

1 SCOPING MEETING FOR THE PROPOSED CANADIAN
2 NATIONAL RAILWAY COMPANY ACQUISITION OF THE
3 ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

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9 STATEMENT OF:

10 JOSEPH C. SVETANOFF

11 JANUARY 16, 2008

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14 ONE GENESIS CENTER

15 GARY, INDIANA

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18 CHIMNIAK REPORTING & VIDEO

19 Telephone: 312-781-9111

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22 REPORTED BY: Fran Okrei, 84-1074

Surface Transportation Board

CN-EJ&E EIS - FD-35087

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Co. Officer (initials) _____

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1 MR. SVETANOFF: My name is Joseph
2 Svetanoff. I serve as one of the town
3 attorneys for the town of Schererville, Lake
4 County, Indiana. My business address is 130
5 North Maimn Street, Crown Point, Indiana, 463
6 07.

7 We are here today on behalf of the
8 town of Schererville, Lake County Indiana, to
9 submit environmental comments, preliminary
10 environmental comments on the proposed
11 transaction between Canadian National Railway
12 Company and the EJ&E West Company.

13 Before I start on our bullet point
14 presentation, I want to state that the town
15 reserves the right to submit additional
16 comments, discovery requests, statements
17 and/or additional information to the STB and
18 cooperating agencies as this reserve process
19 continues and if statements and/or amendments
20 to the CN application are filed or significant
21 changes occur that warrant such additional
22 information.

23 The town further reserves the right to
24 submit additional comments, discovery

1 requests, statements or any additional
2 information to the STB in the event that the
3 status of this transaction is changed.

4 The town in preparation for the above
5 mentioned scoping open house has identified
6 certain environmental concerns associated with
7 this proposed acquisition of control by the CN
8 Railroad and the town respectfully requests
9 that the STB assess the CN -- assess against
10 the CN, if the above mentioned application is
11 approved, the following direct mitigation
12 requirements.

13 We would first like to address
14 crossing improvements within the town of
15 Schererville. There are currently within the
16 town of Schererville, two at grade crossings;
17 one located at Kennedy Avenue and the other
18 located at 213th Street also known as Airport
19 Road.

20 There's a proposed increase of
21 approximately 15 to 27 additional trains per
22 day concerning this transaction and this is an
23 immediate concern for public health, safety
24 and welfare within the town of Schererville

1 for the movement of emergency vehicles.

2 The response times of our police, fire
3 and emergency services would also be
4 significantly affected if the Kennedy Avenue
5 or 213th Street crossings were blocked or
6 rendered unuseable.

7 The town recommends first that a grade
8 separation be placed at the Kennedy Avenue
9 crossing. The town states that the town
10 topography does not allow for easy
11 construction of a grade separation without
12 causing major disruptions within the town.

13 The town is providing traffic count
14 information within it's written comments for
15 the rail crossing located at Kennedy Avenue.
16 The town is respectfully requesting that CN be
17 responsible for all of the costs related to
18 the grade separation at Kennedy Avenue.

19 The town would also propose that a
20 train location monitoring system be installed
21 at the 213th and Kennedy Avenue crossings.
22 The system connects grade crossing warning
23 devices to nearby traffic signals and provides
24 to the town a real time display of the

1 emergency local -- to the emergency local
2 response center in all emergency vehicles.

3 The system will be used by medical and
4 fire emergency vehicles for the best way to
5 respond to all emergency calls. This would
6 improve our citizen concern over fire, police
7 and EMS being blocked by -- being blocked from
8 emergencies by potential rail traffic.

9 The town requests a monitoring system
10 be installed at Kennedy and 213th crossings
11 and the Canadian National be responsible for
12 these costs.

13 The next issue that we would like to
14 discuss that the town would like to cover is a
15 -- to establish a new quiet zone corridor.
16 The proposed increase of approximately 15 to
17 27 additional trains per day is of immediate
18 concern for the public health, safety and
19 welfare of the town and specifically for
20 residential areas designated well-established
21 designated residential areas within the town
22 along the 213th Street crossing.

23 The new quiet zone would be
24 established by the STB at the 213th Street

1 crossing and funded under the Federal Railroad
2 Administration as set specifically under 49
3 Code of Federal Registration 222 and 229
4 entitled Use of Locomotive Horns At
5 Rail/Highway Grade Crossing. And any
6 improvements in attaining this new quiet zone
7 corridor be assumed by the Canadian National
8 Railway.

9 Thirdly, the town of Schererville
10 raises noise and vibration as a concern in
11 which the town is facing. This town is
12 concerned about the increase of noise from 15
13 to 27 additional trains per day running on the
14 EJ&E main line railroad. The town is
15 specifically concerned regarding specifically
16 designated residential established areas that
17 will be affected by this additional traffic.

18 Ground vibration can cause the
19 following harm to property owners living up to
20 400 feet away from the railroad tracks. It
21 can cause, specifically, structural damage to
22 buildings and residences and can cause a
23 nuisance and inconvenience to residents in or
24 near the same tracks.

1 The town requests that the CN, the
2 Canadian National create a fund for
3 improvements to homes/businesses most severely
4 impacted, in example, from one foot to 200
5 feet by the increase in rail traffic.

6 The town requests that the Surface
7 Transportation Board require the Canadian
8 National to install vibration mitigation
9 devices and sound barriers along the EJ&E main
10 line to lessen the vibration and noise impact
11 to surrounding homes and businesses.

12 Next the town is concerned about
13 safety. The town proposes construction of
14 fencing with landscaping along the EJ&E main
15 line in residential neighborhoods. The town
16 is again concerned regarding all of its
17 citizens and specifically designated
18 residential areas along the 213th Street
19 crossing and the Kennedy Avenue crossing.

20 The town is expressing their concern
21 about the increased rail traffic and children
22 and adults who live along the EJ&E main line.

23 The town requests that this fencing
24 and landscaping being INSTALLED along this

1 residential corridor be assumed by the
2 Canadian National Railway.

3 Next the town is concerned regarding
4 air quality. The town is concerned about the
5 increase in air pollution as a result of the
6 increased traffic on the EJ&E main line. The
7 town notes that its concern for the public
8 health, safety and welfare of all citizens of
9 the town but specifically within
10 well-established residential corridors along
11 the 213th Street and Kennedy Avenue crossings.

12 The town would like to be provided
13 with assurances from the Surface
14 Transportation Board and the Canadian National
15 Railway that all railroad equipment, including
16 all diesel engines operated by the Canadian
17 National meet all Federal and state air
18 quality requirements.

19 The Canadian National must be held
20 responsible for all costs associated with
21 harmful affects in the air quality proven to
22 be a result of the Canadian National trains
23 traveling through the town.

24 Lastly, the town is concerned about

1 hazardous waste transport throughout the town
2 of Schererville. The town is concerned about
3 the increase of hazardous materials as a
4 result of 15 to 27 trains per day on the EJ&E
5 main line. The town must be provided with the
6 types of hazardous materials and quantity
7 being transported by the Canadian National
8 Railway.

9 The town must also be provided with
10 safety practice and protocols and contingency
11 plans to address any type of spillage. CN
12 must be responsible for any and all costs
13 associated with hazardous waste spillage as a
14 result of Canadian National trains traveling
15 through the town of Schererville.

16 In conclusion, it is demonstrated
17 above the town has identified numerous
18 environmental categories which will be
19 directly affected by the proposed acquisition
20 of control by the Canadian National Railway.

21 Accordingly, the STB shall assess
22 against the CN, the Canadian National, the
23 above mentioned direct mitigation requirements
24 and all costs related there to. This

1 concludes our comments from the town of
2 Schererville. Thank you.

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