



The Flint Creek Neighborhood Association

February 11, 2008

Surface Transportation Board
395 E. Street SW
Washington, D.C. 20423
Attention: Phillis Johnson-Ball
Environmental Filing,
STB Docket No. 35087

Surface Transportation Board
Comments - FD-35087

Letter of Distribution

FOR

RE: Comments on Draft Scope of Work for the Draft Environmental Impact Statement for the Proposed Canadian National Railway Company Acquisition of the Elgin, Joliet and Eastern Railway Company, STB Finance Docket No. 35087

Dear Sir or Madam,

Flint Creek is a neighborhood of 51 homes in Barrington, Illinois, in the northwest suburbs of Chicago which borders the west/north of the EJ&E rail tracks on the north east side of the village. The three other sides of the Flint Creek subdivision is bordered by Cuba Marsh, a Lake County forest preserve. Our homeowners association has many concerns about the acquisition by the Canadian National ("CN") purchase of the EJ&E railroad which we address in this petition. We know this is a lengthy process and also understand that the STB will look at all aspects during the Environmental Impact Study (EIS). We appreciate your time and effort in this matter.

We have seen a letter similar to this one drafted by another Barrington subdivision, Westwood, and share all of the views cited therein as they relate to all points other than those specific to Westwood's location. Flint Creek, therefore, stridently incorporates Westwood's letter by reference.

- o We have reviewed Appendix A Draft Scope of the EIS work (scope) of the Surface Transportation Board's (STB) Decision on FD 35087 and find it to be inadequate. In addition to all of the reasons that our friends in the Westwood neighborhood cited that the scope does not meet the intent of the National Environmental Policy Act (NEPA) or the requirements of the STB's own CFR 1105.7, Flint Creek believes that the application and information filed by CN does not reflect the true intentions of the company,

to the point that the application lacks fundamental credibility, starting with the fact that the STB's review is oriented to the three-year impact of the increased train traffic, but it is likely that the traffic will increase substantially over the ten- and twenty-year horizon. CN's behavior and plans are well-documented as they relate to upgraded port facilities directing sharply increased amounts of traffic to the CN intermodal facility in Memphis (which has also been upgraded).

The scope also fails to identify, even in the most general terms, the local, state and federal agencies that will be used in coordination on various sections of the document. Our brief contact with local County Forest Preserve agencies indicates many of these jurisdictions are unaware of the pending action and that the timing of this process and its announcements over the Christmas holiday period clearly has resulted in numerous agencies left unaware, if in fact they were notified at all.

The safety, traffic and noise and vibration sections provide for a generalized and estimated evaluation where CFR1105.7 requires specific and measured evaluations. The scope is overly vague in its descriptions of the evaluations, listing no specific locations or operations that will be covered. The scope must address the environmental issues of impacts on the extensive multi-county Forest Preserve system with its protected, threatened and endangered species as well as the threats to the Illinois listed threatened and endangered species. The scope fails to address CFR 1105.7 (10) – proposed mitigation and CFR 1105.7 (11) requirements for additional rail constructions. The evaluation of the double tracking of such an extensive line should not evaluate a narrow, federally focused set of questions. We therefore formally request that the STB revise and expand the Draft Scope of Work in the following ways.

Questions and Comments on Environmental Impact Categories:

1. Noise and Vibration

CFR 1105.7 states that if any of the thresholds identified are exceeded, the EIS will "identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed." The language of the CFR does not limit the analysis to only those receptors within or adjacent to the railroad right of way.

- Section 6B should read: Identify all locations where the proposed increase in rail traffic will cause an increase to a noise level of 65 decibels L_{dn} or greater. Identify all existing and permitted sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) and identify mitigation measures to abate the increase down to existing levels. In the Barrington area this evaluation should also include the Barrington High School grounds and buildings, Langendorf Park and ancillary facilities, Citizen's Park and its facilities, and the Barrington Public Library.
- Section 6C should read: "Identify all sensitive receptors that will experience an increase in noise level of 3 decibels L_{dn} including but not limited to all sensitive receptors adjacent to or with line of sight views of the tracks. In the Barrington area this evaluation should also include the Barrington High School grounds and buildings, Langendorf Park and ancillary facilities, Citizen's Park and its facilities, and the Barrington Public Library.
- Section 6D must specifically include homes on Bent Ridge Lane, New Bridge Court, Stillwater Court and Old Creek Court that are not adjacent to the tracks and yet experience vibration effects from the existing train service.
- Section 6D must specifically include any structures or sites of cultural or historic resources that are near to but not necessarily adjacent to the rail corridor.
- We understand that Metra has petitioned the STB regarding this acquisition, and that part of its filing requests that any increased traffic on the EJ&E tracks be restricted to non-rush hours for the commuter line, defined as 6:00 a.m. to 10:00 a.m. and 4:00 p.m. to 8:00 p.m. We endorse Metra's request and note that the proposed 300% increase in freight traffic will, therefore, be experienced during the other 16 hours per day (and night), making the effective increase during those hours even more dramatic and than it otherwise would have been.
- In discussing the noise and vibration issue with members of CN management who attended an open forum meeting in Barrington early in January (the "Forum"), Barrington residents were given numerous verbal assurances that CN's application and plan was to minimize the noise and vibration to the homes, businesses and sensitive receptors. The

assurances went so far as to identify locations at which prospective CN trains would be held idling until the intersection with the Union Pacific tracks had cleared, and that these locations would not be within Barrington. We believe that these assurances are not credible, inasmuch as the EJ&E routinely idles its locomotives near Flint Creek.

2. Safety Impacts

An issue of utmost concern is the safety of our children that travel to and from school on our school buses. According to statistics from the Community Unified School District 220 president, buses cross the tracks a minimum of 375 times daily. Our area has a tragic history of fatal accidents involving school buses and trains, and a sharp increase in the train traffic will only exacerbate the problem.

The 49 CRF 1105.7 states that an EIS must "(i) describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings), (ii) if hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record on derailments, accidents and hazardous spills; (in the case of CN, corporate-wide in North America, not just on local routes); the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials; (iii) if there are any known hazardous waste sites or sites where there have been hazardous materials spills on the right of way, identify the location of those sites and the types of hazardous materials involved."

The present scope does not provide enough information to consider the safety tradeoffs of removing traffic from downtown Chicago and placing it in the less dense suburban areas surrounding the City. The threshold of 2500 ADT for accident rate forecasting does not provide the level of evaluation needed to evaluate local transportation impacts or impacts to sensitive receptors. The proposed threshold may be appropriate for a dense urban area such as the crossings within the City of Chicago. It is not an appropriate level for the more suburban densities found along much of the EJ&E alignment.

- CN's operational safety record in both Canada and the United States must be examined and reflected in the accident rate evaluations. Specific facts and incidents we are aware of include:

1. Rising rail accidents and derailments since 2002.
 2. Poor maintenance, human error, an over reliance on technology and staff cuts were contributing factors for the most serious accidents.
 3. Transportation of dangerous goods going through populated areas and going through environmentally very sensitive areas.
 4. The Lake Wabamun accident with spilling of more than 150,000 gallons of fuel oil.
 5. The Cheakamus River accident filling the river with 10,000 gallons of toxic sodium hydroxide.
- Each alternative must be evaluated for the effects on the public health and safety including but not limited to changes in vehicle delay time at all at-grade railroad crossings. This should specifically address emergency vehicle (ambulance, police and fire) delay (during the morning and peak travel periods and throughout the day) in each community and access to local hospitals, as well as delays in delivering children to and from schools during morning and evening peak periods.
 - Section 1D (1), (2) and (5) should be expanded to ensure that each alternative be evaluated for hazardous materials transport effects as listed in CRF1105.7e (7)(ii). This assessment should include an evaluation of each individual local jurisdiction's ability to respond to accidents, spills and derailments through their police, fire and emergency response agencies. CN's contingency plans and experience in recent years in responding to such situations is not reassuring.
 - Each alternative must be evaluated for any known hazardous waste sites or sites where there have been hazardous materials spills on the right of way, identify the location of those sites and the types of hazardous materials involved. The evaluation should indicate the extent to which all alternatives, but particularly a full build out (double track) alternative, will disturb each site and identify appropriate remediation and construction mitigation to assure the safety of the surrounding communities during construction.
 - With regard to the point of a full build out of the tracks, CN's application to the STB and management's posture at the Forum simply defy credibility altogether. Part of CN's stated plan is to increase the number of tracks both

to the north of Barrington and to the south of Barrington, thereby creating an obvious bottleneck or pinch point in a rail system that is efficient only when it is flowing freely. It defies common sense and simple prudent business decisions to assert that the north and south improvements would be made and that somehow they could be avoided in Barrington.

- The potential for pedestrian and bicycle accidents must be forecasted at all at-grade crossings using a method acceptable and consistent with local jurisdiction accident rate methods. The results of this analysis should be included in Section 1A and 1F. The Barrington area has recently experienced several student deaths at railroad crossings; like the experience with school buses this is an experience we are loathe to repeat.
- Safety Section 1F must include a specific evaluation of the effects on emergency services that may arise in Barrington due to the confluence and crossing of the NW Corridor and the EJ&E lines in the downtown including but not limited to the area in the vicinity of Lake Cook Road, State Route 59 (Hough Street), Otis Road, Lake Zurich Road, Cuba Road and Northwest Highway State Route 14.

3. Traffic Impacts

We recognize that freight consolidation and the reduction of trips through the Chicago downtown will provide positive congestion relief to already overcrowded rail lines terminals. However, shifting a problem to outlying areas without commensurate efforts to avoid or eliminate the resulting problems is not good planning and is not acceptable.

- Regarding Section 2A, please ensure that the 2000 Strategic Regional Arterial study by the Illinois Department of Transportation (Operation Greenlight) that addressed the feasibility of the EJ&E becoming a commuter line – this study showed over \$1 billion dollars would have to be spent for track improvement, crossing and signal improvement, purchase of property for right of way.
- To date, most of the evaluation of the increased traffic on the EJ&E has been based on the assumption that the increase would be limited to a net 15 trains per day, to a total of 20. It is probable that this evaluation is myopic, inasmuch as CN has announced that its two ports, which will be generating traffic for this route, are being upgraded to handle sharply

increased container throughput, measured in twenty-foot equivalent units, or "TEU's." The Fairview Container terminal, for example, is being upgraded from its current capacity of 500,000 TEUs per year to a capacity of 4,000,000 TEUs per year in 2015. CN's Port of Prince Rupert is already the largest deep-water terminal on the West Coast, and much of the container traffic from the Port is headed over the EJ&E tracks on its way to CN's intermodal facility in Memphis, at which CN has spent several hundred million dollars since 2004. Based on these facts alone, the STB must dig "behind the numbers" to ascertain CN's actual intentions with respect to this acquisition and these tracks, as we believe they are not reflected in the application.

- Section 2A must be changed to specifically include the evaluation of the delay in Metra commuter services as a result of increased traffic on the line and crossings of the Metra line, specifically to include the Palatine, Barrington and Fox River Grove Stations which serve residents of the greater Barrington area communities.
- Regarding Section 2B please ensure that the EIS specifically evaluates the Metra-Union Pacific line. This railway already runs freight trains through the Barrington area and significantly affects traffic.
- Regarding Section 2C please ensure that the EIS specifically studies and evaluates the impact on the Metra Union Pacific Northwest Line. This commuter line hosts approximately 30 inbound trains to Chicago and 30 outbound trains to the Harvard/McHenry area. There are also weekend schedules that are comparable. These trains currently cross several intersections in the Barrington area – with 2 crossings within the business district. The EJ&E line crosses the Union Pacific Line within the Barrington business district. This crossing is unimproved and can not possibly handle the traffic proposed on the EJ&E line. The addition of CN trains would alter traffic on a highly utilized Metra line that is a lifeline for commuting for hundreds of thousands of riders per day.

The multiple crossings of the METRA North West and EJ&E lines present an exceptionally difficult traffic problem in the greater Barrington Area.

- Section 2E must specifically include the evaluation of congestion impacts and mitigation that addresses intersections or crossings on Lake Cook/ Main Street at least as far away as Hart Road and throughout town to Eastern, on SR 59 at least as far away as Hillside to the south and SR 22

to the north, and on SR 14 at least as far as Barrington Public Library. This analysis should not be limited to the intersections immediately adjacent to the existing rail line.

- We request that you revise Section 2E and reduce the ADT evaluation threshold to 500 vehicles per day for the evaluation of impacts to local road crossings.
- Please revise Section 2E Delay experienced at crossings for individuals and school buses at the above listed crossing as well as other which meet the 500 ADT threshold. The results of these delay analyses should be incorporated into Section 3 E's socioeconomic analysis, Section 4B Energy analysis, and Section 5D Air Quality analysis.

We understand that grade separations are considered based on an intersection's exposure factor, which exposure factor equals the product of the number of trains per day and the number of highway vehicles per day. The yield is the number of potential train/vehicle conflicts that occur each day at the crossing. Applying this arithmetic to the Barrington situation follows:

- Rt. 14 crossing with ADT @ 32,000 x 20 daily trains = Exposure Factor of **640,000, more than six times the standard** for grade separation consideration
- Lake Cook Rd. crossing with ADT @ 18,000 x 20 daily trains = Exposure Factor of **360,000, more than three and one-half times the standard**
- Rt. 59 crossing with ADT @ 22,000 x 20 daily trains = Exposure Factor of **440,000, more than four times the standard**

The STB and Chicago have created the CREATE program as a mechanism to evaluate problems on the Chicago rail lines and identify solutions to these problems. The resulting priority list of projects has not as yet been funded and in no way did this program extend out to much of the area served by the EJ&E line despite CN's participation in CREATE.

With further regard to the impact on traffic due to the proposed sharp increase in the number of trains, CN management has been widely quoted that any negative impact will be felt by 34 communities, while positive impact will be experienced by 80 communities. When challenged, CN management has had to admit that

any decrease in freight traffic in the 80 communities will be short-lived, as other railroads move in to absorb the slack capacity. That CN management acknowledges these facts, is clear evidence that they have analyzed and developed business plans that are not disclosed in their STB application and that extend well beyond the three years' impact study that the STB has proposed.

In fact, "The Chicago area freight network is choking on congestion, and freight traffic is expected to nearly double in the next twenty years," said Jim LaBelle, Vice President of Chicago Metropolis 2020. Mr. LaBelle's further expectation is that other large railroad companies will connect to the EJ&E tracks, a move that would allow rails to carry more crosstown freight shipments that otherwise would be loaded onto trucks traveling area roadways. In the event that Mr. LaBelle's expectations are realized, there are likely to be far greater than 20 trains per day on the EJ&E tracks.

4. Land Use and Socioeconomics

The effect of increased service at any level on the Barrington area communities will be great. Local businesses, governmental and community services such as parks and schools in the greater Barrington area will all be tremendously affected by the addition of lengthy trains.

- Section 3 D must be revised to include an economic impact analysis that quantifies the effect of delays and the decrease in timely access to services for the greater Barrington area. This analysis should identify those businesses which are most likely to be affected and to determine the loss of business and the effect on the local tax base as a result of this loss of business. Some 15 Flint Creek residents own Barrington-based businesses, and all elements of the increased proposed train traffic will have a severe impact on the ability of their customers, clients and suppliers to reach them to conduct business. An approval by the STB of CN's application, particularly if these local economic impacts are ignored, is essentially favoring CN's pursuit of interstate commerce over the established businesses in Barrington, many of which are owned by our neighbors. Section 3E must be revised to include specific mention of who will bear the cost and the sources of funding for any mitigation measures in the Barrington area. We would urge this same analysis be conducted for other communities whose business districts are crossed by the corridor.

Transportation of our children to our schools in the Barrington's Community Unified School District (CUSD) 220 will be changed dramatically. The economic impact to our district and the financial impact to the community that will arise from

adjustments to bus and school schedules, the need for new buses and revisions to existing negotiated contracts with teachers unions may all be affected by schedule changes resulting from increased travel times to and from schools. We would urge this same analysis be conducted for other school districts along the full route.

- Section 3Ds and 3E must be revised to include economic impact analysis to quantify the effect on CUSD District 220 local school finances that will result from the delays and the cost to taxpayers of these changes.
- We incorporate by reference the comment, recommendations and requests of the CUSD Unified School District 220.
- Sections 3D and 3E must be revised to address the cost of the effect on daily and peak period commute times and quality of life on the large segment of the Barrington area population that relies on uninterrupted train service for work and schools in the Chicago area. Cost of delays for commuters at the Palatine, Barrington, and Fox River Grove Stations along the METRA northwest line should be estimated.
- It is estimated that the market value of the Barrington communities (including Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Tower Lakes, Deer Park, Cuba Township and Barrington Township), is \$10 billion. The impact on these market values as a result of the increased train traffic is estimated to be between 10% and 40%, with an expected average loss in value of 20%. A 20% loss in market value, or \$2 billion, in the Barrington communities will have a disastrous impact on the economic health of the area, quite apart from a 20% reduction in the property tax base that supports our villages and our schools.

5. Energy

49 CFR 1105.7 (e) (4) requires the applicant to state whether the proposed action will result in the increase or decrease in overall energy efficiency and explain why. Section 4B generally states that the EIS will "evaluate potential changes in fuel use arising from the transaction."

The effect on locals for increased energy consumption due to delays waiting for trains in a time of increasing fuel costs can be significant on individual family budgets. Businesses and government operations, including school buses operating costs will all be negatively impacted by increased delays. These

energy costs may or may not be offset by delays in areas where freight traffic will be removed from other lines.

- We request that Section 4B be expanded to include an evaluation of the change in energy consumption resulting from increases in the delays of motor vehicles at all at-grade crossings along the EJ&E corridor for all build alternatives.

6. Air Quality

Increased emissions from diesel locomotives (particulate emissions) over current use of the track will occur as a result of the increased numbers of trains per day, which will be in excess of the regionally mandated thresholds for emissions evaluations. Delays from increased rail traffic on local road crossings will impact numerous sensitive receptors including homes, parks, schools, hospitals and other facilities. Sensitive receptors need to be identified along the EJ&E route whether or not the delays occur on roads with an ADT greater than 2500 per day. For example, Hough Street school on SR 59 with outdoor play yards along the road, will experience even greater emissions from idling vehicles as a result of the increased traffic despite not being adjacent to the EJ&E tracks.

- Revise Section 5D to include the evaluation of emissions increases at all sensitive receptors at all at-grade crossings and at the sensitive receptors at intersections which will experience increased delays

7. Biological Resources

- Studies for all of the Federal endangered and threatened species listed in Lake and Cook Counties and all other counties that the EJ&E corridor runs through must be undertaken to determine the presence of any or all of the species in the area of all proposed and potential double tracking. We request that the studies identify all potential habitats and occurrences for areas of up to one mile on either side of the existing EJ&E corridor. We further request that the studies be conducted at the appropriate time of year, using protocols accepted by both the U.S. Fish and Wildlife Service and the Illinois Department of Natural Resources to find evidence of each species. We further request that mitigation for all potential impacts be defined and delineated in the environmental document.
- Section 7B must be expanded to state that habitat studies also be conducted for all Illinois listed threatened and endangered species for all counties crossed by the EJ&E corridor including but not limited to Cook

and Lake Counties. These studies should be conducted at the appropriate time of year for each species using protocols accepted by the Illinois Department of Natural Resources in order to find evidence of each species. The lists will include, but will not be limited to, the following:

Endangered:

- Common Moorhen
- Pied-billed Grebe
- Yellow-headed Blackbird
- Least Bittern

Threatened:

- Cooper's Hawk
 - Northern Harrier
 - Black-billed Cuckoo
 - Black-crowned Night Heron
 - Marsh Pennywort (which we understand is the only population in the US)
- The scope identified in Section 7 B is overly narrow and overlooks key protected resources within the effected communities. We request that formal coordination be undertaken with all counties that are crossed by the EJ&E right of way, and with all county Forest Preserve Districts, particularly but not limited to the Lake County and Cook County Forest Preserve Districts.

Particular areas of concern in the vicinity of the Cook County Forest Preserve Districts 14 and possibly 15 include:

- Cuba Marsh and vicinity as well as along its connection with Citizens Park in Barrington;
- Shoe Factory Road Prairie Nature Preserve;
- Poplar Creek Prairie restoration area;
- Allen Mellie's grasslands - habitat to migratory birds, including the Henslow Sparrow;
- Multiple crossings of the actual Poplar Creek with serves as habitat for threatened and endangered otters, plants, and mussels;
- Important Fen Habitat adjacent to the east side of the rail road right of way;

- Constant, year-round, extremely cold riffle areas that serve as habitat for other species of concern;
- Crabtree Nature Preserve.

8. Water Resources

- Section 8B must determine whether any of the proposed alternatives or improvements have the potential to encroach upon any designated wetlands or 100-year floodplains.
- Section 8C must be added to include the delineation and estimate of impact of rail construction effects on all wetlands or 100-year floodplain locations along the right of way including earthwork estimates and the location of borrow pits and access roads along the entire EJ&E corridor.

10. Cultural and Historic Resources

The idea that **only** a cultural or historic resource that is immediately adjacent to or within the existing right of way will be affected by the double tracking or increased train service on the line is not consistent with the intent of 49 CFR 1105.8.

- The effects on the Barrington Historic District and other local cultural resources must be specifically identified and mitigation proposed in this document as well as the historic districts and cultural resources of all other communities in the region which are located in close proximity to the EJ&E right of way.

Proposed Mitigation

49 CFR 1105.7(e)(10) clearly states that a description of any actions that are proposed to mitigate adverse environmental impacts is required, including an indication of why the proposed mitigation is appropriate.

We believe that, in light of the grave considerations outlined above, the STB must assert its authority and prevent the acquisition of the EJ&E by CN. Failure to do so would cause irreparable environmental damage to our Village, the safety of our children and families, and to the natural area in which we have chosen to live.

FLINT CREEK

AT BARRINGTON

The Flint Creek Neighborhood Association

If the STB ignores these compelling concerns and is unable to prevent the acquisition from being completed, the STB must demand that CN provide Barrington, at minimum, with grade separations at all four intersections going through downtown Barrington.

Thank you for your attention to our neighborhood and our community concerns.

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FLINT CREEK

AT BARRINGTON

The Flint Creek Neighborhood Association

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