



VILLAGE OF MUNDELEIN

ADMINISTRATION

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June 24, 2008

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E St., SW
Washington, DC 20423-0001

Re: STB Finance Docket No. 35087

Dear Ms. Quinlan:

On April 25, 2008 the Surface Transportation Board (STB) issued its decision concerning the final scope of the Environmental Impact Statement (EIS) that is to be prepared by the STB's Section of Environmental Analysis (SEA) regarding the change in operations as a result of the Canadian National Railroad's proposed acquisition of the EJ&E Railroad. On behalf of the Village of Mundelein, Illinois I offer the following comments in response to the STB decision in this matter.

In January of this year I sent our comments on the draft EIS proposal to the STB. I am very disappointed to see that very few of our recommendations were addressed in the Final Scope decision. As I mentioned in my previous letter, the Mundelein Village Board is very concerned about the negative impacts that the proposed increase in train traffic will have on our community, which is located at the intersection of the CN and the EJ&E rail lines. Due to our location, the proposed change in railroad operations will cause increased delays for motorists and interstate commerce traveling North/South and East/West. This is not conjecture on our part. The CN has acknowledged these impacts in its application. These delays will have an impact on traffic congestion, the movement of public safety vehicles, air quality, railroad crossing safety, increased noise and vibration in residential areas, and impacts on local schools. The EIS final scope decision does not appear to give proper consideration to, or provide adequate analysis of, these impacts through the effected corridor.

Unless a proper EIS is performed, the impacts of the change in operations will not be properly accounted for. We understand the importance of freight traffic to the local and national economy; however, conducting a proper analysis of Environmental Impacts is also in the public interest both national and regionally, and has been common practice for decades. I am sad to say that the STB's decision in this matter leads us to believe that in this case, the EIS process is not being given the importance it deserves.

More specifically, we offer the following comments for your consideration.

1. The STB's comment that the draft EIS should be completed "*by late summer*" is a serious concern. This is an unusually short time frame to conduct an analysis of this magnitude. It is our understanding that a thorough EIS review takes between 18 months and 3 years. The CN is requesting the EIS to be completed in 6 months or less! The STB's comments lead us to believe that the Section of Environmental Analysis (SEA) is planning a cursory review of the environmental impacts of this transaction. A meaningful assessment of the environmental impacts of this project is not possible in such a short time period.

The STB's review schedule, which calls for public hearings to begin in October 2008, with a Final Decision to be issued by the end of 2008, does not allow for adequate deliberation and proper decision-making. In addition, it thwarts the negotiation process that is now underway between the effected municipalities and the CN. In our case, the CN has agreed to study the connection between the two lines to determine if speeds on the curve can be increased. An abbreviated review schedule by the STB will not provide sufficient time to complete the review and discuss alternatives. An increase in train speed at this critical point will have a direct effect on traffic delays and ultimately on the EIS report.

2. The SEA did not comment on the width of the Corridor that is to be considered when identifying and assessing environmental impacts, except under Cultural and Historic Resources, in which case the area of potential impact is limited to the Elgin, Joliet & Eastern's (EJ&E) current right-of-way. The Village of Mundelein proposed a corridor study width of 5 miles along the EJ&E and at least 1.5 miles north of the junction of the EJ&E and the CN. It appears the SEA is defining the corridor so narrowly that it is effectively dismissing any impacts of the EIS outside the EJ&E right-of-way. Such a decision contradicts the definition and purpose of an environmental impact study.
3. The SEA determined that the noise and vibration impacts of the operational changes are to be assessed using the Federal Transit Administration's procedures. Mundelein requested, and still requests, that the much more stringent procedures developed by the Federal Highway Administration (FHWA) for CREATE be used. Noise and Vibration impacts are principally a function of vehicle weight and tractive effort. A transit train might weigh 500-600 tons, pulled easily by a 3,000 horsepower locomotive. A unit coal train could approach 20,000 tons, pulled by four or more straining locomotives. FHWA concluded it was inappropriate to apply FTA standards to freight operations, and spent two years developing procedures considered more accurate for freight operations. Using the lower FTA standards will minimize Noise and Vibration impacts on adjacent residential areas, schools, hospitals etc.
4. We have reservations with the SEA's comment that: *Voluntary mitigation and mutually acceptable negotiated agreements can result in cost sharing to allow completion of very costly measures, such as grade separated crossings, which primarily benefit the community rather than the railroad, and thus are typically funded primarily by entities other than the railroad.* This leads us to believe that the STB is not fully committed to making the CN mitigate the detrimental environmental impacts of this project.

In January we applauded the decision of the STB to require a full environmental impact analysis of this proposed transaction. Unfortunately, given the shortened EIS review and the request by the CN to speed up the review even more, we are now afraid that the Board's commitment to full environmental review was not genuine.

We urge the STB to: 1) Reject the CN's request to complete the EIS review by late summer or earlier; 2) Require that the SEA devote the proper amount of time to complete a full environmental impact study as was originally intended; 3) Extend the schedule for public hearings and a Final Decision for at least 12 months to allow for the proper completion of the EIS and negotiations between the CN and the local communities.

Sincerely,



Kenneth H. Kessler
Mayor

KHK/ch

cc: Phillis Johnson-Ball, Surface Transportation Board
Richard Durbin, U. S. Senate
Melissa Bean, U. S. Congress
E. Hunter Harrison, President, Canadian National Railroad