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September 10, 2008

Ms. Phillis Johnson-Ball
STB Finance Docket No. 35087
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Dear Ms. Johnson-Ball,

Thank you for the opportunity to comment on the draft Environmental Impact Statement of the Canadian National Railway Company's proposed acquisition of the Elgin, Joliet & Eastern Railway Company. The Northwest Municipal Conference (NWMC) is a council of governments serving the north and northwest suburbs of Chicago, with a membership of 47 municipalities and one township, and a combined population of over one million residents.

The communities of the Northwest Municipal Conference appreciate the broader impact that this proposed acquisition can have on the local, regional, and national freight network. Some members have the potential for reduction in freight traffic, while others face considerable disruption due to increases in freight traffic. Therefore, the NWMC is not taking a position in favor of or opposed to the acquisition; however there are a number of concerns that are collectively shared and deserve detailed consideration in the EIS.

Impact on the Proposed STAR Line Service

For over ten years, elected officials and staff from NWMC communities have been leaders in championing the much needed suburb-to-suburb commuter rail line known as the Metra STAR Line. The proposed route runs along the EJ&E tracks from Joliet north to Hoffman Estates, then east along the Jane Addams (I-90) Tollway to the O'Hare International Airport area. Potentially the first of its kind in the nation, the STAR Line would ease congestion in the northwest, west, and southwest suburbs and encourage development and specifically transit-oriented development at station locations. All communities along the line have contributed staff time and resources to consulting services, and many have acquired land or made zoning and comprehensive plan changes at potential station locations.

Logically, the NWMC is concerned about impacts the proposed purchase of the EJ&E might have on the future of the STAR Line. Presently, the Draft Environmental Impact Statement (EIS) does not adequately address the NWMC's

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concerns. The Draft EIS fails to examine the rail capacity required for the STAR Line and the capital costs associated with the Proposed Action. Additionally, the Draft EIS draws inconsistent conclusions about the STAR Line. The Executive Summary states, "With respect to the proposed STAR line, SEA concluded that the Proposed Action would not preclude the implementation of this service, but could introduce potential operational complexities," (ES-12). Meanwhile, the Draft EIS later states, "SEA has concluded that the Proposed Action would not adversely affect potential implementation of STAR Line Service on the EJ&E rail line," (4.1-47). The latter statement, "would not adversely affect," is stronger than the former statement, "would not preclude."

In addition, the capacity analysis of the EJ&E conflicts with the SEA's positive conclusions for the STAR Line. Ultimately, capacity utilized by the Canadian National may limit the future STAR Line service or force increased capital investment in the EJ&E right-of-way. The Draft EIS conducted bottleneck, line occupancy index, and rail traffic controller model analyses to assess the EJ&E's capacity. Through these three independent analysis techniques, the Draft EIS comes to the conclusion that under the Proposed Action, the EJ&E rail line would be operated at or very near capacity, and that there is little, if any room for growth in the anticipated daily train volumes. Without excess capacity, implementation of the STAR Line will require a substantially larger capital investment from Metra.

Furthermore, the analysis of at-grade rail crossings adds doubt about the SEA's STAR Line conclusions. Particularly of interest, the time that the West Chicago interlocking is occupied by a train would more than double under the Proposed Action, thus occupying the crossing 20.6 hours in a 24-hour period. In addition, Metra is planning to expand service on the UP-West Line, which will further occupy the interlocking. However, the Draft EIS does not examine how potential STAR Line trains will move through this interlocking after the Proposed Action. The EIS must examine the ability for STAR Line trains to run through this interlocking and other at-grade crossings.

The NWMC believes that the STAR Line analysis in the Draft EIS is incomplete. The Draft EIS relies on Metra's initial assessments, which do not account for the increased freight traffic under the Proposed Action. The Draft EIS does not consider additional capital improvements required for the STAR Line under the Proposed Action. The Draft EIS does not thoroughly examine how commuter trains would operate on the EJ&E and at interlockings under the Proposed Action. The SEA cannot conclude that the proposed action "would not adversely affect" the STAR Line when the proposed action would use all or nearly all of the EJ&E's capacity, would create a congested interlocking in West Chicago, and when the SEA does not have current information from Metra.

Impact on existing or planned quiet zones

Under federal rules published in 2005, new quiet zones of a half mile or more could be created if all crossings in the zone met a minimum safety standard and the collective risk of the zone fell below preset safety thresholds. Since that time NWMC and non-NWMC municipalities have worked cooperatively to create quiet zones along rail lines which had limited or no pre-existing quiet zones. In 2007, a quiet zone went into effect along the CN-owned Wisconsin Central line from Antioch to Prospect Heights, and thousands of residents have benefited from the reduced horn sounding.

Along the EJ&E in 2007, the first stage of a quiet zone was created which now runs between Martin Luther King Drive in North Chicago and Oakwood Drive in Lake Zurich. In 2008, the second stage in this quiet zone took effect, stretching from Main Street in Barrington to West Bartlett Road in Bartlett. This quiet zone is referred to as the "Barrington Quiet Zone" in the draft EIS although it also includes crossings in Barrington Hills, unincorporated Cook County, Hoffman Estates, and Bartlett.

The potential increase in rail traffic threatens the Barrington to Bartlett quiet zone (ES-13). We are encouraged by the inclusion of language promising crossing improvements to ensure quiet zones under both the CN's voluntary mitigation efforts, (ES-31) and the SEA's recommended mitigation efforts (ES-38). We request that the final EIS require these mitigation efforts.

The ultimate goal of the communities is to incorporate the remaining crossing along the EJ&E at Route 59 in Barrington for a continuous quiet zone from North Chicago to Bartlett. This crossing currently cannot qualify under the federal rules due to the lack of a constant warning time system. An upgrade of this type is referred to under voluntary mitigation effort 47 (ES-31). If the transaction is approved and there is no grade separation of this crossing, then we encourage the inclusion of specific language to require upgrades to the Route 59 crossings which would allow the crossing to qualify as eligible for inclusion in a quiet zone.

Impact on Existing Metra Service

In its initial comments, the NWMC expressed concern over the impact of the purchase on three existing Metra lines through NWMC communities.

While the rail traffic levels on the North Central service are projected to drop off south of the EJ&E under the proposed purchase, future growth can still negatively impact rail operations. Farther west, the Metra Union Pacific Northwest Line intersects with the EJ&E in Barrington and the Metra Milwaukee District-West Line intersects with the EJ&E in Bartlett. These two lines collectively serve over 56,000 riders each weekday. Beyond the EJ&E, both of these lines serve fast growing areas

in Lake, McHenry, and Kane Counties. Additionally, Metra has completed a federal Alternatives Analysis for a large expansion of service project on the UP-NW line.

While the draft EIS does not foresee service disruptions to current or future Metra service on these lines, we encourage the STB to continue to recognize the importance of the region's transit system and impose any mitigation efforts necessary keep its operations running efficiently.

We appreciate the work that the Surface Transportation Board has done so far in this process and look forward to being a resource in the future. Please contact Mike Walczak, Program Manager for Transportation at 847-296-9200 ext. 34 or Chris Staron, Program Associate for Transportation at 847-296-9200 ext. 31 if you have any questions.

Sincerely,

Kerry Cummings
Chair, NWMC Transportation Committee
President, Village of Glenview

Ken Nelson
Vice Chair, NWMC Transportation Committee
Mayor, City of Rolling Meadows

Cc: NWMC Executive Board
NWMC Transportation Committee