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KANE COUNTY
DIVISION of TRANSPORTATION

Carl Schoedel, P.E.
Director of Transportation
County Engineer



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September 19, 2008

Phillis Johnson-Ball
Surface Transportation Board
395 E Street SW
Washington, D.C. 20423
Ref: STB Finance Docket No. 35087

Dear Ms. Johnson-Ball:

Please find the enclosed Resolution # 08-287 passed on September 9, 2008 by the Kane County Board. Resolution # 08-287 establishes Kane County's position regarding the policies and investments required to minimize the conflict between freight and passenger transportation associated with the proposed CN acquisition of the EJ&E railroad.

Kane County urges the Surface Transportation Board to include and incorporate the issues, concerns, and comments included in the attached resolution in the scope of study for the draft Environmental Impact Study and final Environmental Impact Study.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Schoedel", is written over a horizontal line.

Carl Schoedel, P.E.
Director/County Engineer

Enclosures

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 08 - 287

**ESTABLISHING KANE COUNTY'S POSITION REGARDING
POLICIES AND INVESTMENTS TO MINIMIZE CONFLICT BETWEEN FREIGHT
AND PASSENGER TRANSPORTATION ASSOCIATED WITH THE
PROPOSED CN ACQUISITION OF THE EJ&E RAILROAD**

WHEREAS, Canadian National Railway Company and Grand Trunk Corporation (collectively, CN) has filed an application with the Surface Transportation Board (STB) seeking approval to acquire control of EJ&E West Company; and

WHEREAS, the proposed railway acquisition is a 200-mile system forming an arc around Chicago, and is located in counties adjacent to Kane, namely Lake, Cook, DuPage and Will counties; and

WHEREAS, the proposed acquisition will connect all five of the CN rail lines in the Chicago Metropolitan Area; and

WHEREAS, Kane County participated in developing the 2040 Regional Vision for Metropolitan Chicago, which recognizes the importance of freight and intermodal rail systems to our national and local economy; and

WHEREAS, Kane County believes transportation systems need to be planned in a way that improves the movement of goods, minimizes conflict between freight and passenger transportation, and mitigates impacts on local communities and the motoring public; and

WHEREAS, the Surface Transportation Board (STB) evaluation of the proposed acquisition listed 15 highway/rail at-grade crossings that would be "substantially affected" by stated plans of the CN, and that mitigation measures such as grade separations should be considered; and

WHEREAS, the increase in freight traffic associated with the proposed acquisition will result in direct impacts to some communities along the EJ&E rail line, and

WHEREAS, these impacts include, but are not limited to, increased noise, emergency vehicle access, and substantial vehicle travel delays; and

WHEREAS, the projected increased volume of train traffic and rail related operations will result in more frequent blockage of major highway/rail at-grade crossings, including Strategic Regional Arterials such as U.S. Route 34, Stearns Road, and Illinois Route 59; and other local collector roads such as Penny Road, Old Sutton Road, Shoe Factory Road, Spaulding Road, West Bartlett Road, Army Trail Road, Smith Road, Hawthorne Lane, Aurora Street, Church Street, Ann Street, Diehl Road, Liberty Street, Montgomery Road, and 87TH Street; and

WHEREAS, Stearns Road is a Strategic Regional Arterial which will carry vehicles to and from the Stearns Road Bridge Corridor crossing over the Fox River, and

WHEREAS, Kane County, The State of Illinois and The Federal Government have invested several years of work and have/will invest over \$150 million dollars in the Stearns Road Bridge Corridor which is in the beginning stages of construction; and

WHEREAS impediments to the Stearns Road Corridor vehicle travel caused by additional freight train traffic on the EJ&E would counteract the investments made by the Federal and State governments, Kane County, and surrounding communities to improve traffic flows in the region; and

WHEREAS, the draft Environmental Impact Statement prepared by the STB recommends a number of voluntary mitigation measures and negotiated agreements between the CN and affected communities; and

WHEREAS, such voluntary mitigation measures and agreements do not fully address the primary regional concerns of affected communities like Aurora and Wayne, especially with regard to vehicle traffic flow and congestion; and

WHEREAS, Kane County has consistently called for the planning, design and construction of grade separations as a long term solution for addressing the transportation conflicts which occur as freight and rail traffic intersect with Strategic Regional Arterials; and

WHEREAS, Kane County believes mandatory mitigation measures must be required of the CN with an emphasis on grade separations to address traffic flow, congestion, public safety, and emergency vehicle access; and

WHEREAS, Kane County believes that the cost of funding the mitigation measures such as grade separations must be funded by the CN; and

WHEREAS, the STB has historically functioned as an advocate for the nations rail roads we ask that they place a priority on the local citizens concerns and require Canadian National address the needs outlined in this resolution; and

WHEREAS, Kane County acknowledges that the Federal Government has ultimate jurisdiction and responsibility related to railroad transportation issues such as the proposed acquisition and the impacts relative to said purchase.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the County of Kane urges the Surface Transportation Board (the 'STB') to include and incorporate the issues, concerns, comments and mandatory mitigation 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 if the STB is inclined to approve the acquisition, that it require as a condition of such approval that mitigation at the heretofore mentioned at-grade crossings be required; and

BE IT FURTHER RESOLVED by the Kane County Board that the County of Kane supports H.R. 6707, Taking Responsible Action for Community Safety act "TRACS Act", which requires the Surface Transportation Board to consider the impacts of certain railroad transactions on local communities, and the County of Kane supports H.R. 6476, STAR Act, for the purpose of designating a rail right-of-way as a corridor for inter-suburban commuter rail; and

BE IT ALSO RESOLVED, that the County Clerk is hereby authorized and directed to send certified copies of this Resolution to the Surface Transportation Board, United States Senators Richard Durbin and Barack Obama, and all U.S. Representatives from the state of Illinois so as to clarify the concerns of the Kane County Board on this matter.

Passed by the Kane County Board on September 9, 2008.

John A. Cunningham
Clerk, County Board
Kane County, Illinois

Karen McConnaughay
Chairman, County Board
Kane County, Illinois

Vote:

Yes _____

No _____

Voice _____

Abstentions _____

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