



TOWN OF CICERO

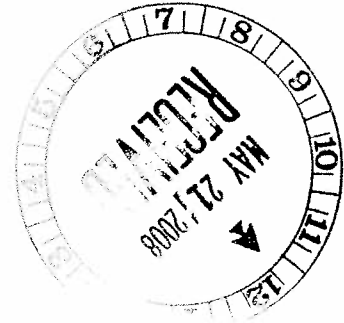
LEGAL DEPARTMENT

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www.thetownofcicero.com

Larry Dominick
President

May 14, 2008

Anne K. Quinlin, Acting Secretary
Surface Transportation Board
U.S. Department of Transportation
395 E. Street, S.W.
Washington DC 20434-0001

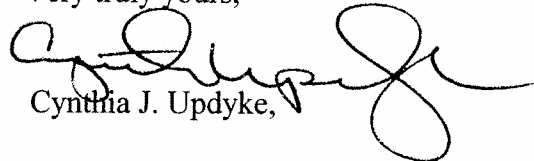


Dear Ms. Quinlin:

Enclosed please the Town of Cicero's executed RESOLUTION SUPPORTING CANADIAN NATIONAL RAILWAY COMPANY'S ACQUISITION OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY FOR THE PURPOSE OF OPENING NEW CAPACITY ON CERTAIN RAIL LINES ON BEHALF OF THE TOWN OF CICERO, COOK COUNTY, STATE OF ILLINOIS.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,


Cynthia J. Updyke,

Enclosures

RESOLUTION NO. 108-08

A RESOLUTION SUPPORTING CANADIAN NATIONAL RAILWAY COMPANY'S ACQUISITION OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY FOR THE PURPOSE OF OPENING NEW CAPACITY ON CERTAIN RAIL LINES ON BEHALF OF THE TOWN OF CICERO, COUNTY OF COOK, STATE OF ILLINOIS.

WHEREAS, the Town of Cicero (the "Town") was created by a charter enacted by the Illinois General Assembly (the "Charter"); and

WHEREAS, the Corporate Authorities of the Town (as defined below) are governed by the Charter and the Constitution of the State of Illinois and the statutes of the State of Illinois when not specified in the Charter; and

WHEREAS, the Town is a home rule unit of local government as is provided by Article VII, Section 6 of the Illinois Constitution of 1970, and as a home rule unit of local government the Town may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, one-third (1/3) of the nation's freight rail traffic moves to, from or through the Chicago area every year, making the area the transportation hub of North America; and

WHEREAS, rail congestion has significantly slowed freight traffic through the Chicago region to the point where it can now take a freight train twenty-four (24) hours to travel the thirty (30) miles through the City of Chicago, slowing rail transportation nationwide; and

WHEREAS, opening up capacity on urban rail lines means that all rail traffic will move more efficiently and smoothly through the City of Chicago; and

WHEREAS, freight trains are three (3) times more fuel-efficient and emit one-third (1/3) less pollution than trucks carrying comparable loads, thereby lessening the drain on the nation's energy reserves; and

WHEREAS, a typical freight train carries the equivalent of two hundred eighty (280) truck-trailer loads, thereby alleviating highway congestion by keeping time-sensitive freight on the rails rather than diverting the freight to highways; and

WHEREAS, rail transportation is crucial to the region, economically touching five million (5,000,000) jobs nationwide; and

WHEREAS, if the problem of rail congestion in the region goes unchecked, it could cost the region two billion and no/100 U.S. dollars (\$2,000,000,000.00) in production and impact seventeen thousand (17,000) jobs over the next two (2) decades; and

WHEREAS, Chicago Region Environmental and Transportation Efficiency Program (CREATE), a model public-private partnership initiated more than five (5) years ago, developed a comprehensive long-term plan that would revitalize the area's transportation network by reconfiguring rail traffic through the Chicago Metropolitan region; and

WHEREAS, the CREATE comprehensive plan still hasn't received full government funding, even though it has had wide support from every level of government, the private sector and a broad cross section of nongovernmental groups and organizations; and

WHEREAS, Canadian National Railway Company, a founder and strong proponent of CREATE since its inception, has proposed rerouting its traffic from the

congested urban rail lines to the under-utilized Elgin, Joliet and Eastern Railway, at its own cost and expense, thereby opening up new capacity on those urban lines; and

WHEREAS, by rerouting its traffic, Canadian National Railway Company will relieve freight congestion on many of the Chicago area's rail lines, thereby reducing travel times, pollution from idling trains and costs resulting from shipping delays; and

WHEREAS, the Town President (the "President") and the Board of Trustees of the Town (the "Town Board" and with the President, the "Corporate Authorities") support the acquisition of the Elgin, Joliet and Eastern Railway Company by Canadian National Railway Company; and

NOW, THEREFORE, BE IT RESOLVED by the President and the duly authorized Board of Trustees of the Town of Cicero, County of Cook, State of Illinois, as follows:

ARTICLE I. IN GENERAL

Section 1.0 Findings.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Resolution are full, true and correct and do hereby, by reference, incorporate and make them part of this Resolution as legislative findings.

Section 2.0 Purpose.

The purpose of this Resolution is to support Canadian National Railway Company's acquisition of the Elgin, Joliet and Eastern Railway Company and to authorize the Town to take all steps necessary to effectuate the intent of this Resolution.

ARTICLE II. AUTHORIZATION

Section 3.0 Authorization.

That the Corporate Authorities hereby support Canadian National Railway Company's acquisition of the Elgin, Joliet and Eastern Railway and the Town Board urges the Surface Transportation Board of the U.S. Department of Transportation to approve the application of Canadian National Railway Company to acquire the Elgin, Joliet and Eastern Railway Company as a valuable enhancement of the region's rail network. The Town Board authorizes and directs the President or his designee to execute any applicable documents, with such insertions, omissions and changes as shall be approved by the President and the Town Attorney, to effectuate the intent of this Resolution. The Town Clerk is hereby authorized and directed to attest to and countersign any documentation that may be necessary to carry out and effectuate the purpose of this Resolution. The Town Clerk or her designee is further directed to send a copy of this Resolution to the Acting Secretary of the Surface Transportation Board.

ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

Section 4.0 Headings.

The headings of the articles, sections, paragraphs and sub-paragraphs of this Resolution are inserted solely for the convenience of reference and form no substantive part of this Resolution nor should they be used in any interpretation or construction of any substantive provision of this Resolution.

Section 5.0 Severability.

The provisions of this Resolution are hereby declared to be severable and should any provision of this Resolution be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

Section 6.0 Superseder.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 7.0 Publication.

A full, true and complete copy of this Resolution shall be published in pamphlet form or in a newspaper published and of general circulation within the Town as provided by the Illinois Municipal Code, as amended.

Section 8.0 Effective Date.

This Resolution shall be effective and in full force immediately upon passage and approval.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

ADOPTED this 13 day of May, 2008, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Viruso	X			
Alanis	X			
Reitz	X			
Garcia	X			
Punzo-Arias	X			
Raleigh	X			
Walsh	X			
(President Dominick)	—			
TOTAL	7	0	0	0

APPROVED by the President on May 13, 2008


LARRY DOMINICK
PRESIDENT

ATTEST:


MARYLIN COLPO
TOWN CLERK