

BLACHLY, TABOR, BOZIK & HARTMAN, LLC

May 18, 2016

**VIA U.S. MAIL AND E-MAIL (DAVID.NAVECKY@STB.DOT.GOV)
DELIVERY**

Randall J. Zromkoski
Craig R. Van Schouwen
Jeffrey S. Wrage
Ethan S. Lowe

Mr. David Navecky
Surface Transportation Board
395 E Street, SW
Washington, D.C., 20423-0001

Scott R. Bozik
Angelica C. Schultis
Nathan D. Vis
Colby A. Barks

*Re: Great Lakes Basin Railroad – Scoping Comments from the Town
of Westville, La Porte County, Indiana*

Dear Mr. Navecky:

OF COUNSEL
Duane W. Hartman
David L. Hollenbeck
Kingsley G. Regnier
Patrick Lyp

I am initiating this correspondence to you in my capacity as the attorney for the Town of Westville, La Porte County, Indiana (“Westville”) concerning the proposed Great Lakes Basin Railroad. Attached please find a copy of the Resolution (with exhibits) that was recently adopted by the Westville Town Council opposing the current proposed route for the Great Lakes Basin Railroad and proposing an Alternative Route.

Quentin A. Blachly
(1934-1997)

James S. Bozik
(1935-2012)

Glenn J. Tabor
(Retired)

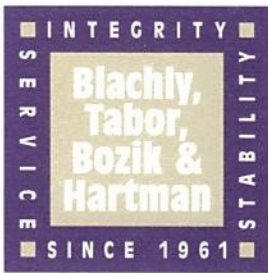
As you can see in reviewing the Resolution, Westville is a town with a population of approximately Five Thousand Nine Hundred Fifty-Nine (5,959) residents located in La Porte County, Indiana. The proposed route will have a tremendous negative impact on Westville and the public health, safety and welfare of the Town’s residents. First and foremost, the proposed route dissects Westville and, if approved, would sever the Town into two (2) parts. The proposed route will also have a negative impact on future development of the U.S. 421 corridor which is a critically important corridor to the Town and La Porte County. In addition, the proposed route will also have detrimental impacts on the Town’s drinking water wells, law enforcement and fire protection and the quality of life in two (2) large residential developments that are located directly north and south of the proposed route.

In order to avoid these potential impacts on Westville, the Town Council is proposing an alternative route which is depicted on Exhibit “C” to the Resolution. The alternative route proposes to use the Canadian National line between Valparaiso and South Bend for trains going to and from the CSX and Norfolk Southern and eliminates the need for twelve (12) miles of proposed Great Lakes Basin main line including the line through Westville. In addition, the proposed alternate route utilizes the Canadian National to reach the CSX, Norfolk Southern & Kingsbury. The alternative route would eliminate all of the above-referenced detrimental impacts on Westville.

56 South Washington, Suite 401
Valparaiso, IN 46383
219.464.1041 phone
219.464.0927 fax

Merrillville Office
219.738.2824

Fort Wayne Office
260.459.3288



BLACHLY, TABOR, BOZIK & HARTMAN, LLC

If you have any questions or would like to discuss this matter further, please feel free to contact me.

Very truly yours,

~~BLACHLY, TABOR, BOZIK & HARTMAN, LLC~~

A handwritten signature in black ink, appearing to read "Ethan S. Lowe", is written over a horizontal line. The signature is somewhat stylized and loops back.

Ethan S. Lowe

Email: esl@btblaw.com

ESL/lmb
Enclosure

RESOLUTION NO.: 2016-2

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTVILLE, LA PORTE COUNTY, INDIANA, OPPOSING THE CURRENT PROPOSED ROUTE FOR THE GREAT LAKES BASIN RAILROAD AND PROPOSING AN ALTERNATIVE ROUTE

WHEREAS, the Town of Westville, Indiana (“Westville” or “Town”), is located in New Durham Township in La Porte County, Indiana; and

WHEREAS, the Town Council of Westville (“Town Council”) is comprised of total of five (5) elected members and serves as Westville’s legislative body representing a population of approximately 5,959 residents; and

WHEREAS, recently, the Town Council became aware of the Great Lakes Basin Transportation, Inc.’s (“GLBT”) proposal to construct and operate a new railroad line around metropolitan Chicago area; and

WHEREAS, the current proposed route for the new railroad is generally described as follows:

Starting in northern Indiana, west of Pinola, IN at a junction with the Norfolk Southern headed south/southwest going west of Westville, In, east of Valparaiso, IN west of Wanatah, and South Wanatah, IN, north and west of Hebron, IN, crossing over Interstate 65, and south of Lowell, IN. Crossing into Illinois going west towards Manteno, IL, crossing over Interstate 57, going west then southwest cross the Kankakee River, then turn west towards Gardner, IL to cross Interstate 55, turning northwest to cross the Illinois River east of Seneca, IL. The railroad then turns northwest crossing the Fox River near Sheridan, IL, and northwest around Paw Paw, IL, it continues north to Rochelle, IL, and to south of Rockford, IL. At this point the railroad splits and the mainline continues around the southeast side of Rockford crossing Interstate 90 and east of Belvidere, IL then turning north and crossing into Wisconsin. In Wisconsin the railroad turns northwest to the east side of Clinton, IL going north to cross Interstate 43 and continuing north to end with a connection to the Wisconsin and Southern Railroad east of Milton, WI.

WHEREAS, GLBT has represented that its proposed route takes into account the location of towns, residential areas, greenfield territory, and the location where interchanges with other railroads will work after considering available alternatives. GLBT has further represented that “the major design precept was to avoid building the railroad through any towns.”; and

WHEREAS, GLBT plans to file either a petition for exemption pursuant to 49 U.S.C. § 10502, or an application pursuant to 49 U.S.C. § 10901 seeking authority from the Surface Transportation Board (“STB”) to construct and operate an approximately Two Hundred Seventy-Eight (278) mile rail line; and

WHEREAS, the STB's Office of Environmental Analysis ("OEA") is accepting scoping comments for the Draft Scope of Study for the Environmental Impact Statement ("EIS"); and

WHEREAS, both the Town Council and Westville Plan Commission have reviewed, researched and discussed the proposed route for the Great Lakes Basin rail line and its potential impacts on Westville and its residents; and

WHEREAS, the Town Council is desirous of adopting this Resolution in order to both state its opposition to the current proposed route and to suggest an alternative route in order so that said Resolution can be submitted to the STB.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WESTVILLE, LA PORTE COUNTY, INDIANA, AS FOLLOWS:

Section 1. *Opposition to the Proposed Route.* The Town Council of the Town of Westville, Indiana, hereby opposes the current proposed route for the Great Lakes Basin Railroad. The Town Council's opposition to the current proposed railroad route is based upon a series of potential negative impacts on Westville including, but not limited to, the following:

a. The Proposed Route Dissects the Town of Westville. The proposed railroad route dissects Westville. Attached as *Exhibit "A"* to this Resolution is a map depicting the current geographical boundaries of Westville. The proposed route and its crossing at U.S. Hwy. 421 would effectively severe Westville into two (2) parts and cut off the New Durham Estates Mobile Home Park from the remainder of Westville. This dissection of Westville contradicts the alleged approach of GLBT in designing its route in order to take into account the location of towns and to avoid building the railroad through towns. If the proposed route were to be approved it would have a tremendous negative impact on Westville, New Durham Estates Mobile Home Park and their residents.

b. Negative Impact on Future Development of the U.S. 421 Corridor and Westville. The Purdue University Northwest North Central Campus is located directly north of Westville on U.S. Hwy. 421. The U.S. Hwy. 421 corridor is critically important to Westville and its future development and growth. It is anticipated that the U.S. Hwy. 421 corridor will experience a tremendous amount of growth and development in the next five (5) to ten (10) ten years. Westville and Purdue University Northwest have invested a substantial amount of time and effort in studying, planning and preparing for the anticipated future development of the U.S. Hwy. 421 corridor. This future development and growth would be negatively impacted and may altogether be prevented by the proposed route. Any potential negative impact on the future development and growth in the U.S. Hwy. 421 corridor would have a significant detrimental impact on Westville.

c. Negative Environmental Impact on Westville's Drinking Water Wells. Westville owns and operates its own water treatment and distribution systems. As part of these systems, Westville owns, operates and maintains a series of water drinking wells. These wells are located directly south of the proposed route. The location of Westville's water drinking wells are depicted on *Exhibit "B"* to this Resolution. The proposed

railroad route is located almost directly north of Westville's drinking water wells and Westville's wellhead protection area. It is anticipated that the route will have a direct negative impact on Westville's wells and potable water supply.

Westville is currently in the process of exploring the possibility of providing water and sewer service to the Westville Correctional Facility. If this connection is made it is anticipated that Westville will need to construct additional drinking water wells to accommodate the Correctional Facility. The proposed route may prevent Westville from being able to construct additional drinking water wells in order to provide water to the Correctional Facility. If additional drinking water wells are constructed, it is anticipated that the proposed route will be within the Town's expanded wellhead protection area. The proposed route would pose a tremendous risk to Westville's drinking water supply.

d. Negative Impact on Law Enforcement and Fire Protection Issues. The proposed route would have a negative impact on the Town's Police and Volunteer Fire Departments. Neither of these Departments have the manpower, equipment or training to respond to a potential crossing accident and/or train derailment. In addition, the proposed route would dissect the Town and make it more difficult, if not impossible, for the Police and Volunteer Fire Departments to respond to calls for service. This would result in longer response times for Police and Fire and put the public health, safety and welfare directly at risk.

e. Negative Impact on Residents. The proposed route is located directly north and south of the New Durham Estates and Water Tower Place residential developments within Westville. These are the two (2) largest residential developments in Westville. Both of these developments would be negatively impacted by the proposed route. Noise pollution from the train traffic would be an issue for both of these developments. These negative impacts will likely result in a reduction in property values in the Town and both developments. The impacts would also likely have a negative impact on the use and enjoyment of private property within both of these developments.

Section 2. *Proposed Alternative Route.* Porter and La Porte County have five major east-west rail routes across the counties. The Town Council believes that most, if not all, of the above-referenced negative impacts of the project can be eliminated by an alternative route for the GLBT using some of those routes. The Town Council of the Town of Westville, Indiana, hereby proposes an alternative route to the STB which will eliminate the above mentioned impacts on the Town of Westville. The alternate route proposes the use of the CN line between Valparaiso and South Bend for trains going to and from the CSX and NS, eliminating the need for 12 miles of the proposed GLBT Main Line, including the line through Westville and over fifteen miles of a proposed branch line between Porter County and Kingsbury, IN, much of both through prime farm land. Westville's proposed alternative route is depicted on *Exhibit "C"* to this Resolution.

Section 3. *Severability.* If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

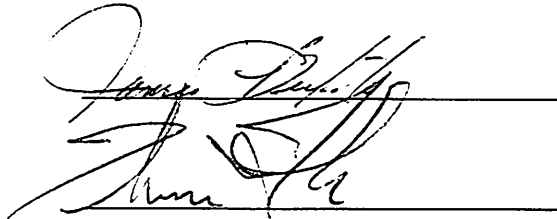
Section 4. *Repealer.* All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Section 5. *Effective Date.* This Resolution shall be in full force and effect from and after its passage and any publication required by law.

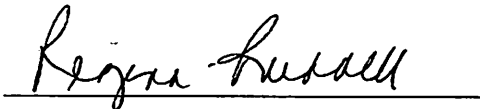
DULY PASSED AND ADOPTED THIS 10 DAY OF MAY, 2016, BY THE TOWN COUNCIL OF THE TOWN OF WESTVILLE, LA PORTE COUNTY, INDIANA, HAVING BEEN PASSED BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.

**TOWN COUNCIL OF THE TOWN OF
WESTVILLE, LA PORTE COUNTY, INDIANA**








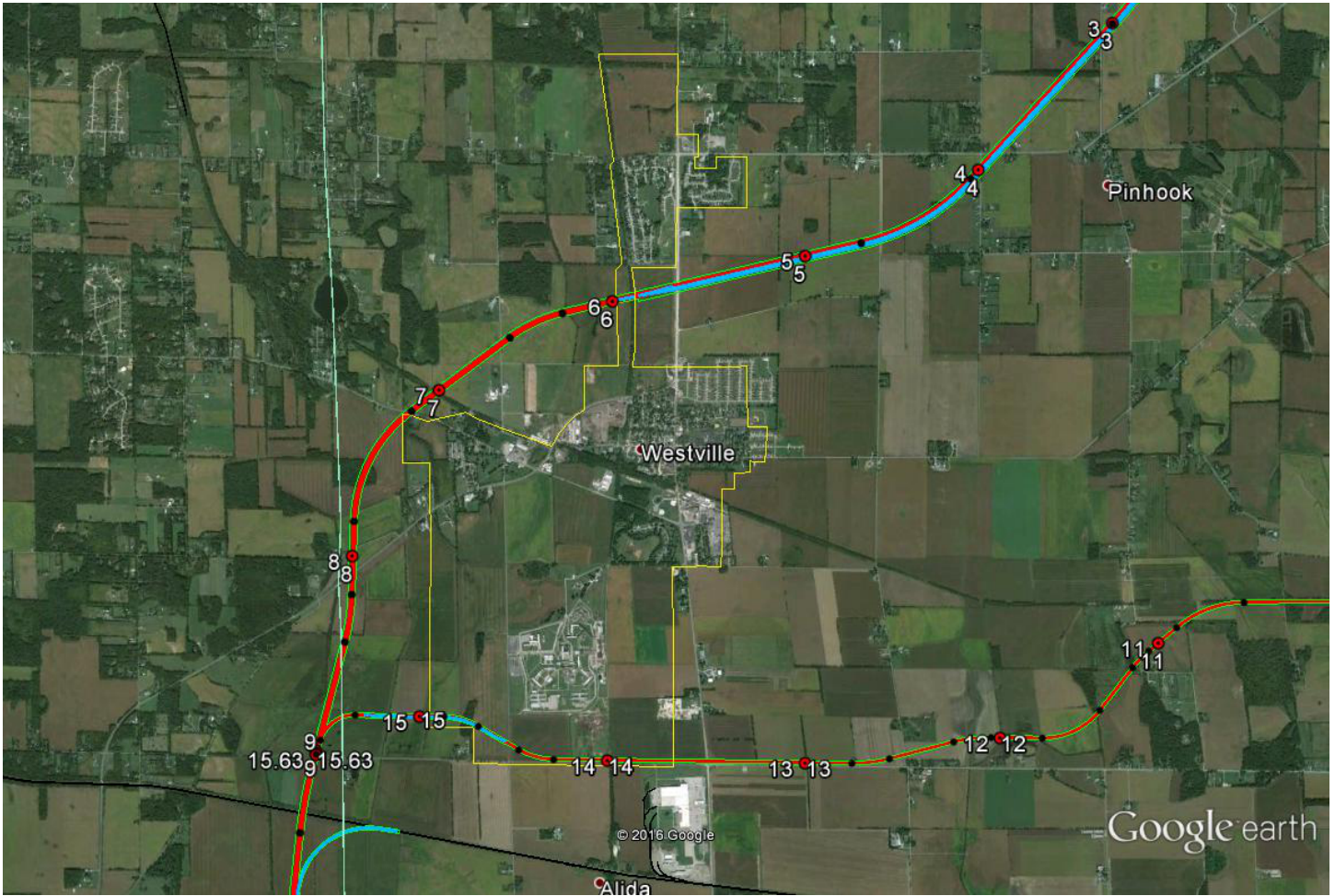


ATTEST:



Lori Mercer, Clerk-Treasurer of the
Town of Westville, La Porte
County, Indiana

Exhibit A



Google earth



Exhibit B

Westville Water Department

908 Stanley Drive

Westville Indiana 46391

219-785-1880

Greetings:

April 11th, 2016

Recently we were advised that the proposed railroad is in the planning stages for the north section of the Town of Westville. I would like to publicly object to the proposed location and point out several key reasons in my objection.

1) The Town of Westville has just completed its wellhead protection plan stage II (W.P.P.). In that plan it shows the natural area ground water flows to the Town's existing two wells. The Town of Westville developed this well field in 1999 after it was determined that ground water traveling from the North at the old Cam-or site (currently a EPA superfund site) was tainted with a petroleum waste. Please review map provided. The move was made after the discovery, that the 908 Stanley Drive would provide quality drinking water. A new water storage tank and treatment plant were built with the ability to provide clean quality drinking water for many years with future expansion.

2) The water withdraw area mapped in December will show current aquifer and projected withdraw from the same aquifer with increased flow from the Two wells. Future plans have shown a third well, could be installed at the 908 Stanley Drive location. That new well will draw water from the North and East area around the property.

3) The projected railroad will be in the area of the Town of Westville W.P.P. and a conflict will be possible in the event of a major spill. Cost of a new well field area could run into the Millions of Dollars. Moving the railroad to the north by several hundred feet would affect the W.P.P. area of New Durham Estates water system as well.

4) A train passing through a property has a small chance of a spill or derail, however a transfer station or multiple sets of rails with switching systems has a greater chance of an accident or spill. As Laporte County seen in 2004 a train was derailed on U.S. 421 on a foggy day when a truck stopped at the railroad for a train, it was rear ended by a second truck. That crossing was closed for almost a month and luckily it was not hauling chemicals. It has not been reported, if the proposed crossing would be through U.S. 421, or overhead in the Westville crossing.

5) If the proposed crossing is cut through U.S. 421 in the proposed location, the northbound lane currently has two eight inch sewage force mains and an eight inch gravity sewer line installed. In the southbound lane there is currently an eight inch water main. All of the water and sewage lines would

have to be encased or relocated to protect from the heavy loads and vibration caused by an active railroad.

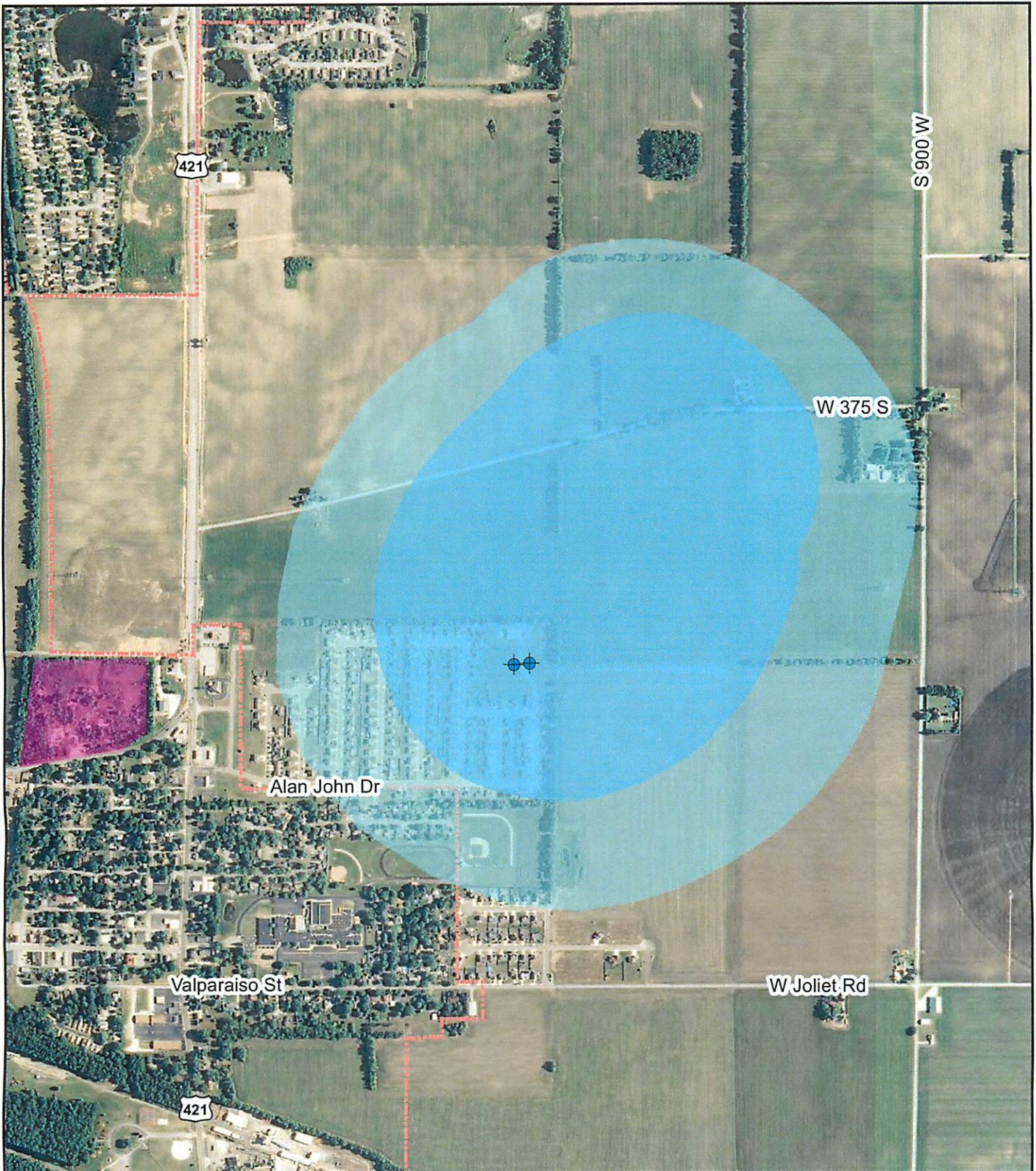
6) The Town of Westville provides safe drinking water and proper sewage treatment to all of the property along U.S. 421 from C.R. 500 South to the south edge of the Indiana Toll Road. This area has been developed for future growth for housing and education, not hazardous industrial shipping.

I thank you in advance for your thoughtful consideration on your future plans to develop and railroad in the North section of Westville.



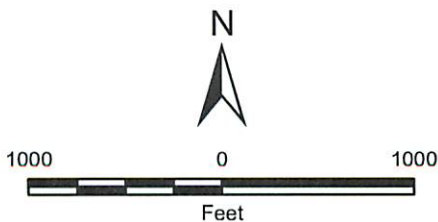
Daniel L. Anderson

Westville Utility Superintendent



MAP FEATURES

-  Production Well
-  Revised 10 Year TOT - +0.5 MGD
-  10 Year TOT - IDEM Approved
-  CAM-OR Site
-  Incorporated_Areas_INDOT_IN



**10 YEAR TIME OF TRAVEL
WELLHEAD PROTECTION AREA**

Westville Phase II WHPA Delineation

S.O. 28964	Drawn by: TRN	Date: 4/8/2016
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GREAT LAKES BASIN RAIL PROJECT

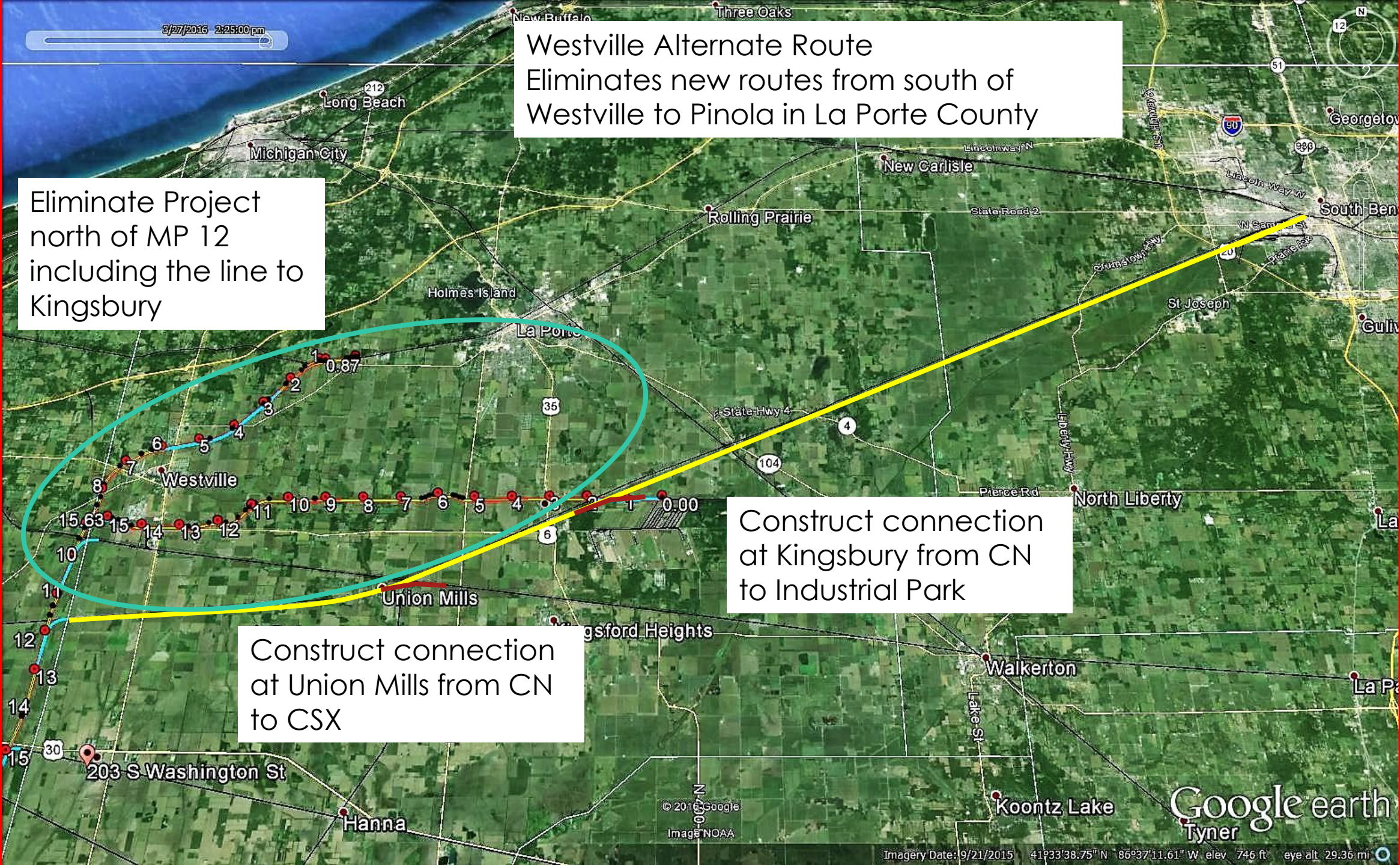
Westville, Indiana Alternate Route

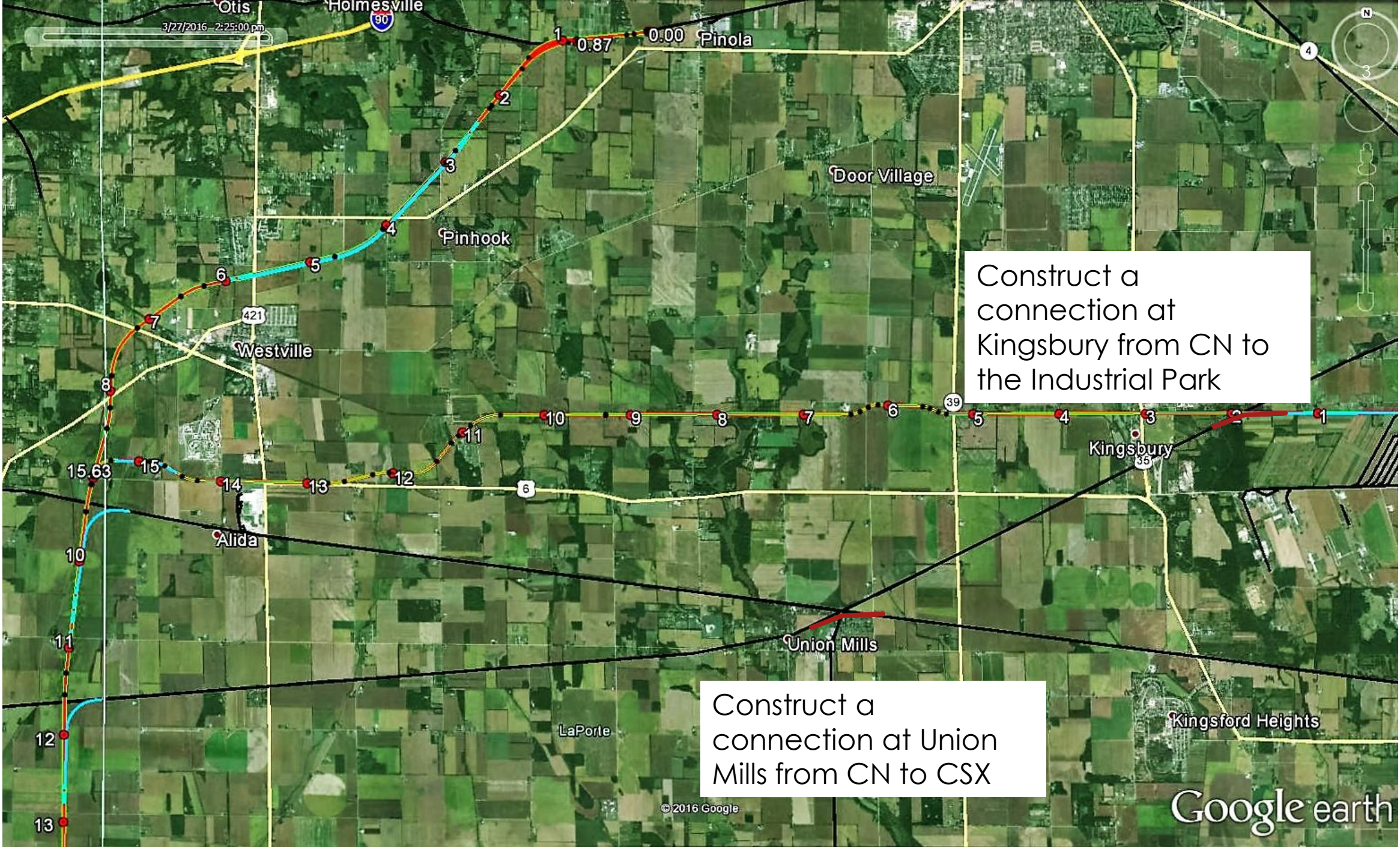
Westville Alternate Route
Eliminates new routes from south of
Westville to Pinola in La Porte County

Eliminate Project
north of MP 12
including the line to
Kingsbury

Construct connection
at Kingsbury from CN
to Industrial Park

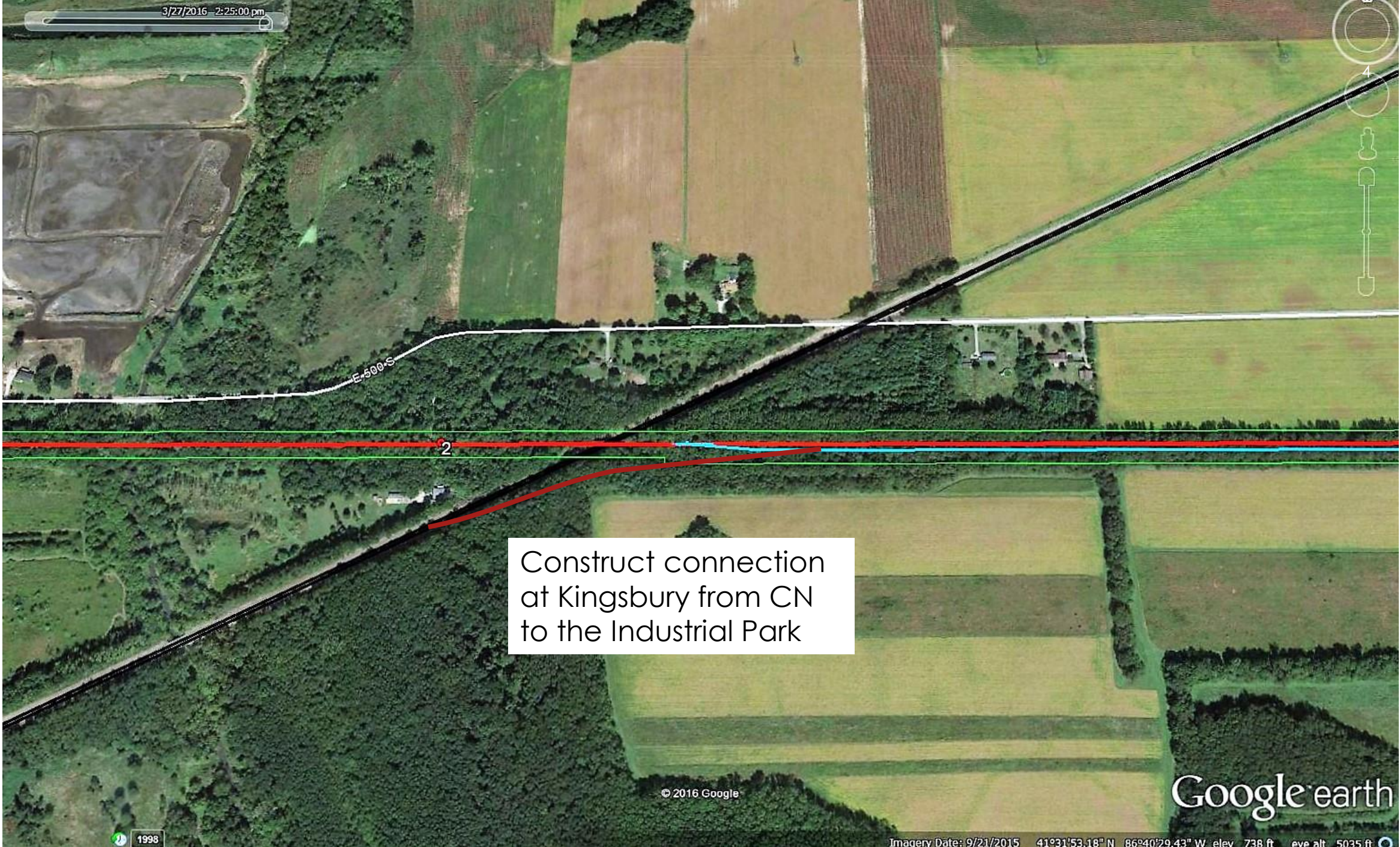
Construct connection
at Union Mills from CN
to CSX





Construct a connection at Kingsbury from CN to the Industrial Park

Construct a connection at Union Mills from CN to CSX



Construct connection
at Kingsbury from CN
to the Industrial Park

3/27/2016 - 2:25:00 pm

South Bend, Indiana

NS

CN

CN connects directly to NS in South Bend and connection allows two trains at a time to move between CN and NS



© 2016 Google

Google earth

Imagery Date: 9/21/2015 41°40'14.03" N 86°15'53.90" W elev 728 ft eye alt 3459 ft

Great Lakes Basin Rail Project

- Westville, Indiana Alternate Route

Construction Required

- Requires a new connection between CN and CSX at Union Mills
- Requires a new connection between CN and Kingsbury Industrial Park

Rail Impacts

- Routes GLBT trains to CSX over 8.7 miles of CN double track main line
- Routes all trains to the NS over 37.5 miles of CN double track main line
- Routes trains to the South Shore Freight Railroad and Kingsbury Industrial over 13.8 miles of the CN double track main line

Great Lakes Basin Rail Project

- Westville, Indiana Alternate Route

Westville Alternative Benefits

- Eliminates 12 miles of double track main line new construction through prime farm land
- Eliminates 15.6 miles of single track branch line new construction through farm land and former rail ROW
- Eliminates about 665 acres of ROW acquisition, mostly farm land
- Reduces total trains through the City of La Porte on the NS
- Eliminates the route through the middle of Westville
- Plan utilizes existing rail capacity in region, rather than construction of new lines
- Greatly reduces impact of the project on La Porte County



Westville Police Department

Marshal Darin Mercer
106 Ridge Street
PO Box 221
Westville, IN 46391
Office (219) 785-4177
Fax (219) 785-2267
E-mail: Westvillepolice@csinet.net

To: *Westville Planning Commission Members*
Westville, Indiana 46391

Reference: Great Lakes Basin Railroad

Dear Members,

I would like to express some of my concerns regarding the Great Lakes Basin Railroad. It is my understanding that it is purposed that this railroad will cross US Highway 6 just South of Town limits and it will also cross US Highway 421 somewhere just North of County Road 400 South. I have been told that train traffic has been estimated at over 100 trains per day.

As the leader of a small department I have some significant concerns regarding the impact this rail system will have on our community. US Highway 421, US Highway 6 and State Road 2 are traveled by thousands of motorists each day in the Westville area. It is my understanding that this railroad will cross US Highway 421 and US Highway 6. By doing this, parts of our town will be completely cut off from emergency services. We have been told that some type of overpass will be constructed at the US Highway 421 crossing in order to prevent traffic backup. As we all know construction costs are always more than anticipated. I am concerned that in order to save money this overpass could in fact be eliminated from the project and we will be dealing with delayed traffic and car train accidents for years to come.

With the increased train traffic we will have to deal with accidents, possible derailments, noise pollution and traffic delays. There will undoubtedly be times that trains will be stopped or delayed on tracks. During these times we will have to deal with increased thefts. The type of product that is transported via rail systems seems to attract a lot of attention from criminals. Our citizens will be told that the railroad will provide law enforcement coverage for their property. I have 12 years experience working in La Porte City and dealing with this type of train traffic. Typically a railroad police officer will not be on scene until sometimes, hours after the initial incident. If this railroad comes through Westville we will absolutely have to deal with significant delays in emergency services, car train accidents, train derailments (with possible hazardous material), thefts, suicides by train, noise pollution, and significant traffic delays. This railroad could possibly completely shut down the Town of Westville.

Respectfully

A handwritten signature in blue ink that reads 'D. Mercer'.

Darin Mercer

Westville Town Marshal