



August 1, 2016

Via electronic filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: *CSX Transportation, Inc. – Acquisition of Operating Easement – Grand Trunk
Western R.R. Co., STB Docket No. FD 35522*

Dear Ms. Brown:

On July 20, 2016, CSX Transportation, Inc., (CSX) entered a letter into the docket in the above-captioned proceeding to state that it was complying with the Board’s Order, issued on June 22, 2016, that “CSXT is directed to comply with its representation that it would not allow a train to enter the Elsdon Line unless the Line is clear, and if it is unable to do so, to show cause, by July 20, 2016, why it cannot.”

By its July 20 letter, CSX declined to identify any inability to comply with the Board’s June 22, 2016, Order.

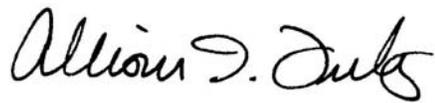
The attached e-mail correspondence from an area resident, provided by City of Chicago Ward 19 Alderman Matthew O’Shea, demonstrates that CSX is failing to comply. At 9:45 pm on July 28, 2016, a resident observed a train blocking the at-grade crossing at 111th Street, where it remained for 79 minutes. In the interim, as reflected in the attached, the resident spoke with the engineer and called the CSX hotline. Meanwhile, CSX failed to break the train. The response (“there’s nothing we can do about it”) from both CSX personnel with whom the resident had direct contact was indifferent, to say the least. Given the concern the STB has expressed about the impacts CSX’s operations are imposing on the communities abutting the Elsdon Line, the lack of responsiveness of CSX’s employees is surprising and indicates that CSX regards its obligations as an inconvenience, not as an essential component of its authorization to operate on this line.

Cynthia T. Brown
July 31, 2016
Page 2

The City of Chicago and Village of Evergreen Park renew their request that this Board impose fines and take all measures necessary to ensure that CSX complies with its obligations to mitigate harm to the surrounding communities as a condition of its continued operation of the Elsdon Line.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Allison I. Fultz". The signature is written in a cursive, flowing style.

Allison I. Fultz
Counsel for City of Chicago, Illinois

cc: All Parties of Record

Enclosures

Allison I. Fultz

From: Matt O'Shea <mattoshea@the19thward.com>
Sent: Friday, July 29, 2016 12:20 AM
To: David Seery; Allison I. Fultz
Subject: Fwd: Parked Northbound Train on 7-28-16

FilingDate: 7/29/2016 6:22:00 PM

David / Allison:

Here we go again. Can we bring this incident to the STB for any penalty or action?

Matt

Sent from my iPhone

Begin forwarded message:

From: cwags5@comcast.net
Date: July 28, 2016 at 11:09:59 PM CDT
To: "Livingston, CSX" <tom_livingston@csx.com>
Cc: "O'Shea, Matt" <mattoshea@the19thward.com>, "Cunningham, Senator" <bill@billcunningham.com>, "Hurley, Fran" <repfranhurley@gmail.com>, "Jacob, Julie" <jjacob14@gmail.com>, John Jacob <j-jacob@comcast.net>
Subject: Re: Parked Northbound Train on 7-28-16

One more question:

What number can we call after hours when you're tucked into bed when the engineers refuse to unhitch the train to alleviate a crossing blockage?

From: cwags5@comcast.net
To: "CSX Livingston" <tom_livingston@csx.com>
Cc: "Matt O'Shea" <mattoshea@the19thward.com>, "Senator Cunningham" <bill@billcunningham.com>, "Fran Hurley" <repfranhurley@gmail.com>, "Julie Jacob" <jjacob14@gmail.com>, "John Jacob" <j-jacob@comcast.net>
Sent: Thursday, July 28, 2016 11:08:31 PM
Subject: Re: Parked Northbound Train on 7-28-16

Tom,

Could you respond:

1. Why was the train parked?
2. Why didn't your engineers unhitch the train so that the 111th street crossing wasn't blocked for 79 minutes?

I'm sure everyone is just as curious as I am as to the answers for the questions above.

From: cwags5@comcast.net
To: "CSX Livingston" <tom_livingston@csx.com>
Cc: "Matt O'Shea" <mattoshea@the19thward.com>, "Senator Cunningham" <bill@billcunningham.com>, "Fran Hurley" <repfranhurley@gmail.com>, "Julie Jacob" <jjacob14@gmail.com>, "John Jacob" <j-jacob@comcast.net>
Sent: Thursday, July 28, 2016 11:05:17 PM
Subject: Re: Parked Northbound Train on 7-28-16

11:04 p.m. and the northbound train is finally starting to move after blocking the 111th street crossing for 79 minutes. The engineers never unhitched the train to clear the blockage.

From: cwags5@comcast.net
To: "CSX Livingston" <tom_livingston@csx.com>
Cc: "Matt O'Shea" <mattoshea@the19thward.com>, "Senator Cunningham" <bill@billcunningham.com>, "Fran Hurley" <repfranhurley@gmail.com>, "Julie Jacob" <jjacob14@gmail.com>, "John Jacob" <j-jacob@comcast.net>
Sent: Thursday, July 28, 2016 10:58:17 PM
Subject: Re: Parked Northbound Train on 7-28-16

10:56 p.m., over an hour since first parked, and the train is still parked and STILL BLOCKING THE 111TH STREET INTERSECTION. While you're fast asleep, our neighborhood's safety is compromised because our major intersection is blocked. Our neighbors who lived on 103rd street are kept awake by the rattling and rumbling and spewing fumes from the engine, Engine 7821.

Is the honeymoon over?

From: cwags5@comcast.net
To: "CSX Livingston" <tom_livingston@csx.com>
Cc: "Matt O'Shea" <mattoshea@the19thward.com>, "Senator Cunningham" <bill@billcunningham.com>, "Fran Hurley" <repfranhurley@gmail.com>, "Julie Jacob" <jjacob14@gmail.com>, "John Jacob" <j-jacob@comcast.net>
Sent: Thursday, July 28, 2016 10:46:49 PM
Subject: Re: Parked Northbound Train on 7-28-16

So.....it's 10:46 and the northbound train is still parked and blocking the 111th street intersection, a major passageway for emergency vehicles to respond to the Mt. Greenwood neighborhood.

When I drove to the engine to ask the engineer if he knew the train was blocking 111th Street, he replied "There's nothing we can do about it". When I informed him that the Transportation Safety Board requires that the train be unhitched, he threw his arms up and mumbled. When I continued to inform him that we are reporting to the alderman when trains park and when they are blocking our intersections and continued to inform him that I already sent you an email, he slammed his window shut. The engine number is 7821. And this train has numerous tanker cars, many of which have hazardous material placards.

When I called the CSX emergency number and explained that the 111th street intersection has been blocked since 9:45 p.m. and that I had spoken to the engineer, the dispatcher said that she would make a report but that if I spoke with the engineer and he said there isn't anything they could do about it, then there must be a mechanical problem and there isn't anything that can be done. I informed her that the Transportation Safety Board recent ruling reminded CSX that if an unforeseen stoppage occurs whereby an intersection is blocked that CSX must unhitch the train to unblock the intersection. When I asked if there was someone she could call to have it unhitched, the dispatcher replied that it was something for the Transportation Board and that she would file a report. The problem with that is the intersection remains blocked.

I then called our 911 center to inform them that the intersection was blocked so they could think about how to reroute any emergency call before the call came in instead of after and emergency vehicle arrives at the blocked intersection, and it appeared no one from CSX had already made that call.

Someone needs to be on duty 24 hours to report when an engineer refuses to do his job. What number can we call if the CSX emergency line has no connection to that someone, as I was told tonight.

From: cwags5@comcast.net
To: "Chris and Colette Wagner" <cwags5@comcast.net>
Sent: Thursday, July 28, 2016 10:12:37 PM
Subject: Re: Parked Northbound Train on 7-28-16

10:12 p.m. and still parked and just learned that it's been blocking 111th street. Isn't that against the ruling? Why isn't it unhitched?

From: cwags5@comcast.net
To: "Chris and Colette Wagner" <cwags5@comcast.net>
Sent: Thursday, July 28, 2016 10:01:52 PM
Subject: Fwd: Parked Northbound Train on 7-28-16

From: cwags5@comcast.net
To: "CSX Livingston" <tom_livingston@csx.com>
Cc: "Matt O'Shea" <mattoshea@the19thward.com>, "Senator Cunningham" <bill@billcunningham.com>, "Fran Hurley" <repfranhurley@gmail.com>, "Julie Jacob" <jjacob14@gmail.com>, "John Jacob" <j-jacob@comcast.net>
Sent: Thursday, July 28, 2016 9:57:02 PM
Subject: Re: Parked Northbound Train on 7-28-16

9:57 p.m. and still parked.

From: cwags5@comcast.net

To: "CSX Livingston" <tom_livingston@csx.com>

Cc: "Matt O'Shea" <mattoshea@the19thward.com>, "Senator Cunningham" <bill@billcunningham.com>, "Fran Hurley" <repfranhurley@gmail.com>, "Julie Jacob" <jjacob14@gmail.com>, "John Jacob" <j-jacob@comcast.net>

Sent: Thursday, July 28, 2016 9:48:32 PM

Subject: Parked Northbound Train on 7-28-16

At 9:45 p.m. a northbound train has parked between 103rd street and 111th street in the Mt. Greenwood neighborhood of Chicago.

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the foregoing
COMMENT OF THE CITY OF CHICAGO, IL, AND VILLAGE OF EVERGREEN PARK, IL,
upon the following parties of record in this proceeding by first-class mail with postage prepaid
and properly addressed:

Honorable Kelly Burke
State Representative
Capitol Office 266-S Stratton Office Building
Springfield, IL 62706

Elizabeth A. Reese
10324 South Church Street
Chicago, IL 60643-2939

Honorable Richard J Durbin
United States Senate
Washington, DC 20510-1304

Wardella Reese
10324 South Church Street
Chicago, IL 60643-0670

Louis E. Gitomer
The Adams Building, Suite 301
600 Baltimore Avenue
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Chicagoland Chamber Of Commerce
410 N Michigan Avenue Suite 900
Chicago, IL 60611-4241

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Harkins Cunningham
1700 K Street, NW, Suite 400
Washington, DC 20006-3804

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Honorable Mark Kirk
United States Senate
Washington, DC 20510

Michael S. Wolly
Zwerdling Paul Leibig Kahn & Wolly
1025 Connecticut Ave NW, Suite 712
Washington, DC 20036

Honorable Daniel Lipinski
Congress Of The United States
2346 Rayburn House Office Building
Washington, DC 20515-1303



Allison I. Fultz

Dated: August 1, 2016