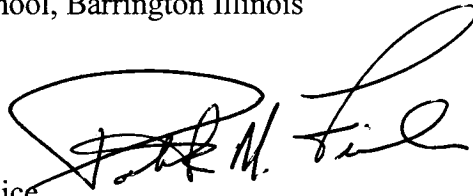


Surface Transportation Board Comments

August 27, 2008 between 6:00 P.M. to 9:00 P.M.
Barrington High School, Barrington Illinois

Comments by:

Patrick M. Finlon
Deputy Chief of Police
Lake Zurich Police Department
Village of Lake Zurich, Illinois



In my capacity as a law enforcement officer for the Village of Lake Zurich, I'd like to address issues related to the acquisition of the Elgin, Joliet, and Eastern Railway by the Canadian National Railway that directly impact law enforcement responsibilities in the Village of Lake Zurich.

Safety

The primary issue related to the impact on safety is the increase in the number of trains traveling through the Lake Zurich Police Department's jurisdiction. The increase in train traffic that is in conflict with vehicular traffic will result in delays and possibly increased traffic crashes. The primary area of concern is the grade crossing located at Ela Road south of U.S. Route 12. Ela Road has a daily traffic volume of approximately 16,100 vehicles. Traffic traveling southbound on Ela Road regularly queues up to U.S. Route 12 when the grade is blocked by a passing train. This queuing results in traffic traveling eastbound on U.S. Route 12 blocking a right-turn lane and westbound U.S. Route 12 traffic unable to turn left onto Ela Road blocking the left-turn lane. Inattentive drivers occasionally block the eastbound lanes of U. S. Route 12 because there is no room to travel onto Ela Road. What is more concerning, is that the volume of traffic on U. S. Route 12 is approximately 43,000 vehicles per day. It is inevitable that with increases in train frequency that this queuing onto a major thoroughfare will result in increased chances for rear-end and right-angle traffic crashes involving vehicles stopped-in-traffic.

Due to the increase in rail traffic, another inevitability is that grade collisions will likely increase. Currently, 5.3 trains per day travel through the Village of Lake Zurich with a reported increase to 20.3 trains per day anticipated. Not only will this result in an increased likelihood of train/vehicle collisions at each grade, but this increase needs to be extended to all 5 grade-level crossings within the Village of Lake Zurich. Currently, there are 26.5 opportunities per day for collisions at grades within the Village of Lake Zurich and this will increase to 101.5 opportunities per day. This increase will also affect pedestrians/bicyclists using the various roadways crossing at grade level. Additionally, the Village annual festival, the Alpinefest, is conducted adjacent to the rail line in Lions Park. Due to the limitations in parking, the parking lots south of the railroad tracks are used and individuals attending this event are required to cross at the South Old Rand

Road grade crossing, or other areas, well into the night. The increase in rail traffic will pose a risk to individuals crossing at the grade during this time period. Finally, a collision between a vehicle/bicyclist/pedestrian requires an extensive investigation, the grade crossing and associated railway would be blocked for an extended period of time resulting in major traffic delays. Such an incident would be compounded if the vehicle was transporting hazardous materials. The Village of Lake Zurich has a well-established Industrial Park and commercial motor vehicles regularly cross the railroad grade on Oakwood Road. Again, with the increase of train traffic comes an increased likelihood of such collisions.

The Lake Zurich Police Department has tried to address the problem of trespass to the railway right-of-way. This was particularly a problem near the schools located on Church Street. We addressed this through an educational campaign at the Lake Zurich High School, warning notices, and finally enforcement when multiple citations were issued. Because the violation (625 ILCS 18c-7503(a)(i) – Trespassing on Railroad Property Prohibited) is classified as a misdemeanor, Department personnel were required to assign a court location of Waukegan, Illinois. This resulted in increased staff time dedicated to this prosecution due to the requirement of the officer issuing the citation traveling to Waukegan. The EJ&E Police Department didn't have the staffing resources to address this issue and it is unknown if the CN Railway Police Department will have the resources to address this issue. This issue becomes more important due to the increase in rail traffic after the CN Railway acquisition.

The final issue related to safety is railroad gate malfunction. With the activation of the gates at the various crossings at an increased rate due to the increase in rail traffic the possibility exists for increased equipment malfunction. When a gate malfunctions the grade crossing is essentially blocked until the gate is fixed or a police officer is assigned to direct traffic around the gates. The assignment of a police officer to a grade crossing is generally necessary until the gate is repaired. This is a burden on the limited resources of the Police Department.

Noise and Vibration

On April 22, 2008 at 5:52 P.M. the Department responded to a Noise Complaint [2008-02861] at 47 Carolyn Ct. involving an EJ&E maintenance crew. A maintenance crew was performing track maintenance adjacent to the residence using two engines and a dozen cars. The resident complained of loud noise and fuel exhaust. An inquiry to the EJ&E by the on-duty sergeant revealed that the engines would be in the area overnight running and could not be shutdown due to possible damage to the equipment. The crew was within approximately 120 feet of the residence. This particular area is also close to a School District Administration Building and an Elementary School. This maintenance occurred over a couple of days. It could reasonably be anticipated that with the increased rail traffic, increased track maintenance would be necessary. The Department routinely

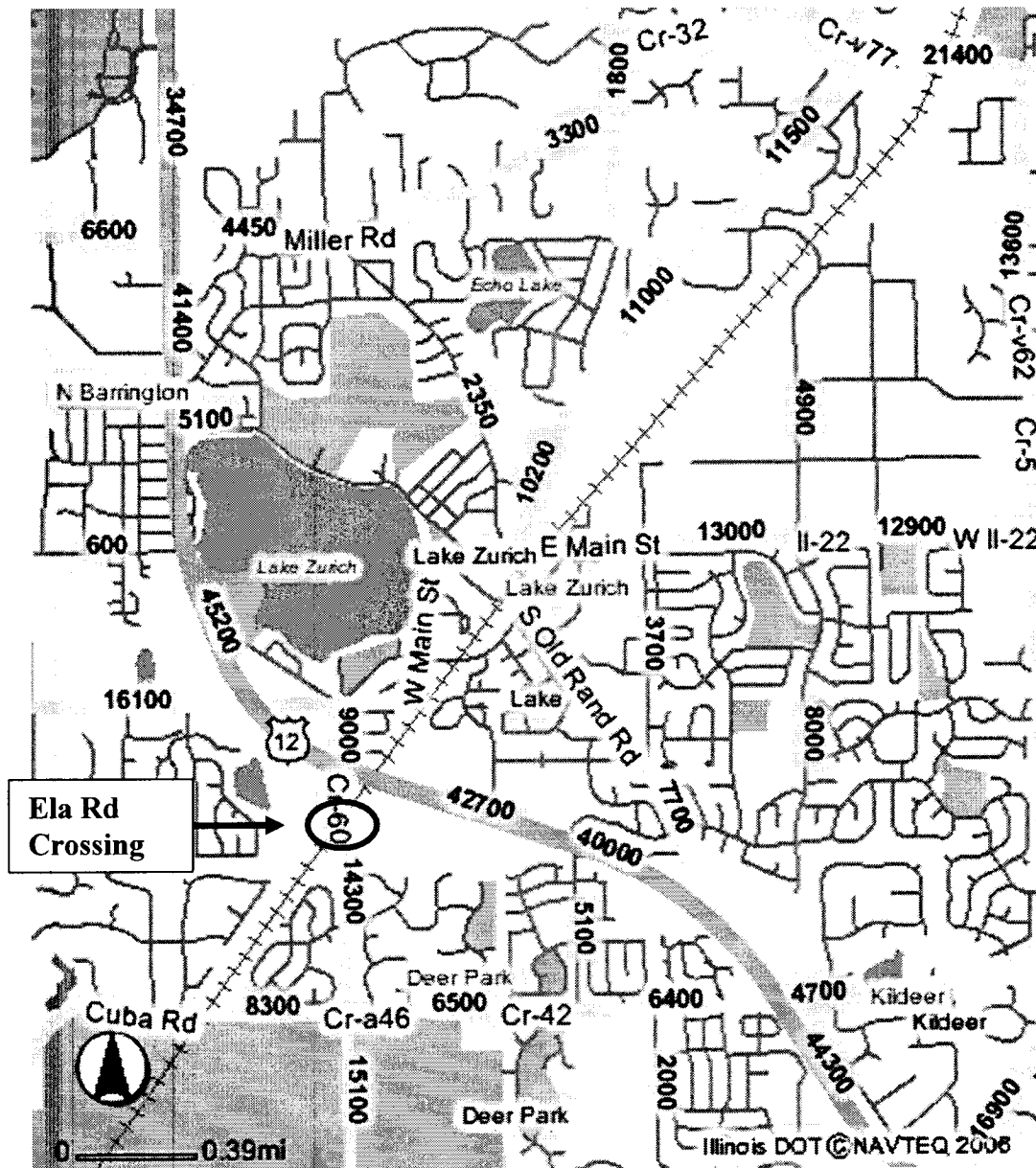
responds to service-related complaints and this particular incident required the assignment of both a patrol officer and supervisor.

Emergency Vehicle Response – Delay

Although the EJ&E and CN Draft Environmental Impact Statement (Executive Summary) addresses responses by Fire Department personnel from a fixed point - an established fire station, the operations of deployed police officers are different because officers are assigned to a defined geographic area (Beat or Zone of Assignment). Currently, the railroad tracks are used as the boundary for three zones. If an officer assigned to one zone requires the assistance of another officer, the responding officer may be delayed by rail traffic. The delay of even a couple of minutes to the call of an officer engaged in a physical confrontation is critical. Generally, the equipment used by police officers is faster and more maneuverable than fire apparatus, but an alternative route would be required and may result in injury to an officer or an escalation of force to subdue an offender.

Summary

Due to the increase in rail traffic through the Village of Lake Zurich, it is imperative that the CN Railway be required to mitigate any traffic impact that is due to the increase of their rail traffic.



Roadway	Daily Volume
Ela Road	14,300
Cuba Road	8,300
South Old Rand Road	7,700
East Main Street	6,390 (December, 2007)
Oakwood Road	4,900
* Data source – IDOT Average Traffic Count Map – Counts taken 2004	



LAKE ZURICH POLICE DEPARTMENT

☒ Miscellaneous Incident Report

☐ Traffic Arrest

☐ Juvenile Report

Page 1 of 1

1. Nature of Incident Noise Complaint			2. Incident Number 2008-02861		
3. Location of Incident 47 Carolyn Ct. Lake Zurich, IL 60047			4. Date and Time of Incident 04/22/2008 18:03		
5. Business Name DNA			6. IUCR Number 9058	7. Zone Zone 2	8. Sub-Zone
9. Complainant Name Last First Middle [REDACTED]			10. Date of Birth [REDACTED]		
11. Complainant Address 47 Carolyn Ct. Lake Zurich, IL 60047			12. Telephone Number [REDACTED]		
13. How was Complaint Received? ☐ 911 ☒ Non Emergency Phone ☐ Station Complaint ☐ On-View ☐ Other			14. Date and Time of Complaint 04/22/2008 18:03		
15. Subject Classification ☐ Missing Person ☐ Arrestee ☐ Suspect ☐ Other ☐ Victim			16. Subject Name		17. Date of Birth
18. Subjects Address			19. Subjects Telephone Number		
20. Height	21. Weight	22. Hair Color	23. Eye Color	24. Scars/Marks/Tattoos	
25. Characteristics: ☐ Suicidal ☐ Emotionally Distraught ☐ Suspicious ☐ Alcohol/Drug Use			26. L.E.A.D.S./I.S.P.E.R.N. Number		
27. Vehicle Used by: ☐ Missing Person ☐ Arrestee ☐ Subject of Complaint			28. Vehicle Registration		29. Registration State and Year
30. Vehicle Identification Number VIN			31. Vehicle Color	32. Vehicle Year	33. Vehicle Make and Model
34. Animal Type ☐ Dog ☐ Cat ☐ Other		35. Breed	36. Rabies Tag Number and Year		37. Lake County Animal Control Notified ☐ Yes ☐ No
38. Location and Extent of Injury			39. Doctor Treating Victim		40. Animal ☐ Impounded ☐ Returned
41. NO	42. Quantity	43. Description of Property	44. Serial Number	45. Lost/Found	46. L.E.A.D.S. Number
NO	Quantity	Description of Property	Serial Number	Lost/Found	L.E.A.D.S. Number
NO	Quantity	Description of Property	Serial Number	Lost/Found	L.E.A.D.S. Number
47. Narrative (Include all pertinent Details) On today's date at 18:03 hrs I responded to 47 Carolyn Ct. for a noise complaint. Upon arrival I met the complainant [REDACTED]. [REDACTED] drew my attention to a freight train on the E J & E railroad tracks about 40 yards behind his house. The train consisted of two engines and over a dozen cars. Both of the engines were running. Every few seconds both engines make sharp loud hissing sounds and sometimes a loud longer hissing sound reminiscent of semi-truck air brakes. The engines were also emitting fuel exhaust which could be detected throughout the area. [REDACTED] said the odor of the exhaust could be smelled in his house. [REDACTED] said the train had been there from about 17:00 hrs on 04/21/2008 until about 09:00 hrs today. The train returned at about 17:09 hrs today. Mr. Webster said his wife spoke to one of the train workers earlier this morning and was told the trucks would be in the area during overnight hours for the next few nights. [REDACTED] was not able to contact anyone from the railroad about the problem. Sgt. Anderson contacted the dispatcher at E J & E railroad and also was told the trains would be in the area during the overnight hours because work was being done on the tracks. Sgt. Anderson was told the trains could not be turned off because damage to it's equipment could occur. I explained to [REDACTED] that no police action could be taken at this time. [REDACTED] said he understood and will look into other options to rectify the situation. Nothing further at this time.					
48. Officers Name (Printed) K. Humiston #133			49. Assisting Officer(s) Sgt. Anderson		
Officers Signature [Signature]			Badge Number 133		50. Supervisor Approval [Signature]

Surface Transportation Board Comments

August 27th, 2008

Patrick M. Finlon – Deputy Chief of Police

Lake Zurich Police Department

Page - 5