BEFORE THE
ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING
TRANSPORTATION AGENDA

Chicago, Illinois

Thursday, September 8, 2016

Met, pursuant to notice, at 10:30 a.m.,
September 8, 2016.

PRESENT:

MR. BRIEN J. SHEAHAN, Chairman

MS. ANN McCABE, Commissioner

MR. MIGUEL DEL VALLE, Commissioner

MR. JOHN R. ROSALES, Commissioner

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CHAIRMAN SHEAHAN: Pursuant to the Open Meeting Act, I call the September 8th, 2016 Regular Open Meeting to order. Commissioners McCabe, Del Valle, and Rosales are present here in Chicago. We have a quorum. We have no requests to speak; therefore, we can move right on to our Transportation Agenda.

There are edits to the minutes of August 24th. Are there any objections to approving the minutes as edited?

(No response.)

CHAIRMAN SHEAHAN: Then the minutes are approved.

Item R-1 concerns a consolidated action regarding petitions for the use of eminent domain. Are there any objections to approving the proposed order granting the use of eminent domain?

(No response.)

CHAIRMAN SHEAHAN: Hearing none, the order is approved.
Items R-2 through 7 concern various rail crossing improvements throughout Illinois. Are there any objections to considering these items together and approving the proposed orders?

(No response.)

CHAIRMAN SHEAHAN: Hearing none, the orders are approved.

Moving on to our Motor Carrier Agenda, Items MC-1 through 16 are stipulated agreements concerning an alleged violation to the Illinois Commercial Transportation Law. Are there any objections to considering these items together and approving the proposed orders?

(No response.)

CHAIRMAN SHEAHAN: Hearing none, the orders are approved.

Items MC-17 through 20 concern applications for Renewal of Commercial Relocation Towing Licenses. Are there any objections to
considering these items together and approving the proposed orders?

(No response.)

CHAIRMAN SHEAHAN: Hearing none, the orders are approved.

Item MC-21 concerns New Era Moving's application for certain certificates.

Are there any objections to approving the proposed order?

(No response.)

CHAIRMAN SHEAHAN: Hearing none, the order is approved.

On our Administrative Agenda,

Item AM-1 concerns the Commission's own motion in support of the week of September 11th through 17th, 2016 as Illinois Rail Safety Week. Illinois Rail Safety Week allows the ICC to work with other governmental entities and law enforcement organizations to educate Illinois residents about railroad safety, including encouraging caution around railroad tracks and avoiding railroad rights of way.

Are there any objections to adopting a
resolutions?

(No response.)

CHAIRMAN SHEAHAN: Hearing none, the resolution is adopted.

At this time I'd like to introduce Chip Pew, our Rail Safety Specialist who oversees our education and outreach program. He'll briefly talk to us about vehicle-pedestrian cruising and the ICC's efforts to be proactive in this area.

Mr. Pew, the floor is yours.

MR. PEW: Yes, Commissioners, thank you for giving me the opportunity to talk to you this morning. And I'll try and exercise the word "briefly" as best I can.

Next week is Rail Safety Week. It's our third year that we've done it, and there are a couple of things that we wanted to talk about. One of the primary things that we really want people to understand, and certainly beyond the education and the outreach, a big push with local police and other law enforcement agencies is certainly the enforcement issue.
75 percent of all of our train-vehicle fatalities last year were as a result of people driving around lowered gates. You can only do so much to change somebody's behavior, and we have found that for those communities and those departments that strictly enforce the railroad safety statute we do see a reduction in the number of grade crossing violations.

One of the main pushes that we have this year is the recognition of what we would call an ENS sign. As of September of next year all crossings are going to have to have this unique standardized blue sign. The information that's contained on this sign is a contact number for the railroad as well as the crossing's unique address.

The State of Illinois has the second most public crossings in the entire country second to Texas, and each crossing has its own unique address. If somebody would say, "I'm Chip, and I'm at Main Street in Illinois," I mean, how many Main Streets are there? But if you were to say, "I'm at Crossing 170809S", that railroad dispatcher then could find
that crossing and say, "Oh, my gosh, I have a train in close proximity to that crossing", contact the railroad or contact the train and potentially be able to stop that vehicle in advance of getting to that crossing.

Interestingly enough, the information has been out there already probably since the mid '70s; but it's amazing, in recent study, in talking to people, how much more the blue sign stands out. They always say, "Well, how long has this information been out there?" It's been out there a long time, but I think that this sign will help.

The tips that we're talking about today actually will also be posted on our ICC internal web site on Rail Safety Tips, and that will start on Monday.

COMMISSIONER ROSALES: Where is that blue sign posted?

MR. CHIP PEW: So the blue sign is posted at railroad crossings, and it could either be facing parallel to the tracks facing the approach in each direction or it can be facing down the tracks so,
actually, if somebody was stuck on the tracks, the
sign might be more visible. But FEDSHRA said, "We
don't really care which direction you have the sign, but we want it at each approach and each crossing".

If somebody was to be stuck on the tracks, we encourage them to get out of the car and before you start worrying about looking at the area, call the number. Because just because you don't necessarily see a train at that moment it could be coming at any time. This is our emergency escape plan.

So in the first scenario there's no train. Get out. Call the number. They might be able to stop the train before it gets there (demonstrating). In the second scenario you see the headlight. The train is coming. It's an active crossing. And by federal regulation a train could be at that crossing in as little as 20 seconds. It's not enough time, if the lights start flashing, to get out and look for that number because, more than likely, once you see the headlights it's probably too late. That train is not going to be able to stop in
time to potentially avoid striking that vehicle. So we want the people to get out. Get everybody out. Leave the stuff. We can replace the stuff.

But they need to know which way to run because we've had incidents where people did the first thing right. They got out of the car, but they ended up running the wrong way. We want people to get out of the car and run in the direction that the train is coming from, but at a modular angle. We would say running uptrack.

It's somewhat counterintuitive to tell somebody to run toward the train; but if they were to run downtrack, or away from the train, they potentially -- they'll run the risk of getting hit by the train. They're going to get struck or, potentially, killed by their own car or flying car parts.

Trespassing is another big concern that we have, not just in Illinois but all over the country. In fact, it's the number one way in which people are killed by trains. And somebody trespassing is, essentially, up on the tracks or
crossing the tracks somewhere other than an 
authorized public crossing or at an authorized 
crosswalk like you might find at a pass or train 
station.

But people aren't struck, generally, 
crossing in front of the train. They're walking 
along the tracks. And Illinois, again, has the 
second most miles of track. We've got about 7200 
miles of track. Most people would say, you know, I'm 
smart enough to know that I'm not going to walk in 
the center of the track, so I'm going to walk on the 
outside edge of the rail, on the edge of the tie 
where it's still flat. But because all trains 
overhang the tracks at least 3 feet on both sides, 
this person is really no safer than this person. In 
the worst scenario we would say maybe the severity of 
death is less, but they would still be fatally struck 
by that train.

The general rule of thumb is 25 feet 
out in both directions from the center of the rail 
would be considered the railroad's property. It's 
private property, and they shouldn't be there. And,
in fact, if they were a contractor doing work for the railroad anywhere within 25 feet, they would have to, at their expense, hire an employee in charge or a flagman from the railroad to protect their workers. It's amazing how many people don't realize that.

And then, lastly, I think that there are train-vehicle incidences -- in some cases it's train-pedestrian incidences -- because of what we call the optical illusion. Planes, like trains, create the optical illusions. And, in fact, we've all seen planes coming to land at an airport where it looks like, essentially, they're barely moving when in actuality it's probably in excess of maybe 150 miles an hour; but because of the background it's virtually impossible for the human eye to accurately judge the speed and distance of an incoming airplane very much like, if they look down the tracks and they see the headlights of the train approaching, there is no way for them to accurately judge the speed and distance of that train.

And if they think it's a 10-mile-an-hour slow moving freight train and it's
maybe a 79-mile-an-hour Amtrak or Metra train, or within 15 miles currently on the high-speed rail the train is traveling 110 -- if they think it's a slow one, and it's actually a fast one, and you decide to try and beat it, that could have been a fatal choice.

But we'd certainly like to do a lot better job convincing the media that the way that they potentially report train vehicle and vehicle pedestrian incidents, as troubling as it is, is inaccurate. This train is only traveling where the tracks tell it to. It's not going to jump off of the tracks and try and strike a vehicle or strike a person. So the onus is on the person to, essentially, stay out of the train's way.

The newspaper reports, "Train Slams Into Car And Kills Driver", when in actuality what it should say is, "The Driver Of The Vehicle Put The Car In A Position For The Train To Him." It's the same tragic result; but, once again, it shifts the responsibility where it belongs, and that's on the driver -- the pedestrian. If they're not going to get in the train's way, we're not going to have any
incidents.

So those are the things that we're focusing on certainly from an outreach -- in any group that we talk to. In the state of Illinois we probably do 20 to 25 percent of all of the nation's railroad safety education outreach. I kind of feel like we have to because we're second, generally, in train vehicle collisions, and we're generally in the top five in the country with trespassing.

So we have exposure. We've got a lot of trains, a lot of crossings, a lot of track miles. We have just those situations where people are going to try and beat trains. They're unforgiving. They play no favorites, and they will strike and potentially kill whoever's in their way.

So as we go on to our third Rail Safety Week, it is -- this year -- a Regional Rail Safety Week for the other states involved in what we call Region 4: Illinois, Minnesota -- Wisconsin, Minnesota, Indiana. It may be in advance of what we think will be a National Rail Safety Week next year, but for me, and for certainly our Railroad Safety
Group, this stuff is 24/7, 7 days a week, 365. But we have found that the additional recognition of the week has been effective. And we have probably, once again, this year over 300 agencies, municipalities, and departments participating in this additional recognition and awareness of how important rail safety is.

And, lastly, I'd like to present you each with our challenge coins for Real Safety Week (tendering). If you ever make a bet, you can use this to flip your coin.

(Laughter.)

MR. CHIP PEW: And that's all I have for today.

CHAIRMAN SHEAHAN: Okay. Thank you, Chip.

That was great.

COMMISSIONER ROSALES: Chairman, I have a question.

CHAIRMAN SHEAHAN: Commissioner Rosales?

COMMISSIONER ROSALES: Chip, how can we help you better, in terms of educating the public, with the train tracks?

I realize that 75 percent of those
fatalities are those that could be prevented. I've lived in this state all of my life. I've lived in this city all of my life. I cannot recall ever seeing one of those signs that you put up, ever. I do recall seeing a sign that if I go through the train tracks, I could get penalized. I just don't recall that; and I think it's a great idea.

How can we as a Commission move that into a larger scope into educating not only the public but even our schools? Just because this is something that's really, really important. I think it's a great idea. But, again, I don't recall --

My first thought -- and I'll be the first to admit -- I know people have gone through there in a fast way because of their negligence, but I also think as soon as I get by the train I'm hoping I can get there before the lights go down. I mean, that's real world experience. I'm hoping I get there. I'm not really looking to see what's posted until you're just sitting there while the train is going through it, and then maybe you can look around.

But, again, I don't remember seeing
that. And so how do we move through our -- for the different departments, how can we educate the public about this?

MR. CHIP PEW: The sign that you were referring to is the blue sign?

COMMISSIONER ROSALES: Yeah.

MR. CHIP PEW: Yeah, so that sign actually just started becoming posted in 2012. And depending on what the railroads had out there, they get a certain amount of time to comply. So all railroads will have to fully comply by the end of next year.

Your second question is a good one. Even doing 20 to 25 percent of the presentations for the whole country, we probably reach between 300 and 400,000 people in Illinois face to face every year; but there's 12 million people that live in the state. So the last couple of years, certainly with Danisha and Vanessa's help, I think that the social media avenue is going to kind of help us expand that reach. Because it is somewhat frustrating that once you're out talking to people and they learn something that they didn't know, you can't help but think how many
other people are out there kind of thinking the same
thing.

COMMISSIONER ROSALES: Okay. Well, I would ask
Danisha and her folks to see what we can do in terms
of pursuing this further because I think it's
warranted and it's something that's an easy win-win
on this. But, you know, this information needs to
get out. I don't want it to be the only reason that
you find out is, you know, when an accident occurs, I
wish I knew that beforehand. At that point it's too
late. So thank you for your presentation.

CHAIRMAN SHEAHAN: Commissioner Del Valle?

COMMISSIONER DE VALLE: You indicated 75
percent of the accidents are due to people going
around the gate once the gate has started to come
down or has gone down. So what if there's a law
enforcement person in the area and they observe this,
what's the penalty for that? What's the fine?

MR. CHIP PEW: The current penalty today for
someone driving around a lowered gate is $250 and a
mandatory court appearance. I think it's a Class C
misdemeanor. As of January 1st, the governor did
just sign into law that that fine is being increased
to $500.

One thing I forgot to mention is we do
an incredible amount of outreach to Driver's Ed
students. In fact, last year we did almost a
thousand presentations to about 23,000 Driver's Ed
kids. And I guess the thought is if you educate them
early to adopt good and safe behavior, it's something
that they'll carry on, you know, later into life.

COMMISSIONER DE VALLE: So the penalty will
double as of January?

MR. CHIP PEW: That's correct.

COMMISSIONER DE VALLE: Is there a posting
somewhere indicating the amount of those penalties to
educate the public about what they may be in for if
they get caught and they survive?

MR. CHIP PEW: Many of the communities
proactively have put signage at the approach of the
crossing that says, essentially, If you violate this
active warning device, you know, you could get a fine
for $250. And I would assume that --

COMMISSIONER DE VALLE: So all of the signs
will be replaced come January?

MR. CHIP PEW: Yes. It's not a requirement for them to have them; but the ones that are proactively doing it, they will change those to reflect the new fine amount.

CHAIRMAN SHEAHAN: Thank you, Chip.
(And those were all of the proceedings had.)