

Decision ID No. 42871

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Final Environmental Assessment

CSX Transportation, Inc.

Acquisition of Operating Easement

Grand Trunk Western Railroad Company

Docket No. FD 35522



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SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Environmental Analysis

January 9, 2013

Re: Docket No. FD 35522, CSX Transportation, Inc.—Acquisition of
Operating Easement—Grand Trunk Western Railroad Company

Dear Reader:

The Surface Transportation Board’s (Board) Office of Environmental Analysis (OEA) is pleased to provide you with your copy of the Final Environmental Assessment (Final EA) on the proposed acquisition of an easement by CSX Transportation, Inc. (CSXT) over the Elsdon Line between Munster, Indiana and Elsdon, Illinois, a total of 22.37 miles. Issuance of the Final EA concludes the environmental review process begun last fall.

In describing CSXT’s Proposed Transaction in the Draft EA, we explained that at present, CSXT operates its trains in the Chicago area (called the “Chicago Terminal” by railroads) over the lines of other railroads. This often means that CSXT’s trains do not move as efficiently as the railroad would like. CSXT is seeking to become the primary user of the Elsdon Line and to be responsible for dispatching trains on and maintaining the Elsdon Line. This would enable CSXT to move its trains nonstop over the Elsdon Line. If the Board authorizes CSXT’s Proposed Transaction, CSXT projects that it will save time (one hour for each train rerouted to the Elsdon Line) and money (\$2 million per year). In considering CSXT’s request, the Board must take into account the potential environmental effects of its decision.

On October 5, 2012, OEA issued the Draft EA in this case and asked for your comments on all aspects of the environmental review. The 35-day comment period ended on November 9, 2012. We received nine comments on the Draft EA, one comment on CSXT’s application to the Board, and one comment from CSXT updating us on the status of CSXT’s outreach efforts with potentially affected communities and others and providing additional information in response to comments. OEA has carefully reviewed and considered all of the comments submitted in preparing our final conclusions and recommendations to the Board.

The Final EA summarizes the comments that we received and responds to the comments. It also identifies corrections and minor modifications to language set forth in the Draft EA. In addition, the Final EA determines that our preliminary finding of no significant environmental impact and our preliminary conclusions in the Draft EA were correct. Last, the Final EA includes OEA’s final environmental mitigation recommendations to the Board.

Like the Draft EA, this Final EA concludes that CSXT’s Proposed Transaction would adversely affect two environmental resource areas: emergency response and noise/vibration. To reduce the potential adverse effects to these areas, we developed mitigation measures in the Draft EA and in the Final EA are recommending that the Board impose these (and other) mitigation measures in any decision approving the Proposed Transaction. The Final EA does not include additional environmental analysis because, after reviewing and responding to the comments and conducting our own evaluation, OEA felt that no additional analysis was needed.

The Final EA should be read in conjunction with the Draft EA. The Draft EA provides detailed information on the purpose and need for the easement acquisition, describes the Proposed Transaction and the No-Action alternative, sets forth the affected environment and potential environmental impacts that could result from both the Proposed Transaction and the No-Action alternative, and finally, presents CSXT’s voluntary mitigation and OEA’s environmental mitigation recommendations. With the exception of some minor changes to a few sentences (explained in detail in the Final EA) the mitigation measures OEA is now recommending to the Board are the same as those in the Draft EA. Both the Draft EA and the Final EA are available on the Board’s web site at www.stb.dot.gov, by going to “E-Library,” selecting “Decisions and Notices,” and searching under FD 35522.

The Board will now consider the complete environmental record, including the Draft EA, all comments we received, and the Final EA in making its final decision and deciding what, if any, environmental mitigation to impose. The Board plans to issue its decision in this proceeding by February 8, 2013.

If you have questions or need clarification or guidance, please call Diana Wood at (202) 245-0302. You may also email Ms. Wood at woodd@stb.dot.gov. We appreciate your participation in the environmental review process.

Sincerely,

A handwritten signature in blue ink that reads "Victoria Rutson". The signature is written in a cursive style.

Victoria Rutson

Director

Summary of Major Conclusions in this Final Environmental Assessment

The Surface Transportation Board’s (Board) Office of Environmental Analysis (OEA) has concluded its review of the potential environmental impacts that could result from CSX Transportation, Inc.’s (CSXT) proposal to acquire from the Grand Trunk Western Railroad Company (GTW) an exclusive, perpetual, non-assignable railroad operating easement over 22.37-miles of GTW rail line (the Elsdon Line) between Munster, Indiana, milepost (MP) 31.07, and Elsdon, Illinois, MP 8.7 (the Proposed Transaction). OEA has carefully reviewed and considered the comments submitted on the Draft Environmental Assessment (Draft EA) in preparing its final conclusions and recommendations to the Board as contained in this Final Environmental Assessment (Final EA). The Draft EA provides detailed information on the role of the Board in the acquisition and environmental review process; the separate National Environmental Policy Act (NEPA) process; the public participation process; and the recommended mitigation measures. This Final EA responds to the ten comments OEA received on the Proposed Transaction – nine on the Draft EA and one on CSXT’s August 13, 2012 application to the Board – during the comment period. The Final EA also incorporates information on public outreach and other matters contained in CSXT’s letter filed December 12, 2012.

This Final EA should be read in conjunction with the Draft EA. After carefully considering the comments on the Draft EA, OEA has determined that no additional environmental analysis is required for the Proposed Transaction and that, except for a few minor changes specifically noted in the Final EA, no mitigation beyond the mitigation measures recommended in the Draft EA is required. Therefore, the Final EA incorporates and adopts the analysis in the Draft EA, and concludes that the potential environmental impacts of CSXT’s proposal, with the 50 mitigation measures set forth in the Final EA, would not be significant. Therefore, preparation of an Environmental Impact Statement is not necessary, and OEA recommends that the Board impose in any final decision approving the Proposed Transaction conditions requiring CSXT to implement the environmental mitigation measures contained in this document.

Based on the information gathered to date, comments received, and independent analysis conducted by OEA, this Final EA makes the following conclusions:

- CSX Transportation, Inc. (CSXT) is proposing to improve the movement of its trains into and out of Chicago. Currently, CSXT uses several rail corridors to the south, east, and west to enter the “Chicago Terminal”—the area in and around Chicago. These rail corridors are maintained and dispatched by other railroads than CSXT. By acquiring an easement over the Elsdon Line, CSXT would have more control over the movements of its trains. This additional control would allow CSXT to save one hour in transit time per rerouted train within the Chicago Terminal and more than \$2 million each year.

- The Elsdon Line, located south of Chicago, saw reduced train traffic as a result of the 2008 Board decision allowing the Canadian National Railway (CN) to acquire the Elgin Joliet & Eastern Railroad (EJ&E). The decrease in train traffic on the Elsdon Line would allow CSXT to reroute a total of approximately 25 trains from other lines in the Chicago Terminal to various segments of the Elsdon Line.
- CSXT proposes to reroute 19.5 CSXT trains on the segment of the Elsdon Line between Blue Island and Hayford, Illinois (segment GTW-05), 10.9 trains between CN Junction and Blue Island, Illinois (segment GTW-04), and 10.1 trains between Thornton Junction and CN Junction (segment GTW-03). The remaining three segments comprising the Elsdon Line (segments GTW-01, 02, and 06) between Griffith, Indiana and Thornton Junction, Illinois and between Hayford and Elsdon, Illinois) would experience either a decrease in train traffic or no change as a result of the Proposed Transaction.
- Based on CSXT’s application, the Board has classified CSXT’s Proposed Transaction as a “minor” transaction, a term defined in the Board’s regulations to mean one that would not cause any competitive harm and would generate public benefits. The term “minor” does not mean that the Proposed Transaction is not important, nor that it does not require a thorough environmental review of potential impacts under NEPA.
- OEA prepared a Draft EA of CSXT’s Proposed Transaction to enable the Board to consider the effect of its decision on the environment and provide a full and open process for the public to participate in the environmental review process. The Draft EA was made available to the public on October 5, 2012 for a 35-day comment period that ended on November 9, 2012. The Draft EA was consistent with the Board’s obligations under NEPA and the Board’s environmental rules at 49 C.F.R. § 1105.6(b)(4). That section of the Board’s regulation provides that the Board will prepare an EA for acquisitions that would result in an increase of train traffic above the Board’s applicable thresholds (in this case, three trains per day). As explained above, CSXT’s Proposed Transaction would increase train traffic on three segments of the Elsdon Line by between 10 and 19.5 trains per day. Traffic on other three segments of the Elsdon Line would decrease or remain the same.
- The analysis in the Draft EA indicated that the Proposed Transaction would not adversely affect several environmental resource areas, including traffic and grade crossing delay, rail safety and operations (including hazardous materials transport), land use, socioeconomics, geology and soils, water resources, biological resources, air quality and climate, energy, cultural resources, and environmental justice. Each of these resources, along with OEA’s conclusions, was discussed separately in the Draft EA.
- As explained in detail in the Draft EA, the Proposed Transaction would cause adverse effects to emergency response and to noise and vibration. With the imposition of mitigation, however, these impacts would be reduced below the

level of significance. Therefore, preparation of an Environmental Impact Statement in this case is not necessary. Potential impacts to emergency response and noise and vibration discussed in detail in the Draft EA, including the recommended mitigation, are summarized below:

- Emergency Response – Train traffic increases of 19.5 trains per day at the 95th Street crossing would affect emergency response operations to the Advocate Christ Medical Center (1.2 miles from the Elsdon Line) in Oak Lawn, Illinois and the Little Company of Mary Hospital (0.3 miles from the line) in Evergreen Park, Illinois. There is no grade separation or alternate route near these hospitals. Although CSXT anticipates that the 95th Street crossing would not be blocked longer than the 2.5 minutes it would take a CSXT train to clear the crossing, OEA has recommended mitigation measure MM 2, which would require CSXT to install a Closed-Circuit Television Surveillance System (CCTV) or other similar system (with a camera in each direction) at the 95th Street crossing. The video camera(s) would transmit a signal to a specific place where they would be directly linked to live video monitors at designated emergency response dispatch centers. This would provide emergency dispatchers with information that could be used to predict train movements and to reroute emergency response vehicles, thus significantly reducing the possibility of impacts on emergency services due to the Proposed Transaction.

OEA has also recommended mitigation measure MM 4, which would require CSXT to establish a community liaison to consult with affected communities and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings and conduct periodic outreach. In addition, CSXT has developed voluntary mitigation measures requiring it to

- provide 911 notification to the City of Chicago for train blockages of 10 minutes or more, and again when the train has cleared the crossing; and
- operate under U.S. Operating Rule 526, which requires trains to be cut for blockages of 10 minutes or more at grade crossings.

CSXT also intends to operate its trains over the Elsdon Line without stopping and would control dispatching so that other carriers' trains entering the Elsdon Line operate over the Line at the maximum allowable speed without stopping.

- Noise and Vibration – The Proposed Transaction would impact a total of 1,014 noise-sensitive receptors on the three segments of the Elsdon Line

that would experience train increases (188 on segment GTW-03, 327 on segment GTW-04, and 499 on segment GTW-05). The predominant noise source in segments GTW-03 and GTW-04 is locomotive horn noise. Therefore, as mitigation for these two segments, CSXT has agreed to work with the affected communities to establish quiet zones (areas where horns do not need to be routinely sounded, abbreviated QZ).

The predominant noise source in segment GTW-05, already a designated QZ, would be from the locomotive engine and the rail/wheel interface. As mitigation, CSXT would install continuously welded track, track lubrication and other noise control devices. If the recommended mitigation measures are imposed, the number of noise sensitive receptors experiencing noise levels of 70 dBA or greater would be substantially reduced to 1 in segment GTW-03, 0 in segment GTW-04, and 77 in segment GTW-05. In addition, OEA has recommended mitigation measure MM 4, which would require CSXT to establish a community liaison to consult with affected communities and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings and conduct periodic outreach.

- Regarding vehicle delay, the Draft EA concluded that, of the 31 public at-grade crossings that would experience a transaction-related increase in train traffic by 2018, only one crossing—79th Street—would exceed the U.S. Department of Transportation Federal Highway Administration’s 40-hour threshold for vehicle delay (see Chapter 3 of the Draft EA for a detailed discussion). The 79th Street crossing (in segment GTW-05 between Hayford and Evergreen Park, Illinois where train traffic is projected to increase by 19.5 trains per day) would experience 66-hours of vehicle delay in a 24-hour period. The longest delay would occur between 6:00 and 7:00 P.M. when two trains are projected to cross 79th Street, each taking four minutes. However, the Draft EA analysis indicates that there are enough area roadways to allow motorists a range of alternatives to avoid roads that may be blocked by train traffic. Therefore, the Proposed Transaction should not result in substantial effects on mobility.
- As part of the Proposed Transaction, CSXT would reroute up to 133,831 carloads per year of hazardous materials from other rail lines in the Chicago Terminal to the Elsdon Line. The Elsdon Line would once again (as it was before the CN acquisition of the EJ&E line) become a “key route” that must meet specific safety requirements, as outlined in the Association of American Railroads’ (AAR) Circular No. OT-55-1. Although the risk of an accident cannot be eliminated entirely, the existing regulatory framework in place for key routes would reduce the likelihood of such an accident or release of hazardous materials taking place. As part of its voluntary mitigation, CSXT also would work with affected communities by conducting outreach, training, and assistance related to hazardous materials transportation. Therefore, the likelihood of any releases occurring as a result of the Proposed Transaction would be remote.

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INTRODUCTION AND OVERVIEW

On August 13, 2012, CSX Transportation, Inc. (CSXT) filed an application with the Surface Transportation Board (Board) in STB Docket No. FD 35522 pursuant to 49 U.S.C. § 11323(a)(2) and 49 C.F.R. Part 1180. CSXT wishes to acquire from the Grand Trunk Western Railroad Company (GTW) an exclusive, perpetual, non-assignable railroad operating easement over 22.37-miles of GTW rail line (the Elsdon Line) between Munster, Indiana, milepost (MP) 31.07, and Elsdon, Illinois, MP 8.7 (the Proposed Transaction).¹ The Proposed Transaction lies within Cook County, Illinois, and Lake County, Indiana. See Figure 1.1-1 in Chapter 1 of the Draft EA.

As explained in more detail in the Draft EA, CSXT's application states that GTW's use of the Elsdon Line has decreased since the Canadian National Railway Company (CN) acquired the Elgin, Joliet & Eastern rail line ("EJ&E") in 2008,² which has allowed CN's subsidiary railroads³ to divert traffic from the Elsdon Line to the EJ&E line. CSXT believes that its proposed use of the Elsdon Line would increase CSXT's ability to control its traffic flowing through the Chicago Terminal, reduce congestion on the other lines that CSXT uses to operate in the Chicago Terminal, and enhance the efficiency of its operations and the operations of other railroads in the Chicago Terminal. The Proposed Transaction would reroute trains over shorter distances and take less time, according to CSXT. Specifically, CSXT states that this easement acquisition would allow it to take advantage of an underutilized freight line and allow it to move trains off Indiana Harbor Belt Line Railroad Company's Franklin Park Branch, the Belt Railway Company of Chicago's rail line east of Clearing Yard, the Union Pacific Railroad Company's (UP) Villa Grove Subdivision north of Dolton, and a portion of the CSXT/UP Joint Line. The transaction would also reduce train conflicts in the region and reduce congestion at Dolton, a major intersection of freight activity in the Chicago area.

The Proposed Transaction requires an environmental review under the National Environmental Policy Act (NEPA) and related environmental laws because the projected increases in train traffic on some segments of the Elsdon Line (19.5 more trains on one segment and about 10 more trains per day on two others) exceed the thresholds in the Board's environmental rules (generally an increase of 3 or 8 trains per day, depending on the air quality in the project area).

The Board's Office of Environmental Analysis (OEA) prepared a Draft Environmental Assessment (Draft EA), issued on October 5, 2012 for public review and comment, that identified and evaluated the environmental impacts of the Proposed Transaction. OEA conducted its environmental review in accordance with the requirements of NEPA, the Board's environmental regulations, and other applicable rules and regulations, including the regulations of the Council of Environmental Quality (CEQ). The Draft EA provided an independent analysis of the potential effects of the Proposed Transaction; described the affected environment; evaluated and compared the environmental effects of the Proposed Transaction and No-Action alternatives; and identified mitigation measures that could eliminate or lessen the expected

¹ CSXT already operates over the Elsdon Line pursuant to trackage rights.

² See *Canadian National Railway Company and Grand Trunk Corporation—Control EJ&E West Company*, STB Finance Docket No. 35087 (STB served Dec. 24, 2008).

³ Grand Trunk Western Railroad, Illinois Central Railroad Company, Chicago, Central & Pacific Railroad Company, and Wisconsin Central Ltd.

environmental impacts. The Draft EA included both CSXT's proposed voluntary mitigation and additional recommended mitigation developed by OEA for the Board to consider imposing on CSXT, should this transaction be approved. The mitigation measures in the Draft EA covered the following resource areas: transportation; rail operations; rail safety; pedestrian and bicycle safety; hazardous materials transportation; emergency response; air quality; noise and vibration; environmental justice; and monitoring and enforcement. Based on all the information available, OEA determined in the Draft EA that the potential environmental impacts of CSXT's proposal, with the mitigation set forth in the Draft EA, would not be significant. OEA therefore concluded that preparation of an Environmental Impact Statement was not required.

OEA served the Draft EA on October 5, 2012 to all parties of the proceeding, appropriate federal, state, and local agencies, including communities on the Elsdon Line, and any party requesting copies of the document. OEA provided a 35-day comment period for public comments on all aspects of the document, including the scope and adequacy of the recommended mitigation measures. The 35-day comment period closed on November 9, 2012. OEA received ten comments – nine regarding the Draft EA and one regarding CSXT's application to the Board. These comments are included in Appendix A.

In addition, OEA received a letter from CSXT's attorney, Louis E. Gitomer, dated December 12, 2012. CSXT's letter provides updated information on CSXT's public outreach efforts and presents CSXT's views on the ten public comments received during the comment period. CSXT's letter states that the railroad's outreach efforts have included the following:

- On October 23, 2012, CSXT met with officials of Evergreen Park and the 19th Ward of Chicago, including State Senator Ed Maloney, State Representative Bill Cunningham, and State Representative Kelly Burke and discussed traffic congestion, noise, and emergency responders. This meeting was a follow-up to a meeting conducted with State Senator Ed Maloney on September 19th and other members of the Illinois General Assembly over the summer of 2012. The purpose of the discussion was to have personnel from the consultant HDR Inc., and CSXT to answer questions about the Draft EA in person. First contact with all of the above was made in December 2010 or May 2011.
- On June 26, 2012, CSXT met with Christ Advocate Hospital.
- On July 27, 2012, CSXT met with the executive board members of the Village of Evergreen Park Chamber of Commerce.
- On August 16, 2012, CSXT met with the Little Company of Mary Hospital.
- On October 25, 2012, CSXT met with State Senator Jacqueline Collins concerning traffic delays at 79th Street.
- On November 5, 2012, CSXT met with the Evergreen Park Board of Trustees. CSXT states that it explained the importance and history of train operations in the Chicago Terminal and provided a history of CSXT's current operations in Evergreen Park. CSXT also discussed emergency response time and provided alternatives for notifying the emergency response personnel when CSXT trains would operate through Evergreen Park. This topic included a discussion on what the closed circuit television that would be required under OEA's recommended mitigation would accomplish. CSXT had previously met with Evergreen Park Mayor Jim Sexton in May 2011 to discuss train counts and

potential mitigation.

- On November 8, 2012, CSXT met with State Representative Bob Rita concerning quiet zones in Blue Island.
- On November 9, 2012, CSXT met with Chicago Ward Alderman Lona Lane concerning traffic delays at 79th Street.
- CSXT has continued discussions with Christ Advocate Hospital and Little Company of Mary Hospital, as well as first responders along the Elsdon Line.

OEA has carefully reviewed the comments submitted in preparing its final recommendations to the Board, contained in this Final EA. A summary of the public comments and OEA's responses can be found in the Summary of Public Comments and OEA's Responses to the Comments section, beginning on page 11. The comment letters are contained in Appendix A. The December 12, 2012 letter from CSXT is contained in Appendix B.

Based on the comments received, OEA has determined that no further environmental analysis beyond that conducted in the Draft EA is required. Therefore, this Final Environmental Assessment (Final EA) adopts and incorporates by reference the analysis and conclusions in the Draft EA. With respect to mitigation, OEA has determined that, with the exception of certain minor changes to the wording of three mitigation measures made in response to comments on the Draft EA, no mitigation beyond the mitigation in the Draft EA is required. Based on OEA's review of all information available to date, its independent analysis of the Proposed Transaction, comments received on the Draft EA, and the mitigation measures recommended here, OEA concludes that the Proposed Transaction would have no significant impacts if the Board imposes, and CSXT implements, the mitigation measures recommended in the Draft EA, with the minor changes discussed below.

Changes from the Draft EA

With respect to changes from the Draft EA, the Dear Reader letter in the Draft EA contains a typographical error that indicates that the Proposed Transaction would provide CSXT 2 billion dollars per year in savings. The correct amount is 2 million dollars per year. The minor changes to VM 17, VM 44 and MM 4 made in this Final EA in response to comments are presented below. The additions are underlined and the deletions are in parentheses.

VM 17. CSXT shall continue ongoing efforts with community officials to identify elementary, middle, and high schools within 0.5 miles of the Elsdon Line's ROW and provide, (upon request) informational materials concerning railroad safety to such identified schools.

VM 44. In addition to VM 17, all of CSXT's informational materials concerning railroad safety shall be provided to elementary, middle, and high schools within 0.5 miles of the Elsdon Line in both English and Spanish, (upon request).

MM 4. In response to concerns raised regarding noise, emergency response, and other issue areas, CSXT shall, prior to initiating the operational changes associated with the Proposed Transaction and for a period of one year following the startup of operations on the Elsdon Line,

(CSXT shall) establish a Community Liaison to consult with affected communities, businesses, and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic outreach. CSXT shall provide the name and phone number of the Community Liaison to elected public officials and community leaders in each community through which the rail line passes, including segments GTW-01 through GTW-06 on the Elsdon Line, and the U.S. Environmental Protection Agency’s Region 5 Environmental Justice Coordinator, the Illinois Environmental Protection Agency’s Environmental Justice Coordinator, and the City of Chicago’s Affordable Chicago Program.

Next Steps

Issuance of this Final EA concludes the environmental review process. The Board will now consider the transportation merits of the Proposed Transaction and impose any environmental conditions found to be appropriate to minimize environmental effects. To that end, the Board will consider the entire environmental record, including the Draft EA, the Final EA, and all public comments, and OEA’s final environmental recommendations, including final recommended mitigation measures. The Board intends to issue its final decision by February 8, 2013.

FINAL RECOMMENDED MITIGATION

CSXT’s Voluntary Mitigation Measures

As discussed in detail in the Draft EA, CSXT submitted proposed voluntary mitigation measures to OEA for the Board to consider during the Draft EA process, which were included in the Draft EA. OEA recommends that the Board require CSXT to comply with all of the voluntary mitigation measures presented below (identified as voluntary mitigation VM #). These measures reflect the minor changes made in response to the comments received on the Draft EA, as noted above.

Transportation

Traffic and Grade Crossing Delay

VM 1. CSXT shall, upon request, cooperate with municipalities and counties in support of their efforts to secure funding, in conjunction with appropriate state agencies, for grade separations where they may be appropriate under criteria established by relevant state Departments of Transportation.

VM 2. CSXT shall examine train operations for ways of reducing highway/rail at-grade crossing blockages.

VM 3. CSXT shall cooperate with the appropriate state and local agencies and municipalities to:

- Evaluate the possibility that one or more roadways listed in Table 3.1-1 of the Draft EA could be closed at the point where it crosses the Elsdon Line, in order to eliminate the at-grade crossing.

- Improve or identify modifications to roadways that would reduce vehicle delays by improving roadway capacity over the crossing by construction of additional lanes.
- Assist in a survey of highway/rail at-grade crossings for a determination of the adequacy of existing grade crossing signal systems, signage, roadway striping, traffic signaling inter-ties, and curbs and medians.
- Identify conditions and roadway, signal, and warning device configurations that may trap vehicles between warning device gates on or near the highway/rail at-grade crossing.

VM 4. In order to minimize the number of trains being stopped by operators at locations that block grade crossings on the Elsdon Line, CSXT shall work with other railroads to establish reasonable and effective policies and procedures to prevent other railroads' trains from interfering with CSXT's trains on the Elsdon Line.

VM 5. CSXT's design for wayside signaling systems shall be configured and implemented to minimize the length of time that trains or maintenance-of-way vehicles or activities block at-grade crossings or unnecessarily activate grade-crossing warning devices.

VM 6. CSXT shall operate under U.S. Operating Rule No. 526 (Public Crossings), which provides that a public crossing must not be blocked longer than 10 minutes unless it cannot be avoided and that, if possible, rail cars, engines, and rail equipment may not stand closer than 200 feet from a highway/rail at-grade crossing when there is an adjacent track. If the blockage is likely to exceed this time frame, then the train shall then be promptly cut to clear the blocked crossing or crossings.

Rail Operations

VM 7. CSXT shall work with Amtrak on transferring its relationship on the Elsdon Line from GTW to CSXT and incorporating such into CSXT's Operating Agreement with Amtrak.

VM 8. CSXT shall engage Metra in exploring all options for future service.

Rail Safety

VM 9. CSXT shall coordinate with the appropriate state agencies, counties, and affected communities along the Elsdon Line to install temporary notification signs or message boards, where warranted, in railroad ROW at highway/rail at-grade crossings, clearly advising motorists of the increase in train traffic on affected rail line segments. The format and lettering of these signs shall comply with Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (FHWA 2007) and shall be in place no less than 30 days before and 6 months after the acquisition by CSXT of the Easement over the Elsdon Line.

VM 10. CSXT shall cooperate with interested municipalities impacted by noise as a result of the Proposed Transaction to determine any improvements necessary for existing quiet zones (QZ) to maintain FRA compliance.

VM 11. CSXT shall cooperate with interested communities for the establishment of QZs and assist in identifying supplemental or alternative safety measures, practical operational methods, or technologies that may enable the community to establish QZs.

VM 12. Within six months of acquisition by CSXT of the easement over the Elsdon Line, in order to improve visibility at highway rail at-grade crossings, CSXT shall consult with affected communities about crossings where there are vegetation and other obstructions and take reasonable steps to clear the vegetation or other obstructions.

VM 13. Within six months of acquisition by CSXT of the easement over the Elsdon Line, CSXT shall coordinate with the Illinois Department of Transportation (IDOT), Indiana Department of Transportation (INDOT), and other appropriate local agencies to review corridors surrounding highway/rail at-grade crossings to examine safety and adequacy of the existing warning devices, and identify remedies to improve safety for highway vehicles.

VM 14. Where grade-crossing rehabilitation is mutually agreed to, CSXT shall assure that rehabilitated roadway approaches and rail line crossings meet or exceed the standards of the IDOT's and INDOT's rules, guidelines, or statutes, and the American Railway Engineering and Maintenance of Way Association (AREMA) standards, with a goal of eliminating rough or humped crossings to the extent reasonably practicable.

VM 15. For each of the public grade crossings on the Elsdon Line, CSXT shall provide and maintain permanent signs prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with Federal Highway Administration's Regulations (23 C.F.R. Part 655). The toll-free number will enable drivers to report accidents, malfunctioning warning devices, stalled vehicles, or other dangerous conditions and will be answered 24 hours per day by CSXT personnel.

VM 16. Within six months of acquisition by CSXT of the easement over the Elsdon Line, CSXT shall cooperate with school and park districts to identify at-grade crossings where additional pedestrian warning devices may be warranted.

VM 17. CSXT shall continue ongoing efforts with community officials to identify elementary, middle, and high schools within 0.5 miles of the Elsdon Line's right-of-way (ROW) and provide informational materials concerning railroad safety to such identified schools.

VM 18. CSXT shall consult with IDOT, INDOT and other appropriate agencies and shall abide by the reasonable requirements of the Illinois Commerce Commission (ICC) or INDOT prior to constructing, relocating, upgrading, or modifying highway/rail at-grade crossing warning devices on the Elsdon Line.

VM 19. CSXT shall adhere to all applicable Occupational Safety and Health Administration, Federal Railroad Administration, and state construction and operational safety regulations to minimize the potential for accidents and incidents on the Elsdon Line.

Pedestrian and Bicycle Safety

VM 20. CSXT shall make Operation Lifesaver programs available to communities, schools, and other appropriate organizations located along the affected segments.

VM 21. To supplement CSXT's VM 20, CSXT shall make Operation Lifesaver programs available to communities, schools, and other appropriate organizations located along the Elsdon Line for three years after the effective date of the Board's final decision granting the easement acquisition. The programs shall be designed and provided in coordination with ICC and INDOT.

Hazardous Materials Transportation

VM 22. CSXT shall comply with the current Association of American Railroads (AAR) "key route" guidelines, found in AAR Circular No. OT-55-I (AAR 2006) and any subsequent revisions to minimize risks related to transportation of hazardous materials on the line.

VM 23. CSXT shall comply with the current AAR's "key train" guidelines, found in AAR Circular No. OT-55-I and any subsequent revisions to minimize risks related to transportation of hazardous materials on the line.

VM 24. To the extent permitted and subject to applicable confidentiality limitations, CSXT shall distribute to each local emergency response organization or coordinating body in the communities along the key routes a copy of CSXT's current Emergency Response Plan.

VM 25. CSXT shall incorporate the Elsdon Line into its existing Emergency Response Plan.

VM 26. CSXT shall comply with all hazardous materials regulations of the U.S. Department of Transportation (including the Federal Railroad Administration (FRA) and the U.S. Pipeline and Hazardous Materials Safety Administration) and Department of Homeland Security (including the Transportation Security Administration) in all operations on the Elsdon Line. CSXT shall dispose of all materials that cannot be reused in accordance with applicable law.

VM 27. Upon request from local emergency response organizations, CSXT shall implement real-time or desktop simulation emergency response drills with the voluntary participation of local emergency response organizations.

VM 28. CSXT shall continue its ongoing efforts with community officials to identify the public emergency response teams located along the Elsdon Line and provide, upon request, hazardous material training.

VM 29. CSXT shall, upon request, conduct Transportation Community Awareness and Emergency Response Program (TRANSCAER) workshops (training for communities through which dangerous goods are transported) in communities along the Elsdon Line.

VM 30. CSXT shall, upon request, assist in hazardous materials training for emergency responders for affected communities. CSXT shall support through funding or other means the training of one representative from each of the communities located along the Elsdon Line where the transportation of hazardous materials would increase. CSXT shall complete the training within three years from the date that CSXT initiates operational changes associated with the Proposed Transaction.

VM 31. CSXT shall develop internal emergency response plans to allow appropriate agencies to be notified in an emergency, and to locate and inventory the appropriate emergency equipment. CSXT shall provide the emergency response plans to the relevant state and local authorities within six months of acquisition by CSXT of the easement over the Elsdon Line.

VM 32. CSXT shall provide dedicated toll-free telephone number to the emergency response organizations or coordinating bodies responsible for communities located along the Elsdon Line. This telephone number will provide access to CSXT personnel 24 hours per day, seven days a week, enabling local emergency response personnel to obtain and provide information quickly regarding the transport of hazardous materials on a given train and appropriate emergency response procedures should a train accident or hazardous materials release occur.

VM 33. In accordance with the Emergency Response Plan, CSXT shall make the required notifications to the appropriate federal and state environmental agencies in the event of a reportable hazardous materials release. CSXT shall work with the appropriate agencies such as U.S. Fish and Wildlife Service, Illinois Environmental Protection Agency, and Indiana Department of Environmental Management to respond to and remediate hazardous materials releases with the potential to affect wetlands or wildlife habitat(s), particularly those of federally threatened or endangered species.

VM 34. In the event any construction is necessary, CSXT shall comply with any regulations as required in the preparation of a construction Stormwater Pollution Prevention Plan.

VM 35. To supplement CSXT's VM 29, CSXT shall conduct TRANSCAER workshops in English and Spanish upon request for 3 years from the effective date of the Board's final decision authorizing the Proposed Transaction.

VM 36. In addition to CSXT's VM 33, CSXT shall adhere to all U.S. Environmental Protection Agency regulations as described in 40 C.F.R. Part 263, Standards Applicable to Transporters of Hazardous Waste, and shall coordinate with U.S. Environmental Protection Agency (USEPA), and state and local agencies on spill responses.

Emergency Response

VM 37. CSXT shall notify Emergency Services Dispatching Centers for communities along the affected segments of all crossings blocked by trains that are stopped and may be unable to move for a significant period of time. CSXT shall work with affected communities to minimize emergency vehicle delay by maintaining facilities for emergency communication with local Emergency Response Centers through a dedicated toll-free telephone number.

Air Quality and Climate

VM 38. CSXT shall comply with any appropriate USEPA emissions standards for diesel-electric railroad locomotives (40 C.F.R. Part 92) when purchasing and rebuilding locomotives.

Noise and Vibration

VM 39. CSXT shall work with affected communities with sensitive receptors that would experience an increase of at least 5 dBA and reach 70 dBA to mitigate train noise to levels as

low as 70 dBA by cost effective means as agreed to by an affected community and CSXT. In the absence of such an agreement, CSXT shall implement cost effective mitigation that could include installing continuously welded rail, and constructing noise control devices such as noise barriers and installing vegetation or berming.

VM 40. CSXT shall lubricate curves where doing so would both be consistent with safe and efficient operating practices and significantly reduce noise for residential or other noise sensitive receptors. CSXT shall continue to employ safe and efficient operating procedures that, in lieu of, or as complement to, other noise mitigation measures could have the combined benefit of effectively reducing noise from train operations. Such procedures include:

- Inspecting rail car wheels to maintain wheels in good working order and minimize the development of wheel flats;
- Inspecting new and existing rail for rough surfaces and, where appropriate, grinding these surfaces to provide a smooth rail surface during operations;
- Regularly maintaining locomotives, and keeping mufflers in good working order; and
- Removing or consolidating switches determined by CSXT to no longer be needed.

VM 41. Upon request, CSXT shall consult with communities affected by wheel squeal at existing locations on the Elsdon Line, and cooperate in determining the most appropriate methods for implementing VM 40.

VM 42. To minimize noise and vibration, CSXT shall install and maintain rail and rail beds according to AREMA standards.

VM 43. CSXT shall comply with FRA regulations establishing decibel limits for train operations.

Environmental Justice

VM 44. In addition to VM 17, all of CSXT's informational materials concerning railroad safety shall be provided to elementary, middle, and high schools within 0.5 miles of the Elsdon Line in both English and Spanish.

Monitoring and Enforcement

VM 45. CSXT shall submit quarterly reports to the Board's Office of Environmental Analysis on the progress of, implementation of, and compliance with the mitigation measures for a period covering the first three years of operational changes associated with the Proposed Transaction.

VM 46. Within three years of the acquisition by CSXT, if there is a material change in the facts or circumstances upon which the Board relied in imposing specific environmental mitigation conditions, and upon petition by any party who demonstrates such material change, the Board may review the continuing applicability of its final mitigation, if warranted.

OEA's Environmental Mitigation

Based on available project information and comments received, the Draft EA recommended four additional mitigation measures (MM #) to address the potential environmental impacts of the

Proposed Transaction on traffic delay, safety (including pedestrian crossing and hazardous materials transport), emergency response, noise and vibration, and environmental justice. In response to comments received on the Draft EA, minor changes have been made to MM 4, a community liaison condition, which are included in MM 4 presented below. OEA recommends that the Board impose these mitigation measures in any decision authorizing the Proposed Transaction. No mitigation beyond OEA's final recommended mitigation and CSXT's voluntary mitigation has been shown to be required or appropriate.

CSXT's Voluntary Mitigation

MM 1. CSXT shall comply with all voluntary mitigation measures.

Emergency Response

MM 2. In addition to VM 37, to further assist with the timely response of emergency service providers for the Advocate Christ Medical Center and the Little Company of Mary Hospital, CSXT shall consult with all appropriate agencies and hospitals to install a closed-circuit television system (CCTV) with video cameras (or another comparable system or acceptable option) so that the movement of trains can be predicted at the 95th Street highway/rail at-grade crossing. CSXT shall pay for the necessary equipment, the installation of the equipment, and equipment training for up to two individuals from each affected hospital. CSXT shall work with all appropriate agencies and hospitals to determine specifications and scheduling for the installation of the CCTV system. CSXT shall be responsible for the ongoing maintenance and operation of CCTV after the system is installed and operational.

Requested Consultation

MM 3. In response to concerns raised by the South Suburban Mayors and Managers Association (SSMMA), the City of Blue Island (one of the many communities represented by SSMMA), the IDOT, and Metra on potential noise impacts and impacts to commuter train service as a result of the Proposed Transaction, CSXT shall negotiate with SSMMA, IDOT, and Metra with the goal of addressing these groups' concerns to the extent practicable regarding transaction-related noise and impacts to commuter rail service. In particular, negotiations should focus on transaction-related potential impacts to Metra's Rock Island District, Electric District, Southwest Service (SWS) Line, and the proposed South-east Service (SES) Line; as well as the feasibility of establishing quiet zones in communities along the Elsdon Line that would be affected by noise as a result of the Proposed Transaction.

Community Liaison

MM 4. In response to concerns raised regarding noise, emergency response, and other issue areas, CSXT shall, prior to initiating the operational changes associated with the Proposed Transaction and for a period of one year following the startup of operations on the Elsdon Line, establish a Community Liaison to consult with affected communities, businesses, and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic outreach. CSXT shall provide the name and phone number of the Community Liaison to elected public officials and community leaders in each community through which the rail line passes, including segments GTW-01 through GTW-06 on the Elsdon Line, and the U.S. Environmental Protection Agency's Environmental Justice Coordinator, the

Illinois Environmental Protection Agency’s Region 5 Environmental Justice Coordinator, and the City of Chicago’s Affordable Chicago Program.

SUMMARY OF PUBLIC COMMENTS AND OEA’S RESPONSES TO THE COMMENTS

Copies of the Draft EA were sent to 50 agencies, government entities, and other interested parties for comment and review. OEA received nine comments on the Draft EA and one comment addressed to the Board on CSXT’s application. In addition, OEA received a letter disclosing recent outreach activities and containing information pertinent to the concerns raised in the comments from CSXT. OEA received comments from:

- Kelly Burke, State Representative, 36th District, Illinois House of Representatives
- Elizabeth Poole, Environmental Scientist, U.S. Environmental Protection Agency
- Lisa Bonnett, Deputy Director, Illinois Environmental Protection Agency
- James A. Glass, Ph.D., Deputy State Historic Preservation Officer, Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology
- Donald E. Peloquin, Mayor, City of Blue Island
- Joseph Cainker, Law Office of Louis F. Cainker, LTD, on behalf of the Village of Evergreen Park
- Alexander D. Clifford, Executive Director/CEO, Metra
- Denis M. Day, Government relations Advisor, Little Company of Mary Hospital
- Kevin Brubaker, Deputy Director, Environmental Law and Policy Center, Chicago, IL
- Gerald J. Roper, President and CEO, Chicagoland Chamber of Commerce

CSXT’s letter response in Appendix B was filed by Louis E. Gitomer, Attorney for CSXT. Summaries of the comments that OEA received on the Draft EA and CSXT’s application and OEA’s responses to the comments are provided below. OEA has prepared the responses to comments in this Final EA in accordance with CEQ guidance. As previously stated, copies of the comments received are presented in Appendix A. The comments and responses are organized by commenter and sequentially, by date.

***Commenter:** Gerald J. Roper, President and CEO, Chicagoland Chamber of Commerce*

Comment

The Chamber of Commerce commented that it supports the Proposed Transaction because the proposed reroute would benefit the region in both time savings and private infrastructure investment. The Chamber is confident that CSXT will work to ensure that a smooth transition occurs between communities and the expanding freight rail transportation industry.

Response

Comment noted. As explained in more detail in the Draft EA, if the Proposed Transaction is authorized, CSXT indicates that it would no longer need to rely on other railroads to control CSXT freight train movements in the Chicago Terminal, saving both time and money. CSXT would enter the Elsdon Line and move over and exit the Elsdon Line without stopping or slowing for other rail traffic. CSXT anticipates that, by being able to operate into, through, and out of the Chicago Terminal more easily, it could provide more efficient and reliable service to CSXT’s customers and enhance the efficiency of its operations. CSXT also states that the

Proposed Transaction would ease overall rail congestion within the Chicago Terminal area and that the Proposed Transaction would further the goals of the Chicago Regional Environmental and Transportation Efficiency (CREATE) project. As noted in the Draft EA, the time savings would be about one (1) hour in transit time per rerouted train within the Chicago Terminal and the annual savings would be approximately \$2 million.

Commenter: Donald E. Peloquin, Mayor, City of Blue Island

Comment

The City of Blue Island commented that the number of trains to be rerouted to the Elsdon Line through Blue Island would increase by 20 to 30 trains per day. Blue Island points out that about 150 trains per day currently travel through Blue Island over 23 grade crossings with each train passing over a minimum of four crossings. Blue Island states that the Federal Railroad Administration's (FRA) regulations call for "a train to blow its whistle three times at each crossing" and is concerned that it would be difficult to absorb the additional noise from the 20 to 30 trains per day that CSXT would reroute to the Elsdon Line. Blue Island indicates that it cannot afford to construct quiet zones (QZs), and instead requests a special exemption for whistle blowing within the corporate limits of Blue Island.

Response

In its letter response, CSXT takes the position that no noise mitigation beyond the mitigation required in the Draft EA is required to address Blue Island's concerns. For the reasons discussed below, OEA agrees. As CSXT notes, the Elsdon Line is one of seven rail lines running through Blue Island, and that 150 trains per day currently operate on these railroad lines, which include several commuter routes. OEA notes that the Proposed Transaction would reroute 19 trains per day to the Elsdon Line through Blue Island, not the 20 to 30 trains per day suggested by Blue Island. In fact, the number of trains traveling through Blue Island would not be as great as projected by Blue Island because 16 of the 19 trains currently travel through Blue Island on the Baltimore & Ohio Chicago Terminal Railroad Company (B&OCT) line between West 127th Street and the eastern boundary of Blue Island at the Little Calumet River.

With regard to FRA's train horn rule at 49 C.F.R. Part 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings, the FRA regulation requires that train horns be sounded between 15 and 20 seconds before entering a crossing for a total of four whistles (two long, one short, and one long), not the three whistles that was referenced in Blue Island's comment. Although four whistles would generate somewhat more noise than Blue Island's suggested three, CSXT indicates in its letter response that a majority of the Elsdon Line traveling through Blue Island is in GTW-05, a designated QZ. As a result, the only portion that would experience project-related horn noise would be a small area to the south of the Calumet River in GTW-04. This segment is not in a QZ, and five at-grade crossings would potentially be affected.

However, OEA is satisfied that the noise mitigation recommended in the Draft EA is adequate to minimize the potential horn noise impacts. Specifically, VM 11 would require CSXT to cooperate with interested communities for the establishment of QZs and assist in identifying supplemental or alternative safety measures, practical operational methods, or technologies that

may enable the community to establish QZs. In VM 39, CSXT would be required to work with affected communities with sensitive receptors that would experience an increase of at least 5 dBA and reach 70 dBA to mitigate train noise to levels as low as 70 dBA by cost effective means as agreed to by an affected community and CSXT. In the absence of such an agreement, CSXT would be required to implement cost effective mitigation that could include installing continuously welded rail, and constructing noise control devices such as noise barriers and installing vegetation or berming. In VM 43, CSXT would be required to comply with FRA regulations establishing decibel limits for train operations. Moreover, MM 3 would require CSXT to negotiate with Blue Island (through the South Suburban Mayors and Managers Association (SSMMA) and other entities) regarding the feasibility of establishing QZs in communities along the Elsdon Line that would be affected by noise as a result of the Proposed Transaction. Finally, MM 4 would require CSXT to establish a Community Liaison to consult with affected communities, businesses, and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic outreach. As part of VM 45, CSXT would need to document the status of all its compliance obligations in quarterly reports that it would be required to submit to OEA for a period of three years.

In addition, CSXT indicates that it would assist and support Blue Island in seeking funding to develop a QZ for the segment of Elsdon Line that travels through GTW-04 pursuant to the process set out in the FRA regulation at 49 C.F.R. Part 222 Subpart C. CSXT has also notes that Blue Island could file a request for a waiver from the requirement that the train horn be sounded with FRA under 49 C.F.R. Part 222.

In short, as discussed above and in the Draft EA, the Proposed Transaction would cause adverse effects to noise; however, for the reasons explained above, in the Draft EA, and in CSXT's December 12, 2012 letter, these impacts would be reduced below the level of significance with the imposition of the voluntary and other mitigation measures recommended in the Draft EA. Blue Island's comment fails to cast doubt on the noise analysis in the Draft EA or to show that noise mitigation beyond the mitigation recommended in the Draft EA would be required here.

Commenter: Lisa Bonnett, Deputy Director, Illinois Environmental Protection Agency

Comment

The Agency commented that it had reviewed the Draft EA and had no comments or objections to the Proposed Transaction.

Response

Comment noted.

Commenter: Kevin Brubaker, Deputy Director, Environmental Law and Policy Center, Chicago, IL

Comment

The Environmental Law and Policy Center (ELPC) commented that, contingent on CN's approval, a portion of the Elsdon Line between Thornton Junction and CN Junction, IL might be

used as a temporary reroute of Amtrak’s Cardinal Line. ELPC suggests that OEA may need to examine the effect of the interim reroute on CSXT’s operations as part of the NEPA process for the Proposed Transaction. ELPC also requests that a condition be imposed on the Proposed Transaction that would direct CSXT “to provide access over” the portion of the Elsdon Line between Thornton Junction and CN Junction, IL “to Amtrak.” Specifically, ELPC requests “that Voluntary Measure 7 be rewritten to state that ‘CSXT shall work with Amtrak on transferring its relationship on the Elsdon Line from GTW to CSXT and rerouting Amtrak’s Cardinal trains onto this line and incorporating such into CSXT’s Operating Agreement with Amtrak.’”

Response

With regard to ELPC’s suggestion that there may be a need to conduct additional environmental analysis, OEA notes that ELPC’s comment references a 2010 report to Congress that discussed Amtrak’s plans for improving the performance of its Cardinal Line. The 2010 report mentioned a number of CREATE projects (specifically, WA11, P2, P3, EW2, and GS19) that would be needed in order for Amtrak to make the planned improvements. These CREATE projects are currently in various stages of preliminary planning with their own NEPA analysis, and any interim reroute, such as the one suggested by ELPC, would have been considered as part of that process. Thus, any additional analysis regarding the Cardinal Line beyond that considered under the CREATE project process would be duplicative and not warranted as part of the NEPA review of the Proposed Transaction.

ELPC’s request to amend VM 7 will also be denied. As CSXT notes in its December 12, 2012 comment response letter, Amtrak’s service on the Elsdon Line is governed by an existing agreement with GTW. If the Proposed Transaction is authorized, Amtrak’s continued operation over the Elsdon Line would then be governed by the master agreement between CSXT and Amtrak. Because VM 7 would already require CSXT to work with Amtrak on transferring its relationship on the Elsdon Line from GTW to CSXT, OEA disagrees that the suggested changes recommended by ELPC to VM 7 are necessary. CSXT and Amtrak would be required by VM 7 as currently drafted to work out the details of any route changes on the Elsdon Line, including the interim reroute suggested by ELPC, should it occur.

***Commenter:** James A. Glass, Ph.D., Deputy State Historic Preservation Officer, Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology*

Comment

The Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (State Historic Preservation Office or SHPO) had no additional comments from its June 28, 2011 letter that concluded that no historic properties would be affected as a result of the Proposed Transaction. However, in its comment letter of November 5, 2012, the SHPO did reiterate the need for CSXT to comply with Indiana Code 14-21-1-27, which requires that it be immediately notified if any unmarked graves or human remains are discovered during project-related activities. As the Draft EA explains (see Section 3.10 of the Draft EA), however, this provision does not apply here because the rail line is fully operational and no new rail line construction would take place under the Proposed Transaction. OEA therefore concludes that

the findings in the Draft EA that no further review of cultural and historic resources, and that no cultural resources mitigation is needed here, remains unchanged.

Commenter: Dennis Day, Government Relations Advisor, Little Company of Mary Hospital

Comment

The Little Company of Mary Hospital commented that it is concerned that the increase in train traffic on the Elsdon Line would cause vehicle delays that would further delay its physicians, patients, staff, and emergency responders while en route to the hospital. The hospital notes that it is located between two at-grade rail line crossings that intersect 95th Street at either Kedzie Avenue or Rockwell Avenue.

Response

The Little Company of Mary Hospital is located at 2800 West 95th Street, about 0.3 miles east of the Elsdon Line. The Draft EA (Section 3.1) assessed the vehicular and train traffic under existing and proposed 2018 conditions, and although no alternate routes exist within close proximity of the hospital, concluded that with the recommended mitigation measures in the Draft EA, the impacts to the 95th Street crossing would be below the level of significance. As noted in the Draft EA (Section 3.1.4), the longest the Proposed Transaction would block the at-grade crossing at 95th Street would be the 2.5 minutes it would take for a CSXT train to clear the crossing. In addition, no CSXT trains are expected to stop at any of the at-grade crossings on the Elsdon Line as a result of the Proposed Transaction. Therefore, the delay should be limited to the time it takes for a CSXT train to clear the crossing.

The Draft EA recommended several mitigation measures to address any unforeseen train delays. In particular, MM 2 would direct CSXT to provide a closed circuit television (or comparable system) that would predict train movements and notify emergency responders. CSXT's December 12, 2012 letter indicates that it has met with the hospital (and other hospitals in the vicinity of the Elsdon line) and emergency responders to develop and implement the proper system in support of the concerns raised here. Although this system would only alert emergency responders, OEA understands that once the emergency responders receive this real-time information, they could relay any delays to the receiving hospital when making their initial notification regarding the in-coming patient's status and estimated time of arrival. The hospital could then alert its on-call emergency staff of any delays.

Other mitigation recommended in the Draft EA also would reduce potential impacts to the hospital. Under VM 6, CSXT would be required to operate under U.S. Operating Rule No. 526 (Public Crossings). This provides that a public crossing must not be blocked longer than 10 minutes unless it cannot be avoided and that, if possible, rail cars, engines, and rail equipment may not stand closer than 200 feet from a highway/rail at-grade crossing when there is an adjacent track. If the blockage is likely to exceed this time frame, then the train would be required to be promptly cut to clear the blocked crossing or crossings. VM 37 would require CSXT to notify Emergency Services Dispatching Centers for communities along the affected segments of all crossings blocked by trains that are stopped and may be unable to move for a

significant period of time for reasons beyond CSXT's control. CSXT would also provide a dedicated toll-free number to ensure that affected communities are kept informed.

For fire and police, CSXT's December 12, 2012 letter indicates that CSXT is a party to agreements with affected communities along the Elsdon Line that enable participating jurisdictions to contact each other in the event of a blocked at-grade crossing. In addition, the City of Chicago has defined certain at-grade crossings as 911 crossings (i.e., primary routes for emergency responders). CSXT's December 12, 2012 letter also indicates that it has been a signatory to a Memorandum of Understanding since 2002 with the City of Chicago and several railroads that requires CSXT to call the Office of Emergency Communications when a train blocks a 911 crossing for 10 minutes or more, and again when the train has cleared the at-grade crossing. CSXT and the Office of Emergency Communications prepare quarterly reports to the City describing the location and cause of these blockages. Based on this information, the City can add or delete crossings identified as primary routes for emergency responders.

CSXT's compliance with any mitigation measures imposed by the Board would be required to be documented in quarterly reports as part of VM 45 for a period of three years from the date of a Board decision approving the Proposed Transaction. In addition, MM 4 would require CSXT to establish a Community Liaison to consult with affected communities, businesses, and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic outreach. For these reasons, OEA concludes that the hospital's concerns would be addressed through the implementation of the above referenced mitigation measures and the existing agreements CSXT already has with affected communities on the Elsdon Line.

***Commenter:** Alexander D. Clifford, Executive Director/CEO, Northeast Illinois Regional Commuter Railroad Corporation (Metra)*

Comment

Metra is concerned that the proposed mitigation measures in the Draft EA do not adequately address the potential for increased delays to Metra's commuter rail service on its SouthWest Service (SWS) Line where it crosses the Elsdon Line in GTW-05 at Ashburn, IL. The SWS Line operates over rail line that is both owned and operated (dispatched) by the Norfolk Southern Railway Company (NS). Metra is concerned that the Elsdon Line would have limited space for CSXT to hold a train, if NS gives contractual priority to commuter service over freight service and allows Metra trains to pass over the Ashburn crossing while freight trains are kept idle. Metra asserts that the CSXT trains on the Elsdon Line could cause significant traffic delays at a number of at-grade crossings and fears that communities would lobby for more expedited freight train movements at the expense of commuter rail movements. Metra notes that freight traffic is already a major source of its delays on the SWS Line, with a reported 38 delays at Ashburn and 36 at Chicago Ridge in 2011. CSXT currently uses the IHB Line to the west of the Elsdon Line to cross Chicago Ridge, which Metra states has adequate space for CSXT to hold its trains north of the crossing with limited impacts to the surrounding community. Metra further notes that the Chicago Ridge crossing has been identified as a candidate for grade separation under the

CREATE Program, but that the Ashburn crossing, which would receive additional traffic under the Proposed Transaction, has not.

For these reasons, Metra requests that the Board impose two conditions: 1) that CSXT evaluate the feasibility of a railroad to railroad grade separation at Ashburn, and 2) that the Board monitor Metra delays at both Ashburn and Chicago Ridge for at least three years, and if the delays increase, require that CSXT take corrective action to limit the length of its freight trains, create grade separations, or provide other appropriate corrective measures.

Metra further commented that it is considering using a portion of the Villa Grove Subdivision for its future SouthEast Service (SES) Line and requests that CXST be required to evaluate and mitigate any reduced capacity that may occur as a result of the Proposed Transaction.

Response

For the reasons explained in Section 3.1.2 of the Draft EA and CSXT's response letter, OEA believes that the mitigation requested by Metra is not warranted and that Metra's concerns can be addressed through a number of other mechanisms, as detailed below.

First, as CSXT notes, there are existing forums and protocols in place for modifying and monitoring the relations and operations of freight railroads and commuter railroads in the Chicago Terminal. The Chicago Transportation Coordination Office (CTCO) was formed in 2000 to maximize the communications and operations of the railroads in Chicago. CTCO participants, including Metra and CSXT, use this forum to discuss daily operations; resolve operating conflicts; and conduct long-range planning that takes into account rail capacity and rail operations. The Chicago Planning Group (CPG) represents the railroads' interests in the Chicago Terminal but also includes representatives from the City of Chicago, the State of Illinois, the Association of American Railroads, and the U.S. Department of Transportation's Federal Highway Administration. CPG members meet quarterly to discuss and resolve operational and safety issues. CTCO and CPG provide support to rail infrastructure improvement projects in Chicago through the CREATE Program and together have resolved numerous transportation inequities in the Chicago Terminal. The proposed Chicago Ridge crossing grade separation mentioned in Metra's letter is one such example under CREATE Project P7. In short, the CTCO/CPG forums are already available for Metra to voice and resolve the concerns Metra has raised.

Second, the Draft EA contains provisions for a three year monitoring and reporting period in VM 45 and reasonably relied on CSXT's agreement to give Metra trains priority over these rail/rail crossings at Ashburn and the fact that CSXT trains would only enter the Elsdon Subdivision if they could move on the line in continual, uninterrupted movements.

Third, in the event of any unforeseen delays, VM 6 would require CSXT to operate under U.S. Operating Rule No. 526 (Public Crossings), which provides that a public crossing must not be blocked longer than 10 minutes unless it cannot be avoided and that, if possible, rail cars, engines, and rail equipment may not stand closer than 200 feet from a highway/rail at-grade crossing when there is an adjacent track. If the blockage is likely to exceed this time frame, then CSXT would be required to promptly cut the train to clear the blocked crossing or crossings. VM

37 would require CSXT to notify Emergency Services Dispatching Centers for communities along the affected segments of all crossings blocked by trains that are stopped and might be unable to move for a significant period of time for reasons beyond CSXT's control, and CSXT would be required to provide a dedicated toll-free number to ensure that affected communities are kept informed.

Fourth, MM3 would require CSXT to negotiate these and other service-related issues that might arise with Metra and other stakeholders. CSXT would then report the status of any discussions in the quarterly reports that would be filed for three years under VM 45. And under VM 46, if there were a material change in the facts or circumstances upon which the Board relied in imposing specific environmental mitigation conditions, and upon petition by any party who demonstrates such material change, the Board could review the continuing applicability of its final mitigation, if warranted.

OEA therefore concludes that the issues raised by Metra can appropriately be addressed in the CTCO and CPG forums, which are specifically charged with resolving the planning, operational, and safety issues associated with the freight, commuter and passenger railroad network in the Chicago Terminal, and through the implementation of the existing recommended mitigation measures.

In response to Metra's comment regarding potential capacity issues on the Villa Grove Subdivision for its proposed SES Line, CSXT points out that currently, this proposed service is speculative at best. Moreover, the available information here shows that because CSXT would reroute its trains from the Villa Grove Subdivision (nine per day south of Thornton Junction and about 11 per day north of Thornton Junction) to the Elsdon Line as a result of the Proposed Transaction, the capacity on the Villa Grove Subdivision would increase, which would be beneficial for Metra. CSXT further indicates that the Villa Grove Subdivision is jointly owned by CSXT and the Union Pacific Railroad Company (UP) and suggests that Metra use the CTCO and CPG forums to address any capacity issues further when its plans for the SES Line become more definite. CSXT also indicates that Metra would need to negotiate and reach an agreement with CSXT and UP for use of the Villa Grove Subdivision. Finally, VM 8 would require CSXT to engage Metra in exploring all options for future service.

For all of these reasons, OEA concludes that the issues raised by Metra regarding its future SES Line have been adequately addressed in the Draft EA and that no mitigation beyond the mitigation that is recommended in the Draft EA is needed to address Metra's concerns.

Commenter: *Elizabeth Poole, Environmental Scientist, U.S. Environmental Protection Agency (USEPA), Region 5, NEPA Implementation Office*

Comment

USEPA commented that it was concerned about potential impacts to communities with environmental justice issues and requested some minor revisions to three of the recommended mitigation measures, VM 17, VM 44, and MM4, as previously discussed in the Introduction section of this Final EA.

Response

OEA concurs with USEPA's request and has made the requested changes to VM 17, VM 44, and MM 4.

Commenter: Joseph Cainker, Attorney, Village of Evergreen Park

Comment

The Village of Evergreen Park commented that the mitigation measures in the Draft EA would not significantly reduce impacts that the Proposed Transaction would have on emergency response, noise and vibration, and traffic congestion. Evergreen Park requests that the Board impose additional conditions to require CSXT to: 1) restrict the number of trains on the Elsdon Line or provide an under pass at the 95th Street crossing to alleviate potential emergency response delays associated with the Advocate Christ Medical Center and Little Company of Mary Hospital; 2) install continuously welded rail and implement other mitigation measures to address noise and vibration; and 3) prohibit train movements on the Elsdon Line Monday through Friday to accommodate the morning and evening rush hours (roughly between 6:30 and 10:00 A.M. and 3:30 and 7:00 P.M).

Response

For the reasons explained in Section 3.1 of the Draft EA and CSXT's December 12, 2012 response letter, OEA does not believe that additional mitigation is needed to address the Village of Evergreen Park's concerns, as we now explain.

With regard to the Village of Evergreen Park's request for an underpass at the 95th Street crossing, OEA acknowledges that the Proposed Transaction would affect access to the Advocate Christ Medical Center and Little Company of Mary Hospital at the 95th Street crossing because there is no grade separation (overpass or underpass) near these hospitals. However, the impacts on emergency response would not be significant for the following reasons.

First, CSXT has indicated that it would not route a train onto the Elsdon Line unless the Elsdon Line is clear and the point of exit is clear when the train reaches that point. CSXT's intention is to enable trains entering the Elsdon Line to operate over the Line at the maximum allowable speed without stopping. Thus, as the Draft EA explains, the 95th Street crossing ordinarily would not be blocked any longer than the 2.5 minutes it would take for a CSXT train to clear the crossing.

Second, VM 37 would require CSXT to notify Emergency Services Dispatching Centers in communities along the affected segments of all crossings blocked by trains that are stopped and may be unable to move for a significant period of time. Also, in VM 6, CSXT has committed to operate under U.S. Operating Rule 526, which requires trains to be cut for blockages of 10 minutes or more at at-grade crossings.

Third, CSXT has agreed in VM 32 to work with affected communities to minimize emergency vehicle delay by maintaining facilities for emergency communication with local Emergency Response Centers through a dedicated toll-free telephone number.

Fourth, OEA is recommending a mitigation measure that would assist emergency responders en route to both hospitals by enabling the responders to obtain real-time information on the 95th Street crossing. Specifically, MM 2 would require CSXT to install a closed circuit television (CCTV), or similar option, that would enhance communication and provide advanced information to emergency service providers. And MM 4 would require CSXT to establish a community liaison to consult with affected communities and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic outreach.

Fifth, Table 3.1-5 on page 3-21 of the Draft EA shows that the crossing level of service (LOS) at 95th Street would remain at “A” under the Proposed Transaction. The Draft EA further found that traffic at this crossing would not cause vehicle delay in excess of any of the 11 criteria listed in the Federal Highway Administration’s 2002 *Guidance on Traffic Control Devices at Highway-Rail Grade Crossings* that would require additional analysis to determine if grade separation would be warranted.

Thus, OEA reaffirms the Draft EA’s conclusion that, with the imposition of the above referenced mitigation measures, the impacts to emergency response in Evergreen Park would be reduced below the level of significance.

With regard to Evergreen Park’s request for CSXT to install continuously welded rail to reduce noise, CSXT’s December 12, 2012 response letter indicates that it will do so in accordance with its rail operations and normal maintenance and replacement procedures. In addition, VM 39 through VM 43 would require CSXT to work with noise sensitive receptors that would experience an increase of at least 5 dBA and reach 70 dBA to mitigate train noise to levels as low as 70 dBA by cost effective means, as agreed to by an affected community and CSXT. In the absence of such an agreement, CSXT would be required to implement cost effective mitigation that could include installing continuously welded rail, and constructing noise control devices such as noise barriers and installing vegetation or berming. In VM 40, CSXT also would be required to lubricate curves where doing so would be consistent with safe and efficient operating practices and significantly reduce noise for residential or other noise sensitive receptors. Moreover, CSXT would continue to employ safe and efficient operating procedures that, in lieu of, or as complement to, other noise mitigation measures such as: inspecting rail car wheels to maintain wheels in good working order and minimize the development of wheel flats; inspecting new and existing rail for rough surfaces and, where appropriate, grinding these surfaces to provide a smooth rail surface during operations; regularly maintaining locomotives, and keeping mufflers in good working order; and removing or consolidating switches determined by CSXT to no longer be needed. In VM 41, CSXT would be required to consult with communities affected by wheel squeal at existing locations on the Elsdon Line; in VM 42, CSXT would install and maintain rail and rail beds according to AREMA standards; and in VM 43, CSXT would comply with FRA regulations establishing decibel limits for train operations. Finally, MM 4 would require CSXT to establish a community liaison to consult with affected communities and appropriate agencies; develop cooperative solutions to local concerns; be

available for public meetings and conduct periodic outreach to ensure that these practices are being implemented.

The Draft EA concluded that if the mitigation measures recommended in that document are imposed and implemented, the number of noise sensitive receptors experiencing noise levels of 70 dBA or greater would be substantially reduced throughout segment GTW-05 from 499 to 77 (see Table 3.8-11 on page 3-119 of the Draft EA). For all these reasons, OEA concludes that with the imposition of the above referenced mitigation measures, the impacts to noise and vibration would be reduced below the level of significance. No additional mitigation related to continuously welded rail is necessary here.

As to the prohibition on train traffic during rush hour, CSXT has indicated in its December 12, 2012 response letter that it would commit to using its best efforts to avoid running CSXT trains through Evergreen Park during the peak travel times. However, operating a railroad is a dynamic process that involves extensive coordination, not just in the Chicago Terminal, but regionally and nationally. Therefore, CSXT has indicated that there may be times during peak travel times when it would need to operate its trains through Evergreen Park. CSXT's position is a reasonable one. Given CSXT's commitment to avoid running its trains through Evergreen Park during peak travel times, where possible, and all the mitigation measures discussed above that would reduce the impacts of the Proposed Transaction on Evergreen Park below the level of significance, OEA will not recommend any new mitigation for Evergreen Park in the Final EA.

Commenter: Kelly Burke, State Representative, 36th District, Illinois House of Representatives

Comment

On November 5, 2012, State Representative Burke filed a letter with the Board regarding CSXT's application, which raised issues related to the Draft EA. Therefore, Representative Burke's concerns are being responded to in the Final EA.

Representative Burke is concerned that Proposed Transaction would : 1) have negative effects on the community; 2) result in a loss of productivity; 3) generate air pollution from idling automobiles and trucks; 4) affect emergency response for fire and rescue at the 95th Street crossing and prevent timely access to the Little Company of Mary Hospital and the Advocate Christ Trauma Center; 5) pose a safety hazard at the 94th Street and Kedzie Avenue crossing, which runs diagonal, for both pedestrians and vehicles due to its close proximity to village hall, the police department, the post office, the library, and the junior high school; 6) affect the safety, security, and well-being of its Evergreen Park residents, as well as those residing in Chicago; and 7) preclude Metra from adding more trains to its SWS Line.

Representative Burke does not believe that the Proposed Transaction would promote the interests of the public at large, and concludes that any benefit would be outweighed by safety concerns, increased congestion, wasted fuel, and environmental problems.

Response

For the reasons explained in the Draft EA and CSXT's response letter, OEA believes that Representative Burke's concerns have been adequately addressed for the following reasons.

With regard to concerns about the potential negative effects on the community, Section 3.2 of the Draft EA thoroughly evaluated the potential impacts of the Proposed Transaction on public facilities, displacements of population, and land use. The Elsdon Line is an existing rail line within a heavily developed area. As indicated in the Draft EA, the Proposed Transaction would permit freight rail use to continue on the Elsdon Line in a more efficient manner that would be consistent with historic, current, and future land uses, the GO TO 2040 Plan, the Comprehensive Economic Development Strategy (CDES) report, and the CREATE program.

OEA's analysis further shows that the existing Elsdon Line serves as a boundary between neighborhoods and communities. The communities in the area developed around the rail line, using the existing railroad as a border. Rail operations on some segments of the line would decrease under the Proposed Transaction. While rail traffic would increase by as much as 19.5 trains per day on one segment, and about 10 trains per day on two others, the Proposed Transaction would not separate or isolate any neighborhoods.

Because the Proposed Transaction would not involve construction of new rail lines or abandonment of existing rail lines, the Proposed Transaction also would not result in land conversion to or from transportation use. In addition, the Proposed Transaction would not impact community resources because the existing Elsdon Line serves as a boundary between neighborhoods and communities. Thus, the Proposed Transaction would not affect, separate, or isolate any distinct neighborhoods from community resources.

With regard to the concerns related to loss of productivity, Section 3.3 of the Draft EA addresses the potential impacts of the Proposed Transaction on socioeconomics. The Draft EA concluded that the Proposed Transaction would not involve construction of new rail lines or abandonment of existing rail lines, but rather, changes in operations on an existing rail line. Thus, changes in rail operations associated with the Proposed Transaction are not expected to change the socioeconomic conditions within the study area. As the Draft EA explained, there would be no displacement of population in the study area. In addition, employment opportunities should not change as a result of the Proposed Transaction. As such, the Proposed Transaction would not generate any pressure on housing or public services (such as fire, police, day care centers, schools, hospitals, and libraries) that could not be absorbed by the existing infrastructure.

With regard to the comment on the potential for increases in air pollution from idling automobiles and trucks, OEA reaffirms the Draft EA analysis of emissions that would result from delayed vehicles associated with the Proposed Transaction (see Section 3.7 of the Draft EA). The Draft EA explained that according to USEPA guidance, signalized intersections that operate at LOS D, E, or F have sufficient traffic congestion that the associated vehicle emissions might cause or contribute to local carbon monoxide and particulate concentrations that might exceed the National Ambient Air Quality Standards within maintenance and nonattainment areas. Because most of the at-grade crossings in the study area would remain at LOS A (with the

exception of two that would change to LOS B and one to LOS C), the Draft EA properly concluded that vehicle delay as a result of the Proposed Transaction would not have air quality impacts at specific local at-grade crossings.

With regard to emergency response at the 95th Street crossing, State Representative Burke is correct that the Proposed Transaction would affect access to the Advocate Christ Medical Center and Little Company of Mary Hospital at the 95th Street crossing because there is no grade separation (overpass or underpass) near these hospitals. However, as explained in Section 3.1.4 of the Draft EA, and in response to similar comments in this Final EA, the impacts on emergency response would not be significant, for the following reasons.

First, CSXT has indicated that it does not expect to allow a train to enter the Elsdon Line unless the Elsdon Line is clear and the point of exit is clear when the train reaches that point so that a train entering the Elsdon Line can operate over the Line at the maximum allowable speed without stopping. Thus, the 95th Street crossing ordinarily would not be blocked any longer than the 2.5 minutes it would take for a CSXT train to clear the crossing.

Second, in VM 37, CSXT would be required to notify Emergency Services Dispatching Centers for communities along the affected segments of all crossings blocked by trains that are stopped and may be unable to move for a significant period of time. Also in VM 6, CSXT has committed to operate under U.S. Operating Rule 526, which requires trains to be cut for blockages of 10 minutes or more at grade crossings.

Third, CSXT has agreed in VM 32 to work with affected communities to minimize emergency vehicle delay by maintaining facilities for emergency communication with local Emergency Response Centers through a dedicated toll-free telephone number.

Fourth, OEA is recommending a mitigation measure that would assist emergency responders en route to both hospitals by enabling the responders to obtain real-time information on the 95th Street crossing. Specifically, MM 2 would require CSXT to install a closed circuit television (CCTV), or similar option, that would enhance communication and provide advanced information to emergency service providers. And MM 4 would require CSXT to establish a community liaison to consult with affected communities and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic outreach.

With regard to the potential safety hazard at the 94th Street and Kedzie Avenue crossing, OEA notes that an important part of the environmental analysis for the Draft EA involved the evaluation of the potential effects of the Proposed Transaction on highway/rail crossings, freight rail safety, passenger rail safety, and hazardous materials safety.

The Draft EA analysis included assessing at-grade highway/rail crossings with a high predicted accident frequency of more than 0.15 accidents per year (one accident every seven years). This number was used as an indicator that a crossing should be considered for either warning device upgrading or, if the warning devices are already sufficient, that additional mitigation measures might be warranted. The analysis showed that no crossings would meet or exceed the rate of greater than 0.15 accidents per year under either existing conditions or the Proposed Transaction.

Thus, based on the information available, OEA properly concluded that there was no need for additional safety measures at any individual crossing (see Section 3.1.3 of Draft EA). However, VM 9, VM 12 through VM 15, and VM 17 through VM 19, would, among other things, keep the public informed and focused on additional train traffic as a result of the Proposed Transaction.

Specifically, CSXT would be required to coordinate with the appropriate state agencies, counties, and affected communities along the Elsdon Line to install temporary notification signs or message boards, where warranted, in railroad ROW at highway/rail at-grade crossings, clearly advising motorists of the increase in train traffic on affected rail line segments. The format and lettering of these signs would comply with the Federal Highway Administration's (FHWA) *Manual on Uniform Traffic Control Devices* (FHWA 2007) and would be in place no less than 30 days before and six months after the acquisition by CSXT of the easement over the Elsdon Line. To improve visibility at highway rail at-grade crossings, CSXT would be required to consult with affected communities about crossings where there are vegetation and other obstructions and take reasonable steps to clear the vegetation or other obstructions. Also, CSXT would be required to cooperate with Illinois Department of Transportation (IDOT), the Indiana Department of Transportation (INDOT), and other appropriate local agencies to coordinate a review of corridors surrounding highway/rail at-grade crossings to examine safety and adequacy of the existing warning devices, and identify remedies to improve safety for highway vehicles. Where grade-crossing rehabilitation could be mutually agreed to, CSXT would be required to assure that rehabilitated roadway approaches and rail line crossings meet or exceed the standards of the State rules, guidelines, or statutes, and the American Railway Engineering and Maintenance of Way Association (AREMA) standards, with a goal of eliminating rough or humped crossings to the extent reasonably practicable. For each of the public grade crossings on the Elsdon Line, CSXT would be required to provide and maintain permanent signs prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with FRA regulations at 23 C.F.R. Part 655. The toll-free number would enable drivers to report accidents, malfunctioning warning devices, stalled vehicles, or other dangerous conditions and would be answered 24 hours per day by CSXT's personnel. CSXT also would be required to continue ongoing efforts with community officials to identify elementary, middle, and high schools within 0.5 miles of the Elsdon Line's ROW and provide informational materials concerning railroad safety to such identified schools. Furthermore, CSXT would be required to consult with state agencies and other appropriate agencies and abide by the reasonable requirements of Illinois Commerce Commission (ICC) or the INDOT prior to constructing, relocating, upgrading, or modifying highway/rail at-grade crossing warning devices on the Elsdon Line. In addition, CSXT would be required to adhere to all applicable Federal Occupational Safety and Health Administration (OSHA), FRA, and state construction and operational safety regulations to minimize the potential for accidents and incidents on the Elsdon Line. Finally, CSXT would be required to establish a community liaison to address any concerns that might arise regarding crossing safety and accident frequency.

Pedestrian safety also was adequately addressed in Section 3.1.3 of the Draft EA. The Draft EA concluded that there is one pedestrian crossing located in segment GTW-05, at MP 18.8, on

Walnut Street, in Blue Island, Illinois. It explained that safety at pedestrian crossings is primarily evaluated based on visibility for pedestrians to see approaching trains and the existence of safe locations for those pedestrians waiting for the train to pass. The pedestrian crossing evaluated in the Draft EA is located on tangent or straight track, which allows pedestrians to see trains and assess the speed of the approaching trains before deciding to cross. Because this crossing is not immediately adjacent to parallel roadways, pedestrians can wait for the train to pass without concern of being struck by motor vehicles. In addition, trains would not be stopping at this location. Thus, as the Draft EA concluded, visibility at this crossing is adequate and there are safe locations for pedestrians to wait; therefore, the risk to pedestrians using this crossing as a result of the increased train traffic in segment GTW-05 would be minor.

Moreover, to minimize any impacts, the Draft EA explained that CSXT would be required to comply with VM 16, VM 20, and VM 21, which would 1) require CSXT to cooperate with school and park districts to identify at-grade crossings where additional pedestrian warning devices may be warranted; 2) require CSXT to make Operation Lifesaver programs available to communities, schools, and other appropriate organizations located along the affected segments; and 3) require CSXT to make these programs available to communities, schools, and other appropriate organizations located along the Elsdon Line for three years after the effective date of any final decision by the Board approving the Proposed Transaction. The programs would be designed and provided in coordination with ICC and INDOT. In addition, MM 4 would require CSXT to establish a community liaison to address any concerns that may arise regarding pedestrian safety. Given the results of the environmental analysis in the Draft EA and the mitigation recommended there, OEA believes that no mitigation beyond that presented in the Draft EA is necessary to address the concerns raised by State Representative Burke.

With regard to the State Representative's concerns related to safety and security, Section 3.1.3 of the Draft EA properly evaluated freight rail safety using the rate of train accidents and incidents for CSXT, CN, and the Class I railroad industry average between 2006 and 2010 collected from FRA's website. The Draft EA concluded that based on these data, the Proposed Transaction would not be likely to increase accident and incident rates for the trains that would be rerouted over the Elsdon Line. As the Draft EA explained, under the Proposed Transaction, CSXT would reroute trains from the Barr, Villa Grove, and Monon subdivisions to the Elsdon Line. The result would be a potential increase of 133,831 carloads of hazardous materials transported over the Elsdon Line. Thus, the Elsdon Line would again become a "key route" (rail segments where either in excess of 10,000 carloads of hazardous materials or 4,000 carloads of TIH and other referenced materials are transported annually) that must meet specific safety requirements set out in the American Association of Railroad's AAR Circular No. OT-55-I.

While the risk of an accident cannot be eliminated entirely, the Draft EA properly found that the existing regulatory framework in place for "key routes" would reduce the likelihood of an accident or release of hazardous materials from taking place. In addition, as part of its voluntary mitigation (VM 22 through VM 36), CSXT would assist in hazardous materials training for emergency responders for affected communities that express an interest in training; provide a dedicated toll-free telephone number to the emergency response organizations located along the

Elsdon Line; and conduct Transportation Community Awareness and Emergency Response Program workshops. Moreover, as the Draft EA noted, based on CSXT's history of handling hazardous materials through the Chicago Terminal over other railroad lines further supports the conclusion that the likelihood of a release of hazardous materials under the Proposed Transaction would be remote.

Finally, with regard to the concern about Metra being precluded from adding more trains to its SWS Line, OEA notes that Metra made no mention of this concern in either of its letters dated July 15, 2011 or November 9, 2012 regarding the Proposed Transaction. Rather, Metra's concerns focused more on the potential for increased delays and operational control of train movements at the Ashburn crossing south of Hayford on the Elsdon Line in segment GTW-05. In any event, the Draft EA considered the SWS Line, indicating that Metra operates 30 trains per day (Monday through Friday) on that route, which uses the NS/Metra line and crosses the IHB line between Blue Island Junction and Argo at Ridge at a level Rail/Rail crossing, and at Ashburn at a level Rail/Rail crossing. See Draft EA Section 3.1.2. As the Draft EA explained, although the number of Metra trains would remain the same under the Proposed Transaction, the number of freight trains per day would decrease from 22.0 to 8.1 (a reduction of 13.9) at the Ridge crossing and the number of freight trains at the Ashburn crossing would increase from 3.5 to 23.0 (an increase of 19.5). Although the number of freight trains at the Ashburn crossing would increase, the reduction in freight train movements at Ridge and the fact that Metra trains are given priority movement over these rail/rail crossings would enable Metra to continue operating its trains through both interlockings in uninterrupted movements. Therefore, the Draft EA concluded that commuter rail service should not be affected by the Proposed Transaction. In addition, VM 8 would require CSXT to engage Metra in exploring all options for future service, and MM3 would require CSXT to address issues involving Metra's SWS Line and other service-related issues with Metra and other stakeholders. CSXT would then be required to report the status of these discussions back to OEA in its quarterly monitoring reports over a period of three years.

In sum, State Representative Burke has not shown that the analysis and conclusions of the Draft EA were inadequate or that additional mitigation beyond that presented in the Draft EA is required here.

APPENDIX A – COMMENT LETTERS

ILLINOIS HOUSE OF REPRESENTATIVES



District Office
5144 W. 95th Street
Oak Lawn, IL 60453
708.425.0571
708.425.0642 fax

Kelly Burke
State Representative
36th District

Capitol Office
266-S Stratton Office Building
Springfield, IL 62706
217.782.0515
217.558.3741 fax

233365

November 5, 2012

ENTERED
Office of Proceedings
November 15, 2012
Part of
Public Record

Mr. Daniel R. Elliott III
Chairman
Surface Transportation Board
395 East Street, SW
Washington, DC 20423

Dear Chairman Elliot:

I am writing regarding the application filed by CSX Transportation, Inc. (CSX) seeking regulatory authority to acquire an operating easement known as the Elsdon Subdivision from the Grand Trunk Railroad. The application is docket number FD35522. In its application, CSX seeks to dramatically increase the train traffic through these areas if its purchase is approved. I represent two municipalities along the rail line, namely Evergreen Park and parts of Chicago.

I am concerned with the negative effects of the increase in train traffic, the loss of productivity, and the pollution from idling automobiles and trucks. The most worrisome crossings are located in the heart of Evergreen Park. The tracks cross 95th Street near Kedzie Avenue. 95th Street is one of the most heavily traveled roads in the region. 95th Street provides access to two major highways, the Dan Ryan Expressway (I90/94) to the east and the Tri-State Tollway (I294) to the west.

A community hospital, Little Company of Mary, is 1/2 mile to the east of the tracks on 95th Street. Advocate Christ Medical Center is 1 1/2 miles to the west. Advocate Christ is a Level 1 Trauma Center – the only such center serving the South Side of Chicago, the south suburbs, northern Indiana, and Will County. Emergency vehicles use 95th Street to access these hospitals. I am terribly worried about the prospect of emergency vehicles experiencing delays at the 95th Street crossing and the effect that will have on patient care and outcomes.

The railroad tracks go through town on a diagonal, crossing Kedzie Avenue at 94th Street. This intersection is within one block of village hall, the police department, the post office, the library

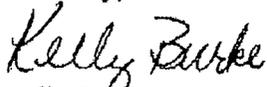
and the junior high school. There is a significant amount of vehicle and pedestrian traffic at this intersection all day long. Increased train traffic will create unsafe conditions, especially during the daytime hours.

In addition to these institutions, the Evergreen Park Fire Department is three blocks north of the intersection. A fire truck or ambulance must cross the tracks to access half of the village residents and to travel to either hospital in the area. If any of the other half of the residents need to be taken to Advocate Christ trauma center, the emergency vehicle has to cross the tracks. Simply put, allowing the dramatic increase in train traffic through this corridor will negatively affect the safety, security, and well-being of the residents of Evergreen Park and the surrounding neighborhoods of Chicago.

Another negative impact may come to commuter rail travel provided by Metra. The Southwest line travels through territory CSX is seeking to acquire. The Southwest line is relatively new and many public officials and residents have been pressing Metra to add more trains to the service. I am concerned that the increase in freight traffic along the line would preclude Metra from adding more train service. Having more commuter service benefits our region, lessens traffic on the roads, and makes our area more desirable to live, work, and do business in.

I do not believe that this acquisition promotes the public interest of the residents of Evergreen Park and surrounding communities. Any benefit provided by the acquisition is clearly outweighed by the safety concerns, increased congestion, wasted fuel, and environmental problems caused by the approval. I hope that the Board will consider these factors in rendering its decision.

Sincerely,



Kelly Burke
State Representative
36th District

cc: Senator Richard Durbin
Representative Bobby Rush
Representative Daniel Lipinski
Mayor James Sexton
Alderman Matthew O'Shea
Alderman Lona Lane

Page 1 of 1
E1-18967
DFW
FD 35522



Docket No. FD 35522 CSX Transportation Inc. - Acquisition of Operating Easement - Grand Trunk Western Railroad Company, Lake County, Indiana
Padgett, Kim Marie

to:

woodd

10/09/2012 03:17 PM

Hide Details

From: "Padgett, Kim Marie" <KPadgett@dnr.IN.gov>

To: <woodd@stb.dot.gov>

This notice is to inform you that your submission was received by the Indiana Division of Historic Preservation and Archaeology, the State Historic Preservation Office (SHPO) on October 9, 2012. Please know that we strive to respond to all review requests within 30 days or less. If you have not received a letter from the SHPO after 30 days and would like to request an update on the status of your review, please contact Chad Slider at cslider@dnr.in.gov or 317-234-5366. Please note that consultants working for INDOT/FHWA should contact the INDOT Cultural Resources Office with questions or status requests. Thank you.



ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

October 23, 2012

Diana Wood
Surface Transportation Board
395 E Street, SW
Room 1110
Washington, DC 20423

RE: Docket No. FD 35522

Dear Ms. Wood,

On behalf of the Environmental Law & Policy Center, thank you for this opportunity to comment on the draft Environmental Assessment (“EA”) concerning CSX Transportation, Inc’s acquisition of an easement from Grand Truck Western Railway Company.

We are concerned that the discussion of intercity passenger rail service contained within the draft EA is inadequate.

In September 2010, Amtrak, as required by Section 210 of the Passenger Rail Investment and Improvement Act, submitted a report to Congress detailing its plans for improving the performance of the Cardinal – Amtrak’s train which runs between Chicago and New York via Indianapolis. That plan calls for rerouting the Cardinal as follows:

To improve reliability, Amtrak will explore a temporary reroute of the Cardinal into and out of Chicago. In the long run, and as a result of the CREATE Program for rail infrastructure improvements in Chicago, it is anticipated that the train will take a better and faster route via Englewood, the Norfolk Southern Chicago Line and a future track connection with the former Illinois Central Railroad at Grand Crossing. On an interim basis, however, Amtrak plans to ask Canadian National Railways (CN) for a temporary reroute over the former Grand Trunk Western Railway, the former Illinois Central mainline, and the St. Charles Air Line into Chicago Union Station. The team believes that the interim simplified route involving only CN would improve reliability compared to multiple handoffs of the train to different dispatchers from different railroads¹.

The “multiple handoffs” that rerouting this train would eliminate are significant. The Cardinal currently travels across seven different railroads between Munster, Indiana and Chicago’s Union Station. Each time the train switches to a different railroad, a new dispatcher must give the train permission to proceed – a scenario almost guaranteeing frequent delays of the passenger train.

¹ <http://www.amtrak.com/ccurl/536/878/PRIIA-210-Cardinal-PIP.pdf>

35 East Wacker Drive, Suite 1600 • Chicago, Illinois 60601

(312) 673-6500 • www.ELPC.org

Nancy Loeb, Chairperson • Howard A. Learner, Executive Director

Columbus, OH • Des Moines, IA • Jamestown, ND • Madison, WI • Minneapolis, MN • Sioux Falls, SD • Washington, D.C.

Indeed, the Hoosier State and the Cardinal have an average on-time performance rate of just 57.8 percent².

The proposed reroute involves use of the Elsdon Line for approximately two miles between Munster, Indiana and CN Junction. This reroute would cut the number of “handoffs” from six to one. Because the Cardinal already uses this corridor for approximately half of that distance (between Munster and Thornton Junction), the impact of Amtrak’s proposed reroute should be minimal on CSXT’s operations. However, the final EA should examine this in more detail.

Further, as a condition of the transaction, the Surface Transportation Board should direct CSXT to provide access over this additional segment of the corridor to Amtrak. Specifically, we request that Voluntary Measure 7 be rewritten to state that “CSXT shall work with Amtrak on transferring its relationship on the Elsdon Line from GTW to CSXT and rerouting Amtrak’s Cardinal trains onto this line and incorporating such into CSXT’s Operating Agreement with Amtrak.”

Sincerely,

A handwritten signature in blue ink that reads "Kevin Brubaker".

Kevin Brubaker
Deputy Director

cc: Joseph Boardman, Amtrak
Thomas Connolly, Amtrak
Joseph Szabo, Federal Railroad Administration

² Data reported at <http://www.amtrak.com/cardinal-hoosier-state-train&mode=perf&overrideDefaultTemplate=OTPPageHorizontalRouteOverview> on October 12, 2012.

CITY OF BLUE ISLAND

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OFFICE OF THE MAYOR
DONALD E. PELOQUIN

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#E1-18987
FD 35522

October 16, 2012

Ms. Diane Wood
Surface Transportation Board
395 E. Street SW.
Washington, D.C. 20423

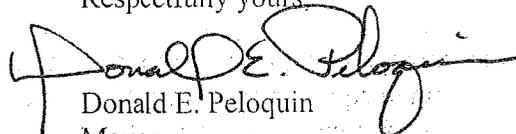
Re: Decision ID# 42707

Dear Ms. Wood:

I have received a letter from Mr. Thomas Livingston regarding CSX acquiring the Grand Trunk Western right of way. His letter states that the increase in train traffic will be in the range of 20 to 30 trains a day. Blue Island cannot absorb this amount of noise pollution without some form of compromise. Our city already has over 150 trains a day over 23 grade crossings with each train passing over a minimum of 4 crossings. The new regulation calls for a train to blow its whistle 3 times at each crossing. This would be 12 whistles for each train and times that by 150, we would have about 1800 whistles a day or 75 per hour. If you add an additional 20 to 30 trains, that means that Blue Island would have another 360 horn whistles a day. Most of our grade crossings are within a half mile or less of each other so the whistles do not really serve as a deterrent.

Both the City Council and my staff believe that we need to have some type of remediation to this problem. Blue Island does not have the funds to pay for building quiet zones at all of our crossings. We are therefore asking for a special exemption to the whistle blowing within the corporate limits of Blue Island. Please let me know what can be done to help with this matter.

Respectfully yours


Donald E. Peloquin
Mayor

DEP:ls



CHICAGOLAND
CHAMBER OF COMMERCE

#EL-18988

October 9, 2012

Diana F. Wood,
U.S. Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Finance Docket No 35522; CSX Transportation Inc. 007637

Dear Ms. Wood,

On behalf of the membership of the Chicagoland Chamber of Commerce, I am writing in support of CSX's acquisition of the "Elsdon Line" from the Grand Trunk Railroad which the two railroads have achieved agreement on the transaction.

The mission of the Chicagoland Chamber of Commerce is to make Chicago the most business friendly region in the nation. In support of our mission, we have been a leader in supporting public and private investment in our infrastructure in order to promote a healthy economy. Additionally, we have been early and sustained supporters of the Chicago Region Environmental and Transportation Efficient (CREATE) Project which this transaction directly enhances.

CSX has submitted that this transaction will save as much as 1 hour per train by rerouting traffic over this line or 20 hours per day. This will be of great benefit to the region and indicates private investment in our infrastructure. We know that CSX will work hard to ensure a smooth transition with communities to handle the growing cargo in our region.

Thank you for your consideration of this very important issue.

Sincerely,

Gerald J. Roper
President & CEO



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

#E1-1898
FD 3552:

OCT 17 2012

Ms. Diane Wood
Surface Transportation Board
395 E Street, SW
Room 1110
Washington, DC 20423

RE: Draft Environmental Assessment of CSX Acquisition of Grand Trunk Western Railroad

Dear Mr. Wood:

Thank you for the opportunity to review and comment on the draft environmental assessment of CSX's acquisition of the Grand Trunk Western Railroad.

The Agency has reviewed this submission and has no comments or objections to the proposed project at this time.

Sincerely,

A handwritten signature in black ink that reads "Lisa Bonnett".

Lisa Bonnett
Deputy Director

Surface Transportation Board

Incoming Correspondence Record

#EI-19005

Correspondence Information

Docket #:	FD 35522 0	Date Received:	11/07/2012
Name of Sender:	Denis M Day	Date of Letter:	11/07/2012
Group:	Little Company of Mary Hospital		

Submitter's Comments

I am responding to a proposed acquisition of an operating easement known as the Elsdon Subdivision by CSX Transportation, Inc. Mr. Tom Livingston of CSX has met with the Hospital and provided a "Draft Environmental Assessment" of the proposal. A number of directed and voluntary mitigation actions are noted that will reduce the impact of some of the Hospital and community concerns.

The main concern is that the proposed action will cause a dramatic increase in train traffic in the vicinity of 95th and Kedzie Avenue, Evergreen Park, Illinois. This will adversely impact physicians, patients, staff and emergency responders traveling to Little Company of Mary Hospital. The primary access to the Hospital from the east and west is 95th Street. The Hospital is bracketed by two railroad intersections: 95th Street and Kedzie Avenue (vicinity) and 95th Street and Rockwell Avenue. Any increase in train traffic and resultant vehicle delay will adversely affect the ability of emergency responders to reach the Hospital and physicians and staff to treat conditions requiring timely treatment, e.g. stroke and heart attack.

Thank you for allowing me to respond to the CSX proposal.

Dennis Day

Government Relations Advisor

Little Company of Mary Hospital



547 W. Jackson Blvd. Chicago, IL 60661 (312) 322-6900 TTY# 1-312-322-6774

November 9, 2012

Ms. Diana Wood
Surface Transportation Board
395 E Street , SW
Room 1110
Washington, DC 20423

RE: STB Docket No. FD 35522: CSX Transportation (CSXT) Acquisition of the “Elsdon Sub”

Dear Ms. Wood:

Thank you for the opportunity to review and provide comment on the draft Environmental Assessment for the proposed CSX Transportation (CSXT) Acquisition of the “Elsdon Sub” of the Grand Trunk Western Railroad Company (STB Docket No. FD 35522).

We appreciate the attention given to Metra’s concerns expressed in our letter of July 15, 2011, but it is unclear whether the proposed voluntary mitigations and mitigation measures will sufficiently address the concerns we identified.

Metra’s primary concern with the proposed transaction is that the proposed mitigation measures do not sufficiently address the potential for increased delays to Metra passenger service on the SouthWest Service Line that may result from this transaction. There does not appear to be sufficient space to hold a freight train on the Elsdon Sub in the vicinity of that Subdivision’s crossing of the NS at the Ashburn crossing, either to the north or south, without blocking a significant number of street crossings if a CSXT train has to be held to allow a commuter train to proceed. The current routing of CSXT trains across the Norfolk Southern (NS) at Ridge on the IHB allows CSXT freight trains to be held to north of the crossing with limited impacts on the surrounding community. While the EA contends that freight trains will only be dispatched onto the Elsdon sub when they have clear signals to traverse the length of the Elsdon sub, NS will continue to control the Ashburn crossing. If NS gives contractual priority to passenger trains and causes CSXT freight trains to be stopped on the Elsdon sub blocking nearby street crossings, this will become problematic for the surrounding community and will likely create community pressure to keep freight traffic moving through the corridor. The freight cross traffic is already a significant source of delay for Metra SouthWest Service customers with 38 delays at Ashburn and 36 at Chicago Ridge in 2011. Metra has serious concerns about any project that has the potential to increase delays for the 2.5 million annual passenger trips that take place on this line.

These potential delays further concern Metra as the existing high level of crossing traffic at Ridge would be shifted to and expanded at Ashburn. Ridge is identified as a candidate for grade separation in the CREATE program, while Ashburn is not, so the proposed transaction shifts traffic from a crossing location planned for grade separation to one where no such separation is planned or anticipated.

Metra is the registered service mark for the Northeast Illinois Regional Commuter Railroad Corporation.

In light of these concerns, and to protect Metra's ability to operate high quality commuter rail service serving Northeast Illinois, Metra requests that the STB take the following additional actions.

1. The STB should require CSXT to evaluate the feasibility of a grade separation at Ashburn to alleviate concerns about delays at this crossing created and exacerbated by the proposed transaction.
2. The STB should monitor delays to Metra trains at both Ashburn and Ridge crossings for a minimum period of three years after the completion of the transaction to determine if the transaction results in a net increase in commuter train delays between the two crossings, and if this is determined, require that CSXT take corrective action to reduce those delays whether that be in the form of limiting the length of freight trains, creating grade separations or other appropriate corrective measures. Thereafter, should the transaction results in commuter train delays between the two crossings, CSXT should be required to take corrective action to reduce those delays with the appropriate corrective measures.

Voluntary Mitigation 8 and Mitigation Measure 3 require CSXT to engage Metra in exploring all options for future service and negotiate with Metra to the extent practicable regarding impacts to commuter rail service. We have had discussions with CSXT related to the proposed SouthEast Service, but the specific impacts of this transaction were not discussed. We look forward to additional engagement surrounding these issues, but we again request that as a condition of the approval of this transaction a specific commitment be made to evaluate and mitigate any reduced capacity to operate commuter service on the Villa Grove Sub that results from this transaction.

We appreciate the opportunity to provide feedback on this proposed transaction, and we look forward to working with CSXT and the Grand Trunk Western Railroad Company as this transaction proceeds.

Sincerely,



Alexander D. Clifford
Executive Director/CEO

cc: J. Bauer, Metra
L. Ciavarella, Metra
D. Orseno, Metra
T. Stuebner, Metra



Indiana Department of Natural Resources

#E1-1903

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



November 5, 2012

Diana Wood
Surface Transportation Board
395 E Street, SW, Room 1110
Washington, D.C. 20423

Federal Agency: Surface Transportation Board

Re: Draft Environmental Assessment (EA) regarding the acquisition of a 22.3-mile rail line from the Grand Trunk Western Railroad Company between Munster, Indiana (Milepost 31.0) and Elsdon, Illinois (Milepost 8.7) (Docket no. 35522; DHPA #11780)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated October 5, 2012 and received on October 9, 2012 for the above indicated project in Munster, Lake County, Indiana.

Thank you for providing the Indiana SHPO with a copy of the draft environmental assessment. Please refer to our letter of June 28, 2011. We have no additional comments at this time.

If any archaeological artifacts or human remains are uncovered during earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Chad Slider at (317) 234-5366 or cslider@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #11780.

Very truly yours,

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:CWS:CDW:cdw

E1-19111
FD 35522



Re: Fw: FD 35522 Elsdon Subdivision Draft EA
Poole.Elizabeth
to:
Diana.Wood
11/29/2012 10:39 AM
Hide Details
From: Poole.Elizabeth@epamail.epa.gov

To: Diana.Wood@stb.dot.gov

History: This message has been replied to and forwarded.

Hi Diana,

Thanks for taking the time to speak with me yesterday and I really appreciate being given the opportunity to review the document.

I just have two thoughts regarding impacts to communities living with environmental justice concerns. They are:

- page 3-134 states that informational materials will be provided to schools within 0.5 miles of the Elsdon Line's ROW *upon request*. I'm wondering if we can get this caveat (upon request) removed and just have the material sent to the schools with a brief summary of the proposed action. Such a pro-active approach helps the community (particularly kids, who are so apt to play near the tracks) be made aware of the increase in rail traffic and increases the chances that they are appropriately involved.

- page 3-134 states that CSXT would provide a liaison to support community concerns. It would be helpful if EPA's Environmental Justice Coordinator has this person's contact information. IEPA or City of Chicago (beyond the Alderman or other elected official's office) may also be interested in this information. We get lots of calls to the EJ program with questions or concerns, and being able to readily get callers this liaison's information would be a tremendous benefit to getting any concerns addressed. Once this information is available, please send it on so that we can provide it to the EJ program.

Thanks again for chatting. We look forward seeing the final EA or FONSI.

Thanks,
Elizabeth

Elizabeth Poole
Environmental Scientist
U.S. Environmental Protection Agency, Region 5
NEPA Implementation

Routing Path:

STBWeb/STB, Notes1/STB, Notes1/STB

Diana Wood
09:23 AM Today

To:
poole.eliizabeth@epa.gov

cc:

Subject:
FD 35522 Elsdon Subdivision Draft EA

Hi Elizabeth:

I got your voice mail regarding the above referenced docket. Yes, the comment period closed a few weeks ago, and we are in a very tight statutory time frame for preparing the final EA, which responds to all comments. I did have a conversation with Norm West yesterday and informed him of this, but he said that he was going to send a quick comment letter (emailed to me by tomorrow) on environmental justice issues, if any were deemed found. I also talked with him about the positive train control issue that he was concerned about, but believe that this was resolved because of the upcoming 2015 deadline for class I railroads to install such systems. Norm did not formally request an extension to the comment period and so we are under a tight deadline, but please review the EJ section, per Norm's request to me yesterday, and advise accordingly. Just an FYI, we did not find that the minority populations were disproportionately represented in the worst affected areas.

Please feel free to get in touch with me - email is best today as I'm telecommuting and my cell service is not always reliable (my calls are forwarded here).

Thanks!

Diana

Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

#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

Ms. Diana Wood
November 28, 2012
- Page 2 -

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.

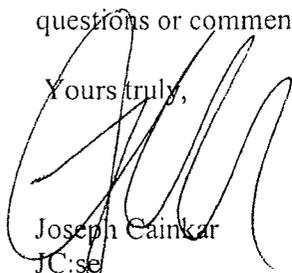
The mitigation measures proposed in the assessment do not mitigate the impact of the transaction on emergency responders. They simply increase the efficiency of rerouting emergency responders due to the adverse impact caused by the transaction. Rerouting emergency responders, however, will cause a significant 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 Cankar

JC:se

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6215 WEST 79TH STREET-SUITE 2A
BURBANK, ILLINOIS 60459-1102
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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.

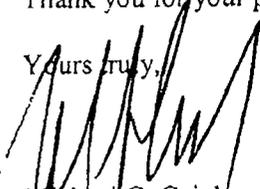
The substantial increase in the number of trains will also have an adverse effect on traffic congestion and delays. For example, Ninety-Fifth Street is a heavily traveled thoroughfare. The congestion attending the closure of the 95th Street grade crossing to allow for the significant increase in train 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 Cankar 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.

November 5, 2012 Board Meeting

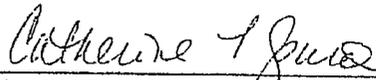
MISC.

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

APPENDIX B – LETTER FROM CSXT

LAW OFFICES OF
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER
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December 12, 2012

Ms. Victoria Rutson
Director, Office of Environmental Analysis
395 E Street, SW
Washington, DC 20423-001

RE: **Finance Docket No. 35522 CSX Transportation, Inc.—Acquisition of
Easement—Grand Trunk Western Railroad Company**

Dear Ms. Rutson:

Since service of the Draft Environmental Assessment (the “Draft EA”) on October 5, 2012 in the above-entitled proceeding, CSX Transportation, Inc. (“CSXT”) has continued its efforts to explain its acquisition of a perpetual operating easement over approximately 22.37 miles of Grand Trunk Western Railroad Company’s (“GTW”) Elsdon Subdivision between the connection with CSXT at Munster, IN, milepost 31.07, and Elsdon, IL, milepost 8.7 (the “Elsdon Line”), referred to as the “Proposed Transaction,” to local officials and groups. This letter updates you on those meetings and presents CSXT’s views on the comments filed in response to the Draft EA.

Outreach Meetings

On October 23, 2012, CSXT met with officials of Evergreen Park and the 19th Ward of Chicago, including State Senator Ed Maloney, State Representative Bill Cunningham, and State Representative Kelly Burke and discussed traffic congestion, noise, and emergency responders. This meeting was follow up to a meeting conducted with State Senator Ed Maloney on September 19th and other members of the Illinois General Assembly over the summer of 2012. The purpose of the discussion was to have personnel from the consultant HDR Inc., and CSXT to answer questions about the Draft EA in person. First contact with all of the above was made in December 2010 or May 2011. CSXT then met with Christ Advocate Hospital on June 26, 2012; executive board members of the Village of Evergreen Park Chamber of Commerce on July 27, 2012; and Little Company of Mary Hospital on August 16, 2012. In each of the meetings, CSXT committed to working with communities to address concerns as CSXT has over the years as a member of the community.

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On October 25, 2012, CSXT met with State Senator Jacqueline Collins concerning traffic delays at 79th Street.

On November 5, 2012, CSXT met with the Evergreen Park Board of Trustees. CSXT discussed the importance and history of train operations in the Chicago Terminal to the national interest of the United States and provided a history of CSXT's current operations in Evergreen Park. Issues discussed that are specific to the Proposed Transaction included first responder response time and alternatives for notifying first responders that trains were operating through Evergreen Park or were about to enter Evergreen Park, including closed circuit television. CSXT previously met with Evergreen Park Mayor Jim Sexton in May 2011 to discuss train counts and potential mitigation.

On November 8, 2012, CSXT met with State Representative Bob Rita concerning quiet zones in Blue Island.

On November 9, 2012, CSXT met with Chicago Ward Alderman Lona Lane concerning traffic delays at 79th Street.

In addition, CSXT has continued discussions with Christ Advocate Hospital and Little Company of Mary Hospital, as well as first responders along the Elsdon Line.

Comments

CSXT has reviewed ten comments that the Surface Transportation Board (the "STB") received on the Proposed Transaction, including nine comments on the Draft EA and one concerning the Application. Following is a summary of each comment and CSXT's views on the appropriate response.

City of Blue Island, IL ("Blue Island"). Blue Island contends that the number of trains to be rerouted to the Elsdon Line through Blue Island would increase by 20 to 30 trains per day. Blue Island points out that about 150 trains per day currently travel through Blue Island over 23 grade crossings with each train passing over a minimum of four crossings.¹ Blue Island contends that it would not be able to absorb the additional noise pollution from the 20 to 30 trains per day that CSXT would reroute to the Elsdon Line. Blue Island states that it cannot afford to construct quiet zones ("QZs"), and instead requests a special exemption for whistle blowing within the corporate limits of Blue Island.

In response, CSXT notes that the Elsdon Line is one of seven rail lines running through Blue Island, and railroad traffic from the 150 trains per day is spread over all of these railroad lines, including several commuter routes. The Proposed Transaction would reroute 19 trains per

¹ CSXT cannot independently confirm that there are 150 trains per day running through Blue Island.

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day to the Elsdon Line through Blue Island (not the 20 to 30 trains per day suggested by Blue Island). The number of additional trains traveling through Blue Island would not be as great as projected by Blue Island because 16 of the 19 trains currently travel through Blue Island on the Baltimore & Ohio Chicago Terminal Railroad Company (“B&OCT”) line between West 127th Street and the eastern boundary of Blue Island at the Little Calumet River.

Moreover, a majority of the Elsdon Line in Blue Island is in GTW-05, a designated QZ over two at-grade crossings. A small area south of the Calumet River is in GTW-04 and is not a QZ. This would be the only area of concern for horn noise with five at-grade crossings affected. OEA recognized the potential for noise issues in the Draft EA and CSXT proposed voluntary mitigation numbers (“VMN”) 39-43 (Draft EA pages 4-7 and 4-8) to address horn noise, which OEA included in the Draft EA. In addition, CSXT commits to assist and support Blue Island in developing and seeking funding to develop a QZ in GTW-04 under 49 CFR Part 222 Subpart C. To that end, CSXT has met with Representative Rita and the Illinois Commerce Commission and has discussed the issue with the Federal Railroad Administration. CSXT also advises OEA that under 49 CFR §222.15(b) Blue Island may file a request for waiver with the Federal Railroad Administration of Use of Locomotive Horns at Public Highway-Rail Grade Crossings required under 49 CFR Part 222.

Chicagoland Chamber of Commerce (the “CCC”). CCC supports the Proposed Transaction. CCC does not have any comments on the environmental effects of the Proposed Transaction.

Since CCC has not raised any issues concerning the environmental effects of the Proposed Transaction, CSXT has no comments.

Environmental Law & Policy Center (“ELPC”). ELPC contends that a portion of the Elsdon Line between Thornton Junction and CN Junction, IL should be used as a reroute of Amtrak’s Cardinal. ELPC asks OEA to examine the effect of the proposed reroute on CSXT’s operations. ELPC also requests that a condition be imposed on the Proposed Transaction directing CSXT “to provide access over” the portion of the Elsdon Line between Thornton Junction and CN Junction, IL “to Amtrak.” Specifically, ELPC requests “that Voluntary Measure 7 be rewritten to state that ‘CSXT shall work with Amtrak on transferring its relationship on the Elsdon Line from GTW to CSXT and rerouting Amtrak’s Cardinal trains onto this line and incorporating such into CSXT’s Operating Agreement with Amtrak.’”

CSXT contends that the analysis and the concerns raised by ELPC are speculative at best and that the suggested changes to VMN 7 are unnecessary.

First, the rerouting of the Amtrak Cardinal between Thornton Junction and CN Junction is not related to the Proposed Transaction. GTW has notified Amtrak that upon consummation of the Proposed Transaction that any Amtrak operations over the Elsdon Line would no longer

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be governed by the agreement between Amtrak and GTW. CSXT and GTW agreed that upon consummation of the Proposed Transaction, any of Amtrak's continued operation over the Elsdon Line would be governed by the master agreement between CSXT and Amtrak.

Second, Amtrak has not sought the analysis or condition requested by ELPC. Even though there are plans to permanently reroute the Cardinal in the Chicago Terminal, the temporary reroute of Amtrak's Cardinal over the Elsdon Line between Thornton Junction and CN Junction is speculative. Amtrak has not approached CSXT about the use of a portion of the Elsdon Line. Moreover, CSXT and Amtrak are continuously engaged in discussions about Amtrak's operations over CSXT's railroad lines. Indeed, the Board is well aware of the result of certain discussions and agreement between CSXT and Amtrak that led to the lease by Amtrak of CSXT's Hudson Line in New York which includes (1) a line owned by CSXT between the westbound signal at Hoffmans, NY, milepost 169.77, and Poughkeepsie, NY, milepost 75.7, exclusive of certain defined properties, e.g., the freight yard in Hudson, NY and sidetracks, and (2) all facilities of CSXT that are used in the operation of the Amtrak-owned "Post Road" line of railroad between approximately milepost 187.4 in Niverville, NY and milepost 199.5 in Rensselaer, NY. *See National Railroad Passenger Corporation and CSX Transportation, Inc.—Petition For Declaratory Order*, STB Docket No. FD 35675 (served October 16, 2012).

In the Draft EA, OEA proposed VMN 7 requiring CSXT to work with Amtrak on transferring its relationship on the Elsdon Line from GTW to CSXT. Because of VMN 7 and for the reasons mentioned above, CSXT believes that the additional analysis and condition requested by ELPC have not been justified and are not required. VMN 7 satisfies the issues raised by ELPC.

Illinois Environmental Protection Agency ("IL EPA"). The IL EPA submitted a statement in response to the Draft EA stating that it "has no comments or objections to the proposed project."

Since IL EPA has not raised any issues concerning the environmental effects of the Proposed Transaction, CSXT has no comments.

Indiana State Historic Preservation Officer ("INSHPO"). The INSHPO had no comments concerning the Proposed Transaction. INSHPO does request compliance with state law "If any archaeological or human remains are uncovered during earthmoving activities."

CSXT would not engage in any earthmoving activities in Indiana as a result of the Proposed Transaction.

Little Company of Mary Hospital ("Hospital"). The Hospital is located at 2800 West 95th Street about 0.3 miles east of the Elsdon Line. The Hospital is concerned that the increased train traffic on the Elsdon Line would cause vehicle delays that would result in the delay of

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physicians, patients, staff, and emergency responders in reaching the Hospital.

CSXT is very concerned with timely emergency access to the Hospital. However, OEA took the delay of emergency responders into account when it prepared the Draft EA. The Draft EA, concluded that the longest the Proposed Transaction would block the at-grade crossing at 95th Street would be the 2.5 minutes it would take for a CSXT train to clear the crossing. No trains would stop here.

However, the Proposed Transaction would affect access to Advocate Christ Medical Center and Little Company of Mary Hospital, which are both located on 95th Street, since there is no grade separation near these hospitals. As the analysis presented in the Draft EA indicates, the longest the Proposed Transaction would block the at-grade crossing at 95th Street would be 2.5 minutes. In addition, any delay as a result of trains blocking the crossing at 95th Street would be limited as no trains would stop at any at-grade crossing as a result of the Proposed Transaction. Metro South Medical Center is located at 129th Street in Blue Island. Although trains could potentially block the at-grade crossing at 127th Street up to 2.5 minutes, this hospital is also located close to the grade separation at Vermont Street. Therefore, the Proposed Transaction would not tend to affect emergency responders heading to or from Metro South Medical Center. Although the Proposed Transaction could potentially affect emergency access for police and fire vehicles, the communities along the Elsdon Line maintain mutual aid agreements and other forms of intergovernmental agreements to contact each other in the event of blocked at-grade crossings.

Because the City of Chicago is the busiest portion of the Elsdon Line, public at-grade crossings in the city were analyzed. The City of Chicago has defined certain at-grade crossings as 911 crossings (i.e., primary routes for emergency responders). The City of Chicago and several railroads, including CSXT, signed a Memorandum of Understanding (MOU) on January 17, 2002, which is currently in effect. Under this MOU, CSXT calls the Office of Emergency Communications when a train will block a 911 crossing for 10 minutes or more and again when the train has cleared the at-grade crossing. In addition, CSXT and the Office of Emergency Communications prepare and submit four summaries per year to the Commissioner describing the location and cause of each obstruction. Based on this information, the Commissioner can add or delete crossings identified as primary routes for emergency responders. Additionally, CSXT has proposed voluntary mitigation (VMN 37) where CSXT would notify Emergency Services Dispatching Centers for communities along the affected segments of all crossings blocked by trains that are stopped and may be unable to move for a significant period of time for reasons beyond CSXT's control. CSXT has agreed to work with affected communities to minimize emergency vehicle delay by maintaining facilities for emergency communication with local Emergency Response Centers through a dedicated toll-free telephone number.

In Table 3.1-18 of the Draft EA, 95th Street is defined as a 911 crossing. Under the Proposed Transaction, trains would not stop on the Elsdon Line, which would reduce the

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potential for blocked at-grade crossings. Moreover, in the most congested region, the City of Chicago, CSXT has 911-designated at-grade crossings, further reducing the potential for blocking the roadways for emergency responders. In addition, the only at-grade crossing that would experience some effects on delay (79th Street) has not been identified as a primary route for emergency responders.

Moreover, OEA recommended adoption of CSXT's proposed VMN 6 and 37. In addition, OEA proposed mitigation measure No. ("MMN") 2 requiring CSXT to provide a closed circuit television (or comparable system) so that train movements could be predicted and emergency responders notified. CSXT is agreeable to VMN 6 and 37 and to implementing MMN 2, and has met with the Hospital (and other hospitals in the vicinity of the Elsdon line) and emergency responders to develop the proper system. CSXT intends to provide the proper system in order to alert the appropriate first responders as designated by the affected community.

Northeast Illinois Regional Commuter Railroad Corporation ("Metra"). Metra is concerned with the potential for delays to its SouthWest Service Line that crosses the Elsdon Line at Ashburn, IL. The SouthWest Service Line operates over a line of the Norfolk Southern Railway Company ("NS"). NS dispatches the SouthWest Service Line. Metra is concerned that additional delays would occur at the at-grade crossing of the IHB line at Chicago Ridge and at Ashburn on the Elsdon Line because of the increase in traffic proposed by CSXT.

Metra is also concerned that CSXT trains operating on the Elsdon Line would block crossings when they are held to allow a Metra train to operate through the Ashburn crossing.

Metra also suggests that the Villa Grove Subdivision between Dolton and Thornton Junction, IL, that it is considering using for what it calls SouthEast Service in the indefinite future, would have reduced capacity.

As a result of its concerns about delay of its SouthWest Service Line trains, Metra requests that the Board impose two conditions (1) that CSXT evaluate the feasibility of a railroad to railroad grade separation at Ashburn, and (2) monitoring of Metra delays at Ashburn and Chicago Ridge for at least three years, and requiring CSXT to take corrective action if the delays increase by limiting the length of freight trains, creating grade separations, or other unspecified measures.

With respect to the potential future SouthEast Service, Metra requests that the Board impose a condition that CSXT commit to evaluate and mitigate any reduced capacity to operate the SouthEast Service on the Villa Grove Subdivision.

In response, CSXT notes that there are existing protocols for modifying and monitoring relations and operations of freight railroads and commuter railroads in the Chicago area. In 2000, the passenger and freight railroad industry formed the Chicago Transportation

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Coordination Office (“CTCO”) to maximize the communications between and operations of the railroads in Chicago. Since the implementation of the CTCO, over 100 new Metra trains have been added to the system. In addition, rail freight traffic has increased by at least 10%.

CTCO is composed of full time representatives from the Chicago railroads, including CSXT and Metra at the superintendent level, who are in charge of the day to day operation of trains throughout the Chicago Terminal. There are daily reports to Metra about operations and Metra delays. CSXT operating personnel discuss and resolve operating issues with Metra everyday under the umbrella of CTCO. In addition, CTCO reports to the Chicago Planning Group (“CPG”), which the passenger and freight railroads in Chicago created. The CPG is composed of Vice Presidents of the members, including CSXT. CPG meetings are held on-site in Chicago on a quarterly basis where trouble shooting, fluidity of operations, and safety are reviewed. In addition, the City of Chicago, State of Illinois, Association of American Railroads, and Federal Highway Administration attend the meetings. Growth in freight rail traffic and Metra aspirations are handled through a regular review process and any issues are then resolved at CTCO. CTCO monitors freights, passenger and commuter train traffic in the Chicago Terminal by using an integrated track display panel and through the use of common data protocols. CSXT does not expect any impacts to commuter rail service at the Ridge and Ashburn crossings as a result of the Proposed Transaction because Metra trains will have priority on the Elsdon Line. Under the Proposed Transaction, a freight train would be held off of the Elsdon Line until it can move through the Ashburn crossings without stopping. Also the effects of the increase in the number of freight trains at the Ashburn crossing would be offset to some extent by the reduction in freight train movements at the Ridge crossing and the priority that Metra trains have over these rail/rail crossings.

CTCO is the entity that formed the Chicago Region Transportation and Efficiency Plan (“CREATE”) in 2003. CREATE is comprised by 70 engineering projects to reduce vehicular and railroad congestion and is deemed a project of national significance (to date 29 projects have either been completed or under construction with several more in advanced stages of engineering).

Thus, there are existing protocols in place to monitor and resolve delays to Metra caused by freight railroads. CTCO and CPG also have been involved in the successful expansion of Metra’s operations. CSXT does not believe that the imposition of an additional regulatory layer, as suggested by Metra, which did not even mention or explain CTCO and CPG in its comment, would result in any benefit, much less a benefit that would outweigh the costs that Metra proposes be added to railroad operations. It is difficult for CSXT to discern any benefit of collecting data and reporting it to the Board on a monthly or annual basis when the same data is acquired daily and discussed with Metra in real time so that problems can be immediately resolved.

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Moreover, as Metra has noted, a rail to rail grade separation would be constructed at Chicago Ridge. This is CREATE Project P7. Therefore, in CSXT's view, Metra's request that the Board monitor Chicago Ridge traffic is unnecessary since a grade separation would be constructed under CREATE. Moreover, if a grade separation is required at Ashburn, IL, it is more appropriate for the matter to be decided by CREATE, which has been tasked with improving passenger service in the Chicago area. There is a system in place in Chicago for responding to requests from Metra. This system has been very successful to date. Metra is now asking the Board to add another bureaucratic layer to the on the ground systems that already exist by seeking Board oversight of the Ashburn at-grade crossing. CTCO, CPG, and CREATE already exist to resolve those types of issues. The condition sought by Metra would result in a duplicate overview by the Board, without the operating expertise and experience that CTCO, CPG and CREATE have developed over the years. Moreover, the process that Metra proposes before the Board would be costly and time consuming because of the reporting required, the hearings the Board might hold, and the decisions that the Board would have to make, all of which duplicates CTCO, CPG and CREATE. CSXT does not believe that adding the Board to the CTCO, CPG, and CREATE processes is appropriate or cost effective.

With respect to the SouthEast Service over the Villa Grove Subdivision (See the Draft EA pages 2-4 to 2-5 for a description), CSXT points out that the service is speculative at best at this time. Moreover, as a result of the Proposed Transaction, CSXT intends to reroute trains from the Villa Grove Subdivision (nine per day south of Thornton Junction and about 11 per day north of Thornton Junction) to the Elsdon Line, thus increasing the capacity of the Villa Grove Subdivision. CSXT is unaware of any plans to reduce the capacity of the Villa Grove Subdivision. In addition, the Villa Grove Subdivision is jointly owned by CSXT and the Union Pacific Railroad Company ("UP"). When Metra's plans for the SouthEast Service become definite, CSXT believes that Metra can and will make use of CTCO and CREATE. However, since Metra would propose to use the joint CSXT-UP line, CSXT emphasizes that Metra must negotiate and reach an agreement with CSXT and UP before Metra can use their jointly owned Villa Grove Subdivision.

OEA recognized the interests of Metra in the Draft EA and recommended that the Board impose CSXT's proposed VMN 8, which requires CSXT to "engage Metra in exploring all options for future service." For the reasons discussed above, CSXT contends that the CTCO, CPG and CREATE do today and will in the future be able to address any future issues that Metra would have if CSXT were to acquire and operate the Elsdon Line, and that VMN 8 proposed in the Draft EA is appropriate.

State Representative Kelly Burke ("Rep. Burke"). By letter dated November 5, 2012, Rep. Burke filed a letter with the Board. In the letter, Rep. Burke raises numerous issues that other parties have also raised. Rep. Burke is concerned with crossing delays at 95th Street, including the delay of emergency responders in reaching the Hospital (see below) and Advocate

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Christ Medical Center. The proximity of the Elsdon Line to the Evergreen Park village hall, police department, post office, library, and junior high school raise safety concerns according to Rep. Burke. Rep. Burke is also concerned that the increase of traffic on the Elsdon Line would preclude the future expansion of service of Metra's SouthWest Service Line.

These issues, which were considered and analyzed in the Draft EA are summarized below. Where appropriate, the Draft EA proposed mitigation.

The delay of emergency responders has been addressed in above-response to the comments of the Hospital. Metra service has been addressed in the above-response to Metra. The Draft EA fully analyzed traffic and grade crossing delay (Draft EA 3-1 to 3-28), rail operations and safety (Draft EA 3-28 to 3-31), rail safety (Draft EA 3-31 to 3-45), and emergency response (Draft EA 3-45 to 3-51). The Draft EA proposed VMN 1-6 and 9-21 (Draft EA at 4-3 to 4-5) and MM 2 (Draft EA at 4-8 to 4-9), which CSXT accepts, which address the concerns of Rep. Burke.

United States Environmental Protection Agency ("EPA"). EPA seeks to modify VMN 44 to require CSXT to provide the informational materials concerning railroad safety without being asked. CSXT agrees to modify VMN 44 to read as follows: "all of CSXT's informational materials concerning railroad safety will be provided to elementary, middle, and high schools within 0.5 miles of the Elsdon Line in both English and Spanish."

EPA also requests that CSXT provide EPA's Environmental Justice Coordinator with the name of CSXT's liaison to support community concerns. CSXT agrees to modify MM 4 to read as follows: "In response to concerns raised regarding noise, emergency response, and other issue areas, CSXT shall, prior to initiating the operational changes associated with the Proposed Transaction and for a period of one year following the startup of operations on the Elsdon Line, CSXT shall establish a Community Liaison to consult with affected communities, businesses, and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic outreach. CSXT shall provide the name and phone number of the Community Liaison to elected public officials, community leaders in each community through which the rail line passes, including segments GTW-01 through GTW-06 on the Elsdon Line, and the EPA's Environmental Justice Coordinator.

Village of Evergreen Park (Evergreen Park"). Evergreen Park requests that the Board implement some of the suggestions in the comments dated November 28, 2012. Evergreen Park specifically suggests that the Board impose conditions requiring: (1) CSXT to restrict the number of trains on the Elsdon Line or provide an under pass at 95th Street because the additional number of trains on the Elsdon Line would impact emergency responders ability to reach Advocate Christ Medical Center and Little Company of Mary Hospital, and respond to incidents on the west side of the Elsdon Line; (2) CSXT to install continuous welded rail and take other mitigation measures to address noise and vibration; and (3) a prohibition on train traffic in

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Evergreen Park from Monday-Friday from 6:30 -10:00 am and 3:30-7:00, except on Friday from 3:00-7:00 pm (“rush hour”) because of traffic congestion.

In response to Evergreen Park, CSXT states that there is no current restriction on the number of trains that could run over the Line. The GTW could increase the number of trains that run on the Line without seeking approval from the Board or any other agency. Under both the No-Action Alternative and the Proposed Transaction the 2018 Crossing level of service at 95th Street would remain at an A and under the Proposed Transaction would not have a vehicle delay that exceeds 40 vehicle hours per day. See Draft EA at page 3-21. Thus, a grade separation is not warranted at 95th Street. As discussed in the Draft EA at page 3-22, The Federal Highway Administration’s 2002 *Guidance On Traffic Control Devices At Highway-Rail Grade Crossings*, lists 11 criteria for consideration of grade separation and when one or more of those criteria are met or exceeded, highway/rail grade crossings should be considered for grade separation. The 95th Street crossing does not meet any of the 11 criteria.

CSXT has addressed the issues relating to emergency responders serving Evergreen Park in its response to the Hospital. In addition the Draft EA considered emergency responders at pages 3-45 to 3-51 and addressed concerns those concerns by proposing VMN 6 and 37, and MM 2.

With regard to Evergreen Park’s request that CSXT install continuous welded rail, CSXT is willing to install continuous welded rail as consistent with its rail operations and normal maintenance and replacement policies. CSXT also voluntarily agrees to VMN 39-43 in the Draft EA pages 4-7 to 4-8.

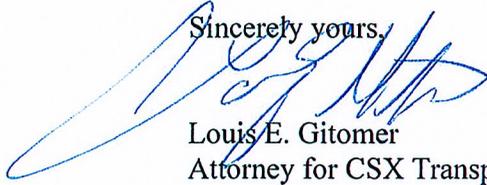
As to the prohibition on train traffic during rush hour, CSXT is would commit to using its best efforts to avoid running trains through the Evergreen Park at rush hour. However, CSXT must point out that operating a railroad is a dynamic process and that there may be times when CSXT would have to operate trains through Evergreen Park during rush hour.

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Conclusion. The Draft EA anticipated, analyzed, and addressed all of the concerns raised in the comments. The comments did not question the data or analyses made in the DEA. CSXT believes that the mitigation proposed in the Draft EA 4-3 to 4-9, which CSXT accepts, and the commitments made by CSXT in this letter fulfill the requirements that the Board consider, and mitigate where necessary, the environmental impacts of the Proposed Transaction.

If you have any questions or concerns or if you need additional information, please contact me.

Sincerely yours,



Louis E. Gitomer
Attorney for CSX Transportation, Inc.