

1 SCOPING MEETING FOR THE PROPOSED CANADIAN NATIONAL
2 RAILWAY COMPANY ACQUISITION OF THE
3 ELGIN, JOLIET AND EASTERN RAILWAY COMPANY
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9 STATEMENT OF:
10 JACQUELINE D. ANDERS
11

12 September 10, 2008
13

14 INDIANA UNIVERSITY NORTHWEST
15 3400 BROADWAY
16 GARY, INDIANA
17
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24 REPORTED BY: Sharon A. Stuckly, No. 84-1640 MS.

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1 MS. ANDERS: I'm a transportation
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2 planner. And I'm here on behalf of my
3 agency, Northwestern Indiana Regional
4 Planning Commission. We're located in
5 Portage, Indiana.

6 what I'd like to do is state our
7 position on this issue either through
8 handing you this statement, it is the
9 testimony of John Swanson, the executive
10 director of the Northwestern Indiana
11 Regional Planning Commission. He gave this
12 testimony before the US House of
13 Representatives congressional hearing in
14 Chicago on August 5th, 2008. And if I may
15 just hand it to you and have it go into the
16 record or if you prefer I read it.

17 This is the testimony that was
18 given on August 5th from John Swanson.
19 Thank you Congresswoman Bean, members of
20 the Illinois delegation and the staff of
21 Congressmen Visclosky and Roskam's offices.
22 My name is John Swanson. I am the
23 executive director of the Northwestern
24 Indiana Regional Planning Commission also

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1 known as NIRPC, N-I-R-P-C. I thank you and
2 our Indiana representative, Congressman
3 Peter J. Visclosky for taking the time to
4 hold this important hearing and for the

5 opportunity to testify.

6 I especially thank Congressman
7 Visclosky for his leadership on
8 transportation issues and for his support
9 of transportation and other infrastructure
10 projects throughout our region.

11 NIRPC is a council of
12 governments representing 52 elected local
13 government officials, plus one state
14 legislator appointed by the governor of
15 Indiana. It is also the designated
16 metropolitan planning organization for
17 Lake, Porter and LaPorte counties in
18 Northwest Indiana, and we are the agency
19 that must ensure that our transportation
20 plans, programs and projects comply with
21 all federal regulations.

22 NIRPC believes that this
23 proposed CN acquisition of the EJ&E would
24 have a negative impact on four major issues

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1 in our region. 1, our regions' air
2 quality, 2, the efforts to expand our
3 regional commuter rail, 3, the efforts to
4 expand our airport services, and, 4, the
5 quality of life in our affected
6 communities.

7 The first major issue of concern
Page 3

8 in Northwest Indiana is improving our air
9 quality which has been a long-standing goal
10 of the federal government, the state of
11 Indiana, NIRPC and local governments and
12 other organizations for over 30 years.

13 while we have made great strides
14 towards meeting federal clean air
15 standards, we have not yet reached
16 attainment for ozone and particulate
17 matter. The proposed action would
18 significantly increase train traffic and
19 emissions from idling cars waiting at grade
20 crossings which would make it more
21 difficult to meet the federal clean air
22 standards in Northwest Indiana.

23 The draft environmental impact
24 statement, the EIS, makes the assessment

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1 that overall air quality will not be
2 negatively impacted within the bistate
3 region. However, it does not make it clear
4 that the Northwest Indiana region must by
5 federal and state mandates conform to a
6 separate compliance plan.

7 It is our overall assessment
8 that the proposed action would undermine
9 our efforts to meet federal clean air
10 standards. We request that the comment

11 period be extended so that the
12 Environmental Protection Agency, the EPA,
13 and the Federal Highway Administration, the
14 FHWA, can adequately confirm the method and
15 factors used in the draft EIS air quality
16 analysis, and so that NIRPC, the EPA and
17 FHWA can adequately review its actual data
18 and calculations at our rail crossings in
19 Lake County, Indiana.

20 Specifically, we would ask that
21 the following air quality issues be
22 recognized and addressed.

23 Bullet point 1. We question the
24 method for determining emissions factors

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1 for idling vehicles. On page 4.9 dash 5
2 section 4.9.1.1, the draft EIS uses an
3 emission factor of 2.5 miles per hour to
4 represent idling vehicles. We request that
5 the EPA and FHWA confirm the validity of
6 this method and this emission factor.

7 Bullet point 2. We request time
8 to review the actual data and calculations
9 the EIS produced for idling vehicle
10 emissions at each impacted grade crossing
11 in Lake County, Indiana.

12 Bullet 3. We also request that
13 the EIS recognize and address the fact that
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14 our emissions budgets are likely to be
15 significantly tightened when the Indiana
16 Department of Environmental Management,
17 IDEM, prepares and adopts the required
18 state implementation plans or SIPs for the
19 eight-hour ozone and capital PM 2.5. PM
20 stands for particulate matter.

21 The second major issue of
22 concern in Northwest Indiana is the
23 expansion of commuter rail passenger
24 service. The draft EIS stated on page ES

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1 dash 12 that, quote, expanded NICTD service
2 was not reasonably foreseeable, unquote.

3 NIRPC strongly objects to this
4 assessment. State legislation to help
5 finance the expanded rail service passed
6 one house of the Indiana legislature this
7 past spring. And a bill to secure a
8 financing mechanism is expected to be
9 reintroduced during the next session.

10 The expanded commuter rail
11 service is also supported by a series of
12 NIRPC studies and the NIRPC board has taken
13 a policy position to support it. It has
14 strong support at the federal, state and
15 local levels and the Phase 1 Alternatives
16 Analysis, capitalized, is underway and the

17 results should become available shortly.
18 It is wrong and unreasonable to dismiss and
19 undercut the ongoing federally-funded
20 feasibility study before it is completed.
21 The third major regional issue
22 is the expansion of the Gary Chicago
23 regional airport. A preliminary memorandum
24 of understanding was recently signed by the

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1 Gary Chicago regional airport and the EJ&E,
2 CSX, Norfolk-Southern railroads that must
3 adjust the location of their tracks or
4 their operations to make the airport
5 expansion a reality. However, a final
6 memorandum has yet to be signed. It is too
7 early to conclude that the airport
8 expansion issue is resolved to the
9 satisfaction of all parties.

10 The final major issue that would
11 be impacted by the proposed action is the
12 quality of life in the Northwest Indiana
13 communities that are located along the
14 current EJ&E tracks. These communities
15 will experience three to four times the
16 amount of train traffic in the next few
17 years. We foresee that the long-term train
18 traffic through our communities will
19 increase even more after the CN completes

20 the construction necessary to improve its
21 connections and operations.

22 We assume that there would also
23 be a significant increase in freight
24 traffic due to the estimated increase in

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1 intercontinental container traffic between
2 the Ports of Halifax and the Prince Rupert
3 in Canada as well as from the tar sands in
4 Canada to the expanded BP refinery in
5 Whiting, Indiana.

6 The towns of Dyer, Schererville,
7 Griffith, and the cities of Gary, Hammond,
8 East Chicago and Whiting will experience
9 significantly more train traffic in the
10 long term which will cause increased
11 congestion and energy consumption from cars
12 waiting at grade crossings, an increase in
13 the risks of vehicle-train collisions, a
14 decrease in emergency vehicle access across
15 tracks, increased noise and vibrations as
16 the trains pass through residential
17 neighborhoods and business districts and a
18 change in travel patterns throughout the
19 region.

20 A brief look at the map of the
21 CN and EJ&E tracks shows that the town of
22 Griffith is the only community in either

23 Indiana or Illinois that will experience
24 more train traffic on both the east-west

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1 directions and the north-south directions
2 effectively splitting the town.

3 The EIS fails to note the
4 excessive burden the proposed action would
5 have on the town of Griffith. It
6 recommends mitigation measures for the
7 Miller Street and Lake Street crossings,
8 but it ignores needed mitigation measures
9 at the 45th Street, Main Street, and Broad
10 Street crossings. The draft EIS also does
11 not adequately address the negative impacts
12 on grade crossings in either the towns of
13 Dyer or Schererville or the city of Gary.

14 The draft EIS repeatedly states
15 that mitigation measures must be addressed
16 solely through agreements between the CN
17 and local communities. NIRPC has four
18 decades of experience with the
19 federally-mandated processes necessary to
20 identify and implement transportation projects.

21 By federal mandates, NIRPC must
22 gather all relevant transportation,
23 environmental and economic development
24 data, use sophisticated computer modeling

1 techniques to forecast the future
2 conditions such as travel patterns and
3 traffic volumes, air quality, and the
4 environmental and economic development
5 impacts on the entire transportation
6 system. The proposed action will force
7 NIRPC to compensate for the adverse impacts
8 that would be caused by this pending
9 acquisition.

10 It is unreasonable to
11 oversimplify the task of identifying
12 mitigating projects in each of our
13 communities without considering the effects
14 on the entire region and without input from
15 all residents and businesses likely to be
16 affected by changes in the travel patterns
17 that this proposed action would impose.

18 The draft EIS recommendation for
19 CN and individual communities to reach
20 agreements within a short time frame is not
21 a reasonable solution to the problems
22 facing the affected towns and cities.

23 On behalf of the member local
24 governments of Northwest Indiana, I request

1 that the Surface Transportation Board hold
2 at least one additional hearing in
3 Northwest Indiana preferably in or near the
4 towns of Griffith, Dyer or Schererville.
5 Additionally, I request that the time
6 period for commenting on the study be
7 extended to 180 days.

8 I appreciate this opportunity to
9 discuss the impact of the pending
10 acquisition on Northwest Indiana. I would
11 be pleased to respond to any questions.

12 (End of statement.)

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