



January 11, 2010

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

VIA E-MAIL

Dear Mr. Wallen,

On behalf of all the communities located on the EJ&E, please accept our thanks for the Board's willingness to spend time in our communities as you did before the Christmas holidays, as well as intensify monitoring efforts of CN operations along the EJ&E.

Based on your December 29 e-mail to me, it seems like the winter weather must put a brake on some of the monitoring activities we would like to see happen on the EJ&E. I look forward to getting further details from you about what can be accomplished with field monitoring during this time frame. We have already begun outreach efforts with residents of the region to identify areas where such field monitoring might be appropriate.

Even without use of monitoring equipment to measure noise and vibration impacts, it would seem that it would be possible for HDR to undertake some of the investigatory assessments of the CN-specific issues that you outlined in your November 17, 2009 letter to TRAC as it relates to traffic congestion delays, the verification of mitigation implementation, etc. We think it is especially important that there be some monitoring mechanism instituted by the Board that captures lengthy grade crossing delays that don't hinge on the technicality of whether a CN train is actually occupying the crossing and that CN begin monthly reporting based on that adjustment. Additionally, we would ask that the CN derailment review go beyond a look at derailments in the greater Chicago metropolitan area, as a broader regional or national review could indicate to regulators whether the safety meltdown that is occurring here is a bizarre anomaly or indicative of a more widespread problem at CN.

As you contemplate with HDR how to undertake the assessments and interim field monitoring efforts, we must emphasize that we believe it is imperative that HDR do far more than provide simple summary memos as it had suggested in the initial monitoring planning document that you shared with us. A full report – inclusive of the data used to justify its findings – must be supplied to communities and to the Board in the interests of full transparency in light of the profound reservations we continue to have about HDR's appropriateness to undertake this work.

Unrelated to this monitoring matter, I wanted to take the opportunity to follow up with you about the signage issue we discussed when you were in Barrington on December 21. I think there is some confusion as to the mitigation item we are discussing. VM 2 (page 59 of the Decision) required that CN install temporary notification signs at all grade crossings warning people to expect an increase in train traffic. Those signs were required to be in place for 6 months after CN's acquisition of the EJ&E. That was done and those signs have now been removed as allowed. We are concerned about VM 9 of the Decision (page 60) that required installation of permanent signs "prominently displaying both a toll-free telephone number and unique grade-crossing identification number." CN has argued that this is not required under the U.S. Department of Transportation's Manual on Uniform Traffic Control Devices (MUTCD.) Regardless of whether that is true or not, the Board mandated this low-cost mitigation in its Decision (that CN had initially volunteered to implement) so we wonder how CN can now object when it fully understood its obligation in this regard prior to finalizing the transaction with U.S. Steel.

Again, thank you for your ongoing interest in insuring that CN is living up to its obligations. I wish you all the best in this new year!

Warm Regards,

A handwritten signature in cursive script that reads "Karen Darch".

Karen Darch
President, Village of Barrington & TRAC Co-Chair

Copies to:
STB Chairman Daniel Elliott III
Ray Atkins, Chief of Staff, Office of the Chairman
SEA Chief Victoria Rutson