

**Comments of Will County Board Chairman/Frankfort Township
Supervisor James G. Moustis
At The September 11, 2008 Joliet, Illinois Open House/Public Meeting
of the
Surface Transportation Board's *Section of Environmental Analysis*
RE: The Draft EIS on the CN Acquisition of the EJ&E**

I am Jim Moustis, Chairman of the Will County Board and Supervisor of Frankfort Township, and I thank the Surface Transportation Board for hosting this evening's event. The discussion to date has primarily focused on the traffic impacts to our communities that will be caused by the acquisition of the EJ&E by the Canadian National Railway. Those are problems the CN has the ability and resources to solve and the STB should absolutely require that the CN do so.

But, the CN purchase will also greatly increase the threat of hazardous material threats due to potential accidental or intentional chemical releases. The STB's own map shows that the CN acquisition of the EJ&E will result in a 10-fold increase in hazmat cargoes on the northern half of the EJ&E line, including many communities in Will, DuPage, Cook and Lake Counties; and a 7-fold increase on the southern half of the EJ&E line. *[DEIS, p. 4.2-29]*

According to the chlorine industry, the gas cloud from one 90-ton chlorine tank car can spread out at a lethal level 15 miles downwind by 4 miles wide. *[See attachment 1, the Chlorine Institute plume map for the standard chlorine tank car, from Pamphlet 74, "Estimating the Area Affected by a Chlorine Release", 3^d edition, 1998]* The chemical release from even one rail car in an urban area would be an unprecedented toxic gas disaster for any community, whether the release is accidental or intentional, and this risk is unacceptable.

There are existing, alternative rail routes that are well around and outside the metropolitan Chicago area. Under the National Environmental Protection Act (NEPA) the STB should have considered these alternatives, instead of limiting the

choices of routing to the downtown Chicago lines or the EJ&E suburban loop. Such alternatives are already used by major railroads in other regions of the country.

The *Draft Environmental Impact Statement* summarizes [DEIS p. 4.2-35] the 6 "serious" hazmat railcar events that the CN and EJ&E reported in the Chicago area from 2003-2007, with only a total of 89 people evacuated. The Draft ignores earlier more serious local chemical railcar releases, and the DEIS dismisses future hazmat releases by concluding that they will be minor. It appears that the STB's basic stance is that the CN purchase merely would transfer the impacts of rail cargoes from downtown Chicago to less-populated suburbs [DEIS p. 4.2-38] while dismissing other alternative routes because they don't give the CN what it desires. Yet, there is no guarantee from the Canadian National Railway, the STB or anyone else that the EJ&E purchase would benefit the downtown Chicago lines with a long-term lessening of rail freight including hazmat cargoes, or that either the EJ&E communities or Chicago will be at a reduced risk from incidents of hazardous material releases.

The draft environmental impact statement asserts, without supporting evidence, that the existing regulatory system should be adequate for protection from hazardous material accident risks, but neglects any serious assessment of regional emergency response capabilities. In fact, the Draft EIS ignores the rail hazmat terrorism risk completely.

In conclusion, the Draft Environmental Impact Statement is an incomplete document. For the protection of Frankfort Township, Will County and the region, the acquisition of the EJ&E by the Canadian National Railway (CN) should not be approved unless a comprehensive assessment of all significant impacts and risks is completed, and until they are all effectively addressed. Thank you.

4.4.4 90-Ton Rail Tank Car

ATTACHMENT 1

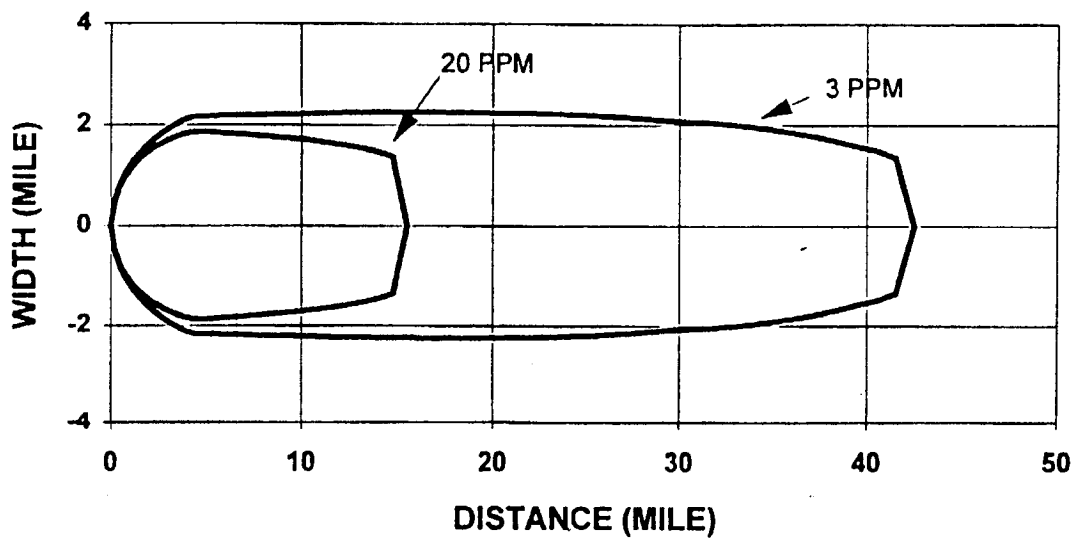
- total mass release = 180,000 pounds
- 10 minute release
- 300 pounds/second steady rate release
- release occurs on concrete surface

Maximum downwind distance to 3ppm = 41.5 miles

Maximum crosswind distance to 3ppm = 2.3 miles

Maximum downwind distance to 20ppm = 14.8 miles

Maximum crosswind distance to 20ppm = 1.9 miles



Note: The scales on the X and Y axes are different.