



BARRINGTON

September 1, 2017

Mr. Ross Patronsky
Chicago Metropolitan Agency for Planning
233 South Wacker Drive, Suite 800
Chicago, Illinois 60606

Via Email

Dear Mr. Patronsky,

I want to thank you and the CMAQ Selection Committee for giving the public the ability to comment on the Congestion Mitigation and Air Quality Improvement (CMAQ) Program selection process for the federally-funded grants for surface transportation improvements designed to improve air quality and mitigate congestion. While Barrington was not selected for a grant in this round of CMAQ funding, we would like to make a few observations that might prove useful to CMAP in future application rounds.

As you know, Barrington has been attempting to secure funds (federal, state and private) since 2008 to build a grade separation at U.S. Highway 14 where it intersects with the CN rail line in the Village. This crossing has an ADT of over 30,000 vehicles and experiences between 98 and 120 hours of daily delay. This crossing has also been subject to discrepancies in rail operational reporting since CN purchased that line in 2009. We have been in communications with CMAP since 2015 about this matter, and have now taken it up with the Federal Railroad Administration, as we have – just by chance – discovered that CN's reporting of inaccurate operational data between 2009 and 2017 may have undermined our efforts to secure the necessary federal funding to build that grade separation. I have attached a copy of the FRA letter so you may share it with the CMAQ Selection Committee.

I bring this to your attention, because in doing the research to make our request of the FRA, we discovered that this particular crossing would place this location on CMAP's "top ten list" of most congested rail crossings in the CMAP region. As a result, we would like to suggest to the Committee that it clarify its rankings and evaluation criteria, so that the public understands why a worthwhile project such as ours received such low numerical rankings. An unschooled observer from the public or media might easily believe that many necessary projects are nothing more than boondoggle projects by looking at the rankings in the spreadsheets. We know you don't wish to give that impression.

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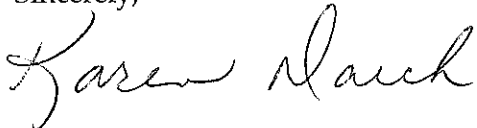
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I would also ask the Committee to consider an issue that seems a bit of a conundrum faced by all grade separation projects. Grade separations -- like the one in Barrington -- are expensive undertakings. As a result, it would seem that a measurement tool that ranks projects through a prism of the overall cost vs cost for each VOC eliminated would disadvantage costly but valuable congestion mitigation projects. If the Committee could examine that issue and develop some new evaluation criteria that takes that reality into account, that would be very valuable not only to Barrington but other applicants in the region seeking funds for grade separation projects.

Once again, thank you for this opportunity to comment on this year's selected CMAQ projects and program. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen Darch". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Karen Darch

cc: J. Szabo
T. Kotarac

BARRINGTON

August 16, 2017

Mr. Robert C. Lauby, P.E.

Associate Administrator for Railroad Safety & Chief Safety Officer

Federal Railroad Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

RE: CN and National Grade Crossing Inventory Reporting Inaccuracies

Dear Mr. Lauby:

I serve as the Mayor of Barrington, Illinois, and I am writing to ask that you review the failure by Canadian National Railway to update its Grade Crossing Inventory records to reflect accurately its post-2009 operations on the CN rail line running through my town and the potential adverse impact that failure has had.

While we know that the FRA uses this data to improve grade crossing safety across the United States, it is also used by transportation planners in Illinois and at the USDOT to assess applications for infrastructure grants meant to improve traffic flow through impacted regions. CN's failure to provide updated operational data not only diminishes its usefulness for FRA purposes, but may also have disadvantaged Barrington through the years as we sought to secure discretionary transportation funding for a grade separation project on U.S. Highway 14 (with an ADT of 30,000 vehicles) necessitated by CN's operation of approximately twenty 7,700-foot freight trains operating daily at an average speed of 28 mph.

By way of background, this issue initially came to my attention in February 2015, when the Chicago Metropolitan Agency for Planning (CMAP) announced its new interactive database of grade crossing delays. That database failed to accurately depict the actual operations of CN trains that travel across four Village grade crossings within a span of 5,918 feet in downtown Barrington. The database can be found here: <http://www.cmap.illinois.gov/mobility/explore#/topic/freight/crossing-delay>.

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As you will note in a cursory review of that database link, CMAP uses the data it receives from the Illinois Commerce Commission that is collected via the FRA Inventory to calculate crossing delays based on the number and speed of trains operating in its planning region. CMAP then ranks the crossings in a "Top 10" delays list. Despite the reality that the delays at the U.S. Highway 14 crossing in Barrington should have it included on that "Top Ten" list with delays of 116 to 122 hours daily -- it is not¹. In fact, that particular crossing should rank at 5th or 6th on the "Top Ten" list in the greater Chicagoland area, but is not included because CN did not provide to the FRA until January 13 of this year the partially accurate data as required by federal law since October 16, 2010 (detailed in USC Title 49, Subchapters 234.401 through 234.415.²)

Because CN had failed to provide accurate information about train volumes and speeds to the National Grade Crossing Inventory Reporting Program prior to January 2017, Barrington has likely suffered negative consequences. As mentioned previously, that data constitutes the basis for the CMAP inventory and subsequent delay calculations that drive regional planning decisions. Additionally, USDOT personnel have indicated to my staff recently that their personnel reviewing TIGER and FASTLANE grant applications use it to vet the accuracy of information provided by grant applicants. One must assume that Barrington's veracity has been judged questionable as agency grant reviewers use the erroneous Inventory data in assessing Barrington's repeated grade separation funding requests.

While CN is now reporting that it operates 17 trains through Barrington each day (a slight undercount), CN has failed to report that its trains are moving at speeds far slower than the stated 45 mph timetable speed. In a January 30, 2017 filing before the Surface Transportation Board, CN stated that it reduced allowable speeds to 30 mph at the Barrington Interlocking at some point prior to October 2015.

For a more accurate representation of CN operations on its rail line running through the four Barrington crossings, please see the chart below indicating train counts, train lengths, and train speeds compiled by Barrington in seeking CN-financed grade separation mitigation from the Surface Transportation Board during the oversight period following CN's acquisition of the rail line that circles Chicago.

¹ In 2015, Barrington requested that CMAP delete all four CN crossings from its interactive database until the records were correctly updated. See attached communications.

² History of Inventory data was based on a history search for crossing 260514W at <http://safetydata.fra.dot.gov/OfficeofSafety/PublicSite/Crossing/Crossing.aspx>

This data cannot be reconciled with the Inventory reporting data your agency received for the years between 2009 and 2016 from CN.

YEAR	AVERAGE NUMBER OF DAILY TRAINS	AVERAGE SPEED
2009	6.4 trains daily	Unknown
2010	8.5 trains daily	Unknown
2011	7.9 trains daily averaging 5,800 feet in length	32 mph in May 2011
2012	13.9 trains daily	Unknown
2013	16.5 trains daily	Unknown
2014	17.6 trains daily	Unknown
2015	19.6 trains daily averaging 7,700 feet in length	28 mph in October 2015
2016	18.1 trains daily averaging 7,800 feet in length	28 mph in March, April, May 2016

In 2010, Barrington was awarded a \$3.2 million TIGER planning grant to undertake the environmental review for a grade separation at U.S. Highway 14. Since that time, Barrington has filed another six TIGER grant applications and two FASTLANE applications in an effort to secure construction funding to leverage that initial 2010 investment in federal taxpayer dollars. We have not been successful in securing additional funds during the time period between October 16, 2010 and this year – coincidentally, the very time frame in which the railroad should have been reporting accurate data to the FRA and was not. We fear that our applications were prejudiced because the Inventory had been showing that only three daily freight trains traveled on CN's rail line.

Given the long-term and ongoing inaccuracies in the crossing data CN has provided to the National Grade Crossing Inventory Program when it comes to Barrington's crossings (in defiance of its statutory obligations) as well as the strong possibility that CN's reporting inaccuracies have caused actual harm to Barrington by undermining the Village's federal, state, and regional grade separation grant applications, I respectfully suggest that the FRA use whatever means at its disposal to rectify this situation and insure that CN fully live up to all its legal Inventory reporting requirements.

Barrington suspects that this lengthy period of inaccurate reporting constituted a willful failure on the part of CN, as the railroad did not begin to report accurate

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data until the same month that the STB's oversight for this transaction was ending. Barrington has repeatedly petitioned the STB since 2009 to grant grade separation relief at U.S. 14 largely paid for by CN. We would hate to think that CN may have attempted to downplay the necessity for such relief at USDOT by purposefully failing to update its operational data at the Barrington crossings. The FRA should consider emphasizing to CN that its reporting requirements cannot be ignored without consequences.

Thank you for your consideration of my request. Please do not hesitate to contact me if I can provide any further information, or assist you in evaluating Barrington's request for a review of and a complete response to this issue.

Sincerely,


Karen Darch

cc: Sen. Dick Durbin
Sen. Tammy Duckworth
Rep. Peter Roskam
Ronald L. Batory, Administrator nominee, FRA
Heath Hall, Acting Administrator, FRA
Ann Begeman, Acting Chairman, STB
Joe Szabo, CMAP



VILLAGE OF

a great place to live, work, and play

BARRINGTON

February 3, 2015

Ms. Jill Leary
Acting Director
Chicago Metropolitan Agency for Planning (CMAP)
233 South Wacker Drive, Suite 800
Chicago, Illinois 60606

Via Email

Dear Ms. Leary;

I wanted to bring to your attention a serious flaw with data detailed in the "Mobility" portal that CMAP launched on its website last week. I bring this to your attention for correction because I'd hate to see CMAP's vital regional planning efforts undermined by using flawed third-party data -- over which you have no control -- to support future transportation planning proposals.

As you can imagine, when I saw the Chicago Tribune article about this portal I was particularly interested in reviewing the grade crossing delay figures for the four EJ&E crossings in Barrington because we have been seeking redress for traffic gridlock created in the Village as a result of CN's purchase of the rail line in 2009. In fact, we currently have a mitigation petition pending before the Surface Transportation Board seeking that it order CN to pay the remaining \$50 million needed to build a roadway underpass at U.S. Highway 14 where it meets with the EJ&E rail line.

On October 15, 2010, the USDOT awarded Barrington a \$2.8 million TIGER II grant for the Phase I engineering/environmental review for a grade separation at the crossing and CMAP supported our request in the grant proposal package. That grant confirmed that U.S. Highway 14 has a significant regional impact. In addition to the \$2.8 million TIGER II planning grant for Phase I (the largest of the TIGER II planning grants awarded in that round), IDOT provided the local match of \$700,000. PHASE I was completed and IDOT approved the project design in September, 2014, so we are ready to move forward as soon as the additional funding is secured.

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The Mobility data we reviewed was for the four crossings at Lake Zurich Road, Northwest Highway (US 14), Hough Street (IL 59) in Lake County and Main Street (Lake Cook Rd) in Cook County. Unfortunately, the crossing delay figures for those four Barrington crossings are not even remotely in line with reality.

As a case in point, for U.S. Highway 14, the CMAP data notes that 132 vehicles were delayed at that crossing for an average of 1.77 minutes amounting to 2.14 total hours of daily aggregate delay. Those figures cannot be reconciled with IDOT's figure of a 29,000 ADT at that crossing and the substantial queuing on Northwest Highway that results from blockages caused by the 18 to 19 daily freight trains currently running on the EJ&E. In 2011, Barrington commissioned a VISSIM traffic analysis by Civiltech and the delay figures for that crossing showed that we will be experiencing 98 total hours of daily delay there by the end of this year. As you can see, this is not a minor rounding discrepancy!

As a result of this, we followed up with Tom Garritano on your CMAP staff and he was good enough to refer us to the ICC where the data originated. Just yesterday morning, we received an email response from Steve Laffey at the ICC that clarifies where this data is derived from:

"The source of the data used in the analysis is primarily FRA's grade crossing inventory system with certain items, such as railroad line segment name and segment type, provided by the ICC. The grade crossing inventory system is a voluntary system where state DOTs and railroads provide information to the FRA (and for Illinois crossings, concurrently to the ICC). The railroad is responsible for some items (train counts and speeds) and the state DOT others (AADT); ICC does not collect train count or AADT data."

Mr. Laffey provided us with the data sheets used for the calculations and we have seen that even the most recent data from March 31, 2013 does NOT include CN's operations on the EJ&E. That data sheet just shows three trains running on our segment of the rail line, rather than the average 2014 daily train volumes of 17.7 trains per day (that CN shared with Barrington and the STB as recently as January 26, 2015.) In fact, CN has now admitted that as many as 25 trains a day have already passed through Barrington on multiple occasions. In addition to the number of trains, the speed of the trains in the ICC data set is inaccurate. The ICC uses the "maximum time table speed" for the basis of its calculations -- or 45 mph at that particular crossing. However, Civiltech actually measured train speeds at the U.S. 14 crossing in 2011, and CN's freight trains were averaging only 32 mph. The bottom line is that it's clear that

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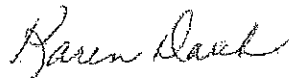
CN has not provided any updates on its EJ&E operations to the FRA or ICC, so we have a case of 'junk in, junk out' data analysis that begins and ends with CN.

As a first course of action, it is imperative that the Mobility data for the whole of the EJ&E be removed from CMAP's website as soon as possible because it's clear that the basis for that particular data is flawed. However, my concerns go far beyond just the EJ&E because the traffic that was running on CN's core lines through Chicago prior to the railroad's acquisition of the EJ&E is likely still counted into the data for those lines and thus impacting the accuracy of the crossing delays for the entire Chicago rail network. To the extent that CMAP can vet the accuracy of the data for other crossings in the region with local municipal leaders, or ask the FRA or ICC to conduct a spot audit, that would seem advisable.

After these initial adjustments are made on the Mobility portal, I would like to work with CMAP to discuss the issue with IDOT and the FRA (and perhaps our congressional delegation) to see what can be done to secure accurate data from the railroads moving forward. While it is now a voluntary effort on the part of the railroads, perhaps supplying this data needs to be made mandatory with an accompanying auditing process instituted. Because greater Chicagoland is the nation's largest freight hub, it is vital that the railroads be held accountable for the operational data they supply to Illinois and our regional planning organizations.

I look forward to working with you on this issue to insure that the region's long-range transportation planning efforts are accurately data-driven.

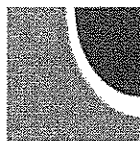
Sincerely,



Karen Y. Darch
President, Village Board

cc:

Gerald Bennett, Chairman, CMAP
Joseph Szabo, Senior Fellow, CMAP
Tom Weisner, Mayor, Aurora & TRAC Co-Chair



Chicago Metropolitan Agency for Planning

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www.cmap.illinois.gov

February 11, 2015

Via e-mail:
kdarch@barrington-il.gov
and First Class U.S. Mail

The Honorable Karen Darch, Village President
Village of Barrington
200 South Hough Street
Barrington, Illinois 60010

Dear President Darch:

Regarding your recent letter about data related to crossing delays, I certainly understand your concerns about EJ&E impacts and federal reporting requirements for railroads. Your letter highlights the importance of making data public, because doing so sheds light on processes that can be improved at all levels of government. So thank you for taking the time to comment.

We have investigated further, as described below. First, I will describe the federal process for compiling the national rail inventory. And second, I will address your concerns about our website's use of the federal data for Lake Zurich Road, Northwest Highway (US 14), Hough Street (IL 59) in Lake County, and Main Street (Lake Cook Road) in Cook County.

National Highway-Rail Crossing Inventory

Described at

<http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/GcisNewRequirement.aspx>, a new federal rule will take effect on March 7, 2015, requiring the railroads to update their entries in the National Highway-Rail Crossing Inventory no less than every three years. Previously, they have been required to update their records in the inventory maintained by the Federal Rail Administration (FRA) only when the physical characteristics of a crossing have changed and not, for example, when the number of trains at a crossing has increased.

The 2013 national inventory data for the four crossings does not differ substantially from the 2011 data. However, recent filings to the Surface Transportation Board (STB) by the Canadian National Railway (CN) do demonstrate that the federal inventory is not current for these four crossings. The new federal rule means that CN will have until March 7, 2016, to make all their FRA inventory entries current, and then the three-year update cycle will begin.

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John Noak
Raul Raymundo
Rick Reinbold
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Carolyn Schofield
Peter Silvestri
Rae Rupp Srch
Thomas Weisner

Non-voting Members
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Leanne Redden

Interim Executive Director
Jill Leary

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CMAP website

Staff at the Illinois Commerce Commission (ICC) are confident in their calculations of crossing delays, which are based on the best available federal inventory. While that federal process should be improved -- and, we believe, will be improved when the new reporting rule takes effect -- at present that national inventory is the one resource for observing our regional freight system historically for comparison of trends. The GO TO 2040 plan and its recent update rely on this important indicator.

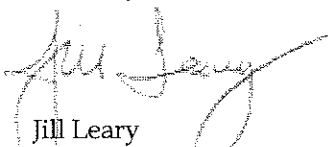
Of course we believe the federal inventory should be improved, and we will incorporate those improvements in our own planning processes and materials. While we understand your concerns, CMAP cannot remove the entire map from our website. But we will remove the four crossings from the map and add the following text on our Sources page (<http://www.cmap.illinois.gov/mobility/explore/sources/>):

"Please note that this map omits data on crossing delays at four crossings that have been affected significantly since the Canadian National Railway (CN) acquisition of the Elgin, Joliet, and Eastern Railway (EJ&E). Because the National Highway-Rail Crossing Inventory entries for those crossings may not reflect current conditions, CMAP has elected to omit the following: Lake Zurich Road, Northwest Highway (US 14), Hough Street (IL 59) in Lake County, and Main Street (Lake Cook Road) in Cook County."

We will work with ICC staff to update the map from 2011 to 2013 data, but as mentioned above, that update will not result in significant differences for the four crossings due to the federal inventory process. Our hope is that the new federal reporting requirements will in 2016 result in an improved inventory for the U.S., our state, and our region.

Again, thank you for carefully articulating your concerns and CMAP will continue to work with you in addressing the impacts of increased freight traffic in Barrington. Please let me know if you have additional questions.

Sincerely,



Jill Leary
Interim Executive Director

TG:JL/stk

cc: Gerald R. Bennett-CMAP Board Chair, Mayor City of Palos Hills
Tom Weisner-CMAP Board, Mayor City of Aurora
Carrie Ann Ergo, City of Aurora
Sue Gaffino, City of Aurora