

APRIL 26, 2000

**STATEMENT OF U.S. REPRESENTATIVE JAN SCHAKOWSKY
BEFORE THE FEDERAL RAILROAD ADMINISTRATION HEARINGS ON THE PROPOSED
RULE ON THE USE OF LOCOMOTIVE HORNS**

Madame Administrator, I want to thank you for the opportunity to speak here today about the Federal Railroad Administration's (FRA) Proposed Rule on the Use of Locomotive Whistles. I also want to thank you for holding four hearings in the Chicago area. As you can imagine, this is an issue that is of the greatest importance to the 2.5 million people in our area who live with a quarter mile of rail crossings. We appreciate your willingness to listen to our concerns on the proposed rule.

I share the FRA's concern for safety, and I commend you and the FRA for your efforts to increase overall safety for our nation. We must make rail crossings as safe as possible. No one wants to see any more accidents involving trains and school buses full of children. All of us share the goal of reducing injuries and fatalities.

Nonetheless, I have some very serious concerns about the whether the FRA approach in this proposed rule is the right way to increase safety in the Chicago area. I believe that there are other, far less disruptive means to improve safety here, and I hope that the FRA will provide the Chicago metropolitan area with an exemption to pursue those options.

We have a long history of dealing with the rail crossing safety issue. Over the past twelve years, injuries and fatalities in northeast Illinois have declined by over 60 percent, at the same time that train traffic increased by nearly 50 percent. As a result of cooperation between advocates and transportation officials, safety at rail crossings has dramatically increased. While more must be done, we are clearly headed in the right direction.

The FRA's proposed rule would require mandatory whistleblowing at all all-grade crossings unless significant upgrades are made. I believe that there are several reasons why the FRA's proposed rule is not the appropriate approach for northeast Illinois.

First there is the question of safety. Because of legal, practical and cost impediments to the specified upgrades, the FRA's proposed rule would require mandatory whistleblowing in many areas. While it is clear that this would have a profound, negative impact on quality of life in our area, there remain serious questions as to whether whistleblowing actually reduces collisions. As you know, many experts have pointed to the "Chicago anomaly," where the data shows that there are actually fewer collisions at gated crossings where whistles are banned than where whistles are blown. The Chicago anomaly strongly suggests that, in this region at least, there are alternatives that can better increase safety. Mandatory whistleblowing may actually undermine our efforts.

Illinois is focusing its efforts and resources on addressing the most dangerous rail crossings, based on safety records. The FRA approach would require expensive and time-consuming technological enhancements at all at-grade rail crossings, even if safety records demonstrate no problems at those crossings. This would divert resources from making safety improvements at extremely dangerous crossings. I think we ought to take a very hard look at such a dramatic switch in strategies, particularly since the rule's for upgrades may be unaffordable and unworkable.

While we are all committed to rail safety, there are wide discrepancies in the cost estimates of complying with the proposed rule. These concerns are legitimate. The FRA estimates that the cost of implementing this program nationwide will be \$116 million. The Chicago Area Transportation Study estimates that the true cost will be more than that in Illinois alone - a total in our state of \$170 million to \$234 million. We need to increase spending on rail safety. I want to commend my colleague, Representative William Lipinski, for his leadership on rail safety and his commitment to finding additional federal resources to achieve that goal. I am proud to be a cosponsor of his legislation, H.R. 2060, the Railway Safety and Funding Equity Act, of 1999, which would double federal spending for state grade crossing programs. We will work hard to get the necessary funding, but we need to make sure that the resources are there.

Even if we succeed in providing the needed resources, there are serious legal and practical barriers to compliance with the FRA proposal. The first is time. The proposed rule gives communities now operating with whistle bans two to three years to adopt supplemental or alternative safety measures in order to avoid mandatory whistleblowing. We have nearly 1,000 at-grade rail crossings in Illinois that have whistle bans and would have to be physically upgraded within that very short time period in order to avoid lifting the bans. The Chicago Area Transportation Study estimates that it would actually take about ten years to accomplish this massive job. Unfortunately, the proposed rule does not provide adequate time to begin with, let alone allowing flexibility for logistical delays.

There is also a real suspicion that the required upgrades required in the proposed rule are impossible. For example, barriers along the side of roads that lead up to gated rail crossings would prevent cars from driving around the gates to cross the tracks. But they would also prevent snowplowing, a significant problem in an area like Chicago. Another example is the requirement of photo enforcement, illegal under Illinois state law. Quad gating is also illegal in the state because of the concern that otherwise law-abiding motorists may get trapped on the tracks by closing gates if we close all access to and from the tracks with quad gates.

Last, but by no means least, I want to discuss what happens if we do not adopt alternatives to mandatory whistleblowing because of safety, legal or cost issues. As I mentioned, 2.5 million people live within one-quarter mile of rail crossings in Chicago, 75,000 in my own district. Children attend school near rail crossings. They would be subjected to repeated train whistles blowing at levels between 84 and 144 decibels, at all hours of the day and night. As you know, 84 decibels is well above the Illinois

Department of Transportation's trigger for noise abatement procedures. 144 decibels is above the pain thresholds. Their lives would literally be disrupted.

Given the Chicago anomaly, given the strong argument that Illinois can pursue alternative means to accomplish the same or even higher safety goals, and given the fact that millions of people would be harmed, I believe that the proposed rule must be modified to allow an exemption for the Chicago area and northeast Illinois. This exemption would allow us to make viable upgrades that significantly contribute to rail crossing safety and allow us a more reasonable time frame to make those upgrades.

Again, I want to thank you for holding this hearing and for allowing me the opportunity to present my views. I would also like to thank all of the other elected officials, state and local agencies and members of the public who have taken their time to participate. Together, I am sure that we can reach the best solution to rail crossing safety issues.