DOCKET MANAGEMENT SYSTEM
US DEPARTMENT OF TRANSPORTATION
400 7TH ST. S.W.
ROOM PL-401
WASHINGTON, D.C. 20590-0001

RE: DOCKET FRA-1999-6439 and 6440
USE OF LOCOMOTIVE HORNS AT HIGHWAY/RAIL GRADE CROSSINGS

MAY 26, 2000

Sir:

On behalf of the Illinois Commerce Commission, I respectfully submit the following comments in response to your rulemaking in dockets FRA-1999-6439 and 6440.

SUMMARY

Extensive comments about various aspect of this rulemaking and the underlying Swift Rail Act follow, however, the Illinois position can be summarized in the following eight points:

1. We oppose the FRA's proposed rule because it will deliver minimal safety benefits at an unacceptably high cost to the states and local governments.

2. The rules will distort the State's multi-year grade crossing safety enhancement planning process and force the State to redirect needed funding from important safety projects to what can only be described as federally mandated noise suppression projects.

3. Illinois has long experience in grade crossing safety programs and has invested nearly $1 billion since the mid 1950s in this area. In 1999 the Governor and Legislature enacted the "Illinois First" program, reaffirming the Illinois commitment to grade crossing safety by substantially increasing the State's annual investment in crossing improvements.

4. This continuous investment in grade crossing safety enhancements has produced impressive safety gains. In the late 1970s Illinois was experiencing 2.25 grade crossing accidents per day. Despite a 50% increase in highway and rail traffic since then, Illinois now averages only 1 accident every two days. We still have to make further improvement, but the FRA NPRM threatens our efforts to do this by interfering in the State's grade crossing safety enhancement program. The rule will cause funds

to be redirected to horn suppression projects rather than to projects that will have a much greater likelihood of saving lives, such as upgrading crossbuck crossings and building bridges over high density rail lines.

6. Whistle bans have minimal effects on safety, and collisions that occur at "whistle ban" crossings: (a) rarely have anything to do with the locomotive horn; and (b) in virtually all cases locomotive horns were sounded prior to the accident occurring. Even at "whistle ban" crossings, the engineer will sound the locomotive horn if an emergency situation develops. (See Appendix A for a review of the 1999 fatalities at Illinois "whistle ban" crossings.) The correlation between grade crossing collisions and whistle bans is very weak.

7. A far more important factor in crossing accidents is the practice of motorists stopping their vehicles on railroad tracks while in traffic queues. In our opinion, the FRA could further the cause of grade crossing safety by joining the states in public education campaigns to educate motorists on proper driver behavior at grade crossings, as Illinois is doing now without federal help.

8. Without substantial change to the NPRM, communities in Northeastern Illinois will have to endure continuous, and disruptive, noise pollution caused by locomotive horns. The Chicago Area Transportation Study estimates that 100 communities will hear between 120 to 150 locomotive horn blasts twenty-four hours per day.

9. For all of these reasons, FRA should consider terminating this rulemaking and encouraging Congress to repeal or amend the Swift Rail Act. But if it decides to proceed with the whistle rule, the FRA should turn the responsibility for administering this program over to the States. States should be given wide latitude to administer Quiet Zones based on local conditions.

BACKGROUND

The subject of railroad whistle blowing is a sensitive one in Illinois, especially in the Chicago area. In 1988, a drafting error in a state law required horn sounding at all crossings. The unprecedented negative public reaction resulted in a court setting the law aside while the Commerce Commission found a remedy to the problem. A Chicago Tribune editorial which appeared after the controversy subsided stated:

> "Somewhere between good intentions and sleepless nights, the Illinois legislature went off the track with its law that set train whistles to sounding at railroad crossings all across the state. If any good is to come of it, it ought to be a lesson to the legislators that there are better ways of attending to their jobs." [1]

Given that experience, we question whether the Swift Act would have passed in 1994, at least in its present form, had Congress held hearings to consider the merits and implications of this law. We are surprised that FRA has not moved more cautiously and conservatively in implementing this controversial law than it has.

Illinois is the rail hub of the nation, and most issues affecting the railroad industry are magnified in this state. With nearly 9,000 public crossings, grade crossing safety has been an ongoing priority in Illinois. Since the mid 1950's, this state has spent well in excess of a billion dollars on crossing signalization devices, bridges which span railroad tracks, crossing closures, and other innovations which contribute to safety[2]. In FY2000 alone the Commerce Commission and the Illinois Department of Transportation will invest nearly $100 million -- virtually all of it state generated funds -- in grade crossing safety. These dollars will be used for bridges and crossing signal upgrades, and will also pay for circuitry redesign of the several hundred crossings which are interconnected with nearby traffic signals. We believe this longstanding commitment and level of experience more than establishes Illinois' credentials in the grade crossing safety arena. It is in this context that the Commerce Commission has its greatest concern about the FRA's NPRM.

Each year the Illinois Commerce Commission spends $27 million on grade crossing safety projects on the local highway system, and annually publishes a plan announcing the locations of probable crossing improvement projects for the next five years. Illinois DOT spends a varying amount, usually about $12 million per year, but in recent years far more than that, on crossing safety projects on the state highway system.

The greatest threat the NPRM poses is to the Commission's ability to continue to implement its plan for upgrading crossings and building bridges over and under railroad lines. In Illinois, 45% of our crossings are equipped with only crossbuck signs. These crossings have less than 2% of the exposure (Average Daily Traffic times number of trains) in the state, yet they are the site of over 33% of the collisions and nearly 40% of the fatalities in Illinois. Thus, upgrading them is a logical, compelling and ongoing priority for the Commission. If this rule is adopted as proposed, we see no realistic way of ignoring the public demand for noise suppression help when the most populated areas of the state are affected. This

[1] See Appendix B for Chicago Tribune editorial comment on this experience

[2] See Appendix C for FY 2000 innovation projects

would cause the diversion of funds from other planned safety improvements. The FRA must be sensitive to the states' needs in this area, and join us in finding low cost and streamlined ways to improve safety.

The growth in both highway and rail traffic puts the exposure rate for Illinois crossings among the highest in the nation. Illinois grade crossings are traversed by vehicles nearly 25 million times every day. But Illinois averages only one grade crossing incident every 50 million vehicle crossings. In 1977, there were 827 collisions in Illinois, but by 1999 the number had dropped to only 178, notwithstanding the fact that highway traffic increased by approximately 50% in the same period. Despite our elevated exposure ratings, the overall trend in grade crossing accidents has declined steadily over the years in this state, as it has nationally.[1]

LOCOMOTIVE WHISTLES AND GRADE CROSSING COLLISIONS

Illinois' success in administering an effective grade crossing safety program can be attributed to "Three E's": engineering, education and enforcement. The Illinois Commerce Commission's goal is to minimize the number of collisions that occur in this state. We believe it is unrealistic to assume that we can eliminate grade crossing incidents entirely, especially collisions involving, in the FRA's words, "those who are particularly inclined to violate the law". In our estimation, the grade crossing safety problem has little to do with horn sounding. It has everything to do with

(a) increased exposure factors (i.e., the number of trains times the amount of average daily traffic),

(b) motorists stopping their vehicles on railroad tracks while in traffic queues, and

(c) drivers' perception that they are "wasting precious time" by obeying the law and waiting for a train to pass. As crossing blockages become more frequent and are of longer duration, the perception of the payoff of time saved by successfully "beating the train" will increase. In these situations, collisions occur even though the motorist knows a train is approaching. A horn blast is not needed to communicate the message.

Even the railroad industry concedes that in high density areas where crossings are close together, the continuous sounding of locomotive horns would become merely background noise, and will not pay the safety dividends the FRA envisions.

[1] In 1999, the number of crossing accidents increased slightly, ending a five year run on annual declines. This was due, in part, to severe weather conditions in northern Illinois in early 1999. For the first quarter of 2000, however, the number of grade crossing collisions has declined 26% from 1999.

According to FRA data, in 1999 there were 25 fatalities nationally at grade crossings classified as being "whistle ban" crossings, nine of them in Illinois. Yet, with each of these nine collisions, the sounding of a locomotive horn was largely or entirely irrelevant to the incident recorded. One incident was not at a whistle ban crossing at all. Another was an apparent suicide. Two were pedestrians running across the tracks to catch commuter trains. Several victims drove around or through lowered gate arms. One vehicle stopped in a traffic queue on a railroad track and became stuck on the icy crossing surface when the signals activated[1]. These deaths, while tragic, would not have been prevented by the blasting of locomotive horns 24 hours a day, or in most cases by supplementary measures such as four quadrant gates or median barriers. We understand that in each of the nine incidents the locomotive engineer did, in fact, sound his horn in the face of the pending collision, to no avail.

Although the FRA relies on the results of its national and Florida studies to provide a rationale for its proposal, we believe those results are suspect, particularly in light of the "Chicago Anomaly" which even FRA recognizes as a problem. We do not believe FRA has demonstrated a clear link between whistle bans and increased accidents, especially in high density urban areas.

QUALITY OF LIFE ISSUES

The overarching concern of the Illinois Commerce Commission is grade crossing safety, yet we would be remiss if we did not mention some of the quality of life issues that could be affected if these rules are not implemented wisely. The testimony of the Chicago Area Transportation Study (CATS), the Northwest Municipal Conference, and the DuPage Mayors and Managers Association is particularly noteworthy for its assessments of these quality of life matters. These groups assert, and we agree, that the number of citizens who will be adversely affected by widespread locomotive horn sounding is far larger than FRA estimates. In fact, some communities would experience locomotive horn noise almost continuously. Furthermore, it is clearly counterintuitive for FRA to state, as it does, that such horn sounding will have no long-term impact on property values.

Just as important is the idea that these rules could potentially negate other USDOT policies, such as encouraging communities to develop high density residential neighborhoods in the vicinity of commuter train stations. Again, we defer to the local government associations for their treatment of this topic, but believe that their concerns are valid.

SUPPLEMENTAL SAFETY MEASURES

Turning to the subject of Supplemental Safety Measures, Illinois would make the following observations:

[1] See Appendix A for a summary of the nine Illinois collisions

Four Quadrant Gates

Four quadrant gates are appropriate in Illinois or other high traffic areas only if the problem of detecting vehicles trapped between the gates can be solved in a reliable and cost effective way. We are optimistic that an experimental project the Commerce Commission and Union Pacific Railroad are planning for Maywood, Illinois, will demonstrate the effectiveness of these "smart" gates in an urban traffic setting. However, even assuming these devices work as anticipated, the FRA has underestimated the amount of time it will take vendors and railroads to design, manufacture, and install four quadrant gate systems to meet the demand. Currently, the period between a Commission order to install new warning devices and the actual completion of the installation is a year or more. If communities across the country suddenly demand the four quadrant systems, that time frame will likely lengthen to many years. The capacity of the suppliers to timely produce hundreds, if not thousands, of these devices does not appear to exist. Moreover, the waiting time will be further lengthened if the grade crossing to be equipped with four quadrant gates is interconnected with adjacent traffic signals. We expect the cost of four quadrant gate systems to approach $300,000 per crossing. Small towns with three or four crossings could find the costs of this solution to exceed what the community spends annually on police or fire protection.

Median Barriers

Median barriers can be effective tools to discourage motorists from circumventing lowered gates. The FRA, however, must avoid arbitrary criteria for the length of the median barriers and the materials of which they must be constructed. In many locales the geometrics of the grade crossing will not permit medians 50 feet in length. In our view, to be effective, such length is not needed. The mere existence of a median barrier of almost any length will serve the deterrence purpose in most cases. We would note, however, that median barriers are often unacceptable to local communities for aesthetic reasons. More substantial median barriers, such as raised concrete islands, however, will often require very costly road widening and crossing signal redesign. The Illinois Commerce Commission and Illinois DOT are discussing new median barrier designs, but much work remains to be done to determine if the median barriers are acceptable.

One Way Streets and Temporary Closures

It has been the Commerce Commission's experience that these options will rarely, if ever, be acceptable to local governments. We have seen several situations where one way streets would greatly improve crossing safety, but community officials opposed them because of the disruption they would cause to local traffic patterns. Crossing closures, of course, rarely meet with public acceptance.

Effectiveness Ratios

In attempting to quantify the effectiveness of various supplemental safety

measures, the FRA has assigned values based on minimal and localized source information. For example, the photo enforcement effectiveness ratio is the result of a limited demonstration project in the Los Angeles area, which may or may not be valid after further testing, and may or may not have any application for the rest of the country. The FRA asks for comments on the need for additional ratios which local governments should track, such as the ratio of "operating cameras to empty housings".

While we applaud FRA's creativity in this regard, we believe these ratios are arbitrary guesses which have little empirical value. More importantly, they are to be used in conjunction with on-going data gathering and monitoring efforts which are unrealistically costly and resource intensive for local communities. Neither municipalities nor the states have the resources to monitor "violations" and apply these formulas to individual grade crossings. We recommend the FRA find more simplified ways to measure the effectiveness of various supplemental safety measures.

THE PROPOSED RULE

The Commerce Commission would also like to make the following specific observations about the FRA's proposed rule.

1. We believe the costs of this rule have been greatly underestimated, and the benefits exaggerated. The FRA acknowledges that it cannot predict how communities will respond to the threat of new locomotive horn sounding, nor predict how many will want relief from existing whistle blowing. But Illinois' experience is that these costs will be very high.

2. The FRA dismisses the Unfunded Mandates Act by asserting that the cost to local communities of shielding themselves from whistle blowing will not reach the Act's threshold amount of $100 million nationally. As stated above, we believe FRA is underestimating what this proposed rule will cost, and litigation on this issue is likely.

3. The FRA has not included stationary horns in its list of Supplemental Safety Measures. The Commerce Commission believes this is a serious oversight. We are optimistic that stationary horns will eventually prove to be the least cost solution to the whistle blowing problem. The experimental project in Mundelein, Illinois, as described in Appendix C, holds great promise in this regard.

4. Based on our experience, it will take ten years or more to retrofit grade crossings across the country with supplemental safety measures. As discussed previously, four-quadrant gate systems must be designed in the engineering offices of the railroads, vendors must manufacture the equipment, and railroads must install it. Currently this takes over a year

to accomplish, and after FRA has created a national demand for this solution, implementation for new crossing protection appliances and devices will stretch out to long periods of time.

6. The FRA seeks comments on relocating the horn mechanism on locomotives and adjusting the horn decibel levels under various circumstances. The railroads can best answer the question of how much this will cost, but the Commerce Commission believes FRA should look to such mechanisms as stationary horns to limit the effects on communities of high decibel horn noise.

7. Quiet Zone designations must come from state oversight agencies. The FRA is correct in its concern that it will be overwhelmed if it attempts to take on this role. The states must be accorded wide latitude in developing criteria for Quiet Zone designations. Additional levels of federal oversight will be unnecessary and counterproductive. The objective must be to ensure safety, not to spend time and resources applying formulas or ratios.

8. We agree that a one half mile length is appropriate for a Quiet Zone, however this should not be a binding standard. Shorter lengths may be necessary and appropriate.

9. We believe the timing of the implementation of Quiet Zones will be self regulating. Without question, the states will need to launch public education campaigns to remind motorists of the new Quiet Zones, and new signage will have to be installed in the vicinity of each Quiet Zone crossing.

10. The duration of Quiet Zones should be indefinite, unless its collision performance, based on accident data which the state will monitor, justifies the state's taking suspension action. We believe assigning a three or five year limit to Quiet Zones will merely require the creation of a bureaucracy to conduct unnecessary and costly reviews. Further, FRA's proposal to publish suspended Quiet Zones in the Federal Register would impose excessive federal bureaucracy on what is essentially a local matter. However, for the states to provide effective monitoring, FRA should provide the states with collision data faster than is current practice. In the alternative, federal rules could be changed to mandate that railroads submit accident data directly to the states at the same time they provide it to the FRA.

11. All crossings located in communities where locomotive horn bans exist should receive a "grandfather" exemption until the state oversight agency can establish a recognized Quiet Zone for the area.

12. The state oversight agency must have the flexibility to create new Quiet Zones where no whistle bans exist now to accommodate urban growth. The state must be empowered to administer the Quiet Zones using the processes already in place and familiar to its citizens. Once the state has designated a Quiet Zone, the FRA should work in partnership with the state to notify the railroad to stop locomotive horn warnings at those crossings.

13. Through this rulemaking the federal government is imposing an unfunded mandate on the states and on local units of government. The FRA should ask Congress for the money to reimburse the states and communities for the costs they will have to incur to comply with this rulemaking.

Although the NPRM has been controversial in the extreme, the Illinois Commerce Commission believes the overall objectives of the Swift Rail Act can be achieved in a reasonable and expeditious manner, and without diverting large amounts of funding from true safety projects toward noise suppression projects. We stand ready to work cooperatively with FRA in achieving the goals of the Act.

Sincerely,

Richard Mathias

Richard Mathias
Chairman
Illinois Commerce Commission

APPENDIX A

FATAL INCIDENTS AT ILLINOIS "WHISTLE BAN" CROSSINGS

The paragraphs that follow summarize the nine fatal incidents which occurred at grade crossings where whistle ban ordinances were in effect. FRA claims that these nine fatalities, of the 25 nationwide, demonstrate what happens when trains are prohibited from sounding their whistles. However, closer examination reveals that in most, if not all, of these cases the train did sound its horn and that there were circumstances other than the whistle ban that caused the collisions. In one case, the whistle ban ordinance was never observed by the railroad, but the fatality was classified as a whistle ban collision anyway.

1. January 4, 1999, Lombard Station, Lombard, Illinois: A 57 year old woman exited from a local bus and ran across the triple tracks in an attempt to catch a commuter train. Witnesses reported that she was following a group of other commuters who were running across the tracks toward the boarding platform when she hesitated and was struck by an oncoming train. The crossing is equipped with flashing lights and bells which were working at the time of the incident. The pedestrian appeared to have been aware of the oncoming train.

2. January 4, 1999, Maple Avenue, Downers Grove, Illinois: A 55 year old man was apparently trying to beat the train when his van was struck by an oncoming commuter train. The crossing is equipped with flashing lights, bells and gates which were all in working order at the time of the incident. The engineer saw the van on the tracks and placed the train into full emergency stop, which includes whistle blowing but was unable to stop the train in time to avoid the collision. It appeared that the driver was aware of the oncoming train.

3. January 4, 1999, Belmont Road, Downers Grove, Illinois: A 34 year old man was killed when a commuter train hit his vehicle after it became stuck on a crossing. Witnesses report that the man's car was stopped on the tracks in the traffic queue. When the traffic began to move his car became stuck on the tracks because of icy road conditions. Other cars in the queue drove around him as he sat in the crossing spinning his tires. While the vehicle fouled the crossing, a train approached, sounded its horn, the signals activated (flashing lights, bells, gates) and the vehicle was struck by the train.

4. February 10, 1999, Dundee Road, Northbrook, Illinois: A 79 year old man drove his car through the lowering gates onto the tracks as a train approached. A number of witnesses reported that he hesitated for a moment and may have been trying to back his car off the tracks when it was struck by the train. Reports show that the car's windshield was broken by the lowered gate arm. The crossing was equipped with flashing lights, bells and gates, all in working order at the time of the incident. The engineer blew the train whistle and tried to stop

but was unable to avoid the collision.

6. April 6, 1999, Elmhurst Road, Mt. Prospect, Illinois: A 75 year old man was killed when his car was struck by an oncoming train after pulling his car slowly onto the tracks after the warning signals had activated. According to police reports, after being struck on the rear passenger side, the car was spun around and into the commuter platform. The crossing is equipped with flashing lights, bells and gates which were all in working order when the incident occurred.

7. May 3, 1999, Chase Street, Wheaton, Illinois: A 68 year old woman apparently stepped in front of an oncoming train. The crossing is equipped with flashing lights, bells and gates which were in working order and activated at the time of the incident. Reports show that the woman had parked her car in a nearby parking lot and walked onto the tracks into the path of the oncoming train.

8. October 5, 1999, Henderson Street, Rossville, Illinois: A 19 year old female drove her car onto a crossing with activated flashing light signals, bells sounding and train whistle blowing and was struck by the oncoming train. Records indicate that the railroad had never observed the whistle ban ordinance in that town and had routinely blown at this crossing. Clearly a paper whistle ban had nothing to do with this collision.

9. November 23, 1999, Sunset Road, West Chicago, Illinois: A 48 year man was struck and killed as he and a companion ran across the tracks into the path of an oncoming train. Witnesses reported that the two men exited a car at the crossing and began to run across the tracks while the automatic flashing lights were flashing, signal bells were ringing and the gates were lowering. The train whistle was sounded. The first man cleared the track in front of the train but the second was struck and killed. Both men appeared to be aware of the oncoming train.

10. December 9, 1999, 5th Street, Maywood, Illinois: Investigation revealed that a 58 year old homeless man, who appeared to be intoxicated, staggered onto the tracks in front of an oncoming train and was struck and killed. It was reported that the man ignored the lowered gates and activated flashing lights and bells.

BLOWING A WHISTLE ON THE LAWMAKERS

Published: Friday, September 2, 1988

Somewhere between good intentions and sleepless nights, the Illinois legislature went off the track with its law that set train whistles to sounding at railroad crossings all across the state. If any good is to come of it, it ought to be a lesson to the legislators that there are better ways of attending to their jobs.

Mercifully for them, the Illinois Commerce Commission has bailed them out by undoing what they had wrought: a law requiring trains to blare their approach to all crossings, no matter if there were local ordinances against it, and no matter how well they already were protected by gates, bells and flashing lights.

By emergency action, the ICC granted exemptions to restore things-and the peace-pretty much as they were, a matter of particular relief to Chicago and its suburbs where the law was heralded in cacophonous profusion. All those folks whose lives, jobs, nights and nerves were tattered, and who inundated the ICC with a record number of complaints, ought to give a low bow to the commissioners for acting so quickly.

They also ought to direct their complaints at the legislators, some of whom are now sheepishly admitting that the law wasn`t what it was intended to be. The idea, favored by some railroads, was to prevent more towns-principally in central and southern Illinois-from adopting antiwhistle ordinances unless they could assure the ICC that their crossings were adequately protected. Towns like Chicago and most suburbs that already had such ordinances were to be exempt, grandfathered in, as the saying goes.

But you know how things go in Springfield in the rush to get things done and go home. Little things get neglected, like details. The grandfathering language was omitted; worse, the law was tacked onto one of those broad, something-for-everyone, catch-all bills. No one noticed, including Gov. Thompson, who signed the bill, and a monster was hatched.

No one noticed, apparently, except some sharp, liability-conscious railroad attorneys who decided the sensible thing to do was follow the letter of the law. You heard the rest, day and night, until a court order stopped it long enough for the ICC to act.

Details, details. The only consolation for the legislators was that this was one of those rare cases when people actually noticed what they did.

APPENDIX B-2

TRAIN WHISTLES PLUGGED WITH COURT ORDER

Published: Friday, August 26, 1988

By David Ibata and Art Barnum. Joseph Sjostrom, Margaret Sheridan, John Lucadamo, Jerry Shnay and Dan Egler contributed to this report.

People who live along the Burlington Northern rail line west of Chicago now know what it`s like to live in a lighthouse when the fog rolls in and the foghorn bellows all night long. And they had a Du Page County Circuit Court judge to thank for the blessed silence that descended Thursday evening after 24 hours of horn blowing by trains.

The temporary restraining order by Judge John Teschner effectively told four of the major railroads serving Chicago to stop being a nuisance. Under the order, the railroads are to ignore a new state law requiring train crews to sound their horns whenever they approach a grade crossing-at least until a hearing scheduled for 10:30 a.m. Monday in Teschner`s courtroom in Wheaton.

The law had been passed quietly by the General Assembly in June, but its presence has been made known-and loudly-in the Chicago area since last weekend. The law has been interpreted to override existing municipal anti-noise statutes, such as those in the City of Chicago and many rail-side suburbs, even though that was not the intention at all. Those ordinances prohibit horn blowing except in emergencies or to avert accidents.

The judge`s order applied to the Burlington Northern, Chicago & North Western, Soo Line and Wisconsin Central-though an attorney for the Wisconsin Central, Janet Gilbert, said late Thursday that her line had not yet been served with the order. Wisconsin Central was the first to abide by the new law after discovering it late last week. Next, the Burlington Northern gave its crew toot orders Wednesday afternoon. The Soo and North Western lines did not implement a whistle policy until Thursday.

Gilbert questioned the authority of a Du Page County judge to hand down a ruling affecting the operations of a railroad that ran through Cook and Lake Counties. According to the Illinois courts administrator`s office, the ruling is binding. A Burlington Northern spokeswoman said the railroad would obey Teschner`s order in Du Page and every other Illinois county through which it runs.

Efforts to contact spokesmen for the Soo Line and North Western were unsuccessful Thursday. The order came not a moment too soon for Phil Barger, a sales representative who with his family lives near the Burlington Northern main line in La Grange. “My son has a heart condition and needs his rest, but he was up several times last night,” Barger said. “And my wife and I need sleep. After weeks of hot weather, when we had the house closed up and the air conditioner on, we now have good weather. And now, this noise.”

The racket was doubly unbearable for commuters. “I didn`t sleep all night,” said Mary Krippner, who lives about four blocks from the Burlington station in Westmont. “I heard the horns blowing all night, and on the train all the way to work in the morning. I couldn`t even read the newspaper. I`m extremely tired and extremely annoyed,” she said. “Who`s going to pay for my nervous breakdown?”

The whistle-blowing law passed by the General Assembly was signed by Gov. James Thompson earlier this month. But apparently, for some time after it took effect, no one noticed it. That`s understandable; the law was tacked onto a bill to save the jobs of about 500 truck drivers, whose

livelihoods were threatened by concern that their eyesight may have been diminished by diabetes. Another amendment to the same bill outlawed opaque, tinted automobile windows. To confuse things further, the law exempted certain Metra commuter runs: the north and west Milwaukee Road lines, the former Rock Island route and the Illinois Central Gulf`s electric service.

Naturally, the original sponsor of the trucking bill, State Sen. Sam Vadalabene (D., Edwardsville), got the blame on Thursday. "All day long, constantly," the telephones rang in his Springfield office and at his Edwardsville home, Vadalabene said. "People are complaining about the noise, that it interrupts their sleep and makes their kids cry. I`ve been called everything but my name."

"I`m answering every call and telling people this isn`t my doing - they should complain to Ronan," he said, referring to State Rep. Alfred Ronan, a Chicago Democrat and chairman of the House Transportation Committee that reviewed and amended Vadalabene`s bill. Efforts to contact Ronan were unsuccessful Thursday.

But this wasn`t the way things were supposed to be, according to the man who first suggested the law, George Camille, a lobbyist for the Norfolk Southern railroad. The law was intended to head off towns that wanted to adopt new anti- whistle ordinances by requiring them to show-to the Illinois Commerce Commission-that their grade crossings were adequately protected by lights, bells and, if necessary, gates, Camille said.

Municipalities that already had noise ordinances were to have been "grandfathered," or allowed to keep them. Somehow, the grandfathering language disappeared, and what resulted was a bill that voided all of the existing noise statutes.

The new law requires that every city, village and hamlet that wants to restore its peace and quiet must petition the Illinois Commerce Commission for a public hearing to that effect. The first of those is expected to begin at 11 a.m. Monday on the 9th floor of the State of Illinois Center in Chicago for Des Plaines, Mt. Prospect and Prospect Heights, which got their petitions in first, according to David Farrell, ICC spokesman. A second hearing for every other Burlington Northern, North Western, Soo or Wisconsin Central town is expected to start at 9:30 a.m. Tuesday in the same place, Farrell said.

APPENDIX C

INNOVATIVE GRADE CROSSING PROJECTS UNDER WAY IN ILLINOIS

Four-Quadrant Gate Project

The Illinois Commerce Commission has initiated a project to develop a four-quadrant gate rail-highway warning system equipped with a state-of-the-art vehicle detection system. The project, which will be installed at a crossing in Maywood, Illinois (Cook County) on the Union Pacific Railroad, is expected to take 18 to 24 months to complete. Work is concentrated on the development of a system which will detect a vehicle on the crossing when the gates are activated so that all gates do not fully lower until the vehicle has cleared the crossing.

The reasonably priced vehicle detection technology is the key improvement over other four quadrant gate experiments in various parts of the country. In those locations, either there is no trapped vehicle detection at all, or there is an exotic and costly system (more than $1 million per crossing) which notifies the train engineer that a vehicle is fouling the track and slows the train.

Remote Monitor Project

The Commerce Commission has also taken the national lead in installing new crossing diagnostic technology, remote monitors, at all signalized railroad crossings in Illinois. These electronic devices will continuously monitor the crossing and report any operational problems with the warning signals, including extended power failures, battery voltage limits, suspicious gate operations and excess warning operation to the railroad's 24-hour call center. Immediate knowledge of a problem will result in more rapid repair. The project is estimated to take three to five years to complete

Advance Preemption Project (Interconnects)

Commission staff along with Illinois DOT and Railroad signal engineers are working to develop an improved advance preemption design for highway traffic signals interconnected with railroad warning device systems. Advance preemption allows traffic signals to provide a green indication for motorists to move off a crossing before the railroad warning devices activate. Preliminary results from this project are already being considered for incorporation into national rail-highway warning system standards concerning interconnected rail-highway crossings. The project is expected to be completed by the end of calendar year 2000.

Automated Horn System

The Commission is sponsoring the largest experiment of automated horns in the nation. Automated horns are essentially train whistles mounted on the crossing signal standards which activate when a train approaches the crossing. Stationary horns effectively provide the same amount of warning as a train whistle, but localizes

the sound to the crossing area, thereby limiting the noise impact to the vehicles in the grade crossing area. A nine crossing corridor in Mundelein, Illinois (Lake County) has been selected to test this technology.

Vehicle Arresting Barriers

Commission staff is cooperating with Illinois DOT in its testing and evaluation of the Vehicle Arresting Barrier (VAB) crossing protection system as a low cost alternative to grade separations. The VAB employs a steel net, lowered across the entire width of a roadway, preventing vehicles from entering a grade crossing while a train is approaching. VABs are installed at three grade crossings in the Chicago - St. Louis rail corridor, which has been designated for High Speed Rail development. The crossings are located near the Village of Chenoa (McLean County) , in the Village of McLean, (McLean County), and in the City of Hartford, (Madison County). A decision on the effectiveness of the VAB system will be determined following a complete analysis of the mechanical and driver behavior evaluations being conducted by the University of Illinois for IDOT.

In Vehicle Warning System

Commission staff is also cooperating with IDOT in their pilot study of advisory in-vehicle warning systems. The pilot study provides roadway vehicles approaching grade crossings with an on-board advisory warning of an approaching train. The system has been installed at five grade crossings along the Metra-Milwaukee North commuter line, in the Chicago area, and approximately 300 vehicles have been outfitted with an on-board warning system. The pilot study was initiated by IDOT in 1997. The system was installed at five crossings in 1999. Full-scale testing began in March of this year and is expected to continue through the remainder of this year.