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VILLAGE OF MUNDELEIN

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Village of Mundelein
EJE Environmental Impact
Statement Scope Concerns
January 30, 2008 —
Re: Finance Docket 35087

Surface Transportation Board
395 E St. SW
Washington, DC 20423

Attention: Phillis Johnson-Ball
Environmental Filing
STB Finance Docket No. 35087

Surface Transportation Board
CN-EJ&E EIS - FD-35087
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Dear Ms. Ball:

Thank you for the opportunity to comment on the proposed Transaction, under which Canadian National Railway (CNR) would acquire substantially all of the assets of the Elgin, Joliet & Eastern Railroad (EJE). The Village of Mundelein, Illinois is at the nexus of the Transaction, having Leighton junction, where CNR's line between Chicago and Wisconsin crosses the EJE, within its borders. At this time, the proposed Transaction is anticipated to reroute at least 15 trains per day from the CNR line to the EJE. This change will reduce train traffic across Illinois Route 60 and Butterfield Road at the southeastern edge of the Village, but will increase train traffic across Diamond Lake Road and Illinois Route 60/83.

Both of these roads are two-lane, rural roads at the crossings, already overburdened with more traffic than they can handle. The Village is very concerned that without the installation of grade separations, the increase in train traffic will decrease safety at these crossings, and have a serious negative impact on the local transportation system. Furthermore, because southbound CNR trains diverting to the EJE line will have to slow down to negotiate the switch and connection, vehicular traffic on Allanson Road, 0.75 miles north of the junction, will be disrupted as well. It is these impacts to the businesses, residents, and transportation system along both lines that prompts our input.

The Village is most concerned about the negative impacts of the increased train traffic on the transportation system, particularly with respect to the movement of public safety vehicles. Other significant concerns include the disruption of traffic flow, crossing safety, air quality degradation, the increase in noise and vibrations in residential areas and near schools, interference with future commuter rail service enhancements, and storm water control.

The Village of Mundelein is sensitive to the importance of freight traffic to the economy of the Chicago Metro region, and understanding of the economic value of moving freight through this area as quickly and as efficiently as is practical. We support the development of an Environmental Impact Statement that balances local concerns with the economic benefits to the Canadian National and the Chicago region.

We feel strongly that the EIS must evaluate the negative effects on specific communities without diluting the impacts by averaging them over the Metropolitan region.

The Draft Scope of the EIS distributed by the STB on December 31, 2007 is the starting point for the following comments.

Comments on the scope of the EIS

1. Mundelein concurs with the scoping comments made by the Chicago Metropolitan Agency on Planning regarding Time Horizon of the Study, STB Oversight, Availability of data prior to the DEIS Publication, Thresholds for EIS Review, and Process Concerns. The CMAP comments are incorporated herein as Village comments. Of most importance is extending the Time Horizon past three years, and maintaining continued STB oversight of the operating plan proposed by CNR. Far too often, we have seen cases where STB approval of a railroad merger or acquisition has depended on the operating plan proposed by the railroad applicant, but that plan is immediately jettisoned once approval is gained.
2. Impacts to the movement of Fire, EMS and Police vehicles through the Illinois Route 60/83 corridor are a serious concern. The attached letters from the Mundelein Police and Fire Chiefs describe these issues in more detail and are incorporated herein as Village comments with respect to the *Safety* and *Transportation System* categories of the EIS. Due to mutual assistance agreements with surrounding fire districts, the Mundelein Fire Department uses Illinois Route 60/83 quite frequently – so much so that several of our firefighters' salaries are actually paid by our neighbors outside of Mundelein.
3. The *Noise and Vibration* category should note that the EIS will use the Vibration and Noise Study procedures recently promulgated by the Federal Highway Administration as part of the Chicago Region Environmental and Transportation Efficiency (CREATE) program. These procedures are state of the art with respect to measuring the noise and vibration impacts of freight trains.
4. The *Noise and Vibration* category should recognize that the negative effects of noise and vibration on schools needs to be assessed at a higher standard than on other land uses. The close proximity of West Oak School to the EJE line is of particular concern.
5. The *Land Use and Socioeconomics* category should recognize that the construction of improved rail connections, siding extensions and installation of second track (double tracking) would conform to the local storm water control and wetland protection

standards. Opportunities for improving storm water control and wetlands, as part of the construction process, should be identified. As you can see from the attached aerial photograph (drawn from Google Earth 2007), the entire Leighton junction appears to be in a wetland.

6. The *Transportation Systems* category item must recognize that the standard for assessing the potential effects on proposed passenger rail service that is “reasonably foreseeable” is not just “where capital improvements are planned, approved, and funded”. Rather, the standard should be to assess these effects where capital improvements have been proposed and studied. Commuter rail service on the EJE has been proposed and studied, along the whole line. The effects of this Transaction on commuter service on the EJE should be assessed.
7. This category should also include the assessment of the impacts of the Transaction on established Quiet Zones along the EJE and the need for additional supplemental safety measures to maintain the Quiet Zones. Quadrupling the rail traffic along the EJE will nearly double the risk at each crossing, and substantially raise the entire Corridor’s Quiet Zone Risk Index. We have provided information to STB staff and consultants regarding these existing Quiet Zones, through the Northwest Municipal Conference.
8. The category *Transportation Systems* should also assess the impacts to vehicular traffic at least 1.5 miles north of the junction of the EJE and CNR lines.
9. The category *Transportation Systems* should also use the corridor approach and assess the localized effect of the increased train volumes on the transportation system with a study area of 5 miles on either side of the EJE line.
10. The category *Safety* should assess the safety impacts at crossings at least 1.5 miles north of the junction of the EJE and CNR lines.

More importantly, the *Safety* category should examine hazardous materials movements very carefully. The Transaction proposes shifting 150.6 hazmat cars to the EJE from the CNR line. That traffic then grows by another 14.6 daily cars, leading to the EJE line being projected by CNR to carry 183.3 daily hazmat car movements – **an increase of 900 percent over today’s traffic on the EJE.** The Village of Mundelein will need to know what those hazardous materials are (by seven-digit STCC code), by volume, so that we can properly comment on this issue in the DEIS process. The data can be aggregated to conceal shippers’ identities, or a consultant for the Village of Mundelein will sign a confidentiality agreement so that he can examine the traffic tapes.

11. The category *Air Quality* should assess the increase in emissions on a local perspective. The net emissions should not be “averaged” over the Chicago Metro area. The localized impacts must be identified in order for mitigation options to be properly evaluated and determined. We suggest that this localized effect be assessed on a “corridor” basis, using a study area of 5 miles on either side of the EJE line.

12. When assessing the impacts of the increased train movements on the transportation system, air quality and energy, the analysis should factor in unscheduled stops that block the roadways. Unscheduled stops are usually longer and more disruptive than blockages from moving trains.

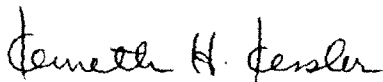
This concern was greatly increased by an Illinois Supreme Court ruling, issued January 25, 2008, finding that municipalities (or even States) cannot fine railroads when stopped trains block highway grade crossings, no matter for how long, as a matter of federal preemption. This case arose out of a dispute between the Village of Mundelein and the Wisconsin Central Railroad (now CNR) when the railroad blocked our major downtown arterial for 157 minutes. As of last Friday, the villages along the EJE lost their only defense against railroads parking trains in their municipalities, even if the trains block at-grade crossings.

13. When assessing the localized impacts of the increased train volumes within the corridor, the EIS should also assess the combined or synergistic effects of the impacts. The impacts of each study category should not be taken individually. The combined negative impacts of several categories may warrant mitigation alternatives not warranted if only one factor is considered in isolation.

Conclusion

We applaud the decision of the STB to require a full environmental impact analysis on this proposed Transaction, and we look forward to working with you, the CNR, and STB staff and consultants to move the process forward. We understand the need to move freight as efficiently as possible, and we hope that appropriate mitigation factors can be identified to ease any burden on our Village and residents.

Sincerely,



Kenneth H. Kessler

Mayor

KHK/ch

Attachments:

Aerial photograph of Leighton junction
Letter from Mundelein Police Chief Raymond Rose
Letter from Mundelein Fire Chief Timothy Sashko

