



October 14, 2009

Mr. Matthew T. Wallen
Director
Office of Public Assistance, Government Affairs &
Compliance
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Mr. Wallen,

We are submitting these comments to you on behalf of the TRAC Coalition in response to Canadian National Railway's (CN's) July 10, August 7, and September 10 monthly operational reports. These comments summarize the problems created in communities along the EJ&E related to CN's acquisition of the EJ&E rail line for the summer months of June, July and August 2009. Additionally, we are asking that given the alarming number of safety and environmental violations detailed over the course of this year that the STB become further engaged in monitoring CN's activities related to increased train traffic on the EJ&E.

It is our understanding that the Board instituted the monthly operational reporting as a mechanism for determining whether its assumptions about environmental harms along the EJ&E would prove accurate. In practice, we have found these operational reports to be wholly inadequate as very few of the harms the region is experiencing are apparently part of the reporting requirements instituted by the Board. Given that we have already seen a pattern of inadequacies with the current monitoring system during a period when just a minor percentage of the planned freight traffic is running on the line, we are requesting that the Board develop a more comprehensive program in the near term before freight volumes increase significantly.

A May 14 letter from the STB stated that the Board "will rely on information provided by organizations such as yours to audit the report from CN." We take the safety and stability of our communities very seriously which is why we have done the best job we can with limited resources to live up to that challenge. However, we believe that the constant point/counter point exercise with CN is counterproductive. We ask the Board to step in and compel CN to share the documentation it has used to refute TRAC's May 6 and June 26 "audit reports." All we have received thus far are CN's unsubstantiated claims to have resolved issues raised by TRAC in correspondence with your office.

Further, we ask the Board to understand that the units of local government you have charged with this ongoing audit responsibility view it as an unfunded mandate in that we are forced to protect our communities by using scarce public resources to monitor the activities of CN -- a for-profit foreign corporation that is realizing business and shareholder benefits as a consequence of the Board's decision. We believe it is time for the STB to live up to

the expectations it engendered in the region by developing – in conjunction with TRAC – a monitoring system that truly illuminates the environmental harms flowing from its decision to approve this transaction. The integrity of an improved and impartial monitoring system will do much to assure the public that they can place trust in the Board’s oversight authority.

To demonstrate the need for a robust operational monitoring program, we will summarize some of the most egregious issues that the region has experienced this summer by even the minimal CN traffic diverted onto the EJ&E. We hope that you will acknowledge the shortcomings in the current operational reporting requirements and act expeditiously to resolve the problem.

Derailments:

On June 30 we asked you and the Federal Railroad Administration to look into the safety record of CN as a result of the pattern of CN safety problems in Illinois based on (among other things) derailment incidents in Buffalo Grove on January 16 and in Rockford on June 19. We have yet to receive a response. In reviewing all of the CN operational reports, we note that CN has mentioned five additional derailments: on April 16 in Chicago; on May 24 in Elsdon; on June 10 in Waukesha; on June 19 in Perryville; and on August 9 in Leithton. We would ask the Board to inform TRAC as to whether this pattern of train derailments is an operating norm since the region was told in the EIS process that derailments were not frequent occurrences. While some of these derailments did not have the dire consequences of the Rockford event, to the general public they are of grave concern as the impact on public safety seems very much to be based on the “luck of the draw.”

Grade Crossing Delay Omissions:

CN notes that it is only responsible for reporting grade crossing delays that are due to one of its trains being stopped and blocking an intersection for periods of at least ten minutes. However, if the Board truly wants to understand the reality of the traffic problems it has created in the region as a result of approving the transaction, it needs to be informed of any problems that stop traffic at an intersection for a lengthy period, whatever the cause. Below we have included verbatim comments received, which highlight a few delays CN is apparently not required by the Board to mention. These incidents occurred this summer and underscore the necessity for expanding the grade crossing delay reporting requirement:

- May 11 at Green Forest Road in Deer Park at 4:30 pm: *Total 10 minute delay-first part of train passed very slow for 5 minutes; then train stopped for 5 minutes AND this happened during evening rush hour.*
- May 20 at 103rd Street in Plainfield at approximately 7:00 pm: *Lengthy train delay at EJ&E tracks and 103rd street caused delay in my treating a critically ill patient at local hospital in Aurora, IL.*
- May 20 at Shoe Factory Road in Hoffmann Estates at approximately 2pm: *Ambulance and fire trucks proceeding westbound (lights and sirens) were blocked by slow moving train and had to turn around to get to scene. There is no good optional route, and no doubt delayed emergency response by several critical minutes.*
- June 10 at Ela Road in Lake Zurich at 5:39 pm: *Slow moving freight crossing Ela Rd. near Rt.12 had traffic backed up from tracks all the way on to Rt. 22. Not just up to 22, but around the corner and onto 22. Right at the peak of rush hour.*

- June 24 at West Bartlett Road in Bartlett at 6:00 pm: *The arms on the crossing were letting 4 cars through then they would come down again, then up for about 1 min. then down again. What should have taken 5 min. to get home with a sick child took over 45 min.*
- June 26 at Cuba Road in Lake Zurich at 5:45 pm: *A slow moving train blocked the Cuba Road crossing for approximately 15 minutes.*
- June 26 at Wolf's Road in Naperville at 9:15 am: *Waited on Wolf's Road Crossing for better than 10 minutes while a super long train carrying containers went by about as slow as I can walk.*
- June 27 in Elgin: *Recently there has been an increase in the number of stopped or slow moving trains. I thought the reason for the Chicago bypass was to keep the trains moving. If there are this many trains which are stopped now, how many trains is the EJ&E capable of handling in the future.*
- July 1 at Diehl Road in Aurora at 2:33 pm: *Train was stopped and blocking traffic for over 10 min.*
- July 1 at Shoe Factory Road in Hoffmann Estates at 7:30 pm: *Train was stopped for about 25 minutes. Westbound on Shoe Factory, there is a hill before the train tracks. Drivers come over the hill, only to slam on brakes when trains are stopped. It also presents a dangerous condition as frustrated drivers make u-turns on a narrow two lane road.*
- August 1 at Cuba Road west of Ela Road in Barrington at 11:30 am: *CN train blocked Cuba Road at the rail crossing for in excess of 15 min. A large number of cars (both east and west on Cuba Road) were detained.*
- August 10 at Cuba Road in Barrington at 1:07 pm: *When I got to the railroad crossing, there were 25-30 cars stopped ahead of me. The CN train was parked at a complete stop on the tracks. Many cars were turning around and going back (creating a huge a traffic hazard--I saw 4 cars almost hit each other). I have no idea how long the train had been stopped on the tracks. It slowly pulled away after sitting still for 5 minutes. It's one thing for the trains to go through the community; it's another thing when they stop on the train tracks and stop traffic indefinitely. I can only imagine how bad the back-up was on Hwy 14 or 59.*

In our last audit report to you, we noted a delay at the grade crossing at Ogden Avenue in Aurora on April 13. CN's response to your office was rather amazing in that it dismissed our report by stating:

"The complaints... concerning Ogden Avenue/Route 34 in Aurora, for example, involve a crossing location where the Board has imposed a condition requiring a grade separation in order to avoid excessive vehicular crossing delays that would occur even with ordinary anticipated rail operations. Therefore the fact that there are vehicular delays at this location does not demonstrate that there was a breakdown or special problem with CN's rail operations that should be have been (sic) reported."

Is it only TRAC that notices the irony of CN pointing to the Board's mandated mitigation of a grade separation at Ogden Avenue as a defense for its poor record for crossing gate maintenance given that CN is appealing that very mitigation mandate before the federal courts?

Supporting our contention that **ALL** lengthy grade crossing delays need to be reported was a delay that CN itself reported in Plainfield as occurring on July 15. (Note that CN failed to report the details of TWO Plainfield gate

malfunction incidents correctly in its operations report.) CN stated that a gate malfunction “took an unusually long time” to repair. This is a gross understatement. TRAC received this report from Plainfield Police Commander John Konopek that demonstrates a complete inability by CN to handle gate malfunctions:

Issue: *Malfunctioning Crossing Gates / Response Time*

Railroad: *CN/EJ&E Railroad*

Incidence Street: *Drauden Road south of Renwick Road Incidence City: Plainfield, Illinois*

Date: *Jul 08, 2009*

Time: *approx 1600 - 2000 hours*

Description: *Crossing gates malfunctioned after train passed at above listed road. Gates did not go up. It took CN 2 hours to contact a representative and 4 hours total for someone to respond to the scene to fix the problem. Police and EMA had to direct traffic around gates entire time. Resulted in 1 vehicle striking down gates.*

This incident was followed by another report from Plainfield by emergency responders on July 14 about another gate malfunction and CN’s apparent inability to provide correct contact phone numbers to first responders:

Issue: *EMERGENCY NUMBER FOR CN*

Railroad: *CN/EJ&E Railroad*

Incidence Street: *143rd St, Plainfield (btw Van Dyke x Rte 59) Incidence City: Plainfield*

Date: *Jul 14, 2009*

Time: *10:08am*

Description: *Sent to CN via email:*

Mr. Jakubowski:

We had a stuck gate today on 143rd St between Rte 59 and Van Dyke in Plainfield, IL. We have been using the 815-740-6745 number for quite a while, and hardly ever use the 800-465-9239 number.

We had Special Agent D. Barajas stop by, leaving a business card with a hand-written number on the back for the “signal department” 815-740-6743, saying we would get better service from CN if we called them direct.

WESCOM wants to do the right thing. We have been using the 815-740-6745 number for a long time, but in recent meetings we were encouraged to use the 800 number. Now we are asked to use another local number.

What is CN’s preference?

This second Plainfield incident highlights a contact number signage problem that the Board mandated in its approval decision and CN claims to the Board that it has fulfilled. In VM#9, the Board required that “for each of the public crossings on EJ&EW’s rail line, Applicants shall provide and maintain permanent signs prominently displaying both a toll-free telephone number and a unique grade crossing identification number” that would enable motorists to report problems at crossings. CN claimed on July 10 in its environmental report to the Board that the “signage is in place.” We ask the Board to review the photos in Attachment A and tell us whether the CN signs fulfill CN’s obligation in regards to this mandated mitigation.

In total, these incidents (and those outlined in our prior two TRAC audit reports) clearly indicate that the grade crossing delay reporting requirement the Board has instituted is highly inadequate. Given the light flow of traffic that the EJ&E is experiencing currently due to the poor economic conditions, we can only imagine the traffic snarls that will ensue if CN is ultimately allowed to run traffic along the EJ&E according to the plans it outlined in its acquisition application to the Board.

While an increased level of grade crossing delay reporting might be unprecedented in these transactions, we believe that the Board has already acknowledged through the high percentage match of CN financing that was required for the grade separation projects in Aurora and Lynwood that the environmental impacts on the region are unprecedented. It is time to take this aspect of monitoring activity to a higher level of scrutiny.

Excessive Noise, Vibration and Idling Complaints:

CN has attempted to refute TRAC audit comments on excessive noise, vibration and idling by dismissing them as “based on an individual’s subjective and undocumented claim that noise, idling or vibration was excessive.” We will accept that these incidents are undocumented and subjective and would welcome – at CN’s cost – the installation of decibel and vibration monitoring equipment by an independent consulting firm with the appropriate expertise at the hot spots that have been documented through the TRAC-initiated complaint mechanism.

In the three month summer time frame, TRAC has collected 48 complaints detailing problems in these three complaint areas:

Excessive Noise:

- June 1 in Lockport: *Your trains are so loud day and night that with our windows closed it seems as if the trains are coming through the house. They wake us up all the time.*
- June 3 in Plainfield: *This was a quiet area with 1 or 2 trains a night. Now it's train after train with excessively loud horns late at night. It's hard to sleep. I am a freight train engineer myself with experience running freight on the "J"... The CN engines are much louder than the old EJ&E switch engines. This nuisance needs to be taken care of. I was against the CN takeover and my worst fears have come true.*
- June 6 in Deer Park: *Very LOUD train with a disturbing squeaky noise indicating there could have been some problem with perhaps its wheels.*
- June 12 in New Lenox: *An extremely loud locomotive came through the area at this date and time. I have lived in the area for 3 1/2 years and have not experienced anything as loud before. I am located at least 3/4 miles away from the tracks.*
- June 17 in Naperville: *Additional freight trains have really created an imbalance due to annoying and deafening sounds.*
- June 25 in Barrington: *Although they claimed that they were going to lubricate the wheels and straighten some of the track so that there was not as much screeching, it is constant.*
- July 2 in Lake Zurich: *The train line is within 500 feet of a residential area and the amount of noise produced each time the train goes by is definitely lowering the property value.*
- July 5 in Aurora: *Excessive loud noises that woke up resident in the middle of night. Had to shut the window & turn on another source of sound to try and drown out the banging & clanking.*
- July 6 in Elgin: *CN/EJ&E begin adding more and more trains each day, plus they were 2 to 3 times longer. The noise levels had to be beyond EPA levels if they even set any. I would take a boom box car's noise over the high pitch squeal and car humping booms during stopping and starting between midnight and 3 A.M.*

- July 7 in Joliet: *sudden rail rattling - EXTREMELY loud and jolting /what one would expect a derailment to sound like*
- July 9 in Barrington: *The noise from the wheels of the train was such a loud high pitch screeching scrapping sort of noise that was non-stop.*
- July 14 in Frankfort: *An eastbound train stopped and idled for 15 minutes. While trying to stop, the wheels screeched so loud it was ear-piercing.*
- July 17 in Hoffman Estates: *Prolonged and disruptive house vibration and train noise. This is one of many times day and night (night time train noise is really ruining sleep between house shaking and screeches and rumbles.)*
- July 31 in Barrington Hills: *The train's wheels were screeching at such a high pitch for the continuous time that it passed.*
- August 2 & 3 in Park Forest/Matteson: *A very quiet weekend shattered by a very noisy night - banging, screeching noises at railroad from 10:00 p.m. August 2 to 2:30 p.m. August 3, 2009.*
- August 23 in Barrington Hills: *Engine noise unbearably loud high pitch. Engine 'powering' up as if climbing incline.*
- August 31 in Deer Park: *extremely loud train; could hear much more than typical; home about 500 feet from railroad*

Excessive Vibration & Idling:

- June 4 in Frankfort: *Eastbound train sat idling from 11:22 pm and started to leave at 11:52 pm. An idling train rattles our entire house.*
- June 14 in Hoffman Estates: *We were awakened in the middle of the night by train noise (trains starting, stopping, moving back and forth) and vibration that rattled the windows and the pictures on the walls. The noise and activity continued for about 30 minutes. I read quite a bit of the submissions by CN to the STB; CN did not reveal, to my knowledge, that it would be using the area behind my home (at which there is only single track) as a switching station at all hours of the day (and night).*
- June 29 in Warrenville: *Train sitting/idling about 2 blocks north of Batavia crossing in Warrenville vibrating/shaking our house the entire time. This is directly behind the backyards of a sizeable residential area.*
- July 22 in Hoffman Estates: *Once again the train activity (not normal "traffic", but stopping, starting, banging cars) woke us up from sleep. These environmental impacts are a cost to residents living along the tracks. The track is for trains to go somewhere. If CN needs to conduct activities other than running trains down the tracks (switching cars, going back-and-forth, etc.), it should bear the cost of building and maintaining appropriate facilities for those activities. We bought a house next to a single line of TRACK, not a train yard. Even if I agreed with the "tracks were there first" argument, being woken up a 4 am by crashing noises that continue for several minutes is not a reasonable expectation.*
- July 1 in Frankfort: *An eastbound train stopped and idled for 42 minutes.*

Given that CN is required by the Board Decision to work with affected communities to reduce noise and vibration per VM 77 – even in the absence of a negotiated settlement with a community – we request that the STB instruct CN to institute the sound and vibration monitoring that would better enable impacted communities to know where noise control devices need to be installed along the entirety of the EJ&E. To insure that the monitoring reflects the

needs of the entire region, we request that the noise and vibration monitoring program be developed and implemented in consultation with TRAC.

Quiet Zone Violations & Excessive Use of Train Horns:

In a July 16 letter to your office, CN claims to have undertaken investigations about quiet zone violations we have detailed in the past and states that TRAC's concern about a pattern of retaliation in certain communities is "baseless, false, and extremely offensive." CN further claims that employees who "violate quiet zone and other rules are subject to discipline, up to and including termination." Again, we are in a point-counter-point situation as CN fails to provide any documentation that would enable the Board or TRAC communities to verify its statements about the investigations it has undertaken surrounding the issue of violating quiet zones and/or excessive use of train horns.

The summer months along the EJ&E continued to raise concerns about excessive use of horns in quiet zones and along the entire line. If conditions are such that horns must be used almost constantly along the EJ&E because someone or some animal is in danger of being hit by a train, perhaps it was inappropriate for the Board to allow CN to run an increased volume of traffic on the line. Excessive horn use & quiet zone violation complaints for the summer included:

- June 2 in New Lenox: *I live across the street from the railroad. For several weeks, the train comes by around 6:00 every morning, and loudly blares the whistle while crossing the street. Without fail, it wakes my 1 year old up. I have tried drowning out the noise with music and fans . . . but it doesn't work. This has changed my baby's sleep pattern drastically and I am getting a lot less sleep because of it. I am sorry but I need more than 5 hours. I will be looking into moving b/c of this.*
- June 3 in Aurora: *Another long, loud set of train whistles at 3:20 am. I understand this to be a quiet zone, and the whistle is only to be blown for safety reasons. CN must have a daily safety problem at 2:30-3:00 am every night.*
- June 6 in Plainfield: *Train rolled through not only this intersection, but several other quiet zones and blasted the horn repeatedly for no reason. I was at the 135th crossing and everyone was stopped and no other impediment could be found. Engineer was not adhering to the rules which makes one think is he paying attention to other safety measures?*
- June 7 in New Lenox: *Long horn blows during early morning hours (3am) most every night. Wakes us up from sound sleep.*
- June 10 in Plainfield: *9 huge horn blasts followed by several more as the train rolled through the other quiet zones. Probably done on purpose, there was no reason to wake the house and neighborhood up at that time (12:24 am.)*
- June 16 in Bartlett: *Another sleepless night in Bartlett. Awoke to loud train horn twice during the night/early morning. There is definitely different loudness in horns. I would be willing to have device to monitor noise set up at my residence.*
- June 18 in Bartlett: *16 horns within 70 minutes between the hours of 2:50am and 4:00am. Check your records!!!!!!!!!!*
- June 30 in Plainfield: *I reside in Springbank subdivision. When we purchased the home in 2007 there was only one train going past our house each day. It was in the day time and only blew their horn for a short burst. Now this has gone out of control. There are at least 10 trains a day going past and no less than 4 at night past noise abatement hours. To make matters worse the trains blow their horns in 10-15 second bursts.*

- July 6 in Hoffman Estates: *The train came through at 3:24 am, Sunday, July 6th, 2009 blowing its whistle and running as fast as it could, making as much noise as I have yet heard. Not only did the rail line cease to obey the quiet zone area as it roared through the Winding Trails segment of track, it did so at an ungodly hour waking me from a sound sleep.*
- July 12 in New Lenox: *Five or Six trains went through and blew their horns loudly at 11 pm 1:00 AM 1:30 AM 3:30 AM 5:00 AM. I did not obviously get much sleep.*
- July 15 in Barrington: *This is the 3rd morning in a row that the train horn has been sounded between 3-5:30am. This morning I actually made a note of the time. This has been happening all summer long, but this is the first time I've noticed it 3 days in a row. It's usually only 2 or 3 times a week, but it has woken me up every morning this week!*
- July 16 in Barrington: *Totally over and out of control laying on the freight train whistle while approaching, while crossing Rte 59 and well past the crossing. The engineers are literally laying on the horn. Gee, try and sleep through that!*
- July 24 in Plainfield: *Appeared to be a single locomotive but between 11:42 am and 11:46 appx, the horn was blasted 18 times in that period. Why is this CN so oblivious to signage that states quiet.*
- July 31 in Frankfort: *A horn was blown as a train passed by our house (at 2:30 am), which is in a quiet zone. We are over 2 miles from the nearest crossing.*
- August 6 in Barrington: *I was sitting at the crossing (7:45 am) when a northeast bound CN train approached and the engineer proceeded to sound the horn three times. The tracks were completely clear and I could see the engineer grinning as he sounded the horn in a quiet zone. My impression was that his intent was to violate the agreement. He was downright giddy about doing that.*
- August 31 in Barrington: *Between 2:00am and 3:00am Sunday night/Monday morning, a freight train loudly blew its horn multiple times at the Lake Cook Rd crossing in Barrington. This was in direct violation of the quiet zone, and it unnecessarily disturbed the peace.*

At this point, TRAC believes it is incumbent on CN to produce for the Board and TRAC the documentation that allows all parties to determine whether this continued horn use is necessary or meant to aggravate residents of the region. This move would be fully in keeping with your assurance to TRAC on May 14 that the Board “has the power to compel the production of books and records if necessary to determine compliance.”

Miscellaneous Issues of Concern:

There are a number of other issues regarding the operating activities of CN that TRAC would like to address with the Board:

- In its operational report dated September 10, 2009, CN stated that its train volume data reflects “revenue movements only” and specifically states that it will not provide train counts for trains undertaking activities that do not produce revenues, such as work trains, inspection vehicles, and test vehicles. While CN states that records for these activations are “not created” we believe that it is imperative that records be created, maintained, and shared with the Board and TRAC in its monthly operations reports. During the EIS process reviewing this transaction, the Rail Operations Appendix to the DEIS reached the conclusion that even with the EJ&E operated under circumstances most favorable to the EJ&E system itself, the EJ&E system with physical plant improvements proposed by CN is **“unlikely to be able to accept the total number of trains that CN proposed** in its operating plan, even with a significant increase in horsepower per ton.” Therefore TRAC believes that it is imperative that CN track **all rail movements of all types along the EJ&E** so that the Board can be made aware of the progression to total system gridlock.

- CN’s operational reports are only valuable for monitoring purposes if the public knows the meaning of the terminology used in these reports. In the report that monitored activities for August, CN twice reported that one of its trains “went into emergency” (on August 6 and August 22.) TRAC would like to understand what is meant by “went into emergency.”
- In its operational report dated August 7, 2009 CN claims that the Park Forest collision that occurred on July 11 was due to the driver’s disregard of a lowered gate arm at the crossing. Since this claim does not coincide with what has been reported in the media, TRAC would like third-party documentation that verifies this claim given the pattern of gate malfunctions we have seen occurring on the EJ&E.
- In the same operational report that discusses the Park Forest collision, CN claims that the incident of a lengthy gate malfunction issue in Plainfield has been addressed: “we have taken action to ensure that such a delay does not occur again.” Since it happened twice in that one month, TRAC would like to have documentation of the actions CN is taking to prevent any such reoccurrences in Plainfield and along other segments of the EJ&E.
- In TRAC’s last audit report to the Board, we expressed deep concern about HDR serving as the third-party consultant in assisting the Board in monitoring and enforcement of CN’s mitigation measures and operations along the EJ&E. This concern was based on the fact that it leaves HDR, as the contractor that produced the environmental data supporting the transaction, with no arms-length independence in monitoring CN’s actions related to its implementation. Since HDR is working under the guidance of a federal agency (and in the interests of complete transparency,) TRAC would like the Board to summarize and/or produce all relevant documents related to HDR’s activities involving the EJ&E since the oversight period on the transaction began in January 2009.
- On June 28 and July 1 TRAC monitored complaints of a gate problem at the Shoe Factory Road crossing in Hoffman Estates that needs to be investigated (the accompanying documentation should be supplied to TRAC):
 - June 28 at 10:00 pm: *Heading west on Shoe Factory Road from Route 59--train approaching intersection from the north side of Shoe Factory road. We felt alarmed and endangered for our lives when we noticed the train was bearing down on intersection about 200 feet away--yet the gates were still up. We were traveling at the speed limit--so did not have time to stop. Within 10 seconds of clearing intersection the gates were lowered. Somebody MUST MUST look into this. There is a definite malfunction. I will now stop like the school buses do before I cross the tracks.*
 - July 1 at 9:00 pm: *For the second time in two days--the gates are coming down almost too late the crossing. Train was approaching the crossing at Shoe Factory Road--we were traveling east on Shoe Factory Road towards 59. Train was coming fast from the north--gates were still up but the train was approx two hundred feet away. SCARED TO DEATH! Once we passed over the crossing-the gates were lowered. I have lived here for three years and have not noticed this to be a problem until very recently.*
- On July 10, TRAC received a complaint about a CN train traveling through Deer Park with a noticeable odor of “strong fumes”. TRAC would like to understand what cargo was shipped through that community and was leaching a noticeable odor and what measures were and are being taken to contain such emissions.
- TRAC received a complaint from Joliet on July 4 alerting us to a problem with CN’s Joliet rail yard. The allegation is that the sewers are blocked under the rail yards and it is creating damage from flooding in a nearby cemetery. Gravestones are falling over due to rain run-off ponding a foot deep on cemetery grounds. TRAC would like this situation to be investigated and resolved to the extent necessary.
- TRAC has had two defoliation concerns shared by residents. The Board’s Decision (in VM 6) requires that CN “consult with affected communities to improve visibility at highway rail at-grade crossing by clearing

vegetation.” TRAC would like to know the extent of the consultation and public notification that took place in these two incidents:

- July 23 in Joliet/Plainfield: *I am wondering if we are supposed to be informed when the railroad will be spraying herbicides to kill the vegetation along the tracks? If so, we have not been informed and this is the second incident. We have young children, and twin infants and they certainly do not need to inhale these chemicals. If we had been warned we could at least stay indoors.*
- August 7 in Frankfort: *Noticed that suddenly all of the vegetation around the tracks up and down Aberdeen is dying. It would appear as though it has been sprayed as it would seem unlikely that all vegetation in such a large area would be dying. Wonder what was used, will this leach down into streams in the area (my lily pads in the water below the track have recently died), and into the surrounding ground, then killing all trees, which house bird nests, hawk nests, squirrels, etc. Think the EPA should be aware of this.*

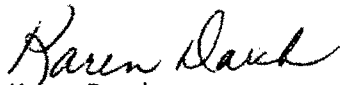
We respectfully reiterate our past requests that the Board become engaged in the active monitoring of CN's activities as they relate to its operations along the EJ&E as the current situation is inadequate in providing the public and the Board with a full understanding of the real world impacts ensuing from its decision to allow CN to purchase the line. To facilitate your response to our requests, we have listed the 17 action items for the purpose of clarity:

1. Require that CN provide all documentation supporting its claims with respect to the issues it refutes from TRAC's May 6 and June 26 audit reports.
2. In conjunction with TRAC, develop a more comprehensive monitoring system for the implementing of this transaction that enables the Board to fully understand the impacts of the transaction along the line.
3. Respond to the TRAC request of June 30 regarding CN's safety record.
4. Inform TRAC and the region as to whether the derailment pattern evidenced by CN in Illinois over the past year is considered normative.
5. Require that CN report all incidents that lead to delays at grade crossings of longer than 10 minutes, whatever the cause (slow-moving trains, gate malfunctions, stopped trains, etc.)
6. Require CN to install (at its cost) monitoring equipment that measures noise and vibration levels at hot spots along the EJ&E as identified by TRAC.
7. Require that CN provide documentation about investigations verifying that quiet zones have not been violated or that train horns are not being used excessively.
8. Require that CN provide train volume data that tracks all train movements on the EJ&E -- even train movements that are not revenue-producing.
9. Require that CN provide more complete and public-friendly descriptions in its monthly operations report instead of summarizing incidents as trains "went into emergency."
10. Require that CN provide documentation from a third-party safety review resource that verifies its claims as to the course of events surrounding the car/train collision in Park Forest on August 7.
11. Require that CN detail and document what it is doing to prevent the type of gridlock it created in Plainfield twice in July by its failure to maintain properly functioning crossing gates and providing first responders with obsolete contact information.
12. Review the photo evidence in Attachment A and rule as to whether CN has met the Board's signage mandate per VM#9.
13. In consultation with TRAC, require an independent (new-not HDR) third party consultant be engaged to monitor implementation.

14. Require CN to investigate and document its actions as regards to the dangerous gate timing issue on Shoe Factory Road in Hoffman Estates.
15. Require CN to detail the specific shipment that leached strong fumes in Deer Park on July 10 and what it is doing to prevent future such occurrences.
16. Require CN to investigate the allegation of blocked sewers at its rail yard in Joliet and take corrective action; require CN to work with the adjacent cemetery to return gravestones to their proper positions.
17. Require that CN involve affected communities with the planning and public notice outreach in regards to defoliation efforts along the line.

We would ask that the Board respond fully to the requests made in this letter and not leave it in CN's hands to respond to our concerns. We believe we have built a compelling case for an increased level of oversight and the necessity for ongoing transparency in documenting all claims made by CN.

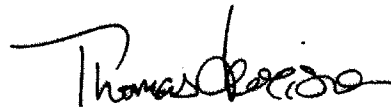
Sincerely,



Karen Darch

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Tom Weisner

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Copies to:

Transportation Secretary Ray LaHood

House Transportation & Infrastructure Committee Chairman James Oberstar

House Transportation & Infrastructure Committee Ranking Member John Mica

Members of the Illinois Congressional Delegation

SEA Chief Victoria Rutson



Union Pacific Crossing, Hart Road – Looking South



EJ&E/Canadian National Crossing, Hough Street – Looking South