



Illinois Department of Transportation

Division of Public and Intermodal Transportation
100 West Randolph Street / Suite 6-600 / Chicago, Illinois / 60601

September 25, 2014

Mr. Joseph C. Szabo
Administrator
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Re: The Illinois Department of Transportation's Request for a Limited-Time Buy America Waiver for Adjustable Self-Closing Hinges

Dear Administrator Szabo:

The Illinois Department of Transportation (IDOT) seeks a 24 month, limited-time waiver of the Buy America requirements contained in 49 U.S.C. 24405(a). This request, which pertains to a swing gate hinge used in construction of the Illinois high speed rail corridor between Chicago and St. Louis (HSR Corridor), follows IDOT's initial request to the Federal Railroad Administration (FRA) dated December 12, 2013 and FRA's March 3, 2014 response to that request. Below please find IDOT's justification for the limited-time request.

Background

Improving pedestrian safety at grade crossings is one of the main goals of the Chicago-St. Louis project. One of the means by which this is being accomplished is the installation of a pedestrian swing gate that is attached by a hinge to right-of-way fencing. A U.S. manufactured hinge was tested and found not compliant by the Illinois Commerce Commission (ICC) because its closure force was too strong. It could not be adjusted sufficiently to eliminate the possibility of pedestrian injury. As a result, exit gate installations at pedestrian crossings were put on hold.

Thereafter, IDOT and the ICC located an acceptable hinge. The Sure Close hinge is manufactured outside the U.S. by D&D Technology, and meets the ICC's safety and performance requirements. The ICC has tested it for over one year at a busy pedestrian crossing of a rail line in the Chicago area. The hinge is the only component of the swing gate that was not manufactured in the U.S. IDOT requested a waiver to use the D&D Hinge based on Exception One of the Buy America requirements as set forth in 49 U.S.C. 24405(a). A copy of IDOT's initial waiver request is attached.

On March 3, 2014 FRA responded to IDOT's waiver request by providing extensive research through NISTMEP, identifying three of the listed companies as having the potential to produce the hinge. FRA suggested that IDOT reach out to those manufacturers.

IDOT's Follow-Up Actions

IDOT immediately investigated the firms identified as possible candidates by FRA. Of the three firms identified as able to manufacture hinges, only one [REDACTED] stated that it was able to produce the type of adjustable hinge needed for the gate. A summary listing of IDOT's contacts and the results of these contacts is attached.

To date [REDACTED] efforts on IDOT's behalf have not been productive, with many delivery delays. For example [REDACTED] agreed on March 20, 2014 to provide two prototypes for testing in May, 2014. The first hinges, however, did not arrive until two months later. Once delivered, the prototype hinges failed to perform; the gate was stuck in the open position and failed to close. The prototype hinges and the entire gate unit were then shipped to [REDACTED] to assess the issues. [REDACTED] is currently making further modifications to the hinges, and has not provided a date when a modified prototype will be available.

We are hopeful that modifications to the current prototype will be successful. However, if and when the prototype becomes functional, it will need to be tested in winter conditions so we are assured that it will operate in adverse weather. If wintertime testing is successful, [REDACTED] estimates that it will require about eight months to manufacture 50 (8%) of the 600 hinges needed for the project; at this point, we do not know how long it will take to produce the remaining 92%. These testing and manufacturing delays will adversely affect completion of the project and delay the next expansion of 110 mph passenger service now scheduled and announced to be occurring by the end of 2015. Without a functional hinge on the pedestrian gates, the Illinois Commerce Commission will not consider the crossings safe, and will not permit trains to operate at high speeds.

Limited-Time Waiver Request

IDOT requests a 24-month limited-time waiver. The time is needed to develop a prototype hinge that works properly and to test the prototype under winter weather conditions. If the current prototype issues are not resolved soon, IDOT will not be able to test them in the 2014-15 winter season, which would delay testing until winter 2015-16. A limited-time waiver is also needed to ensure that major segments of the HSR project can be completed next year so that 110 mph operations can be safely expanded to many more segments of the HSR Corridor.

Construction contracts currently in progress or to be awarded shortly will require 350 pedestrian gate hinges. The remaining contracts to be awarded in 2015 and 2016 will require another 250 hinges. Approval of the limited-time waiver will permit 350 Sure Close hinges to be installed for the pedestrian gates in the current contracts, which in turn will permit expansion of 110 mph train operations in 2015. If the [REDACTED] prototype is delivered in time to allow testing this winter, and the testing is successful, IDOT commits to using the [REDACTED] hinge in the remaining 250 pedestrian gate installations.

Conclusion

The hinges on the pedestrian swing gates represent only \$190,000, or 0.01%, of the total \$1.5 billion cost of the HSR Corridor project.

Mr. Joseph C. Szabo
Page 3 of 3
September 25, 2014

It is imperative that all components, including hinges, provide reliable and safe operation. But without this essential hinge, our pedestrian warning systems will not be safe as they could be. Only a functional hinge will ensure that children and seniors can leave track areas by pushing open the gates, and then not be injured by gates closing with too much force.

With major sections of the project nearing completion, 110 mph operations are scheduled and announced to begin in late 2015. Without the pedestrian safety gates in place, such higher speed operations will not be approved by the ICC.

Finally, IDOT understands the importance of domestically produced goods and is committed to procuring end products that comply with Buy America. Again, we propose that during the limited waiver period IDOT will install the Sure Close hinges with limited foreign-made components on the pedestrian safety gates that are under contract for construction. Meanwhile, we will continue to work with [REDACTED], the U.S. firm, to develop, test and produce hinges that can then be specified in future program contracts.

Thank you for considering our request. If you need additional information, please contact me at 312-793-2116.

Sincerely,



Joseph E. Shacter
Director of Public and Intermodal Transportation

Attachment