



LARRY DOMINICK

Town President

## TOWN OF CICERO

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October 26, 2021

Acting Administrator Amit Bose  
Federal Railroad Administration  
1200 New Jersey Ave, SE  
Washington, DC 20590

Chairman Martin Oberman  
Surface Transportation Board  
395 E. Street, SW  
Washington, DC 20523

RE: Freight railroad-related flooding issues in Cicero, IL

Dear Acting Administrator Bose and Chairman Oberman,

I am writing you to respectfully request your support to help address an important issue in our community related to flooding issues caused by a Class I freight rail yard. For many years, we have tried to work with the Class I freight railroad to mitigate these flooding issues that are impacting many of my constituents, but unfortunately the railroad has largely turned a blind eye towards our community.

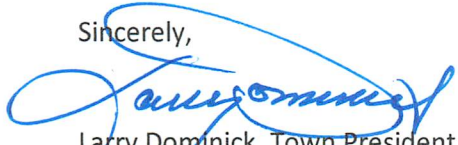
Founded in 1857, the Town of Cicero is one of the oldest, largest and most diverse municipalities in Illinois. The Town is also the home to the Burlington Northern Santa Fe (BNSF) Ogden rail yard. As you know, the Chicago region is the nation's preeminent freight railroad hub, with all seven Class I railroads maintaining operations in our region. The industry has positively contributed to the development of our region and continues to be a strong source of high-paying employment opportunities for our residents.

However, over the last decade, BNSF has undertaken a number of changes to the Ogden Yard, as it moved its traditional yard operations to a modern intermodal facility. Unfortunately, BNSF made several paving and structural changes to the yard – without consulting the Town of Cicero and its constituents – that have raised the elevation of the yard and has caused flooding issues for our residents. Numerous homeowners near the Ogden yard have recently experienced incidents of standing water on their properties and flooding. It has also caused flooding along 31<sup>st</sup> and Ogden Ave during rainstorms. Further still, this has caused an increased strain on the Town's nearly 100-year-old sewer system and has frequently caused a surcharge due to the amount of runoff coming from the BNSF property. Despite our numerous attempts to work with BNSF, we remain at a stalemate on moving forward towards a solution.

While we appreciate the unique nature of interstate commerce and federal jurisdiction over railroad matters stemming from the Interstate Commerce Act, we believe that all companies should be strong partners with communities, especially if adverse impacts are created as a result of their actions. Current statute limits the options for local and state governments to pursue remedies to address constituent concerns directly, such as flooding issues caused by railroad-owned properties. It is critical that the federal government encourage local government and railroad partnerships, especially in communities of color and disenfranchised communities that have been historically disinvested in, while respecting the current regulatory structure of interstate commerce.

I would respectfully request the Surface Transportation Board and the Federal Railroad Administration encourage BNSF to assist in remediating water issues at the Ogden yard and consider potential remedies available to state and local governments experiencing rail-related stormwater and flooding issues. And while we understand that current federal law may limit your authority in this regard, we stand ready to work with our congressional delegation on legislative changes that can provide your agencies with the necessary authority to assist historically disadvantaged communities on matters of this nature.

Sincerely,



Larry Dominick, Town President