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February 13, 2017

By first-class, U.S. mail

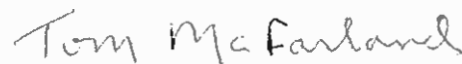
Ms. Victoria Rutson, Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Finance Docket No. 35952, *Great Lakes Basin Transportation, Inc. -- Authority to Construct and Operate a Rail Line in Indiana, Illinois, and Wisconsin*

Dear Ms. Rutson:

Hereby forwarded is a copy of a Supplement To Joint Motion For Adoption Of No-Build Alternative In The Environmental Impact Statement and Comments On Responses To Information Requests for filing with the Office of Environmental Analysis in the above referenced matter.

Very truly yours,



Thomas F. McFarland
Attorney for Protestants

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cc: Jay C. Johnson, Esq., *by first-class, U.S. mail*
Laura Harmon, Esq., *by first-class, U.S. mail*
Opposition Group Members, *by first-class, U.S. mail*
Kathleen Chung, *by first-class, U.S. mail*
Lacey Cochart, *by first-class, U.S. mail*
Bennett Conard, *by first-class, U.S. mail*
Karley Downing, *by first-class, U.S. mail*
Honorable Adam Kinzinger, *by first-class, U.S. mail*
Honorable Amy Loudenbeck, *by first-class, U.S. mail*

BEFORE THE
SURFACE TRANSPORTATION BOARD

GREAT LAKES BASIN	)	
TRANSPORTATION, INC. --	)	FINANCE DOCKET
AUTHORITY TO CONSTRUCT AND	)	NO. 35952
OPERATE A RAIL LINE IN INDIANA,	)	
ILLINOIS AND WISCONSIN	)	

**SUPPLEMENT TO JOINT MOTION FOR ADOPTION OF NO-BUILD
ALTERNATIVE IN THE ENVIRONMENTAL IMPACT STATEMENT AND
COMMENTS ON RESPONSES TO INFORMATION REQUESTS**

BLOCK GLB RAILROAD,
LASALLE COUNTY, IL
P.O. Box 538
Earlville, IL 60518

ROCK AGAINST THE RAIL, LLC (Rock County, WI)
8608 East Rye Drive
Clinton, WI 53525

KANKAKEE COUNTY, IL BLOCK GLB
3156 North 9000 West Road
Bonfield, IL 60913

RAILED, LaPorte, Porter & Lake Counties, IN
112 West 450 South
Kouts, IN 46347

CITIZENS AGAINST THE GLB
RAILROAD, BOONE COUNTY, IL
9498 Edson Road
Capron, IL 61012

WINNEBAGO COUNTY AGAINST THE GLB RAILROAD
7889 Cemetery Road
Winnebago, IL 61088-8860

Protestants

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Attorney for Protestants

DATED: February 13, 2017

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SURFACE TRANSPORTATION BOARD

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TRANSPORTATION, INC. --	)	FINANCE DOCKET
AUTHORITY TO CONSTRUCT AND	)	NO. 35952
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**SUPPLEMENT TO JOINT MOTION FOR ADOPTION OF NO-BUILD
ALTERNATIVE IN THE ENVIRONMENTAL IMPACT STATEMENT AND
COMMENTS ON RESPONSES TO INFORMATION REQUESTS**

ROCK AGAINST THE RAIL, LLC (RAR) and the Citizens Groups identified on the cover page (collectively referred to as “Opponents”) hereby submit a Supplement to the Joint Motion that they filed on July 14, 2016 that requested, as here pertinent,^{1/} that the Office of Environmental Analysis (OEA) adopt a No-Build alternative in its Environmental Impact Statement (EIS).

This Supplement is also filed to comment on Responses by GLBT to questions posed by OEA in three Requests for Information. The Opponents have not had an opportunity to comment on those Responses because they were filed after the Joint Motion was filed.^{2/}

^{1/} The request in the Joint Motion, that OEA recommend to the Board that Great Lakes Basin Transportation, Inc. (GLBT) be required to file a formal application for authority to construct the proposed track, appears to be moot in light of a formal application being prepared by GLBT.

^{2/} Suspension of the environmental process granted by OEA at GLBT’s request temporarily excuses GLBT from filing additional environmental material pending the filing of its formal application, but that does not preclude Opponents from commenting on materials at their first opportunity.

This Supplement is composed of Supplemental Argument and a Verified Statement of Mrs. Mirjam Melin that comments on factual assertions in GLBT's Responses.

SUPPLEMENTAL ARGUMENT

A "boondoggle" is "a wasteful or impractical project or activity".^{3/} No other term better describes the folly of GLBT's proposal to spend billions of dollars to build a new rail route to enable Class I rail carriers to avoid congestion in the Chicago Rail Terminal, when Class I carriers are on record that they do not need and would not use such a route, and when factors other than a new route are already dramatically reducing such congestion.

Norfolk Southern (NS) and Union Pacific (UP) have stated publicly that they would not use the GLBT route. The newly preferred route (NPR) identified in a GLBT Response would not change that.

Canadian National (CN) would not use the GLBT route because it has its own route that bypasses Chicago as a result of its acquisition of Elgin, Joliet & Eastern Railway (EJE). The CREATE program list included a number of projects to alleviate traffic congestion issues related to CN's Chicago rail lines. All of those projects were cancelled when CN acquired EJE. On its website, CN refers to EJE's bypass route as enabling it to seamlessly connect its five rail lines entering the Chicago area, thereby avoiding inner city Chicago rail routes.

Neither BNSF nor CSXT would be likely to use the GLBT route for time-sensitive freight. BNSF has a large intermodal railyard at Elwood, IL, not far south and west of Chicago. CSXT recently announced a plan to establish a large intermodal railyard at Crete, IL, a Chicago

^{3/} Merriam-Webster Dictionary: boondoggle.

suburb. Container trains and other expedited freight would be routed through those yards, rather than GLBT's Manteno, IL yard.

The remaining Class I rail carrier with rail lines in the Chicago terminal, Canadian Pacific, has not expressed support for the GLBT route, nor has it stated an intent to use that route.

There are feasible independent non-Class I alternatives to the GLBT route. Toledo, Peoria & Eastern Railroad (TPW) has a route south of Chicago that extends across all of Illinois and half of Indiana. Most of the Kankakee Belt Line between South Bend, IN and Streator, IL is intact. The balance could be restored with a small fraction of track construction compared to the GLBT route. Baltimore and Ohio Chicago Terminal Railroad (BOCT) is also available.

GLBT's proposed rail route is a project whose time has come, and gone. The Chicago Regional Environmental and Transportation Efficiency Program (CREATE) is well on the way to alleviating the same rail traffic congestion in Chicago that GLBT's proposal is designed to address. CREATE is a \$4.4 billion project that comprises 70 rail and highway improvements in the Chicago Rail Terminal, 27 of which have been completed to date.

In November, 2014, after only 22 of the CREATE improvements were completed, the time for a unit train to pass through the Chicago Rail Terminal had been reduced to less than 15 hours. (See Verified Statement of Mirjam Melin at 19). That should be compared to the following GLBT statement in response to OEA's Information Request No. 3 (*id.*):

... The proposed investment still makes business sense if the end to end time is up to 12:00 hours. At longer transit times, though, the attractiveness of the by-pass alternative to the connecting railroads and shippers would be greatly diminished, as key train connections would likely be missed.

It is highly likely that the CREATE improvements that have been completed after November, 2014 have further reduced end-to-end transit time for unit trains, thereby eliminating any advantage of the GLBT route. As an example, one of the recently completed CREATE improvements involved a rail overpass of a heavily traveled highway in the Chicago suburb of Bellwood, IL. That improvement alone eliminated a choke point for 59 Metra commuter trains and 52 freight trains every day. (VS Melin at 19).

If the CREATE improvements completed in 2015 and 2016 have not already reduced unit train transit time through Chicago below that available via the proposed GLBT route, the additional 43 CREATE improvements still to be completed surely will do so.

Of additional significance, in December, 2015 the freight railroads operating in Chicago established the Chicago Integrated Rail Operations Center (CIROC) to better manage rail operations and traffic in Chicago, CIROC includes direct connections and track views to assist rail employees in resolving operational issues and in identifying and addressing congestion issues that would otherwise delay train operations. CIROC is going a long way toward alleviating congestion in the Chicago Terminal area. (VS Melin at 20).

For all of the foregoing reasons, public need for the GLBT proposal is virtually non-existent.

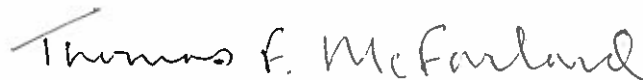
In contrast, local opposition has been extensive, widespread over all three affected States, and passionate in seeking to avoid serious adverse environmental harm that would result from the proposal. Every governing County agency in the counties in which trackage would be constructed has submitted either a letter of opposition or a resolution against the GLBT project.

That is illustrated in the shaded yellow areas in the local map attached to this Supplement as Appendix 1.

This is a case that closely parallels *Construction and Operation - Indiana & Ohio Ry. Co.*, 9 I.C.C.2d 783, 786, 790-791 (1993), in that extensive adverse environmental impacts outweigh minimal public benefits, dictating denial of the proposed track construction. Accordingly, as in that case, OEA should adopt a No-Build Alternative in the EIS,^{4/} i.e. (*id* at 791):

... as the Final EIS and Draft EIS explain, the location of this line would create public safety problems that simply cannot be adequately mitigated. Thus, this is a case where public safety concerns outweigh the transportation benefits of the proposed line, and therefore, the application is denied.

Respectfully submitted,

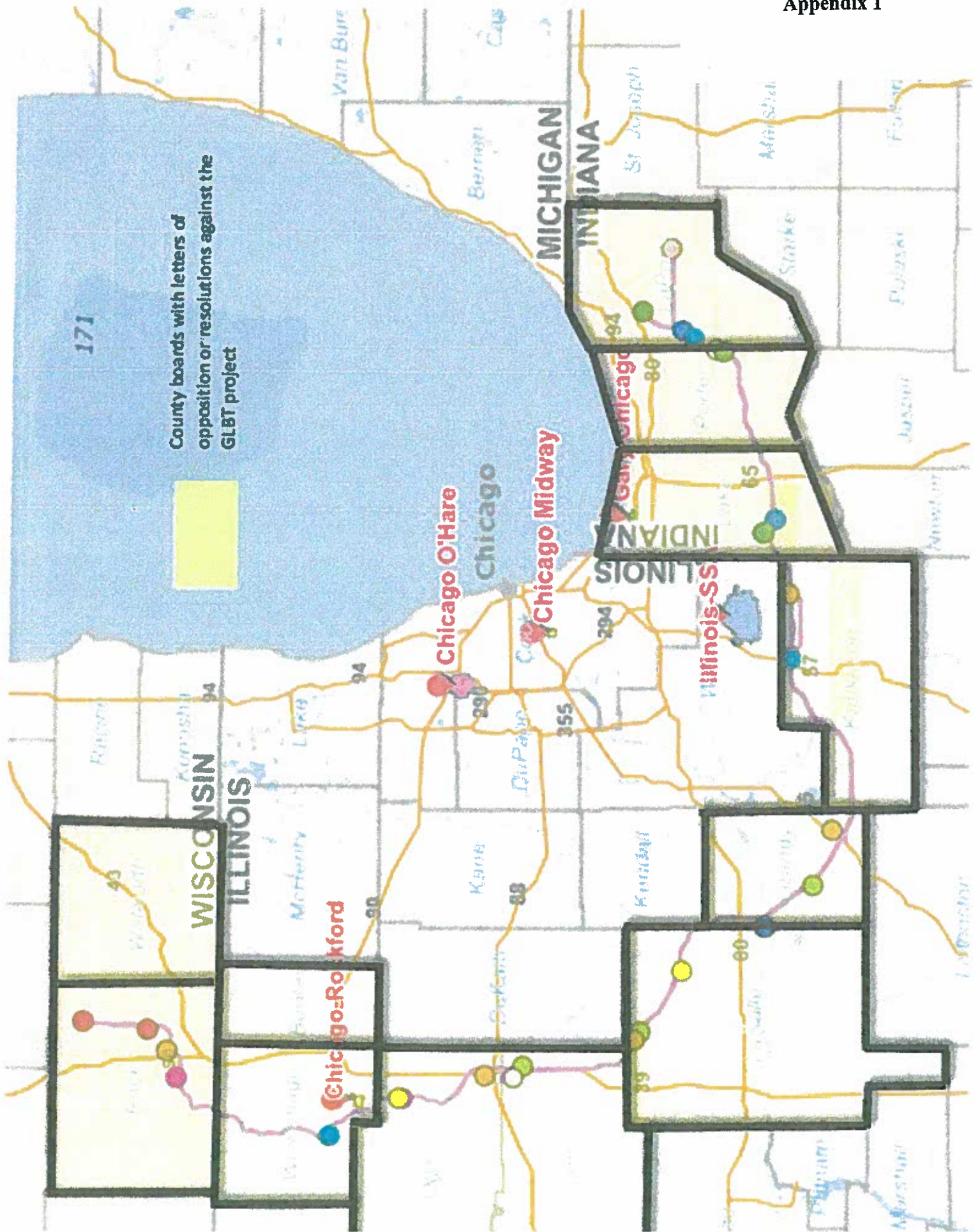


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DATED: February 13, 2017

^{4/} GLBT's proposal should be denied in its entirety. However, if that proposal were to be approved, the approval should be limited to a right-of-way (ROW) width of 100 feet, rather than ROW width of 200 feet sought by GLBT. (See VS Melin at 3-6). GLBT's proposal seeks to deprive landowners of twice as much property as is required for the proposed track construction.



VERIFIED STATEMENT OF MIRJAM MELIN

1. Identity and Interest

My name is Mirjam Melin. I reside at 8608 East Rye Drive, Clinton, WI 53525. My husband, Mark Melin, and I are founding members of a grassroots group called Rock Against the Rail (RAR). RAR was later incorporated as Rock Against the Rail, LLC.

RAR was formed to oppose track construction by Great Lakes Basin Transportation, Inc. (GLBT). I became aware of that track construction proposal in March, 2016 as a result of reading an informative internet article on the proposal. The article indicated that the track construction would be located within a quarter-mile of our residence in Clinton, and within a half-mile of our historic farm home.

It soon became evident that there was extensive opposition to the GLBT proposal throughout Rock County, Wisconsin. There was widespread fear that Rock County residents could be forced to sell their property involuntarily because of eminent domain laws. RAR was formed to give those residents a unified voice in opposition to the proposal.

In the months that followed, we learned that there was intense opposition to the GLBT proposal in affected Counties in Illinois, Indiana and Wisconsin. RAR became allied with a number of those opposition groups.

In July, 2016, RAR and those opposition groups jointly filed a Motion (Joint Motion) directed to the Office of Environmental Analysis (OEA) of the Surface Transportation Board (STB) asking that OEA adopt the "No-Build Alternative" in the Environmental Impact Statement

(EIS). That Motion is pending. Based on extensive review and research, I provided many of the facts that are asserted in that Joint Motion.

OEA has issued three requests that GLBT provide information in response to specific inquiries posed by OEA, i.e.:

Request for Information (Request) No. 1, dated July 5, 2016
Request No. 2, dated September 9, 2016
Request No. 3, dated October 11, 2016

GLBT's Responses to those Requests were filed after the Joint Motion was filed. RAR and its Allied Groups intend to file a Supplement to the Joint Motion to address GLBT's Responses. Counsel for RAR and its Allied Groups has requested that I provide a Verified Statement commenting on GLBT's Responses that would be filed as part of the Supplement to the Joint Motion. This is that verified statement.

2. General Comments

Meaningful public comment on GLBT's responses has been hampered because in many instances GLBT's responses do not even attempt to answer OEA's inquiries. In other instances, GLBT's responses are unsupported and unverifiable. Still other responses are rank speculation. Our comments should be viewed in light of those shortcomings.

3. **Specific Comments**

A. **Comments on Response to Request No. 1**

(a) **Response to Question 1**

(i) **Right-of-way Width**

In response to this inquiry, GLBT now alleges for the first time that it asked for a 200-foot width of right-of-way (ROW) in order to provide for 150 feet for tracks and 50 feet for cuts and fills, bridge embankments, roadway vehicle access and placement of utilities, signals, cameras and defect detectors to support the operation of the railroad.

The chart below is contained in GLBT's Route and Point of Interchange Information Dated March 6, 2016:

SUBDIVISION DETAIL														
SUBDIVISION	MAIN TRACKS	Start MP	Finish MP	Total Miles	Max Speed	Signal System	PTC	Rail ROW Width	Utilities ROW Width	Electric	Fiber Optics	Water	Gas	Wireless
INDIANA	2	0.00	57.00	57.00	70	CTC	Yes	150 ft.	50 ft.	Yes	Yes	Yes	Yes	Yes
ILLINOIS	3	57.00	70.00	13.00	70	CTC	Yes	150 ft.	50 ft.	Yes	Yes	Yes	Yes	Yes
ILLINOIS	2	70.00	170.00	100.00	70	CTC	Yes	150 ft.	50 ft.	Yes	Yes	Yes	Yes	Yes
WISCONSIN	1	170.00	243.48	73.48	70	CTC	Yes	150 ft.	50 ft.	Yes	Yes	Yes	Yes	Yes
KINGSBURY	1	0.00	15.63	15.63	49	TWC	No	100 ft.	10 ft.	No	Yes	No	No	Yes
CORR	1	0.00	1.96	1.96	20	Yard Limits	No	100 ft.	10 ft.	No	Yes	No	No	Yes
ROCKFORD	1	0.00	19.62	19.62	49	CTC	Yes	100 ft.	20 ft.	Yes	Yes	Yes	Yes	Yes
Rockford sub would have electricity, water, and gas from MP 0.00 to MP 11.00. Fiber and Wireless extend to MP 19.62														

The chart states that 50 feet of the 200-foot ROW width would be used for electric, fiber optic, water, gas, and wireless for all of the rail line except the Kingsbury Branch and CORR. That use of ROW did not appear in GLBT's initial narrative. The changed use is not explained in GLBT's response to Question 1 of OEA's Information Request No. 1. Nor has it been acknowledged that GLBT's website currently states:

As mentioned above, 50 feet of the 200-foot GLB right of way would be reserved for possible use by utilities as a new right of way to serve potential future population growth of the region. This is another potential source of revenue for GLB.

GLBT has not acknowledged, let alone explained, why it now claims different uses for that 50-foot width. Having apparently realized that the Board does not have jurisdiction to authorize acquisition of property for nonrail use, GLBT now contends that the 50 foot width would be necessary for cuts and fills and the other uses claimed for the first time in its response to the Board's inquiry.

However, on the same page of that response, GLBT contradicts itself by stating that those same uses can be accommodated in a 25-foot width in the proposed Kingsbury Branch. The contradiction is expanded when GLBT acknowledges that it needs only a total of a 100-foot width for the Kingsbury Branch rather than the 200-foot width that it now claims for all of its other rail line.

GLBT has not explained nor justified why it needs a 50-foot width for cuts

and fills and the other specified uses in its rail lines when it acknowledges that it needs only a 25-foot width in the Kingsbury Branch for those identified uses. Likewise, GLBT has not explained nor justified why it needs a total ROW width of 200 feet in its rail lines when it acknowledges that a 100-foot ROW width is adequate in regard to the Kingsbury Branch. That is because there is no such need nor justification for ROW width any greater than width of 100 feet.

The explanation of required railroad ROW width quoted below appears in “Railroad Right of Way, Appraising Public Utility Easements”, Schmick, et al, Right of Way, March/April, 2006, at 29:

. . . Placement of the tracks within the right of way (ROW) as well as the corresponding, statutorily required safety margin will determine the width of that portion of the ROW that is required to support any operating railroad tracks and that (sic) the portion which can be put to another use . . . For a typical 100-foot ROW with a single operating track located in the center, the minimum width is often an 8.5-foot safety clearance on either side of the centerline, or a total of 17 feet minimum width for the operating track. This leaves approximately 41.5 feet on either side of the track as potential excess ROW. (emphasis added)

According to GLBT, 73.48 miles of the proposed rail line would have a single track; 184 miles would have two tracks, and only 13 miles would have three tracks. As explained in the article above, the required safe operating width for a single track is only 17 feet, leaving 83 feet of a total 100-foot ROW available for other uses. The safe operating width for double track would be 25.5 feet (8.5 feet on either side plus 8.5 feet between the two tracks), leaving approximately 75 feet of the 100-foot ROW for other uses. Even as to the very limited triple track,

the safe operating width would be 34 feet (8.5 on either side plus 8.5 between each track), leaving 66 feet of the 100-foot ROW for other uses.

The widths remaining in 100-foot ROWs, after allowing for a safe operating widths, would be adequate for the uses claimed by GLBT. Those widths would be more than adequate to allow for the limited number of cuts and fills that would be found in the proposed rail line. This rail line is to be constructed in the level flat-land of Indiana, Illinois, and Wisconsin, where cuts and fills would seldom be required, in contrast to Colorado or Montana, for example, where numerous cuts and fills would be expected.

The remaining widths in a 100-foot ROW (after allowing for safe operating widths) ranging between 66 feet and 87 feet, depending on the number of tracks in the operating ROW, would be sufficient to satisfy all of the uses now claimed for the first time by GLBT. There would be more than enough space to accommodate roadway vehicles. Signals, cameras, and defect detectors require very little width. There would also be plenty of area for the few bridge embankments in the rail line.

For all of the foregoing reasons, OEA should find in the EIS that ROW width of 100 feet would be adequate for the proposed rail line, and that the 200-foot ROW proposed by GLBT would be excessive.

(ii) Effect Of New Preferred Route

The new preferred route (NPR) passes between two communities in Rock County that have the highest population, i.e., Janesville and Beloit, WI. Those communities are growing toward each other. Locating the NPR between those population centers does not conform to GLBT's stated goal of avoiding towns and minimizing community impacts.

The proposed NPR would be very close to numerous population centers, including, but not limited to the ones listed here, showing the number of homes within each distance from the NPR in Kankakee County, IL:

<u>Distance from Rail Line</u>	<u>Number of Homes</u>
within 200-foot ROW	19
0.1 miles	67
0.25 miles	108
0.5 miles	376
0.75 miles	428
1.00 mile	449
<u>within RailPort</u>	<u>271</u>
Total	1,718

See, also, comments filed by Kankakee County, IL Board. The 19 homes within the proposed ROW are at Bill's Mobile Court at approximately Milepost 63 near the crossing of the rail line and Illinois Highway 50.

The NPR would be very close to numerous population centers, i.e.:

Milepost No.	Distance from Population Center
235.5	0.5 mile from Emerald Grove, WI
224	0.5 mile south of large trailer park
223-224	0.5 mile from north populated edge of Beloit, WI
222	0.2 mile from large subdivision
219	0.75 mile from Belcrest, WI
207	0.25 mile from Harrison, WI
196	0.2 mile from large subdivision west of Rockford, IL
149	0.75 mile from Paw Paw, IL
139-142	within one mile from Earlville, IL
127	0.5 mile from Sheridan Correction Center (1,750 beds)
80	0.75 mile from Bonfield, IL
64	0.2 mile from Manteno, IL
54	2 miles from Grant Park, IL; the southern edge of the proposed Railport
40-42	located literally on the north edge of Lowell, IN south of NPR; one mile north of NPR from Creston and Lake Dalecarlia, IN
31	0.75 mile from Hebron, IN
6	1.5 miles from Westville, IN Correctional Facility (3,000 beds)
4	about one mile from Westville, IN
3	Kingsbury, IN located adjacent to the track

See, also, comments filed by Mr. Dennis Scheppler.

GLBT's selection of a NPR has merely transferred adverse environmental impacts from one location to another, with no showing of less impacts. Thus, shifting the route would merely transfer adverse effects from the far east side of Ogle County, IL to an area farther west; from Boone County, IL and eastern Rock County, WI to Winnebago County, IL and Western Rock County; from the area south of Lowell, IN to north of Lowell; and from northwest and south of the Westville, IN area to the east and south of that area.

As proposed, the NPR would go through the Riverside Energy Center being developed by Alliant Energy in Rock County, WI as a natural gas and solar energy generating station. As identified by Wisconsin State Representative Mark Spreitzer:

“The Riverside Energy Center will be capable of providing 700 megawatts of total generation, which is enough to power 535,000 homes. The project will also include a 2-megawatt solar facility. Alliant estimates the Riverside Energy Center's capital investment at \$700 million, making it one of the state's largest economic development projects. The building process, slated to last from 2016 to 2020, will create local employment opportunities, estimated at 1,000 total construction jobs per year between 2017 and 2020. Alliant estimates this could provide up to \$250 million in total economic benefit.”

That would be an economic disaster for the community as well as a huge environmental set-back.

No information whatsoever was provided in regard to the proposed grade crossings and/or grade-separated crossings associated with the NPR. Unlike in the March, 2016 Narrative, there are no route narratives nor proposed points of interchange in the GLBT Response. Meaningful public comment is not possible when GLBT does not

provide the essential requested information.

GLBT has cited financial viability as a reason to justify some of its decisions relating to the NPR. However, GLBT did not provide any information regarding the financial elements that were considered in its decision-making, nor was any supporting documentation provided. This is another area in which meaningful public comment has been precluded.

GLBT also referred to differing travel time as an element of its decision-making, but on that subject, too, particulars were not provided and supporting materials were not furnished. We cannot comment without the basic facts.

GLBT did not provide the information requested by the Board in regard to alternative routes considered. Instead, GLBT provided gross generalities. Maps provided by GLBT are very roughly drawn.

Whereas in Appendix 1 to Question 1 GLBT claims that the NPR will minimize disruption of farm fields, the NPR would add six miles across prime farmland in Rock County, WI compared to the prior preferred route. Moreover, the NPR would add river crossings in Winnebago, IL and Rock County, WI, i.e., Pecatonica River, Rock River, as well as wetland areas. The NPR would cross the Kishwaukee River in an environmentally sensitive area. There would be two river crossings, a creek crossing and operation over a flooded gravel pit between Milepost Nos. 187 and 189, where the NPR curves. Trains are more susceptible to derailling on curved track than on tangent track.

Between Milepost Nos. 2 and 13.8, the proposed NPR would cross approximately 35 farm fields at a severe angle, leaving odd-shaped, difficult-to-farm, or unusable parcels.

(b) Response to Question 2

Here, again, GLBT failed to adequately respond to the Board's inquiries. GLBT did not provide the requested information for each 10-mile alternative alignment. No route narratives were supplied for any of the route changes that resulted in the NPR. Public comment is not possible in light of GLBT's omissions.

(c) Response to Question 3

Appendix 3 to Question 3 provides information about four of the routes that were proposed by members of the public during the Public Comment period, but there were other proposed routes suggested by the public that were not discussed by GLBT. Thus, GLBT's response to the Board's inquiry is incomplete.

The data in GLBT's Appendix 3 are not reliable. For example, the town of Serena, IL, population of 980, is not included in the Population Center comparison with the Lake County alternative. The population of Sharon, WI, listed by GLBT as 912, actually is approximately 1,600. The population of Clinton, WI, listed by GLBT as 893, actually is approximately 2,133 (Appdx. 3 at 7).

Further, GLBT did not compare the NPR with the Lake County alternative. Instead, it compared the Lake County alternative to the initially proposed route. GLBT

did not include all of the cities listed on page 7 of Supplement 3 in their column. All of the cities and towns listed in page 7 in Illinois and Wisconsin should have been included because the NPR runs near them, just as does the Lake County alternative.

GLBT incorrectly used the initial route in comparison to the Kankakee County alternative, and in the closer in and farther out alternatives as well, making those statistics of no value, especially because it underestimates population affected by the GLBT proposal. GLBT also failed to count rural population areas outside of towns and villages.

GLBT is connecting in Milton, WI with a rail line that currently has a speed limit of 10 mph. Traffic would have to move 36 miles east over that rail line to connect with UP or CN at Waukesha, WI. That is contrary to GLBT's statement at page 2 that route geometry would not be conducive to sustained high speed freight operation (70 mph) and contemporary train profiles.

No proof or documentation has been provided for GLBT's statement at pages 4 and 5 of Appendix 3 that rail carriers do not voluntarily provide other rail carriers with trackage rights over their lines. There are numerous trackage rights operations throughout the nation.

If the purpose of GLBT is to move freight that neither originates nor terminates in the Chicago Terminal as stated on page 17 of Appendix 3, there would be no need for the huge Manteno Railport, nor for the often-touted incentive for affected landowners to have access to the rail line. No need nor justification has been shown for the proposed rail line

to connect with the Port of Milwaukee.

The current population data supplied by GLBT are inaccurate in light of the statement in GLBT's website that the 200-foot ROW might need to be refined by as much as five miles during final routing and engineering.

GLBT's response to Question 3 compares alternative routes to GLBT goals and standards, but there has been no showing that those goals and standards are appropriate.

(d) Response to Question 4

The Brodhead alignment is merely a line with many 90-degree angles drawn on a map without serious consideration having been given to its characteristics.

Insofar as the NPR is concerned, the average number of trains coming out of Rock County and northern Winnebago County does not appear to require all new rail. Insufficient information has been provided for the public to verify the through trains alleged to be coming to and from those locations. If the numbers claimed by GLBT are correct, the existing rail lines in the area would no longer be viable. Shippers in the area would become dependent on GLBT alone. The absence of competition would be harmful to the public.

(e) Response to Question 5

GLBT claims that existing alternative routes do not meet its engineering and environmental requirements, but those requirements are not identified and there is no showing that any existing routes fail to comply with those requirements. Rail lines in the

same general territory as the proposed GLBT line, such as EJ&E and TPW, are consistent with GLBT's grade and curvature requirements.

In at least one instance, the proposed rail route would be located immediately next to an existing rail line for approximately 10 miles, i.e., at MP 168 north of Rochelle, IL the proposed route turns northwest. At MP 175 the proposed route begins to traverse immediately to the east of Illinois Railway (IR). At MP 177.2 the proposed route moves to the east to skirt the town of Holcomb, IL, but continues parallel within one-half mile to the east of IR. At MP 181 the proposed route turns west and crosses IR at about MP 181.6. From there, the proposed route traverses immediately west of IR to MP 184.2 where it turns west away from IR.

There is seemingly unnecessary curvature in the proposed line between Milepost Nos. 172 and 178.

Just as GLBT does not want to give up control, management, dispatching and maintenance of its own line by operating over the lines of other railroads, there is no evidence provided that Class I railroads would be comfortable giving up those same benefits by operating over GLBT's line. GLBT has not provided information nor guarantees that it will provide service on a neutral basis without prejudice or favoritism for or against any railroad.

(f) Response to Question 6

GLBT did not provide an adequate answer to this question. It is said that alternate

sites were not considered in detail, but no sites were identified. GLBT nowhere stated what would be the maximum and minimum sizes of its proposed Railport. The 15,000-acre Railport desired by GLBT is more than five times as large as Union Pacific's Bailey Yard that covers 2,850 acres and is the largest railyard in the world. GLBT cites a need to handle trains of 15,000-foot length at the Railport, which translates to 2.84 miles, but the Manteno Railport is nearly 8 miles long. GLBT refers to "target customers" without identification of such customers.

GLBT's concession that a 15,000-acre Railport will not be needed in the foreseeable future raises a number of unanswered questions. Foreseeable future is not defined or even estimated. Use of the Railport is not explained. A need for a huge rail yard is not evident in light of the through nature of the trains proposed by GLBT.

In view of the foregoing, it is evident that there has been no explanation nor justification for a rail yard anywhere near the size of the proposed Manteno Railport.

(g) Response to Question 7

We have no comment at this time on GLBT's response to Question 7.

(h) Response to Question 8

GLBT did not provide route narratives in 10-mile segments for its amended route alignments. No crossing information was provided for the NPR, in particular for Milepost Nos. 2-12, 32-50, and 167-232. There is a total of 93 miles out of 260 miles, or about 36 percent, that is missing a route narrative and crossing information.

In the Westville, IN area, between Milepost Nos. 2 and 4, the NPR is less than a half-mile from approximately 60 rural residences. Between Milepost Nos. 2 and 13.8, the NPR crosses approximately 35 farms at a severe angle, leaving odd-shaped, difficult to farm, or unusable parcels.

In regard to the 65-mile segment of the NPR between the Rockford, IL area and Milton, WI, the NPR comes within 0.5 mile of Kings, IL, Holcomb, IL, and Davis Junction, IL, south of Rockford. Near Milepost No. 187, the NPR curves within 0.1 mile of a rural subdivision. Between Milepost Nos. 186 and 189, the NPR makes several pronounced “S” curves. That occurs in an environmentally sensitive area in which the NPR goes across the Kishwaukee and Rock Rivers, wetland areas, and a creek. The NPR crosses very sensitive wetland areas at about Milepost No. 208 in an area where the Sugar River flows into the Pecatonica River. The NPR crosses the Pecatonica River and curls around wetland areas until approximately Milepost No. 211. GLBT acknowledges in Appendix 4 that the area west of Shirland, IL is environmentally sensitive, that being one of the reasons for rejection of the Brodhead alignment. Shirland is less than three quarters of a mile west of Milepost 208.5 of the NPR.

Wetlands and river crossings are a major environmental concern of residents of Winnebago County, IL and western Rock County, IL. Another major concern of Winnebago residents is access to emergency facilities as a result of blocked roads. The western side of Winnebago County depends on Rockford for all of its hospital needs.

The west side of Beloit, WI is barely two miles east of the NPR. Prevailing winds in this area are from the southwest. As a result, chemical spills would adversely affect residents of the City of Beloit, WI. The same concern is present for residents of Rockford, IL; Paw Paw, IL; Sheridan, IL; Gardner, IL; Westville, IN, and any other population areas north or northeast of the NPR.

The NPR at or near Milepost No. 224.2 is proposed on a 100-foot-wide bank that would divide an active gravel pit. That seems to be a bizarre location for a rail line.

Attached to my statement as Appendix MM-1 is a depiction of the proposed Manteno Railport showing in yellow lines the March, 2016 proposed rail line and in blue lines trackage added in the September, 2016 proposal. The proposed added trackage is not explained nor justified in GLBT's filings.

GLBT failed to acknowledge the change of route that was made at or near Steward Junction, IL. The change involves construction of a wye track at approximately the Ogle-Lee County line building directly west to a connection with City of Rochelle Railroad (CIR), and then building south along the CIR rail line, which will include construction of a switching and staging line.

That change appears to impact future growth and development in the area. It has the potential to adversely affect the City of Rochelle, IL financially. If GLBT is permitted to construct trackage as proposed, it may well impede CIR growth.

B. Responses to Information Request No. 2

GLBT's responses to Information Request No. 2 are inherently unreliable, and thus are of no value as evidence, because the responses contain traffic and train information that includes NS and UP, who have made it plain that their trains will not move over the GLBT rail line. Indeed, NS clarified its stance in a letter to the Board dated December 2, 2016 in which NS stated that it did not provide any traffic or operating information to GLBT, that it does not intend to utilize the GLBT route, and that it disputes the NS train volumes that are contained in the GLBT response.

Responses to Information Request No. 3

(a) Comments on Response to Question 1

In its response, GLBT stated:

. . . The proposed investment still makes business sense if the end to end time is up to 12:00 hours. At longer transit times, though, the attractiveness of the by-pass alternative to the connecting railroads and shippers would be greatly diminished, as key train connections would likely be missed.

In a roundtable sponsored by the Chicago Metropolitan Planning Commission on November 14, 2014 titled "CREATE, Freight Driving the Region's Economy," Ms. Audrey Wennink, Senior Associate of Cambridge Systems, Inc., cited a study commissioned by the CREATE partners, that stated that as a result of the 22 CREATE improvements that had been completed at that time, the time required for a unit train to pass through the Chicago Rail Terminal had declined from 20 hours to less than 15 hours. Attached as Appendix MM-2 is a photograph of Ms. Wennick making reference to the

information referred to here.

That time is likely to have declined further as a result of completion of five more CREATE improvements during 2015 and 2016. As an example, the most recent completed CREATE improvement involved a rail overpass over a heavily traveled highway in the Chicago suburb of Bellwood, IL that eliminated a serious choke point for 59 Metra commuter trains and 52 freight trains per day.

Ms. Wennink of Cambridge Systematics also stated at the roundtable referred to that “if CREATE were not built, in 2025 the rail network would become saturated and if CREATE were built, the rail network could handle future demand through 2047.” That does not indicate a need in the near future. In the next 30 years, quite a few changes in freight transportation can happen. It seems irresponsible to plan for freight infrastructure that far in the future.

In addition, congestion in Chicago is being reduced as a result of the Chicago Integrated Rail Operations Center (CIROC). CIROC includes direct connections to each carrier and track views to assist rail employees in resolving operational issues and identifying and addressing congestion issues, resulting in reduced train delays. Established in December, 2015, CIROC improves Chicago-specific visibility, metrics, and measurements that work as early warnings for potential congestion problems. Together with CREATE, CIROC will surely alleviate congestion in the Chicago Rail Terminal, resulting in continued lessening of train time to pass through that Terminal.

Attached to my statement as Appendix MM-3 is a copy of a recent CIROC press release that confirms the foregoing information.

(b) Comments on Response to Question 2

We have already commented on the excessive size of the proposed Railport and GLBT's acknowledgment that an unspecified percentage of the facility would not be used in the foreseeable future. GLBT should be required to identify and justify an appropriate size of Railport for use in the foreseeable future.

GLBT stated: "The Manteno Railport could also offer space for potential future development by third parties." The Board cannot authorize non-rail land development by third parties, as appears to be contemplated here, under the guise of track construction. GLBT should be required to identify and eliminate that extraneous land development from this proceeding.

Along the same lines, track construction is not appropriate for other uses unrelated to rail, i.e., "(a)ccommodation of, and access to Heusing Cemetery and Zion Lutheran Church."

In describing the location of the Railport, GLBT stated that "the site cannot cross any existing railroad line." I have been advised that a rail carrier cannot refuse to permit track construction by another rail carrier to cross its rail line.

(c) Comments on Response to Question 3

We have no comment on the GIS information provided in response to Question 3.

(d) Comments on Response to Question 4

The City of Rochelle, Illinois, owner of the City of Rochelle Railroad, has passed a resolution opposing the GLBT project. In view of that action, it is unlikely that the City of Rochelle Railroad would interchange traffic with GLBT.

GLBT's proposal to operate over the existing South Shore rail line contradicts GLBT's refusal to operate over existing rail lines.

(e) Comments on Response to Question 5

Opponents have the following comments on the "anchor points" identified in this Response:

Pinola, IN - NS will not use the GLBT rail line.

Alida, IN - CSXT likely will use its proposed Crete, IL railyard, only 8 miles from the GLBT line.

Solitt, IL - UP has publicly stated that it will not use GLBT.

Manteno, IL - CN will use EJE lines to bypass Chicago. CN does not connect with Wisconsin Southern at Milton, WI.

Kankakee River - there is no explanation by GLBT why this is claimed to be an anchor point.

Mazon, IL - there is a large BNSF railyard and intermodal facility at Elwood, IL, within 20 miles of this point.

Illinois River - no explanation of anchor point status.

Fox River - no explanation of anchor point status.

Milton, WI - CP and CN trains would have to travel 40 miles east over track owned by the State of Wisconsin and leased to Class II rail carrier Wisconsin & Southern RR to make connection to CN. CN could also travel northwest from Milton over State-owned track for approximately 40 miles to connect to its own rail line at Madison, WI.

Gensler - Wolfenberger Industrial Park - this park is not yet in existence.

South Branch Kiskwaukee River	)
	)
Cook Creek	) there is no explanation of why
	) these are claimed to be
River Crossing S.E. of Rockford	) anchor points
	)
Kishwaukee River, MP 203	)
	)
Turtle Creek	)

Rock River - MP 188.4 - the proposed rail line crosses wetlands, a creek, and two rivers near this location, as well as a flooded gravel pit, not a desirable location for a river crossing.

Rockford, Branch, MP 19.6 - CN has its own bypass route to avoid Chicago.

Winnebago, IL - MP 194.7 - CN has its own bypass route to avoid Chicago.

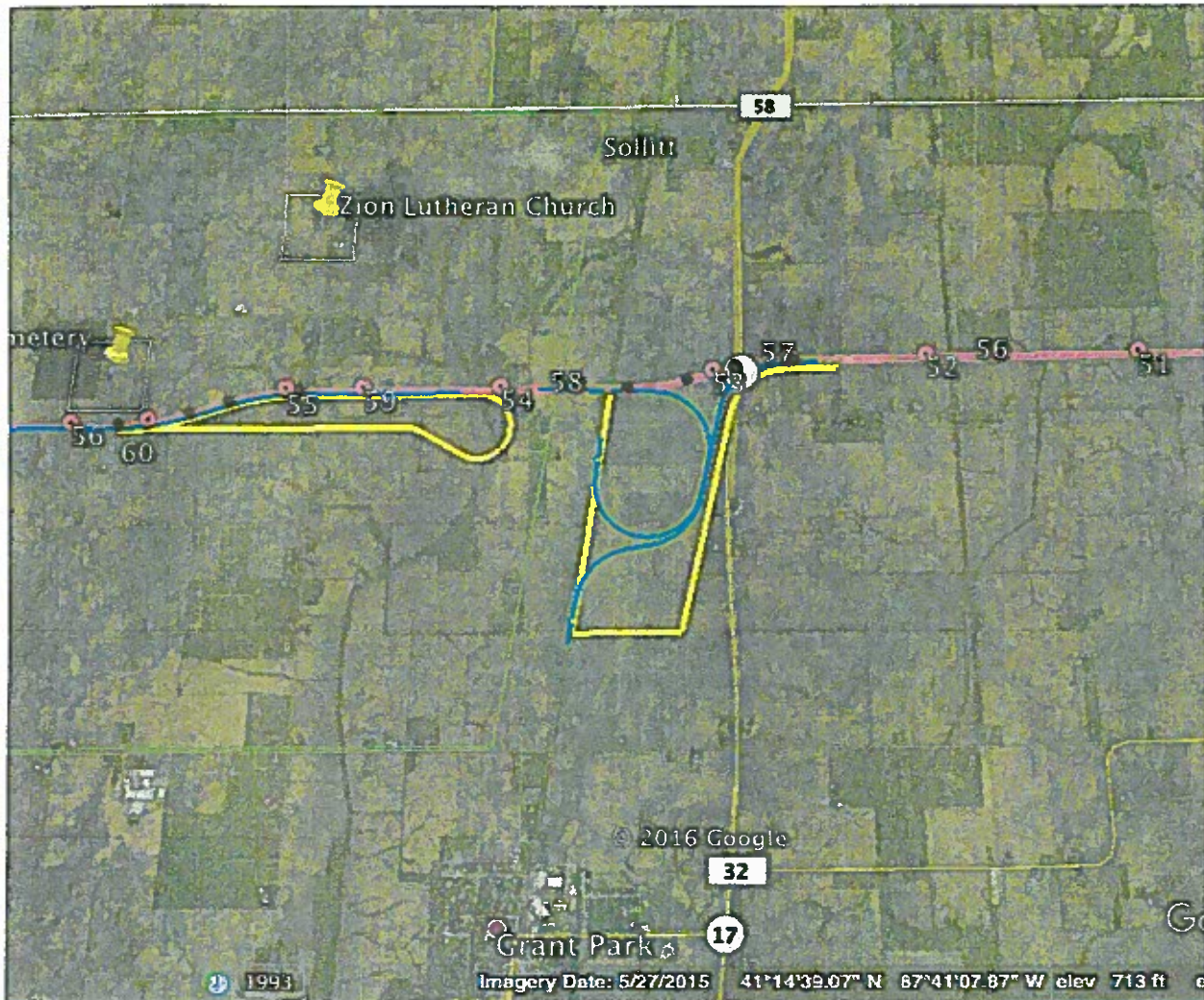
Rock River - MP 223.4) as currently proposed, this location
) would require the rail line to go through
 property owned and currently being developed by Alliant Energy as
 Riverside Energy Center, a 90-acre natural gas and solar generating
 station.

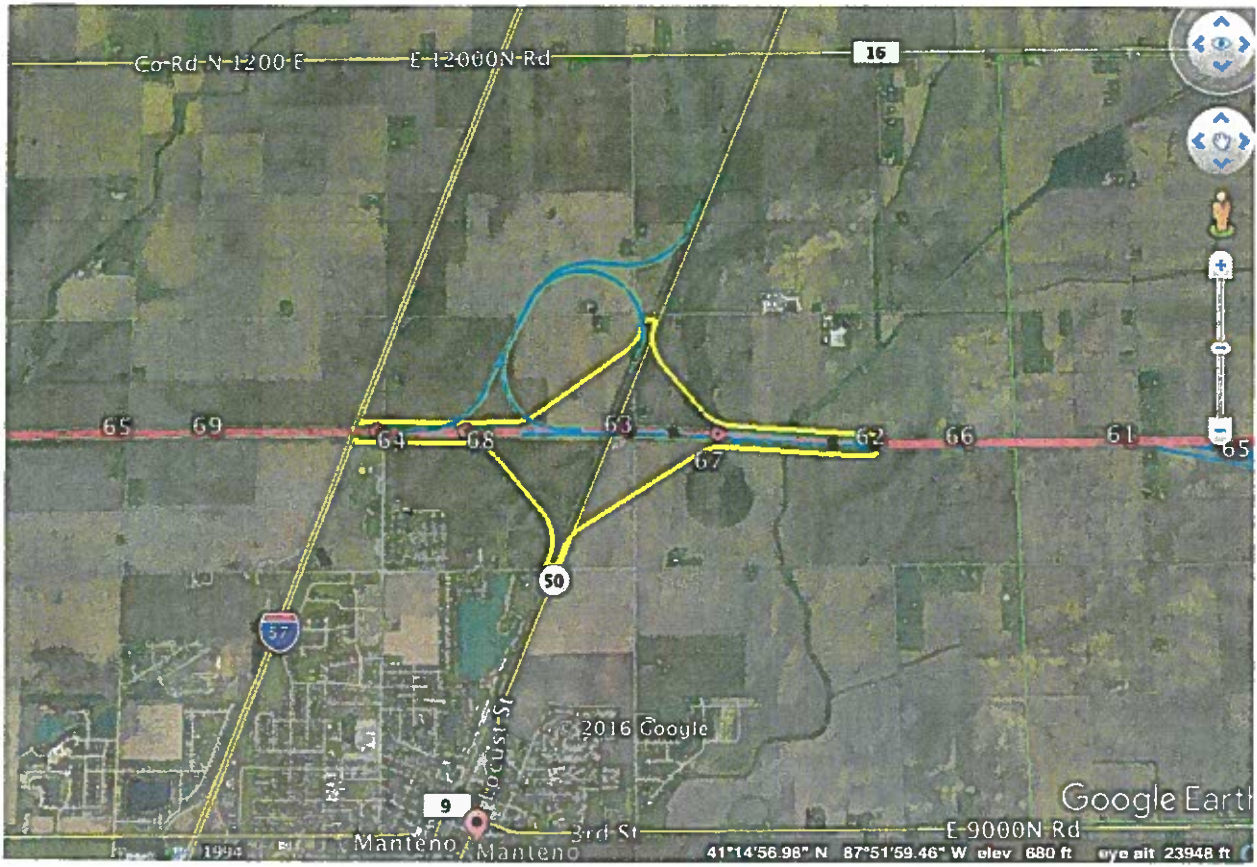
In regard to all of these alleged anchor points for the proposed rail line, GLBT has not provided sufficient information to support a conclusion that these points are necessary for the feasibility of the project.

It is surprising that GLBT did not list Rochelle, IL as an anchor point inasmuch as the NPR adds almost four miles of track and a switching and staging yard near Rochelle.

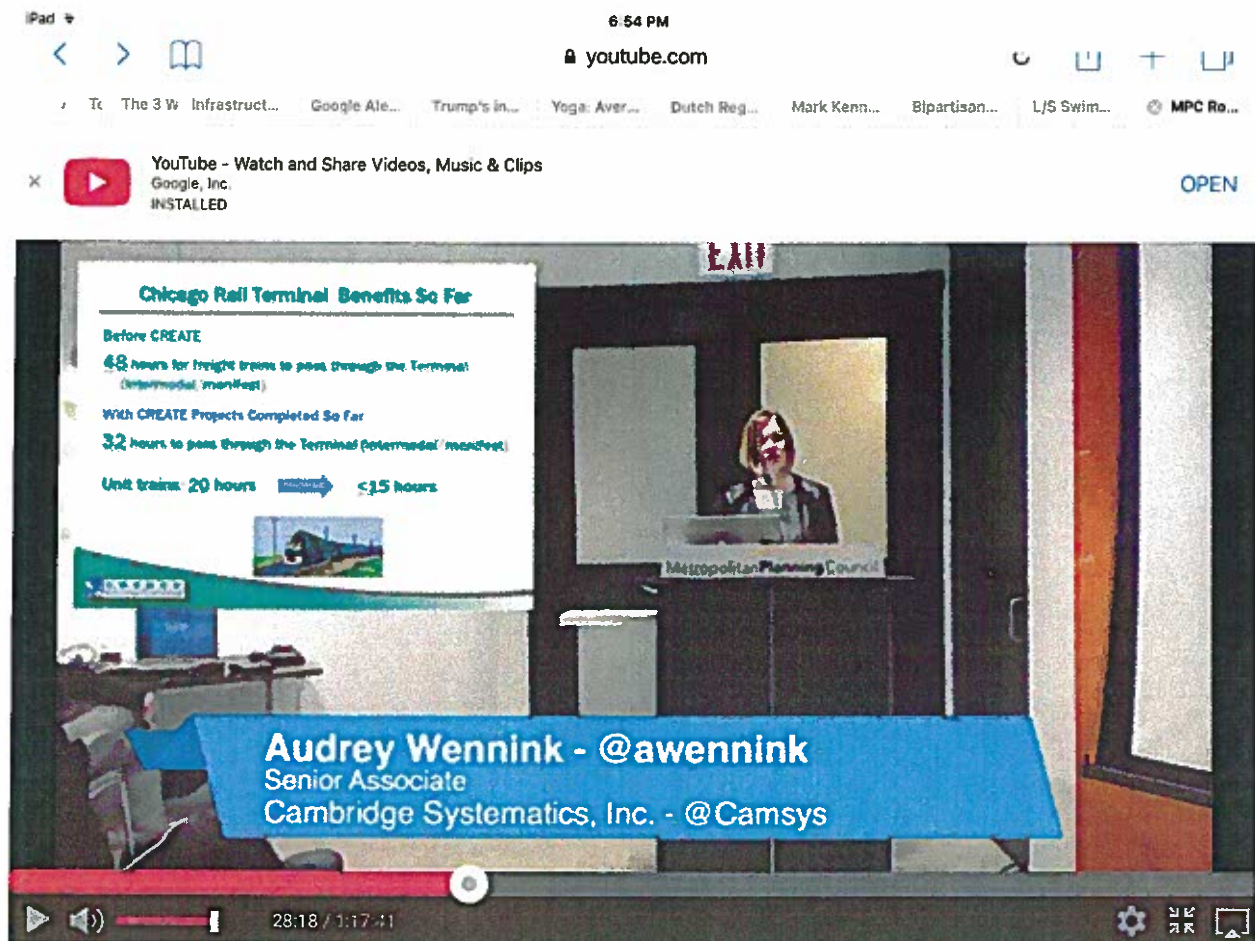
GLBT makes connection near Rochelle twice, i.e., with UP at Milepost Nos. 165.68 and 163.5. At the latter point, 3.8 miles of track are planned, including a switching and staging yard, going west to connect with CIR, thence south along CIR and parallel to BNSF trackage that goes through Steward Junction. Those significant changes were not even mentioned in the NPR Commentary in Appendix 5 of the Response to Information Request No. 1.

Appendix MM-1





Appendix MM-2



Freight Rail Improves Chicago Region Train Management

Posted By [mmccarthy](#) On December 7, 2016 @ 10:14 am In [More News](#) | [No Comments](#)

The Association of American Railroads ([AAR](#) ^[1]) has stated that freight railroads operating in Chicago are better prepared to manage rail traffic in the Chicago region due to the establishment of the Chicago Integrated Rail Operations Center (CIROC), which opened in December 2015. CIROC includes direct connections to each carrier and track views to assist employees with resolving operational issues and identifying and addressing congestion issues, reducing train delays.

According to the AAR, the railroads that make up the Chicago Planning Group and the Chicago Transportation Coordination Office established CIROC to monitor and facilitate efficient rail operations within Chicago.

"Chicago is the epicenter of the nation's freight and passenger rail system with about 25 percent of all U.S. freight rail traffic going through the region," stated Edward R. Hamberger, AAR president and CEO. "Freight railroads have long taken steps to identify critical factors impacting rail operations in the area. Coordination between Chicago railroads is key to achieving the benefits of the extensive planning, particularly during challenging winter weather."

The establishment of CIROC improves Chicago-specific visibility, metrics and measurements that work as early warnings for potential problems, said the AAR, equipping railroads to communicate on an ongoing basis, review train schedules and routing protocols. It also improves the ability to have the necessary equipment, materials and personnel in place to keep trains moving.

"Operational planning and plan execution are extremely important for all railroads across the nation's 140,000-mile rail network," Hamberger added. "Under the new system, rail traffic issues will be better pinpointed through the CIROC's monitoring process."

The AAR also noted that, according to the U.S. Department of Transportation ([USDOT](#) ^[2]), the volume of imported and exported goods transported via rail in Chicago is forecast to increase nearly 150 percent between 2010 and 2040.

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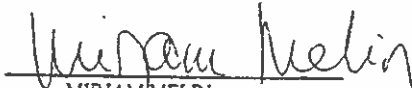
URLs in this post:

[1] AAR: <https://www.aar.org/>

[2] USDOT: <https://www.transportation.gov/>

VERIFICATION

MIRJAM MELIN, being duly sworn, states that she has knowledge of the factual assertions set forth in this Verified Statement; and that all of those assertions are true and correct:


MIRJAM MELIN

STATE OF WISCONSIN)
) SS:
COUNTY OF ROCK)

SUBSCRIBED and SWORN to before me
this 8th day of February, 2017.

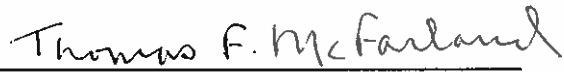

Notary Public



My Commission expires: 3/4/2020

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2017, I served the foregoing document, Supplement To Joint Motion For Adoption Of No-Build Alternative In The Environmental Impact Statement and Comments On Responses To Information Requests, (1) on the Attorney for GLBT, Jay Johnson, Esq., Venable, LLP, 575 Seventh Street, N.W., Washington, DC 20004; and (2) on the Office of Environmental Analysis of the Surface Transportation Board, Attention: Victoria Rutson, 395 E Street, S.W., Washington, DC 20423, both by first-class, U.S. mail.



Thomas F. McFarland

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