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December 16, 2021

Joshua Wayland
Office of Environmental Analysis
Surface Transportation Board, c/o VHB
940 Main Campus Drive, Suite 500
Raleigh, NC 27606

**Subject: FD 36500, Canadian Pacific Ry. – Control – Kansas City Southern Request
for Comments on Scope of EIS**

Dear Mr. Wayland;

I am the president of the Village of Bensenville, Illinois. I am submitting this letter in response to the Notice of Intent to Prepare an Environmental Impact Statement (EIS) served in the captioned proceeding on November 12, 2021. That decision in part invited public comment on the scope of the EIS to be prepared by the Surface Transportation Board's (STB) Office of Environmental Analysis (OEA). On behalf of the Village of Bensenville, I urge OEA to ensure that the scope of the EIS includes a thorough examination of the potential impacts of the merger on the roads and communities of the Village of Bensenville and the greater Chicago area. Based on the information we have reviewed to date, there is the potential that the merged railroad's will further burden the Chicagoland area with increased road network congestion by significantly increasing freight rail volumes over existing rail lines.

Specifically, we understand the merger applicants estimate that traffic over the Milwaukee District West Metra line (Bensenville Metra) between the Bensenville Rail Yard and Randall Road is expected to increase by 235% - or 8 freight trains per day (TPD) - and 128%, or 17.44 million Annual Gross Ton Miles (GTMs). Similarly, the Bensenville Rail Yard will increase the average train cars handled per day by 25% or 367.7 cars. The impacts from such increases will be felt most strongly at the following four at-grade railroad crossings within the Village of Bensenville: Church Rd (US DOT #372174X), Addison St (US DOT #372172J), Center St (US DOT #372171C), York Rd (US DOT #372170V). In addition, the increased rail traffic will desecrate one of the Village's most sensitive land uses, Veterans Park, located adjacent to the Church Road at-grade crossing. Specifically, the continuous noise and vibrations which increased rail traffic conveys will permanently destroy the atmosphere of the solemn memorial to our soldiers at the park.

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While the Chicago region is a rail hub and has benefitted from the jobs that accompany that reality, the very existence of the Chicago Region Environmental and Transportation Efficiency Program (CREATE) demonstrates that there must be a careful balancing of the broader public interest when it comes to a merger that has the potential to further burden communities, commuters, and the other regional economic drivers in the region. Whether a particular town has a rail line running through it, or a freight rail line creates roadway chokepoints for neighboring towns and communities, the impact stemming from 25% of U.S. rail freight touching the Chicagoland region each day is significant in the daily lives of millions living in the region.

We also believe that the applicants' estimates that freight rail traffic would only increase by a mere 8 freight trains a day are too low, and that rail traffic would instead continue to increase by an indeterminate amount due to the "once in a lifetime partnership" (CP News Release, September 15, 2021 – Calgary and Kansas City, MO) between CP and KCS railroads. New business opportunities alone would guarantee the combined railway network would increase by far more than the 8 freight trains daily (Bensenville-Randall Rd, Chicago area) asserted in the submittal materials. The STB should reconsider the train traffic impacts from the currently approved "five years after" (Floyd-Venable, LLP, Request A Response, October 2021) time period and increase this for a period of no less than 10 years due to the unique nature and incredible growth potential that comes with connecting three countries together.

For this reason, I respectfully request that the scope of the EIS include an examination of the following regional concerns and potential impacts:

- Average freight train length with and without the merger between the CP and KCS railway. This information was not included in the STB information request (May 2021) nor provided in the CP-KCS submittal materials (October 2021). To the extent that the CP-KCS increased rail traffic involves increasing the average freight train length, communities and emergency response can be fatally impacted if train lengths cause multiple at-grade rail crossings to be simultaneously blocked during normal and routine daily train operations.
- How many grade crossings in the region would become substantially impacted by increased rail traffic stemming from a CP-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?
- 25% increase in average train cars handled per day at the Bensenville Yard.

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- The proposed merger of CP-KCS would increase the average cars handled per day at the Bensenville Yard from 1427.7 train cars to 1795.5 train cars per day (OEA Submission Request 1-A3, Train Yard Volume, Bensenville Yard). The additional 367.7 daily train cars are expected to potentially block at-grade crossings due to yard operations, including switching operations for trains entering the Bensenville Yard from the west. The increased noise and air pollution will further degrade quality of life for nearby residential areas. Delays for all motor vehicles passing through the area would be severely impacted.
- 235% increase in daily number of trains traveling through the Village
 - The proposed merger of CP-KCS would increase the average number of freight trains that move through the Village from the current 3 freight trains per day to 11 freight trains per day (OEA Information Request 1-A2/Elgin Subdivision- Tower B12, IL to Randall Road, IL: Segments C-ELGI-01, C-ELGI-02). The increased noise will become, at best, an ever present nuisance. In addition, this will cause severe delays for all motor vehicles attempting to pass through the Village, including school buses transporting students to school. Most importantly, it will have a potentially lethal impact on victims of traffic accidents, emergency medical incidents, criminal activity and other emergencies by delaying Police, Fire and EMS response times. It is true that the Village has mutual aid agreements with other emergency service providers. Such agreements, however, were never intended to deal with the breadth and scope of the interference that will be caused by the proposed increase in freight train traffic. It is questionable whether the Village will be able to maintain such agreements in light of the burdens caused by the anticipated traffic congestion and delays.
- 128% Increase in Daily Gross Tons of Freight Traveling through the Village
 - The proposed merger would increase the gross daily tons miles (GTMs) of freight that moves through the Village from the current rate of 37,205 (14 million annual GTMs) gross daily tons miles to 84,986 (31 million annual GTMs) gross daily tons miles (OEA Information Request 1-A2, Elgin Subdivision – Tower B12, IL to Randall Rd, IL: Segments C-ELGI-01, C-ELGI-02). This is an increase of 47,781 gross GTMs. The increased tonnage combined with the increased volume of trains will create strong and persistent vibrations that will constitute a nuisance and a danger to homes and other buildings near the CP-KCS (Metra Milwaukee District West) rail line. Moreover, it has not been established that the rail line itself is able to withstand the increased tonnage and volume. The Village

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Engineer estimates that, due such tonnage increases, the at-grade crossings will suffer damage requiring costly repairs.

- 18% Increase in Daily Carloads of Hazardous Materials Traveling through the Village
 - The proposed merger would increase the daily carloads of hazardous material that moves through the Village from 167 (61,000 annual) carloads to 197 (72,000 annual) carloads per day (OEA Information Request 1-F, Hazardous Materials, Elgin Subdivision – Segment C-ELGI-01, Bensenville Metra, IL to Randall Rd, IL). This is an increase of 30 (11,000 annual) carloads per day. This is a critical issue, as potential accidents would have disastrous consequences, particularly because the CP-KCS (Metra Milwaukee District West) rail line runs adjacent to residential areas including nearby schools.
- Increased Risk of Accidents
 - The projected increase in the number of trains that would pass through at-grade crossings due to the CP-KCS railway merger on a daily basis would result in an increased risk of accidents. Not only would the risk of accidents increase at the at-grade railroad crossings, but the risk of accidents would also increase on other roads throughout the Village as vehicles attempt to avoid the crossings. This risk would increase exponentially as ADT levels are projected to increase due to future population growth in the region.
- 140% Increase in Number of Train Cars – Impacts on Noise, Vibration, and Air Quality (Effects on Environment and Property Values)
 - The increases in train frequency and tonnage will create continuous noise and vibrations. The proposed merger would increase the total number of train cars from 457 daily (167,000 annual) cars to 1,098 daily (401,000 annual) cars (OEA Information Request 1-F, Hazardous Materials – Elgin Subdivision – Segment C-ELGI-01, Bensenville Metra, IL to Randall Road, IL). This is an increase of 638 daily (233,000 annual) cars. The cumulative effect of these added train cars creates disturbances over time that could severely impact the local environment and the safety and property values of nearby homes. Furthermore, increases in motor vehicles delayed at at-grade railroad crossings will significantly increase carbon emissions and negatively impact air quality in the Village.
- Costs of creating new and maintaining existing whistle ban/Quiet Zones
 - The increase in train traffic and related sounding of train horns may lead to the need for the establishment of new Quiet Zones. In addition, existing whistle bans/quiet zones may no longer be in compliance with

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49 CFR Parts 222 and 229 – Use of Locomotive Horns at Highway-Rail Grade Crossings (Train Horn Rule) and may require costly safety measures to be installed to maintain the quiet zone. The cost of this quality of life issue would fall mainly on the Village.

- Interference with suburban commuter rail service
 - The proposed merger will interfere with efforts to create suburb to suburb mobility for residents, workers and visitors in the region and is expected to cause delays for commuter train traffic due to freight train operations. The total daily passenger trains (commuter) is 47 as reported in the materials submitted to the STB (OEA Information Request 1-D, Elgin Subdivision, Segments C-ELG-01, C-ELGI-02).

The Village of Bensenville urges OEA to thoroughly examine the foregoing negative impacts as part of its EIS process, and to develop and recommend appropriate mitigation requirements on which the STB's approval of the proposed CP-KCS merger would be expressly conditioned. Furthermore, the Village requests that OEA allow for an extended period during which comments on the draft EIS may be submitted given the millions of people who would be affected by the merger.

Thank you for your careful consideration of my concerns and those of the residents of Bensenville, IL.

Sincerely,



Frank DeSimone
Village President

Email: villagepresident@bensenville.il.us