



February 2, 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

RE: CN/EJE Community Questionnaire

Dear Mr. Wallen,

On behalf of communities impacted by CN's acquisition of the EJ&E, we would like to thank you for your proactive efforts in working to increase the Board's oversight of CN's performance on fulfilling the mitigation mandates outlined by the Surface Transportation Board. We would like to provide constructive feedback on the Community Questionnaire your office recently asked some communities to fill out "as part of its efforts to determine whether CN's compliance reports are accurate and complete."

We believe that your responsiveness is clearly reflective of a Board more acutely in tune with community concerns and appreciate your efforts to collect baseline data. While we believe the data you requested would have provided an adequate base line within weeks of the STB's decision, more than a year later the challenges communities face involving CN are varied and much more complex than this questionnaire could adequately assess. Attached you will find a more detailed report outlining the survey deficiencies from TRAC's perspective.

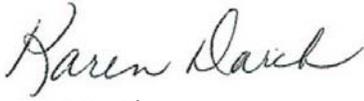
Both TRAC member communities and the leaders of communities that have signed settlement agreements with CN have a vested interest in the STB's efforts to develop an enhanced monitoring system to determine CN's compliance performance. By collaborating together, we believe a survey tool could be developed, which will provide real value to your office now and as the oversight period continues. TRAC is willing to work with your office to convene a group of community representatives who could assist you in developing a more comprehensive survey that addresses the true difficulties communities are facing.

Again, Mr. Wallen, thank you for your efforts on behalf of the region. We look forward to partnering with your office in the coming weeks to develop a more comprehensive analysis tool. By working collaboratively, we are confident we can provide the STB Board with sufficient data to better focus the ongoing monitoring efforts. Please feel free to contact us at your earliest convenience so that we can work to that end.

Sincerely Yours,

Karen Darch

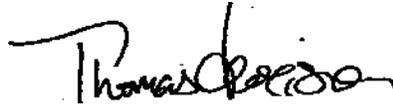
Tom Weisner



TRAC Co-Chair

President, Village of Barrington

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TRAC Co-Chair

Mayor, City of Aurora

tweisner@aurora-il.org

Attachments:

2/1/10 Deficiencies Identified by TRAC in the 1/20/10 STB Online Community Questionnaire 1/20/10

STB Community Questionnaire

1/20/10 STB Cover E-Mail

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

STB Chairman Daniel Elliott III

Ray Atkins, Chief of Staff, Office of the Chairman

SEA Chief Victoria Rutson

Deficiencies Identified in the January 20, 2010 STB Online Community Questionnaire

February 1, 2010

Concerns Related to Specific Questions:

1. Question 1 asks the respondent to indicate if CN has contacted the community about noise, safety, hazardous materials, or emergency response. It is progress on mandated mitigation activities that is the barometer of progress, not simply the act of communication.
2. Question 4 asks whether CN has provided emergency responders with a toll-free number to contact them in emergencies. TRAC has documented incidents for the Board in which the numbers provided were useless in actual contact attempts. This question fails to address that reality.
3. Question 6 asks about CN's efforts to contact communities if their trains are blocking a crossing for 10 minutes or more. This question fails to address numerous reported incidents of gate malfunctions and slow-moving trains that have the same effect of blocking a grade crossing for 10 minutes or more.
4. Question 7 addresses CN's offer to emergency response centers of a "dispatching monitor that would allow dispatching personnel to see real-time train locations." Numerous communities have expressed frustration regarding the insufficiency of the tools being discussed and the timeline for implementation. CN is not offering the full-line, real-time capabilities necessary to address the issue of emergency response dispatching, nor does it respond to the reality that much of the region depends upon dispatch services not specific to any single community. The survey question fails to address these concerns.
5. Questions 8 and 9 ask whether the community requested consultation with CN about noise-related or quiet zone issues. Given the adversarial nature of the current process, where CN has all the power and communities have none, it is unrealistic to place the onus for compliance on affected communities. Furthermore, these questions fail to address what actions CN has undertaken to resolve issues related to noise problems and quiet zones.
6. Question 10 asks about fencing and pedestrian safety issues – again asking if the community had "been contacted by CN" about these issues. Being contacted and making expeditious progress on erecting fencing and pedestrian safeguards are two very different matters and this question fails to get at the latter goal.

Concerns Related to Question Omissions:

7. TRAC has provide documentation to the STB indicating that CN has failed in its VM 9 obligation to provide signage with a toll-free number at all grade crossings along the EJ&E, yet the survey failed to address this issue.
8. The survey failed to address safety concerns raised by TRAC regarding CN derailments (especially in light of last year's Rockford accident line wash-out) and reports of perceived line segments deficiencies.
9. The survey failed to address whether each community was aware of any track inspection/repair work that has been undertaken by CN.

Concerns Related to Questionnaire Process:

10. The day after the survey was released, TRAC held one of its periodic meetings in which members discussed the questionnaire. It quickly became evident that few participants were aware of its existence.
11. Respondents were requested to return the survey within only seven working days, an insufficient timeframe for several communities given the fact that many did not directly receive the survey or were forced to route it to the appropriate person for response.
12. The survey was not formulated to allow the counties participating in TRAC (Will and DuPage) a comprehensive way to respond on behalf of multiple localities.