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"Kirk Zoellner"
<kzoellner@mokena.org>
09/16/2008 12:07 PM

To "Barbara Saddler" <saddlerb@stb.dot.gov>
cc <legal.support.services@stb.dot.gov>
bcc
Subject SEA - DEIS comments - Finance Docket No. 35087

RE: COMMENTS TO MS. PHILLIS JOHNSON-BALL RELATIVE TO DEIS

Dear Ms. Saddler:

Our community wishes to file the attached letter electronically with respect to Finance Docket No. 35087 and the Draft Environmental Impact Statement (DEIS) released July 25, 2008.

Thank you for your consideration and assistance.

Sincerely,

Kirk Zoellner
Assistant Village Administrator
Village of Mokena
11004 Carpenter Street
Mokena, IL 60448
Phone: (708) 479-3900
FAX: (708) 479-4844
Web: www.mokena.org

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copy format, either by deletion or otherwise. STB Finance Docket #35087.pdf



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Jane McGinn
George J. Metanias
Joseph M. Siwinski

September 15, 2008

BY E-FILING

Phillis Johnson-Ball
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: STB Finance Docket No. 35087

Dear Ms. Johnson-Ball:

I am writing to share the Village of Mokena's comments and request consideration of several items relative to the Draft Environmental Impact Statement (DEIS) released July 25, 2008 by the STB pursuant to Canadian National (CN) Railway's proposed acquisition of the Elgin, Joliet, and Eastern (EJ&E) Railroad.

We believe the DEIS falls short in addressing several items—both broadly and specifically—connected with this proposed transaction, and that these items must be given a much more thorough examination and treatment in the final Environmental Impact Statement (EIS).

In our opinion, the EIS needs to broadly address the following:

- Review alternatives for relieving rail congestion in the Chicagoland area other than CN's proposed shift of huge volumes of rail traffic from existing trackage to the EJ&E. More specifically, we believe the EIS should reconsider the CREATE alternative as a comprehensive solution to the problem.
- Assess realistically the ability of taxpayers to fund the mitigation recommendations contained in the DEIS, as well as other mitigation measures citizens throughout the region may demand should CN's proposal ultimately be approved. We believe the environmental impact of the proposed transaction on the region will be far greater than implied in the DEIS, given the scarcity of federal, state, and local government dollars to enact mitigation measures.
- Re-evaluate the list of "substantially affected" crossings included in the DEIS. The limited time length projection of ADT counts (in the DEIS) on those roads crossing the EJ&E at grade level—in our opinion—fails to adequately consider the probable prospect of both increased vehicular traffic on the roads and increased freight traffic on the EJ&E over the next 20 years, given current

population growth patterns and ever-increasing volumes of freight traffic on the rails.

On a more specific basis, we would ask the STB to do the following in the EIS:

- Take a harder look at the specific impacts of noise on residential homes located along the EJ&E that might be associated with larger and much more frequent freight traffic on the line.
- Require CN to pay for the installation of berms or noise walls in areas where EJ&E trackage lies within the projected 65 dBa weighted daily average contour line for residential areas as a condition of approval for CN's acquisition of the EJ&E. Such noise barriers are necessary to help protect the property values of these residential areas (see DEIS, page ES-16, paragraph 3). We believe it is unfair to ask Mokena residents with homes near the EJ&E to simply absorb the negative physical and economic impacts that will be imposed on them if this transaction is ultimately approved.
- Take a harder look at the negative impacts on safety and traffic congestion at at-grade crossings that would be associated with a quadrupling of freight traffic on the EJ&E in our area.
- Require CN to pay for necessary crossing improvements—including grade separations or either quad gates or barrier medians—as a condition of approval for the acquisition. With specific respect to Mokena and its at-grade crossing on Wolf Road, we believe the installation of barrier medians to be the minimum acceptable crossing improvement.

Please enter these comments and requests for consideration into the official record relative to this proposed acquisition.

Thank you for your consideration.

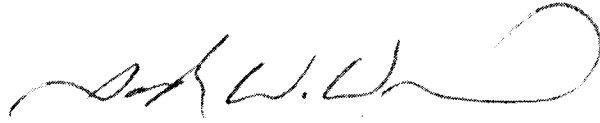
Sincerely,

A handwritten signature in dark ink, appearing to read 'J. W. Werner', with a large, sweeping loop at the end.

Joseph W. Werner
Village President

CERTIFICATE OF SERVICE

I certify that I have on this 15th day of September, 2008, served copies of this letter upon all known parties of record in this proceeding by first-class mail or a more expeditious method.

A handwritten signature in black ink, appearing to read 'J. W. Werner', with a large, sweeping loop at the end.

Joseph W. Werner