

President

John G. Tolomei

70 E. Main Street
Lake Zurich, IL 60047-3226
Phone: (847) 438-5141
Fax: (847) 540-1768
Web: www.volz.org



Village Clerk

Gloria M. Palmblad

Trustees

Suzanne K. Branding
Steve Callahan
Jim Johnson
Stephen J. McAvoy
Thomas M. Poynton
Craig W. Taylor

January 25, 2008

Phillis Johnson-Ball
Section of Environmental Analysis
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423-0001

Re: COMMENTS ON THE DRAFT SCOPE OF EIS
Finance Docket No. 35087

Surface Transportation Board

CN-EJ&E EIS 35087

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Dear Ms. Johnson-Ball,

HDR

I am writing in my capacity as the Village President of Lake Zurich with the unanimous support of the Board of Trustees expressing the Village's staunch opposition to Canadian National's (CN) proposed acquisition of the Elgin, Joliet, and Eastern Railway Company (EJ & E), which operates a rail line that bisects the Village of Lake Zurich and impacts the entire community and way of life for 18,992 residents.

Lake Zurich is located along the Leighton-Spalding segment of the EJ & E and the proposed CN rail traffic changes indicate that the current EJ & E base number of 5.3 freight trains per day will increase to 20.3 freight trains per day as a result of the CN acquisition of the EJ & E. Approximately 34 communities in the Chicago area, including Lake Zurich, will see a dramatic increase in rail traffic by the CN. *That is a 289 percent increase in freight train traffic going through the developed and populated areas of Lake Zurich.*

After carefully reviewing the Surface Transportation Board's (STB) draft scope of study, which is required for the Environmental Impact Statement (EIS), the Village urges you to (1) *disapprove the proposed transaction in whole* (No-Action alternative) to protect and maintain the safety and quality of life in the Village of Lake Zurich and surrounding area. *Should you decide to approve the proposed transaction with environmental mitigation conditions, (2) the Village presents the following list of impacts and mitigation measures needed for your consideration.*

Public Safety and Environmental Impacts

Public, Vehicular and Pedestrian Safety: The proposed sale and additional delays caused by the increased train traffic will negatively impact public, vehicular and pedestrian safety.

- Delays of up to 3+ hours per day (20.3 trains x 10 minutes per crossing, 203 minutes daily ÷ 60 = 2.38 hours per day of crossing delays) are projected at the following six at-grade crossings within and near the Village:
 - Old McHenry Road
 - Oakwood Road
 - East Main Street

- Old Rand Road
- Ela Road
- Cuba Road
- Average train length of 10,000 feet will cause four of our at-grade crossings listed above to be blocked to vehicle and pedestrian traffic for each train. Additionally, all major arterial roads near at-grade crossings adjacent to the Village will also be blocked by the trains.
- The added delay will increase emergency response times of the Village's emergency services personnel. It will also impact surrounding communities that must travel through our Village to transport patients to Advocate Good Shepherd Hospital via Old McHenry Road, Midlothian Road, Route 22, and Old Rand Road. The increase in time to respond to emergencies and access to a hospital will potentially cause loss life.
- The Village has already experienced one major train derailment that resulted in a 40 car pile up (coal) which closed crossings (Old McHenry Road and East Main Street) for about 5 hours and took about 3 days for the clean up. The cause was determined to be a bad wheel on the train that failed as it entered Lake Zurich. With the increased rail traffic, the risk of mechanical and track failure would also increase. The Village has a concern regarding the previous history of accidents, derailments, and environmental impacts that are associated with the proposed purchaser and their ability to prevent, control and mitigate these situations without significant economic and environmental impact to Lake Zurich.
- Community School District 95 buses cross the Village's at-grade crossings 233 times per day. The delay caused by increased rail traffic will dramatically impact transportation of students within the school district and the added number of trains will increase the potential for a train/school bus conflict.
- Lake Zurich High School and May Whitney Elementary School directly abut the existing railroad tracks. Although not encouraged, a significant number of students historically cross the tracks at random points to access the school property while walking to school.
- Presently, at-grade crossings cause back-ups along East Main Street and South, Old Rand Roads. Due to the close proximity of the rail crossing to Route 22, while a train is present, the traffic queue quickly begins to lengthen and enters the Route 22 intersections. Increasing the number of trains, lengths of trains and the speed of trains will have impacts to these queues which may increase risk of accidents as well as, defeats the significant improvements and expenditure made to relieve traffic congestion and delays in downtown Lake Zurich and State Route 22.

Environmental Impacts to the Community: The proposed transaction will negatively impact our community including: noise, vibration, pollution, traffic congestion, emissions, storm water control and management, potential for impact to the lake and increase risk of potential spillage of hazardous materials.

- Hazmat Risks: The HAZMAT statement states the HAZMAT would remain the same at 9.4. The Village is assuming that means 9.4 cars per train would not change but with the additional 15 trains per day we would see a net increase of 141 HAZMAT cars or more. The significant increase in the hazardous material cars will have adverse safety affects. School District 95 classrooms and children in many cases are only a few hundred yards away from the EJ&E line. Special provisions or apparatus should be provided by the CN to mitigate hazardous materials incidents. The increase in number and quantity of hazardous materials being transported through Lake Zurich will require the acquisition of special apparatus, and equipment or training to properly mitigate the hazardous materials.
- Increased risk of pollutants entering the Village of Lake Zurich municipal storm sewer system. Recent changes to the National Pollutant Discharge Elimination System require

new water quality monitoring , treatment and pollutant elimination techniques be implemented. It is the responsibility of the municipality to identify potential sources of contamination, and protect its storm system from contaminants. Railroad corridors have a very high potential for contamination of ground and storm water runoff due to the inherent nature of the corridor use. Train locomotives are recognized as one of the largest sources of pollution and acid rain. The area's largest healthcare facility Advocate Good Shepherd Hospital operates and depends upon three water wells on its property which will be impacted by the pollution caused by the increased rail traffic.

- The rail system is also used to haul all types of materials including hazardous chemicals throughout the system. The rail cars and locomotive engines are also mechanical pieces of equipment that require fluids and lubrication. Chemicals, fluids and heavy materials are released to the ballast below through leakage and normal wear and carried away during rain events, usually along drainage swales to an outfall point. The storm water outfalls for the railroad drainage are commonly municipal storm sewer systems. The Village is already in the process of mitigation for a similar situation as mandated by the US EPA.
- Increased traffic congestion will result in higher levels of emissions being released into the environment and atmosphere by the stopped/delayed vehicles.
- The EJ & E tracks primarily abut quiet residential neighborhoods and school properties that will be impacted negatively by increased sound, noise and vibrations caused by the increase train traffic.
- A "Quiet Zone Corridor" has been petitioned and is in process of being implemented and may be impacted by the increase in trains traveling at a significant speed through the area. Twenty plus trains a day sounding their horns four times per intersection will definitely have negative impact on the quiet neighborhoods and schools that are with the vicinity of the tracks within the "Quiet Zone Corridor". Freight trains are excessively loud and would disturb quiet neighborhoods throughout all hours of the day.

Transportation Systems: The transportation system for Lake Zurich and the surrounding area would be impaired.

- Extensive delays in the transportation of goods, services and people to, from and through the community.
- The long-planned and much-needed commuter rail service, STAR Line, is slated to use the EJ&E tracks which would decrease the amount of carbon emissions by reducing the automobile traffic. The proposed transaction will jeopardize STAR Line's viability and effectiveness with significant negative impact on the region's traffic congestion and air quality.

Land Use and Socio-Economics: The proposed increase in rail traffic will impair the long-term planned growth and quiet neighborhoods of Lake Zurich.

- This proposed transaction is an unanticipated and unplanned change to the planning assumptions made when the Village of Lake Zurich adopted its 2003 Comprehensive Plan. The CN acquisition and operations plans will negatively affect the Villages present and future land use and transportation plans, goals and objectives, and related planning decisions for the sub-planning areas surrounding and adjoining the EJ&E railroad tracks.
- The potential loss of economic growth, productivity and viability of the commercial and industrial uses due to increased delays to personnel and shipments of goods and services required by these users.

- The proposed acquisition and increase in rail traffic would severely adversely impact the overall economic viability and the long-term development of the Village's downtown TIF District. Disruptions to various businesses, negative impact on property values and hesitancy to build will impair the ability to implement current and future plans within the TIF district and the Downtown redevelopment area.

Specific Mitigation Measures Needed

- For emergency services, CN should provide the Village with real time and speed limit information on the trains and possibly tied to GIS so that emergency and non-emergency dispatch can determine if a call would be affected by a moving or stopped train in the Village allowing us to pre-plan our emergency responses.
- CN should add pedestrian crossing gates at all minor at-grade crossings for increased pedestrian safety due to the increase in trains. Other upgrades should include double crossing gates, rubberized crossings to mitigate noise, smart pavers, and quarter-mile welded rail to eliminate the number of joints thereby reducing noise and risks associated with derailments.
- Pedestrian movements across the railroad tracks adjacent to the schools should be evaluated and improvements to address or eliminate the conditions should be implemented by CN.
- The intersections at Old Rand and East Main would experience traffic backing up over the tracks, especially around school times and during the AM and PM rush hours. CN should fund construction of overpasses and/or underpasses for the following at-grade crossings:
 - Old McHenry Road
 - Oakwood Road
 - East Main Street
 - Old Rand Road
 - Ela Road
 - Cuba Road
- CN should perform a noise analysis as part of their environmental study and also should contact every property owner residing in the subdivisions noted below located within 500 feet of the EJ&E tracks to discuss additional landscape buffers and/or fencing. Noise walls or other type of sound barriers should be built to mitigate sound and prevent egress and ingress onto the railroad right-of-way.
 - Wicklow Village Subdivision
 - School District 95 (Lake Zurich High School; May Whitney)
 - The Landings Apartments
 - Carolyn Court Subdivision
 - Downtown Lake Zurich Redevelopment Area
 - Lake Zurich Highlands Subdivision
 - Terrace Lane Apartments
 - Concord Village Subdivision
 - Braemar Subdivision
- All grade crossings should be evaluated and upgraded to a more quiet and modern standard.
- The municipalities along the corridor have petitioned for a corridor quiet zone. The quiet zone should be secured through an agreement with the CN, as the railroad still has ultimate control on whether they need to follow a Village petition based on their company policy. The Village should be informed if CN has such a policy or position as this could have substantial impacts to the noise analysis.

- CN should provide or create a written policy for rail car wheel maintenance. One of the largest contributors to train noise is caused by the rotation of flat spots on the metal rim car wheels. A policy should be created to routinely inspect and replace faulty wheels.
- CN should include some type of agreement in the proposed schedule so that interruptions in rush hour periods are kept to a minimum. No crossing should be blocked by a stopped train for more than 5 minutes and the time for a moving train should not exceed 10 minutes.
- The existing and proposed contaminant releases in storm water along the rail corridor needs to be monitored, evaluated and proper water quality treatment devices installed by CN at each outfall prior to release into any Village storm sewer system.
- Traffic on south-bound Ela Rd. will back-up onto Route 12 as a direct result of the additional train traffic. Train traffic at the Ela Road crossing can block the right turn lane for east-bound Route 12 or the left turn lane for west-bound Route 12. CN should fund all improvements needed at Ela Road.
- Finally, the proposed STAR Line commuter rail service should proceed without further delays, which could mean double tracking or a commitment to double track by CN/Metra at a point certain in the future.

These and other mitigations measures needed to mitigate the adverse safety and environmental impacts should be implemented by CN at no cost to the Village of Lake Zurich.

In conclusion, approval of the proposed transaction would be disastrous for the public safety, environment, local and regional transportation, existing and future planned land uses. Once again, the Village urges you *disapprove the proposed transaction in whole* (No-Action alternative) to protect and maintain the safety and quality of life in the Lake Zurich area.

Should you have any questions, please feel free to contact either: Village of Lake Zurich Administrator Bob Vitas at 847-540-1683 or Village of Lake Zurich Planner Vijay Gadde at 847-540-1759.

Sincerely,



John Tolomei

Village President

CC: Village Board of Trustees
 Village Administrator Bob Vitas
 Village Attorney Mark Burkland
 Village Planner Vijay Gadde
 Village Department Heads
 Lake County Board President and Board members
 The Honorable Ed Sullivan Jr., Illinois State Representative (51st District)
 The Honorable Mark Beaubien, Illinois State Representative (52nd District)
 The Honorable William E. Peterson, Illinois State Senator (26th Legislative District)
 The Honorable Melissa Bean, U.S. Representative (8th Congressional District)
 The Honorable Richard J. Durbin, United States Senator
 The Honorable Barack O'Bama, United States Senator
 Service list of communities (attached)