

January 9, 2008

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

RE: Comments on Draft Scope of Work for the Draft Environmental Impact Statement for the Proposed Canadian National Railway Company Acquisition of the Elgin, Joliet and Eastern Railway Company, STB Finance Docket NO. 35087

Dear Sir or Madam,

Westwood is a neighborhood of 46 homes in Barrington, Illinois, in the northwest suburbs of Chicago which borders the east of the EJ&E rail tracks just south of Main Street. Our homeowners association has many concerns concerning the acquisition by the Canadian National purchase of the EJ&E railroad which we address in this petition. We know this is a lengthy process and also understand that the STB will look at all aspects during the Environmental Impact Study (EIS). We appreciate your time and effort in this matter.

We have reviewed Appendix A Draft Scope of the EIS work (scope) of the Surface Transportation Board's (STB) Decision on FD 35087 and finds it to be inadequate. We believe that the scope does not meet the intent of the National Environmental Policy Act (NEPA) or the requirements of the STB's own CFR 1105.7. The scope also fails to identify, even in the most general terms, the local, state and federal agencies that will be used in coordination on various sections of the document. Our brief contact with local County Forest Preserve agencies indicates many of these jurisdictions are unaware of the pending action and that the timing of this process and its announcements over the Christmas holiday period clearly has resulted in numerous agencies being left unaware, if in fact they were notified at all.

The safety, traffic and noise and vibration sections provide for a generalized and estimated evaluation where CFR1105.7 requires specific and measured evaluations. The scope is overly vague in its descriptions of the evaluations, listing no specific locations or operations that will be covered. The scope must address the environmental issues of impacts on the extensive multi-county Forest Preserve system with its protected, threatened and endangered species as well as the threats to the Illinois listed threatened and endangered species. The scope fails to address CFR 1105.7 (10) – proposed mitigation and CFR 1105.7 (11) requirements for additional rail constructions.

The evaluation of the double tracking of such an extensive line should not evaluate a narrow, federally focused set of questions. We therefore formally request that the STB revise and expand the Draft Scope of Work in the following ways.

Questions and Comments on Environmental Impact Categories:

1. Safety Impacts

An issue of utmost concern is the safety of our children that travel to and from school on our school buses. According to statistics from the Community Unified School District 220 president, busses cross the tracks a minimum of 375 times daily. Most residents remember the 1995 incident where 7 students were killed and 21 injured because a bus bisected the METRA tracks by six inches. With the increased train traffic on two perpendicular sets of tracks the likelihood of such accidents will increase tremendously.

The 49CRF 1105.7 states that an EIS must “(i) describe any effects of the proposed action on public health and safety (Including vehicle delay time at railroad grade crossings), (ii) if hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant’s safety record on derailments, accidents and hazardous spills; (in the case of CN, corporate-wide in North America, not just on local routes); the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials; (iii) if there are any known hazardous waste sites or sites where there have been hazardous materials spills on the right of way, identify the location of those sites and the types of hazardous materials involved.”

We recognize that there are trade offs in any changes to freight handling throughout the region. The present scope does not provide enough information to consider the safety tradeoffs of removing traffic from downtown Chicago and placing it in the less dense suburban areas surrounding the City. The threshold of 2500 ADT for accident rate forecasting does not provide the level of evaluation needed to evaluate local transportation impacts or impacts to sensitive receptors. The proposed threshold may be appropriate for a dense urban area such as the crossings within the City of Chicago. It is not an appropriate level for the more suburban densities found along much of the EJ&E alignment.

- We request that the CN’s operational safety record in both Canada and the United States be examined and reflected in the accident rate evaluations. Specific facts and incidents we are aware of include:
 1. • Rising rail accidents and derailments since 2002
 2. Poor maintenance, human error, an over reliance on technology and staff cuts were contributing factors for the most serious accidents.

3. Transportation of dangerous goods going through populated areas and going through environmentally very sensitive areas.
 4. The Lake Wabamun accident with spilling of more than 150,000 gallons of fuel oil.
 5. The Cheakamus River accident filling the river with 10,000 gallons of toxic sodium hydroxide.
- We request that each alternative be evaluated for the effects on the public health and safety including but not limited to changes in vehicle delay time at all at-grade railroad crossings. This should specifically address emergency vehicle (ambulance, police and fire) delay (during the morning and peak travel periods and throughout the day) in each community and access to local hospitals, as well as delays in delivering children to and from schools during morning and evening peak periods.
 - We request that Section 1D (1), (2) and (5) be expanded to ensure that each alternative be evaluated for hazardous materials transport effects as listed in CRF1105.7e (7)(ii). This assessment should include an evaluation of each individual local jurisdiction's ability to respond to accidents, spills and derailments through their police, fire and emergency response agencies. CN's contingency plans and experience in recent years in responding to such situations is not reassuring.
 - We request that each alternative be evaluated for any known hazardous waste sites or sites where there have been hazardous materials spills on the right of way, identify the location of those sites and the types of hazardous materials involved. The evaluation should indicate the extent to which all alternatives, but particularly a full build out (double track) alternative, will disturb each site and identify appropriate remediation and construction mitigation to assure the safety of the surrounding communities during construction.
 - We request that the potential for pedestrian and bicycle accidents be forecasted at all at-grade crossings using a method acceptable and consistent with local jurisdiction accident rate methods. The results of this analysis should be included in Section 1A and 1F. The Barrington area has recently experienced several student deaths at railroad crossings. Other areas as well may have experienced similar occurrences.
 - We request that Safety Section 1F include a specific evaluation of the effects on emergency services that may arise in Barrington due to the confluence and crossing of the NW Corridor and the EJ&E lines in the downtown including but not limited to the area in the vicinity of Lake Cook Road, State Route 59 (Hough Street), Otis and Northwest Highway State Route 14.

2. Traffic Impacts

We recognize that freight consolidation and the reduction of trips through the Chicago downtown will provide positive congestion relief to already overcrowded rail lines terminals. However, shifting a problem to outlying areas without commensurate efforts to avoid or eliminate the resulting problems is not good planning and is not acceptable.

- Regarding Section 2A please ensure that the 2000 Strategic Regional Arterial study by the Illinois Department of Transportation (Operation Greenlight) that addressed the feasibility of the EJ&E becoming a commuter line – this study showed over \$1 Billion dollars would have to be spent for track improvement, crossing and signal improvement, purchase of property for right of way. The EJ&E line does not currently have the capability for double tracking. CN has severely underestimated the costs associated with improving the rail line and upgrading from a class II rail line. We request that the EIS review the studies to fairly estimate the costs and require CN to present a solid financial plan for safe and effective operation, connection, extensions and land use for double tracking. The rail line can not currently safely carry any additional traffic.
- Revise Section 2A to specifically include the evaluation of the delay in Metra commuter services as a result of increased traffic on the line and crossings of the Metra line, specifically to include the Palatine, Barrington and Fox River Grove Stations which serve residents of the greater Barrington area communities.
- Regarding Section 2B please ensure that the EIS specifically evaluate the Metra-Union Pacific line. This railway already runs freight trains thru the Barrington area and significantly impacts traffic. With additional traffic on the EJ&E line, the Metra-Union Pacific line would clearly have to alter and increase freight traffic on their rail line
- Regarding Section 2C please ensure that the EIS specifically study and evaluate the impact on the Metra Union Pacific Northwest Line. This commuter line hosts approximately 30 inbound trains to Chicago and 30 outbound trains to the Harvard/McHenry area. There are also weekend schedules that are comparable. These trains currently cross several intersections in the Barrington area – with 2 crossings within the business district. The EJ&E line crosses the Union Pacific Line within the Barrington business district. This crossing is unimproved and can not possibly handle the traffic proposed on the EJ&E line. The addition of CN trains would alter traffic on a highly utilized Metra line that is a lifeline for commuting for hundreds of thousands of riders per day.

The multiple crossings of the METRA North West and EJ&E lines present an exceptionally difficult traffic problem in the greater Barrington Area.

- Please revise Section 2E to specifically include the evaluation of congestion impacts and mitigation that addresses intersections or crossings on Lake Cook/

Main Street at least as far away as Hart Road and throughout town to Eastern, on SR 59 at least as far away as Hillside to the south and SR 22 to the north, and on SR 14 at least as far as Barrington Public Library. This analysis should not be limited to the intersections immediately adjacent to the existing rail line.

- We request that you revise Section 2E and reduce the ADT evaluation threshold to 500 vehicles per day for the evaluation of impacts to local road crossings.
- Please revise Section 2E Delay experienced at crossings for individuals and school buses at the above listed crossing as well as other which meet the 500 ADT threshold. The results of these delay analysis should be incorporated into Section 3 E's socioeconomic analysis, Section 4B Energy analysis, and Section 5D Air Quality analysis.

The STB and Chicago have created the CREATE program as a mechanism to evaluate problems and identify solutions to these problems. The resulting priority list of projects has not as yet been funded and in no way did this program extend out to much of the area served by the EJ&E line despite CN's participation in CREATE.

- Sections C, D, E and F should address how the CREATE program can be incorporated to identify and develop consensus for acceptable mitigation measures and their funding.

3. Land Use and Socioeconomics

The effect of increased service at any level on the Barrington area communities will be great. We realize that there may be other communities, like ours who will experience similar devastating disruptions. Local businesses, governmental and community services such as parks and schools in the greater Barrington area will all be tremendously affected by the addition of lengthy trains.

- We request that the Section 3 D be revised to include an economic impact analysis that quantifies the effect of delays and the decrease in timely access to services for the greater Barrington area. This analysis should identify those businesses which are most likely to be affected and to determine the loss of business and the effect on the local tax base as a result of this loss of business. We further request that Section 3E be revised to include specific mention of who will bear the cost and the sources of funding for any mitigation measures in the Barrington area. We would urge this same analysis be conducted for other communities whose business districts are crossed by the corridor.

Transportation of our children to our schools in the Barrington's Community Unified School District (CUSD) 220 will be changed dramatically. The economic impact to our district and the financial impact to the community that will arise from adjustments to bus and school schedules, the need for new buses and revisions to existing negotiated contracts with teachers unions may all be affected by schedule changes resulting from

increased travel times to and from schools. We would urge this same analysis be conducted for other school districts along the full route.

- We request that the Section 3Ds and 3E be revised to include economic impact analysis to quantify the effect on CUSD District 220 local school finances that will result from the delays and the cost to taxpayers of these changes.
- We incorporate by reference the comment, recommendations and requests of the CUSD Unified School District 220.
- We request that Sections 3D and 3E be revised to address the cost of the effect on daily and peak period commute times and quality of life on the large segment of the Barrington area population that relies on uninterrupted train service for work and schools in the Chicago area. Cost of delays for commuters at the Palatine, Barrington, and Fox River Grove Stations along the METRA northwest line should be estimated.

4. Energy

49 CFR 1105.7 (e) (4) requires the applicant to State whether the proposed action will result in the increase or decrease in overall energy efficiency and explain why. Section 4B generally states that the EIS will "evaluate potential changes in fuel use arising from the transaction."

The effect on locals for increased energy consumption due to delays waiting for trains in a time of increasing fuel costs can be significant on individual family budgets. Businesses and government operations, including school buses operating costs will all be negatively impacted by increased delays. These energy costs may or may not be offset reduced by delays in areas where freight traffic will be removed from other lines.

- We request that Section 4B be expanded to include an evaluation of the change in energy consumption resulting from increases in the delays of motor vehicles at all at-grade crossings along the EJ&E corridor for all build alternatives.

5. Air Quality

Increased emissions from diesel locomotives (particulate emissions) over current use of the track will occur as a result of the increased numbers of trains per day, which will be in excess of the regionally mandated thresholds for emissions evaluations. Delays from increased rail traffic on local road crossings will impact numerous sensitive receptors including homes, parks, schools, hospitals and other facilities. Sensitive receptors need to be identified along the EJ&E route whether or not the delays occur on roads with an ADT greater than 2500 per day. For example, Hough Street school on SR 59 with outdoor play yards along the road will experience even greater emissions from idling vehicles as a result of the increased traffic despite not being adjacent to the EJ&E tracks.

- Revise Section 5D to include the evaluation of emissions increases at all sensitive receptors at all at-grade crossings and at the sensitive receptors at intersections which will experience increased delays

6. Noise and Vibration

CFR 1105.7 states that if any of the thresholds identified are exceeded, the EIS will “identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.” The language of the CFR does not state that the numbers and locations of these sensitive receptors should be estimated. It does not limit the analysis to only those receptors within or adjacent to the railroad right of way.

- We request you revise Section 6B to read: Identify all locations where the proposed increase in rail traffic will cause an increase to a noise level of 65 decibels L_{dn} or great. Identify all existing and permitted sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) and identify mitigation measures to abate the increase down to existing levels. Affected receptors will not be limited to those adjacent to the right of way, but be based on line of sight and current measured ambient noise levels. In the Barrington area this evaluation should also include the Barrington High School grounds and buildings, Langendorf Park and ancillary facilities, Citizen’s Park and its facilities, and the Barrington Public Library.
- We request you revise Section 6C to read: “Identify all sensitive receptors that will experience an increase in noise level of 3 decibels L_{dn} including but not limited to all sensitive receptors adjacent to or with line of sight views of the tracks In the Barrington area this evaluation should also include the Barrington High School grounds and buildings, Langendorf Park and ancillary facilities, Citizen’s Park and its facilities, and the Barrington Public Library.
- We request you revise Section 6D to specifically include homes on Westwood Drive that are not adjacent to the tracks and yet experience vibration effects from the existing train service.
- We request you further revise Section 6D to specifically include any structures of sites of cultural or historic resources that are near to but not necessarily adjacent to the rail corridor.

7. Biological Resources

- We request that studies for all of the Federal endangered and threatened species listed in Lake and Cook Counties and all other counties that the EJ&E corridor runs through be undertaken to determine the presence of any or all of the species in the area of all proposed and potential double tracking. We

request that the studies identify all potential habitats and occurrences for areas of up to one mile on either side of the existing EJ&E corridor. We further request that the studies be conducted at the appropriate time of year, using protocols accepted by both the U.S. Fish and Wildlife Service and the Illinois Department of Natural Resources to find evidence of each species. We further request that mitigation for all potential impacts be defined and delineated in the environmental document.

- We request Section 7B be expanded to state that habitat studies also be conducted for all Illinois listed threatened and endangered species for both all counties crossed by the EJ&E corridor including but not limited to Cook and Lake Counties. These studies should be conducted at the appropriate time of year for each species using protocols accepted by the Illinois Department of Natural Resources in order to find evidence of each species. The attached list is provided from (I have a second list I am preparing that will send you those species and a web site where I got it.
- The scope identified in Section 7 B is overly narrow and overlooks key protected resources within the effected communities. We request that formal coordination be undertaken with all counties that are crossed by the EJ&E right of way, and with all county Forest Preserve Districts, particularly but not limited to the Lake County and Cook County Forest Preserve Districts.

Particular areas of concern in the vicinity of the Cook County Forest Preserve Districts 14 and possibly 15 include:

- Shoe Factory Road Prairie Nature Preserve,
- Poplar Creek Prairie restoration area,
- Allen Mellie's grasslands - habitat to migratory birds, including the Henslow Sparrow,
- the multiple crossings of Poplar Creek itself with its threatened and endangered otters, plants, and mussels,
- the important Fen Habitat adjacent to the east side of the rail road right of way, and
- the constant, year-round, extremely cold riffle areas that serve as habitat for other species of concern.
- Crabtree Nature Preserve

Lake County areas of specific concern include Cuba Marsh and its vicinity and along its connection with Citizens Park in Barrington

Section 8 Water Resources

- We request that the discussion in Section 8B determine whether any of the proposed alternatives or improvements have the potential to encroach upon any designated wetlands or 100-year floodplains.

- We request that you add a Section 8C to include the delineation and estimate of impact of rail construction effects on all wetlands or 100 - year floodplain locations along the right of way including earthwork estimates and the location of borrow pits and access roads along the entire EJ&E corridor.

Section 9 Environmental Justice

No specific comments at this time.

Section 10 Cultural and Historic Resources

The idea that **only** a cultural or historic resource that is immediately adjacent to or within the existing right of way will be affected by the double tracking or increased train service on the line is not consistent with the intent of 49 CFR 1105.8.

- We request that the effects on the Barrington Historic District and other local cultural resources be specifically identified and mitigation proposed in this document as well as the historic districts and cultural resources of all other communities in the region which are located in close proximity to the EJ&E right of way.

Section 11 Secondary and Cumulative Effects

No specific comments at this time

Proposed Mitigation

49 CFR 1105.7(e)(10) clearly states that a description of any action that are proposed to mitigate adverse environmental impacts, including an indication of why the proposed mitigation is appropriate. We request that mitigation for impacts identified in each of the above sections be clearly addressed, including all impacts for which no mitigation is being proposed must be provided.

Thank you for your attention to our neighborhood and our community concerns.



