

UNITED STATES DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Special Directive No. 18-3

Special Directive to Chicago Transit Authority and the Illinois Department of Transportation to Address Risks Associated with the Proximity of Third Rail to Highway-Railroad Grade Crossings

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

SUMMARY: The FTA issues Special Directive 18-3 to require the Chicago Transit Authority (CTA) to conduct a safety risk assessment of its highway grade crossings at or near its third rail system, and develop a corrective action plan of those railroad grade crossings deemed to have an unacceptable risk. FTA directs the Illinois Department of Transportation (IDOT) to review, validate, and approve CTA's risk assessment findings and corrective action plan, and then submit the findings to FTA based on the following timetable:

1. Within 30 days from the date of issuance of this Special Directive, CTA or IDOT may petition for special approval to take actions not in accordance with this Special Directive or may petition for reconsideration.
2. Within 120 days from the date of issuance of this Special Directive, CTA must conduct its safety risk assessment, develop a corrective action plan, and submit the plan to IDOT for review, validation, and approval.
3. Within 70 days of receipt of a corrective action plan submitted by CTA, IDOT must review the plan, return the plan to CTA with specific direction for additional actions to be completed or revised, if necessary, and approve the plan.
4. Within 190 days from the date of issuance of this Special Directive, IDOT is required to submit the findings to FTA.

FOR FURTHER INFORMATION, CONTACT: For questions pertaining to requirements of the Special Directive, please contact James Bartell, Program Analyst, FTA Office of System Safety, telephone (202) 366-5512 or James.Bartell@dot.gov; and for legal matters, Candace Key, Attorney Advisor, FTA, telephone (202) 366-9178 or Candace.Key@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 2015, a vehicle traveled northwest on Commerce Street in Valhalla, New York, toward a highway-railroad grade crossing. The driver entered the boundary of the grade crossing and stopped. The driver then moved beyond the boundary and stopped adjacent to the railroad tracks. The grade crossing warning system activated and the gate came down, striking the rear of the vehicle. The passenger exited the vehicle, examined the gate, then returned to their vehicle and moved forward on to the tracks. Meanwhile, a Metro-North Railroad train approached the grade crossing. The engineer activated the

emergency brakes and collided with the vehicle at 51 mph. The train and the vehicle continued north, damaging the electrified third rail which pierced the vehicle and penetrated the lead railcar. Five passengers died and nine passengers and the engineer were injured, all in the lead railcar. The driver of the vehicle also died. As a result of its accident investigation, the NTSB made new recommendations to the FTA; Metro-North Railroad; Long Island Rail Road, Amtrak, Port Authority Trans-Hudson Corporation, and Southeastern Pennsylvania Transportation Authority; the New York Department of Transportation, and the town of Mount Pleasant, New York.

The NTSB recommendations to FTA include Safety Recommendations R-17-007 and R-17-008:

NTSB Safety Recommendation R-17-007:

Notify all rail transit properties that have third rail systems at or near highway-railroad grade crossings about this accident and advise them to conduct a risk assessment for those highway-railroad grade crossings.

NTSB Safety Recommendation R-17-008:

After a full risk assessment is complete, require all rail transit properties to implement corrections based on their findings that will mitigate the risk of highway-railroad grade crossing accident severity.

CTA and IDOT responsibilities

In accordance with 49 C.F.R. § 659.13, a state oversight agency is to be responsible for establishing standards for rail safety and security practices and procedures to be used by rail transit agencies within its purview. In addition, the state oversight agency must oversee the execution of these practices and procedures, to ensure compliance with the provisions of 49 CFR Part 659. IDOT is the designated state oversight agency for CTA. As the state oversight agency, IDOT has developed a system safety program standard – a document that establishes the relationship between the oversight agency and the transit agency that specifies the requirements that the CTA must follow. The System Safety Program Standard and Procedures (SSPSP) includes minimum requirements for: (1) safety practices to reduce the likelihood of unintentional events that may lead to death, injury, or property damage; and (2) security practices to reduce intentional wrongful or criminal acts. Other responsibilities attributed to IDOT include: requiring CTA to develop a system safety program plan that complies with IDOT's SSPSP; requiring CTA to report occurrences of defined accidents, incidents, and hazardous conditions; and requiring CTA to prepare corrective action plans to minimize, control, correct or eliminate hazards.

The FTA determined through data reported to the National Transit Database, that only the CTA operates third rail service at or near highway-railroad grade crossings and receives federal financial assistance. Therefore, FTA issues Special Directive 18-3 to CTA and its state safety oversight agency, IDOT.

DIRECTIVE AND REQUIRED ACTIONS:

In response to the NTSB's Safety Recommendations R-17-007 and R-17-008, FTA directs CTA to conduct a safety risk assessment of each highway-railroad grade crossing at or near its third rail system, and develop a corrective action plan for those locations deemed to have an unacceptable risk. Within 120

days from the date of issuance of this Special Directive, CTA must conduct its safety risk assessment, develop a corrective action plan, and submit the plan to IDOT for review, validation, and approval. The highway-railroad grade crossing risk assessment and corrective action plan must:

- 1) identify the location of all highway-railroad grade crossings with third rail systems at or near the crossing;
- 2) assess the risk(s) associated with operating third rail power at a highway-railroad grade crossing; and
- 3) propose a corrective action plan for all locations deemed to have an unacceptable risk, along with a milestone schedule for completion of the required actions and a verification process to ensure required actions have been completed in a timely manner.

In accordance with the FTA rule for State Safety Oversight at 49 C.F.R. § 659.13, within 70 days of receipt of a corrective action plan submitted by CTA, IDOT must:

- 1) review the plan,
- 2) return the plan to CTA with specific direction for additional actions to be completed or revised, if necessary, and
- 3) approve the plan.

IDOT must monitor CTA's progress in carrying out the corrective action plan through unannounced, on-site inspections, or any other means it deems necessary or appropriate.

Petition for Reconsideration

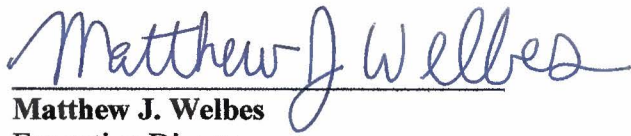
Within 30 days of the issuance of this Special Directive, CTA or IDOT may petition for special approval to take actions not in accordance with this Special Directive or may petition for reconsideration. Any such petition must be submitted in accordance with 49 C.F.R. § 670.27.

In accordance with 49 C.F.R. § 670.27(g), the FTA Administrator or his or her designee reviews and disposes of petitions for reconsideration. Currently, the position of FTA Administrator is vacant, thus FTA's Deputy Administrator will review and dispose of a petition for reconsideration of this Special Directive. IDOT or CTA must transmit a petition to the Deputy Administrator via email through Aloha Ley, Acting Director, Office of System Safety, Aloha.Ley2@dot.gov.

Enforcement

Any violation of this Special Directive or the terms of any written plan adopted pursuant to this directive will be managed in accordance with the FTA's authorities under 49 U.S.C. § 5329, including but not limited to: (1) withholding up to 25 percent of financial assistance to CTA under 49 U.S.C. § 5329(g)(1)(E); (2) issuing restrictions, closures, or prohibitions on service as necessary and appropriate to address unsafe conditions or practices that present a substantial risk of death or personal injury under 49 U.S.C. § 5329(h); and (3) directing CTA to use Federal financial assistance to correct safety deficiencies pursuant to 49 U.S.C. § 5329(g)(1)(D).

Issued on: March 30, 2018

A handwritten signature in blue ink that reads "Matthew J. Welbes". The signature is written in a cursive style and is positioned above a horizontal line.

Matthew J. Welbes
Executive Director
Federal Transit Administration

U.S. Department of Transportation