

13323

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35087

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

ENVIRONMENTAL RESPONSE OF THE TOWN OF SCHERERVILLE, LAKE
COUNTY, INDIANA TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA
ROBERT VOLKMANN, Town Manager
10 East Joliet Street
Schererville, IN 46375
219.322.2211

Party of Record

DAVID M. AUSTGEN and
JOSEPH C. SVETANOFF
AUSTGEN KUIPER & ASSOCIATES, P.C.
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Attorneys for Party of Record

Date Filed: September 10, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 35087

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

**ENVIRONMENTAL RESPONSE OF THE TOWN OF SCHERERVILLE, LAKE
COUNTY, INDIANA TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The Town of Schererville (hereinafter referred to as the "Town") is submitting its response to the Surface Transportation Board (hereinafter referred to as "STB") in anticipation of the Open House/Public Meeting related to the Draft Environmental Impact Statement for the Canadian National Railway Company (hereinafter referred to as "CN") and Grand Trunk Corporation Railroad Control Application (hereinafter referred to as "Transaction"), STB Finance Docket No. 35087, to be conducted on September 10, 2008, at the Indiana University Northwest Campus located in Gary, IN. The Town reserves the right to submit additional comments, discovery requests, statements, and/or any additional information to the STB and cooperating agencies as the review process continues if statements and/or amendments to the CN Application are filed or significant changes occur that warrant such additional information, or additional information becomes known. The Town further reserves the right to submit additional comments, discovery requests, statements, and/or any additional information to the STB in the event that the status of this transaction is changed.

The Town has prepared and submits for the above-mentioned Open House/Public Meeting the following identified and discussed certain environmental concerns associated with this proposed Transaction, namely:

1. **SAFTEY**

The proposed transaction will unequivocally result in increased CN freight traffic and will certainly increase the likelihood of accidents at at-grade rail crossings. Two (2) EJ&E separate line grade crossings which exist at Kennedy Avenue and 213th Street, also known as Airport Road, located within the Town will see significant increases in CN freight traffic. The Town offers no specific comments as to issues of safety, except as discussed within Section 5, entitled Mitigation within this Response, but will rely upon the STB and its affiliated agencies/representatives to fully analyze the enhanced probability of train/vehicle accidents and train accidents/derailments.

Moreover, the Town will rely upon the STB and its affiliated agencies/representatives to fully analyze the environmental impacts of the Transaction on the public health, safety, and welfare as related to the transportation of hazardous materials. Furthermore, the Town will rely upon the STB and its affiliated agencies/representatives to fully analyze the potential of increased truck traffic and safety issues as related to the integration of differing rail operations in the immediate area.

The Town objects to the lack of data within the Draft Environmental Impact Statement concerning traffic counts as it relates to Kennedy Avenue or 213th Street located within the Town. The at-grade crossing at Kennedy Avenue is a major thoroughfare for the community/region, and currently has approximately 10,923 vehicles crossing on a daily basis. (See Exhibit "1", Traffic County Study Information for Kennedy Avenue). Additionally, 213th

Street is a major thoroughfare for the community/region and currently has approximately 5,406 vehicles crossing on a daily basis. (See Exhibit “2”, Traffic County Study Information for 213th Street). Because of the amount of traffic currently on Kennedy Avenue and 213th Street, the Town urges the STB and its affiliated agencies and representatives to include both vital arteries in its final evaluation.

A. School and Student Safety

The safety of its citizens, and specifically children, is of extreme concern to the Town. The Lake Central School Corporation, which entity educates the children of the Town, serves a student population of 9,878 students. The school district consists of one (1) high school, three (3) middle schools, and six (6) elementary schools. Due to a large geographical area covered by this school district, many students are transported to and from their respective school. These school buses cross the EJ&E line hundreds of times a day.

Lake Central High School is located within the near vicinity south of the subject EJ&E lines. Lake Central High School is the only high school in the school district and serves the entire Lake Central School Corporation. This school has a population of more than 3,000 students, and staff, who in part, cross the EJ&E line twice per day on their daily commute by vehicle.

The Town respectfully requests the STB and its affiliated agencies and representatives to expand the scope of its safety analysis to include the specific safety issues related to student safety as a result of this transaction.

B. Police, Fire and Emergency Services

The Town respectfully requests the STB and its affiliated agencies/representatives to expand the scope of its safety analysis to include the effects of this Transaction on emergency

response services. (See Section 2, entitled Transportation Systems, for a discussion on police, fire, and emergency services).

2. TRANSPORTATION SYSTEMS

With respect to the transportation systems discussed in the Draft Environmental Impact Statement, the Town currently experiences an approximate total delay of 5 minutes at the two (2) main crossings of the EJ&E line - Kennedy Avenue and 213th Street - in a twenty-four hour period. It is estimated that by 2010, the Town will experience 2 hours 52 minutes of delay.¹

Currently, an approximate total of 323 vehicles experience delay at the (2) main crossings of the EJ&E in a twenty-four hour period.² By the year 2010, it is estimated that 1,698 vehicles will experience delay at the two (2) main crossings in a twenty-four hour period.³ Again, this is an increase of daily vehicle delay of 525%.

As a result, the Town respectfully requests that the STB and its affiliated agencies/representatives use an individual driver behavior-based traffic simulation program to more accurately calculate the impact of adding significant train traffic to the EJ&E line. The transportation network developed for the computer simulation should include arterial and collector streets as related to the two (2) main crossings. The network should include actual traffic signal timing data and gate down times, and it should be calibrated to simulate actual traffic flows. Only with the use of such analytical tools can an accurate measure of effectiveness

¹ The 2010 delay is calculated based upon data supplied in the CN's Railroad Control Application, specifically the Operating Plan. (See Application, starting at 208). This estimated time delay encompasses the addition of the two (2) main crossing. Hence, the above-mentioned numbers represent the total delay time at these two (2) main crossings.

² The number of vehicles delayed encompasses the addition of the two (2) main crossing. Hence, the above-mentioned numbers represent the total delay time at these two (2) main crossings.

³ The 2010 delay is calculated based upon data supplied in the CN's Railroad Control Application, specifically the Operating Plan. (See Application, starting at 208). Specifically, this Application discusses an estimated train speed of 40 mph and a future train length of 9,900 feet.

be developed to quantify the far-reaching effects of additional rail traffic volumes on the Town and entire region.

A. Police, Fire and Emergency Services

Of course, traffic delays not only cause aggravation for commuters, but also, pose a life-threatening risk for Schererville citizens and residents in effecting police, fire, and EMS response times. The Town Fire and Police Departments provide vital services and protection to approximately 30,000 citizens. The Town has two (2) at-grade crossings (Kennedy Avenue and 213th Street) along the EJ&E line with dual flashers and gate. As a result of this Transaction, the proposed increase of approximately 15-27 additional trains per day is an immediate concern for public health, safety, and welfare of the Town and the movement/response travel time of emergency vehicles. (See Exhibit “4”, Comments of the Town of Schererville Fire Chief, Joseph Kruzan; Exhibit “5” Comments of the Town of Schererville Chief of Police, Dan Smith). The response times of our Town police, fire, and emergency medical services will be significantly affected if the Kennedy Avenue or 213th Street crossings were blocked or rendered unusable. Using the well-established “golden minute” rule, as related to cardiac arrest – for every minute treatment is delayed it increases the likelihood of death by ten (10) percent. Hence, a mere five (5) minute delay reduces the victim’s chances of survival to just fifty percent.

As to the remaining sub-categories in this category, the Town offers no specific comments at this time, but will rely upon the STB and its affiliated agencies/representatives to fully analyze those issues.

3. NOISE AND VIBRATION

The Town is concerned about increased noise from the 15-27 additional trains per day running on the EJ&E line as a result of this Transaction. The Town additionally and specifically

is concerned for public health, safety, and welfare of the Town, regarding the well-established residential zones existing along Kennedy Avenue and the 213th Street Crossings. (See Exhibit “5”, Aerial View of Kennedy Avenue; Exhibit “6”, Aerial View of 213th Street). Additionally, ground vibration can cause the following harm to property owners living up to 400’ away from the rail tracks: (1) structural damage to buildings and residences and (2) nuisance and inconvenience.

Beyond the noise generated by the freight train horn, the residential homes along the two (2) rail corridors (Kennedy Avenue and 213th Street, also known as Airport Road) will be inundated with wayside noise and train engine noise. (See Exhibit “5”, Aerial View of Kennedy Avenue; Exhibit “6”, Aerial View of 213th Street). The following methods should be used to determine if the project alternatives would result in a 3A-weighted decibel (dBA) increase or if railroad noise levels (due to wayside noise and locomotive warning horns) would equal or exceed a 65 dBA day-night average noise level (DNL) or greater measured, namely:

- * Noise Models. The wayside noise model should be based on past STB noise studies. The overall noise model results should account for horn noise, locomotive and rail car noise, train length, and train speed. Noise contours should be developed using wayside and horn reference levels and should calculate building shield effects. (See Final Environmental Impact Statement, STB Fin Docket No. 34079 (2003).
- * Measure or Calculate Ambient Noise. To establish a baseline for determining if there would be a 3A-weighted decibel (dBA) or greater increase in noise, ambient noise in the study area should be measured or calculated.
- * Count Noise-Sensitive Receptors. Estimates the number of noise sensitive receptors (i.e. residences, schools, places of worship, etc.) within 65 DNL noise contours for the project alternatives or where the DNL would increase by at least 3A-weighted decibel (dBA). The final result of this analysis should be an estimate of the total number of receptors likely to be exposed to 65 DNL or greater and the number or receptors where the DNL would increase by at least 3A-weighted decibel (dBA) because of project alternatives.

- * Vibration impacts due to train operations should be evaluated using the Transit Noise and Vibration Impact Assessment of the Federal Transit Administration.

The Town is respectfully requesting that the CN create a fund for improvements to homes/businesses most severely impacted (i.e. from 1' to 200') by the increase in rail traffic. Additionally, the Town is respectfully requesting that the STB require the CN to install vibration mitigation devices and sound barriers along the EJ&E line to lessen the vibration and noise impact to the surrounding homes/businesses.

4. AIR QUALITY

The Town is concerned about the increase in air pollution as a result of the increased traffic on the EJ&E line. The Town is concerned for the public health, safety, and welfare of the Town, and specifically regarding the well-established residential zones existing along Kennedy Avenue and the 213th Street Crossings. (See Exhibit "5", Aerial View of Kennedy Avenue; Exhibit "6", Aerial View of 213th Street). The Town requests adequate and acceptable assurances be provided by the STB and its affiliated agencies/representatives and the CN that all railroad equipment, including all diesel engines operated by the CN, meet all Federal and State air quality standards. The CN must be held responsible for all costs associated with any harmful effects in the air quality proven to be a result of the CN trains traveling through the Town.

Additionally, the diesel engine is one (1) of the largest sources of fine particulate matter in the United States, which also serves as a trigger for asthma. In 2007, the emergency room at St. Margaret Mercy Hospital in Dyer, Indiana, the next and adjacent community to the immediate west of the Town, treated 210 asthmatic attack patients, a majority of whom were children and young adults. The significant increase in the number of freight trains running through the Town will dramatically increase the emission of fine particulate matter in this area,

and as a result, the asthmatic attacks for residents will rise. The Town encourages and requests the STB and its affiliated agencies/representatives to fully analyze the effect this Transaction would have on air quality and the negative effect of fine particulate matter on Town residents.

5. MITIGATION

The Town encourages and requests the STB and its affiliated agencies/representatives to fully require the voluntary mitigation measures discussed by CN in the Draft Environmental Impact Statement. (See Draft Environmental Impact Statement, pages ES-25 through ES-34). The Town, while voicing its concerns directly to CN, has never been approached, contacted, or presented any type of mutually acceptable agreement as was encouraged by the STB within the Draft Environmental Impact Statement. (See Draft Environmental Impact Statement, page ES-24). In addition to the above-mentioned voluntary mitigation measures discussed by CN, the Town would request additional mitigation measures as follows:

A. Crossing Improvements

The Town has two (2) at grade crossings (Kennedy Avenue and 213th Street) along the EJ&E main line with dual flashers and gate. (See Exhibit “5”, Aerial View of Kennedy Avenue; Exhibit “6”, Aerial View of 213th Street). As a result of this Acquisition of Control, the proposed increase of approximately 15-27 additional trains per day is of an immediate concern for public health, safety, and welfare of the Town and the movement of emergency vehicles. (See Exhibit “3”, Comments of the Town of Schererville Fire Chief, Joseph Kruzan; Exhibit “4” Comments of the Town of Schererville Chief of Police, Dan Smith). The response times of Town police, fire, and emergency medical services would be significantly affected if the Kennedy Avenue or 213th Street crossings were blocked or rendered unusable. (See Exhibit “3”,

Comments of the Town of Schererville Fire Chief, Joseph Kruzan; Exhibit “4” Comments of the Town of Schererville Chief of Police, Dan Smith).

1. **Grade Separation**

The Town has been identified as having one (1) rail crossing at Kennedy Avenue, which contains two (2) sets of EJ&E rail tracks and will need a grade separation if this Acquisition of Control is approved. (See Exhibit “5”, Aerial View of Kennedy Avenue). Additionally, the Town is providing traffic count information for the rail crossing located at Kennedy Avenue. (See Exhibit “1”, Traffic County Study Information for Kennedy Avenue). The Town topography does not allow for construction of the necessary grade separation without causing major disruptions. The Town is respectfully requesting that the CN be responsible for all of the costs related to the grade separation at Kennedy Avenue.

2. **Train Location Monitoring System**

The Town respectfully requests a real time train location monitoring system (hereinafter referred to as “monitoring system”) for this community. The monitoring system connects grade crossing warning devices to nearby traffic signals and provides a real time display in the local emergency response center and emergency vehicles. This monitoring system could be used by medical and fire emergency vehicles for the most efficient way to respond to emergency calls. This would alleviate somewhat citizen concern over trains blocking the ability of police, fire, and medical vehicles responding to emergencies. The Town is

respectfully requesting this monitoring system be installed at the Kennedy Avenue and the 213th Street Crossings and that the CN be responsible for all of the costs related thereto.

B. "New Quiet Zone" Corridor

As a result of this Acquisition of Control, the proposed increase of approximately 15-27 additional trains per day is an immediate concern for public health, safety, and welfare of all citizens residing along the 213th Street Crossing and the well-established residential zones existing along all rail lines. (See Exhibit "6", Aerial View of 213th Street). Specifically, as reflected on Exhibit "6", the residences are approximately 176 feet from the rail lines at the 213th Street Crossing. (See Exhibit "6", Aerial View of 213th Street). Additionally, the Town has provided photos from citizens residing at 1339 Charevoix Way, Schererville, IN, (See Group Exhibit "7", Photos of 213th Street Crossing) and 1309 Charevoix Way, Schererville, IN, (See Group Exhibit "8", Photos of 213th Street Crossing), which demonstrate the proximity of the trains as compared to residences in and around the rail lines at 213th Street. The Town respectfully requests that a "New Quiet Zone" be established by the STB at the 213th Street Crossing as set forth under the Federal Railroad Administration at 49 CFR 222 and 229 entitled "Use of Locomotive Horns at Highway-Rail Grade Crossing", and that any necessary improvements in attaining this "New Quiet Zone" be assumed, provided, and paid for by the CN.

6. HAZARDOUS WASTE TRANSPORT

The Town is significantly concerned about the increase of hazardous materials as a result of the increased traffic on the EJ&E line. The Town is specifically concerned for the public health, safety, and welfare of the Town, regarding the well-established residential zones existing along Kennedy Avenue and the 213th Street Crossings. (See Exhibit "5", Aerial View of

Kennedy Avenue; Exhibit “6”, Aerial View of 213th Street). The Town must be provided with information and documentation of the types of hazardous material and quantities being transported by the CN. Furthermore, the Town must be provided with the safety practices/protocols and contingency plans to address spillage and all environmental response protocol and policies. The CN must be held responsible for all costs associated with any hazardous waste spillage as a result of the CN trains traversing through the Town.

7. **OTHER INFORMATION**

The Town has included for review by the STB and its affiliated agencies and representatives two (2) separate Town Council Resolutions specifying its opposition to this Transaction. (See Exhibit “9”, Resolution 2008-15; Exhibit “10”, Resolution 2008-16). Additionally, the Town is including the copies of a Petition signed by 6,352 citizens in and around Schererville opposing this Transaction. (See Group Exhibit Documents, which are being tendered separately because of the voluminous number, but referenced as Signed Petitions).

8. CONCLUSION

As demonstrated above, the Town has identified numerous affected categories in which the Town and its citizens will be directly impacted by the proposed Transaction. Accordingly, the Town respectfully requests the STB and its affiliated agencies/representatives to expand the scope of its entire analysis of the above-identified sections of the Draft Environmental Impact Statement and upon such expended scope analysis, assess against the CN the stated and specified direct mitigation requirements, and all costs related thereto.

TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA
ROBERT VOLKMANN, Town Manager
10 East Joliet Street
Schererville, IN 46375

Party of Record

AUSTGEN KUIPER & ASSOCIATES, P.C.



DAVID M. AUSTGEN



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219.663.5600
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Attorneys for Party of Record

Date Filed: September 10, 2008





TOWN OF SCHERERVILLE

David A. Dowling
Chief of Police

25 East Joliet Street, Schererville, IN 46375
Phone: (219) 322-5000
Fax: (219) 865-5529
www.ci.schererville.in.us/police

TRAFFIC SURVEY REQUEST FORM

DATE: 07-18-2008 TIME: 1041am

PERSON REQUESTING SURVEY: Town Manager Robert Volkman PHONE# 219.322.4581.

LOCATION OF SURVEY: 1) Kennedy at EJ & E Tracks (2) 213th at EJ & E Tracks

REASON FOR SURVEY (Nature of complaint)

Vehicle count for one (1) week at both locations

DEPARTMENT AUTHORIZATION SIGNATURE _____
(Chief, Deputy Chief or Commander)

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Officer Assigned to Survey: Cpl. JM Uzubell ☒

Date deployed : _____ Time: _____

Date picked up: _____ Time: _____

Data printed out by: CSL J. Uzubell
Recommendation for solution of survey



TRAFFIC SURVEY REPORT



LOCATION

Kennedy Ave @ E J & E

DATE/TIME START

7-20-2008 / 9:00 am

DATE/TIME END

7-25-2008 / 8:59 am

HOURS DEPLOYED

☐ 24 ☐ 48 ☐ 72 ☐ 96 ☒ 120 ☐ OTHER

DIRECTION	GRAND TOTAL	AVERAGE DAILY TOTAL	AVERAGE SPEED	85% SPEED	MISCELLANEOUS
NORTHBOUND LANE	22,957	5,509			
SOUTHBOUND LANE	22,493	5,414			
WESTBOUND LANE					
EASTBOUND LANE					

SUBMITTED BY: Corporal Joseph M. Uzubell
Schererville Police Department
25 East Joliet Street
Schererville, Indiana 46375
219.322.5000 ext. 318
Fax: 219.865.5529

Basic Volume Summary: KENNEDY EJ&E

Grand Total For Data From: 09:00 - 07/20/2008 To: 08:59 - 07/25/2008

Total Count	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	Total
Lane #1	251	133	99	75	128	444	571	1090	1165	1071	1235	1446	1519	1619	1761	2161	2217	2179	2076	1399	1192	938	667	441	25877
Lane #3	165	121	74	90	206	823	1954	2062	1932	1487	1449	1487	1496	1632	1699	1665	1311	1343	1516	1249	1147	753	498	241	26400
TOTAL	416	254	173	165	334	1267	2525	3152	3097	2558	2684	2933	3015	3251	3460	3826	3528	3522	3592	2648	2339	1691	1165	682	52277

Percents:	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
Lane #1	1%	1%	0%	0%	0%	2%	2%	4%	5%	4%	5%	6%	6%	6%	7%	8%	9%	8%	8%	5%	5%	4%	3%	2%	
Lane #3	1%	0%	0%	0%	1%	3%	7%	8%	7%	6%	5%	6%	6%	6%	6%	6%	5%	5%	6%	5%	4%	3%	2%	1%	
TOTAL	1%	0%	0%	0%	1%	2%	5%	6%	6%	5%	5%	6%	6%	6%	7%	7%	7%	7%	7%	5%	4%	3%	2%	1%	

ADT:	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	Total
Lane #1	50	27	20	15	26	89	114	218	233	214	247	289	304	324	352	432	443	436	415	280	238	188	133	88	5175
Lane #3	33	24	15	18	41	165	391	412	386	297	290	297	299	326	340	333	262	269	303	250	229	151	100	48	5279
TOTAL	83	51	35	33	67	254	505	630	619	511	537	586	603	650	692	765	705	705	718	530	467	339	233	136	10454

LANE #1 SOUTHBOUND

	Sun	Mon	Tue	Wed	Thu	Fri	Sat		Total	Percent
DW Totals	3384	5545	5360	5459	5319	810	0	Weekday (Mon-Fri)	22493	87%
# Days	0.6	1.0	1.0	1.0	1.0	0.4	0.0	ADT	5141	
ADT	5414	5545	5360	5459	5319	2160	0	Weekend (Sat-Sun)	3384	13%
Percent	13%	21%	21%	21%	21%	3%	0%	ADT	5414	

LANE #3 NORTHBOUND

	Sun	Mon	Tue	Wed	Thu	Fri	Sat		Total	Percent
DW Totals	3443	5514	5361	5385	5246	1451	0	Weekday (Mon-Fri)	22957	87%
# Days	0.6	1.0	1.0	1.0	1.0	0.4	0.0	ADT	5247	
ADT	5509	5514	5361	5385	5246	3669	0	Weekend (Sat-Sun)	3443	13%
Percent	13%	21%	20%	20%	20%	5%	0%	ADT	5509	

ALL LANES

	Sun	Mon	Tue	Wed	Thu	Fri	Sat		Total	Percent
DW Totals	6827	11059	10721	10844	10565	2261	0	Weekday (Mon-Fri)	45450	87%
# Days	0.6	1.0	1.0	1.0	1.0	0.4	0.0	ADT	10389	
ADT	10923	11059	10721	10844	10565	6029	0	Weekend (Sat-Sun)	6827	13%
Percent	13%	21%	21%	21%	20%	4%	0%	ADT	10923	



TRAFFIC SURVEY REPORT



LOCATION

Kennedy Ave @ E J & E

DATE/TIME START

8-19-1999 / 5:00 pm

DATE/TIME END

8-20-1999 / 3:00 pm

HOURS DEPLOYED

☒ 24 ☐ 48 ☐ 72 ☐ 96 ☐ 120 ☐ OTHER

DIRECTION	GRAND TOTAL	AVERAGE DAILY TOTAL	AVERAGE SPEED	85% SPEED	MISCELLANEOUS
NORTHBOUND LANE	5,431				
SOUTHBOUND LANE	5,410				
WESTBOUND LANE					
EASTBOUND LANE					

SUBMITTED BY: Corporal Joseph M. Uzubell
Schererville Police Department
25 East Joliet Street
Schererville, Indiana 46375
219.322.5000 ext. 318
Fax: 219.865.5529

07/24/08
9:06:34

Schererville Police Department
25 E. Joliet Street
Schererville, Indiana 46375
Traffic Survey

Page: 5
of
5

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GRAND TOTALS

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***** LANES #1, & #9 FINAL *****

	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13		
	Cycle Cars	2A-4T	Buses	2A-SU	3A-SU	4A-SU	4A-ST	5A-ST	6A-ST	5A-MT	6A-MT	Other	Error	Total	

Total Lane 1	35	161	4538	22	175	47	3	114	53	1	172	8	52	50	5431
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Lane 9	39	203	4504	18	126	49	12	102	64	6	163	8	61	55	5410
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FINAL	74	364	9042	40	301	96	15	216	117	7	335	16	113	105	10841
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Percent Lane 1	1%	3%	84%	0%	3%	1%	0%	2%	1%	0%	3%	0%	1%	1%	50%
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Lane 9	1%	4%	83%	0%	2%	1%	0%	2%	1%	0%	3%	0%	1%	1%	50%
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PERCENT	1%	3%	83%	0%	3%	1%	0%	2%	1%	0%	3%	0%	1%	1%	
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Avg. Hr Lane 1	1	7	197	0	7	2	0	4	2	0	7	0	2	2	236
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Lane 9	1	8	195	0	5	2	0	4	2	0	7	0	2	2	235
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AVERAGE HOUR	3	15	393	1	13	4	0	9	5	0	14	0	4	4	471
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Total Lane 1 <i>NS</i>	5431 (50.1%)	<i>NORTHBOUND</i>
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Lane 9 <i>SB</i>	5410 (49.9%)	<i>SOUTHBOUND</i>
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GRAND TOTAL	10841
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# Days Lane 1 :	0.96
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Lane 9 :	0.96
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COMBINED	0.96
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ADT Lane 1 :	5667
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Lane 9 :	5645
----------	------

ADT	11312
-----	-------

KENNEDY AVE / E 5th E

2



TOWN OF SCHERERVILLE

David A. Dowling
Chief of Police

25 East Joliet Street, Schererville, IN 46375
Phone: (219) 322-5000
Fax: (219) 865-5529
www.ci.schererville.in.us/police

TRAFFIC SURVEY REQUEST FORM

DATE: 07-18-2008 TIME: 1041am

PERSON REQUESTING SURVEY: Town Manager Robert Volkman PHONE# 219.322.4581.

LOCATION OF SURVEY: 1) Kennedy at EJ & E Tracks (2) 213th at EJ & E Tracks

REASON FOR SURVEY (Nature of complaint)

· Vehicle count for one (1) week at both locations

DEPARTMENT AUTHORIZATION SIGNATURE _____
(Chief, Deputy Chief or Commander)

DO NOT WRITE BELOW THIS LINE – OFFICE USE ONLY

Officer Assigned to Survey: Cpl. JM Uzubell ☒

Date deployed : _____ Time: _____

Date picked up: _____ Time: _____

Data printed out by: CSL J. Uzubell
Recommendation for solution of survey



TRAFFIC SURVEY REPORT



LOCATION

Eagle Ridge/ 213th @ EJ & E

DATE/TIME START

7-23-2008 / 8:00 am

DATE/TIME END

7-25-2008 / 8:00 am

HOURS DEPLOYED

☐ 24 ☐ 48 ☒ 72 ☐ 96 ☒ 120 ☐ OTHER

DIRECTION	GRAND TOTAL	AVERAGE DAILY TOTAL	AVERAGE SPEED	85% SPEED	MISCELLANEOUS
NORTHBOUND LANE	5,280	2,586			
SOUTHBOUND LANE	5,757	2,820			
WESTBOUND LANE					
EASTBOUND LANE					

SUBMITTED BY: Corporal Joseph M. Uzubell
Schererville Police Department
25 East Joliet Street
Schererville, Indiana 46375
219.322.5000 ext. 318
Fax: 219.865.5529

07/25/08
09:53:37

Schererville Police Department
25 E. Joliet Street
Schererville, Indiana 46375
Traffic Survey

Page: 14

cf
14

=====

GRAND TOTALS

=====

***** LANES #1, & #9 FINAL *****

	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	
	0-	20-	25-	30-	35-	40-	45-	50-	55-	60-	65-	70-	75-	80-	85-		
	19.9	24.9	29.9	34.9	39.9	44.9	49.9	54.9	59.9	64.9	69.9	74.9	79.9	84.9	89.9	Other	Total

Total Lane 1	202	1003	2695	1224	132	18	1	1	1	0	0	0	0	0	0	3	5280
Lane 9	107	1491	3193	868	78	10	0	2	2	1	0	2	0	2	1	0	5757

FINAL	309	2494	5888	2092	210	28	1	3	3	1	0	2	0	2	1	3	11037
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Percent Lane 1	4%	19%	51%	23%	3%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	48%
Lane 9	2%	26%	55%	15%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	52%

PERCENT	3%	23%	53%	19%	2%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
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Avg. Hr Lane 1	4	20	55	24	2	0	0	0	0	0	0	0	0	0	0	0	107
Lane 9	2	30	65	17	1	0	0	0	0	0	0	0	0	0	0	0	117

AVERAGE HOUR	6	50	120	42	4	0	0	0	0	0	0	0	0	0	0	0	225
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Total Lane 1	AB	5280 (47.8%)	NORTHBOUND
Lane 9	SB	5757 (52.2%)	SOUTH BOUND

GRAND TOTAL 11037

Days Lane 1 : 2.04
Lane 9 : 2.04

COMBINED 2.04

ADT Lane 1 : 2586
Lane 9 : 2820

ADT 5406

Spd Lane 1: 26.8mph
Lane 9: 26.5mph

AVERAGE 26.7mph

85% Spd Lane 1: 32.1mph
Lane 9: 30.4mph

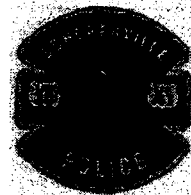
50% Spd Lane 1 : 27.5mph
Lane 9 : 26.9mph

FINAL 31.2mph
FINAL 27.2mph

EAGLE RIDGE / 213773 / E5: E



TRAFFIC SURVEY REPORT



LOCATION

213th West of EJ & E

DATE/TIME START

10-8-2003 / 4:00 pm

DATE/TIME END

10-15-2003 / 3:00 pm

HOURS DEPLOYED

☐ 24 ☐ 48 ☐ 72 ☐ 96 ☐ 120 ☒ OTHER 7 Days

DIRECTION	GRAND TOTAL	AVERAGE DAILY TOTAL	AVERAGE SPEED	85% SPEED	MISCELLANEOUS
NORTHBOUND LANE					
SOUTHBOUND LANE					
WESTBOUND LANE	26,754	3,822			
EASTBOUND LANE	34,868	4,981			

SUBMITTED BY: Corporal Joseph M. Uzubell
Schererville Police Department
25 East Joliet Street
Schererville, Indiana 46375
219.322.5000 ext. 318
Fax: 219.865.5529

07/24/08
08:38:11

Schererville Police Department
25 E. Joliet Street
Schererville, Indiana 46375
Traffic Survey

Page: 17

OF
17

GRAND TOTALS

213th West of ES: E

***** LANES #1, & #9 FINAL *****

#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16
0-	20-	25-	30-	35-	40-	45-	50-	55-	60-	65-	70-	75-	80-	85-	
19.9	24.9	29.9	34.9	39.9	44.9	49.9	54.9	59.9	64.9	69.9	74.9	79.9	84.9	89.9	Other Total

Total Lane 1	125	96	173	943	6868	15234	8937	1889	339	84	50	30	16	12	9	63	34868
Lane 9	31	34	152	1172	6048	10412	6316	1930	356	107	42	28	21	13	12	80	26754

FINAL	156	130	325	2115	12916	25646	15253	3819	695	191	92	58	37	25	21	143	61622
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Percent Lane 1	0%	0%	0%	3%	20%	44%	26%	5%	1%	0%	0%	0%	0%	0%	0%	0%	57%
Lane 9	0%	0%	1%	4%	23%	39%	24%	7%	1%	0%	0%	0%	0%	0%	0%	0%	43%

PERCENT	0%	0%	1%	3%	21%	42%	25%	6%	1%	0%	0%	0%	0%	0%	0%	0%	0%
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avg. Hr Lane 1	0	0	1	5	40	90	53	11	2	0	0	0	0	0	0	0	207
Lane 9	0	0	0	6	36	61	37	11	2	0	0	0	0	0	0	0	159

AVERAGE HOUR	0	0	1	12	76	152	90	22	4	1	0	0	0	0	0	0	366
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Total Lane 1 ES	34868 (56.6%)	EAST BOUND
Lane 9 WB	26754 (43.4%)	WEST BOUND

GRAND TOTAL 61622

Days Lane 1 : 7
Lane 9 : 7

COMBINED 7

ADT Lane 1 : 4981
Lane 9 : 3822

ADT 8803

avg Spd Lane 1: 42.9mph
Lane 9: 42.9mph

AVERAGE 42.9mph

85% Spd Lane 1: 48.4mph 50% Spd Lane 1 : 43.0mph
Lane 9: 48.8mph Lane 9 : 42.8mph

FINAL 48.6mph FINAL 42.9mph

213th W of ES: E



TRAFFIC SURVEY REPORT



LOCATION

Eagle Ridge @ EJ & E

DATE/TIME START

12-13-1999 / 8:00 am

DATE/TIME END

12-15-1999 / 9:00am

HOURS DEPLOYED

☐ 24 ☒ 48 ☐ 72 ☐ 96 ☐ 120 ☐ OTHER

DIRECTION	GRAND TOTAL	AVERAGE DAILY TOTAL	AVERAGE SPEED	85% SPEED	MISCELLANEOUS
NORTHBOUND LANE	4,494	2,157			
SOUTHBOUND LANE	4,343	2,085			
WESTBOUND LANE					
EASTBOUND LANE					

SUBMITTED BY: Corporal Joseph M. Uzubell
Schererville Police Department
25 East Joliet Street
Schererville, Indiana 46375
219.322.5000 ext. 318
Fax: 219.865.5529

07/24/08
08:34:33

Schererville Police Department
25 E. Joliet Street
Schererville, Indiana 46375
Traffic Survey

GRAND TOTALS

***** LANES #1, & #9 FINAL *****

	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	
	Cycle	Cars	2A-4T	Buses	2A-SU	3A-SU	4A-SU	4A-ST	5A-ST	6A-ST	5A-MT	6A-MT	Other	Total
Total Lane 1	0	3377	669	1	37	12	11	66	28	4	99	6	33	4343
Lane 9	3	3156	1056	8	24	10	9	61	41	3	92	6	25	4494
FINAL	3	6533	1725	9	61	22	20	127	69	7	191	12	58	8837
Percent Lane 1	0%	78%	15%	0%	1%	0%	0%	2%	1%	0%	2%	0%	1%	49%
Lane 9	0%	70%	23%	0%	1%	0%	0%	1%	1%	0%	2%	0%	1%	51%
PERCENT	0%	74%	20%	0%	1%	0%	0%	1%	1%	0%	2%	0%	1%	
Avg. Hr Lane 1	0	67	13	0	0	0	0	1	0	0	1	0	0	86
Lane 9	0	63	21	0	0	0	0	1	0	0	1	0	0	89
AVERAGE HOUR	0	130	34	0	1	0	0	2	1	0	3	0	1	176

Total Lane 1 *SB* 4343 (49.1%) *SOUTHBOUND*
Lane 9 *NB* 4494 (50.9%) *NORTHBOUND*

GRAND TOTAL 8837

Days Lane 1 : 2.08
Lane 9 : 2.08

COMBINED 2.08

ADT Lane 1 : 2085
Lane 9 : 2157

ADT 4242

EDGE ROAD C E J. E

3



Town of Schererville

10 E. JOLIET ST. • SCHERERVILLE, IN 46375
PHONE (219) 322-2599 • FAX (219) 865-5506

Miss Phillis Johnson-Ball
Surface Transportation Board
395 E Street, Southwest
Washington D.C. 20423-0001

September 8th, 2008

Dear Miss Johnson-Ball,
Please accept this letter as formal declaration of my concerns for public safety in the Town of Schererville in regards to the proposed acquisition of the EJ & E Railroad by the CN Railroad.

First, I would like to make it very clear that I am in fact in favor of economic advancement for any company. The American dream is to continue to prosper in business and I believe that all entities are entitled to that. I am however very concerned about the impact of this proposed purchase.

The Town of Schererville has two areas that the current EJ & E Railroad tracks cross. They are on Kennedy Ave. and 213th St. so I will address both of these crossings independently.

Kennedy Ave. is a very heavily traveled North / South corridor in Schererville. In fact, due to the amount of heavy traffic on US 41, a major artery in Schererville, many commuters opt to travel along Kennedy Ave. en route to work, returning to Schererville and in order to reach the Northern areas of our county. The Schererville Fire Department as well utilizes Kennedy Ave. as we respond to the Northern areas of Schererville for the same very reason. However, Kennedy Ave. has it's faults. It is a very narrow thoroughfare. Even when traffic is light, there is little room for the large Schererville Fire Department vehicles to safely pass pulled over motorists. Secondly, when there is a train and the traffic has been stopped, when the tracks do clear, we are presented with a very narrow passageway since the street has very low shoulders and almost a non-existent berm for cars to pull onto. In the event that this crossing is blocked, and the Schererville Fire Department is en route and cannot pass, we are forced to do one of two things. First, we may be stuck in a grid lock of other trapped motorists except for the fact that we are en route to either save a life or to extinguish a fire. Thus, we cannot continue to our destination. Secondly, if we are in fact able to "re-route", we would be forced to completely double back South on Kennedy, proceed to Rt. 30 and then continue to US 41 North bound. This time lost could equate to lives lost or to homes and / or businesses destroyed. A fire can double in size in less than 1 minute and a person not breathing and without a pulse may begin to suffer brain damage in four to six minutes. This time delay may seem like an eternity when on the receiving end of a 911 call and will mean the difference between life and death.



Town of Schererville

10 E. JOLIET ST. • SCHERERVILLE, IN 46375
PHONE (219) 322-2599 • FAX (219) 865-5506

I have even a greater concern for the 213th St. crossing. There is a housing development consisting of 250 residences in the "Briar Cove" development. These residents' become completely isolated from emergency services during rail traffic now with approximately ten trains per day. With the proposed acquisition, the rail traffic will triple. In fact, per CN Railroad figures provided, we will have a train cross at this and our Kennedy Ave. crossing every 42 minutes! Additionally, the current tracks actually run parallel with this development on the South side. Not only will this subdivision be isolated from emergency services, they also have to endure the increased noise pollution as well as the increased particulate releases from the operation of these locomotives. When the 213th St. rail crossing is blocked, the Schererville Fire Department will have to actually travel approximately six miles, and thru the Town of Dyer Indiana in order to respond to any citizens' distress calls.

In both cases, I might also add that I have serious concerns about railroad traffic in general. With a train passing through Schererville every 42 minutes, we will have an increased risk for pedestrian accidents, vehicle accidents, train derailments and the possible emission and / or leaking of hazardous material being transported by rail.

I have a proposed solution to both areas of concern. First, at the Kennedy Ave. crossing I would suggest an overpass, built by the CN Railroad, in order to alleviate the concern of the blocked crossing. The overpass would allow emergency responders to effectively avoid any rail traffic on Kennedy Ave. thus preventing a delay in emergency response to our Northern area of Schererville. Secondly, at the 213th St. crossing, I would suggest the alignment and extension of 213th St. East and North of it's current location to intersect with US 41 North of the current railway overpass thus allowing emergency responders to avoid rail crossing completely and preventing the alienation of those 250 residences. Additionally, as a service to the residents of "Briar Cove", I would have the CN railroad install, plant and / or create substantial sound reducing barriers either of organic or non-organic materials and to also provide the necessary beautification in order not to reduce the value of their properties and to prevent the deterioration of their current property aesthetics.

In conclusion, as Fire Chief I feel it necessary for me to bring my concerns to your attention. I am optimistic that the CN Railroad will have an attentive ear to my concerns and suggestions and will apply good judgment as they move forward.

If I can answer any questions, please feel free to ask.

A handwritten signature in black ink, appearing to read "Joseph M. Kruzan", is written over a horizontal line.

Joseph M. Kruzan
Fire Chief
Schererville Fire Department

4



TOWN OF SCHERERVILLE

Daniel J. Smith
Chief of Police

25 East Joliet Street, Schererville, IN 46375
Phone: (219) 322-5000
Fax: (219) 865-5529
www.schererville.org

September 8, 2008

Ms. Phillis Johnson-Ball
Surface Transportation Board
395 E Street, Southwest
Washington, D.C. 20423-0001

RE: STB Finance Docket No. 35087

Dear Ms. Johnson-Ball,

The purpose of my letter is to bring to your attention the negative impact the proposed acquisition by the Canadian National Railway Company (CN) of the Elgin, Joliet & Eastern Railway Company (EJ&E) will have on the Schererville Police Department's ability to provide timely public service.

The purposed increase from 10 trains a day to 34 trains, will have a major impact on the response times of Schererville's public safety agencies.

The two railroad crossings within the Town of Schererville that are of concern to the police department are at 213th Street and Kennedy Avenue. 213th Street is the only roadway available for the police department to directly service residents of the Briar Cove Subdivision. Briar Cove is a subdivision with well over 250 homes located on Schererville's western boundary and borders the Town of Dyer.

In an emergency, the response time of officers is critical to the proper and efficient handling of the situation. Response times are dependent on the amount of time responders must wait at a railroad crossing or the time caused utilizing alternatives.

The lengths of trains vary. A train of a minimum of one (1) mile long traveling through the 213th Street Crossing would cause a delay of three (3) minutes, at best, due to the closed crossing, and a time-in-queue of an even greater magnitude due to the traffic congestion caused by the delay. This does not even take into account the amount of time the gates would close the crossing prior to the train's arrival and after it has passed.

In the event that a train is stopped, totally blocking the crossing, emergency responders would be forced to drive around the train in order to respond to the Briar Cove Subdivision. This would involve responders having to travel south and then west through the Town of Dyer to access Calumet Avenue. The total detour around the train is over five (5) miles through heavy traffic.

The response time is greatly impacted by the detour and also effects the safety of the emergency responders. The additional time and number of intersections that emergency responders would need to travel through, escalates the potential for traffic crashes while units are responding in an emergency mode.

While looking at the crossing on Kennedy Avenue, there are similar issues involving response time and the traffic congestion caused by additional train traffic. The police department services over 138 residential homes and businesses north of the crossing on Kennedy Avenue. The delay to emergency responders is similar to that of the 213th Street Crossing and if a train were to totally block the crossing, as it has on numerous occasions in the past, officers would be forced again to detour over five (5) miles in order to just reach Kennedy Avenue.

The proposed increase in train traffic through the Town of Schererville would negatively impact the response times of emergency responders and should be taken into consideration prior to approving the proposed acquisition.

Thank you for your time in this matter and if you have any questions, please do not hesitate to contact me.

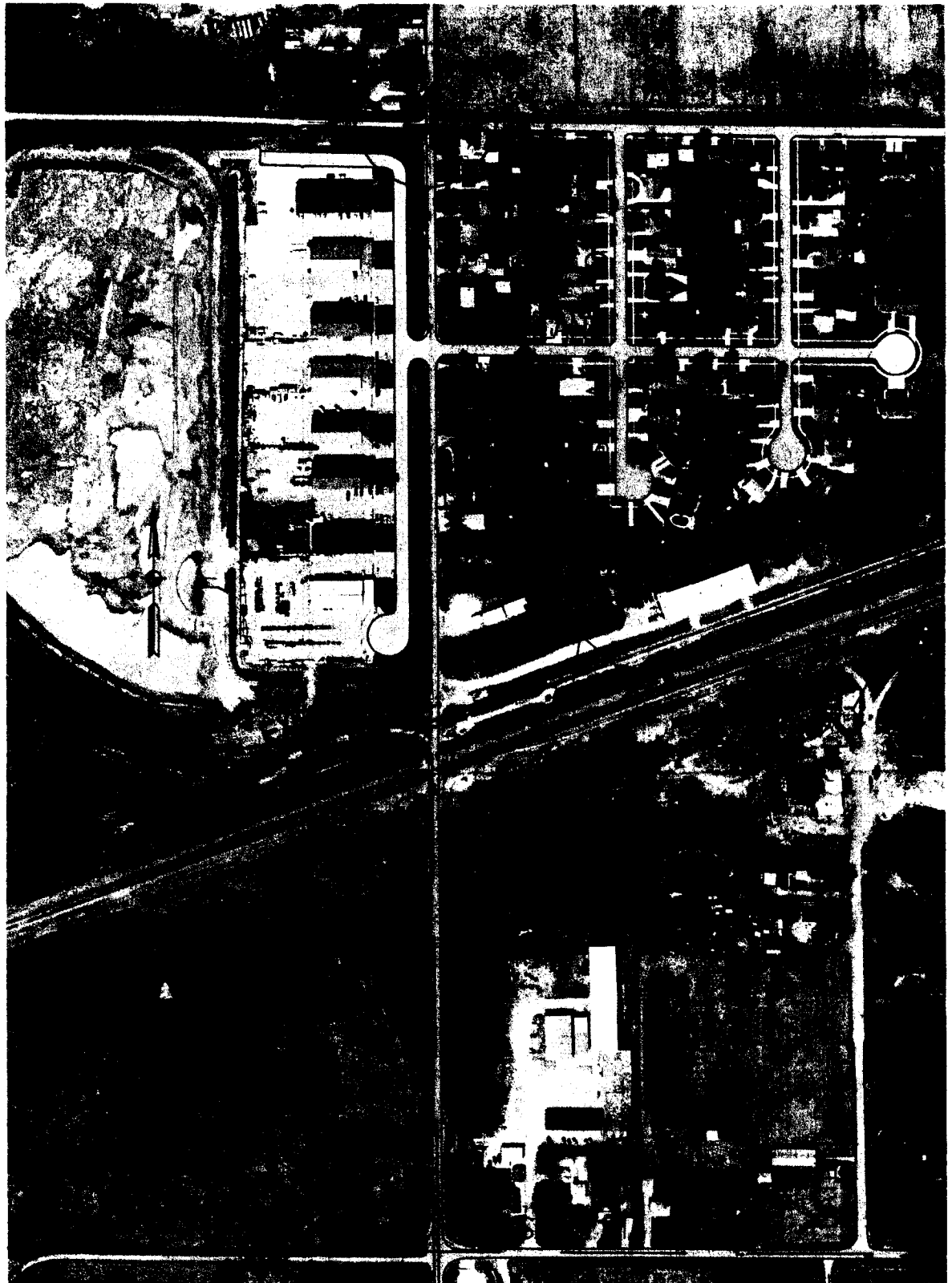
Sincerely,



Daniel J. Smith
Chief of Police

Cc: Mr. Robert Volkmann, Schererville Town Manager
Mr. Peter Sormaz, Schererville Metropolitan Police Commission
File

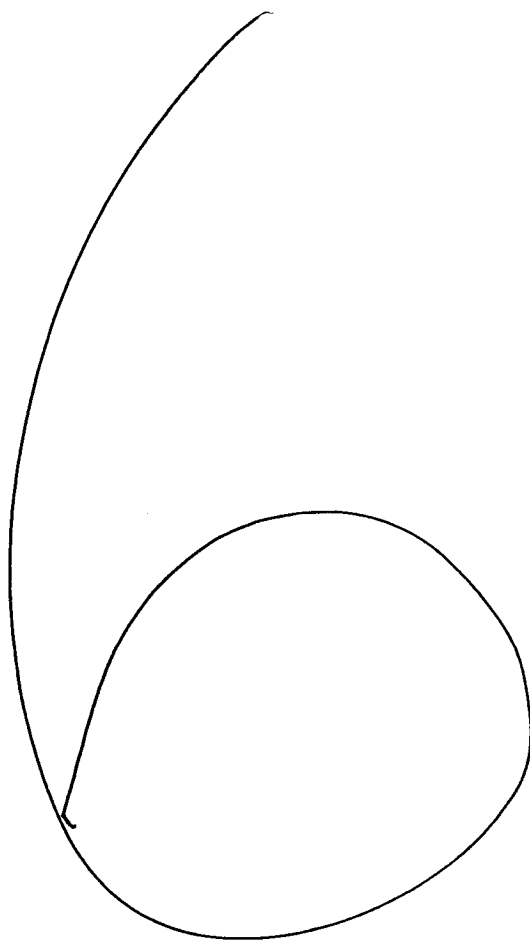
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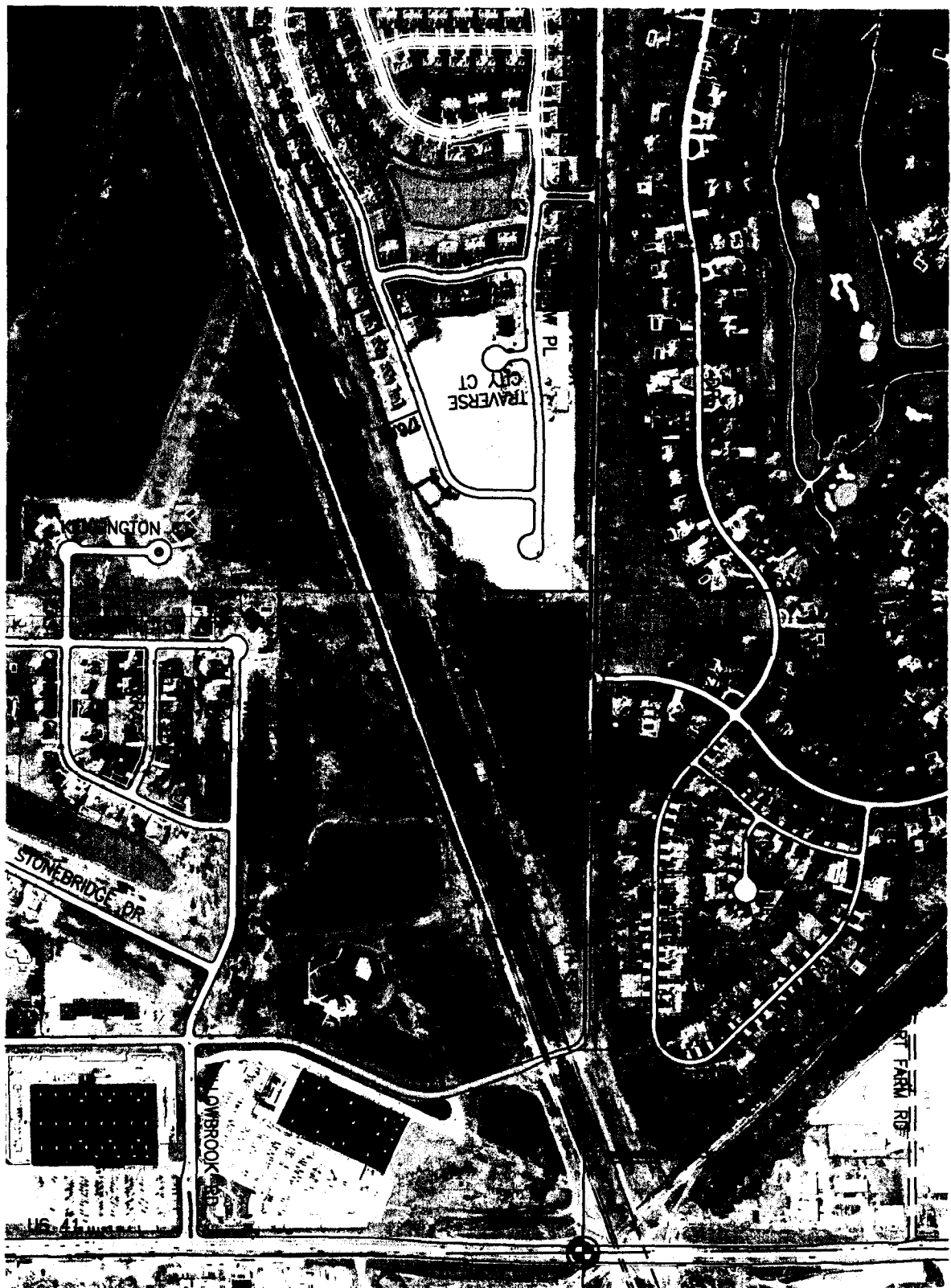


SHEET 2 OF 2	Designed: NJS	Customer:	TOWN OF SCHERERVILLE
	Drawn: GMP	Project Name:	EJ&E RAILROAD MAP
	Checked: NJS	Project Number:	50-725-95
		Date & Time:	09/05/08 - 11:58
Drawing Title:		RAILROAD TRACK	
Sub Title:		CROSSING AT KENNEDY AVE.	
Drawing Filename:		X:\Projects\Schererville\50-725-95\CN_EJ&E R.R. AREA.DWG	
Horizontal Scale:		NONE	Vertical Scale: NONE



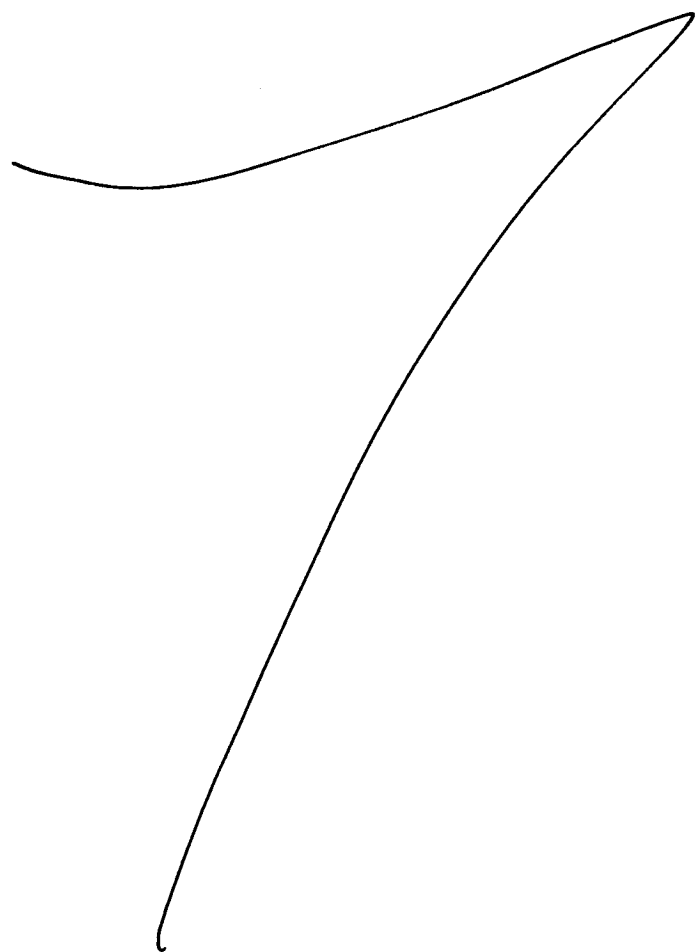
engineering, inc.
 2421 173rd Street, Hammond, Indiana. 46323
 Phone: (219) 844 8680 Fax: (219) 844 7754
 Your Vision • Our Focus





SHEET 1 OF 2	Designed: NJS	Customer:	TOWN OF SCHERERVILLE
	Drawn: GMP	Project Name:	EJ & E RAILROAD MAP
	Checked: NJS	Project Number:	50-725-95
		Date & Time:	09/05/08 - 11:58
Drawing Title:		RAILROAD TRACK	
Sub Title:		CROSSING AT 213TH ST.	
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Horizontal Scale:		NONE	Vertical Scale: NONE

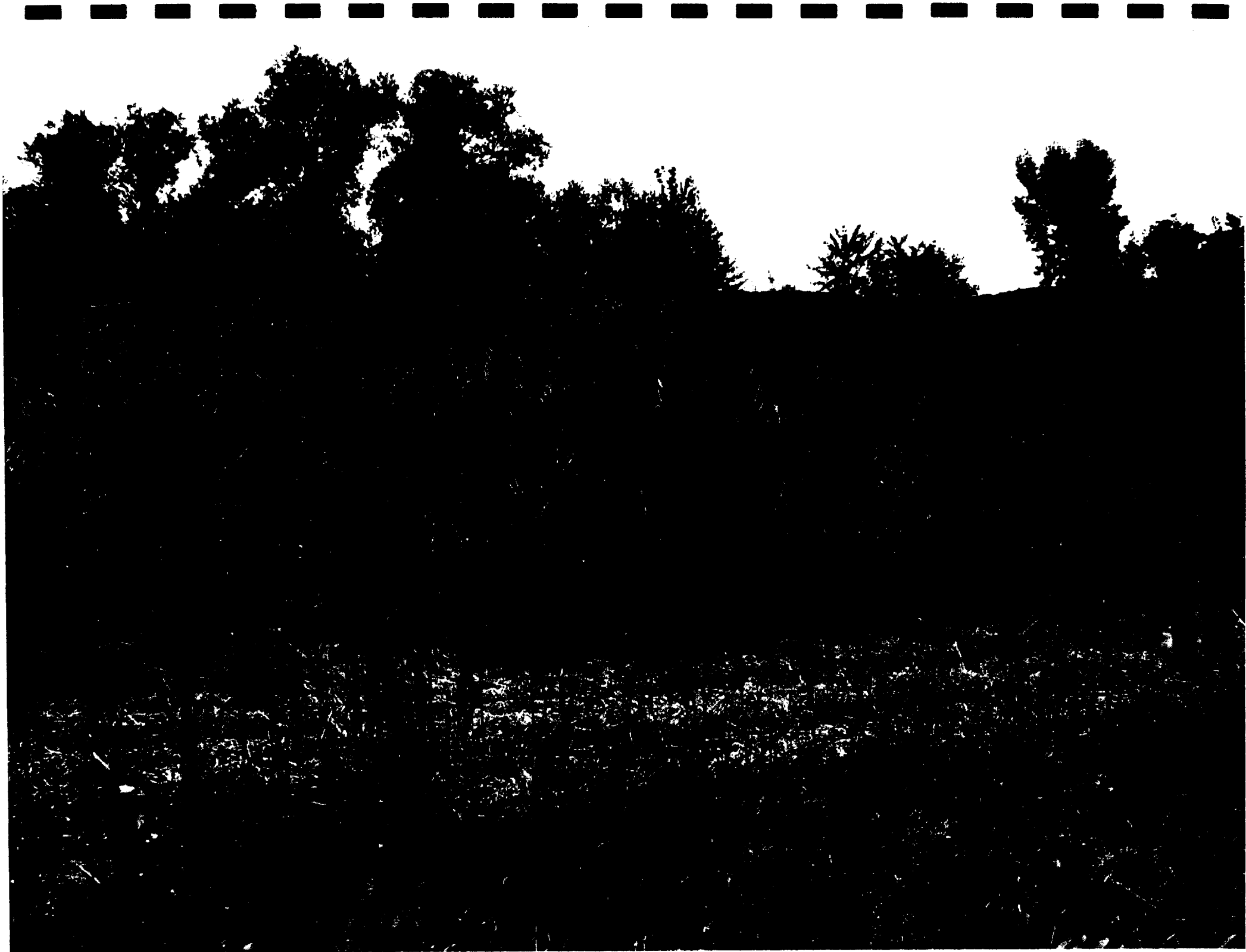

engineering, Inc.
 2421 173rd Street, Hammond, Indiana. 46323
 Phone: (219) 844 8880 Fax: (219) 844 7754
 Your Vision • Our Focus

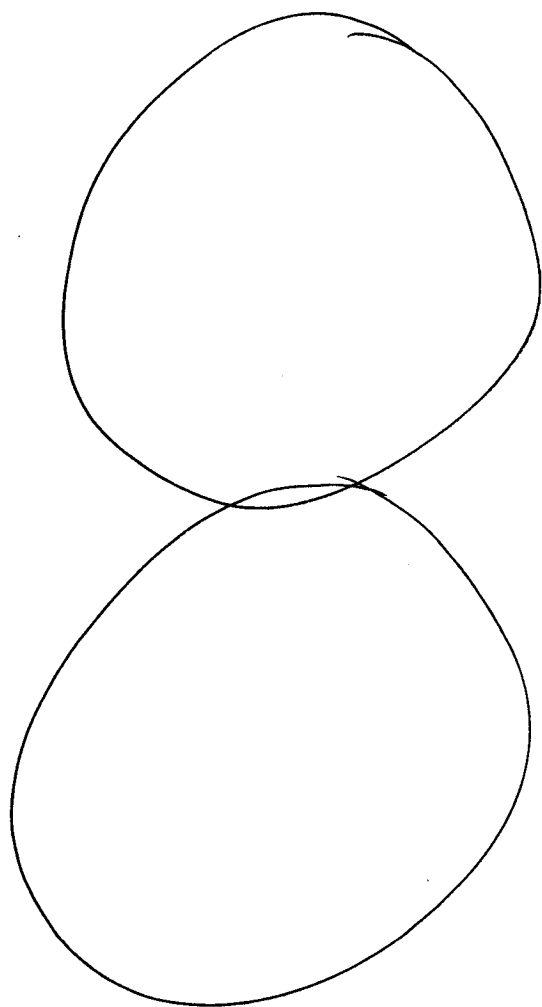














9

TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA

RESOLUTION NO. 2008- 15

A RESOLUTION OBJECTING TO THE PROPOSED ACQUISITION OF THE EJ&E WEST COMPANY BY THE CANADIAN NATIONAL RAILWAY CORPORATION, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that on October 30, 2007, the Canadian National Railway Corporation along with its United States 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, a wholly owned subsidiary of the Elgin, Joliet and Eastern Railway Company (collectively, "EJ&E"); and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that the acquisition as presently represented by the CN would effectively relocate a significant amount of rail freight traffic that presently moves on established rail lines in and proximate to the City of Chicago, Illinois, to various sections of the EJ&E rail lines presently located north, west, south and east in the Counties of Cook, DuPage, Will and Lake in the State of Illinois, and in the County of Lake in the State of Indiana; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that the proposed increase in rail freight traffic resulting from the suggested and proposed acquisition by the CN will create substantive adverse impacts and negatively impact the quality of life in communities along and adjacent to the EJ&E including, but not limited to, increased vehicular delay time for motorists and emergency vehicles, increased emissions, the potential for additional train and motor vehicle accidents, additional rail traffic carrying hazardous materials, and the need for additional quiet zones; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that the acquisition as proposed will have significant ancillary and cumulative effects on portions of the region affected by this transaction in that that planned Metra Suburban Transit Access Route (the "STAR" Line) that is intended to utilize segments of the existing EJ&E corridor to provide a suburban commuter passenger rail line and the first of its kind in the region of northeastern Illinois, will be jeopardized and its future viability uncertain should said acquisition take place; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that many of the cities, villages and towns represented in this regional consortium of local governments now effectively known as The Regional Answer to the Canadian National (TRAC), have been active participants in the planning of the "STAR" Line improvement, and have provided funding for analysis and for the purchase of right-of-way for vehicular parking and train stations; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that the proposed acquisition by the CN would increase daily train traffic to as many as forty-five (45) trains per day, a three-fold increase in the transport of hazardous materials, and an eight-fold increase in the number of gross tonnage moving through various segments of the EJ&E corridor, some of whose roadways carry an average daily traffic in excess of forty-five thousand (45,000) vehicles; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that local political jurisdictions which are adversely impacted by the proposed acquisition have now mobilized and come together as a singular body to allocate both personnel and financial resources to oppose said transaction; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has, based upon its own review assessment as well as due diligence from the regional consortium of local governments joined in TRAC, determined that it is necessary, appropriate, and in the best interests of the residents of Schererville to object to the proposed acquisition of the EJ&E West Company by the Canadian National Railway Corporation, and join the formal objection and opposition as a Member of TRAC for the reasons set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That the Town of Schererville, Lake County, Indiana, by its duly elected Town Council, does hereby formally object to and oppose the proposed acquisition of the EJ&E by the CN; further, the Town of Schererville hereby joins TRAC for such purposes.

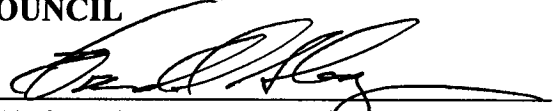
SECTION TWO: That the Town of Schererville, Lake County, Indiana, concurs that the Members of TRAC do formally object and oppose the proposed acquisition of the EJ&E by the CN, and communicate said opposition to the Surface Transportation Board on behalf of the residents of such participating TRAC member communities or local governmental units, and all those entrusted to its health and welfare in the region.

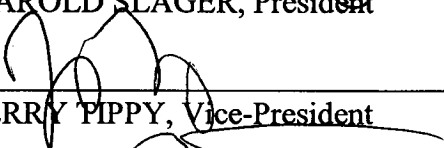
SECTION THREE: The Town Administrative Staff and Clerk-Treasurer are hereby directed and requested to transmit and distribute a copy of this Resolution to the Chairman of the STB, the United States Department of Transportation, the Illinois Commerce Commission, and Governor of the State of Illinois, the Governor of the State of Indiana, Congressional and State legislative delegations, the TRAC Member communities, and the President of the CN.

SECTION FOUR: That this Resolution shall take effect, and be in full force and effect from and after its approval and passage by the Town Council of the Town of Schererville herein.

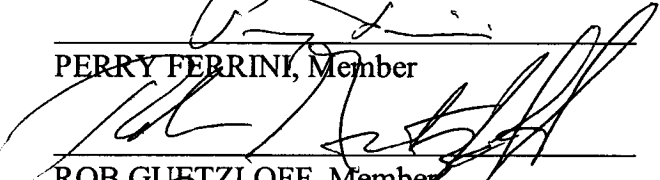
ALL OF WHICH IS PASSED AND RESOLVED THIS 14TH DAY OF MAY, 2008, BY THE TOWN COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA.

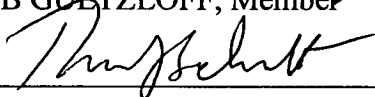
TOWN OF SCHERERVILLE,
LAKE COUNTY, INDIANA, TOWN
COUNCIL


HAROLD SLAGER, President

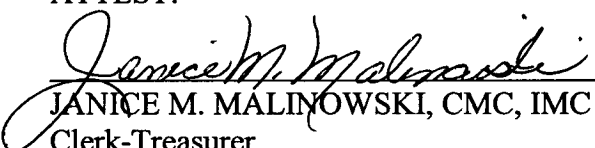

JERRY PIPPY, Vice-President


PERRY FERRINI, Member


ROB GUETZLOFF, Member


THOMAS J. SCHMITT, Member

ATTEST:


JANICE M. MALINOWSKI, CMC, IMC
Clerk-Treasurer

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TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA

RESOLUTION NO. 2008-16

A RESOLUTUION TO STATE THE POSITION OF THE TOWN OF SCHERERVILLE TO SUPPORT CERTAIN REGIONAL OPPOSITION TO THE CANADIAN NATIONAL RAILWAY PURCHASE OF THE EJ&E, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that on October 30, 2007, Canadian National Railway Corporation, along with its United States 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, a wholly owned subsidiary of the Elgin, Joliet and Eastern Railway Company (collectively, "EJ&E"); and the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that many communities, encompassing a large population, would be negatively impacted by the overwhelming increase of freight traffic CN plans to run and operate on the EJ&E railroad based upon its current projections, as well as the traffic on slot that would ensue with planned expansion of the Port of Prince Rupert, Canada; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, agrees that the affected communities should properly be united in a concern that the negative community impacts on safety, traffic gridlock, property values and overall quality of life along the EJ&E created by this acquisition cannot now, or ever, be adequately resolved to accommodate transform in the EJ&E from the equivalent of a small country road into a rail freight "super highway"; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that the subject purchase by the CN would further aggravate commuter gridlock into the future by precluding the use of the EJ&E for the planned Metra Commuter Rail Star Line; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, agrees in the concept of good corporate citizenship whereby a business seeking to open or develop in an American Community is required to be a good citizen and make infrastructure investment that integrates that business into the community in which it is locating so that all adverse impacts are addressed and/or eliminated; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, has been informed and advised that the cost of fully mitigating the community problems and circumstances CN would create through its operations on the EJ&E would cost and run into the billions of dollars; that in spite of these estimated costs of impact in communities from the proposed CN purchase, the record and information available to date indicates commitment by CN to funding these mitigation circumstances as approximately \$30 million to \$40 million of such costs; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, agrees that it is not in the interests of American taxpayers, including those resident citizens of the Town of Schererville, nor their obligation, to underwrite and pay for mitigation costs for a private sector business transaction benefiting a foreign corporation; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, agrees and acknowledges that freight congestion in Chicago is a reality, and that addressing and resolving this circumstance is a matter of careful planning followed by a commitment of substantial funding to complete the resolution identified; it is acknowledged that this planning has been developed through a project started a decade or more ago called CREATE; and

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana, agrees, at the present time, based upon the information and assessment of the circumstances presented by the proposed purchase of the EJ&E by CN, that this Town should properly oppose, and join regional opponents, to the CN application to acquire the EJ&E, for the reasons set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That the Town of Schererville agrees CREATE should be pursued and implemented as the regional solution for railroad freight congestion.

SECTION TWO: That in the event Canadian National Railway continues to pursue its acquisition of the EJ&E and its application for same with the STB, then, CN should properly be held to the same corporate community standards for business operations as American businesses are required at this present time, as well as into the future as it conducts its business operations in this Country.

SECTION THREE: That the Town of Schererville will continue to oppose the CN proposed purchase of the EJ&E, and join regional opposition to such purchase until the CN commits to the financial investment necessary and required to mitigate and resolve the circumstances and problems in the effected communities, including the Town of Schererville, consistent with the appropriate and recognized standards of conduct for a business operation such as this railroad in this Country, and in particular, in the affected area which is the subject of the purchase proposed.

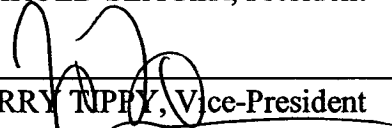
SECTION FOUR: That the Town Administrative Staff and Clerk-Treasurer are hereby directed to distribute and disseminate this Resolution, upon its passage and approval, to the participating communities and units of local government opposing the transaction, and all print and media publications as is deemed appropriate.

SECTION FIVE: That this Resolution shall take effect, and be in full force and effect, from and after its passage and approval.

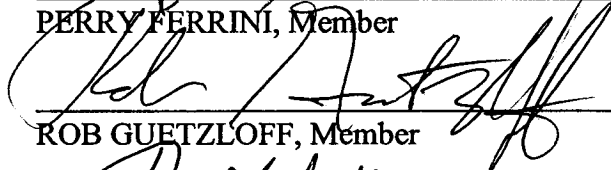
ALL OF WHICH IS RESOLVED THIS 14TH DAY OF MAY, 2008, BY THE
TOWN COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA.

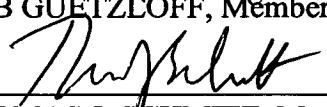
TOWN OF SCHERERVILLE,
LAKE COUNTY, INDIANA, TOWN
COUNCIL


HAROLD SLAGER, President

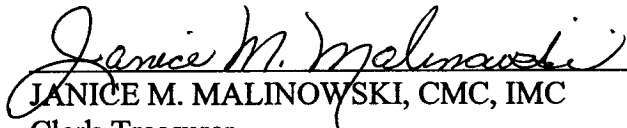

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