

1 SCOPING MEETING FOR THE PROPOSED CANADIAN
2 NATIONAL RAILWAY COMPANY ACQUISITION OF THE
3 ELGIN, JOLIET AND EASTERN RAILWAY COMPANY
4
5
6
7
8
9

10 STATEMENT OF:
11 LAKE ZURICH FIRE CHIEF TERRY MASTANDREA
12 AUGUST 27, 2008
13
14
15

16 BARRINGTON HIGH SCHOOL
17 616 WEST MAIN STREET
18 BARRINGTON, ILLINOIS
19
20
21

22 CHIMNIAK REPORTING & VIDEO
23 Telephone: 312.781.9111
24 Reported by: Nicole M. Breytspraak, 084-003835

ChimniakCourtReporting.com
312.781.9111

□

1 MR. MASTANDREA: My name is Terry
Page 1

2 Mastandrea. I'm the Director/Fire Chief
3 for the Village of Lake Zurich and the Lake
4 Zurich Rural Fire Protection Area.
5 The following Emergency
6 concerns were developed by Lake Zurich
7 Fire Rescue Department, Lake County,
8 Illinois, during the document review of
9 the CN proposed acquisition of the EJ&E
10 Rail Lines. The report is broken down
11 into three key areas: Safety, Hazardous
12 Material, and Transportation Systems.
13 Each of these areas has been identified
14 to include significant impact on the Lake
15 Zurich Fire Rescue Department's ability
16 to effectively respond to emergency calls
17 within the Village of Lake Zurich as well
18 as in the five communities included in
19 the Lake Zurich Rural Fire Protection
20 District: Hawthorne Woods, North
21 Barrington, Kildeer, Deer Park, Lake
22 Barrington, and unincorporated Lake
23 County areas of Echo Lake and Forest
24 Lake.

ChimniakCourtReporting.com
312.781.9111

□

3

1 The Lake Zurich Fire Rescue
2 Department provides a full service
3 emergency services program (fire, EMS, and
4 specialized rescue) to roughly 40,000

5 residents from four strategically placed
6 stations within a 25-square mile response
7 area.

8 First item is safety. It is
9 both my professional opinion as well as
10 that of the Surface Transportation Board's
11 SEA that one of the most important areas
12 affected by the proposed acquisition is
13 safety. A particular important part of the
14 SEA's analysis was to evaluate the
15 potential effects of the Proposed Action on
16 freight rail safety, passenger rail safety,
17 motor vehicle safety, hazardous material
18 safety, and pedestrian/bicycle safety.

19 SEA evaluated freight rail
20 safety based on the rate of train accidents
21 per million train miles. The SEA concluded
22 that if the applicants increased train
23 volumes on the EJ&E Rail Line as proposed
24 in their Operating Plan, the number of

ChimniakCourtReporting.com
312.781.9111

4

1 train accidents on the EJ&E Rail Line is
2 likely to increase by 28 percent compared
3 to the No-Action Alternative, a change
4 directly related to the increase in train
5 miles on the EJ&E Rail Line.

6 The SEA also concluded that the
7 number of yard accidents in EJ&E yards

8 would likely increase with the increase of
9 switching activity.

10 SEA calculated the risk of
11 accidents at public highway/rail at-grade
12 crossings and concluded that under the
13 Proposed Action, the SEA analysis predicted
14 an increase from 1.57 to 6.04 highway
15 accidents annually on the EJ&E.

16 Based on the information
17 detailed in that report, we will see a
18 substantial risk in train accident
19 potential on the EJ&E. The Voluntary
20 Mitigation efforts suggested are limited to
21 community awareness and individual
22 hazardous material training, which is far
23 short of providing the necessary resources
24 (personnel, equipment, training, or access)

ChimniakCourtReporting.com
312.781.9111

□

5

1 to effectively respond to a train accident.

2 Next section, Hazardous
3 Materials.

4 with respect to hazardous
5 material transportation, SEA analysis
6 showed that the number of major key routes
7 would increase from 2 to 14 on the EJ&E
8 Rail Line under the Proposed Action.
9 Because of the large percentage increase
10 and the volume of hazardous materials that

11 would be transported, the expected
12 percentage increase in reportable hazardous
13 materials release would also increase.

14 We have made numerous requests
15 to CN for information regarding the types
16 and quantities of hazardous materials they
17 intend on shipping on the EJ&E with no
18 response as of this date to e-mails,
19 meetings, or phone calls. This information
20 is critical for the preparation and
21 training of emergency response personnel as
22 well as for resident health/safety and
23 welfare. The substantial increase in the
24 transportation of hazardous materials on

ChimniakCourtReporting.com
312.781.9111

□

6

1 the EJ&E adjacent to several schools,
2 homes, businesses, and arterial roadways
3 creates an extremely dangerous and
4 potentially lethal situation.

5 The SEA refers to several
6 voluntary Mitigation programs that can be
7 initiated by the CN in relation to
8 hazardous material. Unfortunately, most
9 relate to awareness and are limited in
10 relation to the actual response
11 capabilities or resources for local
12 emergency providers. The voluntary
13 mitigation regarding training is limited to

14 one person per department to attend Pueblo,
15 Colorado and does not provide for adequate
16 overall response training and equipment.
17 Funding to provide department-wide initial
18 and continued education training on rail
19 emergencies for all the local emergency
20 providers as well as equipment/apparatus
21 procurement to effectively respond has not
22 been addressed. The fact that the proposed
23 increase rail traffic from 5.3 to 20.3
24 trains per day on the EJ&E carrying an

ChimniakCourtReporting.com
312.781.9111

□

7

1 increased 9.4 hazardous material cars per
2 train (141 total per day) presents a
3 drastic increased of risk versus benefit
4 that local first responders will be
5 mandated to respond to with little to no
6 additional funding or resources.

7 At a National level, the
8 increased rail traffic coming from Canada
9 to the United States will result in an
10 increased risk of terrorist opportunity in
11 the smuggling of dangerous materials and/or
12 sabotage of rail cars or tracks with intent
13 to cause large-scale devastation. The
14 report is silent on this issue and does not
15 mention that Homeland Secretary is equipped
16 to maintain and sustain long-term

17 inspections of rail elements and border
18 security.

19 Transportation system. The SEA
20 evaluated the potential effects of
21 increased rail traffic on the EJ&E and the
22 location of the proposed rail line
23 connections on local and the regional
24 roadway systems. They concluded that an

ChimniakCourtReporting.com
312.781.9111

□

8

1 increase in total vehicle delay ranged from
2 50 minutes to 149 hours. SEA also
3 concluded that 15 crossings would be
4 substantially affected, defined as a
5 situation in which the Proposed Action
6 queue length would block a roadway that is
7 not blocked under the No-Action Alternative
8 or a roadway would be at an overcapacity or
9 delay for all delayed vehicles would be
10 more than 40 hours per day.

11 SEA considers many of the
12 traffic problems as preexisting conditions
13 and beyond the Board's authority to
14 mitigate here, but the Proposed Action
15 would, in some cases, exasperate the
16 existing problems and at the 15
17 highway/rail at-grade crossings listed in
18 Table ES-1, Highway/Rail At-Grade Crossings
19 In the Study Area That Require Mitigation

20 Due to Effects Under the Proposed Action
21 would cause substantial effects.

22 Two at-grade crossing locations
23 identified in Table ES-1, as substantial
24 are within the Lake Zurich Fire Rescue

ChimniakCourtReporting.com
312.781.9111

0

9

1 response area at Old McHenry Road and in
2 Hawthorne Woods and at the other at
3 Ela Road in Lake Zurich.

4 One Voluntary Mitigation item
5 listed in the SEA mentions Relocate
6 Emergency Response Facilities. This would
7 not be feasible in our District without
8 initial and continued funding for land
9 purchase, construction, equipment, and
10 staffing. This tactic would also only
11 provide a handful of personnel on one side
12 of the track with no local capability for
13 support crews to cross and assist. It's
14 more prudent and should be demanded that
15 the applicant provide accessibility by
16 either an over- or underpass to ensure our
17 ability to respond and assist on either
18 side of the tracks.

19 The suggestion of providing
20 telemetry technology to first responders so
21 they are made aware of blocked rail
22 crossings is a viable benefit if it is

23 based on real time. This benefit will only
24 assist in minimizing delays and not address

ChimniakCourtReporting.com
312.781.9111

□

10

1 the ultimate problem, since we'll still be
2 blocked and will need to either wait or
3 seek out much longer alternate routes.
4 Emergency response. SEA's
5 analysis also focused on potential impacts
6 on emergency services in communities along
7 the EJ&E Rail Line. Based on data on
8 emergency response times established by
9 NFPA, SEA used an increase of 30 seconds or
10 more in average delay per vehicle and 30
11 minutes or more for the total delay time
12 that the crossing is blocked in a day.
13 Worse delays could potentially cause a
14 serious effect on emergency service
15 response times. Based on the analysis, SEA
16 concluded that without mitigation, 11 fire
17 and emergency medical service providers
18 near the EJ&E Rail Line would potentially
19 experience substantial negative effects as
20 a result of the Proposed Action. These
21 emergency agencies are listed in Table
22 ES-2, Emergency Service Providers
23 Potentially Substantially Affected Under
24 the Proposed Action.

1 The Lake Zurich Fire Rescue
2 Department that operates out of Lake Zurich
3 Rural Fire Protection District Station
4 No. 3 is identified in Table ES-2 along
5 with neighboring towns of Mundelein and
6 Barrington, who we rely daily on for
7 automatic and mutual aid response.

8 The impact of a blocked crossing
9 at Old McHenry as related to emergency
10 fire, medical, specialized rescue response
11 would significantly increase our response
12 times to areas across the tracks.
13 Currently residents will experience
14 response times well within the standard of
15 four- to six-minute time frame. Based on
16 the Proposed Action an increase in trains
17 from 5.3 to 20-plus per day, we can expect
18 response times much higher than the
19 acceptable standard, especially when the
20 alternative route around this crossing adds
21 approximately seven miles to the response.

22 A life may be saved with a
23 potential full recovery if advanced life
24 support efforts can be initiated within

1 four to six minutes of a medical emergency.
2 After that time, the scale drops off
3 sharply as it relates to our success in
4 preserving lives.

5 In fire situations, fire
6 typically increases in size every minute,
7 so with extended response delays, our
8 ability to preserve property will
9 substantially diminish as well. Also, many
10 areas in our fire district do not have fire
11 hydrants and water must be brought in with
12 fire tenders. Adding access delays with
13 our water supply will hinder our
14 suppression efforts and result in a much
15 greater property loss.

16 SEA also concluded that although
17 the number of potential accidents involving
18 pedestrians or bicycles at trail/rail could
19 not be quantified, the consequences of
20 increased train traffic on the EJ&E Rail
21 Line would increase the risk of pedestrians
22 and bicycles at those 21 trail/rail
23 crossings. A large portion of the EJ&E
24 tracks run parallel to three schools in our

ChimniakCourtReporting.com
312.781.9111

0

1 area: St. Matthews, Lake Zurich High
2 School, and May Whitney as well as through

3 a forest preserve containing many nature
4 trails. walking/bicycle students routinely
5 take the shortest path to and from school,
6 which in this case is crossing the EJ&E
7 tracks in various locations. The SEA does
8 note the voluntary Mitigation action that
9 the applicant work with schools to provide
10 fencing but does not provide a solution for
11 students to safely cross the tracks, such
12 as the funding and installation of
13 pedestrian bridges.

14 I would also like to mention
15 that the EJ&E overpass at Route 12 is quite
16 old and has been subject to many structural
17 impacts from truck traffic below. Based on
18 the overpass age, historical incidents of
19 impact damage and potential of increased
20 rail traffic and weight, the overpass
21 should be tested for its structural
22 integrity to handle the Proposed Action.

23 Conclusion. The acquisition of
24 the EJ&E by CN will diminish our

ChimniakCourtReporting.com
312.781.9111

0

14

1 long-standing tradition of preserving and
2 protecting the health, safety, and welfare,
3 life, and property in the area. The
4 purchase provides no benefit and, in fact,
5 will result in a significant environmental

6 and financial impact as it relates to
7 public safety.

8 Major changes on rail lines that
9 require major mitigation to address the
10 significant environmental impact issues as
11 previously stated must be firmly
12 established, funded, and in place before
13 any consideration be given to an
14 acquisition of this magnitude. The
15 voluntary Mitigation efforts outlined in
16 the SEA are significantly deficient to
17 maintain a safe community.

18 Emergency responders must have
19 unimpeded access across rail lines and
20 adequate safety devices installed to assure
21 emergency services can be delivered during
22 life threatening events. Delays in our
23 business are unacceptable and mission
24 critical to sustaining life and property

ChimniakCourtReporting.com
312.781.9111

□

15

1 and should not be worsened to appease the
2 private sector with a shareholder charge of
3 simply generating more profit. The STB and
4 applicant must be responsive to the basic
5 needs of a community (fire, ambulance, and
6 police services) and must be responsible
7 for all actions (funding and
8 infrastructure) to preserve those services.

082708BRE Mastandrea.txt

9 I ask that the STB take the
10 necessary time to thoroughly evaluate the
11 environmental impact of this proposed
12 purchase will have on our area and not
13 succumb to the request of CN to expedite
14 the process.

15 The safest solution from a
16 services standpoint is to find an
17 alternative route through open areas to
18 move this increased rail traffic and not
19 shift the risk from one community to
20 another. I would also ask that the burden
21 to effectively and totally mitigate the
22 items discussed be demanded of the
23 applicant prior to contracts.

24 Thank you. Terry Mastandrea,

ChimniakCourtReporting.com
312.781.9111

□

16

1 Director/Fire Chief Lake Zurich Fire Rescue
2 Department.

3 (End of statement.)

4
5
6
7
8
9
10
11

082708BRE Mastandrea.txt

12

13

14

15

16

17

18

19

20

21

22

23

24

ChimniakCourtReporting.com
312.781.9111