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**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON D.C.**

Docket No. FD 35087 (SUB-NO. 8)

**CANADIAN NATIONAL RAILWAY COMPANY
AND GRAND TRUNK CORPORATION
—CONTROL—
EJ&E WEST COMPANY**

**MOTION OF THE VILLAGE OF BARRINGTON, IL
FOR LEAVE TO FILE COMMENTS IN RESPONSE TO
REPLY FILED BY CANADIAN NATIONAL RAILWAY
COMPANY AND GRAND TRUNK CORPORATION**

The Village of Barrington (“Barrington”) respectfully requests the Surface Transportation Board (“Board”) either (1) waive the provisions of 49 C.F.R. § 1104.13 and permit the filing of a Verified Statement of John P. Burke, Assistant Chief of Police, Village of Barrington, Illinois; or (2) treat the instant pleading as a motion to strike the false “Verification” filed by Jim Kvedaras, who, by his “verification,” purports to attest the false assertion that “after June 12, 2018, he received a call from the Assistant Chief of the Barrington Police Department expressing interest in ACS.”¹

Without question, the foregoing was designed to prejudice the Board against Karen Darch’s testimony, submitted with Barrington’s Surreply, that CN, in its Reply, “incorrectly states that ‘*Barrington has expressed interest in*

¹¹ CN’s Reply to Barrington’s Motion for Leave to File a Surreply and Response to that Surreply at p. 7.

ACS since the events of June 12, 2018.”² Instead of acknowledging Mayor Darch’s statement that Barrington has absolutely no interest in a product that has proved to be useless for emergency response purposes, CN used Kvedaras’s “verification” to double down on his previous claim by suggesting that the Assistant Chief of the Barrington Police had expressed interest in ACS.

As Assistant Chief John P. Burke has explained, Mr. Kvedaras’s statement is false. Given the extreme importance of time-sensitive emergency response, the Board must base its decision on truthful testimony. This can only be done by accepting Assistant Chief Burke’s sworn testimony and disregarding the baseless comments expressed in CN’s Reply that Mr. Kvedaras has attested.

Barrington understands that the current Board members were not responsible for the initial decision that failed to appreciate the potential impact of the transaction on Barrington’s emergency responders. It also understands that earlier Board members did not anticipate the impact of the unforeseeable shift in CN operating policies that have resulted in the movement of 10,000-foot trains through Barrington instead of the much shorter trains that CN predicted in 2007. However, the adverse impact of the longer trains, as well as the observed failure of ACS to address the unquestioned public interest in time-sensitive emergency response efforts can no longer be ignored. In the final analysis, given the intolerable situation that is reflected in the June 12, 2018 video, something must be done to correct the failure of previously ordered

² See, V.S. Darch, at p. 7.

mitigation to address the consequences associated with CN's current operations.

Respectfully submitted,

/s/ Richard H. Streeter

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Dated: October 12, 2018

Before the
SURFACE TRANSPORTATION BOARD

Finance Docket No. 35087 (Sub 8)

CANADIAN NATIONAL RAILWAY COMPANY AND GRAND TRUNK
CORPORATION – CONTROL – E J & E WEST COMPANY

VERIFIED STATEMENT OF JOHN BURKE

As the Assistant Police Chief for the Barrington Police Department, I have been asked to review the October 4, 2018 CN Reply to the Barrington Surreply that stated I called CN's Jim Kvedaras "expressing interest in ACS." My communication with Mr. Kvedaras was mischaracterized in the CN statement of October 4, 2018.

Approximately a week after the June 12 train blockage that delayed two ambulances from reaching Advocate Good Shepherd Hospital with patients being transported from a car accident, Barrington Police Chief Dave Dorn provided me the phone number for Mr. Kvedaras and asked that I contact him to find out why we were not proactively notified by CN about the problem with its train and why their dispatcher had so little information of value to help the Barrington Police Department manage the situation. I reached the voice mail of Mr. Kvedaras and left a message summarizing why I was calling.

Approximately a week after I left the voice mail, I received a call from Mr. Kvedaras. I expressed the Department's concern that we had never received proactive communications about the event while it was occurring, and noted that the CenCom dispatcher wasn't readily prepared with the information we actually needed. Rather than replying directly to the issues I had raised,

Mr. Kvedaras broached the topic of the ACS technology with me. Knowing that it had not provided any value in the past, I politely responded to the effect that, "if you want to send us something, we'll take a look." This was not an expression of interest in the technology on the part of the Barrington Police Department, it was simply a polite gesture. The Barrington Police Department is aware of the fact that the software or data needs to be streamed on a continuous basis which is not practical in patrol vehicles. Although our patrol cars are equipped with mobile data terminals, they are used almost exclusively for computer aided dispatching (C.A.D.), LEADS information and for filing accident reports. Moreover, the software provided by CN, which needs to be streamed continuously, does not guarantee that the data being provided will be uninterrupted or error free. Even if the software provided by CN worked properly by continuously streaming the data on a mobile data terminal, there is no way to determine the accuracy of the data in terms of indicating a train crossing at an active crossing or a malfunctioning gate, which is very common. Overall, the discussion with Mr. Kvedaras was perfunctory and of no real assistance in resolving the issues I had called about in the first place.

VERIFICATION

I, John Burke, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on October 8, 2018

/S/ John Burke

Asst. Chief John Burke

CERTIFICATE OF SERVICE

I certify that I have this 12th day of October 12, 2018, served copies of the MOTION OF THE VILLAGE OF BARRINGTON, IL FOR LEAVE TO FILE COMMENTS IN RESPONSE TO REPLY FILED BY CANADIAN NATIONAL RAILWAY COMPANY AND GRAND TRUNK CORPORATION and VERIFIED STATEMENT OF JOHN BURKE upon all known parties of record in Docket FD35087 (Sub 8) by first-class mail or a more expeditious method.

A handwritten signature in black ink, reading "Suzanne M. Devane". The signature is written in a cursive, flowing style.

Suzanne M. Devane
President
HD Resources