



Illinois Department of Transportation

Division of Highways / Region 1 / District 1
201 West Center Court / Schaumburg, Illinois / 60196-1096
Telephone 847/705-4000

April 29, 2009

Ms. Karen Borlaug Phillips
Vice-President, North American
Government Affairs
CNRR
601 Pennsylvania Avenue NW
Suite 500, North Building
Washington, DC 20004

Dear Ms. Phillips:

On January 29, 2009, Mr. John Henriksen of your company contacted this Department's Bureau Chief of Traffic Operations, Mr. Steve Travia, via phone to advise that Canadian National Railway Company (CNRR) was actively installing warning signs along the state highways approaching the EJ&E rail line at-grade crossings in northeastern Illinois. The signage was erected temporarily on barricades that same day in some locations.

On February 18, 2009 Mr. Travia e-mailed Mr. Henriksen to advise that the temporarily erected signage was inappropriate because it was the wrong size and color for highway warning devices per the federal Manual on Uniform Traffic Control Devices (MUTCD). He further advised Mr. Henriksen that CNRR must change the 18"x18" square white on blue NOTICE: INCREASED TRAIN TRAFFIC signs to appropriately sized black on yellow diamond warning signs per Section 2C of the MUTCD.

The inappropriate barricade mounted signs were subsequently re-erected with more permanent post mountings. On March 2, 2009, in response to the March 1, 2009 e-mail from Mr. Tom Healy, Mr. Travia reiterated that the signage must be changed.

In a March 4, 2009 e-mail to Mr. Healy, Mr. Fred Ranck of the Federal Highway Administration (FHWA) concurred with the Department's position on this matter, stating, "...the signs recently posted by the Canadian National Railroad at public highway railroad grade crossing on the E.J. & E. Railroad in the Chicago Illinois area do not conform to the requirements of the federal Manual on Uniform Traffic Control Devices. Standard traffic signs facing traffic on roads open to public travel are required to be in conformance with the Manual on Uniform Traffic Control Devices; there are no exceptions.

The message of NOTICE: INCREASED TRAIN TRAFFIC is a warning sign message and the colors for a warning sign shall be black legend and border on a yellow background rather than the white on blue signs recently posted by the CN Railroad; please expeditiously replace with signs which conform to the requirements of the MUTCD."

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To date, the signs have not been replaced as requested by this Department and the FHWA. The Surface Transportation Board (STB) ordered that: "Applicants shall coordinate with the appropriate state departments of transportation to develop a program for installing temporary notification signs clearly advising motorists of the increase in train traffic on affected rail line segments. The format and lettering of these signs shall comply with the Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices."

According to the MUTCD, the definition of a Guide Sign is "A sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational or cultural information." Also, the MUTCD defines a Warning Sign as "A sign that gives notice to road users of a situation that might not be readily apparent."

The purpose of these signs is clearly related to warning the public of the increased traffic on the affected rail lines rather than to guide them to the increased train traffic. Therefore, the signs should conform to Chapter 2C of the MUTCD rather than section 2D. In regard to the size of the lettering, Section 2A.14 of the MUTCD outlines minimum letter sizes required for all signing. Chapter 2C.02 of the MUTCD states that devices included in Chapter 8 of the MUTCD which is dedicated to Traffic Control for Highway-Rail Grade Crossings is in *addition to* the warning signs that are specified in Chapter 2C. Chapter 2C.02 also indicates that "Word message warning signs other than those specified in this Manual may be developed and installed by State and local highway agencies."

We therefore reiterate our previous comments that the subject signs must be black on yellow warning signs posted in advance of the crossing as outlined in Chapter 2C of the MUTCD and must be fabricated using the proper sign size and legend as outlined previously by this Department. Please immediately make the signing changes as required. Any further signing erected along highways in Illinois must comply with national and state standards and guidelines.

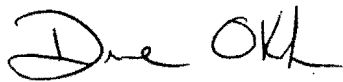
STB has ordered additional coordination with this Department by your company to review grade crossing safety in the region in order to assess further mitigation. This may include additional highway signing among other proposed action. We received an April 8, 2009 e-mail (copy attached) from Mr. John Henriksen of CNRR which provides no specifics of the crossings being inspected nor the dates and times for the inspections.

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Since it is impossible for the Department to provide an open ended staffing commitment for these inspections without knowing dates and times, we cannot commit to being present at these inspections. However, this does not diminish our role and responsibility for operations of the state highway system and the requirements that any and all changes in traffic operations along our routes be reviewed, approved and permitted by this Department in advance. Scheduling specific inspections of state highways along these corridors should be done by contacting our District One Railroad Unit at (847) 705-4256 so they may coordinate the appropriate staff attendance at these inspections.

You may also contact our Bureau Chief of Traffic Operations, Mr. Steve Travia, at 847-705-4141.

Very truly yours,



Diane M. O'Keefe, P.E.
Deputy Director of Highways,
Region One Engineer

cc: Victoria Rutson, Surface Transportation Board
Norm Stoner, FHWA Illinois Division
Fred Ranck, FHWA Midwestern Resource Center
Mike Stead, Illinois Commerce Commission
Thomas Healy, Esq., CNRR
Gordon Trafton, CNRR
Rick Kabaker, Office of the Chief Counsel

Travia, Steve M

From: John.Henriksen@cn.ca
Sent: Wednesday, April 08, 2009 8:24 PM
To: Travia, Steve M; bgould@willcountyillinois.com; ctokarski@dupage.org
Subject: Crossing Diagnostics

April 8, 2009

To Whom It May Concern:

This letter is to notify you of that the CN Railroad, the Illinois Commerce Commission and the Federal Railroad Administration will start conducting grade crossing safety diagnostic inspections at all grade crossings on the EJ & E in Illinois. The purpose for the inspections comes from the:

**SURFACE TRANSPORTATION BOARD
DECISION
STB Finance Docket No. 35087**

**Applicants' Voluntary Mitigation
Safety
Grade Crossings**

VM 1. Applicants shall consult with appropriate agencies to determine the final design and other details of the grade crossing protections or rehabilitations on EJ&E's rail line. Implementation of all grade crossing protections shall be subject to the review and approval of the Federal Railroad Administration ("FRA") and the appropriate state Departments of Transportation.

This letter is to invite you to these site inspections. However, due to the hit or miss nature of the inspections we cannot provide a specific time and date when we will be at a particular crossing. The best we can do is to have you call and ask where we are and will be.

We plan to continue these inspections starting at Chapin Road near Plainfield, IL on April 9, 2009 at approx 8:15 AM and work North to the Waukegan.

Please feel free to contact me anytime at 708-341-5341 with your questions and concerns.

Sincerely

John M. Henriksen
Manager Public Works
17641 South Ashland Ave.
Homewood, IL 60430
708.332.3557

Travia, Steve M

From: John.Henriksen@cn.ca
Sent: Friday, April 03, 2009 1:58 PM
To: Travia, Steve M; bgould@willcountyillinois.com; dot@lakecountyil.gov; ctokarski@dupage.org; cchdsupt@cookcountygov.com; mcphillips@indot.in.gov; malczmw@lakecountyin.org
Cc: Dave.Crader@cn.ca; jim.kvedaras@cn.ca
Subject: EJE Grade Crossing Safety Inspections

This letter is to notify you of that the CN Railroad, the Illinois Commerce Commission and the Federal Railroad Administration will start conducting grade crossing safety diagnostic inspections at all grade crossings on the EJ & E in Illinois. The purpose for the inspections comes from the:

**SURFACE TRANSPORTATION BOARD
DECISION
STB Finance Docket No. 35087**

**Applicants' Voluntary Mitigation
Safety**

Grade Crossings

VM 1. Applicants shall consult with appropriate agencies to determine the final design and other details of the grade crossing protections or rehabilitations on EJ&E's rail line. Implementation of all grade crossing protections shall be subject to the review and approval of the Federal Railroad Administration ("FRA") and the appropriate state Departments of Transportation.

This letter is to invite you to these site inspections. However, due to the hit or miss nature of the inspections we cannot provide a specific time and date when we will be at a particular crossing. The best we can do is call you the day before we will be at the crossing(s) and give you the starting time and location of the day's activities.

We plan to begin at Washington Street in Joliet, IL on April 6, 2009 at 9:00 AM and work east to the Illinois State Line. Following this round of inspections, we will start again in Joliet, Ill and work north to Waukegan.

Please feel free to contact me anytime at 708-341-5341 with your questions and concerns.

John M. Henriksen
Manager Public Works
17641 South Ashland Ave.
Homewood, IL 60430
708.332.3557

Travia, Steve M

From: Ranck, Fred [Fred.Ranck@fhwa.dot.gov]
Sent: Wednesday, March 04, 2009 5:35 AM
To: Tom.Healey@cn.ca; John.Henriksen@cn.ca; Jim.kvedaras@cn.ca
Cc: Weatherholt, Aaron A; Travia, Steve M; Kalla, Hari <FHWA>; Friedman, Bruce <FHWA>
Subject: RE: CNRR/ EJ&E signage
Attachments: RR Notice.jpg

Dear Mr. Healey:

My name is Fred Ranck and I am a safety/design engineer with the Federal Highway Administration's Manual on Uniform Traffic Control Device's team.

Please be advised that the signs recently posted by the Canadian National Railroad at public highway railroad grade crossing on the E.J.& E. Railroad in the Chicago Illinois area do not conform to the requirements of the federal Manual on Uniform Traffic Control Devices. Standard traffic signs facing traffic on roads open to public travel are required to be in conformance with the Manual on Uniform Traffic Control Devices; there are no exceptions.

The message of NOTICE: INCREASED TRAIN TRAFFIC is a warning sign message and the colors for a warning sign shall be black legend and border on a yellow background rather than the white on blue signs recently posted by the CN Railroad; please expeditiously replace with signs which conform to the requirements of the MUTCD.

Fred Ranck
Safety Engineer/MUTCD Team
Resource Center – Olympia Fields, IL
19900 Governors Drive
Olympia Fields, IL 60461-1021
Telephone #: 708-283-3545
Fax #: 708-283-3545
E-mail: fred.ranck@fhwa.dot.gov

From: Travia, Steve M
Sent: Monday, March 02, 2009 3:23 PM
To: 'Tom.Healey@cn.ca'
Cc: John.Henriksen@cn.ca; jim.kvedaras@cn.ca; Jucius, Cory
Subject: RE:

Dear Mr. Healy:

We appreciate your response to our February 18, 2009 e-mail regarding the placement of the grade crossing signs.

You have indicated that the Surface Transportation Board had ordered that "Applicants shall coordinate with the appropriate state departments of transportation to develop a program for installing temporary notification signs clearly *advising* motorists of the increase in train traffic on affected rail line segments. The format and lettering of these signs shall comply with the Federal Highway Administration's (FHWA) *Manual on Uniform Traffic Control Devices*".

According to the Manual on Uniform Traffic Control Devices (MUTCD), the definition of a Guide Sign is "A sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational or cultural information." Also, the MUTCD defines a Warning sign as "A sign that gives notice to road users of a situation that might not be readily apparent."

The purpose of these signs is clearly related to warning the public of the increased traffic on the affected rail lines rather than to guide them to the increased train traffic. Therefore the signs should conform to Chapter 2C of the MUTCD rather

than section 2D. In regards to the size of the lettering, Section 2A.14 of the MUTCD outlines minimum letter sizes required for all signing.

Additionally, you referred to Chapter 8 of the MUTCD which is dedicated to Traffic Control for Highway-Rail Grade Crossings, stating that this chapter contains no provision for the erection of signs warning of increased train traffic. It is pointed out in Chapter 2C.02 that Chapter 8 is in *addition to* the warnings signs that are specified in Chapter 2C. Chapter 2C.02 also indicates that "Word message warning signs other than those specified in this Manual may be developed and installed by State and local highway agencies."

Finally, the Illinois Department of Transportation routinely installs flags to new Traffic Control Devices in order to draw attention to the sign and increase driver awareness of the new condition.

We therefore feel strongly that the subject signs shall be black on yellow warning signs posted in advance of the crossing as outlined in Chapter 2C of the MUTCD, supplemented with flags and fabricated using the proper sign size and legend as outlined previously by this Department. If you have any questions please contact me or Cory Jucius, Arterial Field Engineer, at (847) 705-4470.

Steve Travia
Bureau Chief of Traffic Operations

From: Tom.Healey@cn.ca [mailto:Tom.Healey@cn.ca]
Sent: Sunday, March 01, 2009 3:40 PM
To: Travia, Steve M
Cc: John.Henriksen@cn.ca; jim.kvedaras@cn.ca
Subject:

Dear Mr. Travia:

Your e-mail to John Henriksen of February 18, 2009 regarding our recent placement of grade crossing signage was forwarded to me for response. We appreciate the time and effort you spent in reviewing this issue, but there seems to be a misunderstanding of the reason why these signs were erected.

In the Surface Transportation Board's order of December 24, 2008 approving Canadian National Railway Company's control of "EJ&E West Company," the Board imposed a condition requiring the erection of signage at grade crossings. Specifically, the Board ordered:

Applicants shall coordinate with the appropriate state departments of transportation, counties, and affected communities along the EJ&E rail line to develop a program for installing temporary notification signs or message boards, where warranted, in railroad right-of-way ("ROW") at highway/rail at-grade crossings, clearly advising motorists of the increase in train traffic on affected rail line segments. The format and lettering of these signs shall comply with the Federal Highway Administration's (FHWA) *Manual on Uniform Traffic Control Devices* (FHWA 2007b) and shall be in place no less than 30 days before and 6 months after the acquisition by CN of the control of EJ&EW.

As this portion of the order reflects, these signs were erected to provide "notification" or "messages" that "advise" the public of impending train increases at these EJ&E grade crossings. The purpose of the signs is to let motorists know to expect more frequent train operations. Informational signs are governed by Chapter 2D of the MUTCD, which governs the placement of Guide Signs along roadways. Chapter 2D of the MUTCD provides that Guide Signs "shall be white lettering...on a blue background." (Section 2D.45). There is also no standardization for the size of such signs, per Chapter 2D.04.

By contrast, "warning" signs for railroad-highway grade crossings are governed by Chapter 8 of the MUTCD. That Chapter contains no provision for the erection of signs warning of increased train traffic. The "warning signs" generally provided to motorists at a grade crossing are advance warning disks, pavement markings, and a crossbuck, and in many instance active warning devices such as bells, lights and gates. The message on our sign regarding increased train traffic has no impact on the duties of a driver when approaching a grade crossing, so the signs do not constitute "warning signs."

I also must take exception to your request for flags to be attached to the signs. We are concerned that flags will only serve to distract drivers who need to be making important decisions about approaching trains. We are, however, proceeding with our plan to place the signs on posts, as underground utilities are located.

Please let me know if you have any questions.

Tom Healey
Counsel - Regulatory
CN
(708) 332-4381