

1 SCOPING MEETING FOR THE PROPOSED CANADIAN NATIONAL
2 RAILWAY COMPANY ACQUISITION OF THE
3 ELGIN, JOLIET AND EASTERN RAILWAY COMPANY
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10 STATEMENT OF:

11 ALAN MURPHY
12

13 September 9, 2008
14

15 WEST AURORA HIGH SCHOOL
16 1201 WEST NEW YORK STREET
17 AURORA, ILLINOIS

18 CHIMNIAK REPORTING & VIDEO
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1 MR. ALAN MURPHY: My name is Alan,
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2 A-l-a-n, Murphy. I'm a representative of
3 For the People Grass Roots Organization in
4 West Chicago.

5 I am presenting to you
6 Resolutions opposing the Canadian National
7 Railway. I have the Village of Wayne,
8 DuPage and Kane Counties, Illinois,
9 Resolution Number 08-R-01, a resolution
10 objecting to the proposed acquisition of
11 the EJ&E West Company by the Canadian
12 National Railway Corporation (Surface
13 Transportation Board - Finance Docket
14 No. 3508735) adopted by the president and
15 board of trustees of the Village of Wayne
16 of DuPage and Kane Counties this 5th day of
17 February, 2008, published by the authority
18 of the president of the board and trustees
19 of the Village of Wayne, DuPage and Kane
20 Counties, this 6th day of February, 2008.

21 Village of Wayne, DuPage Kane
22 Counties, Illinois, Resolution No. 08-R-01,
23 a resolution objecting to the proposed
24 acquisition of the EJ&E West Company by the

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1 Canadian National Railway Corporation,
2 (Surface Transportation Board - Finance
3 Docket No. 35087.)

4 whereas, on October 30th, 2007,
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5 the Canadian Railway Corporation, along
6 with U.S. subsidiary, Grand Trunk
7 Corporation (collectively called "CN")
8 filed an application with the federal
9 Surface Transportation Board ("STB")
10 seeking approval to require the EJ&E West
11 Company, a wholly owned subsidiary of the
12 Elgin Joliet & Eastern Railway Company
13 (collectively "EJ&E"); and

14 whereas, the proposed
15 acquisition by CN would involving shifting
16 a significant amount of train traffic that
17 currently moves over CN's rail lines in the
18 city of Chicago to sections of the EJ&E
19 rail lines west and south of the city of
20 Chicago, including a segment that runs
21 through the village of Wayne; and

22 whereas the increase in freight
23 traffic resulting from the proposed
24 acquisition of CN will create adverse

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1 impacts on the commuters along the EJ&E
2 line, including, but not limited to,
3 increased noise and vehicle traffic delays;
4 and

5 whereas, the projected increased
6 volume of train traffic and rail-related
7 operations will result in more frequent

8 blockage of the at-grade crossing at Smith,
9 Army Trail and Stearns Road will negatively
10 impact emergency vehicle access and result
11 in longer response times for emergency
12 vehicles in that the Smith and Army Trail
13 Road crossings will undoubtedly be blocked
14 simultaneously; and

15 whereas, CN estimates that if
16 the proposed transaction takes place, the
17 average number of daily trains that run
18 along the segment of the EJ&E rail line
19 that bisect Wayne will increase from 4.4
20 trains to 24.4 trains per day, an increase
21 of 555 percent, that the gross tons of
22 freight per day that run over the segment
23 will increase from 14,397 tons to
24 184,969 tons per day, an increase of over

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1 1,285 percent and hazardous material
2 carloads will increase from 21.1 to 265.5
3 per year, an increase of over 1,258 percent
4 (Attachment A.2 to CN submittal to the
5 STB); and

6 whereas, Smith Road, Army Trail
7 Road are local highways, and Stearns Road
8 is a county highway that runs east and west
9 through or at the edge of the village, and
10 intersects with the EJ&E rail line that

11 runs north and south through the Village at
12 at-grade crossings; and

13 whereas, Smith Road has existing
14 vehicle traffic levels of 5,300 average
15 (ADT) which levels are projected to
16 increase; and

17 whereas, Army Trail Road has
18 existing vehicle traffic levels of 8,100
19 ADT, which levels are projected to
20 increase; and

21 whereas, Stearns Road has
22 existing vehicle traffic levels of 10,800
23 ADT, which levels are projected to
24 increase; and

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1 whereas, the amount of train
2 traffic will interfere with motoring
3 public, which includes 2,200 residents of
4 the Village of Wayne, those residents who
5 reside in the areas adjacent to or near the
6 EJ&E Rail line, those residents who use
7 Smith Road, Army Trail Road as their
8 primary or only means of east-west travels,
9 such road being within less than one mile
10 of each other, which given such distance
11 means both crossings could be
12 simultaneously blocked by the 8,000-foot
13 length of trains projected by the CN (See
Page 5

14 Frequently Asked Questions, proposed CN
15 acquisition of the EJ&E Railroad, as
16 prepared by CN - January, 2008); and

17 whereas, Stearns Road is a major
18 arterial freight which will carry vehicles
19 to and from the Stearns Road Bridge
20 crossing over the Fox River, which bridge
21 is in the beginning stages of construction,
22 the blocking of which by one train per hour
23 would drastically frustrate years of
24 efforts by the federal and state

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1 governments, Kane County, Village of Wayne
2 and its surrounding sister communities to
3 improve traffic flows in the region; and

4 whereas, the projected increase,
5 volume of train traffic and rail-related
6 operations will result in more frequent
7 blockage of the at-grade crossings at
8 Smith, Army Trail and Stearns Road, will
9 negatively the emergency vehicle access and
10 result in longer emergency response times,
11 and that the Smith and Army Trail Road
12 crossings will undoubtedly be blocked
13 simultaneously; and

14 whereas, such increased volume
15 of train traffic will negatively impact bus
16 transportation of the students of the Wayne

17 Elementary School, resulting in increased
18 hazards to students and interfering with
19 school bus routes; and
20 whereas, the proposed
21 acquisition will have significant secondary
22 and cumulative effects on Wayne and the
23 northwest suburban region in that the
24 planned Metra Suburban Transit Access Route

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1 (the "STAR Line") that is proposed to
2 utilize the EJ&E railroad corridor to
3 provide north-south commuter rail service
4 to connect the northwest suburbs to other
5 existing Metra commuter lines will likely
6 be in jeopardy and the future opportunity
7 to provide a new dynamic mobility for
8 residents, workers and visitors in the
9 suburban region will likely be lost if the
10 proposed acquisition takes place; and

11 whereas, all the effort toward
12 creating the first commuter line rail in
13 Northeastern Illinois designed specifically
14 to address suburban-to-suburban commutes
15 will likely become a casualty of the
16 proposed CN acquisition if it takes place.

17 Now, therefore, be it resolved
18 by the president and board of trustees of
19 the Village of Wayne, DuPage and Kane

20 Counties, Illinois, as follows:

21 Section 1, that the Village of
22 Wayne urges the Section of the
23 Environmental Analysis (the "SEA") of the
24 Surface Transportation Board (the "STB")

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1 include and incorporate the issues,
2 concerns and comments of the Village of
3 Wayne set forth in this resolution in the
4 scope of the study of the draft of the
5 Environmental Impact Study and final
6 Environmental Impact Study (collectively
7 the "EIS"), and said comments and concerns
8 be considered and addressed in the EIS and
9 by the STB.

10 Section 3: That the Village
11 clerk is hereby authorized to send
12 certified copies of this resolution to the
13 Surface Transportation Board, the United
14 States Senators Richard Durbin, Barack
15 Obama, State Senator John Milner, State
16 Senator Randy Ramey and Mike Fortner and
17 the DuPage Mayors and Managers Conference,
18 DuPage County Board Member District 6 Pam
19 Rion, Kane County Transportation
20 Chairperson Jan Carlson.

21 Second 4: This Resolution shall
22 be in force and effect upon the passage and
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23 approval, passed and approved this 5th day
24 of February, 2008.

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1 Ayes: Trustee Connolly, Jensen,
2 Levine and Ried.

3 Naves: No.

4 Absent: Trustee Hull and
5 Jiggers.

6 Eileen Phipps, Village
7 President. Attested to, Patricia Engstrom,
8 Village Clerk.

9 Board Action Summary, Subject:
10 Resolution objecting to the proposed
11 acquisition of the EJ&E West Company by the
12 Canadian National Railway Corporation
13 (Surface Transportation Board - Finance
14 Docket No. 35087).

15 Originated: Village attorney.

16 Description of the Subject
17 Matter: Attached for Board
18 consideration is a resolution objecting to
19 the acquisition of the EJ&E Railroad by the
20 CN Railroad. The resolution is self-
21 explanatory.

22 Last page, Certifications, State
23 of Illinois, County of DuPage,

24 I, Patricia Engstrom, the

1 undersigned, do hereby certify that I am
2 duly appointed and acting clerk of the
3 village of Wayne, DuPage and Kane Counties,
4 Illinois, and as such clerk, I am the
5 keeper of records and files of the Village
6 President and the Board of Trustees of the
7 said village.

8 I do further certify that the
9 foregoing constitutes a full, true and
10 complete copy of:

11 A resolution objecting to the
12 proposed acquisition of the EJ&E West
13 Company by the Canadian National Railroad
14 Corporation (Surface Transportation Board -
15 Finance Docket No. 35087).

16 In witness thereof, I have
17 hereto affixed my official signature and
18 the corporate seal of the Village of Wayne,
19 DuPage and Kane Counties, Illinois, this
20 13th day of February, 2008.

21 And then it's signed Patricia
22 Engstrom and by Laura Shepard, deputy
23 clerk, and it has a notary seal on the
24 bottom left-hand corner.

1 That's it for that one.
2 Resolution 08-R-09:
3 Resolution stating the West
4 Chicago Fire Protection District's
5 Opposition to the Proposed Acquisition of
6 EJ&E West Company by the Canadian National
7 Railway Corporation;
8 whereas, the West Chicago Fire
9 District (hereinafter "the District") is an
10 Illinois Municipal Corporation pursuant to
11 Article VI of the Illinois Constitution;
12 and
13 whereas, the district handles
14 all fire suppression, rescue and emergency
15 medical service(hereinafter "EMS") for any
16 buildings and properties located in the
17 West Chicago Fire Protection District; and
18 whereas, a great deal of the
19 district is comprised of property which
20 makes up the City of West Chicago and the
21 EJ&E, Elgin, Joliet and Eastern Railway
22 Company (collectively known as "EJ&E")
23 which runs throughout West Chicago; and
24 whereas, on October 30th, 2007

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1 the Canadian National Railway Corporation
2 along with its U.S. subsidiary, Grand Trunk

3 Corporation, (collectively "CN") filed an
4 application with the Federal Surface
5 Transportation Board (STB) seeking approval
6 to acquire the EJ&E West Company; and

7 whereas, the proposed
8 acquisition by CN would involve shifting a
9 significant amount of train traffic that
10 currently moves over CN rail lines in the
11 city of West Chicago to sections of the
12 EJ&E rail lines west and south of the city
13 of Chicago, including a segment that runs
14 through the city of West Chicago; and

15 whereas, the increase in train
16 traffic resulting from the proposed
17 acquisition by CN would created adverse
18 impacts to the communities along the EJ&E
19 rail line, including vehicle traffic delays
20 for the District's emergency and fire
21 apparatus; and

22 whereas, CN estimates that if
23 the proposed transaction takes place, the
24 average number of daily trains that run

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1 along the segment of the EJ&E rail line
2 that runs through West Chicago, north of
3 the Union Pacific tracks, will increase
4 from 4.4 to 24.4 trains per day, and that
5 the gross tons of freight per day that run

over that segment will increase from 14,397 tons to 184,969 tons, an increase of 1,185 percent, which would be the greatest of all locations along the EJ&E;

whereas, CN estimates that if the proposed transaction takes place, that the average number of daily trains that run along the segment of the EJ&E rail line that runs through west Chicago south of the UP tracks will increase from 10.7 to 34.5 trains per day, and that the gross tons of freight that run over that segment will increase from 87,162 tons to 245,049 tons, an increase of 294 percent; and

whereas, CN train lengths will be much longer than the current EJ&E train lengths; and

whereas, hazardous material traffic in west Chicago north of the Union

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Pacific tracks will increase from current 21 carloads per year to 265 carloads per year, an increase of 1,162 percent; and

whereas, hazardous materials traffic in west Chicago south of the Union Pacific tracks would increase from the current 31 carloads per year to 301 carloads per year, an increase of

871 percent; and

whereas, the increase in hazardous material traffic throughout the District creates a substantial likelihood of a spill involving hazardous material; and

whereas, although the District is equipped to respond to hazardous material situations, CN has yet to provide information on what types of hazardous materials are traveling on the railway throughout the District; and

whereas, without knowledge of the type of materials traveling on the railway, the District is concerned that a hazardous material waste situation beyond

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the District's current capabilities could occur; and

whereas, the projected increased volume of train traffic and rail-related operations would result in more frequent blockage of at-grade crossings in West Chicago and will negatively impact emergency vehicle access and result in longer emergency response time; and

whereas, West Chicago Community High School is located one block from an

at-grade crossing at Ann Street, a school
that has a current student population of
2,160; and

whereas, traffic congestion
along the high school is already very
heavy, both during the morning and peak
hours, and when school lets out in the
afternoon, a problem that will be
exaggerated by the increased train traffic
on the EJ&E tracks; and

whereas, approximately
35 percent of the community high school
student population walks to school, with

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the highest percentage living west of the
EJ&E tracks; and

whereas, these students
currently need to cross the EJ&E tracks at
either Ann Street, Church Street,
Washington Street or George Street; and

whereas, the exorbitant increase
in train traffic on the EJ&E tracks will
significantly increase the likelihood of an
accident between trains and students;

whereas, the EJ&E tracks
currently divide West Chicago, and when
combined with the existing Union Pacific
tracks, serves to wall off the southwestern

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portion of West Chicago, making it move

difficult for the District to provide
emergency and medical services to that
portion of our community; and

whereas, the District has
concerns regarding the safety and emergency
precautions of the proposed facility; and

whereas, the Board of Trustees
of the District had a duty to the residents
of the District to express its concerns and

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objections to any proposal which may affect
its services to District residents.

Now therefore, be it resolved by
the Board of Trustees of the West Chicago
Fire Protection District as follows:

Section 1: The West Chicago
Fire Protection District asks that the
Section of the Environmental Analysis (the
"SEA") of the Surface Transportation Board
(the "STB") include and incorporate the
issues, concerns and comments of the
District set forth in this resolution in
the scope of the study for the draft of the
Environmental Impact Study and final
Environmental Impact Study (collectively
the "EIS") and that said comments and
concerns be considered and addressed in the

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EIS and the STB.

Section 2: The District does hereby formally object to the proposed acquisition of the EJ&E by CN, and urges the Surface Transportation Board to disapprove of the proposed interaction based on the negative impact it will have

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on the West Chicago Fire Protection District, its residents, its business customers and the region.

Section 3, based on the reasons stated in this Resolution, the Board of Trustees as representatives for the citizens of the West Chicago Fire Protection District hereby objects to the construction of the facility within its boundaries.

Section 4: Various provisions of this Resolution are to be considered as severable, and if any portion of this Resolution shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution.

Section 5: All prior Resolutions and Ordinances in conflict or

21 090908KOCEK Murphy Vol I.TXT
22 inconsistent herewith are hereby expressly
23 repealed only to the extent of such
24 conflict or inconsistency.

Section 6: This Resolution

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1 shall be in full force and effect upon its
2 passage and approval.

3 Approved this 24th day of
4 January, 2008, pursuant to the following
5 roll call vote:

6 Ayes: Janeas, Smith, Winkler,
7 Hensel and Phillips.

8 Nays: None.

9 Absent: None.

10 Signed by President Dave Janeas,
11 President of the Board of Trustees, West
12 Chicago Fire Protection District, attested
13 by Secretary Board of Trustees, West
14 Chicago Fire Protection District. Can't
15 read her writing.

16 Followed by the third page,
17 State of Illinois, County of DuPage,
18 Secretary's Certificate, I, John Smith,
19 Jr., the duly qualified and acting
20 Secretary of the Board of Trustees of the
21 West Chicago Fire Protection District,
22 DuPage County, Illinois, and keeper of
23 records thereof, do hereby certify that

24

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attached hereto is a true and correct copy

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21

1 of a resolution entitled Resolution
2 2008-R-09, a Resolution stating the West
3 Chicago Fire Protection District's
4 opposition to the proposed acquisition of
5 the EJ&E West Company by the Canadian
6 National Railway Corporation, adopted by
7 said board of trustees at its meeting on
8 the 24th day of January 2008.

9 I do further certify that a
10 quorum of said board of trustees were
11 present at the said meeting and that the
12 board compiled all the requirements of the
13 Illinois Open Meetings Act.

14 In witness whereof, I have
15 hereunto set my hand this 24th day of
16 January, 2008.

17 John Smith, Secretary, Board of
18 Trustees, West Chicago Fire Protection
19 District.

20 Can I just say I have objections
21 following the other two that are
22 Resolutions objecting to the CN that were
23 worded very much exactly alike, and they
24 are Resolutions from the Honey Hill

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1 Community Association, Village of Wayne.

2 I have another resolution from
3 the West Chicago Park District, which
4 objects to the acquisition of the EJ&E West
5 Company by the Canadian National Railway
6 worded very similar to.

7 And the next resolution opposing
8 the acquisition of the EJ&E West Company by
9 the Canadian National Railway Corporation
10 is from the Winfield Township, Winfield
11 Township itself, supervisor Donna Smith and
12 clerk Cliff Brown.

13 The next resolution objecting to
14 the proposed acquisition of the EJ&E West
15 Company by the Canadian National Railway
16 Corporation - STB Finance Docket 35087, is
17 from the Churchill of Wayne Homeowners
18 Association.

19 It is an association of
20 homeowners representing the Churchill of
21 Wayne Subdivision, and it's located in the
22 Village of Wayne, County of DuPage.

23 And they all say pretty much the
24 same as the other Resolutions.

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2 Resolution objecting to the proposed
3 acquisition of the EJ&E West Company by the
4 Canadian National Railway Corporation, STB,
5 Finance Docket No. 35087, and this one is
6 done by the Lake Eleanor Estates Homeowners
7 Association, representing the Lake Eleanor
8 Estates Subdivision in the Village of
9 Wayne, DuPage County.

10 I think that covers the
11 Resolutions opposing the CN as presented by
12 Alan Murphy, representative of For the
13 People Grass Roots Organization.

14 (End of statement.)
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