

RESOLUTION 2008- 01-R

**A RESOLUTION OBJECTING TO THE
PROPOSED ACQUISITION OF THE EJ&E WEST COMPANY BY
THE CANADIAN NATIONAL RAILWAY CORPORATION
(SURFACE TRANSPORTATION BOARD – FINANCE DOCKET NO. 35087)**

WHEREAS, on October 30, 2007, the Canadian National Railway Corporation, along with its U.S. subsidiary, Grand Trunk Corporation (collectively, "CN"), filed an application with the federal Surface Transportation Board ("STB") seeking approval to acquire the EJ&E West Company, a wholly owned subsidiary of the Elgin, Joliet and Eastern Railway Company (collectively, "EJ&E"); and

WHEREAS, the proposed acquisition by CN would involve shifting a significant amount of train traffic that currently moves over CN's rail lines in the City of Chicago to sections of the EJ&E rail lines west and south of the City of Chicago, including a segment that runs through the Village of Bartlett and

WHEREAS, the increase in freight train traffic resulting from the proposed acquisition by CN will create adverse impacts on the communities along the EJ&E rail line, including increased noise and vehicle travel delays; and

WHEREAS, CN estimates that if the proposed transaction takes place, that the average number of daily trains that run along the segment of the EJ&E rail line that runs through Bartlett will increase from 5.5 to 23.5 trains per day, and that the gross tons of freight per day that run over that segment will increase from 23,285 tons to 173,965 tons (Attachment A.2 to CN Submittal to the STB); and

WHEREAS, West Bartlett Road and Stearns Road are two county highways that run east and west through the Village of Bartlett and intersect with the EJ&E rail line that runs north and south through the Village at at-grade rail crossings; and

WHEREAS, West Bartlett Road has existing vehicle traffic levels of 14,000 average daily trips ("ADT"); and

WHEREAS, Stearns Road has existing vehicle traffic levels of 2,240 ADT; and

WHEREAS, the increased amount of train traffic will interfere with the motoring public, which includes the 5,000 residents of the Village of Bartlett who reside in the four subdivisions along West Bartlett Road that lie west of the EJ&E rail line, and use West Bartlett Road as their primary or only means of east-west travel; and

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WHEREAS, the Village has issued bonds in the amount of \$4,500,000 to pay for the cost of constructing a new fire station located just east of the West Bartlett Road/EJ&E at-grade crossing, to improve emergency response times to the residents on the west side of Bartlett, including the subdivisions west of the train tracks; and

WHEREAS, the projected increased volume of train traffic and rail related operations will result in more frequent blockage of the at-grade crossing at West Bartlett Roads, will negatively impact emergency vehicle access and result in longer emergency response times, and will negate much of the benefit of the new fire station if the emergency vehicles and personnel are regularly stranded on the east side of the tracks by trains at the West Bartlett Road at-grade crossing; and

WHEREAS, the proposed acquisition will have significant secondary and cumulative effects on Bartlett and the northwest suburban region in that the planned Metra Suburban Transit Access Route (the "Star Line") that proposes to utilize the EJ&E railroad corridor to provide north-south commuter rail service to connect the northwest suburbs to other existing Metra commuter lines will likely be jeopardized and the future opportunity to provide a new dynamic mobility for residents, workers and visitors in the suburban region will likely be lost if the proposed acquisition takes place; and

WHEREAS, the Village has been an active participant in the creation of the Star Line since its introduction by Metra in January 2003, and has provided joint funding for the analysis of the Star Line, has included it in its future land planning, and has even helped procure land for a future train station near the Metra/Soo Line and EJ&E railroad intersection to facilitate the Star Line; and

WHEREAS, all the effort toward creating the first commuter rail line in northeastern Illinois designed specifically to address suburb-to-suburb commutes will likely become a casualty of the proposed CN acquisition, if it takes place;

NOW, THEREFORE, BE IT RESOLVED BY THE President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, as follows:

SECTION ONE: That the Village of Bartlett asks that the Section of Environmental Analysis (the "SEA") of the Surface Transportation Board (the "STB") include and incorporate the issues, concerns and comments of the Village of Bartlett set forth in this Resolution in the scope of study for the draft Environmental Impact Study and final Environmental Impact Study (collectively, the "EIS"), and that said comments and concerns be considered and addressed in the EIS, and the STB.

SECTION TWO: The Village of Bartlett does hereby formally object to the proposed acquisition of the EJ&E by CN, and urges the Surface Transportation Board to disapprove of the proposed transaction based on the negative impact it will have on the Village of Bartlett, its residents, and the region.

SECTION THREE: SEVERABILITY. The various provisions of this Resolution are to be considered as severable, and if any part or portion of this Resolution shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution.

SECTION FOUR: REPEAL OF PRIOR RESOLUTIONS. All prior Resolutions and Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Resolution shall be in full force and effect upon its passage and approval.

ROLL CALL VOTE:

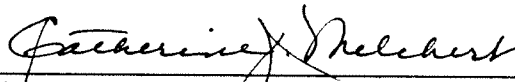
AYES: TRUSTEE AIRDO, ARENDS, BORMANN, FLOYD, KAVOURIS AND NOLAN

NAYS: NONE

ABSENT: NONE

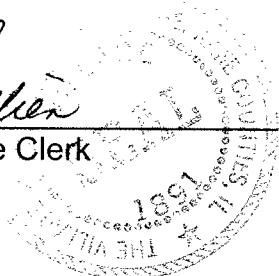
PASSED: January 15, 2008

APPROVED: January 15, 2008


Catherine J. Melchert, Village President

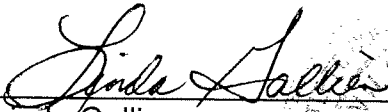
ATTEST:


Linda Gallien, Village Clerk



CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Resolution 2008 – 01-R enacted on January 15, 2008, and approved on January 15, 2008, as the same appears from the official records of the Village of Bartlett.


Linda Gallien

