

## EDITORIAL

## Quiet zone assessment

Think back to the last time you stopped your car, or your bike or just yourself, because a train was crossing the street you were driving or riding or walking on.

Did you stop because you heard the train's whistle?

Or because the red-and-white arms were blocking your path and the lights were flashing, or because another car, or cars, were already stopped?

Now think about when you continued on your way.

Did you drive or pedal or walk on because you could no longer hear the whistle?

Or because the arms lifted, the lights stopped flashing and, if there were any cars in front of you, they had driven on?

The answers here are obvious.

We don't need to hear a whistle to know when we need to stop at the railroad tracks. If the whistles alone were vital to preventing trains from hitting cars or people, the Federal Railroad Administration (FRA) would not have approved a single quiet zone.

But that agency has approved more than 900 of them in the past 15 years or so, including 13 in Oregon (some of those, including in Pendleton, were adopted by local ordinance earlier and were allowed to continue).

The reason quiet zones are so common is simple — to qualify for one, a city first has to bolster the physical means that keep vehicles off the tracks at crossings. Common tactics include building concrete medians that prevent cars from driving around the crossing arms.

There's ample evidence that these measures work, and that the safety benefit of whistles alone is perception, not reality. A 2017 report from the Government Accountability Office — the official federal auditor — concluded that FRA studies in 2011 and 2013, which included 562 quiet zones, "showed that there was generally no statistically significant difference in the number of accidents that occurred before and after quiet zones were established."

This is hardly surprising. If a vehicle can't physically get to the tracks when a train is passing, then it's obviously not going to be hit by that train. All other factors — lights, whistles — are rendered irrelevant by that physical reality.

Another objection raised by people who oppose the Baker City Council's 4-3 decision on Jan. 25 to apply for a quiet zone is the cost of improvements to five crossings in the city. But this concern is also misplaced. A citizens group says it will raise the estimated \$150,000. And if they fail, there won't be a quiet zone — the plan the City Council approved specifically states that the money the group raises, not city dollars, will pay for the improvements.

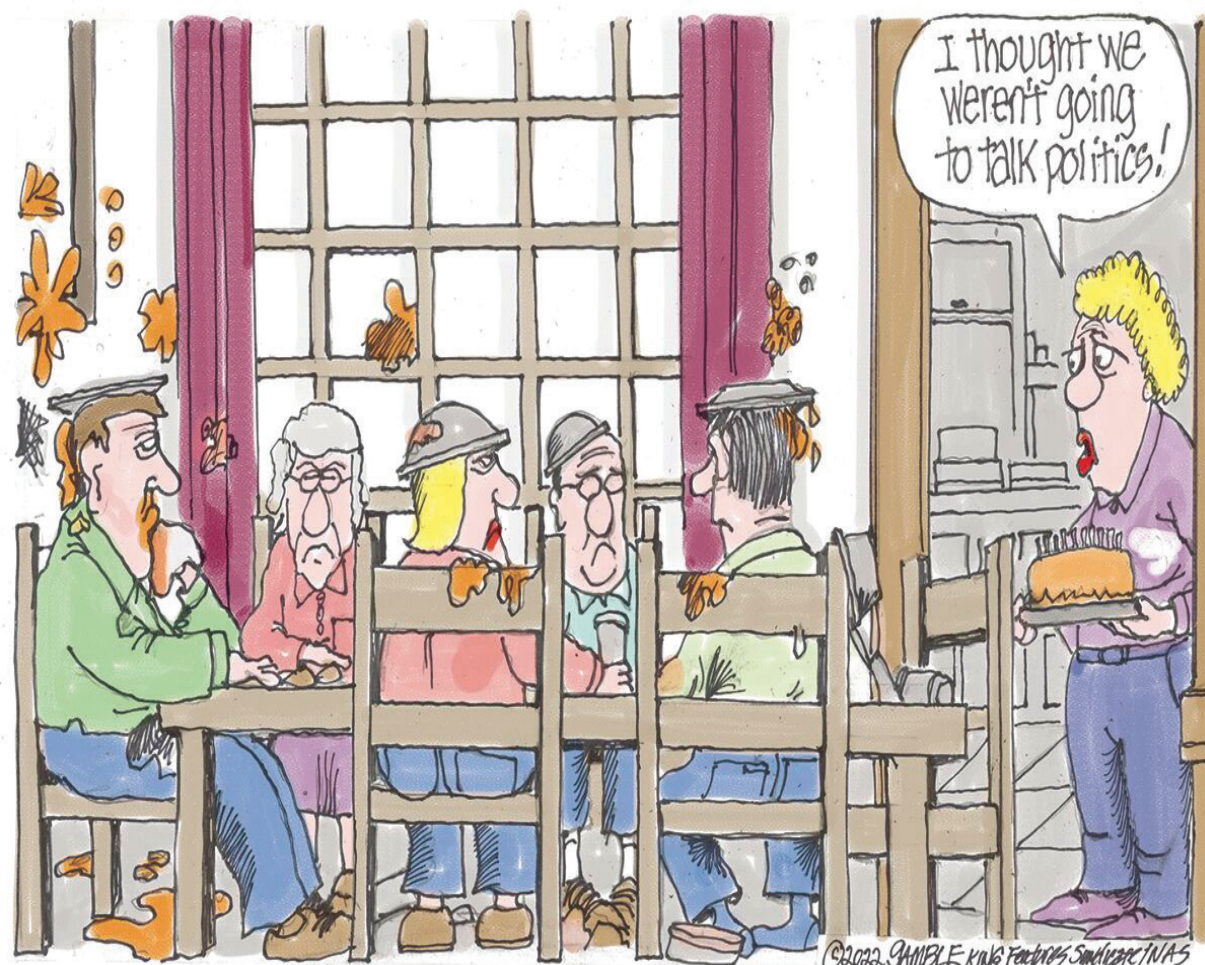
Michelle Owen, the city's public works director, told councilors that long-term maintenance of the crossing upgrades could average \$500 a year. That's not a firm figure, to be sure, but there's no evidence that the cost to the city for maintenance would be anything but negligible, or that any city resident would pay a penny more, in fees or taxes to the city, as a result of the quiet zone.

As for the potential for the city to be held liable for an accident at a crossing, the existence of so many hundreds of quiet zones strongly suggests that such liability is not deterring cities. According to the FRA, its rule establishing criteria for creating quiet zones "is intended to remove failure to sound the horn as a cause of action in lawsuits involving collisions that have occurred at grade crossings within duly established quiet zones."

The FRA has also studied the effect of quiet zones on death rates for people who trespass on the railroad right-of-way and are hit and killed by a train (this does not include suicides). In other words, people who might not be deterred, as vehicles would be, by physical upgrades at crossings. Yet over a three-year period, "there was no statistically significant difference in trespass casualties before and after the establishment of the quiet zones," according to a September 2020 report.

Quiet zones are not, to be sure, completely silent. The discretion to sound the whistle always lies with the train crew. But given the physics of trains, which weigh hundreds of tons and can take a mile to stop, the whistle, whether blown routinely as now, or in emergencies as in a quiet zone, likely would be equally effective in preventing what the FRA calls "trespass casualties." In either case, the train probably wouldn't be able to stop before hitting a trespasser. It's plausible that now, with trains sounding their whistle within a quarter-mile of crossings, a trespasser might be warned, via the whistle, somewhat sooner than in an emergency situation, especially at night. Yet the FRA study found that about 74% of trespassing casualties happen within a quarter-mile of crossings, so it's likely that a trespasser would have about as much advance warning after a quiet zone is established as before.

— Jayson Jacoby, Baker City Herald editor



## COLUMN

## IRS demands smack of Big Brother

BY PRESTON BRASHERS

Surveys find 81 percent of U.S. adults support voter ID requirements. Yet President Joe Biden recently condemned state election integrity laws that strengthen voter ID protections and ensure the accuracy of voter registration rolls as "Jim Crow 2.0." This supposed "threat to our democracy" is so grave that Biden equated those who support them with overt racists like Bull Connor and George Wallace.

But if the president thinks checking IDs and verifying voter rolls is racist, how can he condone the new IRS procedures requiring taxpayers to give a private company a copy of their government-issued photo ID — as well as their email address, phone number, Social Security Number and a video selfie taken with a smartphone or computer — before they can gain access to basic tax services on the IRS website? Is Biden's IRS engaging in "Jim Crow 3.0?"

Actually, the IRS's demands of taxpayers smack more of dangerous Big Brotherism than racism. For example, if ID.me, the Virginia-based company being entrusted with taxpayers' private information, is unable to verify users' identity with the information, users will then have to join a video call with a "trusted referee" to "answer a few questions."

ID.me will use the video selfies — which all users must provide — to collect biometric data, including voiceprints and facial geometry recognition. Taxpayers must sign a consent form for the company to collect this data, and the form allows ID.me to "reserve the right to change or modify this Biometric Consent."

Many taxpayers won't fully understand what information is being collected or how it will be used. How many people read all the con-

sent forms they sign? Even if they do, taxpayers may have no choice but to consent if they need to access their online account, get their tax records, or update their child tax credit information.

Americans' ability to interact with government for basic tax services will be filtered through a secret private algorithm. All told, the new system will determine taxpayers' access to services that were used an estimated 60 million times last year. The IRS website also states that over the next year, additional IRS applications will transition to the new system.

In other words, in the name of protecting taxpayer information, the IRS will compel even more taxpayers to give away extremely personal information to a private company.

The IRS has a poor track record of safeguarding taxpayer information, and Americans should be incredulous of the idea that sharing more data will ensure their information remains private.

In June 2021, ProPublica — a left-leaning news organization that somehow received private tax documents — released a report leaking information on the tax records of dozens of the wealthiest U.S. taxpayers. Nobody has been held accountable for the apparent felonious data leak or data breach, nor is it clear how many taxpayer records were exposed.

Making a private company a gatekeeper to certain taxpayer information hardly guarantees such information is safe from future leaks or breaches. In 2017, the personal information of 147 million Americans was exposed when Equifax experienced a data breach.

Also consider the difference between how state voting laws come about compared to the IRS's new procedures.

States that enact voter ID requirements or change other election laws must do so through the standard legislative process: duly elected representatives passing laws that are subject to all the legal checks and balances.

Yet Biden's IRS will require sensitive taxpayer data to access basic tax functions with no new laws passed and no elected officials accountable for the change.

Which is more undemocratic?

The Biden IRS has consistently sought more power, whether through the legislative process or not. Last fall, the Treasury Department pushed to allow the IRS to track the bank transactions of virtually all Americans, but the effort stalled when it was met with public outcry.

The Build Back Better Act would have nearly doubled the size of the IRS, adding 87,000 new agents mostly dedicated to enforcement. The unpopularity of provisions like this ultimately led the Senate to balk at the House version of the bill.

In the case of the new facial recognition requirements, though, the IRS is acting outside the legislative process, flexing its own power by imposing new information-sharing requirements on taxpayers.

When agencies like the IRS exert the power to trample on taxpayer privacy, it exposes the ever-increasing power of the executive branch, an actual flaw in the functioning of our democratic republic. In Biden's words, "That's the kind of power you see in totalitarian states, not in democracies."

Preston Brashers is the senior tax policy analyst in The Heritage Foundation's Hermann Center for the Federal Budget.

## YOUR VIEWS

### Baker County United is not a group of radicals

Baker County United is not the KKK. BCU is not anti-vaccine. BCU is not "radical." BCU is not a militia. BCU is not "extreme." We are Americans, each endowed with certain rights by our Creator — not granted by the government (at any level). We believe in the Constitution and in the Bill of Rights. If you are in this community, a BCU member will always help you — no matter who you are. We are from many faiths and backgrounds. We are a group who formed because we simply had no where else to go. Our political po-

sition is this: We don't agree with governmental mandates. The haters will keep hating. We'll still pray for them. Come join us.

Jason Bland  
Baker City

### We need to band together to preserve the American Dream

People, the time is now! If you are at all dissatisfied with what is happening in government you need to raise your voice. We need to band together so our voices can be heard. There is no way we can all agree on every minutiae but what I hope we can all agree on is that we love our country

and we believe our forefathers gave us their best shot at making the American Dream a reality.

Take a moment to revisit the Constitution and the Bill of Rights. Nearly every article in the Bill of Rights has been denied us at some point over the last two years. History shows us that if you give your rights away to those in power they will not give those rights back unless the people demand them. It is up to we the people to stand for our freedom. That is why I joined Baker County United. And we need you, we need your voice.

In solidarity,

Danika Sinram  
Baker City

## CONTACT YOUR PUBLIC OFFICIALS

**President Joe Biden:** The White House, 1600 Pennsylvania Ave., Washington, D.C. 20500; 202-456-1111; to send comments, go to www.whitehouse.gov.

**U.S. Sen. Jeff Merkley:** D.C. office: 313 Hart Senate Office Building, U.S. Senate, Washington, D.C., 20510; 202-224-3753; fax 202-228-3997. Portland office: One World Trade Center, 121 S.W. Salmon St. Suite 1250, Portland, OR 97204; 503-326-3386; fax 503-326-2900. Baker City office, 1705 Main St., Suite 504, 541-278-1129; merkley.senate.gov.

**U.S. Sen. Ron Wyden:** D.C. office: 221 Dirksen Senate Office Building, Washington, D.C., 20510; 202-224-5244; fax 202-228-2717. La Grande office: 105 Fir St., No. 210, La Grande, OR 97850; 541-962-7691; fax, 541-963-0885; wyden.senate.gov.

**U.S. Rep. Cliff Bentz (2nd District):** D.C. office: 1239 Longworth House Office Building, Washington, D.C., 20515, 202-225-6730; fax 202-225-5774. Medford office: 14 N. Central Avenue Suite 112, Medford, OR 97500; Phone: 541-776-4646; fax: 541-779-0204; Ontario office: 2430 S.W. Fourth Ave., No. 2, Ontario, OR 97914; Phone: 541-709-2040. bentz.house.gov.

**Oregon Gov. Kate Brown:** 254 State Capitol, Salem, OR 97310; 503-378-3111; www.governor.oregon.gov.

**Oregon State Treasurer Tobias Read:** oregon.treasurer@ost.state.or.us; 350 Winter St. NE, Suite 100, Salem OR 97301-3896; 503-378-4000.

**Oregon Attorney General Ellen F. Rosenblum:** Justice Building, Salem, OR 97301-4096; 503-378-4400.

**Oregon Legislature:** Legislative documents and information are available online at www.leg.state.or.us.

**State Sen. Lynn Findley (R-Ontario):** Salem office: 900 Court St. N.E., S-403, Salem, OR 97301; 503-986-1730. Email: Sen.LynnFindley@oregonlegislature.gov

**State Rep. Mark Owens (R-Crane):** Salem office: 900 Court St. N.E., H-475, Salem, OR 97301; 503-986-1460. Email: Rep.MarkOwens@oregonlegislature.gov

**Baker City Hall:** 1655 First Street, P.O. Box 650, Baker City, OR 97814; 541-523-6541; fax 541-524-2049. City Council meets the second and

fourth Tuesdays at 7 p.m. in Council Chambers. Councilors Jason Spriet, Kerry McQuisten, Shane Alderson, Joanna Dixon, Heather Sells, Johnny Waggoner Sr. and Dean Guyer.

**Baker City administration:** 541-523-6541. Jonathan Cannon, city manager; Ty Duby, police chief; Sean Lee, fire chief; Michelle Owen, public works director.

**Baker County Commission:** Baker County Courthouse 1995 3rd St., Baker City, OR 97814; 541-523-8200. Meets the first and third Wednesdays at 9 a.m.; Bill Harvey (chair), Mark Bennett, Bruce Nichols.

**Baker County departments:** 541-523-8200. Travis Ash, sheriff; Noodle Perkins, roadmaster; Greg Baxter, district attorney; Alice Durlinger, county treasurer; Stefanie Kirby, county clerk; Kerry Savage, county assessor.

**Baker School District:** 2090 4th Street, Baker City, OR 97814; 541-524-2260; fax 541-524-2564. Superintendent: Mark Witty. Board meets the third Tuesday of the month at 6 p.m. Council Chambers, Baker City Hall, 1655 First St.; Chris Hawkins, Andrew Bryan, Travis Cook, Jessica Dougherty, Julie Huntington.