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HOUSE RESOLUTION

2           WHEREAS, The Federal Railroad Administration (FRA) in its  
3 Interim Final Rule for the Use of Horns at Highway-Rail  
4 Crossings, using the conclusions of a statistical study by the  
5 research corporation Westat, Inc., implies that the collision  
6 risk at gated crossings in Northeastern Illinois where the  
7 train horn is not routinely sounded is 17.3% higher than gated  
8 crossings in the continental United States where the horn is  
9 sounded, and due to this factor, municipalities that want to  
10 maintain existing quiet crossings will have to invest in  
11 expensive supplemental safety measures to lower the risk to  
12 make up for the implied 17.3% differential that results from  
13 routine horn blowing, meaning that the total cost will likely  
14 exceed \$10 million to maintain the existing quiet; and

15           WHEREAS, The FRA admits, however, that the Westat results  
16 are not statistically significant at a conventional level (the  
17 result of having only a 69% confidence level, or a nearly one  
18 in three chance of not being relevant), bearing out the  
19 "puzzling Chicago anomaly" described in an FRA study in 2000;  
20 and

21           WHEREAS, A team of statistical experts from TransInfo LLC  
22 and the University of Illinois at Chicago, contracted to  
23 conduct an analysis of the Westat study, analyzed the Westat  
24 risk assessment data and procedures and confirmed that,  
25 according to the standard principles used in statistical  
26 inference, the FRA/Westat conclusions were not statistically  
27 significant, and TransInfo/UIC offered a variation of the  
28 Westat model that produced statistically significant results,  
29 determining that a more likely estimate of the risk of a  
30 collision at an existing quiet crossing in Northeastern  
31 Illinois is 26.4% lower, when compared to crossings in the  
32 continental United States where the horn is blown; and

1           WHEREAS, The TransInfo/UIC study concluded that "based on  
2 the FRA data, there is no reason to believe that in the Chicago  
3 Area banning the sounding of horns increases the chance of  
4 collisions at gated public highway-rail grade crossings in  
5 northeastern Illinois"; and

6           WHEREAS, The FRA's Interim Final Rule will force  
7 municipalities to spend millions of dollars on measures at  
8 quiet crossings that are sufficiently safe by the FRA's own  
9 standard, and this would be a wasteful and ineffective result  
10 from a flawed analysis that lacks any statistical validity and  
11 would not serve to improve overall railroad crossing safety in  
12 Northeastern Illinois; and

13           WHEREAS, The Illinois Commerce Commission worked with the  
14 communities and the railroads of Northeastern Illinois in  
15 determining where it was appropriate to excuse the routine  
16 blowing of the horns, every quiet crossing has been equipped  
17 with a minimum level of active safety equipment, every quiet  
18 crossing has to maintain an acceptable safety record or ICC  
19 will rescind the excusal until appropriate safety measures are  
20 put into place, and the ICC, railroads, and communities have  
21 invested a significant amount of resources in addressing the  
22 highest risk crossings with the appropriate safety measures  
23 necessary to reduce the risk of future collisions; and

24           WHEREAS, A focus on education programs such as Operation  
25 Lifesaver has supplemented those efforts of the ICC, the  
26 communities, and the railroads, and this combination of factors  
27 is perhaps the most likely reason behind the FRA's  
28 self-described "puzzling Chicago anomaly" and provides a model  
29 on which to build a common sense alternative to the FRA's  
30 Interim Final Rule; and

31           WHEREAS, The statutory mandate behind the Interim Final  
32 Rule provides that the U.S. Secretary of Transportation may

1 except from the horn-sounding requirement "any categories of  
2 rail operations or categories of highway-rail grade  
3 crossings....that the Secretary determines not to present a  
4 significant risk with respect to loss of life or serious  
5 personal injury"; and

6 WHEREAS, Northeastern Illinois as a whole appears to  
7 present a category of highway-rail grade crossings that must be  
8 considered by the regulations as allowed for under the  
9 Secretary of Transportation's exception: a region with a  
10 significant concentration of existing quiet crossings overseen  
11 by a State program where the statistical risk of collisions at  
12 crossings where the locomotive horn is not routinely sounded is  
13 no greater than if the locomotive horn is routinely sounded,  
14 and this categorical exception could apply to other regions  
15 that are similarly situated; and

16 WHEREAS, An alternative crossing safety program for  
17 Northeastern Illinois would include the following elements:  
18 delegation to an appropriate State of the authority to  
19 implement and manage the regional program allowed under the  
20 Secretary of Transportation's exception; retention by the FRA  
21 of oversight of this program, with the FRA responsible for  
22 monitoring the program's effectiveness; retention by the FRA of  
23 authority to recommend adjustments if the program is determined  
24 to have a detrimental impact on crossing safety; State agency  
25 supervision of the creation of any quiet zone; delegation to  
26 the appropriate State agency of authority to establish  
27 acceptable safety thresholds, designate quiet zone status, and  
28 enforce quiet zones, including the authority to enforce  
29 railroad compliance with the quiet zone; input from the  
30 railroads, affected agencies, public authorities, and  
31 municipal officials in determining the establishment of a quiet  
32 zone; adequate warning signs at all quiet zone crossings; a  
33 requirement that all crossings within a quiet zone demonstrate  
34 a proven safety record, as defined by an acceptable relevant

1 collision experience, such as the current ICC standard of no  
2 more than three relevant collisions over a five year period;  
3 limitations on the creation of individual quiet crossings; and  
4 a public service campaign to educate motorists and pedestrians  
5 as to the consequences of unsafe behavior at railroad crossings  
6 and to warn them that trains will not routinely sound horns as  
7 they approach crossings; and

8 WHEREAS, The FRA apparently has already established  
9 precedence for allowing the regional exception approach,  
10 having provided a separate treatment to the Florida communities  
11 impacted by Emergency Order 15, allowing them to establish  
12 quiet zones prior to the publication of the Interim Final Rule;  
13 therefore be it

14 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
15 NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we  
16 urge the FRA to apply the Secretary of Transportation's  
17 exception to the FRA Interim Final Rule to any region that  
18 includes a significant concentration of existing quiet  
19 crossings overseen by a State program under which the  
20 statistical risk of collisions at crossings where the  
21 locomotive horn is not routinely sounded is no greater than if  
22 the locomotive horn is routinely sounded; and be it further

23 RESOLVED, That we urge application of the Secretary of  
24 Transportation's exception to the FRA Interim Final Rule to  
25 existing quiet crossings in Northeastern Illinois; and be it  
26 further

27 RESOLVED, That suitable copies of this resolution be  
28 delivered to the U.S. Secretary of Transportation, to the  
29 Administrator of the Federal Railroad Administration, and to  
30 each member of the Illinois congressional delegation.