



City of Aurora

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Thomas J. Weisner
Mayor

May 29, 2008

The Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

RE: Canadian National Railway Company and Grand Trunk Corporation Control—EJ&E West
Company (STB Finance Docket No. 35087)

Dear Ms. Quinlan:

I am writing to express the City of Aurora's opposition to Canadian National Railway Company and Grand Trunk Corporation's (CN) request for establishment of time limits for NEPA review and final decision (CN-33) that was filed before the Surface Transportation Board (STB) on May 13, 2008 for the above referenced docket. I urge the board to reject CN's request and allow the NEPA review process to continue on its current course.

On November 26, 2007, the Board issued decision No. 2 which required the Section of Environmental Analysis (SEA) to prepare an Environmental Impact Study (EIS). In issuing this decision the Board stated: "...a full EIS is warranted in view of the large projected traffic increases on certain line segments, and the potential impacts of the proposed transaction on a number of communities that would likely result from the increased activity levels on rail line segments and at rail facilities" (FD 35087 Decision No. 2 Page 12). Further the Board explained, "The time the EIS will take to prepare cannot be determined ahead of time because there is no way to predict in advance all of the specific issues that may arise. In prior cases, the EIS process has ranged from approximately 18 months to several years" (FD 35087 Decision No. 2 Page 13). To, without cause expedite this process serves to undermine the very purpose of the EIS. It is important to allow the process to fully investigate the impacts of such an acquisition that will impact this community and others beyond our lifetimes.

Aurora and neighboring communities that will be affected by CN's application to acquire the Elgin, Joliet & Eastern (EJ&E) railroad have demonstrated a level of interest that has been unprecedented. From December 21, 2007, when the Section of Environmental Analysis (SEA) published its notice of intent announcing the start of the scoping process and February 15, 2008, when the comment period commenced, approximately 2600 people attended public scoping sessions held at locations throughout the Chicago region and over 3600 people registered comments with SEA. Aurora has joined other affected communities in forming a broad coalition to advocate for our collective interests on the proposed acquisition, which will likely increase the amount of participation during the comment period on the draft EIS.

During the scoping period, participants raised several issues that led SEA to make significant changes when issuing the final scope. These changes will require additional consideration than originally planned in the draft scope of study. The changes include, but are not limited to:

1. Expanding the projection of rail traffic from three to five years
2. Forecasting highway traffic until 2020
3. Evaluate the net increase in emissions
4. Evaluate potential increases in noise and vibration
5. Address quantities and types of hazardous materials that would be transported



6. Include vehicle delay analyses in some instances of highway/rail at-grade crossings with less than 2500 vehicle crossings per day (of which Aurora has six, including the second busiest crossing on the EJ&E line)

7. Evaluate impact on regional passenger rail (METRA)

In addition, many of the interested parties and the SEA itself have raised concern with the accuracy and scope of information CN has provided for the analysis of this transaction. To date, SEA has sent four formal requests to CN asking for information on over 60 issues.

The SEA has estimated a draft EIS would not be ready at the earliest until late summer 2008, and federal law requires a minimum of 45 days for comments; however, due to the level of interest from Aurora and other interested parties, it is likely the comment period will be longer. Finally, it is my understanding that after the record is closed federal law requires a minimum of 30 days before issuing the final EIS; however, completion can take much longer, especially if new information is discovered during the draft EIS comment period.

As noted by the Board in Decision Number 2, the time to complete an EIS cannot be determined due to many mitigating factors. Further, the Board cited past EIS's that have taken 18 months or longer to complete. Under the schedule requested by CN, from the issuance of the final scope at the end of April to the completion of the final EIS would only be six months. For a case and level of involvement that has been recognized by all participants and the STB to be unprecedented, an EIS process that is completed in less than the typical time frame of 18 months to several years, as cited by the Board as an average, would jeopardize the ability of the STB to do the comprehensive investigation warranted and undermine the credibility and authority of the EIS recommendations and proceedings.

For the aforementioned reasons, I urge the Board to reject CN's request for a time frame to be set on the NEPA review and final decision process and consequently preserve the integrity of the process and the public's best interest. Thank you for your consideration on this urgent matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Thomas Weisner', with a stylized flourish at the end.

Thomas Weisner
Mayor
City of Aurora, Illinois