

Village of Wayne

P.O. Box 532
5N430 Railroad Street
Wayne, IL 60184
Clerk's Office, Village President and Trustees 630-584-3090
Building Department 630-584-7760
Police Department 630-584-3031
Fax 630-584-0259

May 25, 2021

The Honorable Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423

302451

ENTERED
Office of Proceedings
June 2, 2021
Part of
Public Record

Ref: Canadian National Merger w/ Kansas City Southern Railway
FD 36514

Dear Ms. Brown:

I am the President of the Village of Wayne, Illinois through which the CN rail line extends. The Village of Wayne strongly objects the proposed merger of the Canadian National Railway with Kansas City Southern Railway.

The impacts of this proposed transaction are quite numerous, all of which must be taken into account in the preparation of any Environmental Impact Statement or EIS. These impacts include the effect on emergency responses by the Police and Fire Departments, severe and substantial delays to traffic in general, the increased risk of hazardous material spills (which is of special concern in that all residences and businesses in Wayne are served only by private wells and septic systems,) the severe disruption of school bus routes and schedules, the substantial increase in noise and vibration from the increased number and length of trains, the degradation of air quality and the negative impacts on the Forest Preserves that surround the town. In general, these impacts would lower the quality of life and property values in the Village, and in particular, would create potentially deadly effects on residents if Police, Fire and Paramedic responses were delayed, and/or, the sole source of water is contaminated.

The proposed acquisition would increase the daily carloads of hazardous material that moves through the Village. Of notable concern, the map submitted to the STB by CN on April 29, 2021 does not include the two CN/EJ&E lines that runs through our 5-1/2 sq. mile, one lane Village. We have two east/west roads in our town, both of which are bifurcated by the two CN/EJ&E lines. This is a critical issue as the sole source of water to all residents and businesses in our Village is from private wells. In addition, any potential accidents would have disastrous consequences because the rail line runs next to residential areas and is less than one mile from the Wayne Elementary School. Of great concern is that, to the extent that Police, Fire and Paramedic responses are delayed, the impact on victims could be tragic.

I respectfully request that the STB not approve the CN Voting Trust motion until it has answered the following regional concerns:

- How would a CN-KCS merger impact Metra operations?
- How would a CN-KCS merger impact Amtrak operations on its five Chicagoland lines given CN's history of issues vis-a-vis passenger rail service?
- To what extent are current CN operations on the former EJ&E rail line in conformance with what the railroad forecast in 2008, and how should updated operations data influence the Board's assessment of CN's operating plans in a 2021 CN-KCS merger?
- How many train movements would be added to all of CN's rail lines in the region, including the EJ&E?
- How many grade crossings in the region would become substantially impacted by increased rail traffic stemming from a CN-KCS merger?
- How would emergency response service times be impacted if more grade crossings are substantially affected?
- To what extent would the merged railroads be required to mitigate community harms at their own expense?

Should the Surface Transportation Board approve this purchase, that approval must be coupled with requirements that the CN pay the cost of mitigating the detrimental effects that would follow. The taxpayers should not be saddled with bearing the cost of mitigation efforts made necessary by the acts of a foreign corporation.

Sincerely,


Eileen Phipps, President
e.phipps@villageofwayne.org

/pe

cc: Suzanne Devane, Barrington Consultant
DMMC
Metro West
Metropolitan Mayors Caucus
VOW Board of Trustees

RESOLUTION NO. 21-09

**A RESOLUTION REQUESTING THE SURFACE TRANSPORTATION BOARD
CAREFULLY REVIEW THE IMPACTS OF THE PROPOSED MERGER OF THE
CANADIAN NATIONAL RAILWAY AND KANSAS CITY SOUTHERN RAILWAY
PRIOR TO APPROVING A VOTING TRUST RELATED THERETO
(STB DOCKET FD 36514)**

WHEREAS, the Village of River Forest, Illinois ("Village") is a duly organized and validly existing municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and

WHEREAS, rail freight traffic impacts communities all across the United States of America and especially in the Village and the greater Chicagoland area, which is the busiest railroad hub in the United States, with one in four freight trains in the nation passing through Chicagoland every day; and

WHEREAS, several railroads own and operate rail lines within the Village, including Canadian National Railway ("CN") and Union Pacific Railroad, and rail carriers operate trains on the Union Pacific Railroad's rail lines within the Village, including the Commuter Rail Division of the Regional Transportation Authority d/b/a Metra; and

WHEREAS, the proposed merger of CN and Kansas City Southern Railway ("KCS") has the potential to add significantly more rail freight to the greater Chicagoland area, and perhaps the Village; and

WHEREAS, the Chicago Region Environmental and Transportation Efficiency Program, known as the "CREATE" program, was founded in 2003 to relieve regional rail freight congestion, but less than half of the seventy projects, which include signal improvements, track repairs and additions, flyovers that bridge track over a different line, and rail-highway grade separations, have been funded and completed;

WHEREAS, the Village President and Board of Trustees request that the Surface Transportation Board ("STB") carefully asses and review the impacts of the proposed CN and KCS merger on the Village and the Chicagoland area prior to approving a voting trust related there, in order to ensure that the public's health, safety and welfare are adequately considered and protected;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RIVER FOREST, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Resolution.

SECTION 2: STB Review. That the Village supports and requests careful scrutiny by the STB of the impacts on the Village and the Chicagoland area that would be caused by a CN and KCS merger, prior to the STB's approval of a CN KCS voting trust. The Village requests that the STB's review include careful consideration of the following questions of CN and KCS, and their answers thereto:

1. How would a CN and KCS merger impact the Village?
2. How would a CN and KCS merger impact operations of Metra?
3. How would a CN and KCS merger impact Amtrak operations on its five Chicagoland lines?
4. How many train movements would be added to all of CN's rail lines in the Village and the Chicagoland area?
5. How much additional noise, vibrations, exhaust and environmental impacts would a CN and KCS merger create in the Village and the Chicagoland area?
6. How many grade crossings in the region would become substantially impacted by increased rail traffic caused by a CN and KCS merger?
7. How would emergency response service times be impacted if more grade crossings are substantially affected?
8. To what extent would the merged railroads be required to mitigate community harms and impacts at their own expense?

SECTION 3: STB Decision. That the STB is urged to deny the proposed CN and KCS voting trust if the STB finds that the merger would adversely impact the Village and the Chicagoland area, such as by unacceptably increasing rail freight induced regional traffic congestion and interfering with dependable operations for Metra's commuter rail network and Amtrak's passenger rail service, and the STB is urged to reject the voting trust if the STB finds that the merger would further add to the list of regional rail-related mitigation projects to be funded by taxpayers.

Section 4: Repeal. That all resolutions, motions or parts thereof in conflict with this Resolution shall be and the same are hereby repealed.

Section 5: Effectiveness. That this Resolution shall be in full force and effect upon its adoption and approval according to law.

[THIS SPACE INTENTIONALLY LEFT BLANK]

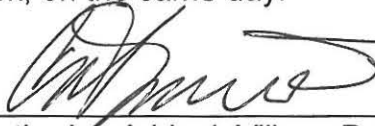
ADOPTED this 24th day of May, 2021, pursuant to a roll call vote as follows:

AYES: Trustees Bachner, Brennan, Gillis, Johnson, O'Connell, Vazquez

NAYS: None

ABSENT: None

APPROVED this 24th day of May, 2021, by the Village President of the Village of River Forest, and attested by the Village Clerk, on the same day.



Catherine Adduci, Village President

ATTEST:



Jonathan Keller, Village Clerk

CERTIFICATE OF SERVICE TO STB DOCKET FD 36514

I certify that a true and correct copy of the letters/resolutions from WAYNE, IL AND River Forest, IL have been served this 28th day of May 2021, on all parties of record.

Suzanne M. Devane
On Behalf of Commenters