



# Agenda Item Executive Summary

**AGENDA ITEM:** IGA to Continue Coalition DBA Railway Safety and Monitoring

**BOARD OR COMMITTEE:** Board

## BUDGET IMPACT

**Amount** \$40,000 **Budgeted** \$40,000 upon approval

**Fund:** Professional services **Corresponding Activity Measure:** Continue to work with Stop CPKC on traffic mitigation

## EXECUTIVE SUMMARY

In the fall of 2022, the Village of Bartlett joined a coalition called "Stop CPKC," which includes several communities along the Milwaukee West Line and DuPage County. The coalition aims to oppose the merger between Canadian Pacific and Kansas City Rail. In the spring of 2023, the Surface Transportation Board ultimately approved the merger.

However, the pursuit of mitigation, oversight, and funding continues. The Intergovernmental Agreement (IGA) before you this evening will further this effort, allowing the parties to collaborate in communicating, managing, and representing their joint interests.

The cost-sharing agreement, not to exceed \$40,000 for each municipality, will cover the coordination mentioned earlier. Additionally, it will help secure and manage a \$1.235 million grant from the Department of Commerce and Economic Opportunity, which will support oversight and data collection. This includes, but is not limited to, tracking gate downtime, real-time train activity, and train lengths. The funding will reimburse some of the coalition's expenses for our consultants and experts and will help support ongoing initiatives.

## ATTACHMENTS (PLEASE LIST)

Memo, Resolution, IGA

### RELATIONSHIP TO STRATEGIC PLAN GOAL

Strategic Plan Goal: Develop a strategy to identify and complete roadway improvement and traffic mitigation programs and design

Short Term (1-3 Years): Routine  Complex

Long Term (3-5 Years): Routine  Complex

## ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

**MOTION: I MOVE TO APPROVE RESOLUTION 2024-\_\_\_\_\_ A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT TO CONTINUE WITH THE COALITION TO STOP CPKC AND OPPOSING THE MERGER OF THE CANADIAN PACIFIC RAILWAY AND KANSAS CITY SOUTHERN RAILROADS AS PROPOSED**

Staff: Scott Skrycki, Asst. Village Administrator

Date: Sept 23, 2024

# Memorandum

**TO:** Paula Schumacher, Village Administrator

**FROM:** Scott Skrycki, Assistant Village Administrator

**DATE:** September 6, 2024

**SUBJECT:** IGA TO CONTINUE TO THE COALITION TO STOP CPKC (DBA RAIL SAFETY & MONITORING COALITION) OPPOSING MERGER OF THE CANADIAN PACIFIC RAILWAY AND KANSAS CITY SOUTHERN RAILROADS AS PROPOSED

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RESOLUTION 2024 - \_\_\_\_\_

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT TO CONTINUE THE COALITION TO STOP CPKC AND OPPOSING THE MERGER OF THE CANADIAN PACIFIC RAILWAY AND KANSAS CITY SOUTHERN RAILROADS**

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**BE IT RESOLVED** by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, pursuant to its home rule authority, as follows:

**SECTION ONE:** **APPROVAL.** The Intergovernmental Agreement to Continue the Coalition to Stop CPKC (dba Railway Safety & Monitoring Coalition) and opposing the merger of the Canadian Pacific Railway and Kansas City Southern Railroads as proposed between the Village of Bartlett, the Village of Bensenville, the Village of Hanover Park, the Village of Itasca, the Village of Roselle, the Village of Schaumburg, the City of Elgin, the City of Wood Dale, and the County of DuPage (the "Agreement"), a copy of which is appended hereto and expressly incorporated herein by this reference, is hereby approved.

**SECTION TWO:** **AUTHORIZATION.** The Village President is hereby authorized and directed to sign the Agreement on behalf of the Village of Bartlett.

**SECTION THREE:** **SEVERABILITY.** The various provisions of this Resolution are to be considered as severable, and of 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 FOUR:** **REPEAL OF PRIOR RESOLUTIONS.** All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION FIVE:** **EFFECTIVE DATE.** This Resolution shall be in full force and effect upon passage and approval.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

\_\_\_\_\_  
Kevin Wallace, Village President

ATTEST:

\_\_\_\_\_  
Lorna Giles, Village Clerk

#### CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Resolution 2024 - \_\_\_\_\_ enacted on October 1, 2024, and approved on October 1, 2024, as the same appears from the official records of the Village of Bartlett.

\_\_\_\_\_  
Lorna Giles, Village Clerk

INTERGOVERNMENTAL AGREEMENT TO CONTINUE THE COALITION TO STOP  
CPKC (DBA RAILWAY SAFETY & MONITORING COALITION) OPPOSING MERGER  
OF THE CANADIAN PACIFIC RAILWAY AND KANSAS CITY SOUTHERN RAILROADS  
AS PROPOSED

This Agreement is made this 1<sup>st</sup> day of October, 2024 (“Effective Date”), by and between the Village of Bartlett, the Village of Bensenville, the Village of Hanover Park, the Village of Itasca, the Village of Roselle, the Village of Schaumburg, the City of Elgin, the City of Wood Dale (collectively, the “Municipalities”), and the County of DuPage (“DuPage”). The Municipalities and DuPage are referred to hereinbelow collectively as the “Parties” and individually as a “Party.”

**RECITALS**

WHEREAS, the Parties are municipal corporations; and

WHEREAS, the Parties will be hereby known as Railway Safety & Monitoring Coalition; and

WHEREAS, DuPage, by virtue of its powers set forth in the “Counties Code” (55 ILCS 5/5-1005 and the Municipalities, by virtue of their respective powers set forth in the “Illinois Municipal Code” (65 ILCS 5/5-1-1 *et seq.*), are authorized to enter into this Agreement; and

WHEREAS, Article 7, Section 10 of the Illinois Constitution of 1971 and the Illinois Intergovernmental Cooperation Act 5 ILCS 220/1 *et seq.* allow units of local government to enter into intergovernmental agreements in the furtherance of their governmental purposes; and

WHEREAS, effective April 14, 2023, the United States Surface Transportation Board (“STB”) approved the merger of the Canadian Pacific and Kansas City Southern Railroads and their affiliated companies (the “CPKC Merger”); and

WHEREAS, the approval of the CPKC Merger is expected to increase the number and length of freight trains on the section of the Milwaukee District West rail line that runs through the respective boundaries of the Parties by up to 300% within three years; and

WHEREAS, the Parties agree that the increase of freight train traffic and longer trains running through their communities may have a detrimental impact on the safety and quality of life for residents, economic development, and business operations for 300,000 residents and commuters who traverse through these communities daily; and

WHEREAS, in October 2022, the Parties formed a Coalition to represent their common interests during the merger process and now the seven-year merger oversight period instituted by the STB as a condition on its approval of the CPKC Merger; and

WHEREAS, the Parties, in 2024 through December 31, 2025, desire to continue to share the costs and expenses related to communicating, managing, and representing the Coalition’s interests in an amount not to exceed \$40,000 per year for each Party; and

WHEREAS, the Parties, in 2024 through December 31, 2025, desire to share the costs and expenses related to the unfunded mandates stipulated in the STB oversight period and will draw from Illinois SB0251, SA 2 Article 52 Section 825, "The sum of \$1,235,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Itasca for costs associated with the Coalition to Stop CPKC."

## AGREEMENT

NOW, THEREFORE, pursuant to statutory authority and their powers of intergovernmental cooperation, it is agreed by and among the Parties as follows:

**Incorporation of Recitals.** The above recitals are hereby incorporated into and made a part of this Agreement.

**Coalition Continuation and Purpose.** The Parties agree to continue to work as a Coalition to communicate, manage, and represent the joint interests of the Coalition's members. The Coalition will retain legal, technical, and government affairs attorneys and consultants to advise in support of the shared interests of the Parties along the railroad, from Bensenville and ending in Elgin.

**Coordination.** The Village of Itasca agrees to coordinate on behalf of all Parties in evaluating and retaining attorneys and consultants consistent with the Coalition's purpose as described in paragraph.

**Cost Sharing.** From 2024 through December 31, 2025, the Parties desire to continue to share the costs and expenses related to communicating, managing, and representing the Coalition's interests in an amount not to exceed \$40,000 per year for each Party. Also, the Parties, in 2024 through December 31, 2025, desire to share the costs and expenses related to the unfunded mandates stipulated in the STB oversight period and will draw from Illinois SB0251, SA 2 Article 52 Section 825, "The sum of \$1,235,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Itasca for costs associated with the Coalition to Stop CPKC."

The Coalition shall not be responsible for expenses associated with any work completed on behalf of an individual Party. The Coalition shall be responsible for establishing and approving the eligible shared interests and associated costs and expenses. All materials produced by the Coalition, all data collected by or on behalf of the Coalition, and all reports, memoranda, and other documents produced by the attorneys and consultants retained by the Coalition shall be the property of the Coalition, which each member shall have the right to access and use in efforts that advance the objectives of the Coalition.

**Payment.** The Coalition will provide the Parties with invoices reflecting each Party's responsibility. All Parties agree to pay their respective invoices within 45 days of receipt. Failure to timely pay the invoices will result in the matter being brought before the Coalition for review and resolution, which may include consideration of terminating or suspending the Party's participation in Coalition activities and access to Coalition work product.

**Termination.** If a Party wishes to leave the Coalition, it may do so by submitting a 30-day written notice to the Coalition and the Village of Itasca. After the written notice is received by the Coalition and the Village of Itasca, the exiting Party shall pay any remaining balance of shared Coalition costs on or before the expiration of the 30-day period and, upon such payment, shall no longer be responsible for the decisions made and costs incurred by the Coalition after the date payment is received.

**Representations.** Each Party represents to the other that it has obtained all necessary approvals, consents, and authorizations to enter into this Agreement; the person executing this Agreement on behalf of their Party has the authority to do so; upon execution of this Agreement by the Parties, it is valid and binding, enforceable in accordance with its terms; and the execution, delivery, and performance of this Agreement does not violate any bylaw, charter, regulation, law, or any other governing authority of the Party.

The parties hereby enter into this Agreement as of the Effective Date.

Village of Itasca

By: \_\_\_\_\_

Name: Jeffrey Pruyn

Title: Village Mayor

Date: \_\_\_\_\_

City of Wood Dale

By: \_\_\_\_\_

Name: Nunzio Pulice

Title: City Mayor

Date: \_\_\_\_\_

Village of Bensenville

By: \_\_\_\_\_

Name: Frank DeSimone

Title: Village President

Date: \_\_\_\_\_

Village of Roselle

By: \_\_\_\_\_

Name: David Pileski

Title: Village Mayor

Date: \_\_\_\_\_

Village of Bartlett

By: \_\_\_\_\_

Name: Kevin Wallace

Title: Village President

Date: \_\_\_\_\_

Village of Hanover Park

By: \_\_\_\_\_

Name: Rodney Craig

Title: Village President

Date: \_\_\_\_\_

City of Elgin

By: \_\_\_\_\_

Name: David Kaptain

Title: City Mayor

Date: \_\_\_\_\_

Village of Schaumburg

By: \_\_\_\_\_

Name: Tom Dailly

Title: Village President

Date: \_\_\_\_\_

County of DuPage

By: \_\_\_\_\_

Name: Deborah Conroy

Title: County Board Chair

Date: \_\_\_\_\_