

STB Meeting - August 27, 2008 Regarding DEIS for Proposed CN Acquisition of the EJ&E

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Good evening, my name is Greg Summers and I am the Director of Engineering and Building for the Village of Barrington. In the brief few minutes I have available, I would just like to point out a few material flaws in the DEIS as drafted and expound upon additional details not addressed in the document.

The DEIS as drafted fails to properly review alternatives to the proposed EJ&E route, instead bypassing this staple of any complete analysis to focus on only a handful of issues. At a minimum, the analysis should have addressed CREATE, or CN's portion of CREATE, as a viable alternative to the ultimate goal of moving freight through the region, rather than simply eliminating the option based on the CN's secondary, at best, rationale for the purchase of the EJ&E. Additionally, the DEIS excludes consideration of exploring the possibility of utilizing routes through less populated areas in lieu of the current proposal.

The capacity examination portion of the DEIS is based solely upon the Canadian National Railway presumption that a single track will be utilized through the Barrington area despite the 100 foot right-of-way width. The reality is that if this deal were to proceed, the Canadian National could, at any point in the future, decide to provide a second track, or even a triple-track, to increase freight capacity without additional STB oversight. It would appear, based upon the United States Department of Transportation projected growth of 88%, that at some point in the future increased trackage would become inevitable.

The DEIS identifies the Route 59 (Hough Street) crossing as the only crossing requiring mitigation in the Barrington area, yet Main Street (Lake Cook Road) and Route 14 (Northwest Highway) would be equally, if not more severely, impacted by the proposed transaction. Grade separation costs, ranging from \$40 million to over \$100 million are beyond the reach of local communities, and yet the CN does not want to offer any realistic financial assistance in achieving these separations, leaving state and federal tax payers to foot the bill for the benefit of a foreign corporation. Worse yet, and perhaps the scenario that CN is counting on, funding for these improvements never materializes, the improvements are never installed, and the community suffers while the CN makes even more money.

The CN proposal, if approved, would have a detrimental impact on the EJ&E Quiet Zone which was long pursued by the Village, including the one crossing along Route 59 (Hough Street) that is not currently included in the EJ&E Quiet Zone. While the DEIS recommends that the CN bear the costs associated with maintaining the Quiet Zone throughout Barrington in the present day, these zones are reviewed every three years and volume of traffic is one of many considerations utilized in the review process. Increased trains would inevitably lead to increased traffic and pedestrian conflicts which will trigger increased safety demands, which could ultimately result in loss of Quiet Zone status or prevent future Quiet Zone areas such as the Route 59 (Hough Street) crossing.

The Assistant Director of Engineering and Building and I recently met with representatives of the Canadian National Railway and had the opportunity to visit the areas of the community that would be most greatly affected by the proposal. Proposals by the CN for mitigation were minimal at best and wholly inadequate for addressing the impacts of the CN proposal, consisting of proposed improvements such as sound walls that are not effective in regards to horn noise and are impracticable and unsightly to use for wayside noise. The representatives went so far as to point out that in order to install such sound walls, removal of a vast majority of the existing green buffers would be necessary, as often these trees and shrubs are on the CN right-of-way. Worse yet, several questions addressed to the CN at this meeting were met with a lack of answers. For example when asked how the ambient noise level of a CN train compared to that of a EJ&E train the representatives paused for several minutes before stating that their trains were newer, and likely quieter, when compared at the same operating speed as an EJ&E train. When asked how the noise level of their trains at the proposed 45 miles per hour compared to the EJ&E trains at their current 22 miles per hour speed the CN representatives were unable to muster a response. When asked about vibration levels from the doubling of the speed for the proposed trains, the representatives changed the topic. I submit that any corporation having thoughtfully considered the impacts of their own proposal would have at least been able to address basic questions regarding the impacts.

In conclusion, the CN has proven that it does not have a handle on the real burdens imposed on the communities that it intends to pressure its way through. A good corporate citizen would make an honest attempt to identify the issues, affects, alternatives and consequences of its own proposal and propose reasonable alternatives and/or mitigation to those most affected by their business. While the STB document does not go far enough to identify all of the consequences and externalities that comprise the larger picture, it does go far enough to reveal that the proposed transaction has too many consequences to effectively mitigate and that the purchase should be denied in its entirety. Short of a total denial, the STB should require the CN to address all issues created by the proposal including bearing the full costs of the mitigation and should be required to complete all improvements prior to any increased usage of this trackage.