

#E1-19118

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November 28, 2012

Ms. Diana Wood
Surface Transportation Board
395 E Street, SW
Room 1110
Washington, DC 20433

Re: Docket No. FD35522, CSX Transportation, Inc. – Acquisition – Grand Trunk
Western Railroad Company

Dear Ms. Wood:

This office represents the Village of Evergreen Park (“Village”). Please consider this letter the Village’s response to the Surface Transportation Board’s Office of Environmental Analysis’ (“OEA”) draft environmental assessment (“assessment”) regarding the above-mentioned transaction. The Village has delayed its response in order to provide you with a certified copy of its minutes from its regular Village Board meeting of November 5, 2012. At that meeting, representatives of CSX and the Village discussed the impact of the transaction. Additionally, it is my understanding that you have been provided with a letter detailing the Village’s concerns as expressed in the enclosed June 14, 2011, correspondence to Mr. Kevin Keller, HDR Engineering, Inc. To the extent that is not true, the Village hereby incorporates those concerns into this letter.

The Village reviewed the OEA’s assessment of the above-referenced transaction. The Village agrees that the transaction, if effectuated, will adversely impact emergency responders, cause an increase in noise and vibration, and cause an increase of traffic congestion. However, the mitigation measures proposed by the OEA in the assessment are inadequate to address the true impact of the transaction on the area.

Emergency Response Impact. The Elsdon Line runs in a northwesterly direction and splits the Village’s corporate limits in half. The Elsdon Line is 1.2 miles from Advocate Christ Medical Center (“Christ Hospital”) and 0.3 miles from Little Company of Mary Hospital. Christ Hospital is one of only two Level I trauma centers in southern Cook County. The other Level I trauma center, Stroger Hospital, is 13 miles northeast of Christ Hospital. Christ hospital services almost all of the high level trauma incidents that occur on the south side of the City of Chicago, as well

as the south and southwestern suburbs. Naturally, the proposed increase in train traffic will adversely affect the public health and safety by delaying the medical treatment of patients being transported to Christ Hospital by emergency responders. Additionally, the Village has only one fire station, which is located east of the Elsdon Line at 9000 South Kedzie Avenue. While trains are running on the Elsdon Line, the Village's emergency responders do not have access to half of its citizens. The proposed increase in train traffic will correspondingly increase the time-period in which no medical or fire services can be offered to Village residents.

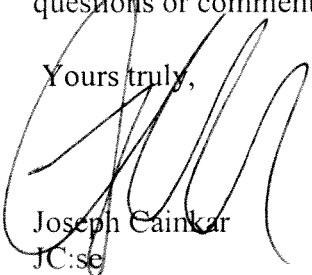
The mitigation measures proposed in the assessment do not mitigate the impact of the transaction on emergency responders. They simply increase the efficiency of rerouting emergency responders due to the adverse impact caused by the transaction. Rerouting emergency responders, however, will cause a significant delay in the medical treatment of patients in need of urgent care. Also, rerouting emergency responders only increases the likelihood that those responders will be delayed by other train traffic on other lines in the area. The only mitigation measures that will adequately address the transaction's impact on emergency responders is to prohibit the number of trains CSX is proposing to run on the Elsdon Line, or require CSX to install an underpass at the 95th Street grade crossing.

Noise and Vibration. The increase in train traffic on the Elsdon Line due to the transaction will increase noise and vibration in the Village. The Village agrees that CSX should be required to weld the Elsdon Line as it traverses through the Village's corporate limits. The other mitigation measures detailed in the assessment should also be imposed on CSX. These measures should be requirements, not suggestions.

Traffic Congestion. The increase in train traffic on the Elsdon Line due to the transaction will cause a significant increase in traffic congestion. The two thoroughfares that will be impacted the most are Kedzie Avenue and 95th Street. Of course, depending on the size of the train, it is likely that a train traversing the area will affect both of those grade crossings simultaneously. The only mitigation measures that will adequately address the transaction's impact on traffic is to prohibit the number of trains CSX is proposing to run on the Elsdon Line, and prohibit train traffic during rush hour periods. The Village proposes that train traffic be prohibited Monday through Thursday between 6:30 – 10:00 a.m. and 3:30 – 7:00 p.m. On Friday, train traffic should be prohibited between 6:30 – 10:00 a.m. and 3:00 – 7:00 p.m.

The Village hopes the OEA considers its response and implements some of the suggestions set forth herein in the OEA's final recommendation and mitigation measures. If you have any questions or comments, please do not hesitate to contact me.

Yours truly,



Joseph Cainkar
JC:se

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VIA REGULAR MAIL AND E-MAIL

June 14, 2011

Mr. Kevin Keller
HDR Engineering, Inc.
4435 Main Street, Suite 1000
Kansas City, MI 64111

Re: Finance Docket No. 35522, CSX Transportation, Inc. – Acquisition – Grand Trunk
Western Railroad Company

Dear Mr. Keller:

Please be advised that this office represents the Village of Evergreen Park ("Village"). Mayor Sexton has directed me to respond to your request for input from the Village relative to CSX's proposed acquisition of the 22.3 mile rail line from the Grand Trunk Western Railroad Company.

Based upon the information provided to the Village, it is anticipated that CSX's proposed acquisition will ultimately result in an increase in train volume from an average of 3.5 trains per day to 25 trains per day. The area surrounding the train line is densely populated. The aforementioned increase in train volume will impose a substantial burden on the homeowners abutting and living in close proximity to the train line as a result of increased noise and vibration. The additional number of trains will also heighten the threat of hazardous materials spills and have an adverse impact on air quality. In short, an approximate six-fold increase in train volume will have a substantial (and palpable) negative environmental impact on the residents of the Village.

The substantial increase in the number of trains will also have an adverse effect on traffic congestion and delays. For example, Ninety-Fifth Street is a heavily traveled thoroughfare. The congestion attending the closure of the 95th Street grade crossing to allow for the significant increase in train volume will exasperate an existing traffic problem. The added train volume will also adversely impact upon pedestrian safety issues both at the grade crossing and along the train line generally.

Mr. Kevin Keller

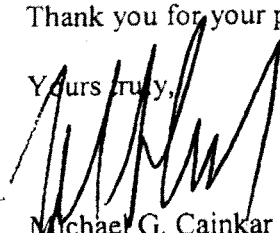
June 14, 2011

- Page 2 -

Finally, the congestion at the 95th Street grade crossing due to increased train operations will have a significant adverse effect on emergency responders. The train line essentially bisects the Village. Accordingly, a substantial portion of the Village's residents will experience a delayed response from the Village's Police and Fire Departments. The delayed access to emergency services will not only affect Village's residents, but will also have an area wide impact. Christ Hospital is located on 95th Street in the Village of Oak Lawn, approximately 1 ½ miles west of the grade crossing. Christ Hospital is one of only two Level I trauma centers located in southern Cook County (the other being Stroger Hospital). Delayed access to Christ Hospital will affect those who need prompt and critical medical treatment the most. The installation of an underpass at the 95th Street grade crossing would mitigate the emergency response time delays.

Thank you for your professional courtesy.

Yours truly,



Michael G. Cainkar

MGC:se

cc: Hon. James J. Sexton, Mayor

VILLAGE OF EVERGREEN PARK

CERTIFICATION

I, **THE UNDERSIGNED**, do hereby certify that I am the duly qualified Village Clerk of the Village of Evergreen Park, a Municipal Corporation, Cook County, Illinois, and as such, am the keeper of the records and files, and am custodian of the Seal of the Village.

I, **FURTHER CERTIFY**, that the attached is a complete, true, and correct copy of the Village of Evergreen Park Regular Board Minutes of November 5, 2012. The minutes of this meeting were approved by a majority of the members of the Board of Trustees at its Regular Board Meeting held on the 19th day of November, 2012.

IN WITNESS HEREOF, I have hereunto affixed my official signature and the Corporate Seal of the Village of Evergreen Park on the 20th day of November 2012.

VILLAGE OF EVERGREEN PARK, ILLINOIS

By: *Catherine T. Aparo*
Catherine T. Aparo, Village Clerk



Minutes of a **REGULAR MEETING** of the
PRESIDENT and BOARD OF TRUSTEES
Village of Evergreen Park, Cook County, IL
Monday, November 5, 2012

CALL TO ORDER The meeting was called to order at 7:30 P.M. by Mayor Sexton in the second floor Council Chambers of the Village Hall.

ROLL CALL Clerk Aparo was asked to call the roll with the following results:
Physically Present:

Mayor James Sexton
Trustee Carol Kyle
Trustee Mark Marzullo
Trustee James McQuillan
Trustee Mary Keane
Trustee Jerome Bosch
Trustee Mark Phelan

Also present were Village Attorney Joseph Cainkar and Village Engineer Tim Klass and Village Treasurer John Sawyers.

**PLEDGE OF
ALLEGIANCE**

The Pledge of Allegiance was led by Trustee James McQuillan.

**OPEN PUBLIC
FORUM**

The Chair made the following announcements:

1. On November 13, 2012 at 7:30 p.m. in Council Chambers of the Village Hall a Zoning Board of Appeals meeting will take place on the request for a use variation to allow parking on residentially zoned property at 9520 S. Troy for use in conjunction with the Chase Bank, located at 3157 W. 95th Street and a Culver's Restaurant to be constructed at 9505-35 South Kedzie Avenue. This meeting is open to the public.
2. Leaf pick up continues. Residents should dispose of leaves in yard waste containers. Only leaves in excess of what can fit in the green container should be raked to the curb.
3. Thanks to everyone involved in the recent Halloween Parade and the Pumpkin Smash. The Chair noted the Pass, Kick and Punt contest had been cancelled.
4. The Village Hall will be closed on Monday, November 12, 2012 in observance of Veteran's Day. Normal hours resume on Tuesday November 13, 2012 from 9 am to 5 pm.
5. Central Junior High School will host their annual Veteran's Breakfast on Friday, November 9, 2012 at 8:00 a.m.
6. The Mustangs football team has advanced to the Quarter Finals in the Class 4A conference with an exacting win over

Richmond Burton by 34-27 on Saturday. The next playoff game is at Evergreen Park High School on Saturday, November 10, 2012 at 6:00 p.m. Call 708-308-1264 for tickets priced at \$ 6.00. The Chair encouraged everyone to support the school and attend the game.

5. Famous Dave's Ribs is hosting a tasting event on Saturday, November 10, 2012 from noon to 3:00 pm at their new location at 2855 W. 95th Street. Everyone is invited to attend.
6. The Chair reminded everyone tomorrow is Election Day and encouraged everyone to exercise their right to vote. Polls are open from 6:00 am to 7:00 pm.
7. Trustee Phelan reported Mother McAuley High School Volleyball is in the State Finals at Illinois State University this Friday and Saturday night. The Chair congratulated Trustee Phelan and wished his daughter Jennifer and the other girls good luck to the team.

OPEN PUBLIC AUDIENCE

Mr. Tim Donahoe introduced himself to the Board and the audience as the newly appointed Youth Facility Director for Evergreen Park High School. He added he is available to the community and encouraged everyone to contact him at the High School if they need any help.

Nancy Prior, 9829 S. Springfield stated she has submitted requested documents to Clerk Aparo and asked when she could get her business license for Red Poppy Nail Salon. The Chair responded she should contact Bldg. Commissioner Clohessy and she should be good to go.

Mrs. Amy Fitzgerald, 9858 S. Lawndale stated as a new mother she is concerned about the safety of her family and her neighbors from the styrene being used by the sewer contractor Insituform in her area. She reported an incident of fumes in her home to the EP Fire Dept on October 31, 2012. The contractor did not have a MSDS sheet with them while performing Village work on sewers in the area. She has contacted the EPA and is awaiting a response.

She added she has been trying for five months to get records for asbestos abatement from the Mercy Circle development. She asked if the Mayor could contact the 19th Ward and get some answers. The Mayor reminded her the documents are filed with the City of Chicago not the Village. He directed attorney Cainkar to contact Mr. George, the attorney for the Sisters of Mercy regarding Mrs. Fitzgerald's request.

CSX RR

PRESENTATION

The Chair welcomed State Rep. Kelly Burke in the audience, adding State Senator Maloney was expected shortly as well. He introduced Mr. Thomas Livingston, VP of Public Affairs who led a presentation explaining the proposed expansion of (23) twenty three trains per day traveling through Evergreen Park to reach this maximum in five years.

The representatives of the CSX distributed a folder with information that will be posted on the Village website. Mr. John Bradley, Division Chief in Chicago explained the environmental study and stated CSX has over 21,000 route miles and 1,200 trains per day nationally and 34,000 employees. He noted environmentally (1) one intermodal train carries the equivalent of 280 freight trucks and can travel 500 miles on one gallon of gasoline.

Mr. John Witterfield noted the CSX will be acquiring the Elsdon Subdivision from the CN railroad. The acquisition allows the shifting of trains and the creation of a better flow of trains in and out of the Chicago area.

Representatives stated trains will not run during the heavy traffic times of rush hours. Tracks can be welded to ensure quiet transport and disconnects (breaking of the train) can be done to avoid any incidents of transport to Little Company or Christ Hospital. Also there is a draft environmental assessment that can be viewed and commented on by residents and businesses.

Bob Mahan, CSX RR Police gave an overview of and noted there is a CSX Hotline to contact the railroad 1-877-TELL CSX.

The Mayor questioned if an underpass was considered and expressed concerns for first responders who may be blocked by trains while trying to escort police or fire personnel to Christ or LCM hospital.

Trustee Kyle questioned the number of trains currently, and the length of the trains and the speed of the trains. CSX answered the new trains are 6,000 feet long and travel at a speed of 35 to 40 mph; currently an estimated (4) trains per day pass through Evergreen Park.

Trustee Marzullo questioned rush hour traffic and how the blocking of railroad crossings causing a massive traffic jam will be avoided. CSX answered they will not run trains during the rush hours of 5 pm to 7 pm. and they will not start a train until they

can park in a destination yard. Trustee Marzullo noted rush hour on Friday begins around 3:00 p.m. in the Village and encourage them to take note of the high traffic times unique to the Village. CSX agreed they would investigate and accommodate rush hour traffic. CSX responded only a total mechanical failure could stop a train. Trustee McQuillan questioned the type of freight being hauled, hazardous material and a weight limit. CSX answered the freight is mostly electronics and supermarket goods and they classify a can of Raid insect cleaner as a hazardous material. He added the limit per car is 285,000 pounds and no coal hauling. Trustee McQuillan also questioned cross traffic of trains. CSX answered they would look into it and get back to Village with the answer.

Trustee Keane questioned the schedule for welding the tracks and the answer was at least 2 weeks to complete two miles with work done only during good weather month and anticipated completion at least two (2) years. Trustee Keane requested CSX share their train schedules with the Police and Fire Department and hospitals in the area. CSX agreed to share the information.

Trustee Phelan stated he has a great concern regarding public safety with only one fire house in town and the possibility of not being able to get to all areas of the Village. No representative from EP Fire was available for comment. Mr. Livingston noted meetings with Fire and Police and residents will be held to alleviate any concerns.

REGULAR AGENDA

Motion by Trustee Bosch second by Trustee Kyle to waive the reading of the minutes of the October 15, 2012 Regular Meeting of the President and Board of Trustees and approved as presented was passed by unanimous voice vote and so ordered by the Chair.

RESOLUTION NO. 25-2011

Motion by Trustee Phelan second by Trustee McQuillan, to approve **Resolution NO. 25-2012** to close this fiscal year with expenditures of the General Corporate Fund of \$ 295,931.59 and the Sewer and Water Fund in the amount of \$ 246,748.87 and the 95th Street TIF Fund of \$ 9,228.00 and the Capital Improvement Fund, \$ 93,665.47 and the Street Bond Fund, \$1,750.00 for a total of \$647,323.93. Upon roll call, voting YES: Trustees Kyle, Marzullo, McQuillan, Keane, Bosch, and Phelan; voting NO: NONE. The motion was passed and so ordered by the Chair.

**RESOLUTION
NO. 1-2013**

Motion by Trustee Marzullo second by Trustee Phelan to approve **Resolution NO. 1-2013** with expenditures of the General Corporate Fund of expenditures \$231,407.95 and the Sewer and Water Fund, \$20,470.29 and the Street Bond Fund, \$3,185.00 for a total of \$255,063.24. Upon roll call, voting YES: Trustees Marzullo, McQuillan, Keane, Bosch, Phelan and Kyle; voting NO: NONE. The motion was passed and so ordered by the Chair.

**WATER
COLLECTOR'S
REPORT**

Motion by Trustee Phelan second by Trustee Kyle to approve the Water Collector's report for **October 2012** for information and file in the amount of \$855,624.25 the motion was passed by unanimous voice vote and so ordered by the Chair.

**VILLAGE COLLECTOR'S
REPORT**

Motion by Trustee Bosch second by Trustee McQuillan to approve the Village Collector's report for **October 2012** for information and file in the amount of \$1,388,074.79. The motion was passed by unanimous voice vote and so ordered by the Chair.

**BUSINESS
CERTIFICATES**

Motion by Trustee Marzullo second by Trustee Kyle to approve the Business Regulation Certificate for **PLAY N TRADE** to operate a video trade and selling retail electronic games located at 2709 W. 95th Street (New Owner Only) in Evergreen Park, Illinois. Upon roll call voting YES: Trustees Keane, Bosch, Phelan, Kyle, Marzullo and McQuillan; voting NO: NONE. The motion was passed and so ordered by the Chair.

Motion by Trustee Phelan second by Trustee Keane to approve the Business Regulation Certificate for **ECLIPSE AWNING**, to operate an office for the sale and installation of awnings located at 3609 W. 95th Street. Upon roll call voting YES: Trustees Phelan, Kyle, McQuillan, Keane and Bosch; voting ABSTAINED Trustee Marzullo voting NO: NONE. Trustee Bosch welcomed back the owners noting they have been in Evergreen Park for many years. The motion was passed and so ordered by the Chair.

Motion by Trustee McQuillan second by Trustee Marzullo to approve the Business Regulation Certificate for **STATE FARM INSURANCE** to operate an office for insurance sales located at 3900 W. 95th Street. Upon roll call voting YES: Trustees Kyle, Marzullo, McQuillan, Keane, Bosch and Phelan; voting NO: NONE. The motion was passed and so ordered by the Chair.

**ORDINANCE
NO. 21-2012**

Motion by Trustee Marzullo second by Trustee Phelan to approve Ordinance NO. 21-2012, "AN ORDINANCE LEVYING TAXES FOR GENERAL CORPORATE PURPOSES FOR THE FISCAL YEAR BEGINNING NOVEMBER 1, 2011 AND ENDING OCTOBER 31, 2012 FOR THE VILLAGE OF EVERGREEN PARK, COOK COUNTY ILLINOIS." The Chair noted the amount of the levy is \$5,258,338. Upon roll call voting YES: Trustees Marzullo, McQuillan, Keane, Bosch, Phelan and Kyle; voting NO: NONE. The motion was passed and so ordered by the Chair.

**ORDINANCE
NO. 28-2012**

Motion by Trustee Marzullo second by Trustee Keane to approve Ordinance NO. 28-2012, "AN ORDINANCE LEVYING TAXES FOR LIBRARY PURPOSES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2012, FOR THE EVERGREEN PARK PUBLIC LIBRARY, COOK COUNTY, ILLINOIS." The amount of the levy is \$991,800.00 Upon roll call voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle, and Marzullo; voting NO: NONE. The motion was passed and so ordered by the Chair.

**RESOLUTION
NO 14-2012**

Motion by Trustee McQuillan second by Trustee Phelan to approve Resolution No. 14-2012 - "A RESOLUTION DIRECTING AND AUTHORIZING TO SUBMIT A SUBRECIPIENT AGREEMENT AND EXECUTE THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR AGREEMENTS WITH THE COUNTY OF COOK, ILLINOIS FOR PROJECT NO. 12-010 IN THE AMOUNT OF \$300,000.00". Upon roll call voting YES: Trustees Marzullo, McQuillan, Keane, Bosch, Phelan and Kyle; voting NO: NONE. The motion was passed and so ordered by the Chair.

**WASTE MANAGEMENT
AMENDMENT**

Motion by Trustee Phelan second by Trustee McQuillan to approve a Consent to Assignment and Assumption Agreement - an agreement acknowledging the transfer of ownership from Land and Lakes to Waste Management. The original terms of the solid waste agreement remain intact. Upon roll call voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle, and Marzullo; voting NO: NONE. The motion passed and so ordered by the Chair.

FBI ACADEMY

Motion by Trustee Bosch second by Trustee McQuillan to approve Chief Michael Saunders' request to approve Lt. Gary Jarzen to represent the Village of Evergreen Park by attending the FBI 252nd National Academy Session. Approximately 20 employees have attended the FBI sessions over the years and currently have 6 graduates still employed by the Village. Congratulations to Chief Saunders and Deputy Chief Gutkowski and O'Dowd for their continuing effort to keep good relations with the FBI and congratulations to Lt. Jarzen for being selected. Upon roll call voting YES Trustees Keane, Bosch, Phelan, Kyle, Marzullo and McQuillan; voting NO: NONE. The motion passed and so ordered by the Chair.

**PD POLICE
INTERNSHIP**

Motion by Trustee Phelan second by Trustee Marzullo to approve Chief Michael Saunders request to approve John Crotty's college student internship with the Village of Evergreen Park Police Department. Upon roll call voting YES: Trustees Bosch, Phelan, Kyle, Marzullo, McQuillan and Keane; voting NO: NONE. The motion passed and so ordered by the Chair.

**ENGINEER'S
REPORT**

Mr. Klass reported that most of the sod has been replaced for the road program. Trees have been mulched and the sod will be reassessed in the spring. The contractor has guaranteed the sod and will replace if necessary. Bill Lorenz, Director of Public Works reported that the current work at the Senior Center should be complete in approximately one week.

**ATTORNEY'S
REPORT**

The Attorney had no report.

DEPT. HEADS

Youth Director Jim Feltz reported that during the teachers strike his department was open from 10:00 a.m. to 5:00 p.m. having approximately 27 youths in attendance daily. An open house event occurred last Saturday for children in 4th through 6th grade. Family Turkey Shoot event is scheduled for November 17, 2012 and the coat drive will continue to run until November 30th, 2012.

OCS, Director, Jolene Churak thanked Village Administration, Police Department, Public Works and Fire Department for all the support for another very successful Farmers Market, now in its' 8th season. The 9th season will begin in May 2013. The Office of Citizen Services is currently preparing for Income Tax season.

Deputy Director of Sewer and Water Michael Knieps reported that the annual sewer flushing program and sewer work has been completed.

Recreation Director Dennis Duffy reported that during the recent teachers strike the Activity Center was open for children to play basketball. A free concert by Rich Daniels and the City Lights Orchestra will be held at Holy Redeemer on December 9 from 7-9 p.m., co-sponsored by Standard Bank. Tickets are required and may be picked up at the Recreation Center starting November 26, 2012.

BIDS

Motion by Trustee Phelan second by Trustee Kyle to approve the PW Directors request to purchase a 2012 Bobcat compact track loader demo model for \$43,712.00 this is a budgeted item. Upon roll call voting YES: Trustees Phelan, Kyle, Marzullo, McQuillan, Keane and Bosch; voting NO: NONE. The motion was passed and so ordered by the Chair.

Motion by Trustee Keane second by Trustee McQuillan to approve the PW Director's request to solicit bids for a new electronic sign for the Village of Evergreen Park. Upon roll call voting YES: Trustees Kyle, Marzullo, McQuillan, Keane, Bosch and Phelan; voting NO: NONE.

Motion by Trustee Phelan second by Trustee Kyle to approve the PW Director's request to request proposals for the Driving Range Netting System at the Park. The will be for the netting protection on the two sides and the rear of the driving range. This is a budgeted item. Upon voting YES: Trustees Marzullo, McQuillan, Keane, Bosch, Phelan and Kyle; voting NO: NONE.

The Chair noted some payouts - A payout for the parking lot at 2701 W. 91st Street was made in the amount of \$33,840.56. No Board action required information only.

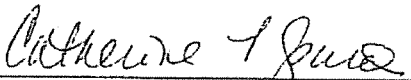
MISC.

Trustee Phelan asked when the park project will be completed. Public Works Director, Bill Lorenz, reported that the sledding hill will be open this winter, the building should be complete by Thanksgiving. The entire project should be complete by next summer.

The Chair thanked State Representative Kelly Burke for attending this meeting.

ADJOURNMENT

With nothing further to come before this meeting, motion by Trustee Bosch second by Trustee Marzullo that this Regular Meeting of the President and Board of Trustees adjourn. Upon roll call voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle and Marzullo; voting NO: NONE. The motion was passed and so ordered by the Chair at 8:35 P.M.



Catherine T. Aparo, CMC, Village Clerk