



ILLINOIS COMMERCE COMMISSION

September 18, 2007

City of Des Plaines, an Illinois Municipal Corporation, Petitioner,	:	
	:	
v.	:	
Union Pacific Railroad Company and Canadian National Transportation (USA) Limited, Respondents.	:	T07-0075
	:	
In the matter of the Petition of the City of Des Plaines for an order of the Illinois Commerce Commission to require an increase in the number of railway maintenance crews and the reimbursement of City expenses allotted when dealing with railway maintenance issues within the City of Des Plaines, Cook County, Illinois.	:	

Mr. David R. Wiltse  
City of Des Plaines, Attorney  
1420 Miner Street  
Des Plaines, IL 60016-4498

Dear Mr. Wiltse:

Receipt is acknowledged of the original and three (3) copies of the Petition filed September 17, 2007 in the above matter.

**All future correspondence/pleadings should be filed with an original and addressed to: Mr. Dave Lazarides, Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to [www.icc.illinois.gov](http://www.icc.illinois.gov) and apply for an E-docket account.**

Processing and Information Section

KI

Cc: Staff: Mr. Brian Verduynde  
Mr. Mack Shumate, Jr., UP  
CT Corporation System, UP  
Mr. Dave McKernan, UP  
Mr. James M. Kvedaras, IC  
Mr. John M. Henriksen, IC  
Mr. Thomas J. Healey, IC  
Mr. Anthony Arredia, City of Des Plaines, Mayor  
Ms. Donna McAllister, City of Des Plaines, Clerk

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

CITY OF DES PLAINES, an Illinois )  
Municipal Corporation, )

Petitioner, )

v. )

Docket No. TC7-0075

UNION PACIFIC RAILROAD )  
COMPANY and CANADIAN NATIONAL )  
TRANSPORTATION (USA) LIMITED )

Respondents, )

**RECEIVED**

SEP 17 2007

Illinois Commerce Commission  
RAIL SAFETY SECTION

IN THE MATTER OF THE PETITION )  
OF THE CITY OF DES PLAINES FOR )  
AN ORDER OF THE ILLINOIS )  
COMMERCE COMMISSION TO )  
REQUIRE AN INCREASE IN THE )  
NUMBER OF RAILWAY )  
MAINTENANCE CREWS AND THE )  
REIMBURSEMENT OF CITY EXPENSES )  
ALLOTTED WHEN DEALING WITH )  
RAILWAY MAINTENANCE ISSUES )  
WITHIN THE CITY OF DES PLAINES, )  
COOK COUNTY, ILLINOIS. )

**PETITION**

**TO: THE ILLINOIS COMMERCE COMMISSION**

The City of Des Plaines, the Petitioner herein, respectfully states as follows:

1. Petitioner, City of Des Plaines, by Anthony W. Arredia, Mayor, 1420 Miner Street, Des Plaines, Illinois, 847/391-5301, is an Illinois Municipal Corporation, located in Cook County, Illinois.
2. Respondent Union Pacific Railroad Company doing business in the State of Illinois is a common carrier by rail and is subject to the Public Utilities Act of the State of Illinois and has its principal office at 1400 Douglas Street, Omaha, Nebraska 68179.

**DOCKETED**

SEP 18 2007

3. Respondent Canadian National Transportation (USA) Limited doing business in the State of Illinois is a common carrier by rail and is subject to the Public Utilities Act of the State of Illinois and has its principal office at 935 de La Gauchetiere Street West, Montreal, Quebec, Canada H3B 2M9.

4. The City of Des Plaines has 32 graded railway crossings that are part of three separate rail lines belonging to the Respondents within the city limits; two owned by Union Pacific (their Northwest and Milwaukee lines) and the other Canadian National. Of these 32 graded railway crossings, 17 are Union Pacific (5 on the Northwest line, 12 on the Milwaukee line) and 15 are Canadian National crossings.

5. There were 337 gate malfunctions reported on these 32 graded crossings between April 15, 2006 and April 15, 2007, averaging about 1 incident every day of the year. A copy of these malfunctions is available in the "Incidents List" which is attached as Exhibit "A".

6. These gate malfunctions are widespread amongst each of the three rail lines, but the Union Pacific Northwest Line has the highest rate of malfunction, with an average of 15 incidents at each crossing over the year.

7. Seven of the 32 crossings within the city account for 50% of all gate malfunctions recorded, and these crossings affect three of the city's four highest traffic areas, as rated by the Illinois Department of Transportation's average annual daily traffic count (ADT).

8. The average duration of each gate malfunction incident was 39 minutes, with 80% of the incidents being resolved within an hour, while roughly 10% of all incidents lasted in excess of 2 hours before the malfunction was repaired.

9. Both the Police Chief and the Fire Chief of the City of Des Plaines have issued affidavits attesting to the fact that the prevalence of these gate malfunctions interfere with the movement of

traffic, and both the malfunctions themselves and the resulting traffic problems place an additional burden on the city's emergency response capabilities. See affidavits attached as Exhibits "B" and "C".

WHEREFORE, Petitioner prays that this Commission set a date for a Hearing on this Petition for the purpose of requiring Respondent Railroads herein to fund additional railway maintenance crews to address prevalent issues, as well as reimbursement of funds to the City of Des Plaines for the costs incurred when city resources are diverted to address problems created by the numerous gate malfunctions within the city limits. Petitioner further requests that due notice be sent to all necessary parties to this Hearing.

Respectfully submitted,

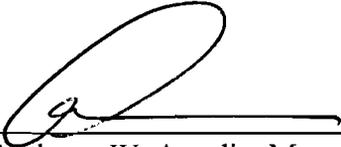
CITY OF DES PLAINES,  
a municipal corporation,

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

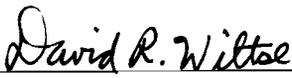
  
Anthony W. Arredia, Mayor

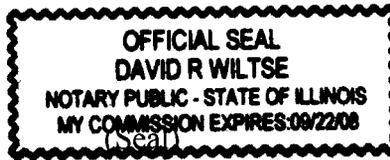
STATE OF ILLINOIS        )  
  ) ss.  
COUNTY OF COOK        )

Anthony W. Arredia, being first duly sworn on oath, deposes and says that he is the Mayor for the City of Des Plaines, Cook County, Illinois and that he has read the foregoing Petition signed by him as City Mayor and that the facts stated therein are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Anthony W. Arredia, Mayor

SUBSCRIBED and SWORN to before  
me this 6<sup>th</sup> day of September, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC



# Railroad Gate Malfunctions in Des Plaines (Apr 15, 2006 to Apr 15, 2007) Summary of Findings from Data

## FREQUENCY

- 337 Incidents over the course of 1 year, which equates to nearly one per day.
- Apart from two standout months (Nov and Feb), the malfunctions are spread relatively evenly throughout the year. There are no clear trends apparent from the single year of data.
- The majority of the time, the malfunction was isolated. (60 percent of the time, only one gate malfunction during the day). However, on two occasions there were widespread malfunctions (Nov 29- 13 incidents on CNRR; Feb 12- 15 incidents scattered btwn all three lines)
- Gate malfunctions are widespread along all three rail lines. However, when averaged over the number of crossings, the UP-Northwest Line has the highest rate of gate malfunctions (15 malfunctions per crossing over the year).
- The malfunctions are widespread amongst all of the crossings. Only 5 of the 32 crossings in the City had no malfunctions. That said there are some evident problem locations.
- The worst 7 crossings account for 50 percent of the gate malfunctions. These crossings affect 3 of the 4 highest ADT roads in the City (River, Rand, Oakton)
  1. Thacker/Dempster (UP-M) - 27
  2. Oakton (UP-M) - 25
  3. Des Plaines River Road (UP-NW) - 25
  4. Oakton (CN) - 19
  5. Rand (UP-M) - 18
  6. Graceland (UP-NW) - 17
  7. Mt. Prospect (UP-NW) - 16

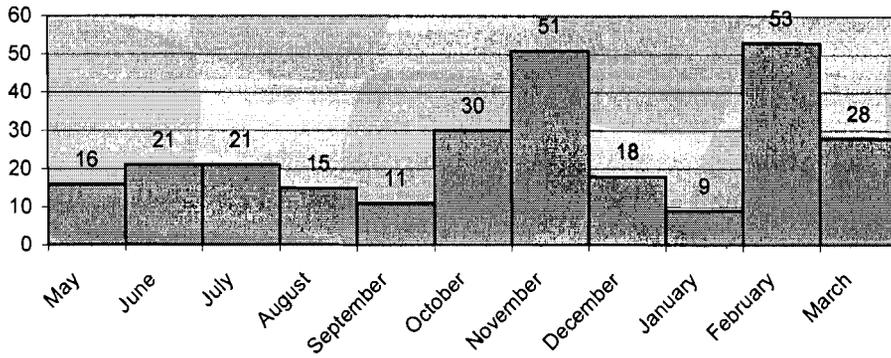
## DURATION

- There was a total of 217 hours of gate malfunction time over the course of the year.
- The average incident duration was 39 minutes, however there was widespread variation in the durations.
- 36 percent of the incidents lasted less than 10 minutes.
- Nearly 80 percent of the incidents lasted less than 1 hour.
- At the other end of the spectrum, there were 34 incidents (~10%) that lasted in excess of 2 hours.
- The total incident time, when normalized for the number of crossings, was roughly comparable for each of the three rail lines.
- The worst 5 crossings account for 35% of the total 217 hours of incident duration. The worst 10 crossings account for 64%.
  1. Oakton (UP-M) - 22.5 hrs
  2. Oakton (CN) - 17.9 hrs
  3. Lee/Mannheim (CN) - 14.9 hrs
  4. Algonquin (CN) - 13.6 hrs
  5. Prairie (CN) - 12.9 hrs
  6. Thacker/Dempster (UP-M) - 12.2 hrs
  7. Rand Road (UP-M) - 11.5 hrs
  8. Des Plaines River Road (UP-M) - 11.3 hrs
  9. Mt. Prospect (UP-M) - 10.8 hrs
  10. Des Plaines River Road (UP-NW) - 10.8 hrs

Exhibit No. "A"

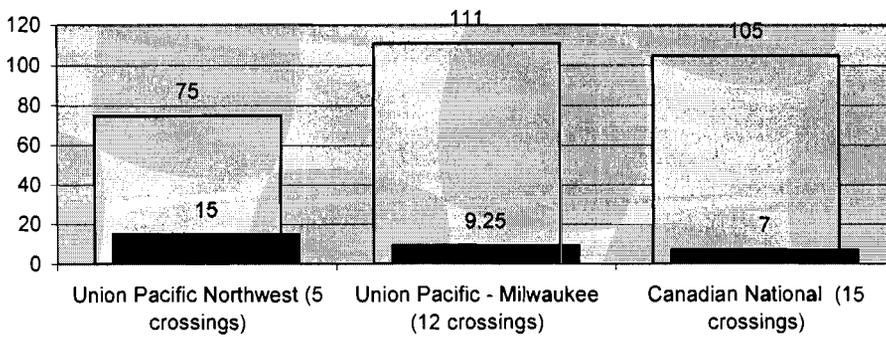
## FREQUENCY ANALYSIS I

**Gate Malfunctions by Month**



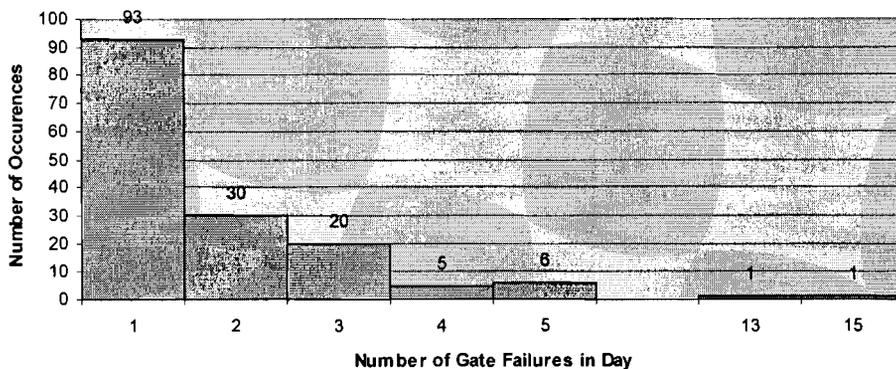
Apart from two standout months (Nov and Feb), the malfunctions are spread relatively evenly throughout the year. There are no clear trends apparent from the single year of data.

**Gate Malfunctions by Crossing by Railroad Line  
(Total and Avg per Crossing)**



Gate malfunctions are widespread along all three rail lines. However, when averaged over the number of crossings, the UP-Northwest Line has the highest rate of gate malfunctions (15 malfunctions per crossing over the year).

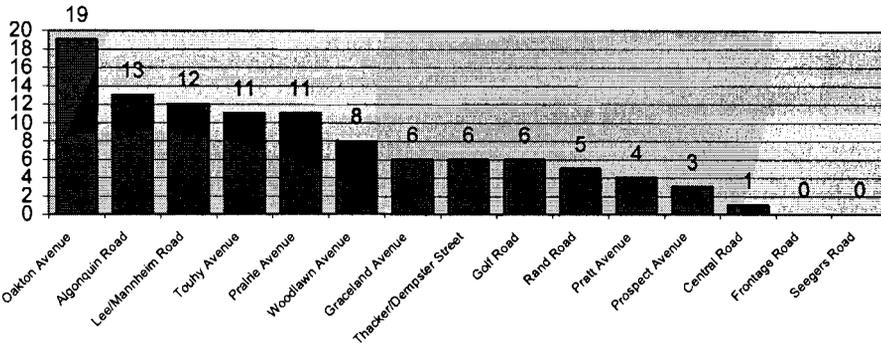
**Gate Malfunctions Frequency Analysis**



The majority of the time, the malfunction was isolated. (60 percent of the time, only one gate malfunction during the day). However, on two occasions there were widespread malfunctions (Nov 29- 13 incidents on CNRR; Feb 12- 15 incidents scattered btwn all three lines)

## FREQUENCY ANALYSIS II

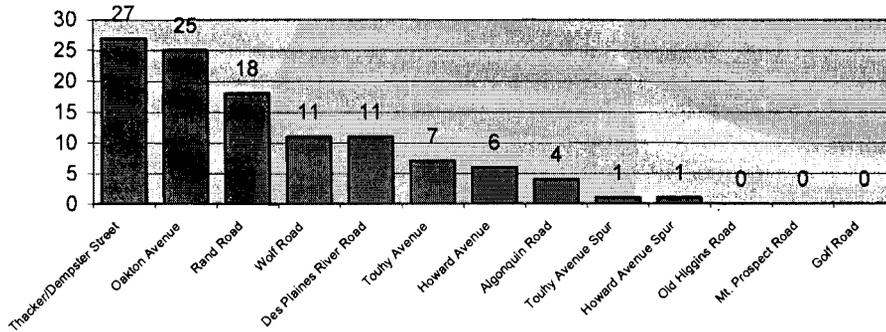
**Gate Malfunctions by Crossing  
Canadian National**



The malfunctions are widespread amongst all of the crossings. Only 5 of the 32 crossings in the City had no malfunctions. That said there are some evident problem locations.

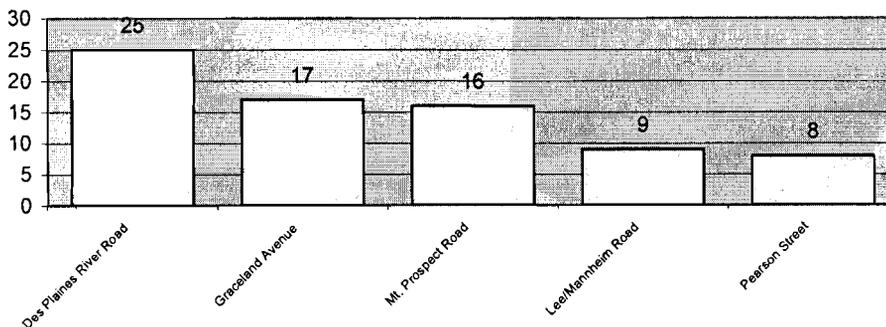
The worst 7 crossings account for 50 percent of the gate malfunctions. These crossings affect 3 of the 4 highest ADT roads in the City (River, Rand, Oakton)

**Gate Malfunctions by Crossing  
Union Pacific - Milwaukee**

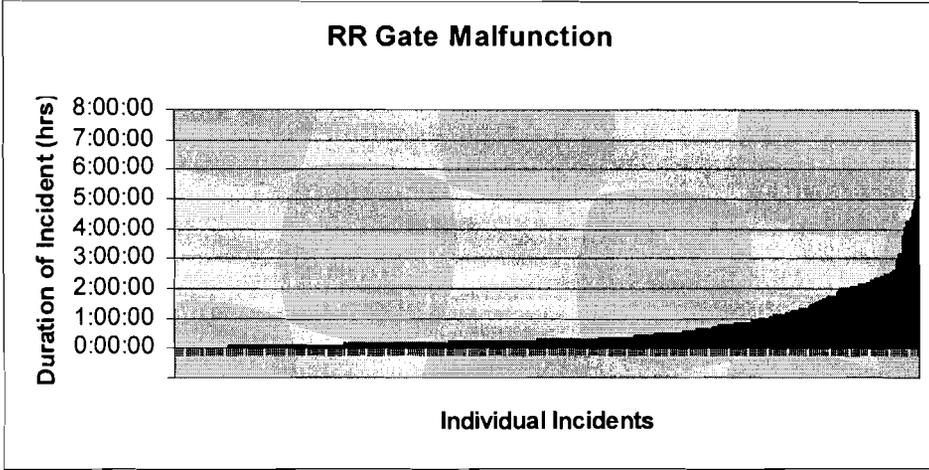


1. Thacker/Dempster (UP-M) - 27
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3. Des Plaines River Road (UP-NW) - 25
4. Oakton (CN) - 19
5. Rand (UP-M) - 18
6. Graceland (UP-NW) - 17
7. Mt. Prospect (UP-NW) - 16

**Gate Malfunctions by Crossing  
Union Pacific - Northwest**

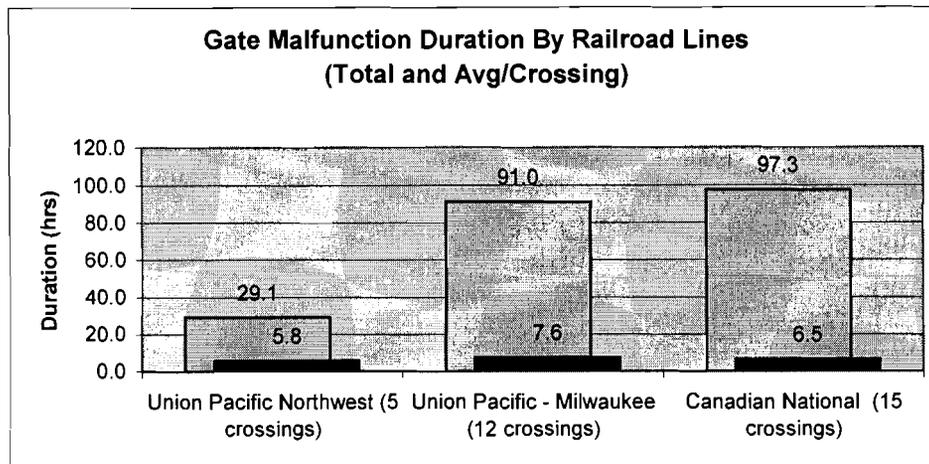
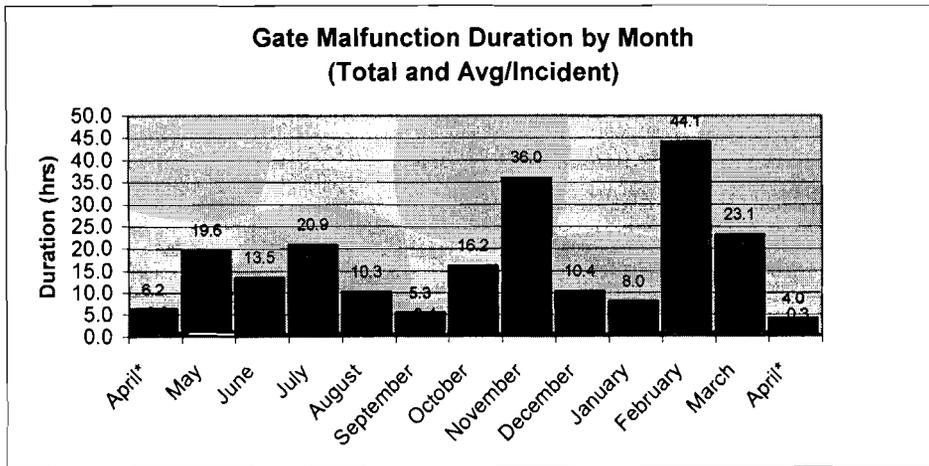


# DURATION ANALYSIS I



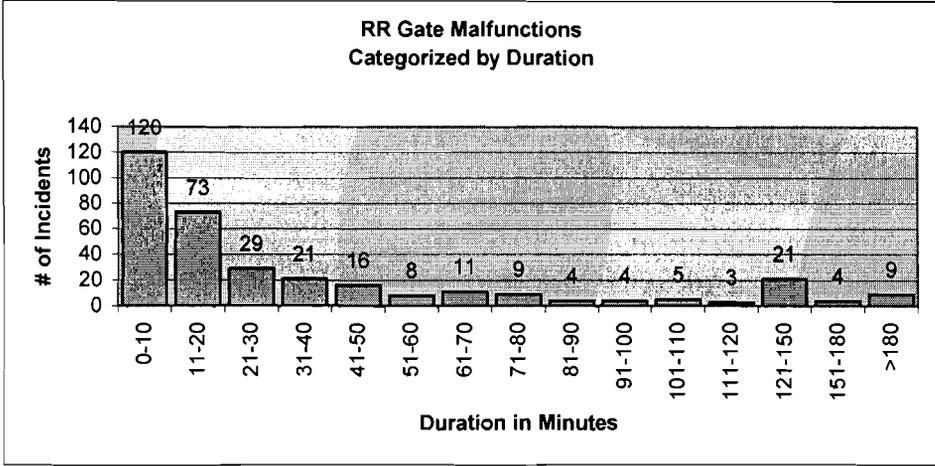
There was a total of 217 hours of gate malfunction time over the course of the year.

The average incident duration was 39 minutes, however there was widespread variation in the durations.

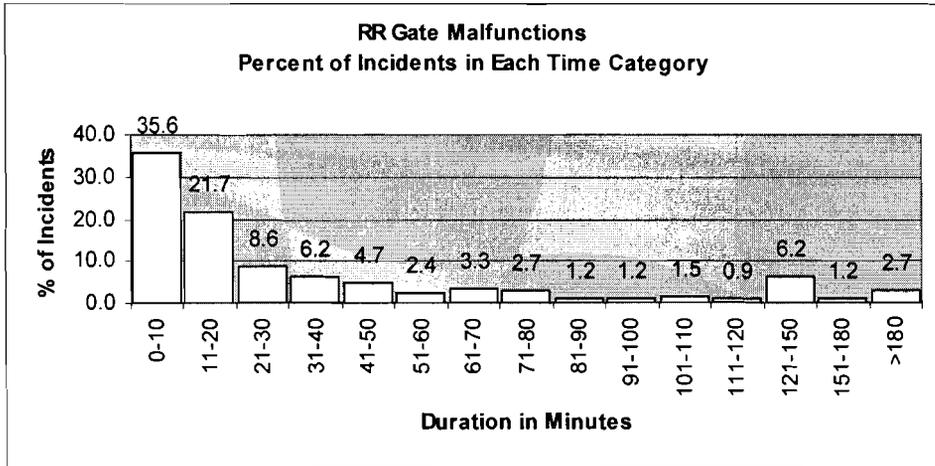


The total incident time, when normalized for the number of crossings, was roughly comparable for each of the three rail lines.

# DURATION ANALYSIS II

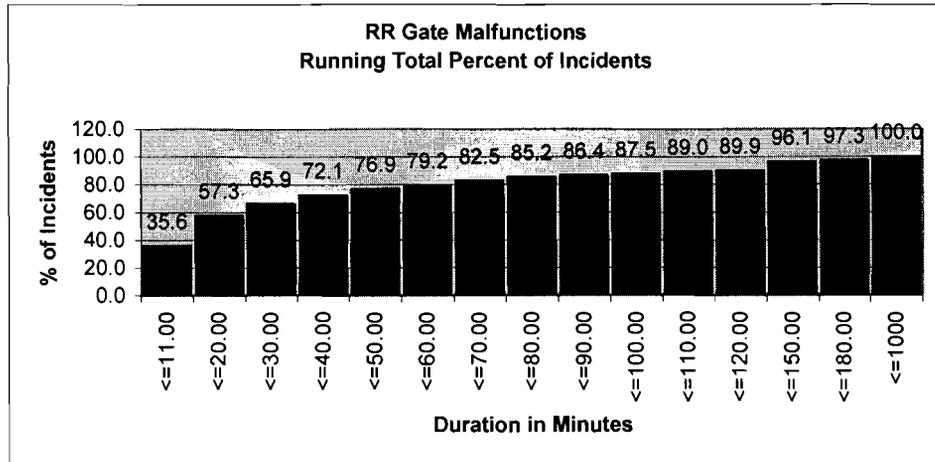


36 percent of the incidents lasted less than 10 minutes.



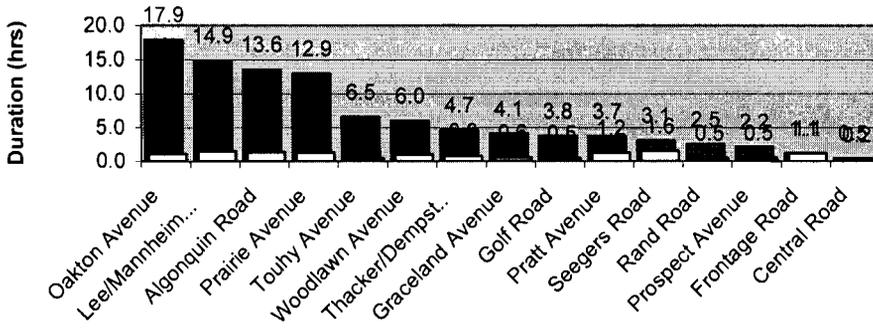
Nearly 80 percent of the incidents lasted less than 1 hour.

At the other end of the spectrum, there were 34 incidents (~10%) that lasted in excess of 2 hours.



## DURATION ANALYSIS III

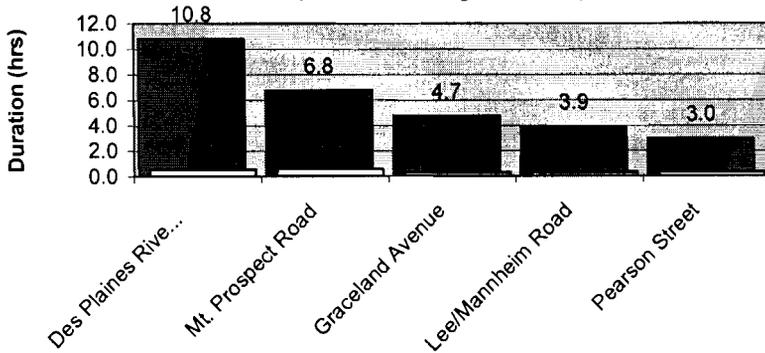
**Gate Malfunction Duration By Crossing- Canadian National  
(Total and Avg/Incident)**



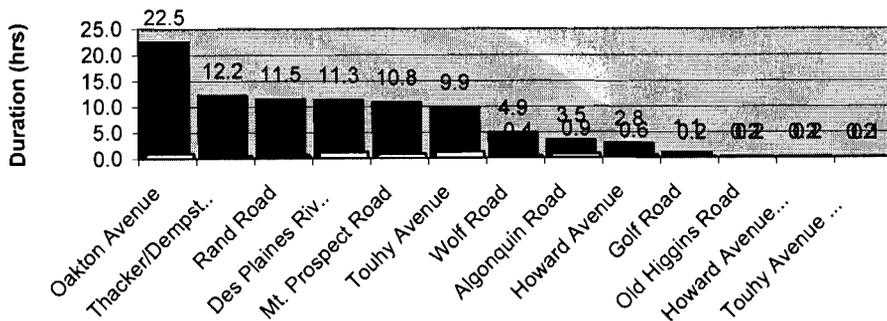
The worst 5 crossings account for 35% of the total 217 hours of incident duration.  
The worst 10 crossings account for 64%.

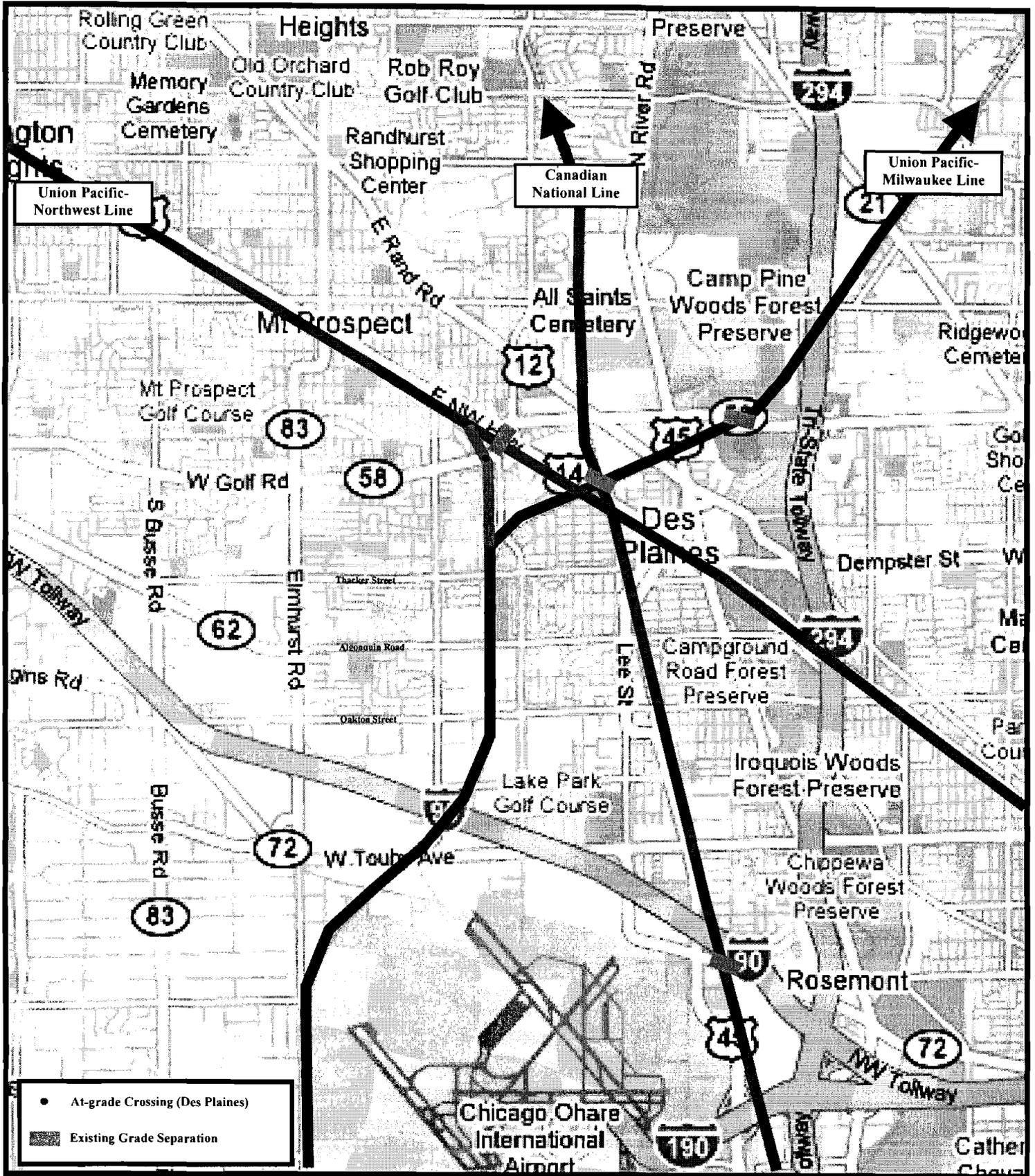
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8. Des Plaines River Road (UP-M) - 11.3 hrs
9. Mt. Prospect (UP-M) - 10.8 hrs
10. Des Plaines River Road (UP-NW) - 10.8 hrs

**Gate Malfunction Duration By Crossing- UP Northwest  
(Total and Avg/Incident)**



**Gate Malfunction Duration By Crossing- UP Milwaukee  
(Total and Avg/Incident)**





**Railroad Lines and Crossings  
City of Des Plaines**

STATE OF ILLINOIS        )  
  ) ss.  
COUNTY OF COOK         )

**AFFIDAVIT**

I, James S. Prandini, being first duly sworn upon my oath, depose and state:

1. I am currently serving as the Chief of Police in Des Plaines, Illinois. I have been a police officer for twenty-seven years – with the last four years as the Chief.
2. The City of Des Plaines has thirty-two (32) railroad crossings, which serve vehicular and pedestrian traffic in a suburb of Chicago that is vital to the northwest corridor. Most of the seven police beats are structured around a winding configuration of railroad infrastructure that dissects the City.
3. Each year we experience an increasing number of problems at our railroad crossings that directly affect our response to emergency calls for service, as well as place an unreasonable burden on City personnel to mitigate these issues. These problems include trains blocking several crossings at a time and railroad gate malfunctions where the gates remain down when no train is in sight.
4. The magnitude of this issue directly and adversely affects the police department’s performance of their duties. Trains blocking railroad crossing for an extended period of time create large traffic jams at major intersections that are in close proximity. These traffic problems directly affect the police department’s ability to respond to emergency calls for service, especially when an emergency response is expected on the other side of the crossing. Additionally, railroad gate malfunctions continue to plague our City, especially during inclement weather. An extraordinary amount of personnel are required to staff these crossings and prevent vehicles / pedestrians from circumventing the signals and gates. In most cases, these malfunctions regularly affect more than one crossing in the downtown business district and west side of Des Plaines.
5. The Des Plaines Police Department understands that trains are a way of life in Des Plaines and one can understand that crossings may be blocked while commuter or freight trains pass. It is difficult and frustrating for our citizens and emergency responders to see trains blocking railroad crossings while they are waiting for other slow moving trains to pass on intersecting tracks. Also, the railroads do not have adequate staff to respond to the amount of railroad gate malfunctions that take place in Des Plaines. The police department regularly waits several hours before railroad personnel arrive and troubleshoot the problem.

Exhibit No. “B”

This directly affects our ability to respond to calls for police service and creates a financial burden with overtime expenditures.

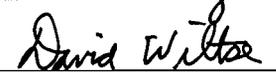
6. Both of these complaints appear to have reasonable solutions. Trains should be staging beyond our boundaries if they are going to have to block crossings while they wait for intersecting train traffic to clear. Also, adequate staffing of personnel is essential to a timely response for railroad gate malfunctions. Both solutions must be addressed in a timely manner for the safety of our City.
  
7. The mission of the Des Plaines Police Department, in cooperation with our community, is to protect life and property, and enhance the quality of life for all of our citizens. The problem of blocked crossings is directly and adversely affecting the health, safety and welfare of both the citizens of Des Plaines and the thousands of people who traverse through Des Plaines on a daily basis. The railroads must take a more active role in finding a solution to this problem.

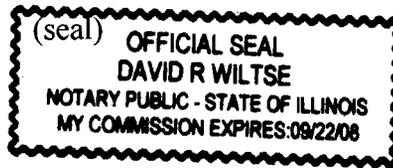
Affiant further sayeth not.

If called to testify, your Affiant would testify affirmatively and competently as to the facts as stated herein.

  
\_\_\_\_\_  
James S. Prandini, Chief of Police  
8-30-07  
\_\_\_\_\_  
Date

SUBSCRIBED and SWORN to before me  
this 30 day of August, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC



STATE OF ILLINOIS        )  
  ) ss.  
COUNTY OF COOK         )

**AFFIDAVIT**

I, Randy Jaeger, being first duly sworn upon my oath, depose and state:

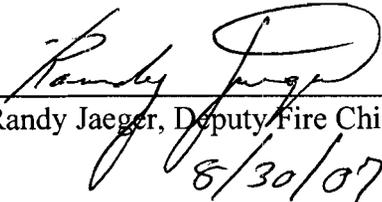
1. I am currently serving as the Deputy Chief of Fire in Des Plaines, Illinois. I have been employed with the Des Plaines Fire Department for twenty-four years. On September 4, 2007, I will be sworn in as Chief.
2. On a daily basis in the City of Des Plaines, blocked railroad grade crossings account for numerous delays to fire and medical service apparatus responding to emergencies. The impact of the delays ranges from a minor disruption of service to major traffic jams preventing emergency equipment from responding on a timely basis. Delays are caused by several circumstances including:
  - a. Trains actively crossings a grade crossing blocking traffic temporarily causing delays in response. It can take anywhere from several seconds for commuter trains to ten minutes or longer for freight trains depending upon the length of the train and the speed it is traveling to clear the crossing. An emergency vehicle experiencing this type of delay will look for an alternate route to by-pass the train, if practicable to do so. If that option is not available, then the 911-dispatch center will be requested to dispatch another vehicle if it appears that the train will cause a significant delay in response to the original responding vehicle.

Exhibit No.   "C"

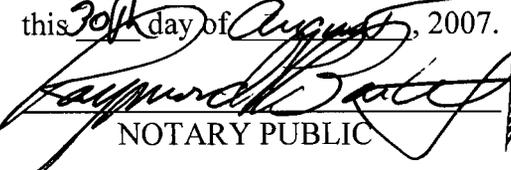
- b. Freight trains experiencing mechanical failures usually block several grade crossings at once basically dissecting the community for an unspecified period of time. There have been several instances in the past where trains have blocked three or four grade crossings simultaneously for thirty to forty minutes. In this instance, emergency response apparatus usually has to go around the train or call for a neighboring community to respond and approach from another direction. This significantly increases the emergency response time to get assistance to a person or residence.
- c. Railroad grade crossing gates malfunctioning and stuck in the down position blocking traffic significantly increases the chances of accidents, and also increases the chances of impatient motorists driving around the gates.

Affiant further sayeth not.

If called to testify, your Affiant would testify affirmatively and competently as to the facts as stated herein.

  
\_\_\_\_\_  
Randy Jaeger, Deputy Fire Chief  
8/30/07  
\_\_\_\_\_  
Date

SUBSCRIBED and SWORN to before me  
this 30th day of August, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC

