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Naperville

September 30, 2008

Surface Transportation Board
395 E Street, Southwest
Washington, D.C. 20423-0001
Attn: Phillis Johnson-Ball
Environmental Filing,
STB Finance Docket #35087

**Re: *Canadian National Railway Company and Grand Trunk Corporation –
Control – EJ&E West Company (STB Finance Docket No. 35087)***

Dear Ms. Johnson-Ball:

Thank you for allowing the City of Naperville to provide comments on Surface Transportation Board (STB) Finance Docket #35087 and the Draft Environmental Impact Statement issued in connection with CN's proposal to acquire the EJ&E rail line.

The City of Naperville has 145,000 residents living in an area of approximately 50 square miles. The EJ&E tracks run along much of Naperville's western border with the City of Aurora, which has 175,000 residents.

Naperville will be facing significant impacts as a result of CN's acquisition of the EJ&E as currently proposed. Naperville is unique in that the amount of double tracking being proposed along Naperville's stretch of the EJ&E, along with CN's proposal to triple the number of freight trains, will impose upon Naperville some of the greatest increases in freight train traffic and severest impairments of its transportation infrastructure.

Traffic Impacts

The Draft Environmental Impact Statement (DEIS) validates the ways in which the proposed acquisition will cause traffic congestion to increase substantially as a result of the acquisition. The EJ&E tracks bisect U.S. Route 34 (Ogden Avenue), a major transportation corridor that bridges Naperville and Aurora, whose combined population is more than 300,000. Route 34 has average daily traffic volumes of over 34,000 vehicles. Based upon CN's train length and frequency projections, vehicles traveling on Route 34 will experience over 26 minutes of delay each hour, queue lengths will increase to over 0.5 miles, and uninterrupted traffic flow times will be reduced by over 34%. Our residents and businesses will suffer severely and disproportionately.

Lack of Mitigation

Infrastructure improvements will be required to mitigate the harmful effects of the potential acquisition. Naperville has met with representatives from Canadian National on several occasions to discuss potential mitigation measures. To date, CN has offered, as the *only* mitigation measures, quiet zone upgrades and erection of a chain link fence along portions of the rail line measure. CN has rebuffed all of Naperville's mitigation proposals, which is why the city must request that the STB include mitigation measures as a part of any decision to approve the acquisition.

As outlined in the DEIS, the crossing at Route 34 would experience an unacceptable deterioration of traffic throughput, including vehicle delays in excess of 40 hours each day. The City of Naperville therefore requests that, at the very least, a grade-separated crossing be installed at Route 34, and that CN be required to fund a minimum of 50% of the cost of the grade-separation improvement. The construction of a grade separated crossing at Route 34 is the *only* mitigation option set out in the DEIS that addresses the needs of the Naperville community.

Quiet Zones

The City of Naperville is currently working with other communities to establish quiet zones along the EJ&E railroad. Quiet zones preserve our residents' peaceful enjoyment of their homes. CN has agreed to the establishment of quiet zones in Naperville and the city supports the inclusion of this mitigation measure if this acquisition is approved.

Additionally, where grade-level crossings will remain, the increase in freight train traffic will warrant the installation of upgraded, 4-quadrant gate systems where necessary to mitigate the increased risk of vehicle collisions and allow for the establishment of a quiet zone.

STAR Line

The fate of the Suburban Transit Access Route (STAR) will be in doubt if the acquisition is approved. The STAR line will serve more than 1.6 million residents in 100 suburban Chicago communities, and it will interconnect several commuter train lines along an arc-like route. The City of Naperville has invested millions in acquiring and improving property to serve STAR line commuters. Communities from Schaumburg to Plainfield have made similar investments. Any acquisition should preserve and promote development of the STAR line, and the additional costs to develop the STAR line should be borne by CN and not by the local communities the STAR line will serve.

* * * * *

Naperville appreciates this opportunity to outline its concerns regarding CN's proposed acquisition of the EJ&E rail line and to propose remedial measures. A more comprehensive list of the city's specific concerns and proposed remedies are provided as an attachment to this letter. The STB is invited to direct questions and requests for further information to Marcie Schatz, Director of Naperville's Transportation, Engineering and Development Business Group, at (630) 420-6087, email SchatzM@naperville.il.us.

Sincerely,

The Naperville City Council

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Enclosure

GENERAL

- The City of Naperville has concerns related to the Draft EIS and the non-specific nature of the overall analysis; the absence of future growth and diversionary traffic projections; and the lack of compliance with established industry standards and practices.
- The Draft EIS fails to adequately address impacts to the community in critical areas such as noise, hazardous materials, traffic delay, and safety risks, as well as impacts to emergency service providers, school districts and property values. The prospects of rail traffic growing from 15 trains per day to more than 40 per day with 100- to 125-car trains almost immediately after the acquisition is an action that requires a much more in-depth look at these factors, as well as some level of examination of what will occur 10 to 20 years following the proposed acquisition.

RAIL TRAFFIC/ HAZARDOUS MATERIALS

- The increases in rail traffic combined with the likely change in the type of rail traffic and increased hazardous material transport represents a significant change for the City of Naperville and its citizens from what has formed the basis of the community's values and growth assumptions.
- The Draft EIS does not comply with the National Transportation Safety Board's (NTSB) standards for Class I railroads as it pertains to the Hazardous Materials Emergency Response Plan coordination with local communities. The Draft EIS states only that CN "voluntarily agrees" to distribute its existing company-wide plan to each emergency response organization. NTSB recommends Class I railroad develop, implement and keep current their Hazardous Materials Emergency Response Plans "in coordination with communities adjacent to your railroad and along your hazardous materials routes ... The procedure should address, at minimum, ... procedures to identify the hazardous materials being transported, identification of resources for technical assistance ... (and) procedures for coordination of activities between railroad and emergency response personnel."
- The Level of Service methods within the Draft EIS do not comply with traffic engineering practices. Grade crossings should be treated as intersections, which means that delays are calculated based on the worst 15 minutes of the day instead of a 24-hour cycle. The threshold for Level of Service "F" in such an analysis is met if a vehicle is stopped for more than 80 seconds.

EMERGENCY RESPONSE

- The Draft EIS lacks structured emergency response planning information that details how CN has considered or will respond to anticipated emergencies involving specific hazardous materials that will be transported through Naperville and other communities impacted by proposed acquisition. The Draft EIS does not assess future emergency response scenarios at specific locations.
- The Draft EIS does not conform to the 2008 Emergency Response Guide cited in the document as it cites that they will only identify schools in a ½-mile buffer around the EJ&E right-of-way.

The 2008 Guide recommends an evacuation distance of one mile or more for chemicals such as anhydrous ammonia (a toxic, corrosive gas).

TRAFFIC AND SAFETY

- The Draft EIS did not address potential mitigation measures such as restrictions on time of day freight train operations to avoid conflicts with heavy vehicular traffic (peak hours) or the needs of schoolchildren or school buses to cross the tracks.
- While a proposed Quiet Zone will address some noise and safety issues, the Draft EIS does not address potential mitigation or safety enhancements related to Safe Routes to Schools, pedestrians or bicycle traffic.
- Based on knowledge of the rail industry and potential for the EJ&E as part of the nation's Class I rail infrastructure, future rail traffic is drastically underestimated as are the associated accident figures and safety risks. The Draft EIS should have contained a detailed analysis for train mix, commodity or hazardous materials loading, or commodity origin and destination analysis, or the railcar types used to transport such commodities.
- The Draft EIS does not address communities whose individual school service areas are fragmented further by the increased rail traffic, including impacts to safety, number of daily crossings by buses, impacts to operating costs due to increased delay, and children walking to school.
- Options for reduced frequencies in rail traffic and elimination of traffic during school bus crossing periods were not included in the mitigation sections of the Draft EIS.
- E.2.5.1 - the Vehicle Queue Length only calculates the queue created during the crossing and not the additional queue created after the crossing is complete. The average delay per vehicle takes into account only those vehicles delayed during the crossing and not the additional vehicles delayed due to the queue created by the crossing.
- Page 3.3-32 – We assume that the roadway they are talking about is Diehl Road. The text is ambiguous and it is unclear if it is commenting on how the roadway operates in existing or future condition. There is also no real discussion about ability of the two grade separated crossings to accept the traffic from Diehl and potentially other roadways.
- The Section of Environmental Analysis (SEA) should provide a reference such as the traffic engineering handbook, HCM, or specific equation to document the basis for its use of the factor of 1.3 that "is widely used in the traffic engineering profession to account for initial deceleration, queue move-up time, and final acceleration of vehicles that are delayed." (Page E-7)
- The city does not agree with the SEA's position that it is appropriate to apply the LOS criteria for a signalized intersection to a railroad-highway grade crossing for the following reasons. At the very least, SEA should acknowledge these fundamental flaws/ unproven methodology in their report. (Page E-9)

- Capacity analysis for a signalized intersection is typically performed on an hourly basis for various time periods during the day (AM, Midday, PM peak hours). The capacity analysis conducted by SEA based their calculations on average daily train traffic and average daily vehicular traffic. By doing so, the impact of a train crossing during the peak hours is significantly underweighted (particularly in the PM peak hour) because the peak hour traffic volume is dispersed over the entire 24 hour period.
- The 2000 edition of the Highway Capacity Manual (note that the report refers to the outdated 1997 version of the HCM) states that "Each level of service represents a range of operating conditions and the driver's perception of those conditions." (Page 2-3 of the HCM). No research or documentation is presented to support SEA's assumption that the LOS criteria/ranges for delay are equivalent between delay at a signalized intersection and delay at a railroad crossing when a train is present. SEA should provide evidence that a driver's perception of conditions and expectations at a railroad crossing are equivalent to a signalized intersection and account for potential variations such as warning device type (crossbuck, flashing lights, gates, etc.) and number of tracks.
- The City of Naperville would recommend that SEA make field observations of the queue at all crossings during the PM peak hour to confirm their analysis.
- Under the Naperville grade crossings, the land use is characterized as suburban industrial. The report did not mention the suburban residential portion because the Hafenrichter, Wolf Crossing, and 111th Street crossings were mistakenly included in the Plainfield area and should be revised to include those crossings and associated land use in the Naperville section.
- STB talks about how traffic from the at-grade crossings can move over to the grade separated crossings. However, there is no analysis as to whether or not the grade separated crossings can accommodate the at-grade traffic. SEA should estimate how many vehicles it expects to use an alternate route and calculate the additional vehicle miles traveled.
- The adjacent grade separated crossings have not been designed to accommodate an influx of traffic from the at-grade intersections that will be caused by the additional congestion caused by the CN. The solution cannot be that vehicles will relocate to other roadways with grade separated crossings. These roadways are already congested.
- Queue Lengths
 - During the PM peak, when the majority of vehicles are heading westbound, it is anticipated that a train that takes four minutes to travel through the railroad crossing (3 minutes for train, 30 seconds each to raise and lower gates) will create:
 - Diehl Road - queue length of 0.2 miles (extends past Frontenac Drive)
 - Ogden Avenue - queue length of 0.51 miles (extends to 75th Street)
 - 111th Street - queue length of 0.2 miles

- Queue lengths are based solely on impact of the railroad crossing and do not take into account the impact of traffic signal timings of adjacent intersections. The true impact will likely be greater than the impact shown just at the railroad crossings.
- When we look at the queue lengths, it is necessary to look at the queue that is caused while the train is going through the intersection as well as the additional delay that is caused by the queued vehicles. More queue is created after the train is gone until the traffic is back at free flow speed. The EIS should be revised to include this additional delay and queuing.
- This analysis is for the average train length. The delays and queues are even greater when longer trains are traveling along the tracks. No guarantee that the trains will be 4 minutes.
- Delay
 - The CN is proposing to triple the number trains that travel on the EJ&E tracks in the vicinity of Naperville.
 - This will result in the following decreases in the flow of traffic along the roadways if you assume 3 trains on average during the peak hour (increased from 1 currently):
 - Diehl Road - uninterrupted flow reduced 22%. During 17.7 minutes of 60 minutes, vehicles will experience delay
 - Ogden Avenue - uninterrupted flow reduced 34%. During 26.1 minutes of 60 minutes vehicles, will experience delay
 - 111th Street - uninterrupted flow reduced 22%. During 18.1 minutes of 60 minutes, vehicles will experience delay
 - The reductions in uninterrupted flow reduce the overall capacity of the roadways to move traffic. A roadway that might have been adequate with one or two lanes in each direction may need to be improved

FUTURE IMPACTS

- The methodologies used to project traffic along the railroad or crossings of the EJ&E does not conform with federally-established transportation planning policies that require a 20-year planning horizon for transportation projects. The Draft EIS contains projections for 2015, failing to use information already available in the 2030 Regional Transportation Plan for Northeastern Illinois and related efforts.
- The Chicago Metropolitan Agency for Planning director Randy Blankenhorn stated to Congressional leaders: “It is impossible to properly analyze the impacts of this acquisition if we are only looking three to five years beyond the date of the STB [Surface Transportation Board] approval. ...The EIS analysis is not nearly robust enough for us to accept as credible its assertions about EJ&E traffic.”

- The tables in Section E project traffic conditions to year 2015. Current federal highway projects are required to project traffic out to year 2030. The SEA report should be required to use the same design traffic year as other projects considered at the federal level.
- E.2.5.4 - This section talks about the impacts of the new construction that will take place on the EJ&E. However, it doesn't appear that it takes into account planned roadway improvements adjacent to the tracks. This would be important when the LOS for the crossings in the future condition are analyzed.

MITIGATION

- The changes proposed as part of the acquisition should require more substantial examination and identification of mitigation measures to provide the necessary information to bring their facilities as well as land use, emergency services, school and transportation plans to a level that fully accommodates the proposed changes to the EJ&E lines.
- The EIS must address how the timing of the implementation of any approved mitigations measures will occur as they relate to any increase in rail traffic by the CN if the acquisition is approved.
- The Draft EIS contradicts itself by first stating that “there would no substantial impacts in the area of rail operations...and SEA [Section of Environmental Analysis] does not propose mitigation at this time” then states under Modify Train Operations that “SEA is considering a mitigation condition that would requires the Applicant to develop and submit to SEA a train operation proposal that would mitigate vehicle delay...including train operating curfews.”
- Randy Blankenhorn, Executive Director of the Chicago Metropolitan Agency for Planning, to the August 5, 2008 Informal Hearing hosted by area Members of Congress:

“The EIS lacks a thorough cost-benefit analysis that is necessary to reach such a conclusion. ... If the overall costs and benefits are beyond the STB’s EIS scope, then at what point will the region truly have enough information to determine how the regional transportation benefits weigh against regional and local community impacts? Only when those factors are fully understood can there be a serious discussion about mitigation.”
- The STB has provided seven mitigation options for the public to comment on as they relate to local transportation systems. As outlined in the DEIS, the crossing at Route 34 would experience substantial effects as a result of the acquisition, including vehicle delay in excess of 40 hours per day, and increased exposure. The City of Naperville would request that a grade separated crossing be installed at Route 34, and that CN be required to fund a minimum of 50% of the cost of the grade separation.
- The construction of a grade separated crossing at Route 34 is the only mitigation option that addresses the direct impacts of the acquisition. The significant increase in the number of trains resulting from this acquisition intensifies the need for this crossing, and as a result, the City of Naperville believes that CN should pay for the majority of the expenses associated with the improvements. Because the proposed acquisition will have specific impacts at this location that

are significantly greater than at other locations, and that are unique to this acquisition, we do not feel that a higher level of contribution by the CN towards a grade separated crossing will set a precedent for future transactions.

- The City of Naperville believes that the EIS needs to look at the additional cost the local governments will incur in providing future grade separations between roadways and the rail line. An estimate for the total cost of mitigation measures for the necessary grade separated crossings as a result of this acquisition are in excess of \$1.65 billion. With the addition of sidings or a second track, the cost of an underpass superstructure could either double or triple. If the roadway goes over the rail line, the spans of the overpass would need to be lengthened resulting in additional cost. The cities of Aurora and Naperville worked together in conducting a railroad crossing study about five years ago. The study examined the crossings where our municipalities have a common border. Those include the underpass at North Aurora Road, and the at-grade crossings at Wolf Crossings Road and 111th Street. The cities have been budgeting and planning future improvements based upon the costs outlined in that study. Additional costs now being added as a result of the acquisition need to be quantified and any acquisition needs to include full compensation to the cities.
- IDOT has no funds available to mitigate the impacts of this purchase and the resulting increase in rail traffic. The Deputy Director of Highways for the Illinois Department of Transportation has stated that the department is in maintenance mode due to the lack of funding for new capital projects, including any projects that would result from the proposed acquisition.

QUIET ZONES

- The City of Naperville began working with other communities to establish quiet zones along the EJ&E Railroad prior to the proposed acquisition by CN. The establishment of a quiet zone along the EJ&E Railroad in Naperville is an important quality of life issue for our residents.
- The City of Naperville requests that the CN guarantee that the process to establish a quiet zone will not be hindered by CN's proposed acquisition.
- The City of Naperville also requests that the installation of four quadrant gate systems be included as a mitigation option for this acquisition, and that CN be required to install these gates at the necessary locations following the acquisition.

STAR LINE

- The STAR Line represents an opportunity to provide an innovative solution for suburban commuters traveling from the north and south. With fuel prices at an all-time high and with the limited opportunities for roadway expansion, the STAR Line will provide a viable transportation option that will increase the mobility of the region while reducing the region's reliance on automobiles and foreign oil.
- The STAR Line project was begun long before the CN proposed to acquire the EJ&E Railway, and the CN should ensure that this acquisition will not impact the future of the STAR Line from a cost or feasibility standpoint.

- The CN has only committed to continue working with Metra on the STAR Line, but has not guaranteed that they will allow the STAR Line to operate on its rail lines if the acquisition is approved.
- The STB needs to ensure that the most efficient use of the rail line occurs which includes finding a balance between commuter and freight rail traffic along the EJ&E.
- The City of Naperville alone has spent in excess of eight million dollars in acquiring 45-acres of land to provide locations for two STAR Line train stations. Federal dollars have also been spent on land acquisition and improvements in anticipation of the STAR Line. If the proposed STAR Line suburb to suburb commuter rail line is not realized it will be a great loss for this area.
- The City of Naperville believes the EIS needs to address the economic and quality of life losses that will result if the STAR Line commuter rail line is not implemented as a result of this acquisition. We revised our land use and zoning in the areas near the rail line based upon the STAR Line eventually being implemented. Not only has the City of Naperville invested over eight million dollars, but many businesses and residents have made similar investments based upon the future STAR Line.