRIVED AT FOR THE DELAY IN CAR TRAFFIC VS. TRAINS THE STUDY HAS TO BE ABLE TO LET THE AVERAGE PERSON UNDERSTAND HOW THE STUDY WAS CREATED IN LANGUAGE THAT THE AVERAGE PERSON CAN DECIPHER WITH EASE. "CN" WILL NEED TO RELAY ALMOST (600) SIX HUNDRED MILES OF "CWR" RAIL OF AT LEAST #150'S TO BE ABLE TO MAKE TRAIN SPEEDS OF (40) FORTY MPH; OR CRAWL AT 15 -20 MPH., UNTIL THE RAILS ARE UP TO CODE MEANING THAT THE "EIS" TRAIN TRAFFIC DELAY FORMULA IS WRONG AT THE CURRENT TIME FOR THE AMOUNT OF CARBON THAT WILL BE RELEASED BY SITTING CARS AT ANY GRADE CROSSING PLUS THE "EPA'S" NEWEST REPORT SAYS THAT THE (6) SIX COUNTY "METRA" AREA IS 5% OVER THE FEDERAL GUIDE LINES FOR AIR POLLUTION STANDARDS FROM (2) TWO YEARS AGO WHEN THE NEW LAW TOOK EFFECT. SO HOW DOES THE "CN" PLAN ON ADDRESSING THAT WITH MORE TRAFFIC IN THE AREA. THE "CN" IS FIGHTING A LOSING BATTLE WITH THE "EPA" CAUSE UNLESS THE "CN" PLANS ON TRAINS THAT FLOAT IN THE AIR THEIR TRAFFIC PLAN IS A SHAM WITH THE "CP" MERGER ALSO ADDING TO THE TRAFFIC FLOW IN THEN NEXT (2) TWO YEARS WHERE IS ALL THE FREIGHT TRAFFIC GOING TO BE MOVED TO WITH OUT ANY NEW RAIL LINES EVER BEING ADDED TRAINS WILL RUNN OUT OF TRACKAGE WITHIN THE NEXT (5) FIVE YEARS IF TRAFFIC KEEPS INCREASING AND TRACK CAPACITY ISN'T INCREASED. THE BEST THING THAT THE "STB"; CAN DO IS TO ORDER A MAJOR "FRA" TRACKAGE STUDY ALONG WITH THIS "EIS" FOR THE NEXT (40) FORTY YEARS TO SEE WHERE FREIGHT TRAFFIC WOULD BE IF NO NEW RAILROAD CONSTRUCTION IS EVER BUILD IN THE NATION AND TO SEE WHERE THE NEW BOTTLENECKS WILL BE BESIDES THE PORTS



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--> *By telephone*, to SEA's toll-free hotline established for this proceeding. Dial 1-800-347-0689 and leave your comments after the tone.

This is the first opportunity to submit comments during the environmental review process. Following scoping, SEA will prepare a Draft EIS (DEIS) and will distribute it widely for public review and comment. Questions may be directed to Phillis Johnson-Ball, SEA Project Manager, toll-free at **1-800-347-0689** (TDD for the hearing impaired **1-800-877-8339**). For further information on deadlines and dates, please also see the Board's decision in Canadian National Ry. and Grand Trunk Corp.—Control—EJ&E West Co., STB Finance Docket No. 35087, which is available for viewing and downloading on the agency's Web site at <http://www.stb.dot.gov> under "E-Library," then under "Decisions & Notices," beneath the date "11/26/07." Printed copies of the Board decision also are available for a fee by contacting **ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706, telephone (202) 306-4004, or via asapdc@verizon.net**.

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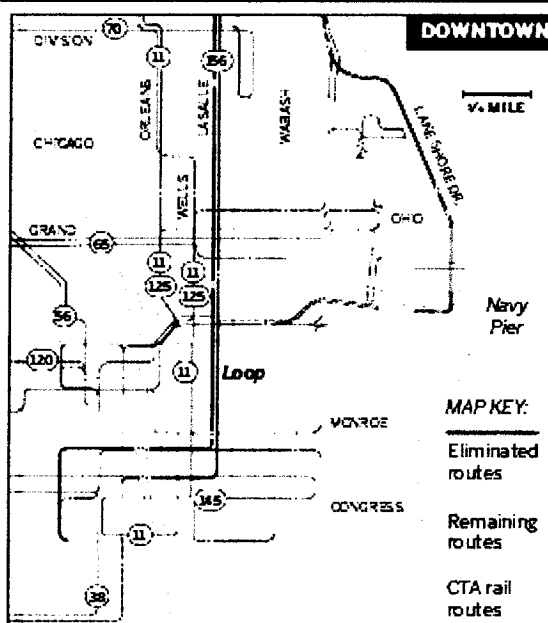
By Charlie Meyerson, Daywatch columnist

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— *I am going to lay down under my desk and weep.*

— *I am going to lie down under my desk and weep.*

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Cook DuPage
Corridor

Preliminary Purpose and Need for Corridor Mobility Improvements

Prepared by Regional Transportation Authority
Approved by Cook DuPage Corridor Policy Committee
December 5, 2006

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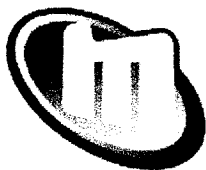


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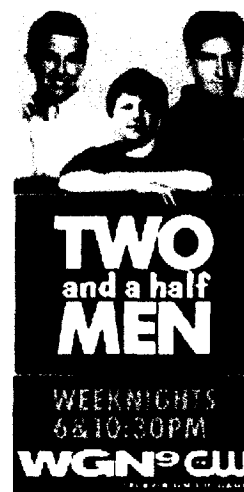
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- (a) Transit access to major employment centers;
- (b) Service quality of I-290 (Eisenhower Expressway);
- (c) Service quality of bus transit; and
- (d) Service quality of arterials.

The first two issues potentially warrant major capital investment: 1) Improving transit access to major employment centers, and 2) Improving service quality of I-290. The Travel Market Analysis also found that a system-wide approach to addressing traffic flow problems and transit coordination issues is critical to affect a meaningful level of improvement, and that any new Corridor transportation investment proposal should strive to improve (and at a minimum, maintain) the current levels of bus and arterial service quality.

1.1.1 Problem Statement

The problem statement adopted by Corridor Technical and Policy committees on January 26, 2006 is as follows:

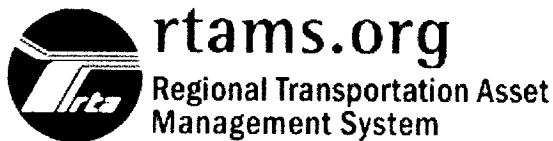
A significant increase in population and jobs has occurred in suburban areas of Northeastern Illinois over the past several decades. Major regional employment centers have emerged in and around the Cook-DuPage Corridor, offering new work locations for both city and suburban residents. As a result, both DuPage county and Cook county are currently net importers of workers. Corridor employment growth is anticipated to far outpace population change in the next 30 years.

Suburban growth in population and jobs has brought about a significant change in travel patterns. While the traditional commute from the suburbs to Chicago remains strong, there has been a large increase in intersuburban and reverse commute travel. The existing Corridor transportation system was established to serve the traditional commute to downtown Chicago. The system does not provide a sufficient level of service and/or range of options to address the high growth travel patterns to Corridor employment centers. This deficiency is most acute for reverse and intersuburban travel markets where transit options are limited or non-existent.

1.1.2 Goals

Goals and objectives articulate the desired end-state and are the basis for evaluation measures that assess how well potential transportation system improvement options address corridor mobility needs. The following seven goals will serve as direction setting principles for the development and evaluation of transportation options, and will be taken collectively in the development and consideration of options.

1. Increase Availability and Efficiency of Transit for Reverse Commuters to Major Suburban Employment Centers;
2. Increase Availability and Efficiency of Transit for Intersuburban Commuters to Major Suburban Employment Centers;
3. Improve Highway and Transit Service Quality in I-290 Travel Corridor;
4. Increase Community and Corridor Benefits;
5. Increase Regional Benefits;



2006 RTA Sales Tax Receipts

Year: 2006

DuPage County

Local Gov't	Distributed To...				Total	Detail
	RTA	CTA	Metra	Pace		
Base & Replacement Sales Tax Collection						
Addison	\$256,911	\$0	\$1,019,079	\$436,748	\$1,712,738	Addison Tax
Aurora	\$393,671	\$0	\$1,561,561	\$669,240	\$2,624,472	Aurora Tax
Bartlett	\$53,140	\$0	\$210,789	\$90,338	\$354,268	Bartlett Tax
Batavia	\$109	\$0	\$431	\$185	\$724	Batavia Tax
Bensenville	\$183,777	\$0	\$728,981	\$312,420	\$1,225,178	Bensenville Tax
Bloomington	\$334,946	\$0	\$1,328,619	\$569,408	\$2,232,973	Bloomington Tax
Bolingbrook	\$18,289	\$0	\$72,546	\$31,091	\$121,926	Bolingbrook Tax
Burr Ridge	\$40,636	\$0	\$161,189	\$69,081	\$270,907	Burr Ridge Tax
Carol Stream	\$215,054	\$0	\$853,049	\$365,592	\$1,433,695	Carol Stream Tax
Clarendon Hills	\$19,419	\$0	\$77,029	\$33,012	\$129,461	Clarendon Hills Tax
Darien	\$113,366	\$0	\$449,683	\$192,721	\$755,770	Darien Tax
Downers Grove	\$490,982	\$0	\$1,947,564	\$834,670	\$3,273,216	Downers Grove Tax
Elk Grove Village	\$32,432	\$0	\$128,648	\$55,135	\$216,215	Elk Grove Village Tax
Elmhurst	\$399,763	\$0	\$1,585,726	\$679,597	\$2,665,085	Elmhurst Tax
Glen Ellyn	\$108,667	\$0	\$431,047	\$184,734	\$724,449	Glen Ellyn Tax
Glendale Heights	\$186,478	\$0	\$739,697	\$317,013	\$1,243,189	Glendale Heights Tax
Hanover Park	\$44,401	\$0	\$176,123	\$75,481	\$296,005	Hanover Park Tax
Hinsdale	\$71,780	\$0	\$284,727	\$122,026	\$478,533	Hinsdale Tax
Itasca	\$191,555	\$0	\$759,835	\$325,644	\$1,277,034	Itasca Tax
Lemont	\$529	\$0	\$2,099	\$899	\$3,527	Lemont Tax
Lisle	\$170,153	\$0	\$674,940	\$289,260	\$1,134,352	Lisle Tax
Lombard	\$407,757	\$0	\$1,617,435	\$693,186	\$2,718,378	Lombard Tax
Naperville	\$964,962	\$0	\$3,827,684	\$1,640,436	\$6,433,082	Naperville Tax
Northlake	\$37	\$0	\$147	\$63	\$247	Northlake Tax
Oak Brook	\$435,442	\$0	\$1,727,252	\$740,251	\$2,902,944	Oak Brook Tax
Oakbrook Terrace	\$75,222	\$0	\$298,381	\$127,878	\$501,481	Oakbrook Terrace Tax
Roselle	\$73,670	\$0	\$292,223	\$125,239	\$491,132	Roselle Tax
Schaumburg	\$536	\$0	\$2,124	\$910	\$3,570	Schaumburg Tax
St Charles	\$22,533	\$0	\$89,380	\$38,306	\$150,219	St Charles Tax
Villa Park	\$192,232	\$0	\$762,521	\$326,795	\$1,281,548	Villa Park Tax
Warrenville	\$62,180	\$0	\$246,646	\$105,705	\$414,531	Warrenville Tax
Wayne	\$280	\$0	\$1,111	\$476	\$1,868	Wayne Tax
West Chicago	\$142,374	\$0	\$564,750	\$242,036	\$949,160	West Chicago Tax
Westmont	\$287,885	\$0	\$1,141,943	\$489,404	\$1,919,231	Westmont Tax
Wheaton	\$240,979	\$0	\$955,885	\$409,665	\$1,606,530	Wheaton Tax
Willow Springs	\$11	\$0	\$44	\$19	\$73	Willow Springs Tax
Willowbrook	\$99,017	\$0	\$392,767	\$168,329	\$660,113	Willowbrook Tax
Winfield	\$12,500	\$0	\$49,582	\$21,249	\$83,331	Winfield Tax
Wood Dale	\$107,397	\$0	\$426,010	\$182,576	\$715,982	Wood Dale Tax
Woodridge	\$166,827	\$0	\$661,747	\$283,606	\$1,112,180	Woodridge Tax
Unincorporated DuPage County	\$181,308	\$0	\$719,187	\$308,223	\$1,208,718	

1.0 Introduction

A well conceived statement of the transportation problems for which potential options are being analyzed is a key early step in the corridor planning process. Although it is specifically required by the National Environmental Policy Act (NEPA) as part of Draft and Final Environmental Impact Statements, a concise direct purpose and need statement can help guide the conduct of any corridor level analysis. Purpose and need establishes the problems that must be addressed, serves as the basis for development of goals and objectives and provides the framework for determining which alternatives should be considered as reasonable options.

The Cook-DuPage Phase II Options Feasibility study will refine selected projects from the *2030 Regional Transportation Plan* and develop new conceptual transit and highway options specifically to address the Purpose and Need for mobility improvements in the Cook-DuPage Corridor. The new conceptual options will represent various mode and alignment combinations and varying service strategies that are likely to include: 1) making new use of the existing system; 2) hub and spoke; 3) grid network; and 4) key transit corridors with direct point-to-point express and local service. Potential options will constitute very different ways of accomplishing the same desired results. Complete, options will likely be composed of major capital projects, management and operations improvements and service delivery strategies; will need to meet goals sufficiently well and be defined in enough detail for the public to understand.

This draft preliminary Purpose and Need Statement will provide the basis for consideration of transportation alternatives to improve mobility in the Cook-DuPage Corridor, and for decision making and recommended actions identified in the Options Feasibility Phase that are carried forward for further study. The need identifies and describes underlying corridor mobility problems or deficiencies to be solved and provides supporting facts and analysis. The purpose is made up of a set of one or more goals and quantified, measurable objectives that must be met to a degree that sufficiently fulfills the underlying need.

This purpose and need statement is a statement of a transportation problem based on collective analysis of major travel markets; it is not a statement of Purpose and Need for any proposed action since a specific action has not yet been identified. Nevertheless, this purpose and need statement is specific enough to generate conceptual options that may potentially evolve into specific projects or actions.

It is anticipated that federal actions, federal projects and federal funding will likely be a part of the implementation plan for mobility improvements in the Cook-DuPage Corridor. Accordingly, this Purpose and Need can also serve as the foundation for development of a Statement of Purpose and Need for a specific action for which NEPA review is required. Based on the outcome of the Options Feasibility Study, the Purpose and Need will be revised to reflect resulting proposed actions or Locally Preferred Alternatives.

1.1 Summary of Purpose and Need

The Cook-DuPage Corridor study will identify the need for major mobility improvements in the corridor, and develop and evaluate potential major transportation investments to address stated needs. The overall goal is to find the most effective and desired transportation system improvements for this portion of the Chicago metropolitan area.

The *Travel Market Analysis* (December 2005) indicates four critical mobility issues of the Cook-DuPage Corridor:

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	22 Texas Eagle	Bloomington-Normal, IL (BNL) 11:43 am 31-MAR-08	Chicago, IL - Union Station (CHI) 2:14 pm 31-MAR-08	2h 31m	Dining car, Lounge, Checked baggage, Onboard wheelchair ramp Train sold out
	422 Texas Eagle	Bloomington-Normal, IL (BNL) 11:43 am 31-MAR-08	Chicago, IL - Union Station (CHI) 2:14 pm 31-MAR-08	2h 31m	Dining car, Lounge, Checked baggage, Onboard wheelchair ramp Seats Sold Out - Select Other Option VIEW UPGRADE OPTIONS
	304 Lincoln Service	Bloomington-Normal, IL (BNL) 5:56 pm 31-MAR-08	Chicago, IL - Union Station (CHI) 8:40 pm 31-MAR-08	2h 44m	Snack car 1 Reserved Coach Seat VIEW UPGRADE OPTIONS
\$12.00					
	306 Lincoln Service	Bloomington-Normal, IL (BNL) 8:36 pm 31-MAR-08	Chicago, IL - Union Station (CHI) 11:10 pm 31-MAR-08	2h 34m	Snack car 1 Reserved Coach Seat VIEW UPGRADE OPTIONS
\$12.00					

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Total Sales Tax Collection	\$7,028,171	\$0	\$27,878,410	\$11,947,890	\$46,854,470

Source: State of Illinois Department of Revenue & Regional Transportation Authority

The RTA sales tax and its distribution formula is authorized by Illinois statute. The sales tax rates are 1.0% in Cook County and 0.25% in the 5 collar counties. According to the statutory formula, the RTA retains 15% of the sales tax and passes on the remaining 85% to the CTA, Metra and Pace. Of this 85%, CTA receives 100% of the City of Chicago tax and 30% of the suburban Cook County tax, Metra receives 55% of suburban Cook County tax and 70% of the tax collected in the 5 collar counties, and Pace receives 15% of the suburban Cook County tax and 30% of the collar counties' tax.

[Click Here to see these figures for the entire 6-county RTA service area.](#)

6. Reduce Adverse Environmental Impacts; and
7. Increase Cost Effectiveness.

1.2 Background

The Regional Transportation Authority (RTA) is undertaking the Cook-DuPage Corridor Study in partnership with the Illinois Department of Transportation to examine potential major transportation system improvements to address the mobility needs in Chicago's west side and the western suburbs of the Chicago metropolitan area. The travel needs of the Corridor are of a magnitude that potentially warrants a major transportation improvement(s) (capital projects over \$100 million); as such, the Cook DuPage Corridor study is being undertaken consistent with Major Investment Study and Federal Transit Administration New Starts requirements.

The Cook-DuPage Corridor is recommended for multi-modal analysis in the region's *2030 Regional Transportation Plan* (RTP) adopted by the Chicago Area Transportation Study Policy Committee in October 2003. The plan includes a number of proposed projects in Chicago's west side and the western suburbs,, including rapid transit and commuter rail upgrades and extensions, new commuter rail and bus rapid transit lines, and additional lanes on interstate highways. Some of these projects are authorized for preliminary engineering in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The goal of the Cook-DuPage Corridor Study is to identify the most effective and desired transportation investments to improve mobility in this heavily traveled portion of the Chicago metropolitan region.

The Cook-DuPage Corridor Travel Market Analysis (TMA), the first phase in the RTA's corridor planning process describes existing conditions and expected future trends in the corridor for demographics, employment, and transportation services and usage. It also identifies the most significant and regular travel patterns for which the transportation system is not currently providing a sufficient level of service and/or range of mobility options; and for which a significant investment in the transportation system may be warranted to improve mobility of the affected travelers. Nine distinct travel markets were identified and evaluated among Traditional, Reverse and Inter-suburban commute categories. The Travel Market Analysis study phase, completed in December 2005 identifies the major mobility issues impacting the corridor:

- (a) Transit access to major employment centers;
- (b) Service quality of I-290 (Eisenhower Expressway);
- (c) Service quality of bus service; and
- (d) Service quality of arterials.

The first two warrant potentially major capital investment. The other two may warrant capital investment, although not likely major capital investments, as they fall more into the category of service operations and system management issues. The four mobility problems are all very important and are interrelated. While the Cook-DuPage Corridor study will keep the first two as its focus, solutions for the first two should strive to help and definitely not hinder the other two.

Based on the results of the Travel Market Analysis and reaction from local stakeholders, the RTA is proceeding to Phase II of the Cook-DuPage Corridor Study – Options Feasibility. Phase II will define and screen on a high level a comprehensive list of multi-modal options

that will serve the intersuburban and reverse commute travel markets; and respond to the major mobility needs identified in the Travel Market Analysis. New potential projects generated as part of this Options Feasibility study to meet identified corridor mobility needs, as well as several RTP project proposals, will be considered. This phase will produce a small set of options that are capable of achieving technical and policy objectives for further analysis.

By undertaking the Cook-DuPage Corridor Phase II Options Feasibility Study the RTA is establishing outline parameters for subsequent alternatives analysis, NEPA documentation, preliminary engineering, project funding and implementation.

1.3 Relationship to Regional and Local Transportation Plans

Responsibility for maintaining, improving, and expanding highway and transit infrastructure is shared by many entities. The Chicago Area Transportation Study (CATS), led by a Policy Committee composed of county and local government representatives as well as regional planning agencies, transportation agencies and federal funding/oversight agency representatives, is the Metropolitan Planning Organization responsible for regional transportation planning in northeastern Illinois, consisting of Cook, DuPage, Kane, Kendall, Lake, McHenry and Will counties, and a portion of Grundy county. Long-range planning for the regional transportation system helps provide the coordination needed to address mobility, cost efficiency, and environmental protection.

The Illinois Department of Transportation (IDOT) has jurisdiction over the expressway system and many of the region's major arterials. Meanwhile, the Illinois State Toll Highway Authority (ISTHA) has jurisdiction over tollway routes. County and local units of government control other roads.

Transit services and infrastructure fall under the purview of the Regional Transportation Authority (RTA) and its three service boards: the Chicago Transit Authority (CTA), Metra commuter rail, and Pace suburban bus, along with other private transportation providers. In addition, Metra's commuter rail operations depend largely on tracks owned by freight railroads such as the Burlington Northern Santa Fe and Union Pacific who have jurisdiction over their own lines. Within the Cook DuPage Corridor Metra operates three commuter rail lines. The Chicago Transit Authority (CTA) operates three rapid transit lines and fixed route bus service. Pace operates fixed route bus service, American Disabilities Act paratransit service, and vanpool services. CATS' Share-the-drive provides regional rideshare services.

1.3.1 Relationship to Regional Transportation Plan

The Cook-DuPage Corridor is itself one of several multi-modal study corridors named in the region's *2030 Regional Transportation Plan*. Multi-modal study corridors integrate analysis and evaluation of RTP strategic, system, project and corridor recommendations. A number of major capital projects that could potentially improve mobility for the major travel markets of the Cook-DuPage Corridor are included in the region's *2030 Regional Transportation Plan*. Of the Plan's over 50 major capital projects, 11 aim to address mobility improvements in the Cook-DuPage Corridor (see Table 2.4 on page 18). However, the RTP projects were identified prior to the Cook-DuPage Travel Market Analysis and were not developed specifically to address the mobility needs of the Cook-DuPage travel markets upon which they may have an impact.