

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

222397

Finance Docket No. 35081

Canadian Pacific Railway Company, et al.

--Control--

Dakota, Minnesota & Eastern Railroad Corp., et al.

**City of Dubuque, Iowa
Reply**

The City of Dubuque by and through its undersigned counsel offers the following comments

The City of Dubuque's position has not changed. The City has serious concerns about the potential long term impact on our community resulting from the transportation of coal and hazardous materials through Dubuque. While the STB's earlier decision requires an Environmental Impact Study before coal from the Powder River Basin can proceed through Dubuque on the former I&M Rail Link lines coal is not the only concern.

The condition of the track over which the coal, ethanol, bio-diesel, and other commodities will transverse is suspect. The safety record of the DM&E/IC&E is less than satisfactory. The Canadian Pacific (CP) presents information about its record and policies on safety. What the CP fails to mention is that approximately ten (10) years

ago the CP sold the SOO Line to the DM&E. The result of this sale was a great improvement in the safety record of the CP, which indicates that the neglected SOO Line system was the weak link in the CP chain. Now the CP is touting its safety record in the purchase of the DM&E/IC&E. The DM&E/IC&E track, which includes the neglected SOO Line track and system, is the same track the CP amputated 10 years ago to improve their safety record. The track and system is still in dire need of repair and upgrade. The City of Dubuque would like to know how the CP intends to improve the track to a standard which will allow safe transportation now when it could not a decade ago. The City questions whether the CP has the resources to upgrade the DM&E/IC&E track, including the neglected SOO Line track, to a standard which would allow for hazardous materials as well as coal to safely move through our community.

The City met with officials from the DM&E/IC&E as well as the CP and CP consultants (CP group). The City presented the CP group with information about Dubuque as well as a number of questions about the acquisition and the CP's intentions, policies, safety, mitigation plans, and assistance. The response from the CP group was unsatisfying at best. The CP group avoided answering the questions, the responses were evasive and relied on the mantra, "The Company can take no position on this matter until the STB decision is announced," or "Until CP receives approval from the STB, we cannot be involved in the project." While the City understands STB approval is instrumental for action, the pending approval of the acquisition does not prevent meaningful discussion of the CP plans to work with communities. It is difficult for the City to consider a response of this nature as a gesture of good faith and a

willingness to work with Dubuque to resolve the concerns and issues specific to our community

The City of Dubuque requests that the safety of each railroad be examined and evaluated and the appropriate conditions be imposed. The Applicants must be held accountable to protect communities along their tracks from substantial harm, including but not limited to environmental assessment, restricted speeds, mitigation strategies, and upgraded tracks, crossings, and safety features.

In closing, the City of Dubuque asks for balance among the interests of the railroad, industry, and the citizens and businesses of Dubuque, recognizing that the railroad and communities must co-exist and work together.



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Dated May 19, 2008

I certify that I have this day served copies of this document on all parties of record in this proceeding by first class mail


Jennifer Griffin

5/19/08
Date