

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35087
(including all subdockets)

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

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

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Date Filed: September 29, 2008

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TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The Town of Griffith (hereinafter referred to as the "Town") is submitting its response 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 the Surface Transportation Board (hereinafter referred to as "STB"). 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 OF GRIFFITH

Location

The Town of Griffith is located in the northwest part of Lake County, Indiana, approximately

30 miles southeast of the Chicago Loop. The Tri-State Expressway (Interstate Highways 80 and 94, and U.S. Highway 6), an east-west route, is located just north of the Town limits.

History and General Characteristics

The community that is now Griffith grew around the intersection of several railroads during the 1880s. Initial growth was slow, but the Town incorporated in 1904, and the population soon began to increase. The Town is basically a residential community for the industrial workers in the Chicago-Calumet-Gary region immediately to the north with the related business, trade, and commercial activities needed to serve the citizenry.

Population

According to the U.S. Bureau of Census, the population of Griffith is approximately 17,500 and the population for Lake County is approximately 485,000.

Government

The Town of Griffith, and its water and sewage and storm water utilities are under the jurisdiction of a five-member Town Council, each elected to a four year term. An elected Clerk-Treasurer is the chief financial officer.

Planning and Zoning

A seven member Plan Commission provides orderly growth for residential, commercial, and industrial areas in the Town of Griffith and the two-mile jurisdiction surrounding its limits. The Town also has a five member Board of Zoning Appeals for hearing development variances.

Transportation

The Town of Griffith is easily accessible from the Tri-State Expressway (Interstate Highways 80 and 94, and U.S. Highway 6), Interstate Highway 65, and U.S. Highways 30 and 41. The EJ &E

and Grand Trunk rail lines travel through the Town of Griffith. Passenger and commuter service is available in nearby Hammond from Amtrak and the South Shore Railroad. Charter air transportation is available at The Griffith Merrillville Airport. Commercial air service is available at Chicago's O'Hare International Airport and Midway International Airport, approximately one hour away.

Police and Fire Protection

The Griffith Police Department consists of 31 sworn officers, utilizing 23 vehicles. The Griffith Fire Department is a volunteer force of approximately 49 fire fighters working out of three stations all west of the EJ & E railroad. Ambulance service for the Town is provided by Consolidated Medical Transport (Co-Med).

Health Care

Residents of Griffith have their choice of several major hospitals in the area. St. Margaret Mercy Health Care Center located in Dyer (approximately 7 miles to the south west) and Hammond, and Munster Community Hospital (approximately 5 miles to the north west).

Education

The school-aged children in the Town of Griffith attend the Griffith Public Schools which operate four elementary schools, one junior high school, and one high school. Enrollment for the system as of September 2008, is approximately 2,679.

Effect of the Proposed Acquisition

The proposed acquisition of the EJ & E by the CN would have a devastating effect on the Town by cutting the Town in half. (*See Exhibit A, Map of Griffith with the EJ & E in red*). The town citizens would be placed at great risk due to increased response time in getting to emergencies and transporting victims to hospitals. The school children would be placed at an increased risk for potentially catastrophic injuries or death. Traffic would become grid locked and the health, safety,

and welfare of its citizens would suffer as a result of increased noise and vibration caused by the increased train traffic.

OBJECTION TO THE DEIS

I.

ALTERNATIVES

The DEIS summarily rejected alternatives to the CN's proposed acquisition without giving them serious consideration and simply stating that they would not meet all of the elements of CN's purpose and need for the acquisition thereby summarily ignoring the needs of the citizens of the Town of Griffith. The DEIS completely eliminated CREATE as a reasonable alternative to the acquisition based upon a very narrow reading of CN's statement of purpose in its initial application to the STB. It is apparent that the DEIS gives greater importance to commerce than it does to the devastating impact upon the citizens of the affected communities.

II.

AT GRADE CROSSINGS

The Town has seven (7) at grade crossings located at Broad Street, Elm Street, Miller Street, Lake Street, Main Street, 40th Place, and Glen Park Avenue (45th Street).

Broad Street

Broad Street is the Town's major North/South artery through the entire Town with a traffic count of 15,000 vehicles a day. (*See Exhibit B, Report from Butler, Fairman & Seufert, Inc.*) It includes the downtown business district. It consists of a combination of a single lane of traffic and a double line of traffic in each direction. Children walk and ride their bikes across the tracks at Broad Street to get to and from school. The DEIS fails to recognize the true significance to the Town that an increase of up to 34 trains a day crossing Broad Street will have. The downtown

business district will be grid locked with traffic back ups of 4-7 blocks. Not only will this have a negative impact on citizens and travelers using Broad Street it will essentially shut down access to the merchants located within the downtown business district.

The Town has approved the total reconstruction of Broad Street from Ridge Road to Main Street at a total price of \$7,000,000.00. Construction is scheduled to begin in early 2009. The Town has also considered extending the project south two blocks to the EJ & E Railroad. One of the goals of this project is to divert all truck traffic off Broad Street. Another goal is the revitalizing of the downtown business district by making it an attractive nice place to shop.

To mitigate the traffic congestion that will result if the acquisition is approved, an overpass at the EJ & E tracks at Broad Street would need to be constructed at an estimated cost of \$19,000,000.00. (*See Exhibit C, Estimate by Lawson & Fisher Associates*). However, an overpass will not remedy the impact on the businesses located within the approach zone of an overpass. Buildings would need to be torn down and businesses would need to be relocated. The time, money, and effort spent on the Broad Street improvements and downtown revitalization project would be wasted. The beauty of a small town business district would be totally destroyed.

In the event the STB approves the acquisition, it should order that the CN pay the entire cost of not only the overpass, but the rebuilding and relocation of all businesses affected and the beatification of the downtown area. The Town requests that the STB insist that the DEIS expand the scope of its safety analysis to include safety issues related to student safety at this crossing.

Main Street

Main Street is the fourth busiest street in the Town with a traffic count of 8,400 vehicles per day. (*See Exhibit B, Report from Butler Fairman & Seufert, Inc.*). It runs East and West and consists of one lane of traffic in each direction. This street not only handles a large number of cars

each day, it is also designated a truck route as there are numerous industrial parks and complexes along this street. As with all of the at grade crossings in the Town, an additional 27-34 trains a day will create grid lock, especially with the large number of trucks using the route. Many more trucks will be using this route in the future when intersection improvements at Colfax Street are completed and truck traffic is banned from Broad Street. The overpass will also be necessary to enable emergency vehicles to reach victims in a timely fashion and to transport them to the hospital in a timely fashion. Since Main Street is the most direct route to the Griffith Airport, all of the Town's emergency responders need to be able to reach the airport in a timely fashion.

The estimated cost of an overpass on Main Street is \$12,000,000.00. (*See Exhibit C, Estimate by Lawson & Fisher Associates*). If the acquisition is approved, the STB should make it conditioned upon the CN paying the entire cost of this overpass.

Glen Park Ave. (45th Street)

This avenue is the major East/West artery which is two lanes of traffic in each direction. With the exception of Ridge Road, this avenue is by far the busiest Avenue in Griffith with approximately 18,000 cars and trucks using it daily at the EJ&E Crossing. (*See Exhibit B, Report from Butler, Fairman, & Seufert, Inc.*). Major improvements have been made to this avenue in the last couple of years which has resulted in an annual increase in the daily traffic going East and West through Griffith. Any additional railroad traffic across this major artery would grid lock traffic negatively affecting not only the subject crossing but the traffic at numerous stop lights along the route. It is important to note that there are numerous businesses along 45th Street that would be adversely impacted by increased train traffic. As with Broad Street an overpass would be necessary to prevent grid lock and to allow emergency responders to get to victims in a timely fashion and to transport

them to the hospital in a timely fashion. The Town requests that the STB insist that the DEIS expand the scope of its safety analysis to include safety issues related to student safety at this crossing.

Lake Street

Lake Street is an East/West street consisting of one lane of traffic in each direction. For the most part, Lake Street is a busy residential street with vehicular traffic of approximately 5,000 cars a day; however, there is a public school, a private school, and a park which generates a substantial amount of pedestrian traffic. (*See Exhibit B, Report from Butler, Fairman, & Seufert, Inc.*). It is important to note that there are no crossing gates at this crossing. Additional trains will have an adverse impact on the residents who cross the EJ&E numerous times at the location going to and from their homes. Also, the pedestrian traffic would be at greater risk.

Miller Street

Miller Street is an East/West street consisting of one lane of traffic in each direction. For the most part Miller Street is a residential street with vehicular traffic of approximately 5,000 cars a day; however, there is a substantial amount of pedestrian traffic. (*See Exhibit B, Report from Butler, Fairman, & Seufert, Inc.*). It is important to note that there are no crossing gates at this crossing. Additional trains will have an adverse impact on the residents who cross the EJ&E numerous times at the location going to and from their homes. Also, the pedestrian traffic would be at greater risk. The Town requests that the STB insist that the DEIS expand the scope of its safety analysis to include safety issues related to student safety at this crossing.

Elm Street

Elm Street is an East/West street consisting of one lane of traffic in each direction. For the most part, Elm Street is a residential street with vehicular traffic of approximately 6,200 cars a day;

however, there is a substantial amount of pedestrian traffic. (*See Exhibit B, Report from Butler, Fairman, & Seufert, Inc.*). It does have crossing gates; however, the crossing is located one (1) block west of a Public Elementary School and approximately 3 blocks east of a Private Elementary School. Additional trains will have an adverse impact on the safety of children walking to school as well as on the residents who cross the EJ&E numerous times at the location going to and from their homes. Also, the pedestrian traffic would be at greater risk. The Town requests that the STB insist that the DEIS expand the scope of its safety analysis to include safety issues related to student safety at this crossing.

40th Place

40th Place is an East/West Street consisting of one lane of traffic in each direction. The area surrounding the intersection of 40th Place and the EJ&E is single family residential with a public elementary school located within 500 feet of the railroad crossing. There is substantial pedestrian traffic crossing the railroad tracks, with a large number of students crossing the tracks going to and from school each day. Approximately 10,900 vehicles per day cross the EJ&E tracks at this crossing. (*See Exhibit B, Report from Butler, Fairman, & Seufert, Inc.*). As with the other residential streets that cross the EJ&E, additional train traffic would have a definite negative impact on pedestrians using the crossing as well as the residents who cross the tracks numerous times a day going to and from their homes. The Town requests that the STB insist that the DEIS expand the scope of its safety analysis to include safety issues related to student safety at this crossing.

III.

POLICE, FIRE, AND EMERGENCY SERVICES

An additional 15-34 trains a day will cause aggravation for travelers through Griffith and

adversely affect the quality of life of those traveling the Town's streets as well as those living and working within the Town. It will place the approximately 18,000 citizens of the Town at great risk in the event of a situation involving police, fire, and emergency services by delaying the response time. It is very important that not only the delay in response time be considered but that the time delay in getting victims on the east side of town back over the tracks because the closest trauma center is west of the tracks. Having a new fire station with an ambulance on the east side will only help in getting to the victim. The delay in crossing the tracks to get the victim to the closest trauma center on the west side of the tracks could be fatal. The town has seven (7) at grade crossings, Broad Street, Elm Street, Miller Street, Lake Street, Main Street, 40th Place, and Glen Park Avenue (45th Street); a blockage at any one of these crossings could mean the difference between life and death for a cardiac patient where for every minute of delayed treatment increases the likelihood of death by ten (10%) percent. The DEIS methodology for assessing emergency response impacts is incomplete. For example, if a new fire, police, and ambulance station are built on the east side of the tracks that only solves half of the problem. The remaining problem not addressed in the DEIS is the highly increased potential for a train to delay the transporting of a victim to a hospital. Since transporting a victim to a hospital involves crossing the EJ &E tracks when the victim is on the east side of the Town. The Town has a limited number of emergency response personnel which compounds this problem and the fact that the Town has only one through road to the east side of Town that does not cross the EJ &E tracks. *(See Exhibit D, Comments from the Chief of Police, Ron Kottka, Exhibit E, Comments from the Fire Chief, George Thiel, Exhibit F, Comments from the President of the Emergency Medical Services Board of Control, and Exhibit G, Comments from the Chief Operations Officer of Prompt Ambulance Service, Inc.).*

IV.

STUDENT SAFETY

The Town is especially concerned with the impact the acquisition will have on its school children. There are four (4) schools within a quarter mile of the EJ & E tracks. School buses cross the EJ & E tracks dozens of times a day, serving not only the four (4) schools close to the tracks, but the other two (2) schools which serve approximately 800 students.

The Town believes it is imperative for the safety of the students that a thorough analysis of the safety issues be addressed in a final EIS, since such an analysis was missing from the DEIS. (*See Exhibit H, Comments from the Superintendent of Griffith Schools, Pete Morikus*).

V.

PUBLIC SAFETY

The DEIS concludes that despite the potential for an increase of hazardous material spills along the EJ&E that this transaction would create “a hazardous material release would remain remote because of the regulatory and other safeguards already in place.” As additional comfort, SEA added, “In addition, the CN rail line (currently used) tend to be in more densely populated areas than the areas along the EJ&E rail line, where hazardous materials transportation would increase.” SEA’s analysis failed to look at a few critical issues that undermine these blanket conclusions as it ignored on-the-ground realities about the communities CN will be carrying additional hazardous materials through.

The disastrous reality of what the Town could experience if a train derailed and resulted in a hazardous spill cannot be overstated. With a huge increase in freight volume as well as an increase in hazardous cargo loads, this risk is very real. Increased transport of hazardous materials is

compounded by CN's deplorable safety record in Canada that has led to intense scrutiny by the Canadian government over the last several years. That SEA decided not to look at CN's Canadian safety record in developing the DEIS is unfathomable and needs to be rectified, as Canada has concluded much of CN's safety problems are due to a "culture of fear" that CN has created for employees who try to report safety-related problems.

VI.

NOISE POLLUTION AND VIBRATION

The DEIS uses a methodology for generating noise contours and accounting for building shielding that is outdated and was used prior to the advent of high-speed personal computers. This methodology is too generalized and could result in inaccurate inclusion or exclusion of impacted homes that could require mitigation for noise impact. The DEIS uses an unsubstantiated threshold for the consideration of mitigation for noise impacts that has no technical basis, which no other agency uses, and that has been soundly criticized by the U.S. Environmental Protection Agency. This threshold is higher than the widely accepted threshold at which impacts are deemed significant. In the DEIS, SEA abdicates its responsibility to address mitigation for noise impacts by encouraging CN to negotiate with affected municipalities rather than taking a hard look at mitigation itself. The DEIS mentions noise walls and suggests that CN determine their feasibility. Once again, the Town is left to its own devices to negotiate with CN without an indication of what specific mitigation the STB could impose on CN.

The Town is concerned about increased noise from the 15-34 additional trains per day running on the EJ&E line as a result of the proposed acquisition. The Town additionally and specifically is concerned for public health, safety, and welfare of the Town, regarding its well-

established residential zones. 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 near the tracks will be inundated with wayside noise and train engine noise.

The Town requests that the CN be required to 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 requests 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.

VII.

QUIET ZONE

If the proposed acquisition is approved by the STB, the Town requests that the STB establish a Quiet Zone as set forth under the Federal Railroad Administration at 49 C.F.R. 222 and 229 entitled "Use of Locomotion Horns at Highway - Rail Grade Crossing" and that the CN provide and pay for any necessary improvements in attaining a Quiet Zone through the entire Town and throughout the entire length of the EJ & E tracks as it divides the Town.

VIII.

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 its well established residential areas. The Town requests adequate and

acceptable assurances be provided by the STB 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.

Since 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, 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. Since the DEIS fails to adequately analyze the detriment to air quality that the proposed acquisition will have, the Town requests the STB to fully analyze the effect this Transaction would have on air quality and the negative effect of fine particulate matter on Town residents.

IX.

COMMUTER RAIL SERVICE

The DEIS determined that the planned expansion of existing Northern Indiana commuter rail service “was not reasonably foreseeable” so SEA chose not to assess the impacts this transaction could have on those plans that would have commuter rails crossing the EJ&E at-grade in Griffith. In August 5 testimony at a Congressional Field Hearing on this transaction, the Northwestern Indiana Regional Planning Commission (NIRPC) strenuously objected to that dismissal stating, “State legislation to help finance the expanded rail service passed one House of the Indiana Legislature this past spring, and a bill to secure a financing mechanism is expected to be reintroduced during the next session. The expanded commuter rail service is also supported by a series of NIRPC studies and the NIRPC Board has taken a policy position to support it. It has strong support at the federal, state and

local levels and the Phase I Alternatives analysis is underway and the results should become available shortly. It is wrong and unreasonable to dismiss and undercut the ongoing federally-funded feasibility study before it is completed.”

X.

MITIGATION

The Town, while voicing its concerns directly to CN, has never been approached by the CN with any proposed mitigation measures. The Town requests th STB, in the event that it approves the pending acquisition, to fully require the CN to complete within the Town all of the mitigation requests made by the Town in this response. Further, the Town request the STB require the CN to complete all mitigation measures discussed in the DEIS.

XI.

GENERAL COMMENTS

The Town of Griffith is categorically opposed to the proposed acquisition and the Town Council passed a Resolution objecting to the DEIS. (*See Exhibit I, Town of Griffith Resolution*). It is intersecting to note that while it is unrefuted that Griffith is the Town that would be most adversely affected by the proposed acquisition, no public meeting was scheduled by the STB to take place within the community so that the citizens of the Town would have a realistic opportunity to appear and voice their opposition. Nevertheless, the Town has received 4,800 signed objections to the proposed acquisition. (*See Exhibit J, Affidavit of the Clerk-Treasurer, Ronald J. Szafarczyk*).

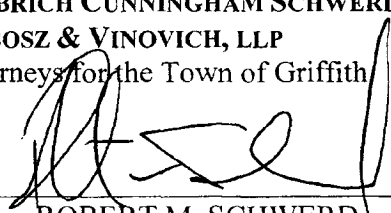
XII.

CONCLUSION

The STB has a duty to serve all tax payers affected by the proposed acquisition by acknowledging that the environmental harms to affected communities outweigh the transportation benefits and cannot be adequately mitigated by CN.

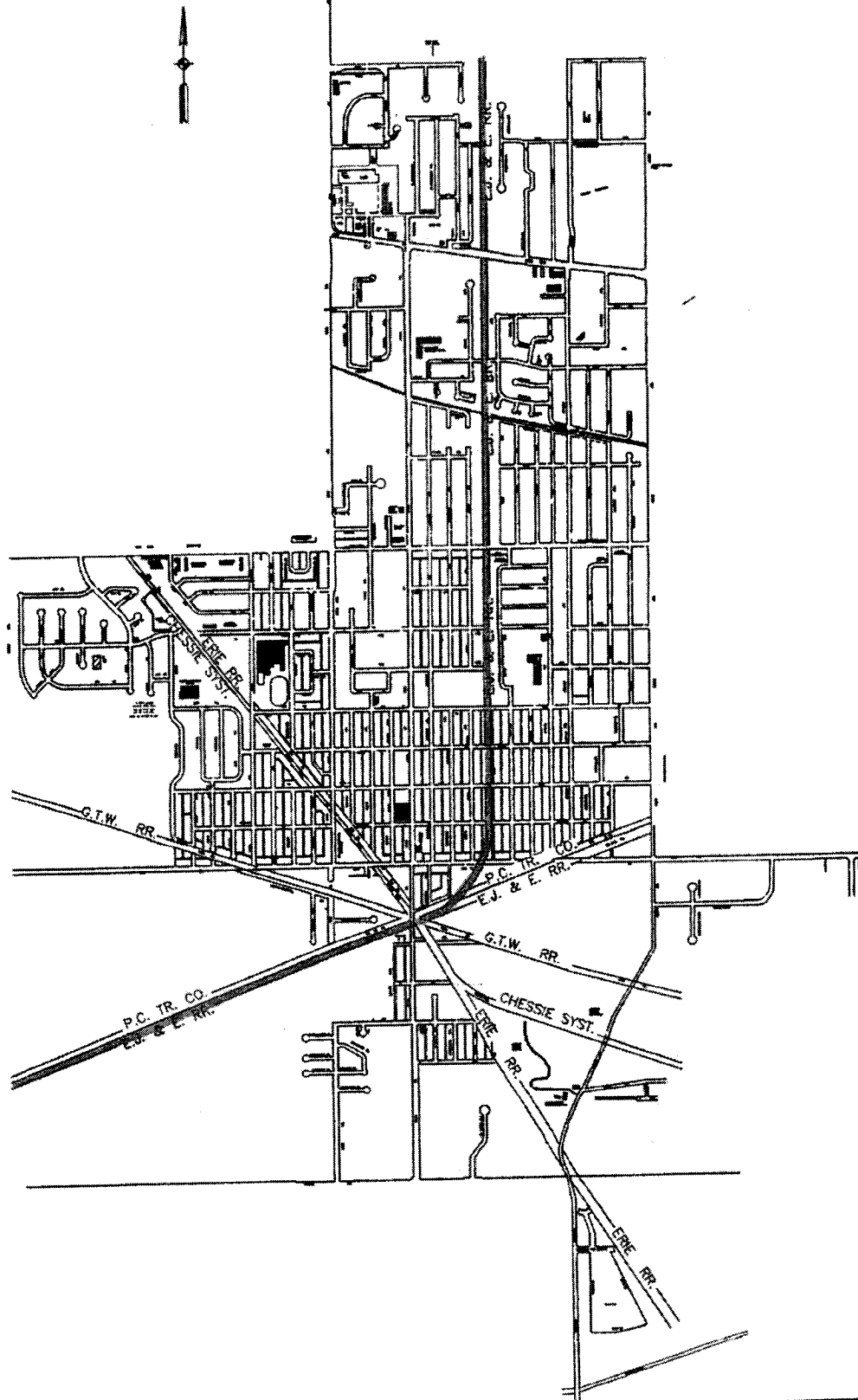
Respectfully submitted,

**HILBRICH CUNNINGHAM SCHWERD
DOBOSZ & VINOVICH, LLP**
Attorneys for the Town of Griffith



BY: ROBERT M. SCHWERD
Attorney No. 220-45
2637 - 45th Street
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(219) 924-2427

TOWN OF GRIFFITH



Shawburg No. 5118

EXHIBIT

A



FOUNDED 1961

January 15, 2008

Stan Dobosz
Town of Griffith
111 North Broad Street
Griffith, IN 46319-2294

8450 WESTFIELD BLVD., SUITE 300
INDIANAPOLIS, IN 46240-6929
TEL 317 713 4615
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Branch Locations

- BLUFFTON
- JEFFERSONVILLE
- MERRILLVILLE
- PLAINFIELD

Re: Average Daily Traffic Volume on EJ&E Railway through Griffith

Dear Mr. Dobosz,

We have compiled the average daily traffic counts on the road segments intersecting the EJ&E Railway as requested by the Town. The information was pulled from our documents through prior projects and field studies completed by Butler, Fairman, & Seufert. The ADT's are as follows:

- | | | |
|---------------------------|----------------|---------------|
| • 45 th Avenue | @ EJ&E Railway | 18,000 V.P.D. |
| • Broad Street | @ EJ&E Railway | 15,000 V.P.D. |
| • 40 th Place | @ EJ&E Railway | 10,900 V.P.D. |
| • Main Street | @ EJ&E Railway | 8,400 V.P.D. |
| • Elm Street | @ EJ&E Railway | 6,200 V.P.D. |
| • Lake Street | @ EJ&E Railway | 5,000 V.P.D. |
| • Miller Street | @ EJ&E Railway | 5,000 V.P.D. |

We hope this information proves useful to you and ask that should you need any more information not to hesitate to ask.

Sincerely,

Butler, Fairman, & Seufert, Inc.

Jake Dammarell
Construction Engineer

President:
JOHN W. BRAND, P.E.
Executive Vice Presidents:
PETER P. KOHUT, P.E.
GARY L. POHL, P.E.
BRADLEY D. WATSON, P.E.
STEPHEN P. WEINTRAUT, P.E.
Vice President - Consultant:
JOHN L. SPEIDEL

Vice Presidents:
JAMES A. HAMILTON, P.E., L.S.
DAVID LAHEY, P.E.
DONALD V. MANLEY, P.E.
BENJAMIN J. ZOBRIST

Civil Engineering Solutions for Better Communities

number
ACEC
INDIA





MEMORANDUM

January 25, 2008

TO: LFA Project File 9015.79

FROM: Dennis A. Zebell, P.E. *Page 3*

RE: Estimated Costs for Bridge Crossings over EJ&E Railroad Tracks
Town of Griffith, Indiana

Lawson-Fisher Associates has prepared an estimate of cost to construct bridge crossings over the EJ&E railroad at three locations in the Town of Griffith. The structures would be constructed to reduce traffic disruption. The cost estimates are very preliminary in nature and were prepared assuming a free-span bridge over the tracks at a width appropriate for the location with some utility relocation and property acquisition. The costs of these structures could vary considerably if the criteria during final design requires significant property acquisition or utility relocation work unknown at this time.

The estimated costs for bridge crossings over the EJ&E tracks are as follows:

- | | | |
|----|---|--------------|
| 1. | Broad Street Crossing South of Main Street | \$19,000,000 |
| 2. | 45 th Avenue Crossing East of Broad Street | \$15,000,000 |
| 3. | Main Street Crossing East of Broad Street | \$12,000,000 |

DAZ/sab

Lawson-F





GRIFFITH POLICE DEPARTMENT

Ronald G. Kottka
Chief of Police

Lt. Michael E. Gulley
*Operations Lieutenant
Executive Officer*

Lt. Donald McCarter
Detective Lieutenant

January 24, 2008

Re: The acquisition of the EJ&E Railroad by the CN Railroad

To Whom It May Concern,

It has come to my attention that the CN Railroad, upon its acquisition of the EJ&E Railroad, would increase traffic on the tracks by 15-27 trains per day.

This would create a burden to the police department as well as its citizens. This increased train traffic would force this department to keep at least one officer south of the tracks on Broad Street. This would cost my agency at least \$200,000.00 per year in salaries as well as vehicle and other miscellaneous costs. This would also create a safety issue for the citizens in town by having one less officer at their disposal in other parts of the community. My officers would also incur further risk by having one less officer to assist them in other parts of town, as well. The officer on the south side of the tracks could have trouble getting officers to assist them due to the tracks being blocked more often and for longer periods of time. The majority of our town, area and population, lies on the north and west side of the current EJ&E tracks.

So as you can see the citizens as well as my officers who are on the east side of the tracks could incur health and safety issues as well due to the increased train traffic. Please consider this letter when rendering a decision on the acquisition of the EJ&E Railroad by the CN Railroad. This would cause quite a hardship on the Town of Griffith, its citizens as well as the various public safety departments.

Respectfully,

A handwritten signature in cursive script, appearing to read "Ron Kottka".

Ron Kottka

Chief of Police

115 N. Broad Street
Griffith, IN 46319
219-924-7503
219-922-3076 fax





Griffith Fire Department

130 N. LAFAYETTE STREET GRIFFITH, INDIANA 46319
EMERGENCY 911

September 25, 2008

George J. Thiel
Chief

Walter Eaton
Sec-Treas

Station 1
924-7500 ext 32

Station 2
922-3072

Station 3
838-3309

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:

An additional 15-34 trains per day through the Town will create life threatening risks for the citizens of Griffith by causing delays in answering Fire and Emergency calls to the eastern part of the Town, which consists of 848 residences, nine (9) apartment buildings, numerous businesses, and a fast growing airport. Due to the increase of traffic on the EJ & E Railroad by the Canadian National Railway Company, it would increase the response time.

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.

A train of a minimum of one (1) mile long traveling through an at grade 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. Obviously a longer train will cause even longer delays in response time.

In the event that a train is stopped, totally blocking the crossing, emergency responders would be forced to find an open at grade crossing. A total detour around the train could be over three (3) 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.



GRIFFITH FIRE DEPARTMENT

Phillis Johnson-Ball
September 26, 2008

Page 2

This could mean the Town would have to build a new fire station and training building near the intersection of Main Street and Colfax to ensure protection for the eastern part of Griffith. The cost of the property, a four bay station, two fire trucks, an ambulance, and a crash truck would be approximately \$2,500,000.00.

The Griffith Fire Department is a volunteer department that means that at least eight (8) men or women living on the east side of the tracks would have to volunteer. At the present time, we only have ten (10) volunteers living on the east side of the EJ & E tracks. It would cost \$800.00 per man per year for training. In addition, there is the cost of maintaining and operating the equipment and maintenance of the property, etc.

Due to the negative impact on response times of emergency responders, the Griffith Fire Department members who have taken an oath to protect the Town's citizens object to the proposed acquisition of the EJ & E by CN.

Sincerely,


George J. Thiel, Chief

cc: Griffith Town Council

9/19/08

**EMS BOARD OF CONTROL
GRIFFITH, INDIANA**

SURFACE TRANSPORTATION BOARD HEARING

Re: Negative impact for Canadian National's Proposed Purchase of EJ & E

Issues:

Environmental

1. **Critical Impact on Emergency Ambulance Services for Griffith**
We only have one dedicated ambulance in our town at any one time. If an ambulance is stopped by a 200 car train it will entail a delay to get a back up ambulance to the scene on the other side of the tracks.
2. **Our current town contract with our Emergency Services Provider**
Prompt Ambulance is good for nine more years. It stipulates that Prompt will average less than four minutes for emergency calls to the scene for every month. This will become impossible in some critical situations when a patient requires advance life support services(ALS). ALS is required in more than double the times that only basic life support services are now needed in Griffith. Further, in emergency situations involving heart attacks every minute that the ambulance is delayed REDUCES the survival rate of the patient by 10%!

Quality

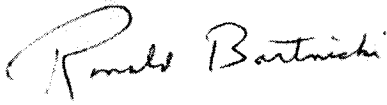
1. **Divides town in Half**
 - a. Proposed lengthy trains will further delay traffic crossing town from north to south AND east to west.
 - b. Because the tracks go right through residential areas for the entire length of tracks in Griffith, it will increase the noise and vibration six-fold (3x the number of trains with double the length of trains: 10 per day to 34 per day and 100 cars to 200 cars).

Safety

1. Proposed trains will almost increase the number of hazardous carloads ten-fold (from 45 cars to 400 per day).
2. With the number of crossings affected in Griffith (no. 7), it will seriously affect the safety of pedestrian and vehicle traffic unless overpasses are built and not at the expense of town of Griffith (Canadian National is an eight billion dollar company).



Respectfully submitted,

A handwritten signature in cursive script, reading "Ronald Bartnicki". The signature is written in dark ink and is positioned below the phrase "Respectfully submitted,".

Ronald Bartnicki
President of the Emergency Medical Services Board of Control



**Prompt Ambulance Service Inc.
Concern for increased traffic on the EJ&E line through the Town of Griffith.**

Prompt Ambulance Service Inc. provides Emergency Medical Service to the Town of Griffith, with the ambulance stationed at Lake and Griffith Blvd.

Our understanding is that the train traffic on the EJ&E line will dramatically increase and the trains would also increase in length. The chances of the trains stopping due to other train traffic are also a concern which must be addressed.

The line which runs North and South divides the Town of Griffith in half and also crosses the main north south thoroughfare Broad St. south of Main St...

Limited crossings of the line hamper the access to both the East and South areas of the town. The only non-grade crossing is Ridge Road.

In the event of blocked crossings which potentially could block all crossings from Broad Street past 45th street forcing the responding ambulances up to Ridge Road and then over to Arbogast or Colfax (the only streets which cross the ditch east of the tracks). Areas on the Eastern portion of the town could increase from an average of 3 minutes to 8 to 12 minutes. Ambulance responses in the worst case scenario to the areas south of the tracks could be as long as 12 to 15 minutes.

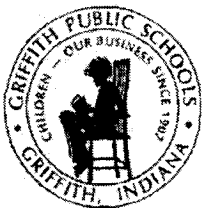
Revenue for Emergency Medical Service to the Town of Griffith is user fees billed to the patients and no tax dollars are provided. The call volume does not indicate the need for additional ambulances, if delayed responses occur due to blocked crossings response time criteria would need to be removed from the agreement. In order to provide response times within an acceptable range the Town may be forced to contract an additional ambulance and absorb a cost of up to \$400,000.00

The safety of the residents and the possible effects to EMS, Fire and Police services should be addressed immediately.

Sincerely Submitted

Jerry E Miller
Chief Operations Officer
Prompt Ambulance Service Inc.





Griffith Public Schools

132 North Broad Street Griffith, Indiana 46319-2289
Ph. (219) 924-4250 Fax (219) 922-5933 <http://www.griffith.k12.in.us>

Board of School Trustees

Richard W. Muha, President
Margaret Garastik, Second Vice President
Daniel W. Govert, Assistant Secretary

Richard C. Anderson, First Vice resident
Timothy Owczarzak, Secretary
Michael D. Dobosz, Attorney

September 29, 2008

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

Re: STB Finance Docket 35087

Dear Ms. Johnson-Ball:

I, Peter Morikis, in my position as Superintendent of Griffith Public Schools and being in charge of protecting the health, safety, and welfare of the students and responsible for the fiscal policy of the school system, hereby object to the proposed acquisition of the EJ&E Railroad by the Canadian National Railway Company.

The Griffith Public Schools consist of four elementary schools, one middle school and one high school. Four of the six schools are within a quarter mile of the railroad tracks serving a student population of approximately 2,679 students. By increasing rail traffic by as many as 34 trains per day, some of which will be transporting hazardous materials, would place students at a greater risk for harm. Many students walk to and from these schools. Crossing such busy tracks would necessitate the employment of additional crossing guards. Buses would have to be rerouted and additional fuel would be wasted due to the idling of buses waiting for trains to pass and from being rerouted. All at-grade crossings, which there are six (6), would require a significant upgrade in safety features.

Sincerely,

Peter Morikis
Superintendent
Griffith Public Schools

Peter N. Morikis, Superintendent
Roberta Dragomer, Technology Director
Karen Gierman, Superintendent's Secretary
Betty Schultz, Accounts Payable

Gary J. Sutton, Assistant to the Superintendent
Jeannette E. Bapst, Business Manager
Toni Loomis, Payroll Supervisor
Denise Buehler, Receptionist/Secretary

EXHIBIT

H

**TOWN OF GRIFFITH
RESOLUTION NO. 2008 - 36**

**A RESOLUTION OBJECTING TO THE SURFACE TRANSPORTATION BOARD'S
SECTION OF ENVIRONMENTAL ANALYSIS' PREPARED DRAFT
ENVIRONMENTAL IMPACT STATEMENT.**

WHEREAS, the Town Council of the Town of Griffith, Lake County, Indiana has received and carefully reviewed the Surface Transportation Board's section of Environmental Analysis' prepared Draft Environmental Impact Statement (Draft EIS); and

WHEREAS, the Griffith Town Council is charged with the duty to protect the health, safety, welfare, and quality of life of the citizens of the Town of Griffith; and

WHEREAS, the application of the Canadian National Railway Company and the Grand Trunk Corporation (collectively CN) filed with the Surface Transportation Board (The STB) to purchase the EJ & E West Company (EJ & E) is of great concern to the Town of Griffith; and

WHEREAS, the Draft Environmental Impact Study has serious flaws that need to be addressed prior to a Final Environmental Impact Statement being prepared; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY the Town Council of the Town of Griffith, Lake County, Indiana that the Town Council formally go on the record opposing the Draft Environmental Impact for the following reasons:

1. The Draft EIS summarily rejected alternatives to the proposed acquisition without giving them serious consideration and simply stating that they would not meet all of the elements of CN purpose and need for the acquisition, there by summarily ignoring the needs of the citizens of the Town of Griffith.
2. The Draft EIS states that the number of train accidents on the EJ & E would likely increase 28% and an increase of highway/rail accidents would increase from 1.57 to 6.04 accidents annually on the EJ & E line. However,

the increases are considered acceptable since the accident rate would decrease on the existing CN line due to less traffic, in other words, it is okay if the accident rate for Griffith increases as long as it decreases along the existing CN route. All figures used in the Draft EIS are predicated on the acquisition increasing the train traffic by 20 trains a day while nothing keeps the CN from increasing traffic by 40 trains or more per day.

3. The Draft EIS states "based on historic data the likelihood of a release of hazardous materials would still be remote, less than once every year." That statement gives no comfort to the citizens of Griffith nor does the fact that the risk for accidents involving pedestrians and bicycles will increase in Griffith but that is okay because it will decrease along the existing CN route.
4. The Draft EIS dismisses the decrease in property values due to the addition of 20 additional trains a day by stating that "some homes could experience a decrease in property values." There is no plan to have property owners compensated for the decrease in their property value.
5. The Draft EIS states "any impacts on community cohesion and interaction as a result of changes in rail operations along the EJ & E rail lines are expected to be minor." It further states "similarly, the proposed physical changes would not close any existing roads or eliminate and highway/rail at crossings, so there would be no direct loss of access to communities or public services." Obviously whoever prepared this report never set foot in the Town of Griffith.

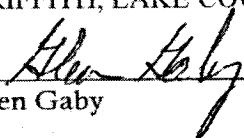
6. The Draft EIS goes on to say that "train noise and highway/rail at-grade crossing safety and delay could have high impacts on the communities located along the EJ & E Rail line." Then goes further to say "although SEA concluded without mitigation, noise impacts would be high and adverse, those impacts would not be disproportionately born by minority or low-income communities. In other words, adverse noise impacts are okay as long as Griffith is not a low-income community.
7. The Draft EIS fails to acknowledge that the EJ & E Railroad tracks traverse through a densely populated residential area the entire length of Griffith, thereby effectively cutting the town in half and placing its citizens at risk regarding fire, ambulance, and police emergencies. As far as police services, the report states that the Police Department will generally be unaffected because they are "mobile."
8. While the Draft EIS mentions Griffith concerning the increase in noise pollution, decrease in property values, increase in Hazardous Waste risk at the proposed connecting station, proximity of 4 schools within .25 miles of railroad tracks, and proximity 15 schools and parks within 1.5 miles of the railroad tracks; there are NO recommendations for mitigation at the crossing near the schools or parks. In fact, the Draft EIS while acknowledging "High Accident Frequencies" at Lake Street and Miller Street states that "the SEA's believes the most effective mitigation for these two (2) streets would be for the parties to reach an agreement that might include improving the warning devices at one street and closing the other. The Draft EIS goes on

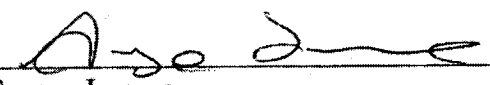
further to state that "this is not the mitigation the board could impose."

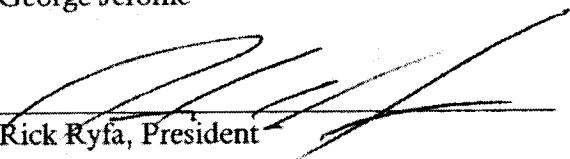
9. The Draft EIS does not mandate an overpass at the South Broad Street crossing or the West Main Street crossing.
10. The Draft EIS does not mandate mitigation providing extra police to cover the east side of the town twenty-four hours a day, seven days a week.
11. Lastly, while Griffith is the town that is most adversely effected by the proposed transaction, no public meeting was scheduled by the Surface Transportation Board to take place in Griffith so that the citizens of Griffith would have a realistic opportunity to appear and voice their concerns.

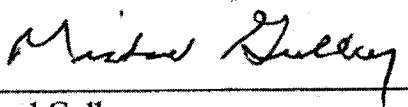
ADOPTED this 23RD day of SEPTEMBER, 2008, by the Town Council of the Town of Griffith, Lake County, Indiana.

COUNCIL MEMBERS OF THE TOWN OF
GRIFFITH, LAKE COUNTY, INDIANA

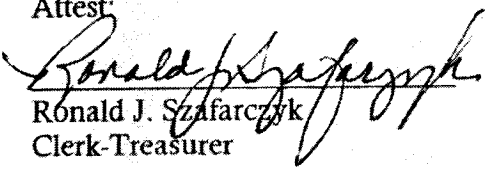

Glen Gaby

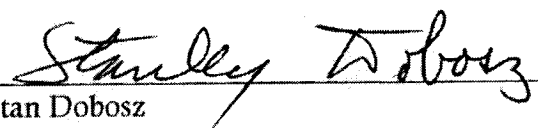

George Jerome


Rick Ryfa, President


Michael Gulley

Attest:


Ronald J. Szafarczyk
Clerk-Treasurer


Stan Dobosz

**AFFIDAVIT OF THE CLERK-TREASURER OF THE
TOWN OF GRIFFITH, LAKE COUNTY, INDIANA**

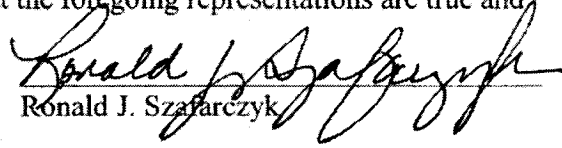
Comes now Ronald J. Szafarczyk and being first duly sworn, affirms and says as follows:

1. That Affiant is more than eighteen (18) years of age.
2. That Affiant is the duly elected Clerk-Treasurer for the Town of Griffith, Lake County, Indiana.
3. That as part of my official duties, I keep all of the records for the Town of Griffith, Lake County, Indiana.
4. That I have received as part of my official duties, 4,800 signatures of citizens of Griffith, Indiana stating their opposition to the proposed acquisition of the EJ & E railroad by the CN Railway.

Dated this 29th day of September, 2008.


Ronald J. Szafarczyk

I affirm, under the penalties for perjury, that the foregoing representations are true and correct.


Ronald J. Szafarczyk

STATE OF INDIANA)
)SS
COUNTY OF LAKE)

Before me, the undersigned, a Notary Public in and for said County and State, this 29th day of September, 2008 personally appeared, Ronald J. Szafarczyk, and acknowledged the execution of the above document.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: 7/31/15

Signature: Sarah L. Norris

Printed Name: Sarah L. Norris

Notary Public

Resident of Lake County

