



ILLINOIS COMMERCE COMMISSION

June 23, 2005

Norfolk Southern Railway Company,  
Petitioner,

v.

City of Chicago, Illinois, and the Illinois Department of Transportation,  
Respondents.

T05-0030

Petition to construct an additional track that will run through the existing grade crossing at South Morgan Street (DOT 243 177AN), and which will run through the existing grade crossing at South Racine Avenue (DOT 243 205P), Cook County, Illinois.

Mr. Neil Flynn  
Attorney at Law  
1035 South Second Street  
Springfield, IL 62704

Dear Mr. Flynn:

Receipt is acknowledged of the original and three (3) copies of the Petition filed June 21, 2005 in the above matter.

**All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to [www.icc.state.il.us](http://www.icc.state.il.us) and apply for an E-docket account.**

Processing and Information Section

KI

Cc: Mr. Victor A. Modeer, IDOT  
Ms. Ellen Schanzle-Haskins, IDOT  
Mr. Thomas Ambler, NS  
Mr. Richard Boyle, NS  
Mr. Rick Ray, NS  
Ms. Alaina Bridges, City of Chicago

**ORIGINAL**

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

**RECEIVED**  
JUN 21 2005

Illinois Commerce Commission  
RAIL SAFETY SECTION

NORFOLK SOUTHERN RAILWAY COMPANY,

Petitioner,

v.

CITY OF CHICAGO, ILLINOIS, and the ILLINOIS  
DEPARTMENT OF TRANSPORTATION,

Respondents.

Docket No: TOS-0030

**PETITION**

NOW COMES Petitioner, NORFOLK SOUTHERN RAILWAY COMPANY, and for its  
Petition states:

1. That Petitioner Norfolk Southern Railway Company (hereinafter "Norfolk Southern")  
is a rail carrier operating lines of railroad in interstate and intrastate commerce including certain  
tracks passing through the City of Chicago, Cook County, Illinois (hereinafter "City of Chicago");

2. That within the City of Chicago, certain public streets and highways cross the aforesaid  
lines of railroad, which crossings are subject to the jurisdiction of the Illinois Commerce  
Commission under the terms of the Illinois Commercial Transportation Law (625 ILCS 5/18c-  
1101 et seq.);

3. That as part of Norfolk Southern's Ashland Avenue Yard Lead Extension project,  
Norfolk Southern is proposing to construct an additional track that will run through the existing

**DOCKETED**

**JUN 23 2005**

grade crossing at South Morgan Street (DOT 243 177N; MP 0.64), and which will run through the existing grade crossing at South Racine Avenue (DOT 243 205P; MP 0.90);

4. That the proposed construction and installation of the additional track is part of a comprehensive project known as the Chicago Region Environmental and Transportation Efficiency Program (CREATE); and is supported by the City of Chicago, and the Illinois Department of Transportation (See Exhibit A);

5. Petitioner Norfolk Southern is also proposing to install and complete all necessary signalization work to activate the existing warning devices for the new track at both the South Morgan Street and South Racine Avenue grade crossings. Both new crossing surfaces will be asphalt with rubber flange protection. Petitioner Norfolk Southern is not requesting funding from the Grade Crossing Protection Fund for these proposed improvements;

6. That at the subject locations, Norfolk Southern trackage runs through the City of Chicago in a generally east-west direction;

7. That previously there were four sets of tracks that ran through the subject South Racine Avenue and through the South Morgan Street grade crossings. Currently, however, there are only two sets of tracks operated by Norfolk Southern that run through the subject South Racine Avenue and through the South Morgan Street grade crossings. Accordingly, the existing warning devices at the subject South Racine Avenue crossing and at the South Morgan Street crossing will not need to be relocated;

**SOUTH MORGAN STREET**  
**(DOT 243-177N; MP 0.64)**

8. That South Morgan Street is a public street in and is subject to the jurisdiction of the City of Chicago. South Morgan Street crosses the subject Norfolk Southern tracks at approximately a 90° angle;

9. That there are approximately twenty (20) through train movements daily and numerous switching train movements daily over the subject South Morgan Street crossing;

10. That the South Morgan Street grade crossing is currently protected by crossbucks and by automatic flashing light signals and gates;

**SOUTH RACINE AVENUE**  
**(DOT 243 205P; MP 0.90)**

11. That South Racine Avenue is a public street in and is subject to the jurisdiction of the City of Chicago. South Racine Avenue crosses the subject Norfolk Southern tracks at approximately a 90° angle;

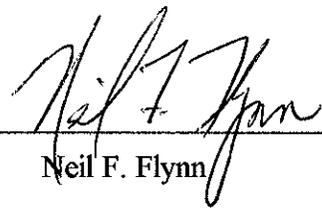
12. That the South Racine Avenue grade crossing is currently protected by crossbucks and by automatic flashing light signals and gates;

WHEREFORE, Petitioner Norfolk Southern respectfully requests that the Commerce Commission enter an Order authorizing the reinstallation and construction of a line of track at grade through the subject South Morgan Street at grade crossing and through the subject South

Racine Avenue at grade crossing; authorizing and directing Norfolk Southern to make all necessary and appropriate signalization modifications at the subject crossings; authorizing and directing the installation of asphalt with rubber flange protection crossing surfaces; and directing that no funds be paid from the Grade Crossing Protection Fund for these improvements.

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY  
COMPANY, Petitioner

By:   
Neil F. Flynn

**Dated: June 20, 2005**

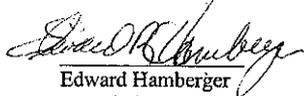
Neil F. Flynn  
Attorney at Law  
1035 South Second Street  
P.O. Box 37  
Springfield, Illinois 62705  
(217) 544-0261

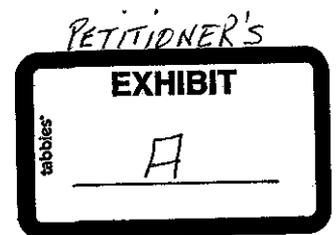
RESOLUTION FOR CREATE PROJECT WA-3

1. WHEREAS, the Participating Railroads agree that during the 6 month time extension on the JSU, due to the strong economy and increased traffic volume through Chicago, they may need to move forward with certain project components prior to receiving public funding for CREATE; and
2. WHEREAS, the Committee has agreed to review any project component that a Participating Railroad wants to proceed with prior to receiving federal funding for CREATE, and has agreed that the money spent on approved projects will be considered a contribution of the Participating Railroad to CREATE; and
3. WHEREAS, for each project so approved and completed, both the Responsible Entity, and the Management Committee agree to pursue a determination by USDOT that the project meets federal funding eligibility requirements; and
4. WHEREAS, Norfolk Southern has requested to proceed with improvements at Ashland Avenue, consistent with CREATE Project WA-3.
5. THEREFORE, BE IT RESOLVED that the Committee approves Norfolk Southern's request to proceed with improvements at Ashland Avenue consistent with CREATE Project WA-3, and NS' costs in connection therewith shall be credited against the Participating Railroads contribution of \$232 Million to CREATE, provided such improvements are consistent with CREATE and follow the federal environmental process.

  
Timothy Martin  
Illinois Department  
of Transportation

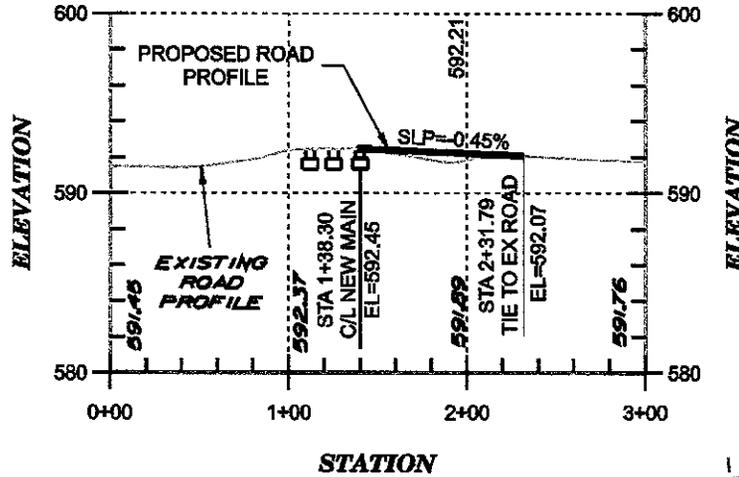
  
Miguel d'Escoto  
Chicago Department  
of Transportation

  
Edward Hamberger  
Association of  
American Railroads



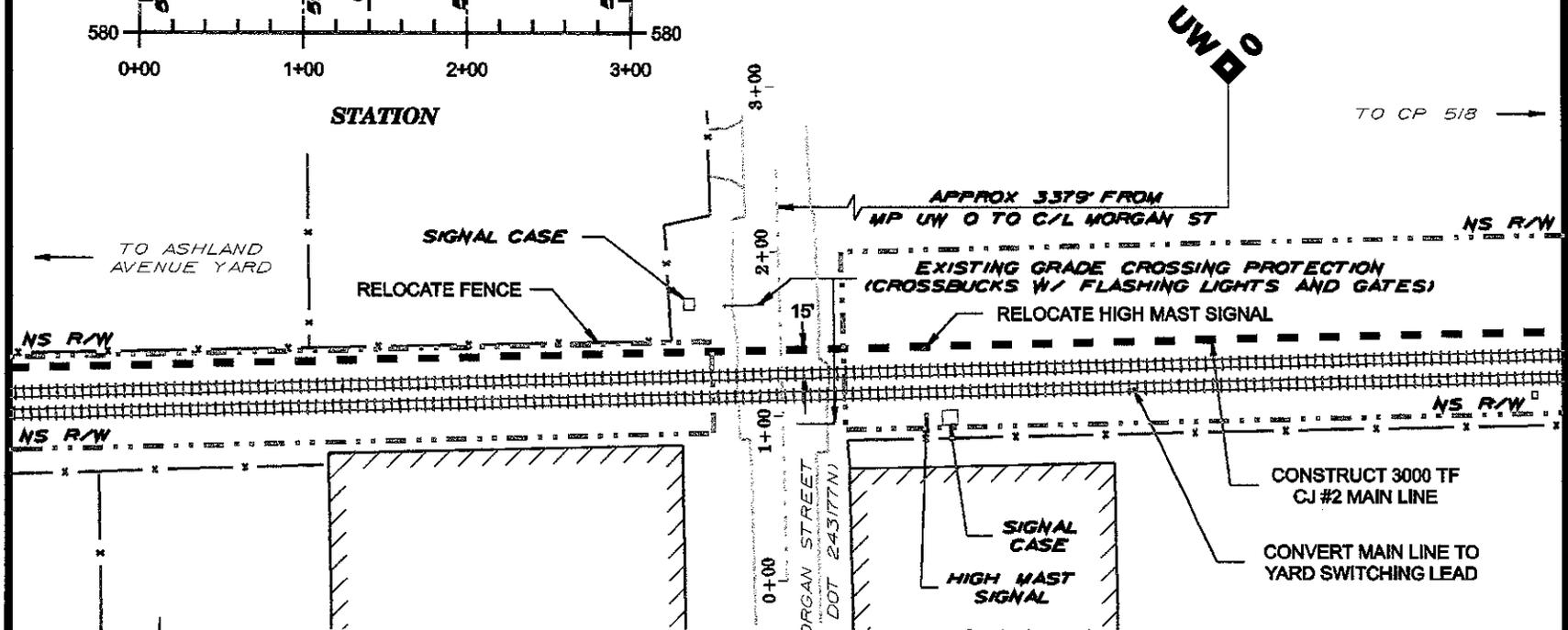
**PROPOSED ROADWAY PROFILE**

COOK COUNTY, ILLINOIS



**- LEGEND -**

- EXISTING TRACK
- PROPOSED TRACK
- ROADWAY CENTERLINE
- NS RIGHT-OF-WAY
- FENCE LINE



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B  
EXHIBIT

PETITIONER'S

SCALE: 1" = 100'



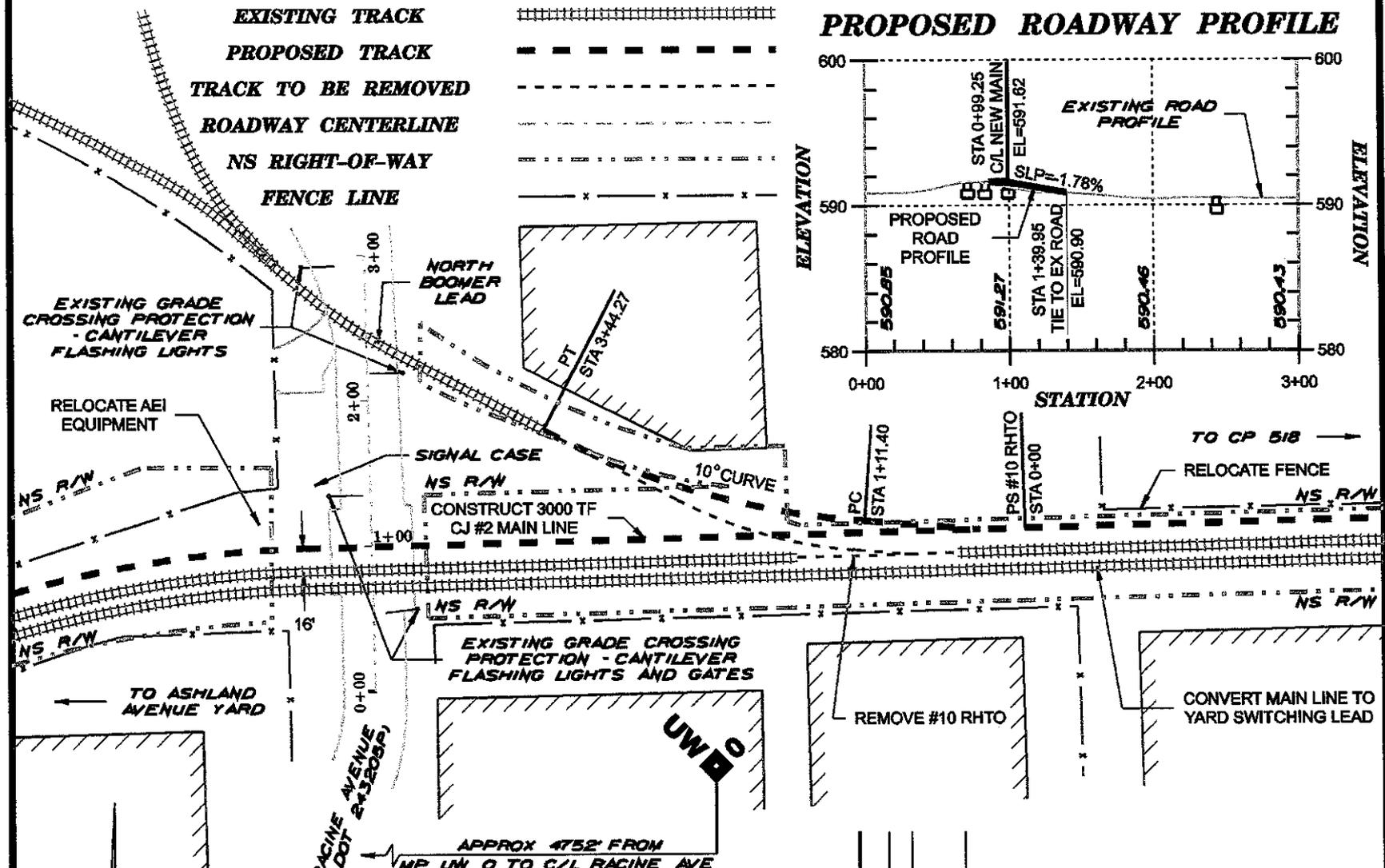
DO NOT SCALE THIS DRAWING FOR DIMENSIONS NOT GIVEN

**NORFOLK SOUTHERN**  
NORFOLK SOUTHERN RAILWAY COMPANY  
OPERATING COMPANY  
DEARBORN  
OPERATING DIVISION  
OFFICE OF THE CHIEF ENGINEER - DESIGN AND CONSTRUCTION - ATLANTA, GA.

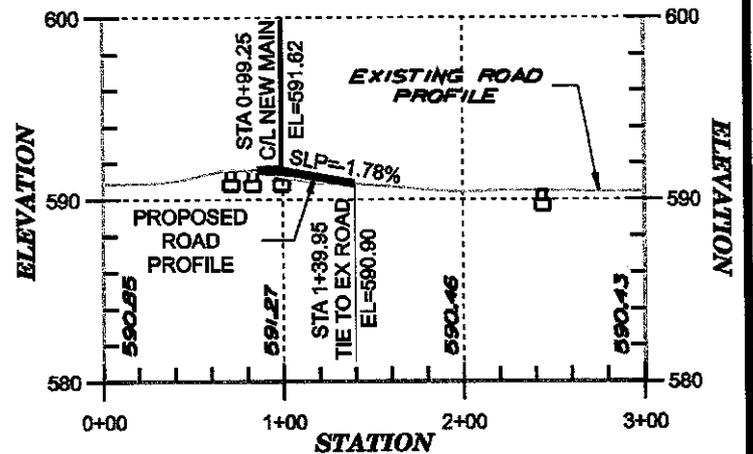
| REV   | BY       | DATE           | DESCRIPTION              |
|---|----------|----------------|--------------------------|
| LOCATION<br><b>CHICAGO, ILLINOIS</b>  |          |                |                          |
| TITLE<br><b>ASHLAND AVENUE YARD LEAD EXTENSION<br/>ADDITIONAL TRACK AT SOUTH MORGAN STREET GRADE CROSSING</b> |          |                |                          |
| DCN APC   | P10 No.  | D-157          | VAL MAP REC. No. 9321027 |
| DCN APC   | FILE No. | 107-1-8358     | DRAWING NUMBER           |
| CHR   | DATE     | APRIL 26, 2005 | <b>TA-2005-7</b>         |

**- LEGEND -**

COOK COUNTY, ILLINOIS



**PROPOSED ROADWAY PROFILE**



  
**NORFOLK SOUTHERN**  
 NORFOLK SOUTHERN RAILWAY COMPANY  
 DEARBORN  
 OFFICE OF THE CHIEF ENGINEER - DESIGN AND CONSTRUCTION - ATLANTA, GA.

|             |  |                      |                          |
|-------------|--|----------------------|--------------------------|
| DATE        | 6/16/05  | CORRECT USDOT NUMBER |                          |
| REV BY      |  | DATE                 |                          |
| DESCRIPTION |  |                      |                          |
| LOCATION    | CHICAGO, ILLINOIS  |                      |                          |
| TITLE       | ASHLAND AVENUE YARD LEAD EXTENSION<br>ADDITIONAL TRACK AT SOUTH RACINE AVENUE GRADE CROSSING |                      |                          |
| DCN         | APC  | FILE No. D-157       | VAL MAP REC. No. 8321027 |
| FILE POST   | UNY 0.90   |                      |                          |
| DCN         | APC  | FILE No. 107-1-6358  | DRAWING NUMBER           |
| DATE        | APRIL 29, 2005   |                      | TA-2005-8-R1             |

tabbles'  
 EXHIBIT  
 PETITIONER'S

**CERTIFICATE OF SERVICE**

I, Neil F. Flynn, Attorney for Norfolk Southern Corporation, certifies that on this 21<sup>st</sup> day of June, 2005, I caused the foregoing to be served upon the following persons by U.S. mail, postage prepaid:

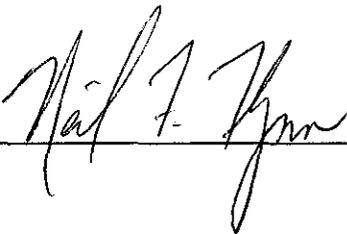
Dave Lazarides, Director of Processing  
Illinois Commerce Commission  
527 East Capitol  
Springfield, IL 62701

Victor A. Modeer  
Director of Highways-IDOT  
ATTN: Jeff Harpring, Room 205  
2300 South Dirksen Parkway  
Springfield, IL 62764

James J. Laski  
City Clerk/City of Chicago  
City Hall  
121 N. LaSalle Street, Room 107  
Chicago, IL 60602-1295

Miguel d'Escoto  
Commissioner/Transportation Department  
City of Chicago  
30 North LaSalle Street, Suite 1100  
Chicago, IL 60602-2570

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[nfflynn@nfflynnlaw.com](mailto:nfflynn@nfflynnlaw.com)



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