

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35522

CSX TRANSPORTATION, INC.—ACQUISITION OF OPERATING EASEMENT—GRAND
TRUNK WESTERN RAILROAD COMPANY

Digest:¹ The Board extends CSXT’s monthly status reports for an additional six months and directs CSXT to provide additional information on train lengths and participation in the Chicago Transportation Coordination Office.

Decided: December 14, 2017

In 2013, the Board approved an application by CSX Transportation, Inc. (CSXT), to acquire an operating easement over a rail line of the Grand Trunk Western Railway Company located in the Chicago area (Elsdon Line or Line). See CSX Transp., Inc.—Acquis. of Operating Easement—Grand Trunk W. R.R., FD 35522 et al. (STB served Feb. 8, 2013) (Approval Decision). On June 22, 2016, the Board reopened this proceeding in response to a petition alleging problems with operational issues on the Elsdon Line, including excessive train idling, gate malfunctions, and blocked crossings, and ordered that CSXT provide monthly reports. See CSX Transp., Inc.—Acquis. of Operating Easement—Grand Trunk W. R.R., FD 35522 (STB served June 22, 2016); see also CSX Transp., Inc.—Acquis. of Operating Easement—Grand Trunk W. R.R., FD 35522 (STB served Oct. 7, 2016) (modifying reporting requirements and directing CSXT to participate in monthly calls and a technical conference). After a year of monitoring CSXT’s operations on the Line, the Board issued a decision on July 27, 2017, addressing CSXT’s request to modify one of the voluntary mitigation conditions based in part on the fact that its earlier representation regarding train speed was “unattainable.” (See CSXT Reply 37, May 30, 2017.) In granting CSXT’s unopposed request, the Board noted that CSXT has made some operational improvements on the Line, but also stated that it remained concerned about fluidity problems and therefore extended both the monthly reporting requirement and the requirement that CSXT make staff available for monthly calls, until December 2017. See CSX Transp., Inc.—Acquis. of Operating Easement—Grand Trunk W. R.R., FD 35522 (STB served July 27, 2017).

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

The monthly reports submitted since July 2017 have not alleviated the Board's concerns. A comparison of the data from July 2016, the first month of oversight reporting, with recent monthly reports, shows an upward trend in either the incidents of crossings closed in excess of 10 minutes or the total number of minutes crossings were closed in such incidents, or both. (Compare CSXT Status Report, Aug. 15, 2016, with CSXT Status Reports, Aug. 15, 2017, Sept. 20, 2017, Oct. 16, 2017, and Nov. 15, 2017.)² Indeed, the data shows that, over the last four months, more than 30 of the crossings on the Line have experienced both a greater number of blockages in excess of 10 minutes and a longer total duration of such closures than in the first month of reporting in July 2016. While CSXT indicated in its October 16, 2017 and November 15, 2017 reports that it had made recent equipment upgrades, the impact these upgrades might have on the number and duration of blocked crossings is as yet unknown.³

At the time of the July 2017 decision, the data being reported by CSXT indicated that it had made progress addressing the issues that were having a negative impact on the surrounding communities. It is troubling that the data now indicates a subsequent deterioration, particularly with winter approaching, which typically poses operational challenges on the rail network. Accordingly, the Board will direct CSXT to continue to submit monthly reports as described in the July 27 decision for an additional six months, covering data for the months of January through June 2018. Extended reporting will permit the Board to continue to monitor CSXT's service on the Elsdon Line. The reports will continue to be due on the 15th of the following month.

The Board will also direct CSXT to include in its reports information regarding train lengths on the Elsdon Line. In the section of its monthly reports describing its compliance with voluntary mitigation condition VM 6 (as revised), CSXT has indicated that a key factor in its determination of whether to cut a train to alleviate blocked crossings is "the number of crossings blocked" by that train, and that a longer train requires a longer cutting process. (See, e.g. CSXT Status Report 2, Ex. 2A, Nov. 15, 2017.) Because train length could bear directly on the number and duration of crossing closures, the Board requests additional information regarding train lengths on the Line to ensure it can fully evaluate the monthly data and, thus, the impact of

² In addition to monitoring the status of the Elsdon Line in this proceeding, the Board has also been monitoring CSXT's performance on a system-wide basis due to CSXT's ongoing operational changes.

³ CSXT reports that it installed new signals at multiple grade crossings in September 2017, 17 miles of new continuous welded rail in October 2017, and PTC signals between Hayford and Blue Island Junction in October 2017, all of which CSXT believes should reduce crossing closures. (CSXT Status Reports, Oct. 16, 2017 and Nov. 15, 2017.)

CSXT's operations.⁴ Thus, starting with its report covering January 2018 data, and continuing until its report covering June 2018 data, CSXT should also provide the average length of trains operating on the Line, the length of the longest train operating on the Line, and the length of each train involved in a crossing blockage exceeding 60 minutes. In its first report covering January 2018 data, CSXT should also provide data on the average length of trains operating on the Elsdon Line and the length of the longest train operating on the Line for each month from July 2016 through December 2017. If CSXT is now operating longer trains than it did when reporting first started, that same report should also explain whether CSXT has assessed the impact these longer trains have on blocked crossings (and if so, the results of that assessment) and explain what steps it is taking (if any) to mitigate the impact on blocked crossings on the Line. Moreover, CSXT should describe any discussions it has had with local community leaders about the impacts of its operation of longer trains in each of its monthly reports.

Finally, the Board will require CSXT to provide information regarding its logistics coordination with other railroads operating in the Chicago area. During the October public listening session regarding CSXT's service problems, Chief Executive Officer E. Hunter Harrison indicated that he thought it was probable that CSXT would stop participating in the Chicago Transportation Coordination Office (CTCO).⁵ See Pub. Listening Session Regarding CSX Transp., Inc.'s Rail Service Issues, Docket No. EP 742, video available at <https://www.stb.gov/stb/audiomee.nsf/> (select "10/11/2017"). In its next monthly report, CSXT will be directed to confirm whether it is still a participant in the CTCO. If CSXT confirms to the Board that it is still a participant, should CSXT plan to alter its participation in or withdraw from the CTCO in the future, CSXT will be directed to inform the Board 60 days prior to taking such action. The Board reminds CSXT that in the Approval Decision, the Board denied a request for conditions sought by the Northeast Illinois Regional Commuter Railroad Corporation (Metra) based on CSXT's representation that it was a participant in CTCO. See Approval Decision, slip op. at 15-16. Thus, a decision by CSXT to alter its participation in or withdraw from CTCO may warrant consideration of additional conditions under 49 U.S.C. § 11327.

⁴ At the Board's October public listening session regarding CSXT's service problems, concerns were expressed about CSXT's operation of longer trains—in particular, trains approaching or measuring three miles in length. See Pub. Listening Session Regarding CSX Transp., Inc.'s Rail Service Issues, Docket No. EP 742, video available at <https://www.stb.gov/stb/audiomee.nsf/> (select "10/11/2017").

⁵ CTCO was formed in 2000 to maximize the communications and operations of the railroads operating in Chicago, and participants use that forum to discuss daily operations, resolve operating conflicts, and conduct long-range planning that takes into account rail capacity and rail operations. See Approval Decision, slip op. at 15.

It is ordered:

1. CSXT is directed to continue to file monthly reports as discussed above.
2. CSXT is directed to provide the information regarding participation in the CTCO as discussed above.
3. This decision is effective on its service date.

By the Board, Board Members Begeman and Miller.