

17353

Ms. Phillis Johnson-Ball
Surface Transportation Board
395 E. Street S.W.
Washington, D.C. 20423-0001

Dear Ms. Johnson-Ball
Re: STB Finance docket #35087

Enclosed herewith for your information
is a copy of a boilerplate letter which
I have mailed to my U.S. Senators and
Congressional Representatives, and my
Mayor Tom Weisner, together with a four
(4) page addenda of my personal
concerns and observations.

I am totally opposed to Canadian
National's ownership/use of the E.J.+E.
tracks unless and until they have
provided and funded necessary safety
measures before their first train rolls.

Your consideration of these concerns
will be appreciated.

F.J. Van Nuffelen

September 9, 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: Support of HR6707 to Oppose the Canadian National Railway (CN) Purchase of the Elgin, Joliet and Eastern Railway Company (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 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 and support HR 6707, the "Taking Responsible Action for Community Safety" Act.

With its planned acquisition of the EJ&E, CN has become the poster child in highlighting the necessity for this clarification of law. It does not make sense to give a private railroad company the ability to determine what is in the best interests of the area and require that taxpayers pay the costs for roadway, environmental, noise and vibration mitigation.

As you may be aware, this proposed bill would require the STB to more thoroughly consider the impacts of a transaction on the surrounding communities and reinforces the STB's ability to include mitigation requirements. The bill changes rail law to explicitly tell the Board that "it shall not approve a transaction" if the adverse impacts on safety and affected communities "outweigh the transportation benefits."

I am very concerned about public safety, traffic gridlock, emergency response times, and environmental and economic losses. 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. I ask that you take all these comments into consideration.

Additional Comments:

Sincerely,

Name:

F. J. Van Nuffelen

Address:



Mr. Frank Van Nuffelen
3072 Quincy Ln.
Aurora, IL 60504-6806

cc: Congressional Transportation Committee

ADDENDUM

STB Finance Docket # 35087
HR 6707

- 1) The West Aurora H.S. was an extremely inconvenient location for residents in the EJE operation area. My home is @ 300' from the Montgomery Rd. crossing, the meeting site required a 20 mile drive.
- 2) The meeting site was not handicap accessible; There were many stairs to the auditorium. The RESTROOM was not handicap accessible. There was no handicap parking near the entrance.
- 3) Several grade crossings need repair - have been posted "ROUGH CROSSING" for several months. Under CN's proposed heavier usage (more trains and longer trains), how often will these crossings be closed for repairs and for how long? Or will they be left as "ROUGH CROSSINGS" (not maintained.)
- 4) A personal experience: I left home for a medical appointment in Naperville. The Montgomery Rd. crossing was blocked by a standing train and traffic was backed up @ 2 mile, there was a steady stream of W.B. traffic that made "U" turns and took alternate routes. I made a "U" turn and drove to the 87th street crossing which was blocked by the same train.

I made another "U" turn and drove to Long Grove and Ogden (Rte 34). Traffic was backed up west of Long Grove so I drove to the McCoy underpass and backtracked. No information was released to explain why 1 Train blocked 3 crossings for an undetermined time.

- 5) The 83rd (Montgomery Rd.) crossing is between a strip mall and several subdivisions. Children with bicycles and skate boards travel to the strip mall frequently. If a CN train blocks the crossing for extended periods of time youthful impatience will result in children dragging cycles and skate boards between railcars. When the train starts up --- to quote a current movie "There Will Be Blood"
- 6) In the same vein, IF THERE ARE FREQUENT and long backups due to train volume and length it will adversely impact the income of many motorists whose income is predicated on timely delivery. These drivers will often be tempted to beat the train RATHER THAN make a late delivery and lose income. An engineer's worst nightmare. Lives will be lost.
- 7) In the 9/9/08 meeting several speakers referenced derailments and HAZMAT spills. Who bears the cost of cleanups and decontamination? Would CN be civilly liable or immune? Would insurance

OR performance and payment bonds be required to fund any liabilities?

- 8) A speaker mentioned the difficulty in obtaining land for overpasses due to the proximity of Commonwealth Edison's high voltage towers along the EJE Right of way. In some areas (i.e. Montgomery Rd) there is little separation between track and towers. What happens if/when there is a derailment, or a lost cargo container, that destroys one or more towers, creating live wire hazards in a residential area, power outages, and loss of Edison's access to a multi state power grid?
- 9) Several School District Representatives from Aurora, Naperville, Plainfield, West Chicago and others referred to schedule interruptions due to buses idling at crossings. Shutting off bus motors is not a viable option due to the need for lights, heat and/or Air Conditioning. No mention was made of the air pollution or the budget impact of wasted fuel.
- 10) Several references were made about decreased property values. I would like appropriate officials to address this issue in respect to compensation for property owners. Will tax assessments

be lowered accordingly? If so, how will the County, Municipal, Park District, School Districts, and other taxing districts address loss of tax revenue?

- 11 Latest news reports state Canadian National has floated an alternate proposal to lease the E. J. & E. tracks from owner U.S. Steel Co. How would this impact legal liability for track and right of way maintenance costs and casualty losses? Would U.S. Steel and E. J. & E. have any contingent liabilities?