



Surface Transportation Board
Washington, D.C. 20423-0001

Office of the Chairman

February 13, 2020

The Honorable Daniel Lipinski
Chairman
Subcommittee on Railroads, Pipelines, and Hazardous Materials
U.S. House of Representatives
2346 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Lipinski:

I am writing in response to certain witness testimony given last week during your Subcommittee's hearing entitled, "Tracking Toward Zero: Improving Grade Crossing Safety and Addressing Community Concerns." Specifically, Alderman Matthew O'Shea commented on the impacts of blocked crossings in his ward as a result of rail operations by CSX Transportation Inc. (CSXT) on the Elsdon Line in the Chicago area. The purpose of this letter is to address issues raised by Alderman O'Shea with respect to the Surface Transportation Board (STB or Board) and its work concerning the Elsdon Line.

In 2013, the Board approved CSXT's application to acquire an operating easement over the Grand Trunk Western Railway Company's Elsdon Line. See CSX Transp., Inc.—Acquis. of Operating Easement—Grand Trunk W. R.R., FD 35522 (STB served Feb. 8, 2013). That approval was made subject to conditions, including voluntary mitigation measures proposed by CSXT and mandatory mitigation measures developed by the Board's Office of Environmental Analysis (OEA), to help mitigate anticipated effects of the transaction with respect to, among other things, traffic and grade crossing delay, emergency response, pedestrian and bicycle safety, and rail safety. The Board also imposed monitoring and enforcement conditions requiring CSXT to report quarterly (for three years) on the progress of, implementation of, and compliance with, the mitigation measures.

The Board recognized that the Village of Evergreen Park and other communities experienced frustrating and difficult challenges when CSXT commenced operations on the Elsdon Line. That is why the Board remained actively engaged after the transaction's approval. In addition to the Board-monitored mitigation, Board members met with CSXT officials to discuss operational concerns on the line. Board members and staff also traveled to Evergreen Park in 2014 and 2015 to visit with officials and tour the most impacted areas first-hand. And, Board staff communicated regularly with State Representative Kelly Burke, Mayor James Sexton, and CSXT representatives to address community concerns regarding rail operations.

These efforts continued until the Board formally reopened the proceeding on June 22, 2016, stating that CSXT had been allowed more than enough time to address the many problems that had arisen on the line since the application was approved. The Board ordered CSXT to comply with the representation it made in its application (that it would not route a train onto the Elsdon Line unless the line was clear) or show cause why it is unable to do so. Additionally, the Board ordered CSXT to report monthly on a number of issues, including gate malfunctions and crossing blockages exceeding 10 minutes. The Board twice extended CSXT's monthly reporting requirements, with the final monthly report being filed July 16, 2018. In a decision served July 27, 2018, the Board noted that, while CSXT's monthly reports indicated that CSXT had reduced the number of false activations on the line, issues remained regarding the number and duration of blocked crossings. The Board ordered CSXT to establish and provide to the Board a plan detailing additional actions CSXT would take to improve fluidity and reduce the number and duration of blocked crossings on the line. CSXT submitted its response in August 2018.

Please be assured that the Board has maintained an active role, both formally and informally, in overseeing CSXT's implementation of the transaction and the required mitigation measures and has continued its informal oversight. Last May, the Board sent a letter to CSXT President and CEO James Foote requesting an update on operations over the Elsdon Line, specifically asking about the line's fluidity and specific actions CSXT had taken during 2019 to enhance train movement and bolster community engagement. In response, Mr. Foote reported continued favorable performance trends including a 35% reduction in the number of blocked crossings and a 23% reduction in the total duration of those blockages. CSXT further reported that 97% of trains traversed a grade crossing in 10 minutes or less. Moreover, I request an update on operations on the Elsdon Line each time I meet with CSXT officials.

Attached please find a status update regarding the three mitigation provisions raised in the Alderman's testimony. I'd be happy to answer any questions you may have regarding these matters. The Board's decisions, parties' filings, and CSXT monthly reports related to these matters may be found on the Board's website under Docket No. FD 35522. Additionally, the Board's May 2019 letter to Mr. Foote is available on Board's website under Non-Docketed Public Correspondence.

Thank you for the opportunity to provide information regarding some of the Board's many actions concerning the Elsdon Line. Please do not hesitate to contact me or Lucille Marvin, Director of the Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238 if you or your staff have any questions or would like further information.

Sincerely,



Ann Begeman
Chairman

Alderman O'Shea's testimony included allegations concerning three specific mitigation measures imposed by the Board in its 2013 decision approving the transaction. The three mitigation measures are stated below, along with the status of their implementation:

Mandatory Mitigation Measure 2 (MM 2). MM 2 required CSXT to consult with all appropriate agencies and hospitals to install a closed-circuit television system with video cameras so that the movement of trains could be predicted at the 95th Street highway/rail at-grade crossing. CSXT was to fund, install, and maintain all necessary equipment. This was to be done in order to further assist with the timely response of emergency service providers for Advocate Christ Medical Center and the Little Company of Mary Hospital.

- *In its December 31, 2013 quarterly monitoring report, CSXT informed the Board that installation and operation of the closed-circuit camera was completed. Evergreen Park controls the camera. The Board has not been received any complaints or comments regarding this mitigation measure or its status of completeness.*

Voluntary Mitigation Measure 37 (VM 37). VM 37 required CSXT to notify Emergency Services Dispatching Centers for communities along the affected segments of all crossings blocked by trains that are stopped and may be unable to move for a significant amount of time. CSXT was required to work with affected communities to minimize emergency vehicle delay by maintaining facilities for emergency communication with local Emergency Response Centers through a dedicated toll-free number.

- *In its May 31, 2016 quarterly monitoring report, CSXT informed the Board that it had installed a dedicated toll-free number on all road crossings and CSXT's Public Safety Coordination Center was notifying its Command Center of blocked crossings.*

Voluntary Mitigation Measure 6 (VM 6): VM 6 required CSXT to operate under U.S. Operating Rule No. 526 (Public Crossings), which provides that a public crossing must not be blocked longer than 10 minutes, unless the blockage cannot be avoided. VM 6 also required that the train be promptly cut to clear the blocked crossing if the blockage was likely to exceed this time frame.

- *On July 27, 2017, the Board granted CSXT's unopposed request to revise VM 6 because, based on CSXT's monthly reports, the voluntary mitigation measure proposed by CSXT—that it would cut a train if that train would block a crossing for more than 10 minutes—had proven infeasible (causing longer delays) in many circumstances. Accordingly, VM 6 was revised to read as follows: "CSXT shall take appropriate actions to clear a public crossing or crossings blocked by a stopped train as quickly as possible, including by cutting the train where it appears that cutting the train would be the fastest way to clear the crossing and, if possible, rail cars, engines, and rail equipment may not stand closer than 200 feet from a highway/rail at-grade crossing when there is an adjacent track."*