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VILLAGE OF MUNDELEIN

Kenneth H. Kessler, Mayor

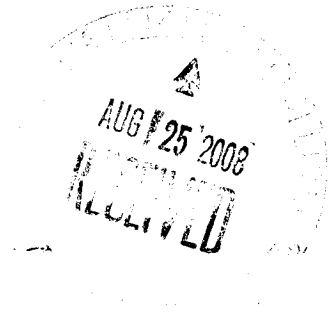
Esmie Dahlstrom, Clerk

440 East Hawley Street
Mundelein, IL 60060
www.mundelein.org

Telephone: (847) 949-3200
Fax: (847) 949-0143
info@mundelein.org

08/18/2008

W. Douglas Buttrey, Board Member
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001



Dear Mr. Buttrey:

I am writing to express concern over what the Village of Mundelein sees as two fundamental errors in the Draft Environmental Impact Statement (DEIS), on the proposed acquisition of the Elgin, Joliet and Eastern Railroad by Canadian National, recently released by your agency. One error is primarily the concern of Mundelein and its near neighbors, but the second error affects virtually every at-grade crossing along the EJ&E.

First, the crossing of Illinois Route 60/83 meets two of the criteria established by your Section of Environmental Analysis (SEA) to be listed in Table 6.3-1 in Chapter 6 of the DEIS: "Highway/Rail At-Grade Crossings In The Study Area That Require Mitigation Due To Effects Under The Proposed Action". First, the crossing will suffer more than 40 hours per day of vehicular delay, and second, its peak-period queue will block another major roadway. Despite these facts, SEA did not list the crossing in that Table. When Mundelein's consultant raised the issue with Victoria Rutson, Chief of the SEA, he was told that, in the SEA's consultant's professional judgment, the situation at the IL 60/83 crossing would be so bad that traffic would divert onto other roadways and therefore he deliberately did not include it in the Table. Of course, none of the other Tables show any such effect, and he admitted that no other crossing in the Study Area had been so summarily dismissed. At best, the SEA's consultant agreed to "take another look" at the 60/83 crossing, and to tell Canadian National that it was of special concern to the SEA due to its critical role in the delivery of emergency services.

I believe you can understand how vital it is for Mundelein to have that crossing duly recognized as requiring mitigation. Obviously, CN will concentrate its resources on the 15 crossings listed, and pay little or no attention to the 183 crossings not listed. The Village of Mundelein has been negotiating in good faith with Canadian National for months now, trying to reach the Voluntary Agreement desired by the STB, with no success. This error by SEA has severely damaged our negotiating position. We ask that Table 6.3-1 be revised to include all 16 crossings that require mitigation.

The second error we believe we have discovered lies in the conversion of projected at-grade crossing queue lengths from number of vehicles to feet of length. In making this conversion, SEA and its consultant assumed an average vehicle length of 25 feet, including the gap between cars. However, SEA failed to consider that some of those vehicles would be trucks, ranging in length (including gap) from 21-40 feet for single-unit trucks, and up to 80 feet for multiple units (e.g. tractor-trailer rigs). As a result, we believe that queue lengths under both the No Action and the Proposed Action scenarios are badly

Mr. W. Douglas Buttrey
August 18, 2008
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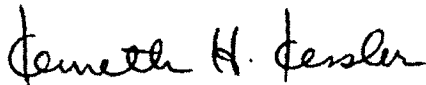
understated. More crossings may encounter the blockage of intersecting roadways, in fact. On Illinois 60/83, for example, the Annual Daily Traffic Count is 22,900 just north of the crossing, including 2,900 single-unit and 800 multiple-unit trucks. That is over 16%, meaning that about 16 of the vehicles in the calculated queue of 97 vehicles will be trucks, with a weighted-average length including gap of 45 feet. Those 16 trucks (actually, 8 trucks on average, considering how the queue grows over time) will not take up the 200 feet projected by SEA, but 360 feet. This may have only a small impact on this particular crossing, but all crossings need to be rechecked and have their queue lengths recalculated to be sure of the total impacts. Again, this issue was brought to the attention of Ms. Rutson, but drew no response other than a refusal to publish a correction, even as an errata sheet to the website.

I suggest to you that this error could have a significant impact on those units of local government and citizens who are reviewing and preparing comments on the DEIS. They should not be misled because SEA failed to incorporate information that was and is, in many cases, easily-available. The information on Route 60/83 used above was garnered in moments from the website of the Illinois Department of Transportation, for example.

We ask that these two errors be addressed so that we can make progress in negotiating with the Canadian National and so that DEIS reviewers are not misled by understated queue lengths.

Thank you.

Sincerely,



Kenneth H. Kessler
Mayor

cc: Charles D. Nottingham, Chairman
Francis P. Mulvey, Vice Chairman