

January 9, 2008

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

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,

Barrington homeowners many concerns concerning the acquisition by the Canadian National 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.

The Westwood Neighborhood Association of Barrington Illinois has reviewed Appendix A Draft Scope of the EIS work (scope) of the Surface Transportation Board's (STB) Decision on FD 35087 and finds the scope of the to be inadequate. We believe 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. 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 it's announcements over the Christmas holiday period clearly has resulted in numerous agencies being 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 CFR11-5.7 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 which crosses through multiple local jurisdictions 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. 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, busses cross the tracks a minimum of 375 times daily. I moved here in 1995 from Fox River Grove one week after 7 students were killed and 21 injured because a bus bisected the METRA tracks by six inches. With the increased train traffic on two perpendicular sets of tracks the likelihood of such accidents will increase tremendously.

The 49CRF 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; the contingency plans to deal with accidental spills; and the likelihood if 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."

- We recognize that there are trade offs in any changes to freight handling throughout the region, however, 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 at road crossings is not suggested nor warranted given the diverse communities and densities that arise along the EJ& E corridor. The proposed threshold may be appropriate for a dense urban area such as the crossings within the City of Chicago but it is not an appropriate level for the more suburban densities found along much of the EJ&E alignment.
- We request that the CN's operational safety record in both Canada and the United States 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.
- We request that each alternative 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.
 - We request that Section 1D (1), (2) and (5) 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.
 - We request that each alternative 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.
 - We request that the potential for pedestrian and bicycle accidents 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. Other areas as well may have experienced similar occurrences.
 - We request that Safety Section 1F 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 and Northwest Highway State Route 14.

2. 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. The EJ&E line does not currently have the capability for double tracking. CN has severely underestimated the costs associated with improving the rail line and upgrading from a class II rail line. We request that the EIS review the studies to fairly estimate the costs and require CN to present a solid financial plan for safe and effective operation, connection, extensions and land use for double tracking. The rail line can not currently safely carry any additional traffic.
- Revise Section 2A 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 evaluate the Metra-Union Pacific line. This railway already runs freight trains thru the Barrington area and significantly impacts traffic. With additional traffic on the EJ&E line, the Metra-Union Pacific line would clearly have to alter and increase freight traffic on their rail line
- Regarding Section 2C please ensure that the EIS specifically study and evaluate 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.

- Please revise Section 2E to specifically include the evaluation of congestion impacts and mitigation that addresses intersections or crossings on Lake Cook/