



ILLINOIS COMMERCE COMMISSION TRANSPORTATION BUREAU / RAIL SAFETY SECTION

Brian Vercruysse

Rail Safety Program Administrator

October 13, 2022

Office of Environmental Analysis
Surface Transportation Board
E-Filing – Environmental Comments [link](#)

RE: FD 36500, Canadian Pacific Acquisition of Kansas City Southern –
Comments on Draft Environmental Impact Statement

The Illinois Commerce Commission is the state agency responsible for rail safety in Illinois and has jurisdiction over public highway-rail crossings. Staff of the Illinois Commerce Commission (ICC Staff) has reviewed the Draft Environmental Impact Statement (DEIS) for the referenced docket, with specific attention to grade crossing safety and delay. In general, the DEIS identifies the existing crossing and base data accurately, with 111 public highway-rail crossings and 23 pedestrian crossings in Illinois affected by the Proposed Acquisition.

With the DEIS averaging delay, crashes, or other impacts along the entire Proposed Acquisition, the statistical analysis does not capture smaller corridors or point specific conditions and impacts. We believe this is especially true with the corridor from the Village of Franklin Park west to the City of Elgin. This area includes O'Hare International Airport, major rail yards within the overall Chicago Terminal, the 3rd largest population center in the country, and commuter rail service with over 20,000 riders per day (pre-COVID 19). When assessing highway-rail crossings this becomes even more critical as every crossing is unique and cannot be fully understood or used in comparison with statistics alone. In addition to this comment, ICC Staff offers the following:

General Study Limits

1. The DEIS does not include the Village of Franklin Park in the safety analysis because it is assumed all impacts will be west of the Village of Bensenville. With eight or more additional trains coming into Bensenville, a detailed analysis should be identified or conducted for transfers or other impacts to Franklin Park.
2. The DEIS does not contemplate any impacts in the overall Chicago Terminal as the CP has indicated all traffic will be handled at the newly reconfigured Bensenville Terminal. If there are going to be 8 or more additional daily trains where there are now only 3 or 4, the additional traffic is likely to require much longer train length for transfers or additional trains. We request the DEIS evaluate Chicago Terminal impacts, as small changes can have ripple effects.

Crossing Safety Crash Analysis

3. The DEIS identifies an additional 6 vehicle collisions will occur across all 1,134 public highway-rail crossings (19.1 up to 24.9 = 5.8 increase). In addition, pedestrian collisions are anticipated to go from 1.7 collisions per year up to 2.2 collisions. The DEIS notes this increase

will be offset by general off-network reductions instead of seeking a mitigation that would reduce the anticipated increase at the same set of 1,134 crossings analyzed.

- a. ICC Staff requests that STB impose a mitigation to directly reduce the additional anticipated risk at the same set of 1,134 crossings instead of relying on the general assumption that off-network improvements will reduce risk.
- b. ICC Staff also requests that the language in Section 3.2.3.1 be revised to mirror what is used in the Summary, instead of noting one additional crash every 200 years for vehicles or 2000 years for a pedestrian. This is misleading after identifying there will be an additional 6 vehicle collisions per year, and 1 pedestrian collision every 2-years.
- c. The DEIS did not address trespassing or suicide prevention or quantify current numbers of trespass and suicide along the line segments. We request the DEIS consider trespass and suicide incidents during the past 5 years and estimate potential increases in risk to trespass and suicide incidents and recommend appropriate mitigation measures.

Delay, Blocked Crossings & Emergency Response

4. Within Metra commuter territory, by averaging train lengths and using a 24-hour analysis, the Level of Service assessment does not provide an accurate picture or identify if impacts are felt during peak hours. This holds especially true with York Road in Bensenville as 200 additional trucks per day are identified in the DEIS with the Proposed Acquisition. The DEIS should include peak hour considerations, impact to nearby intersections, and account for the proposed freight train lengths in the Franklin Park to Elgin corridor.

5. Relative to blocked crossings, the DEIS identifies “federal rules requiring railroads to not block public crossings for longer than 10 minutes unless it cannot be avoided.” (pg. 3.3-20). **There are no such federal rules or statutes, and state laws on the matter have consistently been preempted.** A railroad’s own operating rule may identify not to block a crossing, but if it happens there is little to no recourse. No crossing should be blocked over 10 minutes by a stationary train. This should be enforced by the STB.

6. Emergency route analysis should not be limited to only those routes provided with designation in the FRA’s database. FRA’s inventory does not accurately reflect Emergency Service Routes (FRA 6180.71 Part V Item 10). In lieu of using this data field, ICC suggests using the State Highway data field (Item 3) in addition to broaden the scope. Maximum train lengths should also be analyzed on these routes.

Mitigation

7. The voluntary mitigation identified in the DEIS should not include areas required by federal or state law.
8. Of the 111 public highway-rail crossings in Illinois, not all are equipped with remote monitors, ICC Staff believes all crossings in the corridor must be equipped with remote monitors.
9. All passive and flasher only public highway-rail crossings (24) shall be upgraded with gates, Constant Warning Time circuitry, and remote monitors.

Mitigation (continued)

10. All pedestrian depot crossings without train activated warning should be equipped with a minimum of flashing light signals with bell (14 out of 23 depot crossings).
11. ICC Staff recommends monitoring for a 5-year period, similar to STB FD 35522, CSX lease transaction. Data should be provided by the CP's PTC system, and/or remote monitors at the crossings:
 - a. Total number of all trains at each crossing (or sampled set of crossings)
 - b. Number of passenger trains
 - c. Number of hazmat trains
 - d. Number of HHFT Key Trains
 - e. Average length of freight trains
 - f. Length of single longest train
 - g. Train ID of single longest train
 - h. Date of single longest train
 - i. Number of freight trains over 7,000'
 - j. Number of freight trains over 11,000'
 - k. Number of freight trains over 15,000'
 - l. Warning device activations
 - m. Number of false activations
 - n. Response time to fix false activations or other issue in minutes
 - o. Average response time in minutes
 - p. Number of blockages over 10 minutes
 - q. Percent of all activations with a blockage
 - r. Total duration of all blockages in minutes
 - s. Average duration of a blockage in minutes
12. STB requirement for Risk Analysis and Future Mitigation over 5 years is requested. At the end of each quarter, the CP, would provide to the STB an evaluation of monthly delay, collisions, and near miss data for STB to consider further mitigation needs not contemplated in the DEIS.

Thank you for your consideration of the comments above. As highlighted in our December 29, 2021, letter (attached), representatives from this office are available for field reviews or other meetings. The DEIS notes state agency coordination was conducted, but this agency was not contacted. If you have any questions, or would like to discuss, please contact me at (312) 636-7760 or Brian.Vercruysse@illinois.gov.

Very truly yours,



Brian Vercruysse
Rail Safety Program Administrator

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION TRANSPORTATION BUREAU / RAIL SAFETY SECTION

Brian Vercruysse

Rail Safety Program Administrator

December 29, 2021

Joshua Wayland
Office of Environmental Analysis
Surface Transportation Board
940 Main Campus Drive, Suite 500
Raileigh, NC 27606

RE: FD 36500, Canadian Pacific Acquisition of Kansas City Southern – EIS Scope

Dear Mr. Wayland:

This office has received numerous communications from communities in Illinois regarding the referenced acquisition.

With the proposed increase in train traffic, we look forward to participating in the EIS process to addresses public highway-rail safety and overall rail safety in Illinois. This includes motorist delay, crossing blockage, emergency planning and response, as well as 49 CFR Part 222 (FRA Train Horn Rule). In its current 5-year Crossing Safety Improvement Program, the Illinois Commerce Commission (Commission) has selected a handful of crossings for warning device improvements along the proposed Canadian Pacific – Kansas City Southern corridor in Illinois. These projects and others that may be proposed during the EIS will be reviewed in accordance with the Illinois Commercial Transportation Law and 92 Illinois Administrative Code.

Representatives from this office will be assigned to the diagnostic reviews and future coordination meetings as they are scheduled. Thank you in advance for including us in the scheduling activities. If you have any questions, please contact me at (312) 636-7760 or Brian.Vercruysse@illinois.gov.

Very truly yours,

A handwritten signature in black ink that reads "Brian Vercruysse".

Brian Vercruysse
Rail Safety Program Administrator