RESOLUTION NO. 08-03

RESOLUTION OBJECTING TO THE PROPOSED ACQUISITION OF THE EJ&E WEST COMPANY BY THE CANADIAN NATIONAL RAILWAY CORPORATION (SURFACE TRANSPORATION BOARD - FINANCE DOCKET NO. 35087)

WHEREAS, the Village of Barrington Hills (the "Village") located in the Counties of Cook, Kane, Lake and McHenry in the State of Illinois, is a home rule municipality; and

WHEREAS, on October 30, 2007 the Canadian National Railway Corporation, along with its U.S. subsidiary, Grand Trunk Corporation (collectively, "CN"), filed an application with the federal Surface Transportation Board ("STB") seeking approval to acquire the EJ&E West Company, a wholly owned subsidiary of the Elgin, Joliet and Eastern Railway Company (collectively, "EJ&E"); and

WHEREAS, the proposed acquisition by CN would involve shifting a significant amount of train traffic that currently moves over CN's rail lines in the City of Chicago to sections of the EJ&E rail line west and south of the City of Chicago, including a segment that runs through the Village; and

WHEREAS, the increase in freight train traffic resulting from the proposed acquisition by CN will create an adverse impact on the communities along the EJ&E rail line, including, but not limited to, the Village, such as increased noise and diminution of property values; and

WHEREAS, CN estimates that if the proposed transaction takes place, the average number of daily trains that run along the segment of the EJ&E rail line that runs through the Village will increase from approximately 5.5 trains per day to approximately 23.5 trains per day and the gross tons of freight per day that run over that segment of rail line will increase from approximately 23,285 tons to approximately 173,965 tons; and

WHEREAS, the increased amount of train traffic will interfere with the motoring public passing through as well as within the Village, including emergency vehicles, as one CN freight train could simultaneously close up to five grade crossings within the Village and neighboring municipalities; and

WHEREAS, freight traffic has rights over passenger traffic and the proposed acquisition will have significant secondary and cumulative effects on the Village and northwest suburban region in that the planned Metra Suburban Transit Access Route (the "Star Line") that proposes to utilize the EJ&E railroad corridor to provide north-south commuter rail service to connect the northwest suburbs to other existing Metra commuter lines and will likely jeopardize the future opportunity to provide a new dynamic transportation option for residents, workers and visitors in the northwest suburban region; and

WHEREAS, the Village is the premier equestrian community in the northwest suburban region and one of the Village's public riding trails runs along a portion of the EJ&E rail line near Old Dundee Road north of Illinois Route 62; and

WHEREAS, at the January 8, 2008 Special Meeting of the Village Board, the Board authorized the expenditure of up to $15,000 to permit the President of the Village to engage advisors necessary to advise the Village on the analysis and actions required by the Village in order to convey its concerns to the STB about the impact of the proposed acquisition.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Barrington Hills, located in the Counties of Cook, Kane, Lake and McHenry in the State of Illinois, a home rule municipality as follows:

Section 1: The foregoing recitals are hereby incorporated into this Resolution as findings of the President and Board of Trustees.

Section 2: The Village asks that the Section of Environmental Analysis (the "SEA") of the STB include and incorporate the issues, concerns and comments of the Village set forth in this Resolution in the scope of study for the draft Environmental Impact Study and final Environmental Impact Study (collectively, the "EIS") and that said comments and concerns be considered and addressed in the EIS, by the STB.

Section 3: The Village does hereby formally object to the proposed acquisition of the EJ&E by CN, and urges the STB to disapprove of the proposed transaction based on the negative impact it will have on the Village, its residents and the region.

Section 4: The various provisions of this Resolution are to be considered as severable and if any part or portion of this Resolution shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution.

Section 5: This Resolution shall be in full force an effect from and after its approval and publication according to law.

APPROVED THIS 28th **day of** January, **2008**

AYES: 6 **NAYS:** 0 **ABSENT:** 0

ABSTAIN 1

ATTEST:

Dolores J. Kandel

Village Clerk

Village President