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21900 Green Forest
Deer Park, IL 60010
February 15, 2008

Surface Transportation Board
395 E. Street, SW
Washington, DC 20423
Attn. Phillis Johnson- Ball
Environmental Filing
STB Finance Docket NO 35087

Surface Transportation Board
CN-EJ&E EIS - FD-35087
Log and Distribution

Date Recvd: _____
HDR File No. _____

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Cc: Original - Job File

Dear Ms. Johnson- Ball:

HDR

I am writing to you regarding the above-referenced docket to express my opposition to the acquisition of the EJ&E by Canadian National Railroad.

I respectfully request that you examine the following concerns as part of your scoping study:

(1) Impact on the increase of hazardous (HAZMAT) waste transported and the particular risk on homes and businesses with private wells if the train derails. See attachment 1 from the Chicago Metropolitan Agency for Planning which indicates Inland Surface Water and Ground Water which supplies many areas West of the "closer-in" Chicago suburbs. The EJ&E runs along many of these environmental sensitive areas that would be severely impacted negatively if a train spills HAZMAT.

Attachment 2 provides concerns I have with CN's safety record. Particularly disturbing examples include 74 derailments in 2004 which grew to 103 in 2005, the Lake Wabamun case, the Feb, 2003 case in Tamaroa, IL when derailed cars released methanol which impacted homes within a 3 mile radius and the Mississippi derailing in July, 2005 that released 15,000 gallons of diesel fuel. Further a 2007 report indicated a recent audit of CN's train uncovered that over half of locomotives had safety defects.

Also please go to the following links which gives information about the results of the Lake Wabamun CN derailment. Months after the accident CN was still working to provide residents with water. Also, CN didn't know the chemical in the tank car at the time of the derailment because the customer didn't disclose that information.

http://www.atsdr.cdc.gov/HAC/pha/tamaroa/ttd_p1.html

<http://www.publicsafety.gc.ca/dob/incidents/2005/im05-013-eng.aspx>

Please consider requiring the following mitigation by CN:

- 1) Require CN to replace all old deteriorating track with brand new rail, replace old cross ties, weld joints and smooth out the surface of the track. Also, have CN implement several advanced engineering projects including rail-defect detection tracks and ongoing rail testing. These efforts would minimize derailments and accidents. This is especially needed because EJ&E was built decades ago. Further, the fact that the EJ&E runs thru these areas with well water supply (vs. pipes) makes these areas particularly vulnerable to spills.
- 2) Forbid double stacked trains
- 3) Require of CN that they have a record of the contents of every rail car.
- 4) If you can not restrict the number of HAZMAT waste transported, then pipes and sewers need to be installed to supply water to homes that could be impacted by a HAZMAT spill at CN's expense. In addition, require CN to have adequate liability insurance to pay for health damages that may occur, such as death, neurological or respiratory damage to children as a result of a HAZMAT waste spill or repeated inhaling of noxious fumes in the air that CN is propagating.

(2) **Economic Impact.** Examine all homes, schools and businesses that are located at least between 150-300 yards (depending on building density) and determine the degree of impact (visual, sound, vibrations, noxious fumes) brought on by the significant increase in the number and length of trains. Canadian National should compensate homeowners for decrease in home values, health risks and upgrade homes to manage the impact of visual, sound, vibrations and noxious fumes, depending on how the home is impacted.

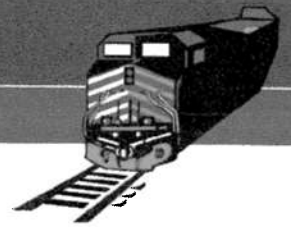
This applies to businesses, schools and day care centers as well. For example, Lake Zurich High School, May Whitney Grammar school, Hawthorne Woods Outdoor Pool, Learning Tree Baby and Childcare center all border the EJ&E line.

In addition, please examine the impact to municipality's property tax base resulting from declining home values and declining sales tax revenue as consumers flee shopping areas difficult to reach because of the trains. Impacted areas include Ela and Cuba Townships. This could put stress on school district, library, forest preserve, police, fire departments and other groups that depend on tax revenue.

Further- please place a cap on the number and length of trains. Also, require CN to install sound walls or dense evergreens on both sides of the train between Cuba and Ela Roads.

(3) **Grade Separation.** While I understand over 100 at grade crossings exist on the EJ&E, please include the crossings at Cuba and Ela Roads. The Annual Average Daily Traffic Volume (AADT) where these two roads intersect is well over 10,000 each. (see attachment 3) Many commuters on these roads are traveling from suburbs even further West and would be negatively impacted. These crossings also include School District 95 buses carrying children.

I expect the AADT for both these roads to increase as JC Penney and Lowe's are in development at the Northeast corner of Cuba and Route 12, not far from these grade crossings. Also, take into account that many bike racers ride on Cuba Road and need a safe way to cross the tracks and access the Cuba Marsh Forest Preserve.



THE CN SAFETY RECORD — WHAT THE MEDIA & OTHERS ARE SAYING

The Barrington Communities Against CN Rail Congestion Coalition has real concerns about what could happen in the greater Chicagoland area when CN begins increasing its freight traffic through the region. The CN record on rail safety is deplorable. At CN, it appears from public records and media reports that profits and productivity goals may take precedence over human and environmental safety.

FROM THE U.S. NATIONAL TRANSPORTATION SAFETY BOARD:

- July 10, 2005 – Two CN freight trains collided in Mississippi derailing 23 cars and releasing 15,000 gallons of diesel fuel that burned for 15 hours. Results – 4 fatalities; 100 residents evacuated; property damages exceeding \$9.5 million; environmental clean-up costs totaling \$616,800. Cause – CN crew fatigue.
- February 9, 2003 – Train derailment in Tamaroa, Illinois with derailed cars releasing methanol. Results – evacuation of an entire village of 850 residents living within a 3-mile radius; fire. Cause – improper rail construction by CN.

FROM AN APRIL 21, 2007 CANADIAN TELEVISION (CTV) W-FIVE STORY:

A year and a half after the Transport Canada inspections, the audit report has been made public. The recently released report reveals some shocking information about CN's safety record:

54% of locomotives had safety defects.

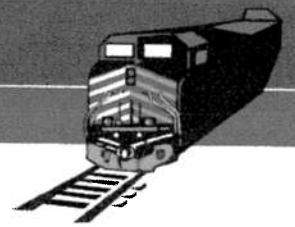
37% of locomotives had Labor Code violations.

50% of train brake tests had safety problems.

26% of CN Rail Crossings had inadequate sightlines.

Audit inspectors also found that most employees reported "there is more emphasis on productivity than on safety."

W-Five requested an interview with President and CEO Hunter Harrison to discuss CN's safety record, derailments, and Transport Canada's audit, but CN refused to participate.



FROM A FEBRUARY 10, 2007 CANADIAN TELEVISION (CTV) W-FIVE STORY:

CN's derailment record is disturbing. In 2005, CN had an astonishing 103 main-track derailments in communities across Canada. That's an average of one derailment every three-and-a-half days.

The CN train that derailed above the Cheakamus River had 144 cars. Longer trains mean bigger profits.

Long-time transportation consultant Greg Gormick says profit-seeking may be behind some of the CN derailments. "Cost cutting that's gone perhaps too far to satisfy investors," Gormick tells W-FIVE.

Cost cutting that is leading to safety problems -- at least that's what Rhodes (a CN Engineer who was the only surviving crew member of a CN rail derailment on June 29, 2006) thinks. "Every train going through this country right now, it's a dice roll with CN," he says.

W-FIVE wanted to talk to CN about their safety history. After weeks of negotiating an interview date, CN agreed to talk to us, on camera -- only to back out of the interview the day before. Instead, CN sent us a seven-page letter extolling their safety record and commitment to safety.

FROM A MARCH 4, 2007 GLOBE AND MAIL ARTICLE:

Transport Canada launched a two-phase CN safety review, which included equipment inspections and an audit of safety management practices.

The first phase of the review found "high safety defect rates" in CN locomotive and freight cars, ranging from minor concerns like loose light bulbs to higher-risk problems with brakes or suspension systems.

The second phase of the review, which focused on safety management practices, found CN had taken steps to improve safety but noted a "disconnect" on safety issues between senior management and front-line workers. Some, the report said, felt "pressured -- productivity, workload, fear of discipline -- to get the job done, which could compromise safe railway operations."

Yes, this is considered the Annual Average Daily Traffic (AADT) volume.

Anthony N. Khawaja P.E.
Lake County Traffic Engineer
600 W. Winchester Rd.
Libertyville, IL 60048
Tel: (847) 377-7400

From: Finley, Rita [mailto:Rita.Finley@infores.com]
Sent: Tuesday, February 12, 2008 2:33 PM
To: DOT
Subject: RE: Cuba and Ela Road

Hello Anthony, thank you for your response. Is this the average daily traffic count? Can you advise of the average daily traffic count for Cuba and Ela Roads by the EJ&E railroad intersection?

From: Dobosiewicz, Wendy E. [mailto:WDobosiewicz@co.lake.il.us] **On Behalf Of** DOT
Sent: Tuesday, February 12, 2008 12:48 PM
To: Finley, Rita
Subject: RE: Cuba and Ela Road

For your information the table below shows the total traffic volume for both directions on each of the intersection legs. The count was taken on July 17th, 2007.

Intersection Location	Township	Village	Date	← ELA ROAD →		← CUBA ROAD →	
				South Leg	North Leg	West Leg	East Leg
Cuba Rd & Ela Rd	Ela	Lake Zurich	7/17/07	12854	16758	5307	9285

Anthony N. Khawaja P.E.
Lake County Traffic Engineer
600 W. Winchester Rd.
Libertyville, IL 60048
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Source: IDOT

From: Finley, Rita [mailto:Rita.Finley@infores.com]
Sent: Tuesday, February 12, 2008 12:21 AM
To: DOT
Subject: Cuba and Ela Road

Hello- what information do you have regarding the vehicle traffic levels that travel thru the Cuba and Ela intersection traveling East <-> West and traveling North <-> South?

Please advise.

Sincerely,

Rita Finley
Resident of Deer Park

Attachment 3

(Kntan)