



ILLINOIS COMMERCE COMMISSION

April 7, 2006

City of West Chicago, Illinois, a municipal corporation,  
Petitioner,

v.

Elgin, Joliet and Eastern Railway Company, a Delaware corporation; Union  
Pacific Railroad Company, a Delaware corporation; and Illinois Department of  
Transportation, a unit of the State of Illinois,  
Respondents.

Petition for authority to construct a pedestrian crossing over railroad tracks in  
West Chicago, Illinois.

Mr. Thomas F. McFarland  
Attorney at Law  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112

Dear Mr. McFarland:

Receipt is acknowledged of the original and two (2) copies of the Petition filed April 6, 2006 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. Milton R. Sees, IDOT  
Ms. Ellen Schanzle-Haskins, IDOT  
Mr. Ken L. Hay, EJE  
Mr. Mack Shumate, Jr., UP  
CT Corporation System, UP  
Mr. Dave McKernan, UP  
Mr. Scott Marquardt, City of West Chicago



4. The Illinois Department of Transportation (IDOT) is a unit of Illinois State Government.
5. There are existing vehicular crossings of two EJ&E tracks (US DOT Crossing No. 260538K) at or near EJ&E Milepost No. 30.24, and of one UP track (US DOT Crossing No. 174532J) at or near UP Milepost no. 31.54, at Hawthorne Lane in the City of West Chicago. Those tracks are in close proximity to each other at those crossings, i.e., 102 feet between the closest tracks. Existing conditions at those crossings are depicted in Exhibit A attached to this Petition.
6. *Petitioner proposes to reconstruct Hawthorne Lane at those crossings from its existing two-lane rural section to a three-lane urban section, i.e., one through lane in each direction with a width of 12 feet each, separated by a barrier median 12 feet in width. The purposes and needs of that reconstruction project are to correct the inadequacies of the current roadway by improving safety, accommodating existing and future travel demands, improving substandard geometry and drainage, replacing the existing deteriorated pavement, and improving pedestrian and bicycle access. Proposed median and curb treatments at those crossing are depicted in Exhibit B attached to this Petition.*
7. In conjunction with the reconstruction of Hawthorne Lane, the City proposes to construct a shared-use path of 10-foot width in the south parkway of Hawthorne Lane within the roadway right-of-way. This pedestrian and bicycle path will connect the residents of subdivisions near Arbor Avenue east of the crossings, to Hawthorne Park and to the future Kress Road Path west of the crossings. The

proposed path in relation to those subdivisions and Hawthorne Park is depicted on Exhibit C attached to this Petition.

8. The City seeks Commission authority for construction of the shared-use path referred to in Paragraph 7.
9. If the shared-use path is approved and constructed, the City will reimburse EJ&E and UP for all costs incurred for engineering and installation of the shared-use path across the trackage of EJ&E and UP, as well as those costs associated with widening the existing vehicular crossings.
10. If the shared-use path is approved and constructed, the crossing of the path and railroad tracks will be protected by crossbuck stop signs and warning markings on the pavement of the path.
11. In light of the short distance between the EJ&E and UP crossings, the EJ&E and UP crossings should be combined to operate as one crossing, and should be protected as such, i.e., by automatic flashing light signals and gates at each end of the combined crossing.
12. According to the latest available U.S. DOT Crossing Inventory, two trains per day use the UP track at the Hawthorne Lane crossing, at speeds of 20 to 30 m.p.h.; 12 trains per day use the EJ&E tracks at the Hawthorne Lane crossing, at speeds ranging from 5 to 45 m.p.h.
13. If the shared-use path is approved and constructed, the City will maintain the path and its warning devices at its own expense.

14. The City requests that drawings it is submitting, or will submit, be approved by the Commission as complying with all Commission requirements.
15. The City requests that the shared-use path be approved by the Commission without hearing.
16. The City agrees to accept service of documents by electronic means.

Respectfully submitted,

CITY OF WEST CHICAGO, ILLINOIS  
475 Main Street  
West Chicago, IL 60185  
(630) 293-2200

By: Thomas F. McFarland  
THOMAS F. McFARLAND  
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mcfarland@aol.com

Its Attorney

DATED: April 5, 2006

**VERIFICATION**

STATE OF ILLINOIS        )  
                                  ) SS:  
COUNTY OF COOK        )

THOMAS F. McFARLAND, being duly sworn on oath, deposes and states that he has read the foregoing petition, that he knows the contents thereof, and that the facts therein stated are true and correct.



*Thomas F. McFarland*

\_\_\_\_\_  
THOMAS F. McFARLAND

SUBSCRIBED AND SWORN to  
before me this 5<sup>th</sup> day  
of April, 2006

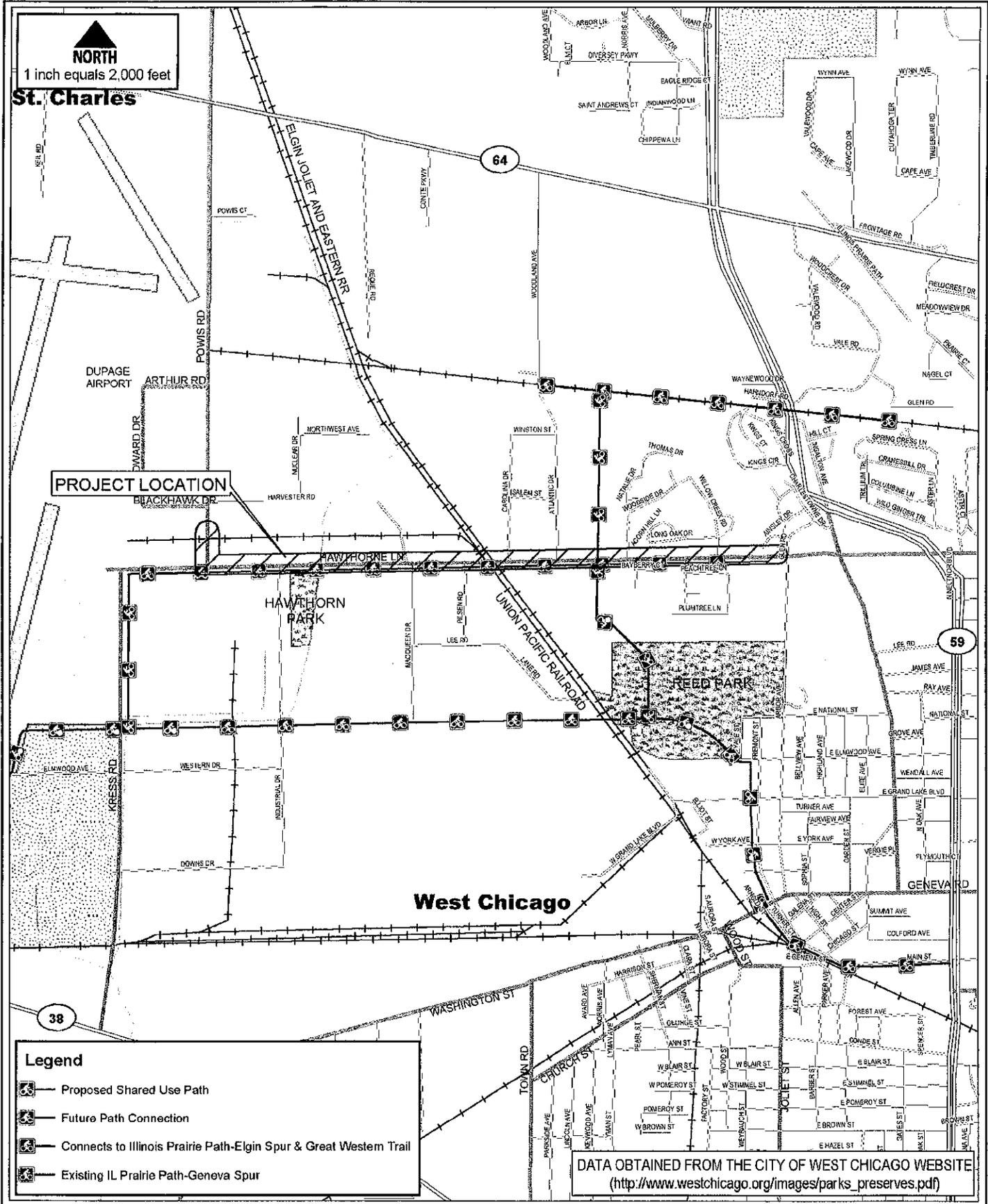
*Kathleen Lenhan*  
\_\_\_\_\_  
Notary Public

My Commission Expires:

# **EXHIBIT A**

# **EXHIBIT B**

# **EXHIBIT C**



DATA OBTAINED FROM THE CITY OF WEST CHICAGO WEBSITE  
[http://www.westchicago.org/images/parks\\_preserves.pdf](http://www.westchicago.org/images/parks_preserves.pdf)

**BCB** **CHRISTOPHER B. BURKE** ENGINEERING LTD  
 9575 West Higgins Road, Suite 600  
 Rosemont, Illinois 60018  
 (847) 823-0500

CLIENT: **CITY OF WEST CHICAGO**  
**PATHS AND PARKS**  
**LOCATION MAP**

JOB NO.	04-479
DATE:	10-26-04
Exhibit:	1C

**CERTIFICATE OF SERVICE**

I hereby certify that on April 5, 2006, I served the foregoing document, Petition, by first-class, U.S. mail, postage prepaid, on the following:

Mr. Brian Vercruysse, P.E.  
Railroad Safety Specialist  
Transportation Division  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Mr. Thomas W. Hunter  
Engineer Signal, Communications and Electrical  
Elgin, Joliet and Eastern Railway Company  
1141 Maple Road  
Joliet, IL 60432

Mr. Richard L. Ellison  
Public Project Coordinator  
Union Pacific Railroad Company  
301 West Lake Street, Room 103  
Northlake, IL 60164

Secretary  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Springfield, IL 62764

Secretary  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

*Thomas F. McFarland*

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Thomas F. McFarland