

Village of Wayne

FEB 15 2008

Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

Attn: Phillis Johnson-Ball
Environmental Filing
STB Finance Docket No. 35087

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HDR File No.
Scanned (initial):
STB ECF
Cc: Original - Job File

Re: Draft Scope of the EIS for Canadian National Railway Company and Grand
Trunk Corporation-Control-E, J&E West Company

Dear Ms. Johnson-Ball:

The undersigned represents the Village of Wayne and its Village President, Eileen Phipps, in connection with the above-captioned matter. The following comments are submitted in regard to the proposed Scope of the Environmental Impact Statement to be prepared in connection with STB Finance Docket No. 35087.

The Village of Wayne ("Village") is located in DuPage and Kane Counties, Illinois. The proposed acquisition of the Elgin, Joliet and Eastern West Company ("EJ&E") by the Canadian National Railway Company ("CN") will severely impact the Village in a number of ways. The Village hereby urges the Surface Transportation Board to thoroughly examine the following negative impacts as part of its Environmental Impact Study and condition approval of the proposed acquisition on CN's implementation of and payment for appropriate mitigation strategies.

**1. 555% Increase in Daily Number of Trains Traveling Through the Village /
Emergency Vehicle Delays**

The proposed acquisition by CN would shift a significant amount of freight train traffic that currently moves over CN's rail lines in the City of Chicago to sections of the EJ&E rail line that moves through the Village. Specifically, the proposed acquisition would increase the average number of trains that move through the Village from the current rate of 4.4 trains per day to 24.4 trains per day. (Attachment A.2 to CN Submittal to the STB.) This means that a freight train will pass through the Village every hour, 24 hours per day. The increased noise will become, at best, an ever present nuisance and at worst, a potential health hazard. In addition, this will cause severe delays for all motor vehicles attempting to pass through the Village, including school buses transporting students to Wayne Elementary School. Most importantly, it will have a potentially lethal impact on victims of traffic accidents, emergency medical incidents, criminal activity and other emergencies by delaying Police, Fire and EMS response times. It is true that the Village

has mutual aid agreements with other emergency service providers. Such agreements, however, were never intended to deal with the breadth and scope of the interference that will be caused by the proposed increase in freight traffic. It is questionable whether the Village will be able to maintain such agreements in light of the burdens caused by the anticipated traffic congestion and delays.

2. 1,285% Increase in Daily Gross Tons of Freight Traveling Through the Village

The proposed acquisition would increase the gross tons of freight that moves through the Village from the current rate of 14,397 tons per day to 184,969 tons per day. (Attachment A.2 to CN Submittal to the STB.) This is an increase of 170,572 tons per day. The increased tonnage combined with the increased volume of trains will create strong and persistent vibrations that will constitute a nuisance and a danger to homes and other buildings near the EJ&E rail line. Moreover, it has not been established that the rail line itself is able to withstand the increased tonnage and volume. The Village Engineer estimates that, due such tonnage increases, the at-grade crossings will suffer damage requiring costly repairs.

3. 1,258% Increase in Daily Carloads of Hazardous Materials Traveling Through the Village

The proposed acquisition would increase the daily carloads of hazardous material that moves through the Village from 21.1 carloads per day to 265.5 carloads per day. (Attachment A.2 to CN Submittal to the STB.) This is an increase of 244.4 carloads per day. This is a critical issue, as potential accidents would have disastrous consequences, particularly because the rail line runs next to residential areas and is less than one mile from the Wayne Elementary School.

4. Interference with the Emergency Vehicles and Traffic Generally

CN projects that the average length of trains passing through the Village will be 8,000 to 10,000 feet in length. (CN "Frequently Asked Questions: Proposed CN Acquisition of EJ&E Railroad, January, 2008.) As previously stated, the proposed acquisition would increase the average number of trains that move through the Village from the current rate of 4.4 trains per day to 24.4 trains per day. Such frequency and length of trains would severely interfere with emergency vehicle access to major portions of the Village and with the general motoring public in the Village.

To illustrate, there are two local highways running east and west through the Village. They are Smith Road to the south and Army Trail Road to the north. In addition, there is one county highway that runs east and west at the northern edge of the Village, Stearns Road. All three roads intersect the EJ&E rail line, which runs north and south through the entire length of the Village, at at-grade rail crossings. The distance between Smith Road and Army Trail Road is approximately 5,000 feet. Therefore, each train would simultaneously block both of the roads that run east and west through the Village. This would divert vehicular traffic to Stearns Road, which is less than 10,000 feet from Army Trail Road, and therefore, could be blocked simultaneously with Army Trail Road. Stearns Road has existing vehicle traffic levels of 10,800 average daily trips ("ADT"), Army Trail Road has existing vehicle traffic levels of 8,100 ADT, and Smith Road has existing vehicle traffic levels of 5,300 ADT. All of these levels are projected to increase in the future as a result of population growth in the region.

Clearly, the proposed changes would force Stearns Road to accept a higher level of vehicular traffic than it currently services. The blockage of one train every hour on this road would frustrate efforts by the federal and state governments, Kane County, the Village of Wayne and its surrounding sister communities to improve traffic flow in the region, through the Stearns Road Regional Bridge, which is in early stages of construction and will provide a means of carrying vehicles on Stearns Road over the Fox River.

Even more obvious, the length and frequency of trains passing through the Village would, in essence, erect a wall running north and south through the Village, cutting off its east side from its west side. This will cause severe delays for all motor vehicles attempting to pass through the Village, including school buses transporting students to Wayne Elementary School. Significantly, to the extent Police, Fire and EMS responses are delayed, the impact on victims could be deadly.

5. Increased Risk of Accidents

The projected increase in the number of trains that would pass EJ&E at-grade crossings on a daily basis would result in an increased risk of accidents. Not only would the risk of accidents increase at the actual crossings, the risk of accidents would increase on other roads throughout the Village as vehicles attempt to avoid the crossings. This risk level would increase exponentially as ADT levels are projected to increase due to future population growth in the region.

6. Noise, Vibration and Air Quality (Effects on Environment and Property Values)

The increases in train frequency and tonnage will create continuous noise and vibrations. The cumulative effect of these disturbances over time could severely impact the local environment and the safety and property values of nearby homes. Furthermore, increases in motor vehicles delayed at at-grade crossings will significantly increase carbon emissions and negatively impact air quality in the Village.

7. Costs of creating Quiet Zones

Increased train traffic and related sounding of train horns may lead to the need for establishment of Quiet Zones. To fulfill Federal Railroad Administration Quiet Zone requirements, the Village must install very expensive safety improvements. The cost of this quality of life issue would fall mainly on the Village. While the Illinois Commerce Commission has provided some funding assistance for Quiet Zone improvements in the past, the current situation is a backlog of unfunded requests.

8. Interference with suburban commuter rail service

The proposed acquisition will interfere with efforts to create suburb to suburb mobility for residents, workers and visitors in the region. For example, it directly jeopardizes the proposed Metra Suburban Transit Access Route (the “Star Line”), which is planned to utilize the same EJ&E rail lines to provide north-south commuter rail service to connect the northwest suburbs to existing Metra commuter lines.

9. Impacts on Pratt’s Wayne Woods Forest Preserve

Finally, the Village notes that the Pratt’s Wayne Woods Forest Preserve, owned and maintained by the Forest Preserve District of DuPage County (“Forest Preserve”) is located on the Village’s north and east borders. The open space, flora and fauna of this District Preserve have been an integral part of the quality of life of Village residents for several decades. Any potential negative impact on this District Preserve would have a corresponding negative impact on that quality of life. Accordingly, to the extent they relate to Pratt’s Wayne Woods Forest Preserve, the Village incorporates by reference in this submittal, the comments dated February 14, 2008 submitted to the STB by the Forest Preserve.

Summary and Conclusion

The Village is strongly opposed to the proposed acquisition, as evidenced by the Village Board of Trustees' approval of a resolution objecting to the proposed acquisition, attached hereto as Appendix 1. The Village urges the Surface Transportation Board to thoroughly examine the foregoing negative impacts as part of its Environmental Impact Study and condition approval of the proposed acquisition on CN's implementation and payment of appropriate mitigation strategies, including but not limited to payment for grade separations at Stearns Road and other appropriate roads within the Village, as well as the avoidance of any appreciable negative impact on the Pratt's Wayne Woods Forest Preserve. Furthermore, the STB should allow for an extended period during which comments on the draft EIS may be submitted given the millions of people who would be affected by the CN's acquisition of the E, J & E.

Sincerely,

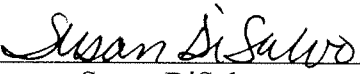
A handwritten signature in black ink, appearing to read "Harlan J. Spiroff", written in a cursive style.

Harlan J. Spiroff
Village Attorney

cc: Village President Phipps and Board of Trustees

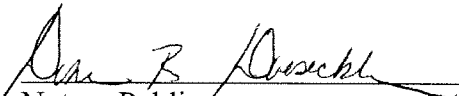
CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2008, I served the foregoing document, Draft Scope of the EIS for Canadian National Railway Company and Grand Trunk Corporation-Control-E,J&E West Company, by first-class, U.S. Mail, postage prepaid, upon all known parties of record.

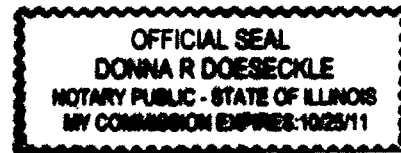


Susan DiSalvo

SUBSCRIBED and **SWORN** to
before me this 15th day of February, 2008



Notary Public



**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

**RESOLUTION NO. 08-R-01
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)**

**ADOPTED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE
VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

THIS 5 DAY OF February 2008

**PUBLISHED by authority of the
President and Board of Trustees
of the Village of Wayne, DuPage
and Kane Counties, Illinois
this 6 day of Feb, 2008**

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS
RESOLUTION NO. 08 R-01**

**A RESOLUTION OBJECTING TO THE
PROPOSED ACQUISITION OF THE E, J&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, “E, J&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 E, J&E rail lines west and south of the City of Chicago, including a segment that runs through the Village of Wayne; 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, but not limited to, increased noise and vehicle travel delays; and

WHEREAS, the projected increased volume of train traffic and rail related operations will result in more frequent blockage of the at-grade crossing as Smith, Army Trail and Stearns Roads, will negatively impact emergency vehicle access and result in longer response times for emergency vehicles in that the Smith and Army Trail Road Crossings will undoubtedly be blocked simultaneously; and

WHEREAS, CN estimates that if the proposed transaction takes place, the average number of daily trains that run along the segment of the EJ&E rail line that bisects Wayne will increase from 4.4 to 24.4 trains per day, an increase of 555 percent, that the gross tons of freight per day that run over that segment will increase from 14,397 tons to 184,969 tons per day, an increase of over 1,285 per cent and hazardous material carloads will increase from 21.1 to 265.5 per year, an increase of over 1,258 percent (Attachment A.2 to CN Submittal to the STB); and

WHEREAS, Smith Road, Army Trail Road are local highways and Stearns Road is a county highway that run east and west through or at the edge of the Village, and intersect with the E, J&E rail line that runs north and south through the Village at at-grade rail crossings; and

WHEREAS, Smith Road has existing vehicle traffic levels of 5,300 average daily trips (“ADT”) which levels are projected to increase; and

WHEREAS, Army Trail Road has existing vehicle traffic levels of 8,100 ADT which levels are projected to increase; and

WHEREAS, Stearns Road has existing vehicle traffic levels of 10,800 ADT which levels are projected to increase; and

WHEREAS, the increased amount of train traffic will interfere with the motoring public, which includes the 2,200 residents of the Village of Wayne, those residents who reside in areas adjacent to or near the E, J&E rail line, those who use Smith Road and Army Trail Road as their primary or only means of east-west travel, such roads being within less than one mile of each other, which given such distance, means both crossings could be simultaneously blocked by the 8,000' length of trains projected by the CN, (see Frequently Asked Questions proposed CN acquisition of E, J&E Railroad, as prepared by CN-January, 2008); and

WHEREAS, Stearns Road is a major arterial highway which will carry vehicles to and from the Stearns Road Bridge crossing over the Fox River, which Bridge is in the beginning stages of construction, the blocking of which by one train per hour would drastically frustrate years of efforts by the federal and state governments, Kane County, the Village of Wayne and its surrounding sister communities to improve traffic flows in the region; and

WHEREAS, the projected increased volume of train traffic and rail related operations will result in more frequent blockage of the at-grade crossing as Smith, Army Trail and Stearns Roads, will negatively impact emergency vehicle access and result in longer emergency response times in that the Smith and Army Trail Road Crossings will undoubtedly be blocked simultaneously; and

WHEREAS, such increased volume of train traffic will negatively impact bus transportation of students at the Wayne Elementary School, resulting in increased hazards to students and interfering with school bus routes; and

WHEREAS, the proposed acquisition will have significant secondary and cumulative effects on Wayne and the northwest suburban region in that the planned Metra Suburban Transit Access Route (the "Star Line") that is proposed to utilize the E, J&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, 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 Wayne, DuPage and Kane Counties, Illinois, as follows:

SECTION 1: That the Village of Wayne urges 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 Wayne 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 by the STB.

SECTION 3: That the Village Clerk is hereby authorized and directed to send certified copies of this Resolution to the Surface Transportation Board, United States Senators Richard Durbin and Barack Obama, State Senator John Milner, State Representatives Randy Ramey and Mike Fortner and the DuPage Mayors and Managers Conference, DuPage County Board Member District 6 Pam Rion, Kane County Transportation Chairperson Jan Carlson.

SECTION 4: This Resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED THIS 5th DAY OF February, 2008

AYES: Trustees Connolly, Jensen, Levine, Reed (4)

NAYS: none

ABSENT: Trustees Hull, Ligger (2)

Eileen Phipps
Eileen Phipps, Village President

ATTEST:

Patricia Engstrom
Patricia Engstrom, Village Clerk

STATE OF ILLINOIS)
)ss.
COUNTY OF DUPAGE)

CERTIFICATION

I, Patricia Engstrom, the undersigned, do hereby certify that I am the duly appointed and acting Clerk of the Village of Wayne, DuPage and Kane Counties, Illinois, and as such Clerk I am the keeper of the records and files of the Village President and Board of Trustees of the said Village.

I do further certify that the foregoing constitutes a full, true and complete copy of

**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)**

IN WITNESS THEREOF, I have hereto affixed my official signature and the corporate seal of said Village of Wayne, DuPage and Kane Counties, Illinois this **13th day of February, 2008.**

Patricia Engstrom

Patricia Engstrom
Village Clerk

By: Laura Shepard

Laura Shepard
Deputy Clerk



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