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VILLAGE OF MUNDELEIN

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Phillis Johnson-Ball
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Ref: STB Finance Docket No. 35087

Dear Ms. Ball:

The following are the comments of the Village of Mundelein, Illinois concerning the Draft Environmental Impact Statement (DEIS) on the proposed acquisition of the Elgin, Joliet and Eastern Railroad by Canadian National, recently released by your agency. We have identified two fundamental calculation errors in the DEIS. One error is primarily the concern of Mundelein and its near neighbors, but the second error affects virtually every at-grade crossing along the EJ&E.

The first error is that the crossing of Illinois Route 60/83 meets two of the criteria established by the Section of Environmental Analysis (SEA) to be listed in Table 6.3-1 in Chapter 6 of the DEIS: "Highway/Rail At-Grade Crossings In The Study Area That Require Mitigation Due To Effects Under The Proposed Action." The crossing will suffer more than 40 hours per day of vehicular delay, and its peak-period queue will block another major roadway. We ask that Table 6.3-1 be revised to include the Rt. 60/83 crossing, thereby increasing the number of crossings in the list that require mitigation to sixteen.

The second error lies in the conversion of projected at-grade crossing queue lengths from number of vehicles to feet of length. In making this conversion, the DEIS assumed an average vehicle length of 25 feet, including the gap between cars. However, this fails to consider that some of those vehicles would be trucks, ranging in length (including gap) from 21-40 feet for single-unit trucks, and up to 80 feet for multiple unit vehicles (e.g. tractor-trailer rigs). As a result, we believe that queue lengths under both the No Action and the Proposed Action scenarios are badly understated. More crossings, in fact, may encounter the blockage of intersecting roadways.

On Illinois 60/83, for example, the Average Annual Daily Traffic Count is 22,900 just north of the crossing, including 2,900 single-unit and 800 multiple-unit trucks. That is over 16%, meaning that about 16 of the vehicles in the calculated queue of 97 vehicles will be trucks, with a weighted-average length including gap of 45 feet. Those 16 trucks (actually, 8 trucks on average, considering how the queue grows over time) will not

take up the 200 feet projected by SEA, but 360 feet. This may have only a small impact on this particular crossing, but all crossings need to be rechecked and have their queue lengths recalculated to be sure of the total impacts. We ask that the queue length calculation be modified accordingly in the final report.

Since March of 2008 the Village has been negotiating in good faith with the CN. Some progress has been made, drafts of an agreement have been exchanged, but at this writing, the parties do not concur on all issues. The following four issues remain unresolved.

1. Table ES-1 of the DEIS, cited above, includes Allanson Road, Milepost 38.65, and indicates that greater than 40 hours of delay/day will occur as a result of the transaction. If the queue length calculation is modified as suggested above, we believe that this intersection will also qualify under this second standard, that of queues blocking other major roadways.

The Allanson Road crossing has been a major topic in our discussions with the CN. Just south of Allanson Road, the CN line connects with the EJ&E. The connection requires that trains pass along a curve that is currently designed for a maximum speed of 10 mph. The DEIS assumed the CN would increase train speed through the curve. The DEIS concluded further mitigation is required, and we agree. The CN has advised the Village that it is theoretically possible to increase train speeds by redesigning the curve for a maximum speed of 30 mph.

The Village is concerned with the delay the Transaction will have to traffic on Allanson Road. We accept that increasing train speed through the curve will help, however we are not convinced that it will reduce the delays at Allanson Road enough to remove Allanson Road from Table ES-1. We cite the following reasons for doubt:

- a) It is uncertain the 30 mph design can be accomplished; and, if it is possible to design it so, it may not reduce the actual delay below the 40-hour delay/day standard.
 - b) Even if designed and rated for 30 mph, we fear trains will not travel at the calculated maximum rate through such a steep curve, thereby not truly solving the problem.
 - c) If train lengths increase the problem will reappear.
 - d) Until the curve is rebuilt to the higher limit, and trains regularly travel at 30 mph through the curve, the number of trains and the length of trains using the EJ&E should not be increased.
 - e) There must be a fallback mitigation option if the 30 mph speed does not solve the problem.
2. The final point identified in (e) above gives rise to our second unresolved issue, which is disagreement over the percentage of the cost of future grade separations at Allanson Road and Route 60/83 that must be borne by the CN, and whether the CN must advance a portion thereof to cover preliminary engineering costs.

The Village concurs with the conclusion in the DEIS that the standard 5% contribution for grade separations should be increased at certain locations. We urge that a 25% contribution from CN be required for all crossings that meet the excessive delay or queuing criteria. Due to the possibility that a redesigned curve will not effectively solve the problem on Allanson Road, and that the effects of the Transaction will change over time, we feel that increasing the share

borne by CN of the grade separation funding is essential. This level of funding distributes the cost of the Transaction more equitably among the parties. We further maintain that the CN should pay, up front, for sufficient preliminary engineering for such grade separations (which may be credited toward its total share) so that feasibility, potential displacement impacts and total cost can be determined, thus enabling Mundelein to obtain the remainder of the funding from State and Federal sources. We estimate this funding would reach \$1 Million for both structures.

3. The DEIS concluded that eleven fire departments and emergency responder locations will potentially experience substantial negative effects. While the method used to calculate these effects is unclear, we fully agree that emergency response, particularly medical and fire responders in our community, will be severely negatively impacted.

The focus of our comments at the August 26th public hearing in Mundelein addressed these concerns. At that hearing, the Mundelein Fire Chief and the Fire Chief of the Countryside Fire Protection District, with whom we share joint responsibility for emergency response in this area by virtue of mutual aid agreements, emphasized that the effects of the Transaction on the Route 60/83 crossing will cause a degradation of fire and medical service in specific areas. It is our fear that service will degrade so much that the standards established for fire and medical response under NFPA 1710/1720 and CFR 1910.134 and 156, will be compromised. The amount of the contribution that the CN must make to mitigate this impact is unresolved. We urge the SEA to provide concrete mitigation requirements in the Final EIS to address this issue. We have suggested that, until Route 60/83 is grade-separated, CN should fund the addition of three new contract firemen per shift. That would enable Mundelein and Countryside to direct the appropriate number of firefighters and paramedics to an incident scene despite the blockage of Allanson or Route 60/83. In the case of an interior fire, for example, we cannot send two firemen into a burning building unless we have two other firemen outside in visual and audio communication with them. This is an ironclad federal regulation. The frequent and lengthy blockages of Illinois Route 60/83 envisioned under the Proposed Transaction would prevent Countryside and Mundelein from offering this mutual, essential support. Our firemen would be compelled by federal regulation to sit and watch as buildings burn down.

4. The CN has offered to mitigate any noise impact over 70 dBA, if the Transaction causes an increase of at least 5 dBA. The DEIS utilized FTA noise and vibration guidelines, developed for passenger trains, not for freight trains. This standard greatly understates noise and vibration impacts from the Transaction. We feel that such a standard is particularly harmful when applied to schools that exist along the EJ&E.

In Mundelein, the West Oak School is only 75 feet off the EJ&E right-of-way and will be adversely affected by increased train noise. The amount of the contribution that the CN must make for sound attenuation at the West Oak Middle School is also an unresolved issue.

Sincerely,



Kenneth H. Kessler
Mayor

KHK/ch