

RESOLUTION 08-R-09

2/6/08

**A RESOLUTION STATING THE WEST CHICAGO FIRE PROTECTION DISTRICT'S
OPPOSITION TO THE PROPOSED ACQUISITION OF THE EJ&E WEST COMPANY
BY THE CANADIAN NATIONAL RAILWAY CORPORATION**

WHEREAS, the West Chicago Fire Protection District (hereinafter "the District") is an Illinois Municipal Corporation pursuant to Article VI of the Illinois Constitution; and

WHEREAS, the District handles all fire suppression, rescue, and emergency medical services (hereinafter "EMS") for any buildings and property located in the West Chicago Fire Protection District; and

WHEREAS, a great deal of the District is comprised of property which makes up the City of West Chicago and the Elgin, Joliet and Eastern Railway Company (collectively, "EJ&E") which run throughout West Chicago; and

WHEREAS, on October 30, 2007, the Canadian National Railway Corporation, along with its U.S. subsidiary, Grand Trunk Corporation (collectively, "CN"), filed an application with the federal Surface Transportation Board ("STB") seeking approval to acquire the EJ&E West Company; and,

WHEREAS, the proposed acquisition by CN would involve shifting a significant amount of train traffic that currently moves over CN's rail lines in the City of Chicago to sections of the EJ&E rail lines west and south of the City of Chicago, including a segment that runs through the City of West Chicago; and,

WHEREAS, the increase in freight train traffic resulting from the proposed acquisition by CN will create adverse impacts on the communities along the EJ&E rail line, including vehicle travel delays for the District's emergency and fire apparatus; and,

WHEREAS, CN estimates that if the proposed transaction takes place, that the average number of daily trains that run along the segment of the EJ&E rail line that runs through West Chicago, north of the Union Pacific tracks, will increase from 4.4 to 24.4 trains per day, and that the gross tons of freight per day that run over that segment will increase from 14,397 tons to 184,969 tons, an increase of 1,185 percent which would be the greatest of all locations along the EJ&E; and,

WHEREAS, CN estimates that if the proposed transaction takes place, that the average number of daily trains that run along the segment of the EJ&E rail line that runs through West Chicago, south of the Union Pacific tracks, will increase from 10.7 to 34.5 trains per day, and that the gross tons of freight per day that run over that segment will increase from 87,162 tons to 245,049 tons, an increase of 294 percent; and,

WHEREAS, CN train lengths will be much longer than current EJ&E train lengths; and,

WHEREAS, hazardous materials' traffic in West Chicago, north of the Union Pacific tracks, would increase from the current 21 carloads per year to 265 carloads per year, an increase of 1,162 percent; and,

WHEREAS, hazardous materials' traffic in West Chicago south of the Union Pacific tracks, would increase from the current 31 carloads per year to 301 carloads per year, an increase of 871 percent; and,

WHEREAS, the increase in hazardous material traffic through the District creates a substantial likelihood of a spill involving hazardous materials; and

WHEREAS, although the District is equipped to respond to hazardous material situations, CN has yet to provide information on what types of hazardous materials will be traveling on the railway throughout the District; and

WHEREAS, without knowledge of the type of materials traveling on the railway, the District is concerned that a hazardous material waste situation beyond the District's current capabilities could occur; and

WHEREAS, the projected increased volume of train traffic and rail related operations will result in more frequent blockage of the at-grade crossings in West Chicago and will negatively impact emergency vehicle access and result in longer emergency response times; and

WHEREAS, West Chicago Community High School is located one block from the at-grade crossing at Ann Street, a school that has a current student population of 2,160; and,

WHEREAS, traffic congestion around the high school is already very heavy, both during the morning peak hours and when school lets out in the afternoon, a problem that will be exacerbated by the increased train traffic on the EJ&E tracks; and,

WHEREAS, approximately 35 percent of Community High School's student population walks to school, with the highest percentage living west of the EJ&E tracks; and,

WHEREAS, these students currently need to cross the EJ&E tracks at either Ann Street, Church Street, Washington Street or George Street; and,

WHEREAS, the exorbitant increase in train traffic on the EJ&E tracks will significantly increase the likelihood of an accident between trains and students; and,

WHEREAS, the EJ&E tracks currently divide West Chicago, and when combined with the existing Union Pacific tracks, serves to "wall off" the southwestern portion of West Chicago, making it more difficult for the District to provide emergency and medical services to that portion of our community; and,

WHEREAS, the District has concerns regarding the safety and emergency precautions of the proposed facility; and

WHEREAS, The Board of Trustees of the District has a duty to the residents of the District to express its concerns and objections to any proposals which may affect its services to District residents.

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees of the West Chicago Fire Protection District as follows:

Section 1: The West Chicago Fire Protection District asks that the Section of Environmental Analysis (the "SEA") of the Surface Transportation Board (the "STB") include and incorporate the issues, concerns and comments of the District set forth in this Resolution in the scope of study for the draft Environmental Impact Study and final Environmental Impact Study (collectively, the "EIS"), and that said comments and concerns be considered and addressed in the EIS, and the STB.

Section 2: The District does hereby formally object to the proposed acquisition of the EJ&E by CN, and urges the Surface Transportation Board to disapprove of the proposed transaction based on the negative impact it will have on the West Chicago Fire Protection District, its residents, its business customers and the region.

Section 3: Based on the reasons stated in this resolution, the Board of Trustees as representatives for the citizens of the West Chicago Fire Protection District hereby objects to the construction of the facility within its boundaries.

Section 4: The various provisions of this Resolution are to be considered as severable, and if any part or portion of this Resolution shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution.

Section 5: All prior Resolutions and Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

Section 6: This Resolution shall be in full force and effect upon its passage and approval.

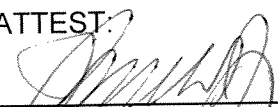
APPROVED this 24th day of January 2008, pursuant to the following roll call vote:

AYES: Janeas, Smith, Winkler, Hensel and Phillips

NAYES: NONE

ABSENT: NONE


President, Board of Trustees
West Chicago Fire Protection District

ATTEST:

Secretary, Board of Trustees
West Chicago Fire Protection District

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE) SS

SECRETARY'S CERTIFICATE

I, **JOHN SMITH, JR.**, the duly qualified and acting Secretary of the Board of Trustees of the West Chicago Fire Protection District, DuPage County, Illinois and the keeper of the records thereof, do hereby certify that attached hereto is a true and correct copy of a Resolution entitled:

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Adopted by said Board of Trustees at its meeting on the 24th day of January, 2008.

I do further certify that a quorum of said Board of Trustees was present at the said meeting, and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of January, 2008.

Surface Transportation Board
CN-EJ&E EIS - FD-35087

Log and Distribution

Date Rcvd: _____

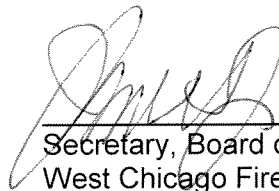
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Secretary, Board of Trustees
West Chicago Fire Protection District