



On November 18, the environmental staff (SEA) of the Surface Transportation Board (STB) and its consulting firm, HDR, presented its environmental analysis of CN's acquisition of the EJ&E to the three board members of the STB. While this briefing was open for public observation, the public could not participate in the proceedings or ask any questions.

As an observer, TRAC concluded that this event demonstrated that the environmental staff either does not recognize that its environmental analysis is materially flawed or knows it is flawed but has decided to muddle through in the hope that it can paper over the flaws in the final EIS. If TRAC had been permitted the opportunity to ask questions of the SEA and HDR staff, we would have asked the following questions. Unless and until these questions are answered to the region's satisfaction, it could not be said that the Surface Transportation Board had taken a hard look at CN's proposed acquisition.

1. Since SEA's data indicates that Chicago rail traffic is going to increase substantially in the next 12 years (from 37,500 freight cars daily to 67,000 daily by 2020), about **how long** after the CN acquisition would it be before the CN inner lines return to their current levels of rail traffic?
2. Since SEA concluded that the EJ&E line will be at capacity at the very moment CN implements the acquisition, why didn't **SEA consider the environmental impact of double-tracking the EJ&E?**
3. What are the **environmental benefits** of the CN transaction?
4. What is the **net employment impact** of the proposed transaction for the Chicago region?
5. How does the **benefit** of a reduction from 48 trains per day to 45 trains per day on a line in Chicago compare to the **harm** stemming from an increase from 4 trains per day to 25 trains per day on the EJ&E?
6. **How does the public in the region or across the country benefit if CN delivers Chinese products to Memphis, TN in 12 days instead of 13 days?**
7. If CN will be more efficient after the acquisition, **how much of the efficiency has CN promised to share** with Chicago area shippers in the form of lower rates?
8. What standards does SEA use to determine if productivity gains for a single railroad should be allowed to outweigh harms to impacted communities prior to allowing a shift in current operations through an acquisition of this type?
9. What is the **overall regional air quality impact** of the CN transaction? Does the final analysis provide a transparent explanation for the massive decrease in air emissions that was accepted at face value by SEA in the DEIS? Without that last-minute data decrease supplied by CN, the proposed action would jeopardize the attainment status of the metropolitan area and along with it, federal funding for highway projects.
10. If there are any environmental benefits, does the FEIS conclude that the CN transaction would **improve the environment for poor or minority populations more than the Chicagoland population as a whole?**

11. Why is the reduction of an existing risk like hazmat accidents along the CN lines considered a benefit, while an increase in the risk of hazmat accidents along the EJ&E not considered a harm because it is already an existing, but minimal, risk?
12. Since SEA's report indicated that faster train speeds are favored to reduce delays at rail crossings, was any analysis done to determine if the increased risk of accidents caused by higher train speeds (particularly accidents involving hazmat releases) would be more costly to remedy than building the grade separations at the outset that would enable trains to travel safely at these higher speeds?
13. What **percentage of the crossings** on the Chicago division of the CN line is already grade separated? What **percentage of the crossings** on the EJ&E line are already grade separated?
14. The EJ&E had a lot of traffic during WWII, but **what is the highest daily traffic on the EJ&E in the last 20 years when the vast majority of current residents moved to communities along the line and significant population growth occurred?**
15. CN's application described the purposes of the transaction. When SEA took a hard look at the stated purposes in order to study alternatives, **did SEA change the stated purposes in any way?**
16. **Why is it that CN must own a line in the greater Chicagoland area to invest in improvements in the lines they operate on currently?** Don't railroads invest in and use other railroads' lines all the time, making it less burdensome from an environmental impact perspective for CN to work with the other Class I railroads to fix the chokepoints that exist on its current routing?
17. Is **CN's traffic more important to Chicago** (and the U.S.) than the traffic of the other 5 Class I railroads that are solving congestion problems in the region cooperatively through CREATE?
18. **When** and how will the public have the opportunity to comment on the new SEA analysis and data gathered for the preparation of the FEIS?
19. What is the evidentiary basis for concluding that any number of grade crossings less than the 14 substantially impacted grade crossings identified in the DEIS require grade separations? In other words, given the recent finding in the DEIS that there are at least 14 substantially impacted grade crossings, what has happened in the past few weeks that would have caused you to lower the number of substantially impacted grade crossings in need of grade separations?
20. **How much public money** will be required to fund the two grade crossings that it appears the FEIS will recommend?
21. **How do grade crossing cameras help** emergency responders and the people they are attempting to help if the cameras show that all area crossings are blocked?
22. As voluntary mitigation (Item #75), CN has promised that if it blocks a grade crossing for more than 10 minutes and the blockage cannot be avoided, it will split the train in pieces to stop blocking the crossing. Is that mitigation? How is that enforced?
23. Throughout the environmental review process, impacted communities have been encouraged to reach negotiated mitigation agreements with CN. Given the unequal bargaining position between impacted communities and CN, isn't that directive unrealistic? (Especially since much of CN's voluntary mitigation in this application has it promising to abide by relevant federal laws, and nothing in the environmental review process of this case would cause CN to negotiate much beyond the bare minimum.)