CITY OF JOLIET
CITY CLERK'S OFFICE
150 W. JEFFERSON STREET
JOLIET, IL 60432
PH. 815/724-3780 FAX 815/724-3785
E-MAIL: cityclerk@jolietcity.org

Date: 10/29/10
Legal
due: 11/8/10

FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NAME	BUSINESS	
Steve Matrisch	Illinois Commerce Commission	
ADDRESS		
527 East Capitol Avenue		
CITY	**STATE**	**ZIP CODE**
Springfield	IL	62701
PHONE NUMBER	**FAX NUMBER**	
217-782-6447	N/A	
E-MAIL ADDRESS		
smatrisc@icc.illinois.gov		

FOR POLICE OR FIRE REPORTS:

REPORT NUMBER	INCIDENT DATE & LOCATION
PERSONS INVOLVED (INCLUDE DATE OF BIRTH IF KNOWN)	

FOR ALL OTHER RECORDS:

Copies of any and all voluntary mitigation agreements entered into between the City of Joliet and the Canadian National Railway Company ("CN") or Elgin, Joliet and Eastern Railway Company ("EJ & E") relating to the acquisition of the EJ & E by CN and increased train volumes affecting the City.

FEE SCHEDULE:	
$0.15 per page after first 50 pages (Black & White) **$0.15 per page for color copies** **$1.00 per Plat page** **$1.00 per Audio CD/Photo DVD** **$5.00 per Accident Report**	**FOIA requests are processed within five BUSINESS days after receipt. You will be notified when your request is complete.**

RESOLUTION NO. 6161

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE CANADIAN NATIONAL RAILWAY

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby approve the attached summary of a Memorandum of Agreement with the Canadian National Railway in connection with their proposed purchase of the E.J.& E. Railway. The Corporation Counsel is authorized to prepare a Memorandum of Agreement setting forth the substantive terms contained in the attached summary. The City Manager is authorized to execute the Memorandum of Agreement on behalf of the City of Joliet. The City Manager is authorized to take such action as may be required to comply with the terms of the Memorandum of Agreement.

SECTION 2: This Resolution shall take effect upon its passage.

PASSED this 18th day of August, 2008.

MAYOR

CITY CLERK

VOTING YES: MAYOR SCHULTZ and COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK and UREMOVIC.

VOTING NO: NONE.

NOT VOTING: COUNCILMAN DORRIS (Absent)

SUMMARY OF MEMORANDUM OF AGREEMENT

This summary sets out certain commitments CN is prepared to make to address issues in the City of Joliet related to changes in train traffic anticipated as a result of the CN/EJ&EW Transaction, should that transaction be authorized by the Surface Transportation Board (STB) (STB Finance Docket No. 35087), and the corresponding agreement by the City of Joliet that these commitments by CN resolve any outstanding concerns the City of Joliet has related to the CN/EJ&EW Transaction. The specific terms of the agreement between CN and the City of Joliet (Memorandum of Agreement) are summarized below, and contained in the attached exhibits and will be effective upon the execution of a Memorandum of Agreement executed by duly authorized representatives of the City and CN.

I Quiet Zones

A. CN will fund and install at CN's sole cost constant warning time circuitry at five locations on the CN line at an estimated cost of $300,000. (See Exhibit 5)

B. CN will fund 100 percent of the cost of median barriers at two locations, at a cost of $400,000, amount to be reimbursed to the City of Joliet for installation. (See Exhibit 4)

C. CN will provide $200,000 toward quiet zone upgrades in progress now at two locations on the River Line.

II Operations

A. CN will construct a "run around" route through the rail yard at Joliet to expedite train movements through the City of Joliet.

B. CN will assume responsibility to maintain a box culvert in the East Joliet Rail Yard.

C. CN will install curve lubricators at Charlesworth Avenue and Milepost 1.5 on the EJ&EW line. (See Exhibit 7)

D. CN will fund crossing rehabilitation at Division Street and Rowell Avenue North at an estimated cost of $225,000. (See Exhibit 9)

III Training

CN will provide training for emergency responders. (See Exhibit 12)

IV Communications

CN will fund a specific emergency protocol with the City of Joliet in an amount not to exceed $50,000, assuming hardware and communications equipment are jointly deemed appropriate.

V Other

A. CN will donate surplus equipment to the City of Joliet for display/recreation. Joliet will be responsible for costs to move and position.

B. CN will work with the City of Joliet to establish an inventory of sites suitable for potential economic development.

C. CN will demolish any unused buildings in the East Joliet Yard within a three-year period.

D. CN will convey easements at no charge for utility maintenance and improvements at grade crossings in six locations. Specific locations will be identified in an exhibit.

VI Conditions for CN's Obligation under the Memorandum of Agreement

The commitments of CN set forth in the Memorandum of Agreement are conditioned upon the following:

A. STB approval of the application by CN to acquire control of the EJ&E West company, provided that such approval does not include the imposition upon CN of any condition for mitigation in the City of Joliet that is materially inconsistent with, in lieu of, or supplemental to the commitments of this Memorandum of Agreement (including but not limited to an imposed condition requiring further study and evaluation of impacts and mitigation options for the City of Joliet); and

B. Acquisition by CN of control of the EJ&EW, pursuant to STB authorization.

C. Agreement by the City of Joliet to these terms within 45 days. If there is no agreement by that date, this proposal will terminate.

D. Upon approval of this agreement and final approval of the acquisition, CN will fulfill its commitments contained in this agreement within a three-year period.

E. CN will request the STB to incorporate the terms set forth herein as conditions to the approval of its application.

MEMORANDUM OF AGREEMENT

This ***MEMORANDUM OF AGREEMENT*** ("Memorandum") is made and entered into this 24th day of August, 2008, by and between the ***CITY OF JOLIET***, an Illinois municipal corporation ("Joliet") and Grand Trunk Corporation, a wholly owned U.S. subsidiary and owner of the U.S. rail operating subsidiaries of Canadian National Railway Company (collectively, "CN"), and co-applicant in the filing before the STB. This Memorandum sets out certain commitments CN is prepared to make to address issues in Joliet related to changes in train traffic anticipated as a result of the CN/EJ&EW Transaction, should that transaction be authorized by the Surface Transportation Board (STB) (STB Finance Docket No. 35087), and the corresponding agreement by Joliet that these commitments by CN resolve any outstanding concerns Joliet has related to the CN/EJ&EW Transaction. The specific terms of this Memorandum between CN and Joliet are summarized below, and contained in the attached exhibits and will be effective upon the execution of this Memorandum by duly authorized representatives of Joliet and CN.

I Quiet Zones

A. CN will fund and install at CN's sole cost constant warning time circuitry at five locations on the EJE line at an estimated cost of $300,000. (See Exhibit 5)

B. CN will fund 100 percent of the cost of median barriers at two locations, Woodruff and Renwick, at a cost of $400,000, amount to be reimbursed to Joliet, or its nominee, for installation. (See Exhibit 4)

C. CN will provide $200,000 toward quiet zone upgrades in progress now at two locations on the EJE River Line.

D. CN will fund additional mitigation items required to maintain the Quiet Zone should the retention of the designation be jeopardized by additional train volumes.

II Operations

A. CN will mitigate increased vehicle delay at Woodruff Road and Washington Street by constructing a "run around" route through the rail yard at Joliet to expedite train movements through Joliet, or such other means of mitigation acceptable to Joliet and CN that delivers a like or higher level of mitigation.

B. CN will assume responsibility to maintain the Spring Creek box culvert through the EJE Rail Yard.

C. CN will install curve lubricators at Charlesworth Avenue and Milepost 1.5 (south of Washington Street) on the EJ&EW line. (See Exhibit 7)

D. CN will fund crossing rehabilitation at Division Street and Rowell Avenue North at an estimated cost of $225,000. (See Exhibit 9)

III Training

CN will provide training at no cost to Joliet for their emergency responders. CN will complete a training plan in conjunction with the Police Chief and the Fire Chief within 3 months after acquisition. All training will be completed within a 3-year span. This does

not preclude additional training in subsequent years beyond for new employees and as refresher. (See Exhibit 12)

IV Communications

CN will fund a specific emergency protocol with Joliet in an amount not to exceed $50,000, assuming hardware and communications equipment are jointly deemed appropriate. Joliet agrees to assist in the design and testing.

V Other

A. CN will donate up to three pieces of railroad equipment, EJE livery, if possible, to Joliet for display/recreation. Joliet will be responsible for costs to move and position.

B. CN will work with Joliet to establish an inventory of sites suitable for potential economic development.

C. CN will demolish any unused buildings in the East Joliet Yard where demolition is permitted by historic preservation laws within a three-year period.

D. CN will convey easements at no charge for utility maintenance and improvements at grade crossings in six locations. Specific locations are referenced in the letter of Joliet of June 27, 2008, as attached in Exhibit 13. At a later date, CN shall convey an additional similar easement adjacent to the Cass Street overpass. Additionally, any existing utility lines which have unrecorded easements shall be grandfathered and properly documented at the time they are discovered. Any new construction or replacement of existing lines shall be constructed in accordance with AREMA specifications.

E. Existing drainage tiles which additionally accepts flows from railroad property or protects railroad property from overland flooding shall be the railroad's responsibility to maintain on their property.

F. CN will allocate $20,000 toward landscaping improvements at the East Joliet yard facility. The plan will be developed in conjunction with Joliet.

VI Conditions for CN's Obligation under the Memorandum of Agreement

The commitments of CN set forth in this Memorandum are conditioned upon the following:

A. STB approval of the application by CN to acquire control of the EJ&E West company, provided that such approval does not include the imposition upon CN of any condition for mitigation in Joliet that is materially inconsistent with, in lieu of, or supplemental to the commitments of this Memorandum (including but not limited to an imposed condition requiring further study and evaluation of impacts and mitigation options for Joliet); and

B. Acquisition by CN of control of the EJ&EW, pursuant to STB authorization.

C. Upon execution of this Memorandum and final approval of the acquisition, CN will fulfill its commitments contained in this agreement within a three-year period after acquisition of control.

D. Joliet agrees that it shall not make further submissions in the proceeding without CN's prior review and approval except in support of this agreement and prompt STB approval of the Transaction.

VII Sole Remedy

It is the intent of the parties to this Memorandum that the STB adopt the mitigation provided for in the agreement and order it as part of its FEIS in lieu of any additional or inconsistent mitigation that the STB might otherwise impose. The STB's Section of Environmental Analysis (SEA) has asked that CN provide copies of any formalized agreements between CN and affected communities, and the parties agree that CN shall provide a copy of this Memorandum to SEA upon execution.

CN

SVP Southern Region
Title

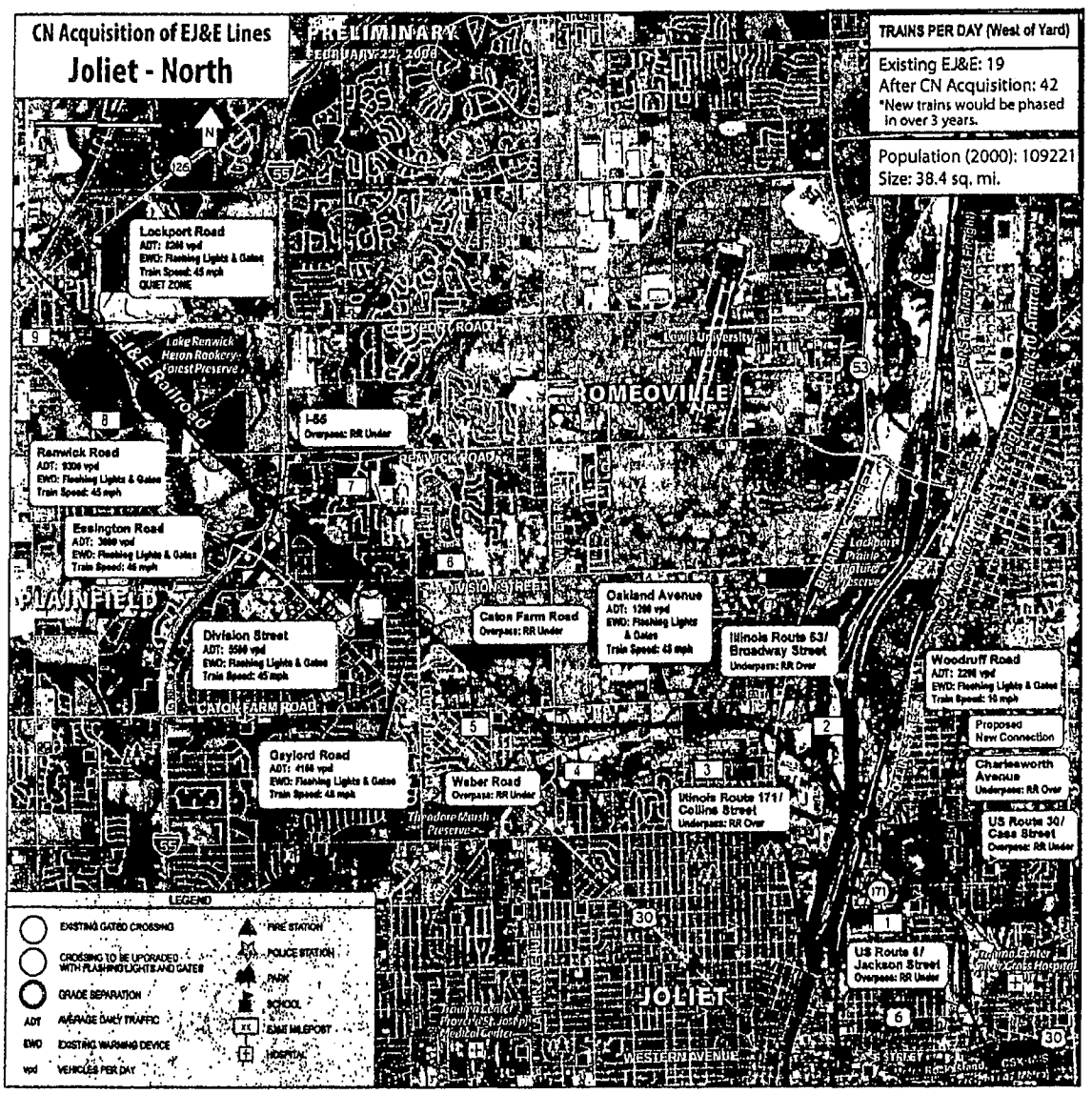
Date: 24 August 2008

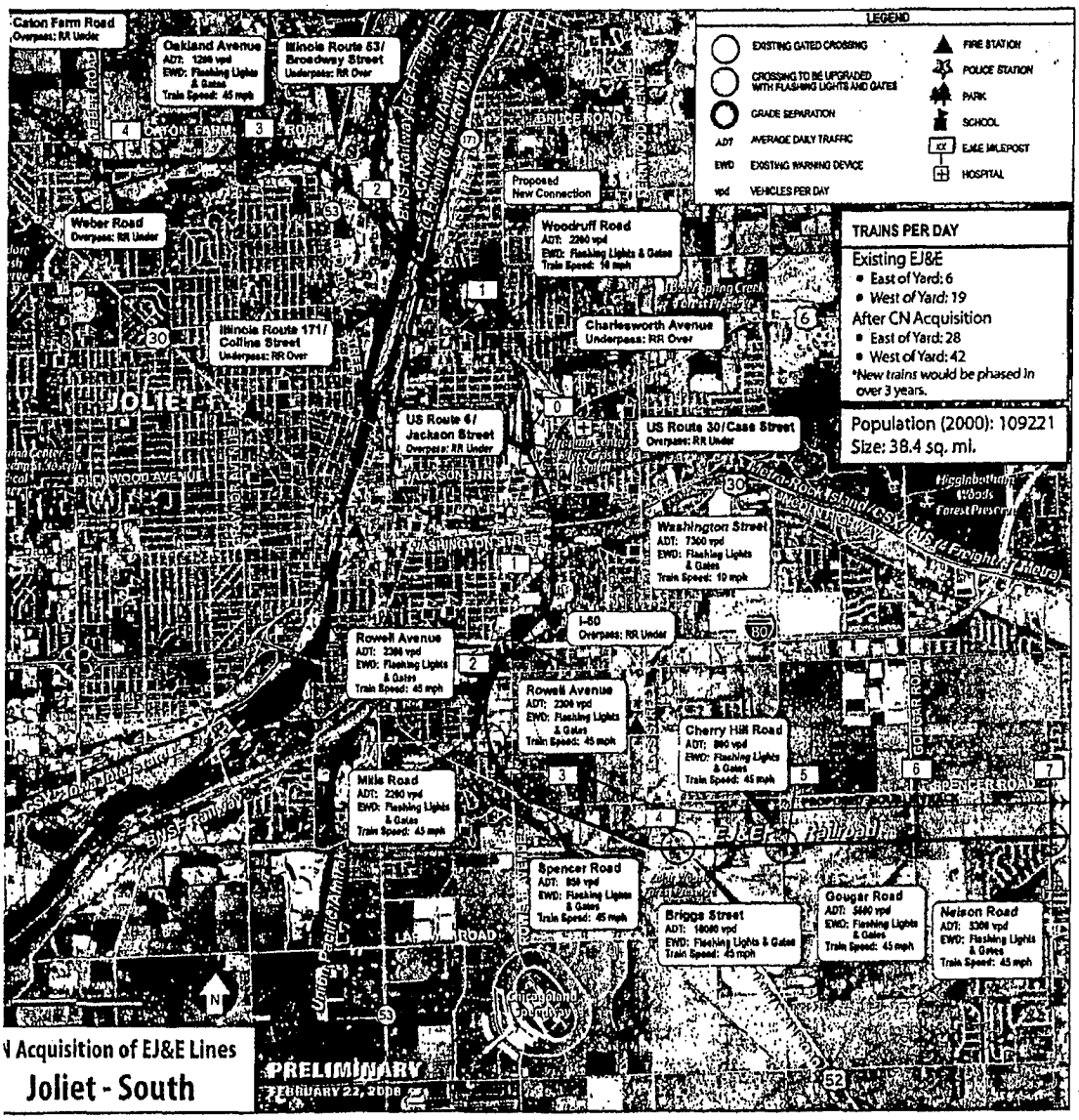
Agreed to:

City of Joliet

By: _____
Mayor

Date: 8-25-08

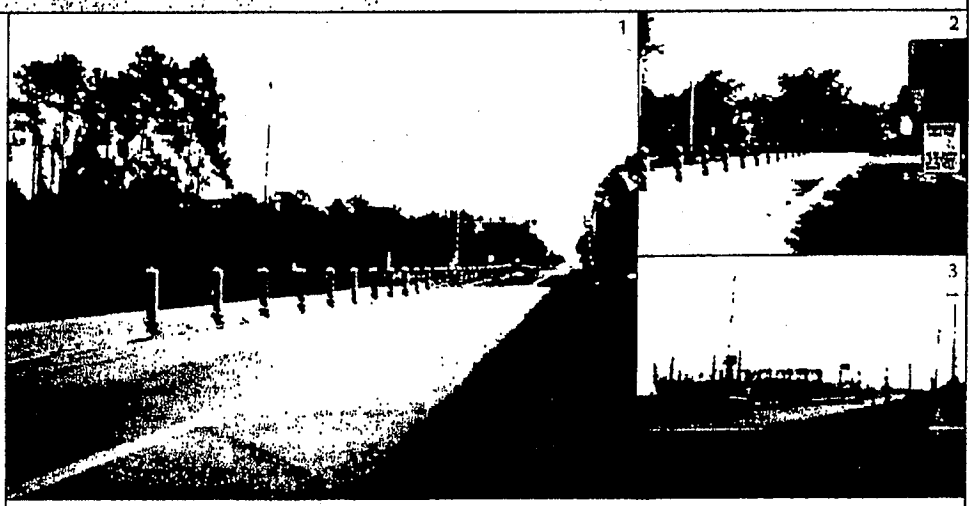

CN Acquisition of EJ&E Lines
Joliet - North
PRELIMINARY
FEBRUARY 22, 2008
TRAINS PER DAY (West of Yard)
Existing EJ&E: 19
After CN Acquisition: 42
*New trains would be phased in over 3 years.
Population (2000): 109221
Size: 38.4 sq. mi.
Lockport Road
ADT: 8200 vpd
EWD: Flashing Lights & Gates
Train Speed: 45 mph
QUIET ZONE
Lake Renwick Heron Rookery Forest Preserve
EJ&E Railroad
ROMEOVILLE
I-55
Overpass: RR Under
Renwick Road
ADT: 9300 vpd
EWD: Flashing Lights & Gates
Train Speed: 45 mph
Essington Road
ADT: 3600 vpd
EWD: Flashing Lights & Gates
Train Speed: 45 mph
PLAINFIELD
Division Street
ADT: 5500 vpd
EWD: Flashing Lights & Gates
Train Speed: 45 mph
CATON FARM ROAD
Caton Farm Road
Overpass: RR Under
Oakland Avenue
ADT: 1200 vpd
EWD: Flashing Lights & Gates
Train Speed: 45 mph
Illinois Route 53/ Broadway Street
Underpass: RR Over
Woodruff Road
ADT: 2200 vpd
EWD: Flashing Lights & Gates
Train Speed: 10 mph
Proposed New Connection
Charlesworth Avenue
Underpass: RR Over
US Route 30/ Cass Street
Overpass: RR Under
Gaylord Road
ADT: 4100 vpd
EWD: Flashing Lights & Gates
Train Speed: 45 mph
Weber Road
Overpass: RR Under
Theodore Marsh Preserve
Illinois Route 171/ Collins Street
Underpass: RR Over
US Route 6/ Jackson Street
Overpass: RR Under
JOLIET
WESTERN AVENUE
LEGEND
EXISTING GATED CROSSING
CROSSING TO BE UPGRADED WITH FLASHING LIGHTS AND GATES
GRADE SEPARATION
ADT AVERAGE DAILY TRAFFIC
EWD EXISTING WARNING DEVICE
vpd VEHICLES PER DAY
FIRE STATION
POLICE STATION
PARK
SCHOOL
EJ&E MILEPOST
HOSPITAL



N Acquisition of EJ&E Lines

Joliet - South

Median Barrier



1,2: Photos courtesy of Qwick Kurb
3: Photo by Parsons

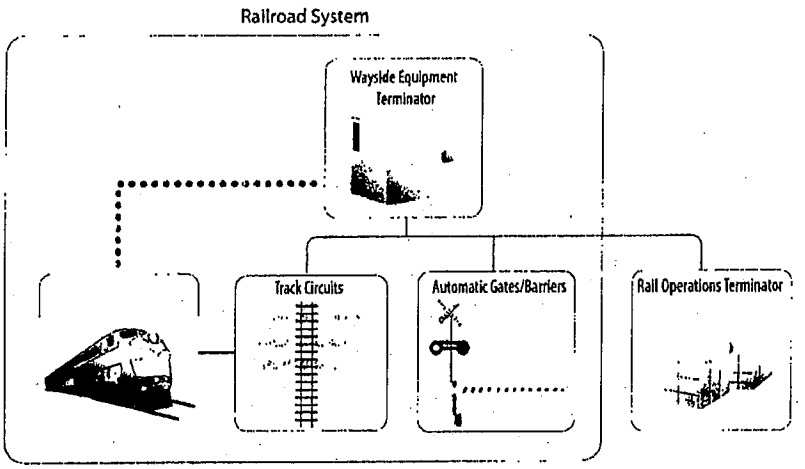
Median Barriers are designed to promote safe crossings at at-grade railroad crossings. The barrier discourages vehicles from crossing into the oncoming lane to circumnavigate a gate that is already down. A Federal Railroad Administration study shows that median barriers reduce motorist drive-arounds by more than 75 percent.

The installation can either be a non-mountable raised median (3) or a raised mountable separator along with formidable markers mounted on flexible posts on top of the separator (1,2). The raised mountable separator deters drivers from crossing the midline. The markers make the barrier very visible and help add to the barrier effect.

The City of Joliet will be responsible for the construction and maintenance of a median barrier along Woodruff Road at the EJ&E crossing.

CN will be responsible for construction costs up to $200,000.

Constant Warning Time Circuitry



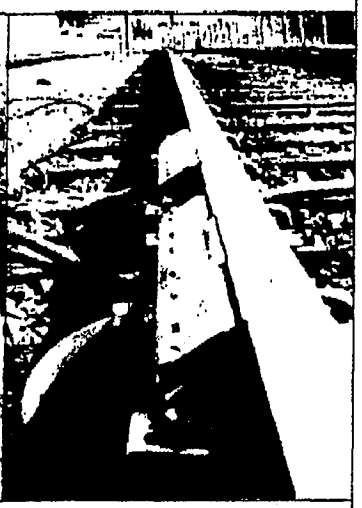
Constant Warning Time Circuitry is used to monitor the speeds of approaching trains so as to lower the crossing gates at the appropriate time. Traditional gate systems have a contact on the tracks upstream of the crossing. When the train crosses the contact, the gates go down. If the train is moving at a high speed, the gates come down just before the train crosses. If the train is moving at a low speed, the gates come down long before the train actually passes. Both situations can cause dangerous situations. When the latter occurs, drivers are more likely to become impatient and drive around the gates.

The constant warning system uses a number of track sensors or video detection to determine the speed of the train. The speed and distance are relayed back and the system determines the optimal time for the gates to come down. This improved timing promotes safer conditions for the driving public.

CN will install constant warning time circuitry at the EJ&E grade crossings at Woodruff Road, Rowell Avenue (north), Rowell Avenue (South), Spencer Road, and Briggs Street, CN will be responsible for construction and maintenance.

The estimated cost of these improvement is $300,000.

Curve Noise Reduction



Photos Courtesy of Portec Rail Products, Inc.

Curve noise reduction systems are used to reduce friction on curved sections of track. When a railcar's solid axle goes around a curve, the outside wheel actually has to cover a greater distance than the inside wheel. Because the axles are solid, the outside wheel cannot spin faster than the inside, thus it drags slightly along the rail around the curve. This additional friction can cause loud squealing noises.

A curve noise reduction system works by applying material to the sides and top of the rail. As a train approaches a curve, the system senses the approaching train. As the train passes the first applicator (pictured in the inset above), a friction modifier is applied to the top of the rails. As the train passes the second applicator, a lubricant is applied to the side of the rail. The wheels of the train carry the lubricant into the curve so friction and noise are reduced. The system consists of the pump housings and the rail applicators.

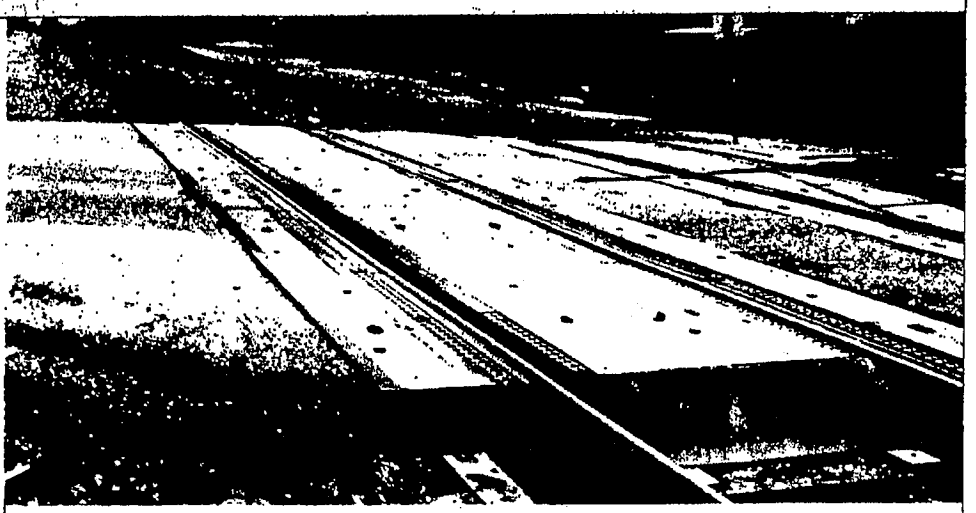
Benefits:

- Minimizes derailment potential
- Abates noise
- Lower magnitude of ground-born vibration
- Reduces fuel consumption

Curve noise reduction systems will be installed at two locations within the City of Joliet. CN will be responsible for installation and maintenance.

Installation estimated to cost $40,000.

Crossing Rehabilitation



Railroad crossing rehabilitation includes installing panels between the rails to allow for smoother crossing. This also allows for quieter crossing.

Benefits include:

- Smoother ride over the track crossing
- Durability
  - Built of high-strength materials
  - Able to withstand heavy vehicles
- Safety
  - Non-skid surface matches existing roads
- Quick and easy installation

CN will replace the EJ&E grade crossing surfaces at Division Street and Rowell Avenue (North).

The estimated cost of these improvements is $225,000.

COUNCIL MEMO NO. 985 – '08

OFFICE OF THE CITY MANAGER
THOMAS A. THANAS
CITY MANAGER
PHONE: 815/724-3720
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tthanas@jolietcity.org

CITY OF JOLIET

150 WEST JEFFERSON STREET
JOLIET, ILLINOIS, 60432-4158

August 15, 2008

TO: MAYOR AND CITY COUNCIL

FROM: THOMAS A. THANAS, CITY MANAGER

SUBJECT: A RESOLUTION AUTHORIZING A COMMITMENT AGREEMENT WITH THE CANADIAN NATIONAL RAILWAY CORPORATION

BACKGROUND:

In 1884, rails were laid for what would become the Elgin, Joliet and Eastern Railway Company (the EJ&E or the "J"). This railroad stretched from Waukegan to Gary Indiana, and was known as the Chicago outer belt line. In its heyday, the "J" interchanged with all the major railroads coming into Chicago and ran as many as 90 trains a day.

Because of its strategic location and its ability to by-pass Chicago, the "J" is an attractive property for the larger railroads that wish to move freight while minimizing delay. One such railroad is the Canadian National Railway Corporation (CN) which has petitioned the Surface Transportation Board (STB) of the U.S. Department of Transportation for permission to purchase the "J" for $300 million. Early in the federal review process, the City of Joliet registered as an official "Party of Record" (POR) which allows participation in the process before the STB. Also early in the review, the STB moved the purchase request from a "minor transaction" to a "major transaction" which required the board to conduct an Environmental Impact Statement (EIS). A draft of that EIS was released to the public on July 25, 2008. The report may be found on the STB's website at *http://www.stbfinancedocket35087.com/html/deis-report.html.*

The major issue that has risen regarding the sale of the "J" to CN is the projected traffic increases expected on the "J" line under CN operation. The STB expects that the number of trains per day will increase from 18.5 to 42.3 north of Joliet and from 6.4 to 28.3 east of Joliet. That increase with its associated delay in vehicular traffic and public safety concerns has caused several

municipalities and other governmental agencies to file formal objections with the STB.

There are six at-grade crossings on the "J" line that will be affected by additional CN train traffic. Those crossings are identified on a two-page attachment depicting the "J" line as it traverses the boundaries of Joliet. The two crossings that will have the most impact on the Joliet area are at Woodruff Road and Washington Street. The STB's preliminary EIS identifies both crossings as likely to experience a negative impact on vehicular traffic at busy crossings.

There are two other at-grade crossings on the "J's" River Line which crosses Caton Farm Road and Theodore Street in the Plainfield Twp. portion of the City of Joliet. That line will not see additional CN train traffic that is proposed to go on the main line, but the City Administration has included those two at-grade crossings in our negotiations with the CN's representatives.sd

Since our introduction to the STB and its process, the City Administration has focused on an effort to negotiate mutually acceptable solutions to our concerns with the additional train traffic. A review of prior STB rulings on other railroad sale transactions has shown that most transactions have been approved. Recent reports show that 250 out of 251 sale transactions have been approved by the STB. Several sources familiar with the STB approval process have encouraged the City Administration to negotiate a commitment agreement with CN with the goal of securing protections for vehicular and pedestrian safety, nearby residents, and emergency response teams. One such recommendation appears at page 24 of the preliminary EIS issued by the STB.

The City Administration's negotiations have resulted in the development of the attached CN commitment agreement with the City of Joliet. A summary of the provisions in the agreement and a dollar value associated with implementing improvements is as follows:

QUIET ZONES:

A. The railroad will buy and install constant warning time circuitry at five crossings for an estimated cost of $300,000. The three other crossings already have constant warning time circuitry in place.

B. The railroad will reimburse the City $200,000 for the installation of median barriers on Woodruff Road.

C. The railroad will reimburse the City $200,000 for upgrades under construction or planned at Theodore Street and Caton Farm Road on the lightly used River Line even though none of the additional train traffic is anticipated to use the River Line.

OPERATIONS:

A. The railroad will construct "run through" tracks within the "J" yard to increase yard efficiencies and lessen delays at the Woodruff Road and Washington Street crossings. The estimated construction cost is $5,000,000. This commitment from CN is critical to lessening the impact of additional train traffic by allowing CN trains not stopping in Joliet to move through Joliet at a higher speed.

B. The railroad will lessen flooding by maintaining the Spring Creek box culvert under the "J" yard. No cost estimate available.

C. The railroad will install curve lubricators at Charlesworth Avenue and I-80/Rowell Avenue to lessen train noise to surrounding neighborhoods. Installation is estimated at $40,000.

D. The railroad will rebuild Division St. and Rowell Avenue (north) crossings. This work is estimated at $225,000.

TRAINING:

The railroad will provide its highest level of hazmat training to the City's emergency responders. This will be done at no cost to the City and may require travel to specialized training facilities. The Joliet Fire Department will develop a response team for train related emergencies and will work cooperatively with CN emergency responders.

COMMUNICATIONS:

The railroad will fund a train monitoring system(s) for the police and fire dispatch centers to warn responders of potential "gate down" delays. Estimated cost is $50,000. The communications workers will be able to observe incoming trains on a monitor and will be able route emergency responders in a direction that will avoid delays at the at-grade crossings.

OTHER COMMITMENTS:

A. The railroad will donate rolling stock to the City to enhance the Splash Station display of railroad cars and equipment. No cost identified.

B. The railroad will work with Joliet to identify trackside properties which could be developed for industrial and commercial projects.

C. The railroad will demolish unsightly buildings on "J" property. No cost estimate.

D. The railroad will convey easements at no charge to Joliet for utility extensions or road expansions in six locations. No cost is associated. These easements are usually difficult to obtain and have a cost associated with them when the City is pursuing a road project at a railroad crossing.

The commitment agreement is conditioned by the approval of the sale by the STB; the City of Joliet accepting the terms within a 30-day period; that Joliet grant the railroad a 3 year implementation deadline from the sale date; that Joliet not object to the sale before the STB; and that Joliet send a copy of an executed agreement to the STB within 3 days of signing.

LEGISLATIVE AND LAND USE COMMITTEES:

The Legislative Committee reviewed the initial proposal for the sale of the "J" line to CN on December 19, 2007. No action was taken at that time. The Land Use Committee reviewed the sale at meetings held March 13, 2008, and July 30, 2008. At both meetings, representatives from CN were present to answer questions. At the July 30th meeting, the Land Use Committee reviewed the terms of the proposed commitment agreement with the CN and recommended its approval by a unanimous vote.

CONCLUSION:

The proposed commitment agreement addresses the concerns raised by the City Administration during meetings with CN officials. The measures in agreement will help mitigate the impacts from train traffic on both "J" rail lines. If the STB approves the CN request, this commitment agreement will be approved and made a condition of the sale by the STB. If the sale is denied, the "J" will run as normal and the CN's offer will be withdrawn.

RECOMMENDATION OF THE ADMINISTRATION:

The Administration recommends that the Mayor and City Council adopt the attached Resolution Authorizing the City Manager to execute the Commitment Agreement with the Canadian National Railway Corporation and forward copies to the Surface Transportation Board for inclusion as a condition of sale of the Elgin, Joliet and Eastern Railway.

Respectfully submitted,

Thomas A. Thanas

Thomas A. Thanas
City Manager

CONCURRENCE:

J. Haller / TAT

James M. Haller, Director
Community & Economic Development