Statement Of Richard Mathias,
Chairman
Illinois Commerce Commission

Before the Federal Railroad Administration (FRA)

Regarding the Proposed FRA Rule
For Sounding of Locomotive Horns

Lyons Township High School, South Campus
Western Springs Illinois

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Good Afternoon

I am Richard Mathias, Chairman of the Illinois Commerce Commission, one of the State of Illinois agencies that is vitally concerned with and engaged in enhancing rail crossing safety.

Illinois has some concerns with the rationale of the FRA's proposed whistle blowing rule, because we think statistics show Illinois already is doing a competent job addressing rail crossing safety. We can and will do more, but we would appreciate the opportunity to continue implementing our own program, with its demonstrated effectiveness, rather than being required to distort our systematic, successful railroad grade crossing safety initiatives.

We are concerned with the distinct possibility that in Illinois, the FRA's proposed rule might actually impair crossing safety while imposing substantial cost burdens on state and local governments by reason of unfunded federal mandates implicit in the proposed rules.

My purpose in these brief comments is to highlight some considerations from the statewide Illinois perspective of the Commerce Commission.

The Commission is not a newcomer to railroad grade crossing safety—it has overseen safety for nearly a century and has been the state agency primarily responsible for the direction of Illinois' grade crossing initiatives for approximately 45 years. During that time, more than $400 million has been invested primarily by state and local governments in upgrading thousands of crossings, and we believe this investment has saved countless lives.

Since America's bicentennial year (1976), accidents have declined in Illinois from 827 to 178. This dramatic reduction has been achieved in spite of the fact that during this time, both rail and vehicular traffic have nearly doubled!

Illinois' primary method for achieving these safety results has been through railroad grade crossing improvements paid for from the Illinois Grade Crossing Protection Fund.

Illinois Governor George Ryan and members of the Illinois General Assembly recently re-affirmed Illinois' commitment to grade crossing safety by working together in 1999 to approve a 50% increase in the Illinois Grade Crossing Protection Fund. This $9 million annual increase together with the State's prior commitment will result in more than $130 million being spent to improve grade crossings on local roads throughout the state during the next five years.

In addition, largely as a result of the new ILLINOIS FIRST program, the Illinois Department of Transportation (IDOT) will invest almost $280 million in grade crossing safety during this same period. Without question, Illinois has and continues to invest a very significant amount of money to improve grade crossing safety for its citizens. During the past two years alone, IDOT has allocated an additional $62 million just to upgrade the signal systems at complex interconnected rail crossings.

During the past few years Illinois has:

- Closed nearly 100 public grade crossings
- Provided over $100 million to fund safety improvements at over 300 local grade crossings and bridges
- Assisted in the development of experimental grade crossing photo enforcement systems
- In conjunction with railroads and suppliers, assisted in the development and installation of remote monitor devices at grade crossings equipped with active warning devices to improve railroad notification of any crossing signal malfunctions
- Along with IDOT and the railroads, provided funding assistance for the installation of new control circuitry at interconnected crossings

Regrettably, this successful, statistically proven program will quite probably be jeopardized by this FRA proposed rule. The rule mandates the sounding of train air horns unless expensive additional technology improvements are made at crossings which already meet tested Illinois safety standards. As a result of implementing the proposed rule, the Commission may be requested to divert funds to meet a federal mandate to upgrade crossings which are already technologically safe but which would be subject to the new whistle blowing requirements.

Furthermore, it would be extremely expensive to comply with the proposed FRA standards necessary to halt horn blowing - some have estimated it would cost a half billion dollars just in the Chicago area alone.

Our greatest priority for investing in crossing safety has been, and continues to be upgrading crossings which have passive warning devices, mainly crossbucks, to active devices such as lights, and recently, flashing lights and gates.

Our data demonstrate that this should be an obvious priority for safety investments. The 3,900 remaining crossbuck crossings carry less than 2 percent of statewide average daily crossing traffic but produce 33% of accidents and nearly 40% of the fatalities.

If train horns begin to sound in highly populated areas, there will be such a public demand for the Commission to shift its projects from safety to noise reduction—to shift its resources away from upgrading more dangerous rail crossings. Diversion of our Grade Crossing Protection Funds to what we believe are essentially noise suppression projects would not be in the interest of safety.

That is why we are concerned that, if implemented in its present form, the proposed rule may actually inhibit safety in Illinois. And that is why we believe that an exception for Illinois would be beneficial, not detrimental, for safety.

In fact, Illinois is unique among the states in several important respects.

First, Illinois has experience with horn-blowing already. In the1980's, a miscue in drafting an Illinois law compelled railroads to sound their air horns at every grade crossing in Illinois. The City of Chicago, suburban

mayors and city managers, the Commerce Commission and Illinois Department of Transportation, radio and television stations and others were swamped in a tidal wave of angry phone calls. Fortunately, a state court set aside the law long enough for the Commission to devise a reasonable and effective approach to remedy the situation.

Since at least the late 1980's, by Commission order a crossing may be excused from horn-blowing if it meets three simple, practical criteria:

(1) Automated warning signals (lights or gates)

(2) No more than two accidents in the past five years

(3) Strong local education and enforcement efforts

We are hopeful that, as a result of these hearings, the FRA will profit from this Illinois experience and apply its lessons to the proposed rule.

Second, Illinois is unique in serving as the national hub for rail transportation. Illinois must deal with an unmatched convergence of rail and vehicle traffic, as well as population density. If the FRA's proposed rules are adopted, Chicago will be not only the nation's leading rail hub, it will also become the capitol of the railroad air horn hubbub.

As we have considered the possible merits of horn blowing, we have concluded that it may serve a purpose in some rural areas, where crossings are far apart and population is sparse, but that in densely populated urban areas with many crossings, the constant sounding may create a saturation which leads persons to ignore horns, resulting in an actual increase of risk.

As mentioned, in rural areas the priority should be on upgrading crossbucks. Moreover, in transitional growth areas (rural to urban), increased traffic creates greater risk exposure and likelihood of accidents, unless crossbucks are upgraded.

It has been estimated that, if this FRA rule is adopted, railroad air horns will blast in the Chicago metropolitan area several hundred thousand times each week day. We are meeting today in La Grange, Illinois, which has four railroad grade crossings. If the FRA's proposed rules are adopted, air horns will blast away here roughly 2000 times each day. And Thursday's FRA hearings are in Des Plaines which has almost eight times that number of crossings.

In view of our documented success with a different approach in Illinois, the Commission is trying to help find a real solution to the need for continuing improvements in rail safety measures, which:

(1) Improve grade crossing safety rather than diminish or impede it;

(2) Avoid diversion of resources from the true safety priorities which over time have been statistically proven to be successful; and

(3) Do so in an administratively feasible manner.

To this end, the Commission has been working closely with the parties impacted by this proposed rule to craft an Illinois approach which advances crossing safety in a truly effective manner. Commission personnel have met with the Federal Railroad Administrator and her staff; with our state partners at the Illinois Department of Transportation and Chicago Area Transportation Study; with Mayor Daley's Office and mayors and other local officials and with railroads. We have already reached a consensus position on many of the major issues to present to FRA.

As a fellow regulator I understand the difficulty of formulating improved rail crossing safety crossing rules that are practical and effective. I pledge our support to the FRA in working to attain this goal.