

City of Warrenville

September 25, 2008

28W701 Stafford Place • Warrenville, IL 60555
630/393-9427 • FAX 630/393-6948

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

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

Dear Ms. Johnson-Ball:

The City of Warrenville has reviewed the draft Environmental Impact Statement (EIS) and has the following comments and concerns as it relates to this proposed transaction's impacts on our community.

CN indicates that they are proposing to construct 19 miles of double track. The draft EIS notes that railroads may add trackage and change operations within their existing right-of-way at any time without STB approval. So should this transaction be approved, double tracks may be added at any time along the EJ&E. In their application, CN admits that their use of the EJ&E tracks would be at or near train volume capacity and would not be exceeded without upgrades. In addition, certain future rail traffic growth is contemplated by CN in its operating plan through 2015, but specific details are not provided. How can the City of Warrenville (or the STB) properly evaluate the potential environmental and quality of life impacts on those residents whose homes abut the tracks - sometimes only 40 feet away - without knowing what CN's future plans are related to train traffic?

While CN may or may not add tracks following its purchase to increase capacity, they have not indicated a willingness to do so for implementation of the STAR line. The STB determined that CN's purchase would not preclude the implementation of the STAR line, but could introduce potential operational complexities. This commentary ignores the reality that with CN's plans to maximize the use of these tracks and their unwillingness to add tracks for Metra's use, the STARline is not viable. The STB avoids addressing this paradox by noting only "operational complexities."

In evaluating safety, the STB based their analysis on the rate of train accidents per million train-miles and concluded that the likely rate of train accidents would decline following the purchase. However, if CN increases train volume as proposed, the total number of train accidents on the EJ&E would likely increase by 28% compared to making no change to

existing train volume. The City of Warrenville is very concerned about the safety of its residents. Warrenville households abut the tracks along with a park and elementary school. Such an increase in accidents puts Warrenville families at risk. How will this risk be mitigated?

Hazardous material transportation key routes would increase from two to 14 on the EJ&E, thereby increasing the risk of hazardous material release. The City has a very serious concern about the potential danger from hazardous material spills because of our shallow aquifer. The City does not utilize Chicago water like much of the Chicagoland area. Our water comes from shallow aquifers under the City. Contamination of the aquifers would lead to a serious health hazard in Warrenville. It appears the STB only analyzed potential construction sites for track upgrades and Warrenville was not among those determined to be potentially affected by contaminated water in the event of a spill.

Has the STB considered how increased train traffic would impact the use of the pedestrian pathway that crosses the tracks and the safety of its users? The STB was unable to quantify potential accidents involving pedestrians or bicycles because they were not able to identify any agencies that keep data on such incidents. The draft EIS did, however, conclude that the consequences of increased train traffic would increase the *risk* of such accidents. Naturally, agencies are required to report an injury or fatal accident related to rail traffic to the Illinois Commerce Commission, who maintains data on such incidents. Has the STB reviewed this data and estimated potential safety risks for path users with this purchase?

The STB identified 112 highway/rail at-grade crossings and only 87 met the threshold for environmental analysis. Those that did not, including Warrenville, had less than 2,500 vehicles in Average Daily Traffic (ADT). According to the City's most recent count done in 2007, the Batavia Road crossing actually has 3,056 ADT.

The STB concluded that while overall property values would not be affected, there could be potential adverse effects to individual property owners *adjacent to or near* the EJ&E rail line. *The STB found that some homes within 250 feet of the rail line with 20 additional trains could experience a decrease in property value.* This description characterizes a significant amount of homes within Warrenville. How will CN mitigate the severe economic impact on these residents, particularly given the strained economic environment in the real estate market?

Among the 22 parks located within 500 feet of the tracks, STB felt that they would experience increased levels of noise and vibration and changes in air quality. Warrenville's Summerlakes Park is bordered by the EJ&E tracks. This park is used regularly throughout the spring and summer, hosting baseball tournaments for children from all around the state.

It is the STB's position that vibrations by heavy freight trains *rarely* cause structural damage or even cosmetic damage to buildings. The study considers vibration impact on FermiLab, but not residential properties along the tracks. At least two Warrenville residents have

indicated structural damage to their home based on train vibration. Repairs for such damage were costly. Coupled with the reduced property values, this transaction would make many homes virtually worthless.

The Warrenville City Council has taken a position of opposition to this proposed purchase with the passage a Resolution 2008-30 on July 21, 2008. It is our belief that this proposed transaction will have a negative impact on the quality of life for Warrenville residents. We ask the Surface Transportation Board to seriously consider the negative environmental, economic, and safety impacts on our community and those like it and rule against this transaction.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Brummel", written over the printed name.

David L. Brummel
Mayor

cc: Warrenville City Council
Judy Biggert, U.S. Representative – 13th District
Bill Foster, U.S. Representative – 14th District

DLB/jm