



EI-31368

December 7, 2021

Joshua Wayland
Surface Transportation Board, c/o VHB
Attention: Environmental Filing, Docket No. FD 36500
940 Main Campus Dr., Suite 500
Raleigh, NC 27606

Re: Docket No. FD 36500, Canadian Pacific Railway Limited, et al.—Control of—Kansas City Southern, et al.; Notice of Intent to Prepare an Environmental Impact Statement

Dear Mr. Wayland:

The Village of Pingree Grove is one of the fastest growing municipalities in Illinois, sustaining an annualized growth rate of $\pm 9\%$ over the last decade. Our unique community was incorporated in 1907 and has grown exponentially since embarking on unprecedented community expansion in 2004. To build upon and preserve our excellent quality of life, the Village strives to balance its fast-paced growth with investment in infrastructure, economic development, and public services to address our community's dynamic needs while maintaining high levels of public safety.

We understand the economic aspirations of Canadian Pacific Railway Limited, et al. (CP) to acquire control of the Kansas City Southern, et al. (KCS) and respectfully request the Surface Transportation Board (STB) ensure all aspects of our quality of life be fully evaluated and addressed as part of this proceeding. Central to our concerns are the rail traffic projections that form the evaluation and analysis of all environmental impacts. We believe the application may significantly understate future rail traffic volumes and may not adequately address impacts arising from increasing train lengths traversing Class 1 railroads. Unless accurate figures are obtained and used in the Board's review, the EIS process will result, in turn, in significant understatement of environmental impacts and requisite mitigation.

This transaction is about creating a rail network serving North America, from Canada through the United States and to Mexico. CP President and CEO, Keith Creel, states the merger will "inject new competition and new capacity into the U.S. rail network," and as stated by KCS President and CEO, Patrick J. Ottensmeyer, the transaction "will provide new routes, reach broader markets and create expanded shipping opportunities for customers."¹ In CP's response to the Office of Environmental Analysis' (OEA) Information Request No. 1, CP acknowledges the new rail network will "attract traffic that does not currently move on either carrier." This expansion of rail activity is quantified on the CP/KCS Rail Merger Project website,² which suggests activity at the Bensenville, Illinois and Schiller Park, Illinois rail yards will increase by 25.8% and 103.4% respectively by 2027. Additionally, train trips across the Randall Road, IL –

¹ "Canadian Pacific and Kansas City Southern File Merger Application with STB to Create Only Single-Line Rail Network Linking U.S.-Mexico-Canada." *Canadian Pacific Website*, 29 October 2021. News Release. <https://www.cpr.ca/en/media/canadian-pacific-and-kansas-city-southern-file-merger-application-with-stb-to-create-only-single-line-rail-network-linking>. Accessed 18 November 2021.

² CP/KCS Rail Merger Project Website. <https://www.arcgis.com/apps/dashboards/665e5f3b1412406ea49454f573aefd35>.

Davis Junction, IL rail segment (C-CHIC-03; affecting the Reinking Road/Pingree Grove at-grade crossing) are projected to nearly quadruple by 2027, transforming this otherwise sleepy railroad with 3.15 trains per day up to 11.15 trains per day over a short period of time.

We believe an accurate projection of train traffic is essential for our Village and the Office of Environmental Analysis (OEA) to fully understand the impacts from this proposed acquisition. Such projections not only drive the impact assessment but informs mitigation strategies. The decisions made by the STB concerning this acquisition have irreversible and potentially devastating consequences to our citizens' lives. To assist with understanding Pingree Grove's unique context, we offer the following specific comments to the draft scope of the EIS presented in the Federal Register notice of November 12, 2021. In the event that all impacts from this transaction cannot be avoided, we ask that thorough consideration be given to a full range of mitigation strategies to alleviate negative consequences to our quality of life.

Finally, as required by the National Environmental Policy Act (NEPA), the time horizon of the EIS should be sufficiently distant to consider the reasonably foreseeable significant adverse impacts of (1) the proposed rail transaction and (2) the exceptional growth of Pingree Grove and its surrounding areas. The forecast data appears to look about five years ahead—to 2027. This is far too short a time period. The environmental process should consider rail and motor vehicle traffic projections for at least ten years after all post-acquisition construction has been completed.

1. SAFETY

Several issues related to safety must be considered as part of the Draft and Final EIS. First and foremost, we have approximately 1,525 residential units within 1,500 feet of the CP railroad. The Village of Pingree Grove adjoins over three miles of track from west of IL-47 to just past Reinking Road to the east. There is one at-grade crossing at Reinking Road, which is not constructed with modern materials (wooden timber construction), and one grade separated roadway crossing at IL-47. Additionally, two uncontrolled at-grade crossings exist along the CP railroad within or adjacent to Pingree Grove. The first is a roadway crossing located just west of Pingree Grove's municipal boundaries providing a link between U.S. Route 20 and IL-72. The second appears to be an agricultural crossing that might be used by pedestrians or cyclists at Thurnau Road. The EIS should address existing safety hazards at these locations, evaluate safety risks post-acquisition, and identify appropriate mitigation improvements as part of this process.

The at-grade crossing at Reinking Road has only two gates and lacks pedestrian/cyclist gates and crossing. Further, the Reinking Road at-grade crossing is located approximately 750 feet north of the intersection of U.S. Route 20 and Reinking Road, which is planned to be improved with a roundabout that will likely reduce the length of roadway available to stack northbound vehicular traffic as trains pass through the intersection. The CP projects nearly a 300% increase in rail traffic, from 3.15 trains per day to 11.15 trains per day by 2027. As previously stated, we believe these numbers may be underestimated and consideration of a longer time horizon is necessary. When considering the dramatic increase in train traffic coupled with continually increasing vehicle, pedestrian and bicycle traffic along Reinking Road, we have the following concerns with respect to the at-grade crossing:

1. As trains increasingly block the tracks at Reinking Road, northbound traffic will back up and create safety hazards on U.S. Route 20, which has a functional classification of – 3 – Other Principal Arterial. A complete traffic study of this area, including existing conditions and proposed post-roundabout conditions should be carefully evaluated and incorporate the expertise and

- design commentary of the Illinois Department of Transportation (IDOT). Notably, the study should incorporate estimates that reflect significant growth in business and residential development in the vicinity and project out traffic conditions over a period of at least ten years.
2. As trains increasingly block the tracks at Reinking Road, delay time will increase, as will the propensity to avoid warnings and “beat the train,” unless appropriate safety protections are in place.
 3. Absent appropriate additional safety measures, children (and others) will cross in an unfettered way without adequate train warning and protection.
 4. There is limited illumination of the existing crossing.

We request the scope of the draft EIS include the use of projected traffic volumes to at least 2032 for probability analysis, as well as crossing geometry and associated vehicular sight distances set forth in the American Association of State Highway and Transportation Officials (AASHTO) requirements, and crossing controls, including the types of signals and signing.

Non-Rail Exposure

Not only vehicular but also pedestrian and bicycle crash rates should be included in this analysis. The number of pedestrian accidents at railroad crossings has increased nationally due to increased exposure from more frequent train/pedestrian interactions. Crossings can be made considerably safer and reduce liability for the railroad company, while providing an excellent opportunity to mitigate impacts upon the community by offering improved crossing treatments and alternative paths for cyclists and pedestrians. Consequently, we request that the scope for the EIS include examination of the Reinking Road at-grade crossing to assess hazards to cyclists and pedestrians at every point of interaction. The assessment will determine the skew or angle of approach as well as the smoothness of the crossing to assess the threat of trapped/diverted wheels, and the concomitant need for adjusting crossings of existing or planned bicycle lanes, trails, or off-road facilities to address skew. The following should also be addressed: the need for additional, advance warning signage at the Reinking Road crossing based on sight distance, crossing design specifics, and exposure; the need for additional parallel fencing to separate adjacent residential uses and the Heritage District (historic district) from the railroad right-of-way; modifications to pavement markings on all crossing approaches; and the need for additional gates, flashing signals, audible warnings, or other warning devices at the crossing.

Additionally, the growth of Pingree Grove will result in substantially increased volumes of pedestrian and bicycle traffic that should be considered in all traffic forecasts, including accident exposure indices at the Reinking Road crossing. Off-road trails, designated bicycle trails, and popular destinations for bicyclists and pedestrians within ½-mile (pedestrians) and one-mile (bicyclists) of the corridor, including but not limited to schools, parks, event centers and venues, major employers, playgrounds, large (greater than 100 units) housing developments, and shopping/retail areas should be noted in this assessment as well as probable paths between these destinations. We request that opportunities to mitigate and minimize damage to the pedestrian and cycling system consider the physical separation of pedestrians and cyclists from the right-of-way (e.g. pedestrian gates and mazes).

Emergency Management Services

The impact to public safety due to potential delays in delivery of emergency medical services (EMS) is of great concern to the Village. With the large increase in train traffic and the lack of a grade separation at Reinking Road, it will be imperative for EMS dispatch to have access to real-time train data to coordinate

an accurate EMS response and protect against unnecessary delays. These consequences to public safety should be considered as part of the draft EIS.

Derailment Potential

Substandard rail conditions can increase the potential for derailments; therefore, the OEA and the Village will need a complete evaluation of the track system, recommended improvements, and CP's schedule to complete improvements. The EIS should consider the specifics of CP's capital improvement plan for the next five years. In addition, track conditions are important when combined with increased traffic and load composition for predicting derailment severity. To better evaluate derailment and consequence scenarios, the Village requests that the DEIS address:

1. Traffic mix including current and post-merger locomotives, train length, STCC commodity flows.
2. Origin-Destination flows projected post-merger.
3. Time of day and location various types of trains may idle waiting for block clearance.
4. Percentage of trains forecast by train length by time of day (night, off peak, peak, Saturday and Sunday).
5. CP's plans to upgrade the track.
6. Risks and consequences of derailment at critical community assets, including the Pingree Grove water tower ($\pm 200'$ north of the CP track), telecommunication infrastructure, and the only nearby grade-separated crossing at IL-47. Mitigation strategies should be identified and assessed as part of this acquisition.

At-Grade Crossing – Reinking Road

The at-grade crossing at Reinking Road is presently blocked from time to time for periods of time estimated to be up to fifteen minutes and sometimes in excess while trains slow or come to a complete stop. These blockages seem to be increasing in frequency and we expect if such operational matters need to continue post-acquisition, conditions will worsen. We request the EIS address train operations to ensure trains no longer slow or stop while blocking the Reinking Road crossing going forward.

Further, we request a risk/exposure index calculation be utilized to assist evaluating the merits of providing grade separations or other safety related improvements. The FRA maintains a risk rating of all grade crossings nationally. We request that the crossing at Reinking Road be considered for mitigation within the parameters of known risk together with future traffic to be loaded on the network as a function of this acquisition.

Hazardous Materials Safety

Based on the CP's response to the OEA's Information Request No. 1, CP is identifying increases in hazardous material traffic through the proposed rail network. Maps and data tables were not immediately available for review and comment as part of this scoping letter, however if such increases are projected through Pingree Grove, we are very concerned about the numerous risks to the many citizens living, working, playing, and socializing in locations adjacent to the CP railroad. It is critical that the Draft EIS analyze the specific safety risks associated with the unique characteristics of the Village of Pingree Grove. We request the following information be examined in preparing the Draft EIS:

1. How is the CP managing safety risks, especially in terms of the most frequent, highest risk causes of accidents including human operating error and track deficiencies? Federal Railroad Administration (FRA) inspection findings for CP, including those provided in the National

Hazardous Materials Audit (February 5, 2007), indicated a 13.8 percent defect ratio in terms of trains inspected and found to be noncompliant with FRA's requirements for train placement of hazardous materials shipments and accurate hazardous communications information on train consists in the train crew's possession.

2. How does CP classify a hazardous material and what procedures are in place to help minimize the possibility of a hazardous material spill?
3. How will CP coordinate with the Village of Pingree Grove representatives regarding the transport of hazardous materials through populated areas?
4. What are the employee training protocols for operators involved with all aspects of hazardous material transport?
5. Security measures – how will CP protect against terrorism threats?
6. Inclusion of information indicating how CP complies with all applicable hazardous material safety statutes and regulations.
7. Discussion of appropriate mitigation strategies including:
 - a. Training and coordination with local emergency responders for improved preparedness in the case of an accident or spill.
 - b. Development of a community-based emergency evacuation plan.
 - c. Public involvement programs aimed at educating the general public on the community-based emergency evacuation planning and ways to minimize their risk of exposure to hazardous materials that will be transported via CP through the community.

2. TRANSPORTATION SYSTEMS

Pingree Grove is concerned with the effect of increased train traffic generated by the acquisition of the KCS by CP and respectfully requests the STB obtain and consider in the EIS process a detailed plan for CP's capital and operating plans and programs over at least the ten years following any post-acquisition construction. The level of traffic shortly following the acquisition (or at least the completion of post-acquisition construction) could be greater than the traffic level CP projects, which does not account for a five to ten year forecast and may accurately represent only the immediate post-merger future (within one to three years).

Given the nature of the transaction and the nature of CP's business, we anticipate not only the frequency of train trips to increase, but also the length of each train to increase, consistent with the general trend and operation of Class 1 railroads in the United States. As train length increases, so does the probability of blocking at-grade crossings. As previously discussed, the proximity of the Reinking Road at-grade crossing to U.S. Route 20 is of serious concern and we believe should involve not only detailed consideration of traffic and safety hazards, but also apply the maximum mitigation measures appropriate to address trains blocking the Reinking Road at-grade crossing.

We are concerned with significantly higher-grade crossing delay and safety risk and accordingly request the following be included in the Draft EIS:

1. Models and horsepower of CP's planned road locomotive and switchers to be assigned to the corridor affecting Pingree Grove.
2. TPC inputs and outputs for the base case and post-acquisition traffic assumptions and projections.
3. Post-merger train length and car mix.
4. Capital and operating plans for train control and dispatch.

The time frame of 2027 is unacceptable because a five to ten year growth forecast (i.e., following the completion of all capital improvements designed to increase traffic capacity and connectivity) is required to present an accurate picture of the impact this acquisition will have on the Village. Once accurate rail traffic projection is obtained, we request the analysis of traffic delay at the Reinking Road crossing include an estimate of the delay (average vehicle delay, average person delay, total vehicle hours of delay, a queue analysis, and a level of service determination). Analysis of traffic operations should include an AM, PM, and off-peak period analysis. As part of the traffic operations analysis, a determination should be made as to how long the queues will be and whether they interfere with nearby intersections. Delay impacts on school buses and emergency vehicles (fire, police, and ambulances) should be also be considered. Alternative routing should be identified if crossings are blocked due to a potential long-term crossing delay.

3. AIR QUALITY

We believe the draft scope should address the following:

1. Mobile Source Vehicular Emission and Impact need to be analyzed.
Direct and indirect environmental effects should be discussed. Analysis of local impacts caused by changes in diesel particulate emissions resulting from rail train and rail yard operations, the air quality impacts resulting from increased mobile source emissions from vehicles on local roadways due to increased rail operations and delays at railroad crossings, and additional vehicles queuing or idling conditions should also be analyzed in the Draft EIS. These emission increases will affect numerous sensitive receptors including homes, parks, and other facilities. Sensitive receptors need to be identified along the CP route as well as at all road crossings. This may require a mobile sources vehicular impact analysis.
2. Data that should be utilized for air quality analysis includes:
 - a. On-Road Mobile Traffic Data
 - b. Changes in locomotive type used pre and post acquisition as well as changes in train length and car mix.
 - c. Rail Yard and Stationary Sources Operational Data.
3. Possible mitigation strategies that should be evaluated as part of the Draft EIS include:
 - a. Adjustment of Train Operation Schedule
 - b. Engine Upgrades Design or Retrofit to Reduce Air Emissions.

4. NOISE AND VIBRATION

Noise and vibration concerns are paramount to the citizens living adjacent to the CP railroad. Consequently, we suggest the following changes to the scope of study for the Draft EIS:

1. Identify all locations where the proposed increase in rail traffic will cause an increase to a noise level of 65 decibels Ldn or greater. Identify all existing and permitted sensitive receptors (e.g. schools, libraries, parks, and residences) and identify mitigation measures to abate the increase down to existing levels or below 65 Ldn impact limit whichever is lower. Affected receptors should not be limited to those adjacent to the right of way, but be based on line of sight and current measured ambient noise levels.

2. Identify all sensitive receptors that will experience an increase in noise level of 3 decibels Ldn including but not limited to all sensitive receptors adjacent to or with line of sight views of the tracks.
3. Due to the significant increase in train traffic, we request the CP assess potential vibration effects based on Federal Transit Administration (FTA) vibration methodology for Detailed Analysis in areas where it appears there may be vibration sensitive receptors within or immediately adjacent to the railroad right of way.

A significant number of residential units are located adjacent to the CP tracks and therefore the Village desires receptor-side sound walls as noise mitigation for these affected neighborhoods.

5. BIOLOGICAL & WATER RESOURCES

Throughout Pingree Grove, not less than three waterways cross the CP tracks along with their associated floodplains and native plant communities. To the north of the tracks, the Village owns and operates a unique wastewater treatment plant and reservoir, which employs environmentally sensitive techniques to provide non-potable irrigation to service to the community. To the south of the tracks, the Forest Preserve District of Kane County owns and manages the 400+ acre Pingree Grove forest preserve, which is improved with a multi-use trail system. We request the Draft EIS include an investigation of the existing terrestrial ecosystem (natural plant communities and aquatic communities), not only federally or state protected wildlife areas. We have particular concerns about the potential impact to the ecological character, function, and sustainability of these waterways, floodplains, wastewater treatment facilities, and forest preserve assets.

In addition, the scope should include:

1. Discussion that impacts to natural resources will be avoided to the extent possible, minimized to the extent possible, and mitigated if impacts are not avoidable.
2. A statement that impacts to jurisdictional wetlands/streams will be mitigated in conformity with federal and state requirements.
3. Inventory and assessment of existing water conditions.
4. Assessment of the effects of stormwater runoff from the CP railroad to waterways, ponds and reservoirs.
5. Assessment of how activities associated with the acquisition (e.g. pollutant loadings associated with lubricants and wheel/track wear from increased traffic) will affect water quality in the future.
6. Describe steps taken by CP to comply with the requirements of the Clean Water Act and associated federal and state regulations and requirements.

Due to the potential for hazardous loads to traverse the CP tracks, the draft EIS should include an accurate reading of the seasonal high-water table and soil characteristics in order to evaluate how long it would take spilled hazardous materials to leach into the groundwater table. This information then should be utilized to develop safety protocols for managing infusion risk to potable water supplies.

6. CULTURAL RESOURCES

The proposed acquisition will impact Pingree Grove's preservation, transformation, and continued development of its Heritage District (historic district). We request the CP examine impacts to the Heritage District, which is bisected by the CP tracks. Specifically, the Village has adopted plans and made efforts to

transform the Heritage District into a community center that supports social gathering, commerce, employment, recreation, and other attractive community attributes. Realization of these plans relies in part on providing safe non-motorized crossing of the tracks. We request the CP address safe pedestrian and cyclist crossings at Reinking Road in an effort to further promote and improve our community's Heritage District.

7. CUMULATIVE EFFECTS

The EIS should address impacts beyond those immediately adjacent to the railroad and any proposed improvements. To the CP, this may appear as a railroad acquisition project, but to Pingree Grove, it has a community-wide impact, not only in the immediate vicinity and during the time of implementation, but also further removed in time and distance from the CP corridor.

Forecasting acquisition-influenced effects, not only adjacent to the railroad, are paramount as secondary and cumulative effects have great potential to affect Pingree Grove. We request consideration of the following items:

1. Guidance: Secondary and cumulative effects be closely examined in accordance with the Council on Environmental Quality (CEQ) requirements, NCHRP REPORTS 403/466, and IDOT's Community Impact Assessment Manual. We expect the Draft EIS to generally adhere to the framework for estimating secondary and cumulative effects as outlined in NCHRP REPORTS 403/466. These include:
 - a. Scoping;
 - b. Identifying the study area's direction and goals;
 - c. Inventorying the study area's notable features;
 - d. Identifying impact-causing activities of proposed action and alternatives;
 - e. Identifying potentially significant indirect effects for analysis;
 - f. Analyzing indirect effects;
 - g. Evaluating analysis results; and
 - h. Assessing consequences and develop mitigation.
2. Study Area and Temporal Boundaries: An evaluation of secondary and cumulative effects should include a study area encompassing up to a one-mile buffer around the railroad and up to one-mile north and south along grade crossings. The analysis horizon should extend to the same time frame as that of the long-range planning documents currently adopted by Pingree Grove and regional/state governmental agencies.
3. Items to Include: Secondary and Cumulative Effects should be considered in the following contexts, at a minimum, as well as reviewing the areas of impact from induced growth and encroachment-alteration effects described in detail in NCHRP Reports 403/466 and the CEQ's Considering Cumulative Effects Under the National Environmental Policy Act (NEPA). All outcomes that are reasonably foreseeable should be considered in the analysis of secondary and cumulative effects and the following general items should be anticipated as part of the assessment:
 - a. Effects on natural habitat, wildlife fragmentation, threatened/endangered species, and water quality, due to induced development or changes in the density or pace of development activities already anticipated in the study area;

- b. Effects on property valuation, human health, and quality of life issues due to induced development on community facilities, services, and activities; and
- c. Cumulative impacts from new developments with similar impact profiles as that of the proposed project, such as increased traffic, noise/vibration, and odors.

8. **ENERGY**

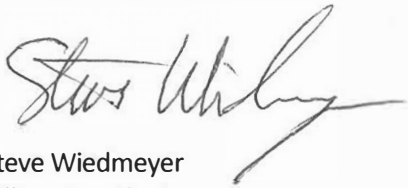
Energy consumption is not identified as an item for inclusion in the Draft EIS, however is a serious concern for our Village residents. Traffic delays incurred as a result of waiting for trains can affect family budgets as well as business and government operations. We request the Draft EIS address changes in energy consumption resulting from increases in the delay of motor vehicles at the at-grade crossing.

9. **MITIGATION STRATEGIES**

The STB EIS should describe any actions proposed to mitigate adverse environmental impacts, including an indication of why the proposed mitigation is appropriate. We request mitigation for impacts identified in each of the above sections be clearly addressed, including all impacts for which no mitigation is being proposed.

We appreciate the opportunity to provide input on the scope of study for the Draft EIS. We respectfully ask the STB consider all of our concerns and requests before making a final decision on the CP/KCS acquisition. We look forward to additional opportunities for public input during this environmental review process and offer our full cooperation to the STB and CP during the development of the Draft and Final EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Wiedmeyer", with a long, sweeping horizontal line extending to the right.

Steve Wiedmeyer
Village President