

Surface Transportation Board Outgoing Correspondence Record

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Correspondence Information

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*Docket #:	FD 35087 0	*Name of Sender:	Victoria Rutson
*Letter Recipient:	Pierotti, Dewey	Date of Letter:	09/19/2008
Group:	Forest Preserve District DuPage County		
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Letter Type:	Letter w/ Attachments		

Comments

Image Attachment(s)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

September 19, 2008

The Honorable Dewey Pierotti, President
Forest Preserve District DuPage County
P.O. Box 5000
Wheaton, IL 60189-5000

Re: STB Finance Docket No. 35087, Proposed Canadian National Railway
Company Acquisition of the Elgin, Joliet & Eastern Railway

Dear President Pierotti:

I am writing to clarify a statement made in the Draft Environmental Impact Statement (EIS) issued by the Surface Transportation Board's Section of Environmental Analysis (SEA) on July 25, 2008 in the above-captioned proceeding. Section 2.4 of the Draft EIS discusses the rail connections proposed by Canadian National Railway (CN). The first proposed connection described is the Munger Connection, by which CN would connect its existing Freeport Subdivision with the portion of the EJ&E Railroad that traverses the Pratt's Wayne Woods Forest Preserve. The follow sections set forth various alternatives to the "Munger Connection." On page 2-48, which I have attached for your convenience, SEA stated that "to potentially avoid [impacting Pratt's Wayne Woods Forest Preserve] the Forest Preserve District of DuPage County put forth an alternative to the Applicants' Proposed Munger Connection... ."

The Forest Preserve District of DuPage County did **not** develop this alternative. SEA, working with its independent third party consultants, HDR Inc., looked carefully at every reasonable and feasible alternative to CN's proposed Munger Connection. Mr. John Oldenburg of the Forest Preserve District of DuPage County reminded SEA of its obligations under the National Environmental Policy Act to assess and compare reasonable and feasible alternatives to CN's proposed rail connections. Neither he as an individual nor he on behalf of the Forest Preserve proposed this alternative.

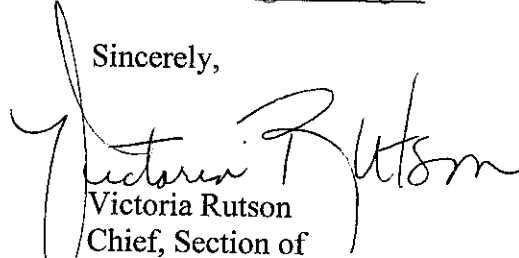
Mr. Oldenburg has been a strong and tenacious advocate for the interests of the Forest Preserve District of DuPage County throughout the Surface Transportation Board's environmental review process of this proposal by CN. But his work for the Forest Preserve has never been done at the expense of others. I am sorry to hear of the concerns and misunderstandings surrounding the language on page 2-48 have led some to criticize the Forest Preserve.

It was and is SEA's obligation to assess alternatives in the EIS document. SEA, together with HDR, looked carefully at the area surrounding the proposed Munger

Connection and determined that the UP Connection met the legal standard of a reasonable and feasible alternative. And of course, simply because an alternative is assessed in an EIS does not mean that the alternative would be approved by the decision-maker. But it is clear that without a rigorous alternatives analysis, the EIS would not meet the requirements of National Environmental Policy Act.

I hope this letter provides some clarification. If I can be of any further help, please do not hesitate to contact me at (202) 245-0295 or rutsonv@stb.dot.gov.

Sincerely,



Victoria Rutson
Chief, Section of
Environmental Analysis

Enclosure

cc: John Olenburg

2.4.1.4 *Munger Alternative—UP Connection*

As proposed in the Application, the connection between CN's Freeport Subdivision and EJ&E's Western Subdivision would have required the acquisition of approximately 1 acre of land from Pratt's Wayne Woods Forest Preserve. To potentially avoid this land, the Forest Preserve District of DuPage County (FPDDC) put forth an alternative to the Applicants' Proposed Munger Connection, which is proposed to be sited in the southwest quadrant. Under the Munger Alternative-UP Connection, the Applicants would construct a connection to the existing UP Belvidere Subdivision from CN's Freeport Subdivision (near Illinois Route 25), approximately 2.5 miles west of a existing connection of the CN and EJ&E rail lines at Munger (see Figure 2.4-5 below). Then, assuming CN could enter into a trackage rights agreement with UP, CN trains would use the UP rail line from this new connection southward approximately 4 miles, until reaching the location where UP and EJ&E

What is a crossover?

A crossover consists of two turnouts that form a continuous passage between two nearby and generally parallel tracks.

tracks are parallel and separated by approximately 150 feet. At this location (near the intersection of Powis Road and Illinois Route 64 [North Road]), CN would construct a new crossover that would allow its trains to access EJ&E's Western Subdivision (see Figure 2.4-5, Munger Alternative—UP Connection, below).

The UP Connection alternative would allow the CN rail line to connect with the EJ&E rail line without disrupting Pratt's Wayne Woods Forest Preserve land and would allow the same CN train movements described in Section 2.4.1.2, Applicants' Proposed Munger Connection, above. However, it would require the construction of two connections and a trackage rights agreement between UP and CN (FPDDC 2008a). While the current operating speed on the UP rail line is unknown, the UP rail line appears capable of supporting train operating speeds in the range of 25 to 40 mph. Thus, the Applicants could likely construct the connections between the UP rail line and CN's Freeport Subdivision and between the UP rail line and the EJ&E rail line to accommodate train speeds of 25 mph. The advantage of this configuration is that trains could quickly move onto and off of the EJ&E rail line, enhancing mainline capacity and minimizing delays at highway/rail at-grade crossings. The disadvantage of this configuration is that the spacing of the highway/rail at-grade crossings on UP's Belvidere Subdivision would limit a train to less than 7,000 feet long. The distance between Dunham Road and Army Trail Road is approximately 7,100 feet, and the distance between Powis Road and Army Trail Road is approximately 6,900 feet.

2.4.1.5 *Munger Alternative—Former Rail Corridor*

SEA has considered an alternative using the former Chicago, Aurora & Elgin Railroad Company corridor that has since been converted to the Illinois Prairie Path multi-use trail (see Figure 2.4-6, Munger Alternative—Former Rail Corridor, below). The trail bridges CN's Freeport Subdivision just west of the Applicants' Proposed Munger Connection and crosses the EJ&E rail line at grade south of Army Trail Road. This alternative would require construction of 2.46 miles of new track within the corridor, as well as two new connections. SEA does not consider this to be a reasonable alternative because of the construction cost and the availability of other Munger alternatives that would have fewer potential environmental effects.