

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

April 15, 2008

Joe O'Brien (via e-mail)
Administrative Law Judge
Review and Examination
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

RE: T07-0075 STAF RESPONSE

Dear Judge O'Brien:

Please find attached the Staff Response for the referenced docket. It has been filed in e-Docket, and has been e-mailed to the parties as indicated on the attached Certification. In accordance with the Commission's Rules of Practice for service by electronic means, a hard copy will not follow.

If you have any questions, or require additional information, please contact me at (217) 557-1285 or mstead@icc.illinois.gov, or Brian Vercruysse, Railroad Safety Specialist, at (630) 424-8750 or bvercruy@icc.illinois.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead
Rail Safety Program Administrator

Certification

I, Brian Vercruysse, Senior Rail Safety Specialist for the Illinois Commerce Commission, hereby certify that the STAFF RESPONSE for T07-0075 was docketed on e-Docket and e-mailed to the parties listed below.

RAIL SAFETY SECTION STAFF
ILLINOIS COMMERCE COMMISSION

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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.	:	

STAFF RESPONSE

Now comes the Staff of the Illinois Commerce Commission (“Staff”), in response to the Petition filed by the City of Des Plaines (“City”) on September 6, 2007, respectfully submits the following.

On July 19, 2007, Staff received an informal complaint from the City regarding the operation of warning devices and train-induced delay at the highway-rail intersections referenced in the City’s Petition. Staff subsequently inspected each crossing within the City with representatives from the Union Pacific Railroad Company (“UP”), and the Canadian National Limited (“CN”). Further follow-up inspections have continued to date. Staff’s Response discusses the existing conditions, summarizes the results of the aforementioned inspections, and provides recommendations for improving the delays experienced throughout the City.

Based upon the most recent data and inspections, the existing conditions for the subject rail lines within the City are as follows:

Union Pacific Railroad-Northwest Line (“UP-NW”)

Triple Track

78 passenger trains per day at speeds up to 70 mph

4 freight trains per day at speeds up to 50 mph

Rail/Rail (“Diamond”) intersections with the UP-Milwaukee line and the Canadian National (“CN”) line.

5 highway-rail grade crossings inspected:

Crossing	AAR/DOT #	Railroad Milepost
1. River Rd.	173 908X	16.50
2. Pearson St.	173 910Y	16.64
3. Lee St.	173 911F	16.70
4. Graceland	173 912M	16.86
UP NW / UP MIL Diamond		17.80
UP NW / CN Diamond		17.85
5. Mt. Prospect	176 909P	18.77

UP-Milwaukee Line (“UP-M”)

Double Track

32 freight trains at speeds up to 47 mph

Majority of freight traffic is by Canadian Pacific Railway (“CP”), operated through a trackage rights agreement

Diamond intersections with CN and UP-Northwest lines

12 highway-rail grade crossings inspected:

Crossing	AAR/DOT #	Railroad Milepost
1. East River Rd.	174 109W	13.87
2. River Rd.	174 107H	12.73
3. Rand Rd.	174 106B	12.55
UP MIL / CN Diamond		12.05
UP MIL / UP NW Diamond		12.00
4. Wolf Rd.	174 103F	11.53
5. Golf Rd.	174 101S	11.20
6. Dempster	174 099T	11.03
7. Algonquin Rd.	174 098L	10.50
8. Oakton Ave.	174 096X	10.02
9. Touhy Team	174 093C	8.87
10. Howard St.	174 090G	9.3
11. Mt Prospect	174 088F	9.08
12 Touhy Ave.	174 087Y	8.70

Wye track with NW line

Spur track

CN Line

Mostly Double Track, which was completed in 2005/2006 to accommodate expansion of Metra’s North Central commuter service to Antioch.

22 passenger trains per day at speeds of 40 mph

12 freight trains per day at speeds of 40 mph

Diamond intersections with the UP-Milwaukee and the UP-Northwest lines

14 highway-rail grade crossings inspected:

Crossing	AAR/DOT #	Railroad Milepost
1. Rand Rd.	689 677V	24.05
2. Golf Rd.	689 676N	23.94
3. Seeger Rd.	689 657G	23.86
UP CN / UP MIL Diamond		23.50
UP CN / UP NW Diamond		23.45
4. Woodlawn	689 660S	23.17
5. Prairie Ave.	689 659X	22.98
6. Thatcher	689 658R	22.84
7. Graceland Ave.	689 657J	22.67
8. Lee St.	689 656C	22.56
9. Algonquin Rd.	689 655V	22.33
10. Oakton Blvd.	689 654N	21.82
11. Prospect Ave.	689 653G	21.44
12. Frontage Rd.	689 652A	21.22
13. Touhy Ave.	689 651T	20.80
14. Pratt Ave.	689 649S	20.28

In relation to the operation of the warning devices, each of the crossings listed above was inspected by Staff. The majority of deficiencies identified were minor (loose contacts, loose joints and bonds, equipment settings, adjustments, plans not matching field conditions), and were not causing malfunctions at time of inspection. Deficiencies found were either corrected at the time of inspection or repairs were scheduled shortly thereafter. Relative to track maintenance, one violation was issued on the UP-NW line for Interference, with a track crew fouling the warning devices at a crossing without having the appropriate support from the UP's signal department.

The crossings where deficiencies or false activations continued to arise were further evaluated, with ongoing adjustments completed as needed (included crossings were UP-NW: Lee Street, Pearson Street, and River Road; UP-M: Rand Road and River Road; CN: Rand Road). These active adjustments are necessary to cope with the dynamic operational and environmental changes in which a single modification, additional manpower, or change in equipment cannot insure that future problems will be averted. Ever-changing conditions that complicate the maintenance and operations of the warning devices include weather (leading to roadway salting or excessive moisture), interference from AC power facilities that seasonally induce current into the railroad equipment, as well as damage from highway traffic (broken gates/other equipment).

These conditions may be present at any crossing within the Chicago region or the state. However, for the City of Des Plaines, any problems are then magnified by the configuration of the road-rail network with the rail lines crossing each other, the highway-rail grade crossings in close proximity to one another, and the high volume of trains and vehicles utilizing the crossings.

In addition to inspecting the crossings, Staff has also reviewed the City's 9-1-1 log, the exhibits included with the Petition, and UP and CN's maintenance logs for the years of 2006 and 2007. For similar time periods the numbers are not equal, as not all 9-1-1 calls were not reported to the CN or UP. Adding further reporting and maintenance complexity, with the close proximity of the crossings on a line, a failure at one crossing could impact numerous adjacent crossings. Of the 337 "gate malfunctions" from April 15, 2006 to April 15, 2007, referenced in the City's Petition, it is necessary to categorize the individual incidents such that the correct cause can be determined before assigning blame or neglect. As an example, in reviewing the UP's maintenance logs from 2007 on the UP-NW line, it was noted that there were 63 maintenance "tickets." Of these approximately 25% were under the category of replace gate or re-hang gate arm; each of which could be attributable to gates being damaged by highway users. Another 25% of these maintenance calls showed that the maintainer found the crossing to be working as intended, or that "No Cause" was found; each of which could be attributable to a maintenance operation or failure at an adjacent crossing. Other causes in the UP log included: broken rail, road salt or very wet conditions, weather, AC interference, and other equipment issues such as bad circuit boards, lightning arrestors, and broken track wires.

Based upon the inspections and review, Staff believes that the UP and CN in most instances acted responsibly and in accordance with State and Federal requirements for the normal and call-out maintenance duties associated with the warning devices at the crossings.

Given the train volumes, operations and maintenance complexities in the area however, Staff recommends that the following actions should be reviewed and implemented by the parties as feasible:

1. UP and CN should notify the City's Police Department when maintenance work is performed (scheduled or unscheduled work); notification should be by phone, fax, or e-mail.
2. UP and CN should minimize the interference of warning devices during testing and/or scheduled maintenance. (This is in reference to the violation given to a UP welder for not protecting affected crossings against circuitry interference causing a false activation).
3. UP and CN should initiate a "trouble ticket" for any scheduled or unscheduled maintenance work when warning device circuitry may be interfered with, (for tracking purposes, so the caller can be made aware of the type of activation).
4. UP should install Constant Warning Time ("CWT") circuitry at all crossings along the Milwaukee line to help limit the time the gates are down for slow moving or stopped trains at the Wolf Road, Dempster Street, and Algonquin Road crossings.
5. UP should address jointed rail and ballast issues along the Milwaukee line, which are causing bond and joint problems.

6. UP and CN should address the shunting operation of Hi-rail vehicles when in the approach of a crossing.
7. CN should shorten the train detection circuit on its line to match the current maximum train speed. Further discussions with Metra may be necessary to implement.
8. CN should contact Commonwealth Edison to review why the railroad has problems with AC surges along its line.
9. UP and CN should review its freight moves during peak Metra operation, and review their respective procedures for dispatching trains through the rail-rail intersections ("diamonds").
10. UP and CN should utilize gate delay at locations prone to gates being broken by motorists.
11. UP and CN should continue to implement software modifications to predictor units to further isolate adjacent circuit problems at insulated joint locations (the software revision is currently in trial use).
12. UP and CN should review future operations and train volumes on the various lines to determine possible impacts and maintenance needs.
13. The City of Des Plaines should assign a staffer to coordinate with the railroads' scheduled crossing maintenance and City's 911 trouble calls.

Wherefore, this Response is submitted as an accounting of the actions taken by Staff, and to provide associated recommendations to address the City's informal complaint and Petition in advance of a hearing.

Staff prays that in advance of a hearing, the UP and CN both file a compilation of any maintenance documents or analyses previously provided to the City or Staff. Staff also prays that both the UP and CN provide a breakdown of the average daily rail traffic through the City and a detailed breakdown for March 2008.

Respectfully submitted,

RAIL SAFETY SECTION STAFF
ILLINOIS COMMERCE COMMISSION



By: _____
Brian Vercruysse, P.E.
Senior Rail Safety Specialist