



Founded June 19, 1962

DUPAGE MAYORS AND MANAGERS CONFERENCE

an association of municipalities representing 1,000,000 people

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Ms. Phillis Johnson-Ball
Section of Environmental Analysis (SEA)
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

September 18, 2008

RE: Draft EIS, STB Finance Docket No. 35087

Dear Ms. Johnson-Ball,

The DuPage Mayors and Managers Conference (DMMC) is a coalition of cities and villages representing over 1,000,000 people, located within DuPage County, Illinois, including the cities of Aurora, Naperville, Warrenville and West Chicago and the villages of Bartlett and Wayne. DMMC has reviewed the Draft EIS prepared by SEA and has the following comments, numbered for reference and generally organized by environmental impact category:

Purpose and Need:

1. Notwithstanding the Board's charge as an economic regulatory agency charged with oversight of railroad rate and service issues and rail restructuring transactions, DMMC is still disappointed with the narrow scope of the DEIS and the lack of consideration for the "public good" and the benefits and impacts to the entire Chicagoland region when determining the Purpose and Need for the proposed action. This narrow focus on CN's stated purpose and need, we believe, led to the premature and unfounded elimination of what may be viable alternatives to the proposed action from further examination by SEA. DMMC strongly encourages SEA to reconsider alternative actions, such as full implementation of Chicago Region Environmental and Transportation Efficiency (CREATE) Program, in whole or in combination with the proposed action, for evaluation based on technical merits rather than their ability to meet the narrow purpose and need of CN.

Transportation Systems:

2. SEA should perform some level of validation to justify the *estimated* existing vehicular traffic delays presented in section 3.3.1.2 by obtaining actual existing vehicle delay during the peak hour at critical crossings throughout the study area.
3. Further documentation is needed to justify the traffic growth rate assumptions presented in Table 3.3-2, including publishing the historic

traffic counts used to determine the rates, along with supporting graphs and/or formulas used to calculate the growth rates. Validation of the rates and resulting future traffic volumes, using volumes predicted in the region's traffic model, also should be performed and documented. It is unclear if growth rates were determined based on county-wide traffic count data, village/city-wide data, or only data for roadways that cross the EJ&E or CN tracks.

4. Discussion and/or a table describing how LOS is determined, and what thresholds are used, for at-grade crossing LOS should be provided.
5. Intersection level of service (LOS) in the vicinity of at-grade crossings should be evaluated. The actual street that crosses the tracks may have an acceptable LOS of D or better, however intersection LOS near, up or down stream, or on cross streets (parallel to the tracks) also may be affected by delays at crossings.
6. SEA should conduct additional analyses of peak hour roadway conditions, particularly at crossing locations that are at or near the thresholds for "substantial" delay, to determine if the mitigation option in Chapter 6.3.3.1 to impose "...operation curfews during hours of peak roadway vehicle traffic..." would in fact alleviate or reduce delays.
7. Queue length analysis should be performed not only for the roadway that crosses the railroad tracks, but also for side streets that are parallel to the railroad tracks. Often on roadways parallel to tracks, turn movements are restricted (directly with warning devices, or indirectly by queuing), causing queuing in turn lanes (or shared through/turn lanes). Such queuing often spills over into through lanes on the parallel roadway, lengthening the overall time for the roadway system near a crossing to return to "normal" conditions.
8. Traffic modeling or additional LOS analysis should be performed and documented on the traffic network in the area of at-grade crossings in order to support the vague statements regarding "mobility" in Appendix E. LOS on the entire network should be determined as discussed above, and consideration given to the impacts of traffic diversion and changes in regional traffic patterns as a result of crossing delays.
9. SEA should conduct an inventory of public transit routes, specifically CTA and Pace bus routes that operate across or in the vicinity of the railroad tracks and should evaluate the effects of the proposed action from a transportation perspective (delay), an economic perspective (impact on workforce), and an environmental justice perspective (impact on traditionally underserved population groups).
10. SEA should conduct further examination of the effects of the proposed action on police response, taking into account the size of the police force. The broad conclusion in Chapter 4.3 that "The police responders are mobile units and can react to the increase in train traffic by changing their deployment strategy" may not apply in the case of small police forces.
11. SEA should conduct further examination of delays to fire and EMT services by conducting an inventory of roadway cross-sections near crossings that are critical to emergency response. Delays may be lengthened for emergency vehicles due to lack of an area for other vehicles to move into to clear the way for emergency vehicles (lack of shoulders or medians, for example). Particular attention should be paid to situations where large queues in both directions have occurred and the amount of time after "gates up" that all lanes in both directions may be blocked.
12. SEA should clarify the ability for the planned Metra STAR line to be accommodated within CN's Operating Plan, given that in Chapter 4.1.6 SEA concluded that "...the Applicants' Operating Plan the EJ&E rail line would be operated at or very near to capacity, and that there is little, if any, room for growth in the anticipated daily train

volumes”, but in Chapter 4.1.7 that “...the Proposed Action would not adversely affect potential implementation of STAR Line Service on the EJ&E rail line”. Additionally, as a condition of approval of the transaction, CN should be required to accommodate the planned STAR line service in its Operating Plan.

Safety

13. SEA should evaluate and document CN’s ability to respond to rail accidents, particularly those involving hazardous materials, in a safe and timely manner, based on historic evidence and plans presented in their application.
14. SEA should document in an appendix the vehicle safety data contained in Tables 4.2-12 through 4.2-16 for every crossing in the study area.
15. SEA should evaluate and document the potential risk for passenger rail accidents where future passenger service is planned.
16. SEA is encouraged to not finalize any conclusions regarding rail safety until a final Safety Integration Plan is produced and fully evaluated.

Based on these comments and concerns, DMMC offers the following recommendations regarding mitigation measures proposed by SEA and by CN that should be considered if the Board approves the transaction:

17. VM 11: This mitigation should be completed prior to shifting of any transaction related train traffic to the EJ&E line.
18. VM 13, VM 22, VM 23, and SEA 9 and 10: These training programs and workshops should be required to be offered by CN at convenient locations throughout the region at least twice in the first 3 years following Board approval of the transaction, and “upon request” thereafter, for as long as CN is operating freight trains on the EJ&E at or above 50% of the levels proposed in their Operating Plan.
19. VM 21: “Significant” should be defined as a specific amount of time, and not left up to the discretion of a individual at the time of a blockage. In addition to notification of fully stopped trains, CN should be required to notify Emergency Services of trains that are traveling at reduced speeds that will result in a doubling of normal crossing delay conditions, particularly in the areas where Emergency Services are “substantially” affected, and where crossing delays are “significant”.
20. VM 22: Add to second bullet point the provision of training for dispatching personnel to interpret the train location monitors.
21. VM 34: The Community Liaison position should remain active until at least 2 years after the proposed operating levels are reached.
22. SEA 15: CN should fund Operation Lifesaver for 3 years following the full implementation of the proposed Operating Plan (assumed to be 6 years from the date of Board approval).
23. SEA 16: CN should provide funding for these priority locations to ensure they are in place prior to an increase in train traffic.
24. SEA 22: DMMC recommends at least 12 hours notification before open burning, as well as submission of a plan to ensure the burning is controlled.
25. SEA 25: CN should establish a toll-free hotline (or have as an option on existing hotline) for receiving noise and vibration complaints and should regularly report on the complaints received to identify where future mitigation, either by CN, local governments,

or private entities, may be needed. The hotline and reporting should be similar to that which has been established for O'Hare International Airport.

26. SEA 71 and 72: The time period should be extended to "three years beyond the implementation of the full Operations Plan" (assumed to be 6 years from the date of Board approval).

Regarding the eight mitigation strategies in Chapter 6.3.3.1:

27. It is DMMC's opinion that, for the 15 locations in Table 4.3 - 8 (and Table ES - 1), grade separations should be pursued and construction funded at least 70% by CN.
28. CN should be required to fund detailed traffic studies to determine if some combination of roadway, warning device or train operations modifications would improve vehicle delay and safety conditions at these locations, reducing or eliminating the need for grade separation. CN should be responsible for 85% of funding for the construction or implementation of these improvements.
29. DMMC supports the concept of train operation curfews during peak hours on adjacent roadways as a general condition of approval, not just as mitigation for impacts at the 15 crossings identified in Table 4.3 - 8 (and Table ES - 1).
30. DMMC supports the establishment of an Impact Mitigation Fund, for use at the discretion of the Chicagoland region (including areas in IL and IN), for improvements that mitigate rail impacts related to this transaction. DMMC suggests that CN be required to contribute \$30 million (10% of transaction) initially to the fund and to continue contributions to the fund in the future based on a share of profits realized as a result of the transaction.

Regarding the seven mitigation strategies in Chapter 6.3.3.2:

31. All mitigation options from "Training and Drills" to "Operational Improvements" should be required for the 11 Service Providers identified in Table ES-2, prior to the implementation of CN's Operating Plan.

DMMC encourages SEA to address these comments, and comments from other agencies and the public, and to issue a revised Draft EIS for additional public review, prior to issuing a Final EIS. DMMC, through its staff and Transportation Technical Committee, looks forward to continued involvement in the EIS process and the STB's review of the proposed acquisition. If you have any questions regarding the comments included with this letter, please contact Kama Dobbs, Transportation Project Manager at 630-571-0480 or kdobbs@dmmc-cog.org.

Sincerely,



Joseph Broda
President, DuPage Mayors and Managers Conference
Mayor, Village of Lisle