



1           CHAIRMAN SHEAHAN: Pursuant to the Open Meeting  
2 Act, I call the September 8th, 2016 Regular Open  
3 Meeting to order. Commissioners McCabe,  
4 Del Valle, and Rosales are present here in Chicago.  
5 We have a quorum. We have no requests to speak;  
6 therefore, we can move right on to our Transportation  
7 Agenda.

8                           There are edits to the minutes of  
9 August 24th. Are there any objections to approving  
10 the minutes as edited?

11   (No response.)

12           CHAIRMAN SHEAHAN: Then the minutes are  
13 approved.

14                           Item R-1 concerns a consolidated  
15 action regarding petitions for the use of eminent  
16 domain.

17                           Are there any objections to approving  
18 the proposed order granting the use of eminent  
19 domain?

20   (No response.)

21           CHAIRMAN SHEAHAN: Hearing none, the order is  
22 approved.

1                   Items R-2 through 7 concern various  
2 rail crossing improvements throughout Illinois.

3                   Are there any objections to  
4 considering these items together and approving the  
5 proposed orders?

6   (No response.)

7                   CHAIRMAN SHEAHAN: Hearing none, the orders are  
8 approved.

9   Moving on to our Motor Carrier Agenda,  
10 Items MC-1 through 16 are stipulated agreements  
11 concerning an alleged violation to the Illinois  
12 Commercial Transportation Law.

13                   Are there any objections to  
14 considering these items together and approving the  
15 proposed orders?

16   (No response.)

17                   CHAIRMAN SHEAHAN: Hearing none, the orders are  
18 approved.

19   Items MC-17 through 20 concern  
20 applications for Renewal of Commercial Relocation  
21 Towing Licenses.

22                   Are there any objections to

1 considering these items together and approving the  
2 proposed orders?

3 (No response.)

4 CHAIRMAN SHEAHAN: Hearing none, the orders are  
5 approved.

6 Item MC-21 concerns New Era Moving's  
7 application for certain certificates.

8 Are there any objections to approving  
9 the proposed order?

10 (No response.)

11 CHAIRMAN SHEAHAN: Hearing none, the order is  
12 approved.

13 On our Administrative Agenda,  
14 Item AM-1 concerns the Commission's own motion in  
15 support of the week of September 11th through 17th,  
16 2016 as Illinois Rail Safety Week. Illinois Rail  
17 Safety Week allows the ICC to work with other  
18 governmental entities and law enforcement  
19 organizations to educate Illinois residents about  
20 railroad safety, including encouraging caution around  
21 railroad tracks and avoiding railroad rights of way.

22 Are there any objections to adopting a

1 resolutions?

2 (No response.)

3 CHAIRMAN SHEAHAN: Hearing none, the resolution  
4 is adopted.

5 At this time I'd like to introduce  
6 Chip Pew, our Rail Safety Specialist who oversees our  
7 education and outreach program. He'll briefly talk  
8 to us about vehicle-pedestrian cruising and the ICC's  
9 efforts to be proactive in this area.

10 Mr. Pew, the floor is yours.

11 MR. PEW: Yes, Commissioners, thank you for  
12 giving me the opportunity to talk to you this  
13 morning. And I'll try and exercise the word  
14 "briefly" as best I can.

15 Next week is Rail Safety Week. It's  
16 our third year that we've done it, and there are a  
17 couple of things that we wanted to talk about. One  
18 of the primary things that we really want people to  
19 understand, and certainly beyond the education and  
20 the outreach, a big push with local police and other  
21 law enforcement agencies is certainly the enforcement  
22 issue.

1                   75 percent of all of our train-vehicle  
2 fatalities last year were as a result of people  
3 driving around lowered gates. You can only do so  
4 much to change somebody's behavior, and we have found  
5 that for those communities and those departments that  
6 strictly enforce the railroad safety statute we do  
7 see a reduction in the number of grade crossing  
8 violations.

9                   One of the main pushes that we have  
10 this year is the recognition of what we would call an  
11 ENS sign. As of September of next year all crossings  
12 are going to have to have this unique standardized  
13 blue sign. The information that's contained on this  
14 sign is a contact number for the railroad as well as  
15 the crossing's unique address.

16                   The State of Illinois has the second  
17 most public crossings in the entire country second to  
18 Texas, and each crossing has its own unique address.  
19 If somebody would say, "I'm Chip, and I'm at Main  
20 Street in Illinois," I mean, how many Main Streets  
21 are there? But if you were to say, "I'm at Crossing  
22 170809S", that railroad dispatcher then could find

1 that crossing and say, "Oh, my gosh, I have a train  
2 in close proximity to that crossing", contact the  
3 railroad or contact the train and potentially be able  
4 to stop that vehicle in advance of getting to that  
5 crossing.

6                   Interestingly enough, the information  
7 has been out there already probably since the mid  
8 '70s; but it's amazing, in recent study, in talking  
9 to people, how much more the blue sign stands out.  
10 They always say, "Well, how long has this information  
11 been out there?" It's been out there a long time,  
12 but I think that this sign will help.

13                   The tips that we're talking about  
14 today actually will also be posted on our ICC  
15 internal web site on Rail Safety Tips, and that will  
16 start on Monday.

17                   COMMISSIONER ROSALES: Where is that blue sign  
18 posted?

19                   MR. CHIP PEW: So the blue sign is posted at  
20 railroad crossings, and it could either be facing  
21 parallel to the tracks facing the approach in each  
22 direction or it can be facing down the tracks so,

1 actually, if somebody was stuck on the tracks, the  
2 sign might be more visible. But FEDSHRA said, "We  
3 don't really care which direction you have the sign,  
4 but we want it at each approach and each crossing".

5                   If somebody was to be stuck on the  
6 tracks, we encourage them to get out of the car and  
7 before you start worrying about looking at the area,  
8 call the number. Because just because you don't  
9 necessarily see a train at that moment it could be  
10 coming at any time. This is our emergency escape  
11 plan.

12                   So in the first scenario there's no  
13 train. Get out. Call the number. They might be  
14 able to stop the train before it gets there  
15 (demonstrating). In the second scenario you see the  
16 headlight. The train is coming. It's an active  
17 crossing. And by federal regulation a train could be  
18 at that crossing in as little as 20 seconds. It's  
19 not enough time, if the lights start flashing, to get  
20 out and look for that number because, more than  
21 likely, once you see the headlights it's probably too  
22 late. That train is not going to be able to stop in



1 time to potentially avoid striking that vehicle. So  
2 we want the people to get out. Get everybody out.  
3 Leave the stuff. We can replace the stuff.

4 But they need to know which way to run  
5 because we've had incidents where people did the  
6 first thing right. They got out of the car, but they  
7 ended up running the wrong way. We want people to  
8 get out of the car and run in the direction that the  
9 train is coming from, but at a modular angle. We  
10 would say running uptrack.

11 It's somewhat counterintuitive to tell  
12 somebody to run toward the train; but if they were to  
13 run downtrack, or away from the train, they  
14 potentially -- they'll run the risk of getting hit by  
15 the train. They're going to get struck or,  
16 potentially, killed by their own car or flying car  
17 parts.

18 Trespassing is another big concern  
19 that we have, not just in Illinois but all over the  
20 country. In fact, it's the number one way in which  
21 people are killed by trains. And somebody  
22 trespassing is, essentially, up on the tracks or

1 crossing the tracks somewhere other than an  
2 authorized public crossing or at an authorized  
3 crosswalk like you might find at a pass or train  
4 station.

5                   But people aren't struck, generally,  
6 crossing in front of the train. They're walking  
7 along the tracks. And Illinois, again, has the  
8 second most miles of track. We've got about 7200  
9 miles of track. Most people would say, you know, I'm  
10 smart enough to know that I'm not going to walk in  
11 the center of the track, so I'm going to walk on the  
12 outside edge of the rail, on the edge of the tie  
13 where it's still flat. But because all trains  
14 overhang the tracks at least 3 feet on both sides,  
15 this person is really no safer than this person. In  
16 the worst scenario we would say maybe the severity of  
17 death is less, but they would still be fatally struck  
18 by that train.

19                   The general rule of thumb is 25 feet  
20 out in both directions from the center of the rail  
21 would be considered the railroad's property. It's  
22 private property, and they shouldn't be there. And,

1 in fact, if they were a contractor doing work for the  
2 railroad anywhere within 25 feet, they would have to,  
3 at their expense, hire an employee in charge or a  
4 flagman from the railroad to protect their workers.  
5 It's amazing how many people don't realize that.

6                   And then, lastly, I think that there  
7 are train-vehicle incidences -- in some cases it's  
8 train-pedestrian incidences -- because of what we  
9 call the optical illusion. Planes, like trains,  
10 create the optical illusions. And, in fact, we've  
11 all seen planes coming to land at an airport where it  
12 looks like, essentially, they're barely moving when  
13 in actuality it's probably in excess of maybe 150  
14 miles an hour; but because of the background it's  
15 virtually impossible for the human eye to accurately  
16 judge the speed and distance of an incoming airplane  
17 very much like, if they look down the tracks and they  
18 see the headlights of the train approaching, there is  
19 no way for them to accurately judge the speed and  
20 distance of that train.

21                   And if they think it's a  
22 10-mile-an-hour slow moving freight train and it's

1 maybe a 79-mile-an-hour Amtrak or Metra train, or  
2 within 15 miles currently on the high-speed rail the  
3 train is traveling 110 -- if they think it's a slow  
4 one, and it's actually a fast one, and you decide to  
5 try and beat it, that could have been a fatal choice.

6           But we'd certainly like to do a lot  
7 better job convincing the media that the way that  
8 they potentially report train vehicle and vehicle  
9 pedestrian incidents, as troubling as it is, is  
10 inaccurate. This train is only traveling where the  
11 tracks tell it to. It's not going to jump off of the  
12 tracks and try and strike a vehicle or strike a  
13 person. So the onus is on the person to,  
14 essentially, stay out of the train's way.

15           The newspaper reports, "Train Slams  
16 Into Car And Kills Driver", when in actuality what it  
17 should say is, "The Driver Of The Vehicle Put The Car  
18 In A Position For The Train To Hit Him." It's the same  
19 tragic result; but, once again, it shifts the  
20 responsibility where it belongs, and that's on the  
21 driver -- the pedestrian. If they're not going to  
22 get in the train's way, we're not going to have any

1 incidents.

2                   So those are the things that we're  
3 focusing on certainly from an outreach -- in any  
4 group that we talk to. In the state of Illinois we  
5 probably do 20 to 25 percent of all of the nation's  
6 railroad safety education outreach. I kind of feel  
7 like we have to because we're second, generally, in  
8 train vehicle collisions, and we're generally in the  
9 top five in the country with trespassing.

10                   So we have exposure. We've got a lot  
11 of trains, a lot of crossings, a lot of track miles.  
12 We have just those situations where people are going  
13 to try and beat trains. They're unforgiving. They  
14 play no favorites, and they will strike and  
15 potentially kill whoever's in their way.

16                   So as we go on to our third Rail  
17 Safety Week, it is -- this year -- a Regional Rail  
18 Safety Week for the other states involved in what we  
19 call Region 4: Illinois, Minnesota -- Wisconsin,  
20 Minnesota, Indiana. It may be in advance of what we  
21 think will be a National Rail Safety Week next year,  
22 but for me, and for certainly our Railroad Safety

1 Group, this stuff is 24/7, 7 days a week, 365. But  
2 we have found that the additional recognition of the  
3 week has been effective. And we have probably, once  
4 again, this year over 300 agencies, municipalities,  
5 and departments participating in this additional  
6 recognition and awareness of how important rail  
7 safety is.

8 And, lastly, I'd like to present you  
9 each with our challenge coins for Real Safety Week  
10 (tendering). If you ever make a bet, you can use  
11 this to flip your coin.

12 (Laughter.)

13 MR. CHIP PEW: And that's all I have for today.

14 CHAIRMAN SHEAHAN: Okay. Thank you, Chip.  
15 That was great.

16 COMMISSIONER ROSALES: Chairman, I have a  
17 question.

18 CHAIRMAN SHEAHAN: Commissioner Rosales?

19 COMMISSIONER ROSALES: Chip, how can we help  
20 you better, in terms of educating the public, with  
21 the train tracks?

22 I realize that 75 percent of those

1 fatalities are those that could be prevented. I've  
2 lived in this state all of my life. I've lived in  
3 this city all of my life. I cannot recall ever  
4 seeing one of those signs that you put up, ever. I  
5 do recall seeing a sign that if I go through the  
6 train tracks, I could get penalized. I just don't  
7 recall that; and I think it's a great idea.

8           How can we as a Commission move that  
9 into a larger scope into educating not only the  
10 public but even our schools? Just because this is  
11 something that's really, really important. I think  
12 it's a great idea. But, again, I don't recall --

13           My first thought -- and I'll be the  
14 first to admit -- I know people have gone through  
15 there in a fast way because of their negligence, but  
16 I also think as soon as I get by the train I'm hoping  
17 I can get there before the lights go down. I mean,  
18 that's real world experience. I'm hoping I get  
19 there. I'm not really looking to see what's posted  
20 until you're just sitting there while the train is  
21 going through it, and then maybe you can look around.

22           But, again, I don't remember seeing

1 that. And so how do we move through our -- for the  
2 different departments, how can we educate the public  
3 about this?

4 MR. CHIP PEW: The sign that you were referring  
5 to is the blue sign?

6 COMMISSIONER ROSALES: Yeah.

7 MR. CHIP PEW: Yeah, so that sign actually just  
8 started becoming posted in 2012. And depending on  
9 what the railroads had out there, they get a certain  
10 amount of time to comply. So all railroads will have  
11 to fully comply by the end of next year.

12 Your second question is a good one.  
13 Even doing 20 to 25 percent of the presentations for  
14 the whole country, we probably reach between 300 and  
15 400,000 people in Illinois face to face every year;  
16 but there's 12 million people that live in the state.  
17 So the last couple of years, certainly with Danisha  
18 and Vanessa's help, I think that the social media  
19 avenue is going to kind of help us expand that reach.  
20 Because it is somewhat frustrating that once you're  
21 out talking to people and they learn something that  
22 they didn't know, you can't help but think how many



1 other people are out there kind of thinking the same  
2 thing.

3 COMMISSIONER ROSALES: Okay. Well, I would ask  
4 Danisha and her folks to see what we can do in terms  
5 of pursuing this further because I think it's  
6 warranted and it's something that's an easy win-win  
7 on this. But, you know, this information needs to  
8 get out. I don't want it to be the only reason that  
9 you find out is, you know, when an accident occurs, I  
10 wish I knew that beforehand. At that point it's too  
11 late. So thank you for your presentation.

12 CHAIRMAN SHEAHAN: Commissioner Del Valle?

13 COMMISSIONER DE VALLE: You indicated 75  
14 percent of the accidents are due to people going  
15 around the gate once the gate has started to come  
16 down or has gone down. So what if there's a law  
17 enforcement person in the area and they observe this,  
18 what's the penalty for that? What's the fine?

19 MR. CHIP PEW: The current penalty today for  
20 someone driving around a lowered gate is \$250 and a  
21 mandatory court appearance. I think it's a Class C  
22 misdemeanor. As of January 1st, the governor did

1 just sign into law that that fine is being increased  
2 to \$500.

3 One thing I forgot to mention is we do  
4 an incredible amount of outreach to Driver's Ed  
5 students. In fact, last year we did almost a  
6 thousand presentations to about 23,000 Driver's Ed  
7 kids. And I guess the thought is if you educate them  
8 early to adopt good and safe behavior, it's something  
9 that they'll carry on, you know, later into life.

10 COMMISSIONER DE VALLE: So the penalty will  
11 double as of January?

12 MR. CHIP PEW: That's correct.

13 COMMISSIONER DE VALLE: Is there a posting  
14 somewhere indicating the amount of those penalties to  
15 educate the public about what they may be in for if  
16 they get caught and they survive?

17 MR. CHIP PEW: Many of the communities  
18 proactively have put signage at the approach of the  
19 crossing that says, essentially, If you violate this  
20 active warning device, you know, you could get a fine  
21 for \$250. And I would assume that --

22 COMMISSIONER DE VALLE: So all of the signs

1 will be replaced come January?

2 MR. CHIP PEW: Yes. It's not a requirement for  
3 them to have them; but the ones that are proactively  
4 doing it, they will change those to reflect the new  
5 fine amount.

6 CHAIRMAN SHEAHAN: Thank you, Chip.

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(And those were all of the  
proceedings had.)