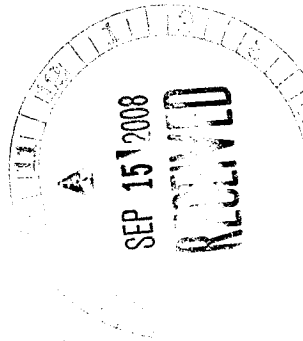


13591



Alton Jay Mitchell
1033 Dockside Court
Naperville, IL 60540

September 8, 2008

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E. Street SW
Washington, DC 20423-001

Re:Docket # 35087

Canadian National Railway Company and
Grand Trunk Corporation – Control – EJ & E West Company

Ms. Quinlan:

I would like to provide favorable comments on the proposed acquisition of the Elgin, Joliet & Eastern (EJ&E) Railroad by Canadian National (CN). The July 25, 2008 draft Environmental Impact Statement (EIS) appears complete, thorough, and fair. I do believe that impacted communities and CN should engage in serious negotiations for the improvement of the at-grade crossings affected by the increased rail traffic. However, the need for this on-going communication should not negatively influence the approval of the acquisition.

I have lived in Naperville for 25 years and have seen it and its neighboring communities change drastically in that time. While the communities have often addressed new issues in the best long-term interests of its residents, their behavior appears myopic and self-centered regarding the acquisition. The plans for routing rail traffic around the congested Chicagoland area are clearly in the best long-term interests of communities, its residents, and the rail companies, yet many city and village leaders are inciting its residents and its elected officials to fear and rebuke the acquisition. All the information provided by Naperville on its website (attached), for example, is biased, its letter templates (two are attached) are skewed, and rather than objective public hearings, only negative "Call to Action Public

Meetings" have been held. Voices in support of the acquisition are clearly not being encouraged to attend and are not welcome.

It is also disappointing that some state and federal elected officials have been sought to interfere with the process being conducted by the Surface Transportation Board. Many officials have come out against the acquisition before studies and have been completed and before constituents have had a chance to voice their opinions. The process should be allowed to complete before anyone rushes to conclusions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alton Jay Mitchell", with a long horizontal flourish extending to the right.

Alton Jay Mitchell

Atts. Naperville Acquisition Website
Sample Naperville STB Letter
Sample Naperville Elected Official Letter

Cc: The Honorable Barack Obama
The Honorable Richard Durbin
The Honorable Judy Biggert, IL-13



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▶ Proposed Acquisition of the Elgin, Joliet & Eastern (EJ&E) Railroad by Canadian National (CN)

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 ▶ Public Involvement
 ▶ Frequently Asked Questions
 ▶ Public Open House Materials (February 13, 2008)
 ▶ City Comments on the Environmental Impact Study
 Sign Up for the EJ&E/CN e-Newsletter

Contact Information

City of Naperville
 Transportation,
 Engineering and
 Development Business
 Group
 400 S. Eagle Street
 Naperville, IL 60540

Karyn Robles
 Transportation Team
 Leader
 (630) 548-1133
roblesk@naperville.il.us

Latest News - Updated July 28, 2008

DRAFT ENVIRONMENTAL IMPACT STATEMENT RELEASED BY STB

The Draft Environmental Impact Statement (EIS) was released by the STB on Friday, July 25, 2008. The draft EIS evaluates the potential environmental impacts such as impacts to wetlands and wildlife, noise and future traffic operations, that could result from the proposed acquisition of the EJ&E Railroad by the CN. A copy of the Draft EIS can be viewed online [\[link\]](#).

The STB will be hosting a series of open houses and public hearings to accept public comments on the Draft EIS. A total of eight meetings will be held during the weeks of August 25 and September 8 throughout the Chicagoland area. The meetings will include an information open house from 4 to 6 p.m. followed by a formal public meeting from 6 to 9 p.m. For Naperville residents, the closest meeting location will be at West Aurora High School on Tuesday, September 9. Information on all eight public meetings is available online [\[link\]](#).

Draft EIS Public Meeting
 Tuesday, September 9, 2008
 Open House: 4 to 6 p.m.
 Public Meeting: 6 to 9 p.m.
 West Aurora High School
 1201 W New York St.
 Aurora, IL 60506

Interested parties who are unable to attend the public hearing may submit comments through the following methods:

- Written letter submitted to:
 Phillis Johnson-Ball
 Surface Transportation Board
 395 E Street, SW
 Washington DCV, 20423
 Red: STB Finance Docket No. 35087
- Electronic comments may be submitted through the Board's website, www.stb.dot.gov, by clicking on the "E_FILING" link.
- Voice recorded comments may be submitted by calling the toll-free project information line at (1-800-347-0689).

All comments must be submitted or postmarked by September 30, 2008.

Related Links

[Surface Transportation Board \(STB\)](#)

[Sign up for Proposed CN/EJ&E Acquisition e-mail updates](#)

[Draft Environmental Impact Statement \[\\[link\\]\]\(#\)](#)

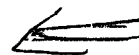
[Public Meeting Information: August 25 - September 8, 2008 \[\\[link\\]\]\(#\)](#)

CALL TO ACTION PUBLIC MEETING HELD JULY 23, 2008

The Call to Action Public Meeting took place at 6 p.m. on Wednesday, July 23 at Waubonsie Valley High School's Gold Campus, 1305 Long Grove Drive, Aurora. For more information on the event, contact Karyn Robles, Transportation Team Leader, at (630) 548-1133 or roblesk@naperville.il.us.

At the Call to Action Public Meeting, residents were asked to sign two letters and add their personal comments expressing their concerns about the proposed acquisition, to be sent to the Surface Transportation Board and to our Congressional representatives. If you were unable to attend the meeting, you can use one of these letters or draft one that communicates your personal concerns about the transaction.

- Letter to the STB (PDF 10 KB)
- Letter to Congressional Representatives (PDF 11 KB)



Following are the materials posted during the July 23, 2008 Call to Action Public Meeting:

- Call to Action: Public Meeting postcard (PDF 137 KB)
- Call to Action: Background (PDF 13 KB)
- Call to Action: Why Are We Concerned? (PDF 14 KB)
- Call to Action: CREATE (PDF 17 KB)
- Call to Action: Naperville, Plainfield and Aurora Involvement (PDF 18 KB)
- Call to Action: Myth vs. Fact (PDF 80 KB)
- Call to Action: STAR Line (PDF 20 KB)
- Call to Action: CN Delay (PDF 28 KB)
- EJ&E Railroad Crossings (PDF 2.8 MB)
- EJ&E Queue Lengths (PDF 7.3 MB)

CITY OF NAPERVILLE'S COMMENTS ON THE REQUEST FOR REVIEW PROCESS TIME LIMITS - On May 30, 2008, the City of Naperville sent its comments to the Surface Transportation Board opposing the Canadian National's request for time limits to be set for the NEPA review process and final decision. Following is a copy of the letter that was submitted:

- Letter to the STB (PDF 74 KB)

Background

In fall 2007, the Canadian National Railroad (CN) announced their proposed acquisition of the Elgin, Joliet & Eastern (EJ&E) Railroad, which runs along the western perimeter of the city. In November, the Surface Transportation Board (STB) determined that the proposed acquisition would be classified as a "minor" transaction, as opposed to a major transaction, but would require an Environmental Impact Study (EIS). The major/minor classification was based on impacts to the railroad industry, not local community impacts.

Following is a map of the railroad and its crossings:

- EJ&E Map (PDF 1.14 MB)

CN projects rail traffic to increase from 15.7 to 42.3 trains per day on the rail segment that runs along Naperville's western boundary. As increased train traffic presents community challenges and may impact our residents' quality of life, city staff has been engaged in all related processes since the inception of the pending railway transaction.

July 23, 2008

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: Docket # 35087, CN Purchase of the EJ&E

Dear Ms. Rutson:

As a resident of a community that will be greatly harmed by the number of freight trains that would operate through the region if Canadian National Railway (CN) is allowed to purchase the EJ&E rail line, I urge you to do everything in your power to ensure that the interests of the residents of our region are protected against the negative impacts of this acquisition.

It is my understanding that the Draft Environmental Impact Study (DEIS) on this transaction will be released shortly. This document will let the region know what we can expect in the way of public protection from your agency. I am very concerned that my community will be facing significant issues related to public safety, environment, traffic gridlock, emergency response times, and economic losses if this acquisition is approved. None of these issues are being adequately dealt with by the CN, which is why I am asking you to fully address these issues in the EIS.

Additionally, in finalizing the DEIS, please ensure the following two issues are fully and adequately addressed:

- CN's unwillingness to provide freight traffic projections beyond three years (a cut off that precedes the Phase 2 expansion of the major new port served by CN – the Port of Prince Rupert in western Canada). CN needs to provide capacity data and operational projections to 2020, at the very least. If the American Association of Railroads can demand taxpayer investments in rail infrastructure to accommodate a projected growth in rail freight of 88% by 2035, it is inconceivable that the CN cannot quantify its own long-range business projections involving the EJ&E.
- Due to the significance of the potential impacts to our communities and region, we must ask for a longer review period than 45 days to respond to the DEIS. Communities need 120 days for a due diligence review that can adequately examine the data used to arrive at the conclusions and to respond to the study's findings.

(over)

Additional Comments:

Thank you for your consideration of my request.

Sincerely,

Name: _____

Address: _____

CC: Illinois Congressional Delegation

July 23, 2008

The Honorable Judy Biggert
United States Congress
1034 Longworth HOB
Washington, DC 20515

and

The Honorable Bill Foster
United States Congress
2034 Rayburn HOB
Washington, DC 20515

RE: Canadian National Railway Purchase of the EJ&E

Dear Representatives Biggert and Foster:

As a resident of a community that will be greatly harmed by the number of freight trains that would operate through the region if Canadian National Railway (CN) is allowed to purchase the EJ&E rail line, I ask that you do everything in your power to stop this deal before it is too late.

While I understand that the Surface Transportation Board (STB) is charged with the review and approval process for transactions of this type, it is my understanding that the STB has almost no history of denying railroad applications as its mandate is to foster rail commerce – not protect communities from the actions of the railroads.

Thank you for all the work you've done to understand the significant issues related to public safety, environment, traffic gridlock, emergency response times, and economic losses that are not be adequately dealt with by the Canadian National Railway. I appreciate your public opposition of this transaction and ask that you step in as our federal elected representatives and take whatever action necessary in order to prevent a transaction that will devastate the economic viability and livability of your congressional districts.

In addition to my concerns about the impacts of this transaction, I would also ask that you help us to ensure that the following two issues are fully and adequately addressed:

- CN's unwillingness to provide freight traffic projections beyond three years (a cut off that precedes the Phase 2 expansion of the major new port served by CN – the Port of Prince Rupert in western Canada). CN needs to provide capacity data and operational projections to 2020 at the very least. If the American Association of Railroads can demand taxpayer investments in rail infrastructure to accommodate a projected growth in rail freight of 88% by 2035, it is inconceivable that the CN cannot quantify its own long range business projections involving the EJ&E.
- Due to the significance of the potential impacts to our communities and region, we must ask for a longer review period than 45 days to respond to the DEIS. Communities need 120 days for a due diligence review that can adequately examine the data used to arrive at the conclusions and to respond to the study's findings.

(over)

Canadian National says this transaction will benefit the region. I fail to see how this is the case and trust that you will represent your constituents' interests and do everything in your power to stop this acquisition.

Additional Comments:

Sincerely,

Name: _____

Address: _____
