

RE: STB FINANCE DOCKET NO. 35087
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The acquisition of the EJ&E Railroad (EJ&E) by the Canadian National Railway (CNR) holds unjustifiable potential for human and environmental disaster and should be denied by Surface Transportation Board.

In the area of Wayne, IL, the EJ&E tracks cut through Pratt-Wayne Woods (P-WW) Forest Preserve's numerous wetlands which provide a lush environment for egrets, great blue herons, wood ducks, beavers, coyotes, foxes, white-tailed deer, red-tailed hawks, screech owls and others. Additionally, P-WW is home to the state-endangered sandhill crane as well as several other threatened and endangered plant and animal species. Undeniably, this tranquil and bucolic scene will be put a risk by CNR's purchase of the EJ&E. CNR's Operating Plan would pace trains on the EJ&E right-away at or near its practical capacity, thereby, significantly increasing the risk of a hazardous waste release or other disasters. Additionally, the increased number of trains could have a corresponding and significant impact on P-WW resources such as groundwater, wetlands, floodplains, surface water, plant communities, fish and wildlife, protected species, air quality, undeveloped land, and recreational land. Long-term productivity of the eco-system could, also, be affected by permanent losses, fragmentation, and unmitigated adverse impacts on the plant and wildlife habitat.

It should be noted that more than 9 miles of trails, including a portion of the Illinois Prairie Path, run through P-WW and are used by hundreds of hikers, joggers, walkers, bikers and horseback riders every day. Unfortunately, much of this trail network runs within yards of the EJ&E tracks and, at points, crosses it at-grade. Until now, the less than 5 trains a day that EJ&E runs on these tracks has not represented much of a problem. However, the situation will change dramatically if CNR is allowed to acquire EJ&E. CNR proposes to increase traffic on the EJ&E tracks to nearly 25 trains a day. This means the people, animals and birds who depend on Pratt-Wayne Woods for recreation and a home will be put in harms way more than once an hour. Without the construction of a multi-million dollar pedestrian overpass at the P-WW Prairie Path crossing in Wayne and the installation of miles of fencing along the right-away, it is only a matter of time before this increased usage ends in deadly results for both man and animal.

Besides P-WW, there are 22 parks in Illinois and 9 parks in Indiana located within 500 feet of the EJ&E rail line; these facilities would experience increased levels of noise and vibration as well as unhealthy changes in air quality. Additionally, there are eighteen forest preserves, nature preserves, state parks, or trails that would be affected by the increased freight train traffic along the EJ&E rail line. Finally, and maybe most importantly, there are 25 schools in Illinois and 6 schools in Indiana located within 0.25 miles of a highway/rail at-grade crossing. All of this is unprotected by safety infrastructure and knowledge that exists along the current CNR right-aways.

Another important consideration is the currently under construction Fox River Regional Bridge at Stearns Road. This bridge, when completed, will discharge hundreds of additional cars daily onto Stearns Road. These cars will be confronted by an at-grade crossing on Stearns Road in Bartlett that already experiences delays from switching activity on the CNR's Munger Road tracks. The rail traffic at this crossing will significantly increase under the proposed CNR acquisition which will lead to more accidents and death as well as long-term negative affects on air quality. The STB notes in its analysis that this situation can be mitigated by requiring CNR to promptly cut trains to clear a blocked crossing or crossings. This has never happened and never will because it cannot be enforced at the local government level.

Then there is the increased noise and vibration that those who live near the EJ&E tracks will have to endure almost 25 times a day. Add to this the loss in property value those residents will experience and it is more than the STB should allow. The Village of Wayne, in particular, has always been known for its bucolic nature and life style. The CNR's proposal would destroy this for everyone, not just those living in proximity to the EJ&E tracks!

And why should the residents and visitors in the EJ&E corridor be expected to endure all of this? The Canadian National Railway would have us believe it is because by diverting its trains along the EJ&E right of way it will provide a greater benefit to the area as a whole. But that, of course, is untrue. The CNR acquisition of the EJ&E will, at best, only divert the noise, pollution and potential for disaster from one area to another. And in the EJ&E area, the risk will be amplified by the dramatic increase in the number of trains and resident unfamiliarity with safety measures and practices, lack of safety infrastructure and years of experience which are already known to those living where the CNR currently operates.

Paradoxically, the acquisition will also increase the net fuel use of CNR trains, thereby, increasing pollution. Therefore, the only real benefit in the acquisition of the EJ&E Railroad is that the Canadian National Railway will substantially increase its profitability. Sadly, not even those profits will benefit the residents in the EJ&E corridor because they will not be taxed in the United States.

Finally, CNR is seeking STB's authorization of this acquisition under 49 USC 11323-11325 which is, in essence, intended to ensure balanced and sustainable competition in the railroad industry. Not even this goal is attained. As a matter of fact, the acquisition of the EJ&E would have just the opposite effect because it would give CNR a competitive advantage. It is for all of the above reasons that the Surface Transportation Board must deny CNR's request to acquire EJ&E.

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