



December 1, 2010

Mr. Matthew T. Wallen
Director, Office of Public Assistance, Government Affairs & Compliance
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Mr. Wallen,

Thank you for your recent contact with our TRAC consultant in an effort to update the TRAC filings on the STB oversight website. We appreciate your assistance with these matters as it helps to keep the public updated on the ongoing concerns with the changes taking place on the EJ&E line.

Despite what we considered to be the mitigation shortcomings that accompanied the Board's approval decision in late 2008, we were pleased that the STB decided to remain in an oversight and monitoring capacity as to the implementation and impacts of the CN purchase of the EJ&E for a period of five years. As our correspondence over the last two years and even during the last month has indicated, there are ongoing issues which we, in local government, must have addressed in order to fulfill our responsibility to the residents in our communities and in the greater Chicago region.

As we have all come to know, the circumstances of this transition have had a tremendous and growing impact on our communities and our constituents – and thus their local elected leaders will continue to be engaged until the mitigation that was promised (and required by the STB), and other needed mitigation (as it becomes known to the STB), is delivered. We are sure that everyone can understand the position of the communities, just as we understand the implication of the STB's approval of the purchase by CN.

We would like to take the opportunity to comment on CN's November 9 reply to the October 14 TRAC letter with regard to the Will County sinkhole situation. CN's response shed no further light on this issue. We again request a third party consultant opinion on this matter, particularly in light of the increased hazmat transport on the line.

Additionally, we have attached to this letter two pieces of correspondence between CN Vice President Jim Vena and Barrington President Darch regarding the emergency signage issue, as well as a train crossing blockage incident in Barrington that occurred on October 15 and which lasted for almost 2 hours during evening rush-hour. This blocked crossing incident is also the subject of the attached report from the Illinois Commerce Commission.

Our thoughts at this time on the issues raised in the various pieces of correspondence are as follows:

1. Emergency Signs: Despite Mr. Vena's offer to add additional signage to communities -- at each community's request -- we expect the STB to insist that PROMINENT signage (perhaps like that found in the attached Exhibit 4) be placed at all at grade crossings on the EJ&E as required in VM9. Putting them only in those communities that request them does not address the safety of those communities' residents when they travel elsewhere in the region (which they do often.) In fact, one might say that residents from outside a community may have the least idea of what crossing they are at and thus most in need of prominent signage.
2. Blocked Crossings: As important as our desire to know what the STB response to the underreporting issue raised in Decision 23, more important for the communities is how to avoid blocked crossings in the future. While Mr. Vena explained that these unfortunate incidents do occur, the ICC report explains that the one in Barrington was caused by the failure of a knuckle which had a 30 percent old break and casting flaws. The report also indicates that certain actions could have been taken to unblock the crossings much sooner. Will the STB follow up with a more stringent equipment maintenance/condition requirement, and assurance that the corrective action as mandated in VM 35 is taken? "Unfortunate" blocked crossing incidents strand thousands of Metra commuters on trains for extended periods; cause those stopped in traffic gridlock to miss important occasions; or, make them hours late for pick-up of their children in day care. While it was fortunate that no life-threatening emergencies occurred on October 15 during that Barrington blockage, these issues are of ongoing concern to local governments as we hear about them from our residents. We need CN to recognize this and react accordingly. ***We need the STB to assure that CN does what is expected and required of it in a timely manner.***

Thank you for your attention to our concerns. We hope to hear from you promptly regarding them.

Sincerely,



Karen Darch
TRAC Co-Chair & President, Barrington



Tom Weisner
TRAC Co-Chair & Mayor, Aurora

cc: Karen B. Philips
Jim Vena
Honorable Daniel R. Elliott III, STB
Honorable Laurence Walsh
Honorable James Moustis



BARRINGTON

October 18, 2010

Mr. Jim Vena
Senior Vice-President
Canadian National Railroad
17641 South Ashland Avenue
Homewood, Illinois 60430

Dear Mr. Vena,

Thank you very much for hosting the Mayors and Managers on a CN rail tour last Friday. It was very instructive to see the EJ&E line from Mundelein to Joliet. It was good of you and your fellow CN team members to update us on track changes to the EJ&E and to answer the questions posed to you on the trip.

I asked if CN planned to address the concern expressed by TRAC (The Regional Answer to CN) about the less than adequate signage at each at-grade crossing, which CN was to install pursuant to Voluntary Mitigation Condition #9. While I appreciate your response that each community could ask for and receive larger signage if desired, this misses the larger safety question that all crossings have adequately sized signage to give the public needed information as required by the STB.

While Barrington would, of course, ask for larger signs at each crossing, why shouldn't each community along the line – and every person, resident of such a community, or those just passing through, have the benefit of a prominently visible means to notify CN in case of an emergency or issue at such a crossing as was expressly ordered by the STB in approving CN's purchase of the EJ&E?

I appreciated your statement about the importance of safety to the CN organization. In that regard, CN's goals and those of TRAC are aligned, and I would hope that further progress would be made to assure safety – not only for railroad employees, but for the residents of the region impacted by CN freight trains travelling on the EJ&E many times daily.

As you are probably aware, at this point, our flawless trip on the EJ&E on Friday morning was not mirrored during Friday's rush hour when a long train on the line blocked numerous crossings through the Village of Barrington for nearly two hours. From approximately 4:20 – 6:00 p.m. on Friday afternoon, the train had "mechanical problems" and blocked all but one of the four crossings in the Village of Barrington, including the two most traveled roads. These two roads, U.S. Route 14 (Northwest Highway) and Illinois Route 59, carry approximately 60,000 cars per day. Needless to say, the resulting traffic jams on all roads in the Village Center backed up traffic to the next towns (Palatine on the east and south, and far north and west, as well.) This incident was almost the worst case scenario we have envisioned since the day CN announced its

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BARRINGTON, IL 60010
(847) 304-3400

PRESIDENT & BOARD
MANAGER'S OFFICE
TEL (847) 304-3444
FAX (847) 304-3490

COMMUNITY AND
FINANCIAL SERVICES
TEL (847) 304-3400
FAX (847) 381-7506

DEVELOPMENT SERVICES
TEL (847) 304-3460
FAX (847) 381-1056

PUBLIC WORKS
300 N. RAYMOND AVE.
BARRINGTON, IL 60010
TEL (847) 381-7903
FAX (847) 382-3030

PUBLIC SAFETY
400 N. NORTHWEST HWY.
BARRINGTON, IL 60010

POLICE
TEL (847) 304-3300
FAX (847) 381-2165

FIRE
TEL (847) 304-3600
FAX (847) 381-1889

intent to purchase the EJ&E in 2007. Fortunately, the absence of a critical call for EMS with life or death consequences, fire, or police assistance, or an accompanying hazmat spill kept this from becoming a disaster rather than "just" a major cause of traffic gridlock.

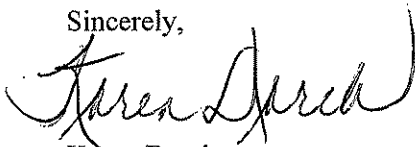
As you and the rest of the leadership at CN know, impacted communities, particularly through TRAC, have informed the STB and CN from day one that there are many serious implications for us as a result of CN's purchase and business plan for the EJ&E. As is also apparent from our appeal of the STB decision, we feel that those concerns have not been adequately addressed. On our train ride Friday, the incredible vulnerability of so many environmentally pristine areas was very obvious, and on Friday evening, the implications of the failure to adequately separate the "precision railroad" which can (and does) suffer from mechanical failures (hazmat spills and derailments) from the active communities it traverses became all the more clear.

The day before our train trip, the co-chairs of TRAC, joined by Will County leadership, sent a letter to the STB addressing four current concerns: (1) The STB's failure to thus far render a decision following its April hearings on CN's under-reporting of blocked crossings, (2) the failure of CN to meet the VM9 requirements on signage, (3) an issue raised by the Pinecrest Subdivision in Will County regarding track conditions, and (4) the recent complaint by Hoffman Estates regarding CN's failure to live up to the conditions of its mitigation agreement with that Village.

We hope that the open attitude which you expressed on the train ride will continue as you work with the STB on resolving the above issues, the issues of blocked crossing like the one on Friday in Barrington, the other issues we have raised over the last three years, and those that will certainly arise as you exponentially increase the traffic on a formerly lightly used rail line passing through our communities.

Thank you for your hospitality last Friday and for your attention to this letter.

Sincerely,



Karen Darch
Village President, Barrington
Co-Chairperson, TRAC

cc: Matthew Wallen, STB
Mayor Tom Weisner, TRAC Co-Chairperson



www.cn.ca

Southern region

Jim Vena
Senior Vice-President

17641 South Ashland Avenue
Homewood, Illinois
60430
T 708-332-4550
F 708-332-6839

November 5, 2010

Ms. Karen Darch
Village President, Barrington
200 S. Hough Street
Barrington, IL 60010

Dear Ms. Darch:

Thank you for your letter of October 18, 2010 addressing various issues related to CN's integration of the Elgin, Joliet and Eastern Railway Company. We're pleased that you found our October 15th train trip to be informative. We enjoyed hosting you and the leaders of the other communities along the EJ&E to discuss our ongoing infrastructure improvements and our commitment to safety.

With respect to your comments regarding the emergency notification signs that we erected at the EJ&E's grade crossings, this will confirm my commitment to you that we will place additional emergency notification signs at grade crossings located within Barrington at our expense. This offer is made notwithstanding our firm belief that the existing signs are in full compliance with both applicable law and the STB's mitigation condition to provide emergency contact information to motorists on the tracks. Nonetheless, once Barrington provides a design for the additional signage it is requesting, and we confirm that the placement of the signs does not concern Federal or State regulators, we will, at our expense, erect and maintain those signs at grade crossings within Barrington. This will further confirm that I am extending this same offer to the other EJ&E communities should they also request such supplemental signage.

Your letter also raised concerns about the mechanical breakdown experienced by one of our trains during the afternoon of October 15, 2010. As you may be aware, we have determined that the coupling between two train cars broke, and the replacement of the broken equipment took some time to complete. Obviously, such incidents are unfortunate, and while the entire railroad industry still occasionally experiences these issues, we continually work to minimize them through compliance with equipment maintenance and inspection standards. In this instance, we also took immediate steps to communicate with your police department about the extended grade crossing blockages so they could plan appropriate adjustments in emergency response activity.

If you have further concerns regarding these issues, please let me know.

Very truly yours,

Jim Vena

Report on Grade Crossing Blockages – Barrington, IL
(Friday, October 15, 2010)

At approximately 4:05 PM (16:05 hours) on October 15, 2010, a CN train (M34791-11) came to a stop after experiencing an undesired and non-crew induced emergency application of the train's emergency brakes. The train consist included three locomotives (NS 7141, NS 8953, and NS 8759); 91 loaded cars; and 41 empties. The train length was 7607 feet and total train weight was 12809 tons. At the time of the emergency brake application the train was being operated in accordance with applicable Centralized Traffic Control (CTC) operating rules at 42 mph, below the maximum time table speed of 45 mph. Prior to the emergency application of the brakes the train engineer had reduced the train speed from 42 mph to 24 mph in preparation for a 25 mph temporary speed restriction over the Union Pacific Railroad Company (UP) crossing located approximately 3500 feet south of the point where the train came to a stop. As the train engineer reduced the train speed the throttle was reduced to idle and the train braking system was used with a minimal brake pipe reduction. Once the train had slowed the train brakes were released and the locomotive throttle was exercised to the throttle two position and the locomotives were loading a minimal 300 amps. As the train's slack was being stretched the train separated 61 cars back from the locomotive, as determined by the conductor's walking inspection.

Once the train came to a complete stop, and it was determined that the train's air braking system had lost continuity with the electronic device at the rear of the train, the conductor began a walking inspection of the train, with some corrective tools in hand. At approximately 4:45 pm (1645 hours) the conductor arrived at the separation in the train, some 3965 feet behind the lead locomotive. He noted that car KMOX 71028 had a broken knuckle, the device that holds railroad cars together. He advised the train engineer to throw a new knuckle off the locomotive and the move south so the conductor could bring the rear car of the head end up to the knuckle where he would place it on the cross walk of the rear car to be transported back to the disabled car. The movement began to move south at 4:47 pm (1647 hours) and it took approximately 5 minutes to pull the 60 cars down to the knuckle. The conductor stopped the movement, placed the knuckle on the rear cross walk and at 4:56 pm (1656 hours) the train began to move back north, stopping at 5:00:15 (1700.25 hours).

The conductor then began to remove the defective knuckle but, due to the configuration of the shelf coupler, he could not remove the cotter key which is at the bottom of the knuckle pin. After many attempts he was finally able to remove the cotter key, the knuckle pin and the knuckle itself. By this time the territory trainmaster had arrived on the scene and was able to assist the conductor in installing the new knuckle, which weighs approximately 100 pounds. This was accomplished at approximately 5:30 (1730 hours). The conductor then had to walk back to the head end and the train began to leave town at 5:45:15 (1745.25 hours).

In conclusion, I think the crew performed efficiently and safely when faced with the challenging tasks to rectify the mechanical failure to the knuckle, which had a 30 percent old break and also had casting flaws. The CN could have done a better job of communicating with Barrington on the progress of getting the train back on the move. Had a better communication link been established, Barrington Police could have closed

Report on Grade Crossing Blockages – Barrington, IL
(Friday, October 15, 2010)

US Route 14 (US 14) and rerouted traffic around the disabled train. As it turned out IL 14 was closed for over 90 minutes, along with Lake Zurich Road. Additionally, IL Route 59 (IL 59) was closed for a short time when the train pulled south to facilitate replacement of the knuckle.

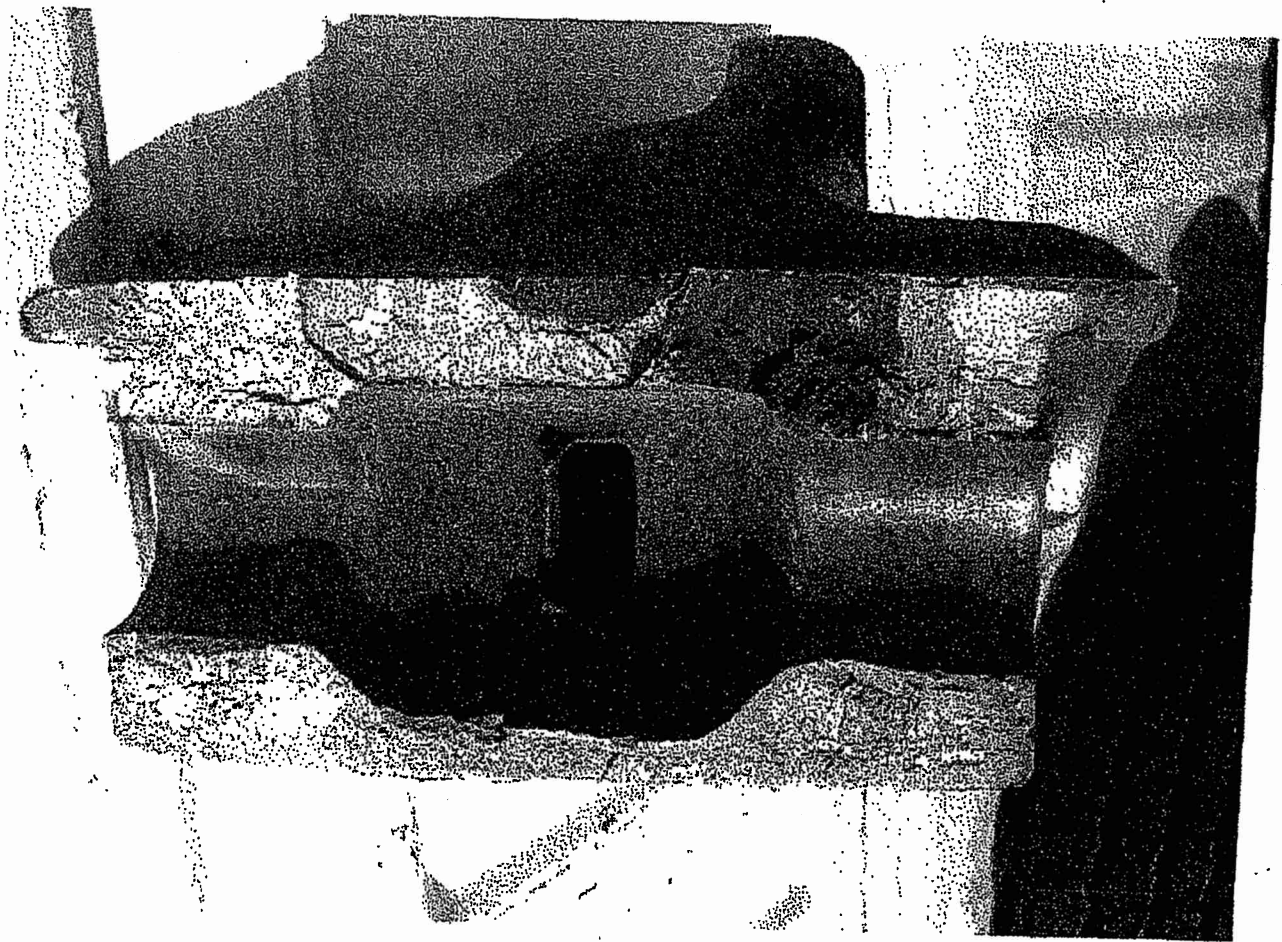
It should also be noted that UP Commuter trains were delayed, as the stopped freight train was in the approach circuit to the Barrington interlocking preventing the commuter trains from getting clear signals through Barrington. This had a trickledown effect causing some substantial delays to railroad commuters.

No regulations or operating rules were violated and the crew performed as desired. However, a couple suggestions for handling similar situations that may occur in the future are noted below:

- 1) The rear of the train could have been pulled back as the Spaulding/Waukegan local was behind the disabled train. This would have created enough room to release traffic on US 14.
- 2) Given the time of the day, rush hour, the head end of the train could have been taken to the nearest siding location (in this instance, Sutton Siding) and the repairs to the disabled car made with the light engines.
- 3) When the train was pulled south to pick up the replacement knuckle, a few more car lengths would have cleared US 14, thereby allowing some of the traffic to move.
- 4) The 25 mph temporary speed restriction, which caused the train to slow, should be remediated so trains can maintain a constant speed through the area, eliminating the train dynamics associated with slowing and accelerating heavy trains.
- 5) Additionally, dynamic braking should be instituted in some areas, although in this instance the use of dynamic brakes would not have produced a different outcome.

Dennis S. Mogan
Railroad Safety Specialist III-Operating Practices
Illinois Commerce Commission
29 N. Liberty Drive
South Barrington, IL 60010
[REDACTED]
[REDACTED]

Dated: 10/19/10



FW: FW: Train Issue Barrington 10-15-10

Dennis Mogan

Sent: Wednesday, October 20, 2010 7:34 AM

To: [REDACTED]

Attachments: FACTUAL REPORT ON GRADE C~1.docx (13 KB)

Mike:

Please edit the factual report as you see fit. Then we need to share the report with Mike Long, CN Superintendent Noland and Barrington, Chief of police.

Dennis S. Mogan
Railroad Specialist III
Federal Inspector
Illinois Commerce Commission
29 Liberty Dr.
South Barrington, IL 60010

From: [REDACTED]
Sent: Tuesday, October 19, 2010 8:27 AM
To: Dennis Mogan
Subject: Re: FW: Train Issue Barrington 10-15-10

1) Train symbol
M34791-11

2) Locomotives
NS 7141-8953-8759

3) Crew Names, phone numbers and addresses
Eng--- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Cond--- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

4) Train Consist: Loads, Empties, tons and length
92 loads, 41 empty's, 12809 tons, 7607'

5) Exact location where head end of train stopped
MP 50.1

6) Was train in emergency? if yes cause of emergency application
There was an emergency application due to a broken knuckle with 30% old break and casting flaws.

7) What time was the train stopped.
1610

8) What time was the train on the move.
1750

9) What remedial actions were taken by the crew to get the train moving.
Knuckle was 61 deep in train. Crew set off knuckle from locomotive pulled ahead and shoved back after picking up knuckle. The area in question was remote with no vehicle access to assist. Division Trainmaster and a Local Assignment in area assisted in the knuckle change.

10) Were Barrington Authorities kept apprised of the situation so they could better control traffic?
They were notified by the CN Police dispatch center at 1618.

11) In hind site could things have been handled in a different manner such as taking the head end of the train to Sutton Siding?
Yes that solution was possible.

Also added the timeline for the crossings being blocked below:

First Instance when train got knuckle

Lake Zurich Rd 1607-1655 48"
Route 14 1608-1702 54"

Second instance when knuckle was replaced

Lake Zurich Rd 1709-1804 54"
Route 14 1706-1805 58"

In second instance after together ran 2 Metra's at Barrington before given permission to depart.

William Noland
GST Chicago
[Redacted]

From: Dennis Mogan [Redacted]
To: [Redacted]
Date: 10/19/2010 07:10 AM
Subject: FW: Train Issue Barrington 10-15-10

Will:

I will be in the homewood area around 1100 am today. Can you have your staff gather the information I have requested in response to the train incident in Barrington on Friday 10-15-10. The train apparently had a

mechanical
issue and blocked several critical roadways for over two hours.

Dennis S. Mogan
Railroad Specialist III
Federal Inspector
Illinois Commerce Commission
29 Liberty Dr.
South Barrington, IL 60010
[REDACTED]

From: [REDACTED]
Sent: Monday, October 18, 2010 11:37 AM
To: Dennis Mogan; [REDACTED]
Cc: Dennis Van Horn; [REDACTED]
Subject: Re: Train Issue Barrington 10-15-10

Dennis,

Will Noland is the Supt for the Chicago area and has all of the EJE operations.

Will - Can you please provide the details to Dennis.

Thanks.

Bruce Bierman

From: Dennis Mogan [REDACTED]
To: [REDACTED]
Cc: [REDACTED] Dennis Van Horn [REDACTED]
Date: 10/18/2010 11:10 AM
Subject: Train Issue Barrington 10-15-10

Bruce:

Hard to keep up with the changes at the CN, but I think you are still the Superintendent on the north end of the "J".

If so can you provide me with all the information you have on the operations of the train which stopped in Barrington on Friday 10-15-10 at approximately 4:15 pm. While I have no issues with the CN, we feel we will be getting inquires about the incident as the traffic was snarled for most of the pm rush hour and commuter operations on the UP Northwest line were impacted as the stopped train was in the approach circuit of the Barrington Interlocking, causing restrictive signal issues. The stopped train also blocked Route 14, Lake Zurich

Road and Cuba road, three critical traffic movers.

- 1) Train symbol
- 2) Locomotives
- 3) Crew Names, phone numbers and addresses
- 4 Train Consist: Loads, Empties, tons and length
- 5 Exact location where head end of train stopped
- 6) Was train in emergency? if yes cause of emergency application
- 7 What time was the train stopped
- 8) What time was the train on the move
- 9) What remedial actions were taken by the crew to get the train moving
- 10) Were Barrington Authorities kept apprised of the situation so they could better control traffic?
- 11) In hind site could things have been handled in a different manner such as taking the head end of the train to Sutton Siding?

I may also want to be provided with the event recorder data in a tabular format from just prior to the emergency application of the train brakes until the train was finally on the move.

If you are not in charge, advise who is and forward this request to their attention.

Dennis S. Mogan
Railroad Specialist III
Federal Inspector
Illinois Commerce Commission
29 Liberty Dr.
South Barrington, IL 60010

Exhibit 4

Crossing Sign Example

Example of a suitable sign (size and placement)
needing only the addition of the unique grade crossing identification number

