



News from the

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DOT Releases Proposed “Whistle-Ban” Rule

The 1994 Swift Rail Development Act requires the Secretary of Transportation to order that locomotive horns be sounded at every highway/railroad crossing, but also to formulate conditions needed for horn-free “quiet zones.” Secretary Rodney Slater on January 12 issued a lengthy “notice of proposed rulemaking” (NPRM) fulfilling that requirement. A related draft environmental impact statement also was released. Written comments on both are due May 26.

The Rule Protects All, Not Just Careless Drivers

Critics wonder why they must endure noise (or pay taxes for offsetting safety measures) because of a few careless drivers. The Federal Railroad Administration (FRA) supports more enforcement, but argues that death or permanent maiming is an unacceptable punishment for grade-crossing violations.

Also, victims can be innocent auto or rail passengers, train crews, and people living or driving near an accident. Motorists from “non-whistle-ban” territory may be unaware of bans.

Nearby residents were evacuated after a 1992 freight train/lumber truck collision in Hiebert, Ala., released sulfuric acid into a water supply. A 1993 Amtrak/tanker truck collision in Fort Lauderdale killed five motorists engulfed by burning fuel from the tanker truck while they waited *behind* the gates.

“Stand-Alone” Whistle Bans Are Dangerous

An Association of American Railroads nationwide survey found whistle bans in effect for some part of the January 1988-June 30, 1994, period at 2,122 public grade crossings (of which 118 had nighttime-only bans). This excludes 511 Florida crossings FRA had studied already (see below), and crossings on short line railroads. Illinois, Wisconsin, Kentucky, New York and Minnesota had the largest numbers of whistle bans.

A 1995 FRA report based on this nationwide survey “found that **whistle ban crossings averaged 84% more collisions than similar crossings** during the period studied.”

In August, 1990, FRA issued a study of Florida whistle bans, which state law authorized effective July 1, 1984. The nighttime collision rate at Florida East Coast (FEC) crossings rose 195% with whistle bans, vs. just 67% at CSX crossings in counties where both railroads operated. (The bans applied only on “intrastate” FEC.) Daytime collision rates were virtually unchanged at crossings with nighttime-only whistle bans.

After updating its study with more recent data, FRA issued an emergency order July 26, 1991, to end whistle bans in Florida. (“During this time, a smaller study, conducted by the Public Utility Commission of Oregon, corroborated FRA’s findings and led to the cessation of state efforts to initiate a whistle

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—Ross B. Capon

South St. transit station, downtown South Bend, just east of old Union Station. Amtrak should relocate here in early 2001. Elevated railroad grade already used by Amtrak is visible on left.

Station Gems of Northern Indiana

Downtown Gary, the South Bend airport, and—next year—downtown South Bend have or soon will have excellent multimodal facilities.

Gary’s downtown has gotten good press lately for its rebuilding effort. A less-remarked feature is superb access to the South Shore station, with electric commuter trains direct to the Chicago lakefront, Michigan City, and the South Bend Airport. To enhance personal security—and convenience—the elevated platform is sealed off from direct ground access. Passengers reach trains through the Metro Center office building, going to the second floor of the glass-enclosed atrium (which has a news stand and attractive waiting area) and proceeding through an enclosed walkway to the trains. The Metro Center ground floor has a staffed Greyhound station and a major hub for city buses. For the moment, cabs are nowhere to be found, but the city is working to change this.

Planners also are looking at the best ways to link South Shore and Amtrak/high speed rail trains with the Gary airport, recognizing the inadequacy of Amtrak’s Hammond-Whiting station to the region (an inadequacy that NARP tried to impress upon Amtrak before Hammond-Whiting was built).

The South Shore terminal at the South Bend airport is *in* the airport, European-style, with the ticket counter and waiting area immediately opposite the American Eagle counter, and the trains just outside, under protective cover. There is little evidence of air-rail transfers, the run into the airport is slow and a downtown location would have been ideal.

But the airport terminal has enhanced South Shore’s visibility and facilitated a big ridership increase. The terminal is a big improvement over the old, westside “Bendix” location

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Keeping Up With Amtrak's Top People

Amtrak made many key management changes in 1999. Except as noted, those shown here were November 16. **Anne Hoey** became Vice President (V.P.)—Service Operations, heading the Department of Service Operations (formerly Corporate Operations). The Chief Mechanical Officer and two new offices report to her. The "Office of Service Success" will track the planned service guarantee program and ensure implementation of quality standards. The Office of Station Standards will guide staffing and training plans and support the station investment program.



Anne Hoey

Hoey is responsible for equipment and mechanical services, safety, environmental issues, food and beverage contract oversight, crew management services, and operations standards.

She has a Masters in City Planning from Harvard. She was Deputy Director of Environmental Services in Montgomery County, Md., and held positions in the District of Columbia's Departments of Public Works and Environmental Services. She joined Amtrak in 1994.

Northeast Corridor President **E. S. (Stan) Bagley, Jr.**, got responsibility for the Consolidated National Operations Center in Wilmington and real estate nationwide. **Ron Frazier**, who reported to Bagley as Chief of Police (with nationwide responsibilities), now is NEC V.P.—System Operations and Police Services. **Sally Bellet**, Counsel to the President and V.P.—Commercial Development, managed NEC real estate holdings and now manages real estate nationwide.

Ron Scolaro, previously V.P.—National Operations, became V.P.—High Speed Rail Corridor Planning and Development, reporting to V.P.—High Speed Rail David Carol.

Emmett Fremaux succeeded Hoey as V.P.—Customer Relationships and Revenue, which includes responsibility for the reservation call centers.

In June, 1999, marketing responsibilities were largely recentralized in Washington under **Steve Scott**, who rejoined Amtrak as V.P.—Marketing and Brand Development. He was Amtrak Intercity's V.P.—Marketing from March 1995 to January 1997 (Oct. '96 *News*). After leaving Intercity, he worked for Signature Resorts in Orlando; one of his pre-Amtrak jobs was Director of Product Development at United Airlines.

In February, 1999, **George Raed**, who had been NEC Director—Market Research and Forecasting, became (National) Assistant V.P.—Consumer Research and Forecasting. Since mid-1998, in addition to his NEC work, he provided staff support at corporate headquarters for national programs.

Barbara Richardson became Executive Vice President, with responsibility for building Amtrak's revenue base, in January, 1999. She had been President George Warrington's chief of staff in Philadelphia. Her direct reports include: Fremaux, Scott and Raed, plus Corporate Secretary Stu Simonson and—effective February 7, 2000—**William Schulz**. He will be Director—Corporate Communications. His most recent job was as assistant to Transportation Secretary Rodney Slater and director of public affairs. ■

Whistle Ban Proposal

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ban in Oregon.") Later, by dropping from the statistics collisions that whistles probably would not have prevented, FRA found an even stronger safety case against whistle bans.

More recent FRA figures show that in the 1992-1996 period, there were 793 collisions at 2,366 whistle-ban crossings, with these results:

Type of person involved	Injuries	Fatalities
Motorist	258	56
Pedestrian	17	41
Railroad employee	56	0

Of all whistle-ban crossings, 40% had automatic gates (vs. only 17% of all crossings). "FRA found 831 crossings where whistle sounding had at one time been in effect, but where the practice had changed during the January 1988 through June 1994 study period. In 87% of the cases, bans were no longer in effect. A 'before-and-after' analysis comparing collision rates showed an average of 38% fewer collisions when whistles were sounded...[paralleling] the Florida experience."

Offsetting Whistle-Ban Safety Loss

Despite the safety problems and FRA's evidence that adding horn noise "did not produce a significant lasting effect on residential prices," pressure is growing for more bans. FRA proposes two sets of "supplementary safety measures" meant to provide safety benefits comparable to horn-blowing.

"**Appendix A**" shows strong measures, any one of which FRA would accept without further involvement:

1. Temporary closure of a crossing. Closure must be "during the same hours every day and may only be...during one period each 24 hours." The safety analysis must reflect diversion of traffic to other crossings.

2. Four-quadrant gate system (\$244,000 plus annual maintenance \$2,500-5,000), "to prevent a motorist from entering the oncoming lane of traffic to avoid a fully lowered gate in the motorist's lane." The notice discusses (and FRA solicits others' views on) "efficacy of four-quadrant gates, timing [e.g. to avoid trapping motorists] and other safety considerations and any proposed alternatives to these gates."

However, FRA believes these installations are safe. No highway-rail collisions have been documented at any of the five such U.S. installations (one of which "dates from 1952"), "nor at a demonstration site in Knoxville during 1985-1986."

3. Gates with Median or Channelization Devices that keep traffic "in the proper lane." Road intersections within 60 feet of the gate must be closed or moved. The warning system must have a constant warning time system (e.g., be sensitive to train speed). Median barrier estimated cost: \$11,070.

4. One Way Street With Gates (no real-world data yet).

5. Photo Enforcement (\$55,000-75,000 plus annual cost \$20,000-30,000) with "commitment of the law enforcement and judicial communities to vigorously enforce the traffic laws in this area," such as through significant penalties—FRA "suggests" at least \$100; Illinois and Florida have \$500 fines. FRA seeks comments on whether it should require a minimum fine and if so, how much.

"**Appendix B**" lists alternative measures that can be combined—in some cases with aspects of items 1-5—giving communities more flexibility, but requiring specific FRA approval.

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6. Programmed enforcement “entails a sustainable law enforcement effort combined with continued crossing monitoring.” FRA could end the quiet zone “if, after a reasonable period of time...improvement is not shown.”

7. Public Education and Awareness programs “directed at...drivers, pedestrians and residents near the railroad.” Such programs must represent valid new increments” of local effort, not simply redirection of “scarce safety resources from safe community initiatives.”

FRA also discusses **wayside horns** (currently in testing at Gering, Neb.) and **articulated gates** (tests planned in North Carolina). FRA does not propose to regulate pedestrian-only crossings and crossings where train speeds are 15 mph or less. FRA seeks public comment on whether private crossings should be regulated. Finally, FRA proposes to establish

for the first time an upper volume limit for train horns.

After FRA issues a final rule, unless Congress intervenes, the rule would take effect one year later. However, existing whistle bans could remain in effect for up to three years before full implementation of mitigating measures, although FRA could reduce that grace period to two years where it finds inadequate movement towards implementation. ■

Get the NPRM and the draft EIS at <www.fra.dot.gov/horns> or from Ron Ries, Office of Safety, FRA, 1120 Vermont Ave., N.W., Washington, DC 20590 (202/493-6299). (NARP welcomes members' suggestions on what NARP should say.) Comments will be posted at <<http://dms.dot.gov>> and available for inspection at DOT's Washington headquarters. Public hearings are anticipated in Berea, O.; Pendleton, Ore., and Los Angeles, Chicago, South Bend, Boston, Washington and Fort Lauderdale. FRA and NARP web sites and the Federal Register will carry meeting information when available. Comments on the rule's collection of information requirements are due March 13.

Amtrak Reform Council's \$567 Million “GAAP” Gap

Will an accounting debate bore everyone to death, or kill Amtrak? That question emerges with the January 24 release of the Amtrak Reform Council's (ARC) first annual report.

On the plus side, ARC Chairman Gil Carmichael (who was President Bush's Federal Railroad Administrator) and Vice-Chair Paul Weyrich (a prominent conservative, longtime NARP member, and former Amtrak Board member) both expressed the hope that Amtrak could expand, providing more service and more jobs. Carmichael said that public hearings the ARC held around the country showed that citizens and public officials strongly want more passenger train service.

Under the 1997 Amtrak Reform and Accountability Act, if the ARC finds that Amtrak will not be operationally self-sufficient in fiscal 2003, the ARC must develop a plan for restructuring and rationalizing national intercity passenger rail service. Amtrak then would have to develop a liquidation (shut-down) plan, subject to review for accuracy and reasonableness by the DOT Inspector General and the General Accounting Office. Congress could adopt the ARC's—or some other—restructuring plan, or Amtrak's liquidation plan, or do something else.

The ARC stressed that the report “does not reach any conclusions or make recommendations about Amtrak's long-term future.” Still, it implies a negative ARC finding.

“Amtrak believes,” says the report, “that federal legislation and historical practice in place in 1997 result in an operational self-sufficiency test that is based solely on the need for federal cash for operating purposes. Therefore, the non-cash charge of depreciation [estimated \$487 million in 2002] and the cost of progressive overhauls [\$80 million in 2002] would not be included in the calculation of the cash contribution required for operations.”

That's \$567 million worth of costs which, though considered operating costs under generally accepted accounting principles (GAAP), have not been covered by operating grants.

The report, however, says “the Council believes that the accounting standard specifically referred to in the [law], GAAP, is both logically and under current law, the method it must use to measure Amtrak's financial performance.” If the ARC sticks to that—effectively “raising the bar” by \$567 million—a

negative finding is inevitable. Indeed, Amtrak Chairman Tommy Thompson, the Republican governor of Wisconsin, said the ARC “raised the bar...in the middle of the game.”

However, at the January 24 open business meeting and news conference in Washington, Carmichael showed some flexibility when, in answering a reporter's question on this, he said the ARC is “not disagreeing with Amtrak.” A NARP statement urged the Council to resolve the depreciation and progressive overhaul issues quickly.

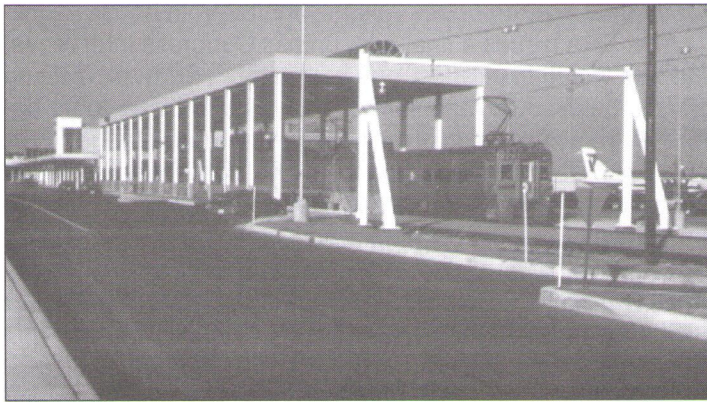
NARP said, “It will be a significant challenge to reach operating self-sufficiency without covering those two items. Raising the bar by \$567 million (Amtrak's fiscal 2002 estimate for those items), as the report hints may be required, would insure that Amtrak could not meet the test.”

Transportation Secretary Rodney Slater, Clarence Monin (the labor member) and Donald Sweitzer voted against the report. Federal Railroad Administrator Jolene Molitoris, in a January 20 letter to Carmichael, said that requiring Amtrak to cover the \$567 million “is inconsistent with the intent of the Administration and Congress.”

She also complained about the tight deadline for the report's release, the “limited time that Amtrak has had to review the draft document,” and the fact that the ARC “has not had an opportunity to review and discuss Amtrak's concerns” face to face. ARC members agreed that they should spend more time discussing key issues like the handling of depreciation.

The ARC also discussed Weyrich's motion to urge Congress to postpone Amtrak's target date for operating self-sufficiency by one year (similarly extending the ARC's life), due to the delay of the new Acela train sets. Weyrich said the trains are critical to realizing Amtrak's projections, and an informed judgment is not possible until all 20 sets have been in service a year. ARC members agreed to postpone formal action on the motion but to allow ARC staff to alert legislators that such a suggestion might be forthcoming. ■

The Council's report, including minority views, is available at <www.amtrakreformcouncil.gov> or from the Council at JM-ARC, Room 7105, 400 Seventh St., SW, Washington, DC 20590. The Council plans a May 3 hearing and business meeting in Sacramento and may meet in Denver March 9.



Left: South Shore station at South Bend Airport, with train in train shed. Below: Gary Metro Center station, from South Shore platform.



—Ross B. Capon (both)

TRAVELERS' ADVISORY

Update on Acela Regional—January 31 is a historic day in passenger railroading—the introduction of electric revenue service between New Haven and Boston. Two Acela Regional round trips (one daily, one Monday-Friday) will replace two existing NortheastDirect round trips, covering the New York-Boston segment in four hours. They will depart Boston 6:15 am weekdays, 5:00 pm daily; depart New York eastbound 8:35 am weekdays, 4:55 pm daily. Other Northeast Corridor schedule changes take effect the same day, including replacing the 8:10 am departure from Newport News with one at 10:30 am.

Thruways—Amtrak, Genie Express, and Washington DOT are coordinating a new bus service that began January 9. It runs four days a week (Sunday, Monday, Wednesday, Friday) from West Richland, Richland, Pasco (Amtrak station), and Sunnyside to Seattle (King St./Amtrak). Yakima will be added soon. The whole trip is about five hours, arriving Seattle 11:30 am and departing 6:00 pm.

Correction—The *Hiawatha* baggage service (Dec. '99) that began November 8 is not the first dual use of “cabbage cars” for cab (train control) and baggage service; the three Chicago-Pontiac trains already were using the cars for both purposes.

Northern Indiana

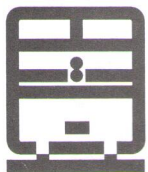
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that Amtrak also will abandon soon (see below). An old freight branch that ran close to the airport made the airport extension affordable at a time when the city was in danger of losing all South Shore service.

South Bend in 1998 opened an attractive downtown transit terminal on South St. It backs up to the railroad embankment, and—thanks to earmarked federal TEA-21 funds—Amtrak passengers will begin using it in about a year. ■

“People say that trains are outmoded or don't make sense and that Americans are married to their automobiles. But it's a shotgun marriage. If you are in an environment where there are no choices offered, how can you say someone is married? They weren't given a choice. The love affair with the car...it's not true love unless it's voluntary, and there's been incredibly heavy intrusion by the government to create the situation we are in.”

—Milwaukee Mayor John O. Norquist, addressing the Amtrak Customer Advisory Committee in Milwaukee, October 11, 1999



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