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November 4, 2011

Daniel R. Elliott III  
Chairman  
Surface Transportation Board  
395 E St. SW, Washington DC 20423

Dear Chairman Elliott:

Given a major derailment yesterday along the Elgin, Joliet and Eastern (EJE) railway, I write to encourage the Surface Transportation Board (STB) to exercise its oversight authority to determine if Canadian National (CN) has properly prepared the EJ&E tracks.

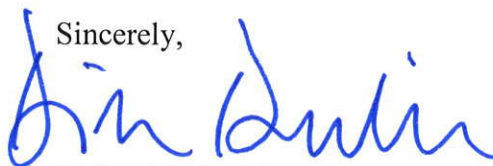
A Canadian National freight train reportedly carrying three hazardous material chemicals - sodium hydroxide, ferrous sulfate and organic acid - derailed yesterday, throwing 22 train cars off the tracks in an area near Elgin, Illinois. This is the second derailment of a CN train near Elgin this year. The train derailment occurred on the EJ&E rail line, a set of tracks acquired by the CN in an acquisition that was approved by the STB on December 24, 2008 and made effective on Jan. 23, 2009.

The STB established an oversight period of five years from the approval of the CN-EJ&E acquisition. This unique oversight period was established by the STB to monitor the operational and environmental impacts of the acquisition. The oversight period was instrumental in exposing CN's under-reporting of trains blocking road-rail crossings in communities along the EJ&E. This finding resulted in a fine of \$250,000 against CN last year, the first penalty of its kind ever levied by the STB.

I encourage the STB to exercise its oversight authority to determine if CN has properly maintained and upgraded the EJ&E rail line to handle hazardous materials and prevent derailments. The STB also should conduct vigorous oversight of CN to ensure it has followed the conditions imposed in your order approving the acquisition of the EJ&E.

The STB has a responsibility to ensure railroads like CN are doing everything possible to safely move freight through communities located along the EJ&E. I encourage you to immediately begin working with the other local and federal officials involved in the investigation of this derailment and use your authority to ensure CN is operating the EJ&E as safely as possible.

Thank you for your attention to this matter.

Sincerely,  
  
Richard J. Durbin  
U.S. Senator