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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 15 2008

Surface Transportation Board

CN-EJ&E EIS - FD-35087

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REPLY TO THE ATTENTION OF:

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Ms. Victoria J. Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423
Attn: Environmental Filing, Docket No. 35087

HDR

RE: Scoping Comments on the Notice of Intent to Prepare an Environmental Impact Statement for the Canadian National Railroad (CN) Proposed Purchase of the Elgin, Joliet and Eastern West Railroad (EJ&E) in Northeastern Illinois and Northwestern Indiana

Dear Ms. Rutson:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, and in anticipation of reviewing the Environmental Impact Statement (EIS) for the Elgin, Joliet and Eastern West Railroad (EJ&E), we have reviewed the Notice of Intent (NOI) to prepare an EIS and the Surface Transportation Board (STB) Decision dated December 21, 2007. We have also attended the January 17, 2008 Scoping Public Open House and the January 23, 2008 Agency Scoping Meeting.

As indicated in the NOI and in the scoping meetings, the Surface Transportation Board (STB) has decided to prepare an EIS to address Canadian National's (CN) proposed acquisition of the EJ&E line which would shift rail traffic currently moving over CN's rail lines in the Chicago area to the EJ&E, which traverses the suburbs generally to the west and south of Chicago. CN is one of Canada's two major railroads, extending from Nova Scotia to British Columbia. EJ&E is a Class III railroad that currently operates over 198 miles of track in northeastern Illinois and northwestern Indiana, consisting primarily of an arc of roughly 190 miles around Chicago, extending from Waukegan, IL southward to Joliet, IL, then eastward to Gary, IN, and then northwest to South Chicago along Lake Michigan. Although rail traffic on CN's lines inside the Chicago area would likely decrease, the rail traffic on the EJ&E line would increase from about 3 trains a day upwards to 15-27 trains per day. In addition to this anticipated change on the EJ&E line, CN also proposes to construct six new rail connections and approximately 19 miles of new sidings and or double tracking.

This appears to be a significant project regionally and locally and it likely will have implications nationally. We encourage STB to invest in fully characterizing the existing operations on the EJ&E line and CN's current operations regionally in order to provide a proper baseline. This baseline is necessary as a point of comparison with the impacts of the proposed action.

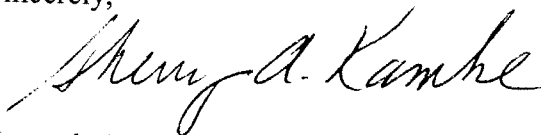
We understand STB intends to use screening thresholds for this project. We support the use of thresholds as a mechanism to ensure that the analysis focuses on areas that are most likely to experience adverse impacts due to increased operations. As this project progresses and planning becomes more refined and specific, we would appreciate the opportunity to work with STB on providing additional, more specific guidance as it relates to this project. Based on the information provided thus far, we have identified several areas of concern. As scoping progresses, EPA will look for more clarification from STB in the following areas:

- (1) Characterization of future traffic operations (CN operations versus CN operations plus trackage leases)
- (2) Possible additional passenger traffic such as from METRA Star line or AMTRAK
- (3) Inconsistent use of FTA Noise and Vibration Guidance Manual
- (4) Need for Coordination to Avoid Delays to Freight Rail, Passenger Rail, and Highway Traffic at Crossings/Intersections
- (5) Need to Evaluate Stormwater Run-off
- (6) Need for Regional and Localized Air Quality Analysis From Diesel Emissions
- (7) Need for Environmental Justice Evaluations
- (8) Need to Avoid impacts to Wetlands, Parks, and other Natural and Man-made Resources When New Right - of - Way is acquired
- (9) Invasive Species Prevention
- (10) Potential Cumulative Impacts to Land Uses and other natural resources

We plan to follow-up with you to provide more detailed comments. It may be preferable to discuss your plans for analysis either face-to-face or via teleconference. This approach may be worthwhile in general but especially for air quality and environmental justice issues.

Thank you for the opportunity to provide these scoping comments to you. If you have any questions on our comments, please contact Norm West. Norm can be reached by phone at (312) 353-5692 and by e-mail at: west.norman@epa.gov.

Sincerely,



for Kenneth A. Westlake, Supervisor
NEPA Implementation
Office of Enforcement and Compliance Assurance

Cc: John Morton, HDR Engineering