

September 26, 2008

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

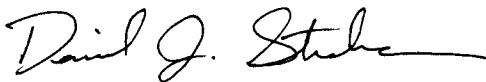
Re: Draft Environmental Impact Statement
Village of Barrington Hills, Illinois Review

Dear Ms. Johnson-Ball:

The Village of Barrington Hills has reviewed the draft Environmental Impact Statement (EIS) prepared by the Section of Environmental Analysis of the Surface Transportation Board (STB) in regards to the proposed acquisition of the EJ&E West Company (EJ&E) by the Canadian National Railway Corporation (CN). We have prepared the enclosed document detailing the Village's review comments in response to this report.

If you should have any questions regarding the above or would require additional information regarding any of these items, please do not hesitate to contact our office at 847-855-1100 or via email at dstrahan@gha-engineers.com

Sincerely,
Village of Barrington Hills



Daniel J. Strahan, P.E. CFM
Assistant Village Engineer

cc: Village President & Board of Trustees
Robert Kosin, Village Administrator
Todd Gordon, GHA

**Village of Barrington Hills
Review of Draft Environmental Impact
Statement**

**Proposed Canadian National Railway
Company Acquisition of the Elgin, Joliet
& Eastern Railway Company**

Finance Docket No. 35087



DATED: September 26, 2008

**SURFACE TRANSPORTATION BOARD
FINANCE DOCKET NO. 35087**

**PROPOSED CANADIAN NATIONAL RAILWAY COMPANY ACQUISITION OF THE ELGIN,
JOLIET, & EASTERN RAILWAY COMPANY**

**VILLAGE OF BARRINGTON HILLS
RESPONSE TO DRAFT ENVIRONMENTAL IMPACT STATEMENT**

ENVIRONMENTAL REVIEW PROCESS

The Village of Barrington Hills has conducted a thorough review of the Draft Environmental Impact Statement (EIS) prepared by the Section of Environmental Analysis (SEA) of the Surface Transportation Board (STB). Before presenting our comments regarding this environmental review, a discussion of the environmental review process as a whole is warranted.

Based on our review, the position of the Village of Barrington Hills is that this acquisition should be denied on its face as the sole long-term beneficiary of the acquisition is a private, foreign company, with significant negative impacts to a large number of communities locally. Further, upon review of the Draft EIS it is clear that no amount of mitigation that can be enforced by the STB will be sufficient to offset the negative impacts of the proposed increase in freight traffic, either locally or for the Chicagoland region as a whole. While the comments set forth below reference further mitigation that should be required if the proposed transaction were approved, it should not be interpreted from these comments that the Village of Barrington Hills would support the transaction if these additional mitigation measures are enforced.

SCOPE OF DRAFT EIS

The increased freight traffic on the EJ&E line can be compared in some respects to a low-volume roadway that will see increased vehicular and truck traffic due to a proposed development. In any community in the Chicagoland area, such a development proposal would require an evaluation of the existing road network to verify that the additional traffic can be accommodated, both from the standpoint of traffic flow (number of lanes, width, etc.) as well as structural capacity. Typically the developer would then be required to pay for mitigation of both impacts, possibly including lane widening, additional turn lanes, or reconstruction of the existing pavement if it will be insufficient to handle increased traffic loads. While the Draft EIS reviews this initial parameter of line capacity, the report fails to include an evaluation of the existing infrastructure (such as the existing stone bedding or crossings such as the trellis pictured below located between Otis Road and County Line Road) to determine if the additional freight traffic can be accommodated structurally. It cannot be assumed that a rail line currently serving an average of five Class II freight trains per day will have sufficient structural capacity to accommodate twenty Class I freight trains per day without a detailed analysis of the physical integrity of the existing infrastructure.



Photos 1 & 2- Trellis Structure Between Otis Road and County Line Road

The Draft EIS also fails to fully evaluate several alternatives to the transaction, primarily due to misinterpretation of the Applicant's stated purpose. The purpose of this transaction, as defined by Canadian National, is threefold:

"(1) to improve the Applicants' operations in and beyond the Chicago area by providing CN with a continuous rail route around Chicago, under CN's ownership, that would connect the five CN rail lines radiating from Chicago; (2) to make EJ&E's Kirk Yard (near Gary, Indiana), as well as smaller facilities at Joliet, Illinois and Whiting, Indiana available to the Applicants, thus enabling them to consolidate car classification work at Kirk Yard and East Joliet Yard and to reduce the use of the Belt Railway Company of Chicago (BRC) Clearing Yard (near Bedford Park, Illinois); and (3) to enable the CN system to benefit from a rail transportation services provided by EJ&E for North American steel, chemical, and petrochemical industries, as well as for Chicago-area utilities and others, thereby allowing the Applicants to develop closer and more extensive relationships with companies in and serving those industries" (p. ES-4).

The goal of this transaction is for CN to control a continuous rail route around Chicago, as stated in goal #1; it is apparent by inspection that goals #2 and #3 are not objectives in and of themselves, but rather are specific features of this particular route around Chicago, and are included as an attempt to limit consideration of other alternatives.

The Draft EIS capitulates to this tactic, dismissing consideration of the CREATE program or consideration of alternate rail corridors, explaining that *"evaluation of CREATE or non-EJ&E rail corridors as alternatives to the Proposed Action would not be appropriate because they would not meet the stated purposes of and need for the Proposed Action"* (p. 2-40). Potential alternatives are dismissed in the Draft EIS because the SEA fails to see the forest for the trees; the most glaring example being the rationale provided for not considering construction of a bypass. Page 2-69 of the report provides three reasons for dismissing this alternative:

- The Applicants would not gain access to Kirk Yard, one of the Proposed Action's primary purposes.*
- A bypass would be far more expensive in terms of land acquisition and rail construction. It would add route miles instead of using available, currently underutilized route miles.*
- A bypass would not avoid or minimize potential environmental effects. Rather, a bypass would only serve to move environmental effects from the EJ&E rail line to the area around the bypass. Moreover, bypass construction would directly affect more land than the area around the EJ&E rail line because ROW for the bypass would need to be acquired. Therefore, a bypass would be more environmentally damaging than the Proposed Action, which would largely involve use of existing railroad ROW and rail yards.*

Each of the reasons provided for the dismissal of this alternative suggests blind acceptance of the goals as provided by the CN, without any common sense applied to examine the actual purpose of the transaction. Access to the Kirk Yard would not be necessary if a bypass route was created, it is only necessary for operations on the EJ&E and should not be considered a primary goal. Secondly, it is not the responsibility of the STB to limit its analysis of alternatives to the least expensive; rather, the applicable environmental review regulations (49 C.F.R. PART 1105) require that all "reasonable alternatives" be examined. Third, the statement that a bypass would not avoid or minimize potential environmental affects is simply incorrect. A regional bypass through more

rural areas would certainly minimize potential environmental affects; significantly lower traffic levels would mean fewer grade separations would be necessary, and there would be greater flexibility to provide such grade separations without impacts to developed residential and commercial areas. The Village of Barrington Hills requests that the final Environmental Impact Statement reevaluate the purpose and need of the proposed transaction, and give due consideration to the reasonable alternatives enumerated but dismissed in the draft EIS.

The Draft EIS lists a number of proposed items for mitigation, several of which will be reviewed in depth below. However, conditions #71 and #72 provide cause for concern. These conditions state the following (page 6-30 & 6-31):

71) Applicants shall retain a third-party contractor to assist SEA in the monitoring and enforcement of mitigation measures on an as-needed basis until Applicants have completed construction activities, as well as a period covering the first three years of operational changes, or for any period the Board imposes.

72) Applicants shall submit quarterly reports to SEA on the progress of, implementation of, and compliance with the mitigation measures for a period covering the first three years of operational changes, or for any period the Board imposes.

Currently the conditions are open ended in regards to time frame, indicating either a three-year period of oversight, or any period the Board imposes. If the transaction were to be approved, the nature of the mitigation outlined elsewhere in the draft EIS would warrant a significantly longer period of oversight. For example, for a single grade separated crossing it could easily take three years or longer to complete preliminary design and land acquisition. The Village of Barrington Hills requests that these conditions be revised so that monitoring and enforcement shall continue until all mitigation measures are implemented, and that all mitigation measures be implemented prior to any operational change on the EJ&E line.

While the dismissal of alternatives and potential for insufficient oversight suggest an incomplete scope, the Village of Barrington Hills contends that one of the basic assumptions of the Draft EIS is factually incorrect. Throughout the public hearing process, this proposed transaction has been portrayed as having "winner communities" and "loser communities". The underlying premise is that while communities along the EJ&E line will see increased freight traffic, communities along the existing CN subdivision will experience corresponding decreases in freight traffic. This premise fails to recognize the factual data uncovered in the Draft EIS. Specifically, the projected volumes along the EJ&E line will result in several segments being above practical capacity by 2015 (e.g., the LOI analysis completed in section 4.1). Once the capacity along the EJ&E lines is spent, future increases in freight traffic will quickly return to the vacated lines along CN subdivisions, and these communities will find that their decrease in freight traffic was only temporary. This underscores the need to consider the alternative of a regional bypass which would truly benefit the entire Chicagoland area, rather than approving the proposed transaction which would provide only a short term benefit to one group of communities, while exposing another group of communities to unacceptable costs.

CATEGORY 1- RAILROAD OPERATIONS

Under current operating conditions, the movement of freight through the Village of Barrington Hills and the Barrington area as a whole is heavily dependent on the interlocking of the EJ&E and Union Pacific lines, located in the Village of Barrington. Metra has expressed concern over the potential for conflict between freight and commuter trains at this location, noting that *"the increases in CN freight train numbers and train lengths could have the potential to cause major disruptions to both existing and proposed expanded Metra commuter train operations at the crossings with EJ&E at Barrington and West Chicago (p. 4.1-43).* In anticipation of the review by the SEA, the Village of Barrington Hills prepared Exhibit A, showing the existing Metra schedule along the Union Pacific line and highlighting potential conflicts, especially during peak hours. In reviewing the Draft EIS, it is apparent that a number of operational parameters of the EJ&E line were not taken into account.

Scheduling Constraints

Referencing Exhibit A, the Union Pacific line currently has substantial commuter train traffic at the interlocking in Barrington, particularly during peak hours. While the schedule of future CN freight trains through the area is assumed in Exhibit A, there is a reasonable expectation that the scheduling of these trains through the Village of Barrington Hills would be significantly constrained by other segments along the line. Most notably, the Line Occupancy Index Analysis (LOI) projects that under the applicants operating plan four different segments of the EJ&E will have an LOI value greater than 70, indicating a segment has exceeded its practical capacity. While this has several implications, in terms of rail operations the lack of flexibility at the south end of the EJ&E will limit the scheduling flexibility further north. Either freight through the Barrington area will be expedited to accommodate scheduling constraints further south and cause major impacts to the Metra system, or freight trains will be delayed to accommodate commuter rail causing scheduling disruptions along the EJ&E. Neither result is considered in the Draft EIS.

Geometric Limitations

Figure 3.1-2 of the Draft EIS identifies potential staging locations in the Barrington Area. Though a 6,800' length is illustrated between County Line Road and Otis Road, the assumed average train length of 6,321 feet is not a maximum, and various analyses within the Draft EIS utilize a train length of 10,000 feet. To avoid conflicts with commuter trains during morning and evening rush hours, a northbound freight train would be required to slow or stop 200' south of Otis Road. The front end of the train would be located a distance of 8,900' from the UP interlocking. Once the interlocking is clear, a 10,000' freight train would need to accelerate through two sharp curves just north of Otis Road and travel a distance of 19,100' (3.62 miles) before the interlocking has been cleared by the required 200' for the UP to resume operations. Under normal conditions, a quickly accelerating freight train would need a total of 6.5 minutes to accelerate to maximum speed and clear the interlocking. Thus even under ideal conditions, the operations of freight through this intersection would need to be closely coordinated. However, the radii of the curves in this area would pose significant limitations to the acceleration rate of these trains, and a more reasonable time frame for this movement would be 10-15 minutes. Given the Metra schedule discussed above, conflicts are inevitable, and these have not been considered by the Draft EIS.

The scheduling constraints and geometric limitations described above should be apparent by inspection of the available data, yet the Draft EIS fails to take these matters into account, most notably in the Stringline analysis presented in Figure 4.1-9. These figures illustrate train

scheduling for five different cases, several of which show no delays either south or north of the EJ&E-UP interlocking even during peak hours. Case 4 shows three freight trains (two northbound) crossing through the Barrington area between 7:30 AM and 9:00 AM, none of which even slow down as they approach the interlocking. It is clear that this analysis includes no consideration of the scheduling of commuter traffic along the UP, and that if this acquisition is approved the Barrington area can expect major impacts to the existing Metra schedule. The Village of Barrington Hills requests that the Final EIS take these geometric limitations and scheduling constraints into account and demonstrate how the increased freight traffic on the EJ&E line could be accommodated without impact to the existing Metra schedule.

CATEGORY 2- SAFETY

Beginning in July 2005, the Northwest Municipal Conference coordinated the efforts of thirteen communities along the EJ&E line to establish a quiet zone in accordance with FRA requirements. Through these efforts a quiet zone was established in February of 2008, extending from Bartlett to Waukegan with the exception of a gap within the Village of Barrington.

While the Draft EIS identifies the existence of this quiet zone, it is apparent that the coordination of the Northwest Municipal Conference and the involvement of all of the stakeholder communities is not understood. Section 6 of the Draft EIS makes the following recommendation regarding the existing Quiet Zone: *"Applicants shall fund the improvements necessary to allow Barrington to maintain its Quiet Zone designation should the addition of CN train traffic cause it to fall out of compliance with FRA regulations. Applicants shall work with the Village of Barrington to determine which improvements would be necessary for the Quiet Zone to maintain FRA compliance"* (p. 6-15). As this does not accurately reflect the involvement of a number of communities and the coordination provided by the Northwest Municipal Conference, the Village of Barrington Hills requests that this recommendation be corrected to require that the applicant fund improvements to maintain the established Quiet Zone from Bartlett to Barrington, and that Canadian National work with the Northwest Municipal Conference to determine the necessary improvements.

CATEGORY 3- TRANSPORTATION SYSTEMS

Penny Road Crossing

Penny Road is a collector road running through the Village of Barrington Hills with a current ADT of 3,775 adjacent to the EJ&E crossing. The geometry of this intersection is of note, as IL Route 59, a strategic regional artery, is located within 200' of the EJ&E Crossing. In addition, Barbara B. Rose Elementary School is located east of IL Route 59, approximately 0.5 miles from the crossing. As a result school buses heading into the southern portion of Barrington Hills must frequently cross IL Route 59 and the EJ&E tracks. In the event of a train crossing the tracks, there is approximately 170' of storage for buses and other vehicles between the EJ&E tracks and the through lanes of IL Route 59. The Barrington area is all too familiar with the dangers that arise from this type of crossing so close to a heavily traveled roadway, as in October of 1995 seven students were killed when a Metra train hit a school bus in Fox River Grove, located a few minutes north of the Village of Barrington Hills.

Section 4.3.1.3 of the Draft EIS identifies the criteria used to evaluate whether or not the proposed action would require mitigation at specific road crossings. SEA's analysis defines a Serious Effect as "*when the Proposed Action Queue length blocks a roadway that is not blocked under the No-Action Alternative or...*" (p. 4.3-10). However, this criteria does not appear to be applied in the case of Penny Road. Table 4.3-4 indicates that the queue length at this crossing will increase from 170' to 311'. East of the intersection, this increase in queue length will result in IL Route 59 being blocked on a routine basis, which according to the criteria of the Draft EIS constitutes a "Serious Effect" and as a result mitigation should be required. This condition is particularly concerning given the amount of bus traffic utilizing this route. Despite this result, the Draft EIS does not include Penny Road among the crossings requiring mitigation. The Village of Barrington Hills requests that the final EIS appropriately identify that the increase in queue length will constitute a serious effect and require Canadian National to provide mitigation.

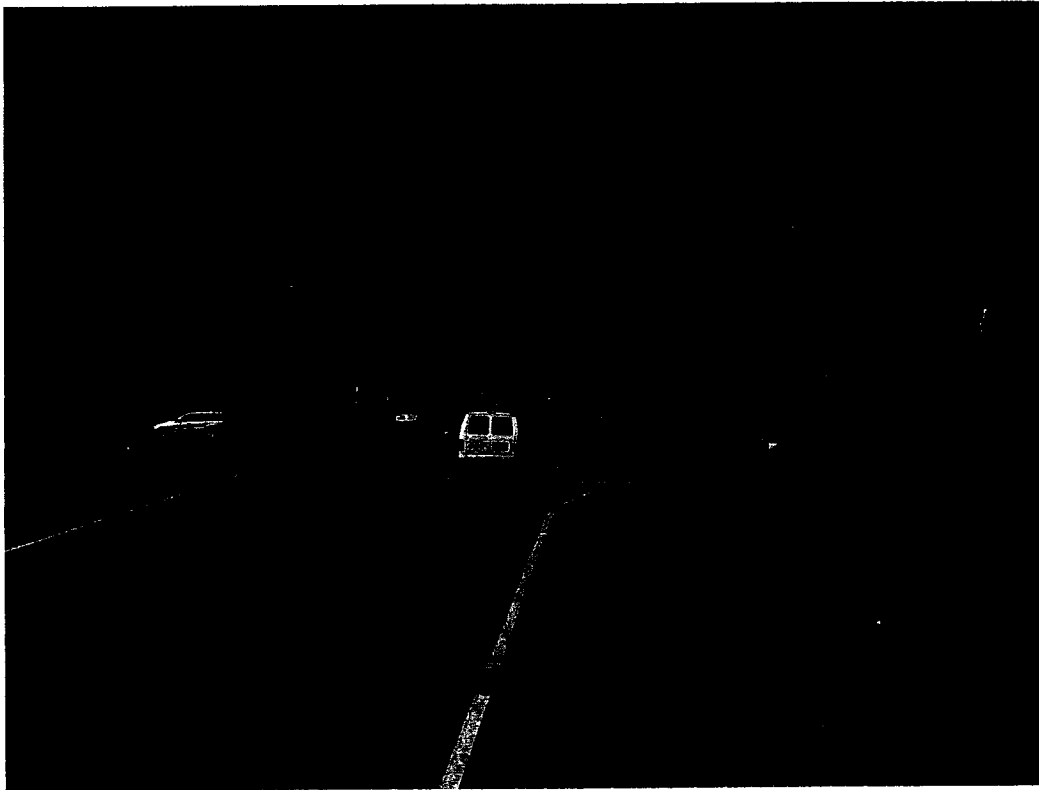


Photo 3- Looking West towards IL Rte. 59 from Penny Road

Cut-through Traffic

As traffic through the downtown area of the Village of Barrington has increased over time, the Village of Barrington Hills has seen a marked increase in cut-through traffic on its local roads due to area drivers seeking relief from this congestion. This is seen most clearly along the Ridge Road-Plum Tree Road corridor, which connects County Line Road with the Northwest Highway (US Route 14). The ADT of Plum Tree Road east of Ridge Road has increased from 2709 in 1982 to 6,220 in 2007, a growth rate that is well above the background growth rate in the area and is primarily attributable to increases in through traffic. Both Plum Tree Road and Ridge Road were constructed as "farm-to-market" gravel roads, eventually paved by the respective townships and today maintained by the Village. One of the struggles the Village faces is accommodating these

increased traffic levels on roadways that were never designed for the loads they are currently experiencing.

In regards to cut-through traffic, the Draft EIS correctly identifies in Section 4.3.1.2 that cut-through traffic on local roadways adjacent to the EJ&E line may increase due to projected increases in background vehicle traffic, but does not identify or analyze the potential increase in cut-through traffic resulting from the proposed transaction. The increased queue lengths at County Line Road (identified in Appendix E as increasing from 479 feet to 885 feet, discussed further below) are likely to result in further use of Ridge Road and Plum Tree Road as a bypass around downtown Barrington. This increased use of Village roadways is directly attributable to increased train traffic, and will increase the cost to the Village of Barrington Hills of maintaining these roadways. The Village of Barrington Hills requests that the final EIS address the impacts of additional cut-through traffic on local roadway networks and require mitigation for these effects.

County Line Road

As mentioned above, Appendix E identifies that the queue at County Line Road will increase from 479' to 885' due to the projected increase in freight traffic. While this increase would not cross any collector roadways, it would impact the operation of the southern entrance to Barrington High School. Though this entrance would not have a sufficient ADT to be considered a major roadway, during peak hours this entrance does function as a major roadway, requiring frequent access by area residents on both sides of the entrance. As a number of residents access the high school multiple times per day during the school year during peak hours, the Village of Barrington Hills requests that the final EIS consider the function of this entrance as comparable to a major roadway during the peak hour, and as a result require mitigation for the crossing at County Line Road.

IL Route 59

In the Barrington area the only crossing identified as requiring mitigation is IL Route 59 (Hough Street). Section 6.3.3.1 identifies a range of potential options for mitigation, the most extensive of which would be grade separation. While p. 6-20 indicates a range of possible funding limits are being considered for this case, the Executive summary identifies what is presumably a maximum of 50% of the funding to be paid for by the applicants.

For this crossing as well as the other crossings listed herein identified as requiring mitigation, the Village of Barrington Hills disagrees with the assertion made in the Draft EIS that, "*It would be inappropriate to hold the Applicants responsible for the presence of the many existing at-grade rail crossings in the communities along the EJ&E rail line*" (p. ES-40). Where identified in the Draft EIS, mitigation is by definition only required where the increased freight traffic will result in a traffic impact that doesn't currently exist. These impacts will be felt solely by the local residents if not addressed, and the mitigation itself is likely to result in many adverse impacts. As a result, it is entirely appropriate to require that the applicants fund the mitigation entirely as they alone stand to profit from the increased freight traffic. This is not unlike a developer that is required to install turn lanes or widen a regional roadway to mitigate the traffic impacts of a proposed commercial development; while the public may benefit from having a new roadway, the developer must foot the cost for the improvements as the primary beneficiary of the development. The Village of Barrington Hills requests that the final EIS re-examine the equity of their proposed funding limits and hold the applicant responsible for mitigating the impacts of the proposed action.

Emergency Service Provider Facilities

Table 4.3-12 incorrectly identifies the emergency service provider facility in Barrington Hills as the Lake Zurich Rural Fire Protection District- Station No. 2 (Correctly identified in Appendix E as Barrington Countryside Fire Protection District Station No. 2). The Village of Barrington Hills requests that this be corrected in the final EIS, and that the analysis be re-examined to verify that any potential impact was not overlooked due to this error.

CATEGORY 6- SOCIOECONOMICS

Impacts to Property Values

One of the primary concerns of Village residents with homes adjacent to the EJ&E is the decrease in property value that would result from increased train traffic. The Draft EIS notes a 2004 article published in The Appraisal Journal titled, "The Effect of Freight Railroad Tracks and Train Activity on Residential Property Values," which found that homes located within 750 feet of the tracks can experience significant decreases in value due to additional train traffic on existing rail lines. However, the report goes on to dismiss the potential effect on property values without any analysis, noting that adverse effects on individual property owners adjacent or near the EJ&E rail line would be offset by "*a corresponding beneficial effect on property adjacent to the CN rail lines*" (p.4.6-9). This assumption of no net effect on the region is unfounded and faulty for a number of reasons:

- The decrease in property value is supported by a number of studies in areas where train traffic increased. No studies are noted to support the assertion that property values go back up when freight traffic is reduced.
- Assuming there is evidence to support an increase in property values in areas where freight traffic is decreasing, the study does not conduct an analysis of the value and number of homes on each line. Therefore it cannot be assumed that the decrease in property values would be offset by a corresponding increase of a similar magnitude.
- The notion that freight traffic will permanently decrease along the existing freight lines is inconsistent with the analysis of section 4.1, which indicates that segments along the EJ&E will be above practical capacity given the proposed increases in train traffic, and thus the offsetting decrease in freight traffic on other lines is temporary at best.

Without a thorough analysis of potential impacts to residential properties within all affected corridors, it is inaccurate to assume that these effects would simply cancel each other out. The Village of Barrington Hills recommends that the Final EIS include a thorough and complete analysis of the proposed acquisition's effect on property values.

Rose Elementary School

The analysis of public and private school districts provided in the Draft EIS only considers those within 0.25 miles of the crossings. While this may be appropriate for some areas within the region with well developed road networks, the affected region differs greatly in this regard, and in less developed suburban areas 0.25 miles is not a sufficient distance to identify all schools that are reliant on roadways crossing the EJ&E. For instance, Rose Elementary School is located a little more than half a mile east of the EJ&E tracks, and uses Penny Road to access the southern

portions of Barrington Hills. As discussed previously, the geometry of the crossing adjacent to IL Route 59 is cause for concern due to the increased queue lengths predicted on Penny Road. In addition, the alternative east-west route (IL Rte 62-68) is 1.5 miles further north, increasing the round trip mileage by 3 miles. The Village of Barrington Hills requests that the threshold for distance from the tracks for private and public schools be reflective of the specific environment of the area, and that a complete analysis be completed for Rose Elementary School to identify any negative impacts from the anticipated freight train traffic increases that would result from the proposed transaction.

CATEGORY 8- ENERGY

As stated in previous comments, any analysis of regional benefits should consider the conclusions of section 4.1, which indicated that under the proposed transaction the EJ&E line will be above practical capacity; as a result the decreases on the existing CN subdivisions will be temporary at best. The analysis of fuel use caused by cars and trucks idling at congested crossings provided in the Draft EIS understates the net increase in fuel use, ignoring that ultimately the capacity that is vacated on the CN subdivision will be filled as freight traffic increases. The Village of Barrington Hills request that this category be reevaluated to identify the temporary nature of any short-term decreases in idling along the CN subdivisions.

CATEGORY 9- AIR QUALITY & CLIMATE

The net increase in NOx and VOC emissions due to the proposed transaction was found to be under the General Conformity threshold of 100 tons per year. However, this projection does not appear to be consistent with section 4.1 in regards to projections of decreased idling time for CN trains. Section 4.1 identifies that certain segments along the EJ&E line will be operating well above practical capacity, which would increase train idling. Other sources of train idling, such as the constraints identified below in the area of Otis Road in Barrington Hills would further increase idling of CN trains. As the increase in NOx is near the threshold, a more accurate accounting of idling may push this level over the threshold. The Village of Barrington Hills requests that the Final EIS reevaluate this topic with a consideration of these additional sources of emissions to confirm that the proposed transaction would not have a significant impact to air quality and climate.

CATEGORY 10- NOISE & VIBRATION

Noise Analysis

As evidenced by the efforts to create a quiet zone along the EJ&E, the Village of Barrington Hills, like other communities along the line, is acutely sensitive to noise from the EJ&E line. The Draft EIS identifies a number of different ways in which freight traffic can produce noise. For instance, section 4.10 acknowledges that trains traveling over segments of curved rail general t high-pitched noise called "Wheel Squeal." However, this was only evaluated at rail connections, ignoring curves along the mainline of the track, include the pair of curves located within residential areas of

the Village of Barrington Hills near Otis Road. The Village of Barrington Hills requests that the geometry of this area be considered to determine if "Wheel Squeal" may be an additional source of undesirable noise for residents in the area.

More generally, despite identification of significant noise impacts and sensitive receptors along the line, no specific mitigation is offered in the Draft EIS relative to noise or vibration. The mitigation required for noise and vibration is simply that "Applicant shall implement best management practices" during construction activities, effectively ignoring each and every sensitive receptor along the length of the EJ&E tracks that will experience significant increases in freight traffic without any construction improvements. The Village of Barrington Hills requests that the Final EIS more fully consider the impacts of noise on sensitive receptors along the length of the EJ&E corridor, and that specific mitigation be required to offset these impacts.

Vibration

When the news of the proposed transaction of the EJ&E by the CN first became public, one of the most immediate considerations of the Village of Barrington Hills was the condition of the Hawthorne Lake Outlet Structure located a short distance north of Otis Road along the EJ&E. Originally constructed in 1910, in 2003 structural damage was discovered in this structure, resulting in water rapidly pouring through cracks in the concrete walls in multiple locations (see Exhibit B). While crews from the EJ&E quickly completed a cosmetic patch of these areas, within months water had begun to seep back through these cracks. The condition of this structure remains a major concern to the Village, as a failure in this area would result in the unrestricted release of approximately 200 acre-feet of water through residential areas located downstream of this area.



Photo 4- Hawthorne Lake Outlet Structure under EJ&E Tracks

Despite written documentation of this potentially hazardous condition that could be directly impacted by increased frequency and magnitude of vibrations due to freight traffic, the Draft EIS

dismisses the possibility of damage to a failing concrete structure that is nearly 100 years old, despite the fact that the Hawthorne Lake Outlet Structure is located within the Vibration Contour identified on sheet 16 of Appendix L. Ignoring this structure is even more puzzling in light of the investigation on page 4.10-23, which describes a detailed vibration analysis of the Prestwick Dam in Frankfort, an earthen dam located more than 1500 feet away from the tracks. The treatment of vibration analysis in the Draft EIS makes it very clear that this report was written by a number of authors with little internal coordination.



Photo 5- Inscription above Hawthorne Lake outlet Structure indicates 1910 original construction date

The Village of Barrington Hills requests that a thorough structural analysis be completed to verify that the Hawthorne Lake outlet structure will not be affected by the increased frequency and magnitude of vibration and other structural loading resulting from the proposed transaction.

CATEGORY 12- WATER RESOURCES

Like a number of communities in the area, the Village of Barrington Hills is dependent upon groundwater located in shallow sand and gravel aquifers as a source for drinking water. Unlike many of these communities, Barrington Hills has no public distribution system for domestic drinking water; due to the physical geography of the Village and its 5-acre residential zoning, it is

highly unlikely that a public distribution system could ever be supported in the Village. The vast majority of residents rely on private wells accessing these shallow aquifers, with a small number using shared wells or public water from other communities. Any chemical spill with the potential of contaminating these aquifers would have major consequences for a large number of residents.

The Draft EIS dismisses a detailed analysis of risks to groundwater, noting that *"spill events are rare and in the event of a spill, impacts would be limited by prompt containment and cleanup."* The statement that *"spill events are rare"* is inconsistent with section 4.11, which states that *"plant communities, wildlife, and natural areas along the EJ&E rail lines would experience a higher probability of exposure to hazardous material spills and train collisions as compared to current conditions due to an increase in freight rail traffic"* (p. 4.11-1). Based on the report the probability of a spill is high enough to be concerned with effects on wildlife, but not high enough to be concerned with contamination of groundwater recharge areas. The final EIS should identify critical groundwater recharge areas where the groundwater table is at or near the ground surface, and mitigation should be required. In these areas it will be impossible to have sufficiently "prompt containment and cleanup" efforts to prevent contamination of groundwater and significant public health risks in the event of a spill.

Exhibit A
Union Pacific- EJ&E Scheduling Exhibit

How Would Canadian National's Increased Freight Traffic Impact Your Schedule?

HARVARD TO CHICAGO



5:04 AM

5:29 AM

7:15 AM

5:55 AM

7:24 AM

6:19 AM

7:35 AM

6:34 AM

7:53 AM

6:40 AM

8:06 AM

7:11 AM

8:18 AM

9:18 AM

11:18 AM

2:18 PM

4:33 PM

6:18 PM

8:18 PM

12:28 AM

10:18 AM

12:28 PM

3:18 PM

5:18 PM

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5:39 PM

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5:27 PM

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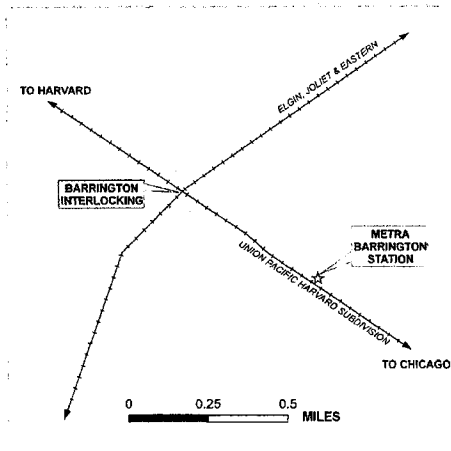
5:16 PM

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6:36 PM

CHICAGO TO HARVARD



Legend

Canadian National Freight Traffic at Barrington Interlocking*

24 Hour Time Line

Current Metra Train Arrival At Barrington Station

Potential Conflict



6:57 AM

"EJ&E and the Union Pacific Railroad have a history of decades of safe and efficient operation through those Interlockings under EJ&E control... The nearly fourfold increase in EJ&E freight traffic under CN control could severely threaten that history of efficient commuter rail operations crossing this line."

METRA Opposition Statement and
Request for Conditions
January 28, 2008
Surface Transportation Board
Finance Docket 35087

*CANADIAN NATIONAL TRAIN TIMES ARE ASSUMED.
NO INFORMATION HAS BEEN PROVIDED BY CANADIAN NATIONAL
REGARDING SCHEDULING OF ADDITIONAL FREIGHT TRAFFIC.

Exhibit B
Inspection Reports
Hawthorne Lake Outlet Structure Repairs

Civil Engineer's Field Report

Project: Barrington Hills

Field Report No.: 1 **Project No.:** 9355.000

Date: August 12, 2003 **Time:** 3:00 PM **Weather:** Cloudy **Temperature:** +/- 75°F

Others Present at Site:

Rick Webber; Elgin, Joliet and Eastern Railway Company
Mark Paull, EJ&E

Work in Progress:

Inspection of culvert under railway.

Existing Conditions:

1. There is a 12' diameter culvert passing under the railroad tracks, connecting Hawthorn Lake to Flint Creek. In front of the culvert is a concrete weir, controlling the water surface elevation of Hawthorn Lake (See attached diagrams).
2. There is a hole in the east wingwall of the concrete weir, and there is a large amount of water pouring through this hole (See attached photos). The elevation of Hawthorn Lake has dropped well below the level of the overflow weir, and is visibly rushing towards the hole in the concrete wall. Mark with EJ&E probed the area behind the wall, and found that a large amount of soil behind the wall has been eroded away.
3. On the west wingwall of the concrete weir, the concrete wall shows similar signs of distress as is present on the east wall, though water is not penetrating the wall at this point to date.

Report By: Dan Strahan, P.E.I.
Gewalt-Hamilton Associates, Inc.

Copies To: Mike Lukich, GHA
Robert Kosin, Village of Barrington Hills

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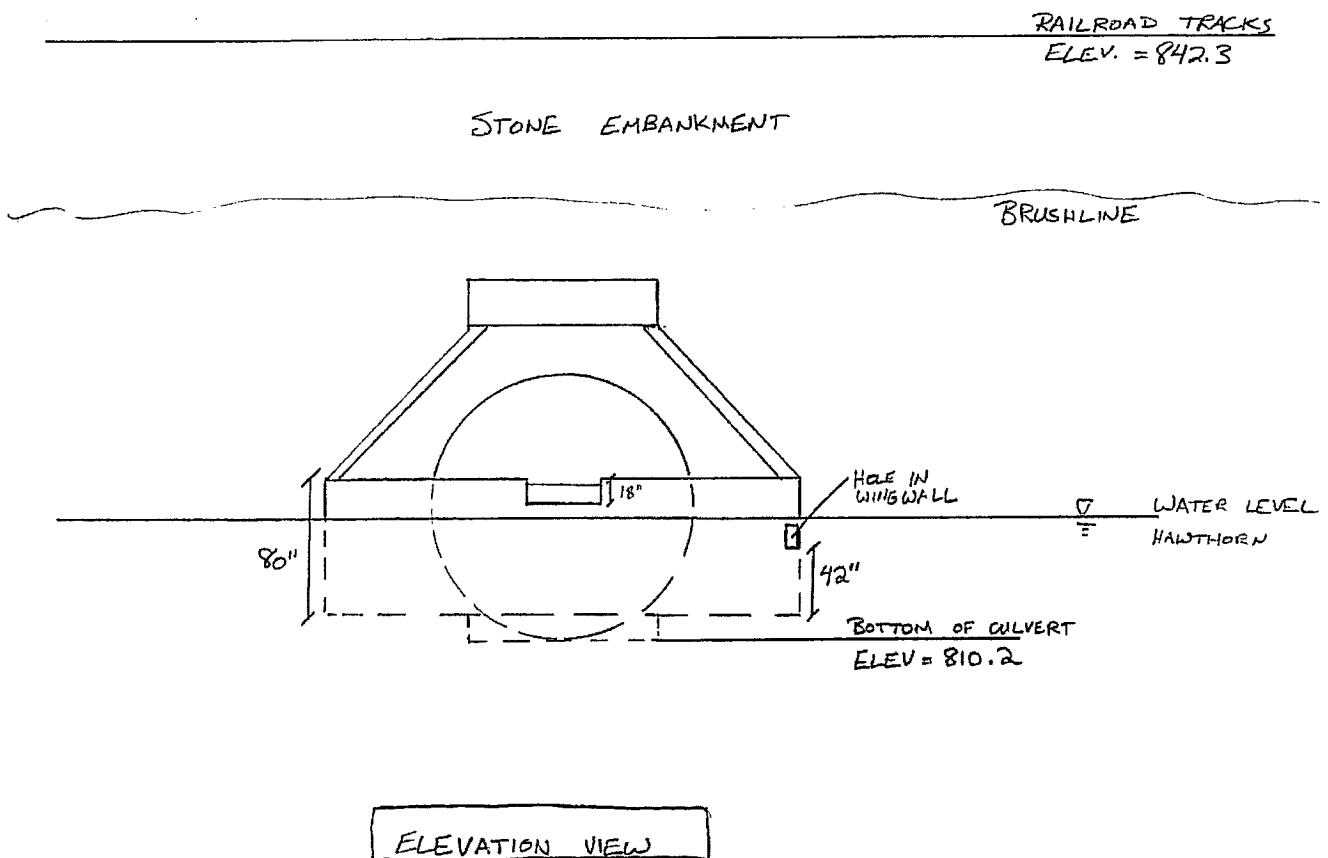
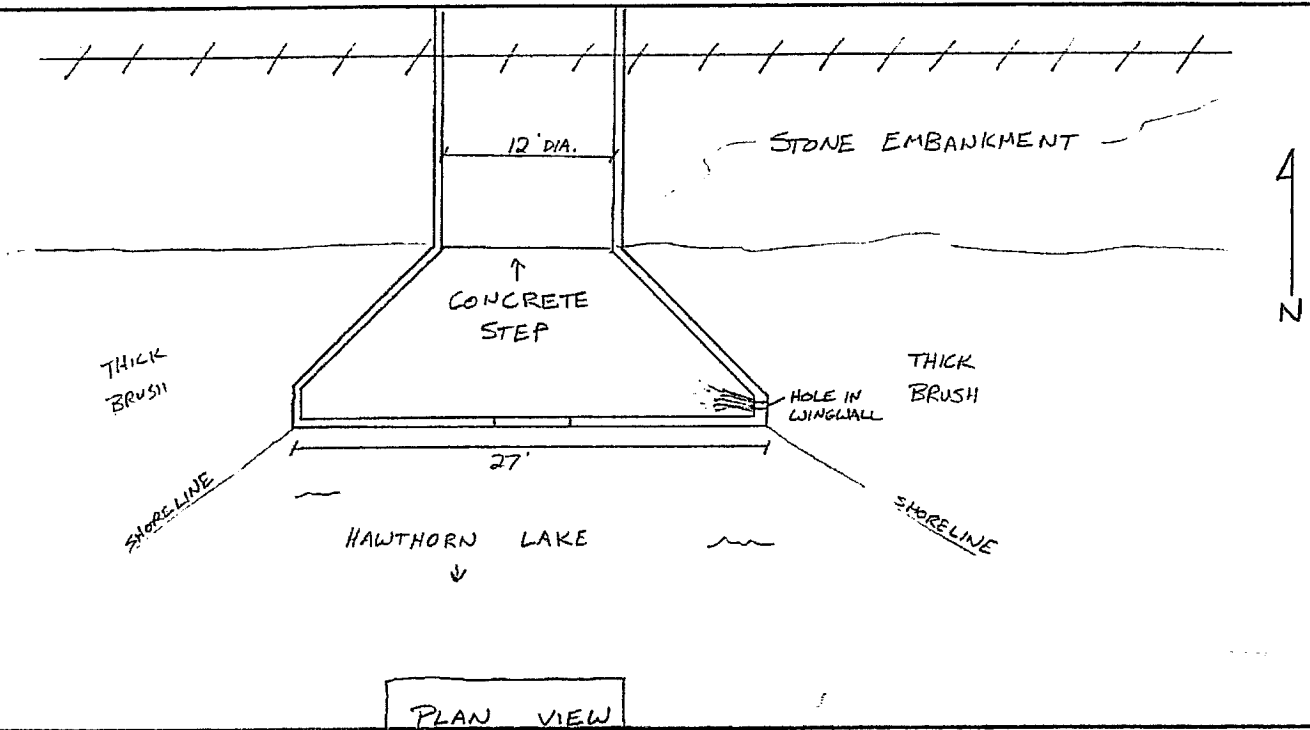
JOB 9355.000 BARRINGTON HILLS- EJ+E CULVERT

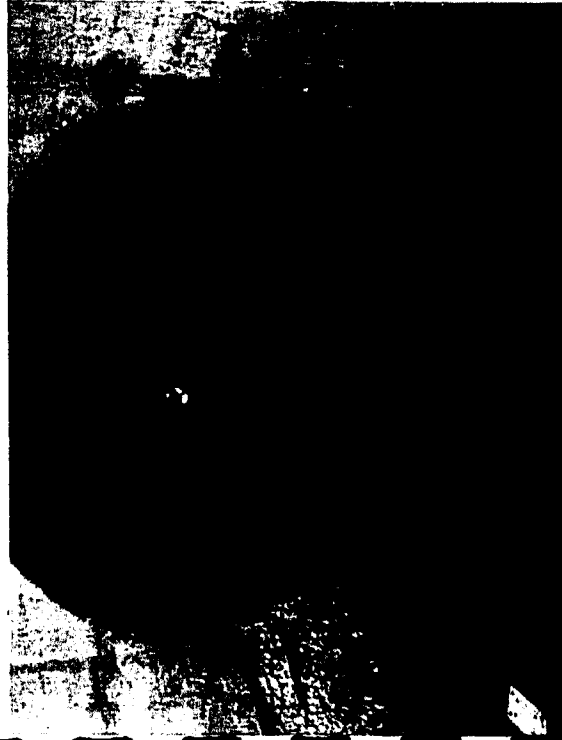
SHEET NO. 1 OF

CALCULATED BY DSS DATE 8-12-03

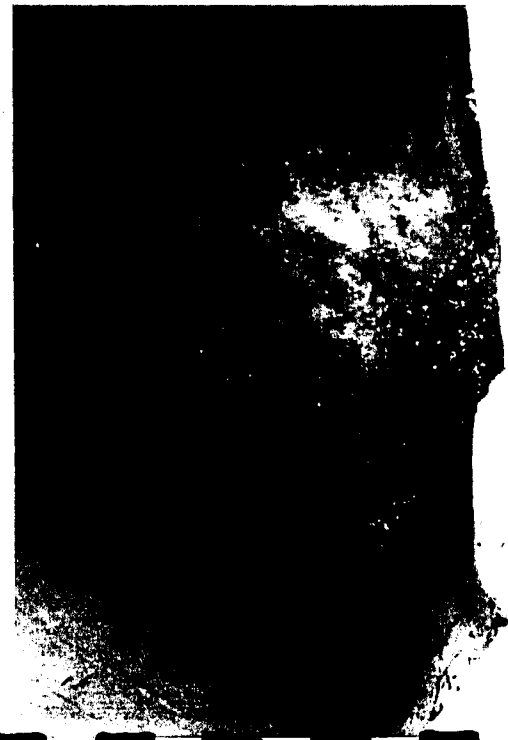
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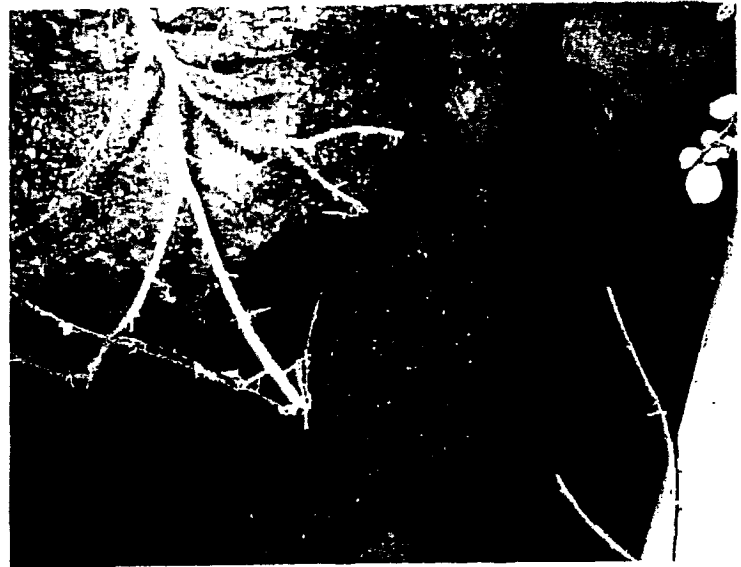


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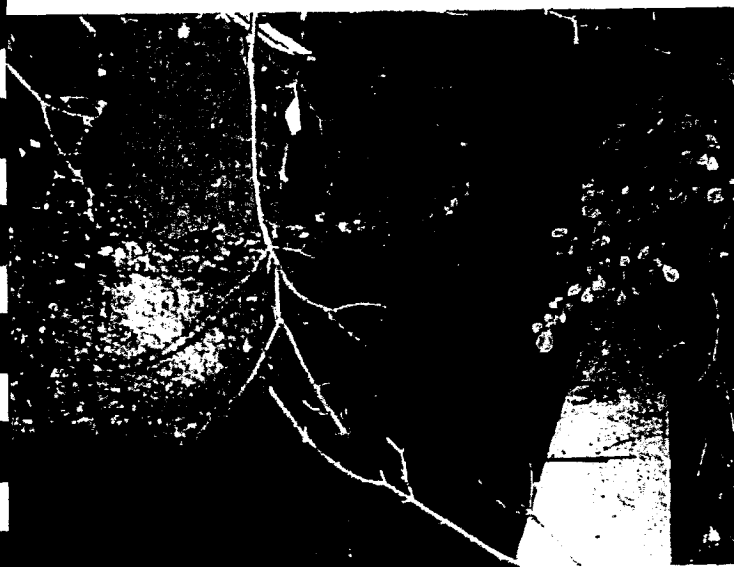




LOOKING @ OTIS ROAD - SOUTH
FROM E J & E RAILWAY.



CLOSE UP OF D.S.
END OF WEIR



← D.S. - D
FLINT CREEK

→
U.S



←
U.S

D.S FLINT CREEK

Civil Engineer's Field Report

Project: Barrington Hills

Field Report No.: 2 **Project No.:** 9355.000

Date: August 26, 2003 **Time:** 3:00 PM **Weather:** Cloudy **Temperature:** +/- 75°F

Others Present at Site:

None

Work in Progress:

None

Existing Conditions:

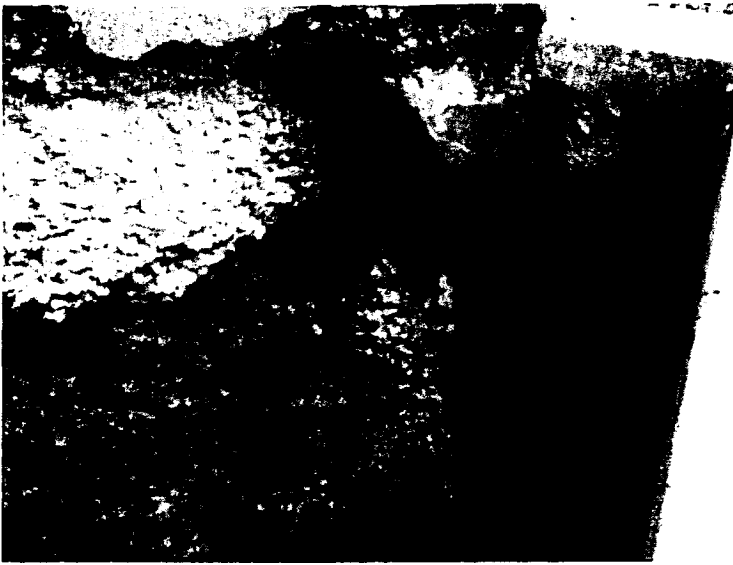
1. As a follow up to the field report dated 8-12-03 I took photos of the repairs made at the EJ&E Culvert. The photos are attached.
2. The repairs appear to be temporary in nature. The hole in the east side of the weir was mortared, and bags of ready-mix concrete were placed around the outside of the wall. No repairs were made to the west side of the weir, where similar distresses were noted. Several trees were removed from the area surrounding this culvert.

Follow-Up

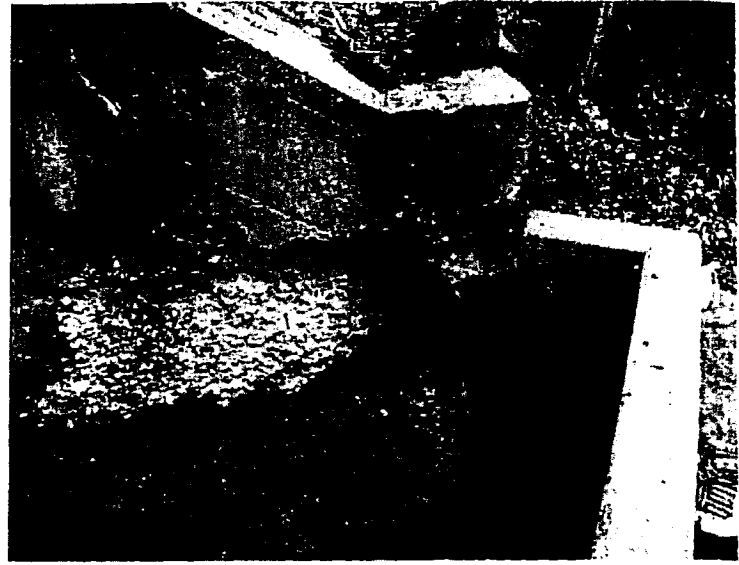
1. On Friday, September 5 I spoke with Mark Paull of EJ&E Railway Company, who was present when the problem was first noted. He said that the improvements in place were temporary in nature, but would remain in place until water begins to flow through again. If and when this occurs, he said they would revisit the problem and come up with a more permanent solution.

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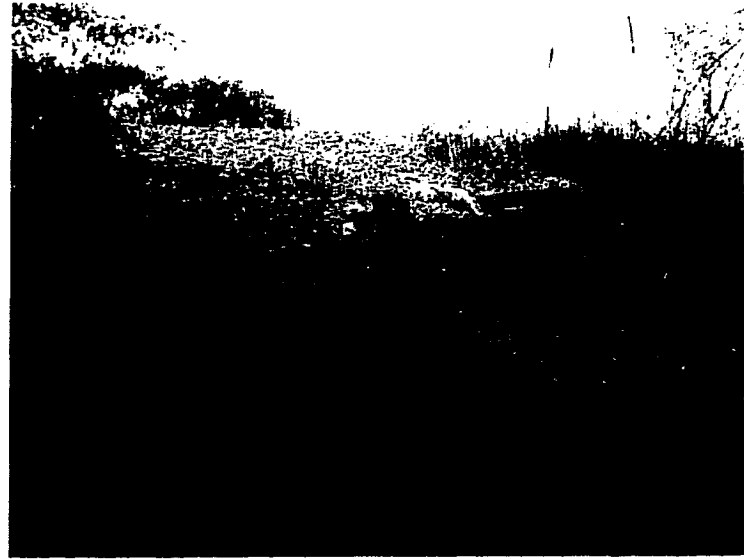
8/26/2003



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8/26/2003



8/26/2003

Civil Engineer's Field Report

Project: Barrington Hills

Field Report No.: 3 **Project No.:** 9355.000

Date: November 7, 2003 **Time:** 1:00 PM **Weather:** Sunny **Temperature:** +/- 40°F

Others Present at Site:

None

Work in Progress:

None

Existing Conditions:

1. I visited the EJ&E culvert to check on the condition of the repairs made to the weir walls, given recent heavy rainfalls. Please see attached photos.
2. The water appears to have broken through the repairs, and the culvert is now in much the same condition that it was in prior to repairs. Water is penetrating the east wingwall, though the volume of water flowing through this hole is smaller than what was noted in the August 7 field report. Also, a small amount of water appears to be flowing out of a hole in the wall under the tracks, away from the wingwalls.
3. I contacted Mark Paull of EJ&E Railway Company, who first handled the initial repairs, to notify him that water was again flowing through the wingwalls of the culvert. He said they would revisit the site and notify the village as to what further repairs would be made.

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PHOTOS TAKEN 11/7/03