

- The applicants have stated that no reasonable basis for a decision any different from prior precedent has been established. The communities, businesses and residents along the EJ&E line beg to differ. This application is not a carbon-copy of prior acquisitions. The STB should remain open to decisions, actions, and required mitigation, up to the full scope of its authority.
- The applicants have taken action in Federal court to force the STB to render its decision prior to 12/31/2008. As this acquisition and its potential impact have raised concerns at a level not seen in prior cases, accelerating the decision would short-cut the communities' and public's opportunity to participate in the process in a way that the STB could genuinely consider prior to rendering a final decision & recommendation. Shortening the decision timeline would effectively undermine and violate the communities' and public's right to due process.
- The applicants have repeatedly stated that any negative impact of the transaction would be (at least as much) offset by positive impact due to reduced traffic in core Chicago traffic lines. It is important to note that the analysis of the impact only covers the 3-year timeline, leaving no assessment of what the applicants can or intend to do after that. In short, they can (after the 3-year reduction) resume traffic in the core Chicago lines, thereby adding substantial risk, cost, and impact to the entire area, reaping huge profit from the added capacity and leaving devastating impact throughout the area.
- Should the transaction be approved, the STB should require that the applicant's increase in train traffic be contingent upon completed mitigation (whether voluntary or imposed).
- In the applicant's "voluntary mitigation" they state that they will provide funding for mitigations up to their statutorily required levels, as well as other actions related to safety and community outreach, already required of all rail carriers. In short, the applicants "voluntarily" agreed to comply with applicable laws, but nothing more.

Respectfully submitted Aug 27, 2008
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