



HOFFMAN ESTATES

OFFICE OF THE MAYOR

William D. McLeod
MAYOR

September 30, 2008

Ms. Phillis Johnson-Ball
STB Finance Docket No. 35087
Surface Transportation Board
395 "E" Street, SW
Washington, DC 20423-0001

**RE: Draft Environmental Impact Statement Comments
FD 35087**

Dear Ms. Johnson-Ball:

The Village of Hoffman Estates has completed a review of the Draft Environmental Impact Statement (DEIS) released by the Surface Transportation Board (STB). Village representatives also attended one of the open house meetings held by the STB associated with the proposed purchase by Canadian National (CN) of the EJ&E Railway.

Hoffman Estates is one of the many communities where there is a predicted increase in the amount of freight traffic. There is one at-grade crossing of the EJ&E at Shoe Factory Road which lies in an area with limited road connectivity bounded by Forest Preserves and I-90 (Jane Addams Tollway). This crossing was designated as part of a larger Quiet Zone section earlier this year. Existing residential development is immediately adjacent to the west side of the EJ&E right of way between Shoe Factory Road and Golf Road. In addition, there are residences in an unincorporated area of Cook County between Shoe Factory Road and I-90 (Jane Addams Tollway) that are next to the tracks as well. The Village has been a leading proponent of the STAR Line for a great number of years and I serve as Co-Chair of the STAR Line Task Force. It is in the context of these primary items that the Village conducted an analysis of the DEIS.

With the above issues in mind, we offer comments and suggestions on the DEIS. These were compiled after reviewing the DEIS and its supporting documentation. The comments have been segregated into common issue areas. Appropriate references to sections of the document are provided in some cases. In other instances, recurring statements or themes can be found in various places in the documents and the respective comments apply to all locations where the "theme" occurs.

The Village remains very concerned about the negative impacts the increased CN traffic will have on the community. Noise, vibration, interrupted and delayed response by emergency service providers all are items that remain of concern. While the DEIS covers these topics, we feel that there is a need for a more comprehensive assessment of impacts on the adjacent residential properties and of the Shoe Factory Road at-grade crossing. Visibility over a hill on Shoe Factory Road to the east of the EJ&E crossing is severely restricted, making the provision of advance warnings to motorists due to increased train activity an item of significant importance. A firm commitment by CN to mitigate effects, some of which are quantified in the DEIS, due to the increase in train traffic should be a part of the final report prepared by the STB. And finally, I am concerned about the feasibility of the STAR Line coexisting with CN with the railroad right of way. I think a number of other agencies share this feeling. I would strongly encourage more definitive wording in the report to ensure that the freight and commuter operations will be able to share the right of way.

I do appreciate and applaud the decision by the STB to deny CN's request for a separate ruling on the transaction to be followed later by the completion of the environmental study. The Village has met with CN representatives and understands their corporate goal of finalizing their deal with the EJ&E. However, the ruling by the STB to not allow the environmental process to be separated from the transaction keeps in place the proper process. Public input is a key component of large proposals such as this. Allowing the environmental process to proceed independently of a transaction decision affords the public the opportunity to review and provide input on the CN proposal. Again, I thank you and the Board. We will all await the decision by the Appellate Court on the request filed recently by CN.

Overall Comments

The DEIS seems too narrowly focused on just the CN proposal elements. There is only brief discussion of the evaluation of other alternatives. To fully assess and compare the environmental impacts of this proposed acquisition, a comprehensive identification and assessment of other choices needs to be included. The DEIS merely states that because other options do not fully respond to CN's own stated need, that there was no consideration given to other corridors, routing, programs like CREATE, etc.

Along this same line, parts of analysis in the document are unduly dismissive. An example is the statement that vibration typically does not cause structural damage, so the DEIS concludes that there will be no adverse impacts. Statements like this cannot simply be made without appropriate documentation.

If one assumes that the proposed acquisition will be approved by the STB, along with stipulated measures and voluntary offerings from CN, what monitoring will occur to see that mitigation is actually implemented in a timely and compliant manner as might be required in the STB ruling. I would recommend a monitoring period of at least 5 years by STB to ensure that all required mitigation by CN is implemented in a timely manner. This evaluation will also provide confirmation of the amount of freight traffic.

With respect to the STAR Line, I would like to cite a similar area of interest included in the EIS prepared for the O'Hare Modernization Program; that of the presence, significance, and importance of the O'Hare Noise Compatibility Commission. Consequently, the EIS for this proposed acquisition should acknowledge more strongly the long history of work on the STAR Line, the existence of a Mayoral Task Force that provides input to the project, and how the CN needs to reach agreement with Metra to allow, unequivocally, the STAR Line to share the track and / or right of way that is now the EJ&E.

Community Impacts and Issues

Noise analysis should consider both the change in the frequency of occurrence and the duration of the event. Train passage times may take up to 2 to 3 minutes during which noise will be continuous at some level. The number of times per day when the noise will be experienced will increase significantly under the CN proposal. While not as continuous as highway noise, the train generated noise is longer than other noise events such as sudden impacts or an airplane passing overhead which have much shorter durations. It is unclear how the change in frequency and duration of events has been factored into the analysis.

Monitoring equipment was apparently placed at a house on Mallard Lane and the results are included in the DEIS. However, the data seem to reflect only the vibration data and not noise levels. The Village was not aware that this testing was done until reading the DEIS. While we have no objection to gathering this information as long as it was acceptable to the homeowner, we would have liked to been involved in the selection of the monitoring site and perhaps would have suggested additional locations.

The Quiet Zone needs to be considered as a whole, not just individual crossing evaluations. In fact, the Village participated along with a number of other communities to create a large Quiet Zone from Bartlett to North Chicago. The section from Bartlett Road to Barrington was one component of that larger effort. In addition, improvements planned by Cook County to Penny and Old Sutton Roads are not listed which would help with Quiet Zone status. There is reference in the DEIS to the Barrington Quiet Zone when in fact there are multiple crossings in a number of communities that are affected if the Quiet Zone is removed.

In any event, the potential loss of this Quiet Zone would be due to solely to the CN operations. Therefore CN should be held solely responsible for costs to modify crossings at any point in the future in order to maintain the Quiet Zone designation.

I would request that hazardous material training be provided to all communities along the EJ&E that will be affected by the increase in CN traffic. It would be best for this to be done in a large group setting.

Cannon Crossing Park located adjacent to the EJ&E tracks will be negatively impacted due its proximity and the increase in freight traffic. Safety fencing, screening, and noise impacts all need to be identified as means to mitigate the increased traffic. In addition the substantial natural wildlife areas in the Forest Preserves adjacent to the EJ&E will experience an increase in freight traffic related issues which should be addressed.

STAR Line

As I noted, the STAR Line has been a long standing goal of the Village and the region. Well before the STAR Line proposal in its current form, the Village supported and worked with Metra on the Outer Circumferential Rail Study to introduce passenger service on the EJ&E. There continues to be strong local and regional advocacy for the STAR Line in addition to local and Metra financial support.

I understand that Metra works with the CN and other railroads on a regular basis for their current passenger rail operations. We would like to see a more definitive commitment and requirement that the CN will allow Metra use of its tracks and/or right of way for STAR Line operations. What exactly is needed for the STAR Line and CN freight operations to coexist?

The implementation of the STAR Line if the acquisition is approved remains a concern. The impact on the regional transit project is not well or specifically defined in the DEIS. General statements about potential conflicts or problems with implementation need to be specific as well as identifying mitigation. The CN purchase of the EJE should not take precedence. In reality both are proposals - the DEIS should identify requirements on the part of Metra and CN to reach agreement on the successful implementation of the STAR Line if the purchase of the EJ&E is approved by the STB.

The loss of opportunity to create the STAR Line as a regional transit option, if precluded by the CN operations, will have negative impacts on air quality for the region. Long term effects of not providing transit options, beyond the window evaluated in the DEIS, should be considered. If the STAR Line or other Metra service improvements do not occur due to the increase in CN freight traffic, the impacts on air quality, congestion, fuel consumption, etc. need to be evaluated in the DEIS from the regional perspective. It is not just the increase in vehicle delay at crossings on the EJ&E and the decrease in delay at crossings on the current CN line if CN holds to the reduced levels of freight traffic on the inner route. Delays will accrue to vehicle traffic on other routes if the STAR Line and Metra service increases on current lines are limited or prohibited by the CN purchase of the EJ&E.

The language in the DEIS needs to be changed from referencing the STAR Line as only a future project with slight chance of implementation (the way it reads) to noting STAR Line inclusion in RTA and CMAP plans. While implementation may be years away the STAR Line deserves to be referenced more strongly.

CN needs to be a committed partner with Metra and the locals in continuing work on the STAR Line leading to implementation. CN shall use any and all efforts to implement the STAR Line in cooperation with Metra.

If the CN purchase is approved and the amount of freight traffic occurs at the level predicted in the DEIS there will be no capacity left for sharing track use with Metra. This will have a significant impact on the costs for the STAR Line. This presumes that the track capacity calculations in the DEIS and the forecasts by CN of future traffic occur as stated in the DEIS. It is hard to imagine how this would not have an adverse impact on the STAR Line.

The Northwest Municipal Conference notes in their comments on the DEIS inconsistent language regarding the STAR Line. The Executive Summary states that the CN purchase would “not preclude but could introduce operational complexities” for the STAR Line. The full text in another section of the DEIS only states that the purchase “would not adversely affect implementation”. Clarify what the implications will be is essential.

Traffic Delays and Crossings

The Shoe Factory Road at-grade crossing of the EJ&E is the only one within the Village. The crossing area is bounded by Cook County Forest Preserve on the east side and residential development immediately adjacent on the west. The area road network relies on Shoe Factory Road being a reliable point of access to this portion of the Village and to points beyond. Our concern is that the change in freight operations will make uninterrupted use of the Shoe Factory over the crossing less predictable.

The methodology used in estimating delays appears to be a very cursory analysis based on ADT of highway and train traffic. It is not clear that 2015 ADTs were used for the highway volumes. Traffic delay estimates should be modeled based on peak hour conditions including the effects of truck traffic, directional traffic flows which can be highly unbalanced during peaks, and physical characteristics of the crossing approach such as grade conditions. The daily traffic volumes used in the analysis, even if general modification factors are used to estimate peak traffic conditions, do not adequately evaluate operations.

The crossing on Shoe Factory Road has very limited visibility due to the steep hill to the east. The negative safety effects of limited sight distance to a standing queue of vehicles from the crossing when occupied by a freight train must be mitigated. CN should be responsible for the design and installation costs of an advance detection and active sign warning system if the transaction is approved by the STB. As noted for other items, the increase in CN traffic is solely responsible for the more frequent blockage of the crossing.

The delay methodology does not appear to consider cumulative effects of adjacent crossings being blocked by freight train traffic. Proximate locations with crossings will see more aggregate delay due to long trains than evaluating each in isolation. A dynamic traffic simulation model of hourly traffic flows would be an appropriate means to measure the effects at the system level.

CN should be required to provide notification of when crossings are blocked to local agencies. This will assist in response routes and dispatching of emergency providers to a scene. An option would be to require advance notice or advisory if a crossing is expected to be blocked for an extended period - more than just for one train passing through. Automated notices to the Northwest Central Dispatch for our area and to the respective local agency would be most desirable.

Freight Operations

The DEIS concludes that CN estimates of future train traffic are reasonable partly due to another conclusion that the EJ&E line capacity is constrained to a level about equivalent to the CN future estimates. If this is the case but demand for freight continues to grow as it is expected to do, the current inner CN lines would likely see train traffic build up again. This scenario should be considered and included in the DEIS with appropriate mitigation identified.

Is it possible to remove the constraints on the EJ&E line which would enable an increase in freight operations beyond what is included in the DEIS. The specific constraints should be identified and if these can be addressed, the implications of further increases in train traffic beyond the current DEIS levels should be evaluated and mitigated.

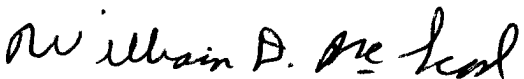
Mitigation

The report touches on the need for mitigation but leaves many questions unanswered. Very little beyond the voluntary mitigation proposed by CN is identified in the DEIS. Also without specific mitigation identified, the whole discussion of cost responsibility or shares is only briefly mentioned. The sole reference is to typical railroad contribution on the order of 5 to 10%. Communities should not be responsible for the cost to mitigate and address local concerns created by CN's purchase and increase in freight operations on the EJ&E. This includes maintaining Quiet Zones, providing advance notice of trains on Shoe Factory, noise mitigation, etc. mitigation.

I would recommend that a five year compliance period be created during which STB will monitor changes implemented by CN. This action and requirement by the STB will provide some assurance that mitigation is implemented by CN in a timely fashion.

I do sincerely appreciate all the effort by STB staff during this review. I offer these comments on behalf of the Village with the goal of improving the EIS to more comprehensively address our concerns. I will look forward to further opportunities to participate in the STB process. Thank you for your consideration and desire to fully incorporate local input and see to it that fair mitigation is implemented.

Sincerely,



William D. McLeod
Village President

WDM/vr