

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE
COMMISSION

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MAY 3 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Village of Plainfield, a Municipal Corporation,
Petitioner,

vs.

Elgin, Joliet and Eastern Railway Company, a Delaware Corporation,
Respondent.

T05-0052

Petition for construction of a proposed pedestrian
walkway/multi-use path grade crossing of the Elgin, Joliet
and Eastern Railway Company in the Village of Plainfield.

ORDER

By Order of the Commission:

On September 19, 2005, the Village Plainfield, Illinois, a municipal corporation, ("Petitioner" or "the Village") filed the above-captioned petition with the Illinois Commerce Commission ("Commission") naming as Respondent, the Elgin, Joliet & Eastern Railway Company ("the Railway").

Pursuant to notice, the matter came on for hearing before a duly authorized Administrative Law Judge ("ALJ") of the Commission at the Commission's Chicago office on November 8, 2005. Petitioner was represented by counsel, Mr. Christopher S. Ward. Mr. Thomas Hunter appeared as representative of the Railway. Dan Powers, Railroad Safety Specialist of the Railroad Section, Commission Bureau of Transportation appeared. The testimony and evidence were provided by Petitioner's Traffic Engineer, Eric Gallt, and Lou Hausmann, of the civil engineering and consulting firm, Baxter & Woodman. At the conclusion of the hearing on the aforementioned date, the record was marked "Heard and Taken."

Mr. Gallt testified that the Village plans to install a multi-use pathway at the existing vehicular crossing the railway tracks at Lockport Street near Miles Avenue. The pathway will be constructed in accordance with the revised plans attached hereto as Exhibit 1 and submitted in draft form as Exhibit 1 to the Petition, and in accordance with the License Agreement between the Railway and the Village.

The walkway will extend east from the southeast corner of the intersection of Lockport Street and Hartong Avenue across the Railway's property, within the easement limits of Lockport Street and within the south parkway of Lockport Street to the entrance to the Will County Forest Preserve. Through the railroad easement, the pathway will be constructed of concrete and vary in width from

DOCKETED

MAY 3 2006

eight feet (8') to ten feet (10'). The eight feet (8') width is necessary to maintain minimum clearance requirements from the active traffic control devices in lieu of their relocation. At the tracks, the pathway will be ten feet (10') wide and constructed of a rubberized crossing surface. Lockport Street is a two lane bituminous roadway running in an east/west direction. The tracks of the Railway run in a northwest/southeast direction. Miles Avenue will be closed to vehicular traffic at Lockport Street as part of the proposed improvements. The crossing is equipped with gates and bells. There are 20 freight trains daily operating at approximately forty-five miles per hour (45 mph). The pedestrian crossing will be delineated with thermoplastic pavement markings. Crossbuck Warning signs and "Look" signs noted as R15-1 and R15-8 respectively in the Manual On Uniform Traffic Control Devices (MUTCD).

The Village now has a populations of 21,000. It projects an increase to 60,000 by the year 2030. There is an expanding downtown core immediately to the West of the intersection with pedestrian and bike traffic traveling across the intersection to access trails in the Will County Forest Preserve located immediately to the East of railway tracks.

In accordance with their License Agreement, the Railway will be reimbursed by the Village for the cost of reconstructing its crossing. No State funds are requested or forthcoming for this project. Future maintenance of the pathway will be the sole responsibility of the Village.

Mr. Hunter stated that the selection of additional pedestrian warning devices is up to the community. With the proximity of the roadway crossing warning devices and the presence of audible bells, the Village of Plainfield has determined requirements for pedestrian accommodations are met.

The Commission, having considered the evidence of record, is of the opinion and finds that:

- (1) the Village of Plainfield, Illinois, is a political subdivision organized and existing under and by virtue of the laws of the State of Illinois;
- (2) the Elgin, Joliet & Eastern Railway Company is engaged in the transportation of persons and/or property by rail in the State of Illinois and as such, is a rail carrier as defined by the Illinois Commercial Transportation Law, as amended;
- (3) the Commission has jurisdiction of the subject matter and parties herein;
- (4) the recitals of fact set forth in the prefatory portion of this order are supported by evidence of record and are hereby adopted as findings of fact;
- (5) it is fair and reasonable that the entire cost of the multi-use pedestrian pathway be borne by the Village Plainfield;
- (6) it is fair and reasonable that the cost of future maintenance and all additional and/or upgraded warning devices, either ordered or voluntarily added, for the multi-use pedestrian pathway be borne by the Village of Plainfield;

- (7) bids are to be let immediately after entry of this Order and completion of the project should be on or before six months from the date of this Order;
- (8) Chapter 625 ILCS 5/18c-1701 and 5/18c-1704 of the Law require each "person" as defined by 5/18c-1104 to comply with every regulation or order of the Commission; these sections further provide that any person who fails to comply with a Commission regulations or order shall forfeit to the State not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense; while the Commission expects all parties to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises that any failure to comply may result in the assessment of such sanctions.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Village of Plainfield, Illinois be, and the same is hereby, required and directed to proceed with the construction of the multi-use pathway grade crossing at the intersection of the tracks of the Elgin, Joliet & Eastern Railway Company at Lockport Street directly east of Miles Avenue at DOT 260 584L in the Village of Plainfield, Will County, Illinois.

IT IS FURTHER ORDERED that the cost of construction of the pedestrian grade crossing is the sole responsibility of the Village of Plainfield.

IT IS FURTHER ORDERED that the cost of the future maintenance and all additional and/or upgraded warning devices, either ordered or voluntarily added, for the pedestrian grade crossing are the sole responsibility of the Village of Plainfield.

IT IS FURTHER ORDERED that all work required of the parties shall be completed within six (6) months of the date of this Order.

IT IS FURTHER ORDERED that the Village of Plainfield shall, at three (3) month intervals from the date of this Order until the project has been completed, submit written reports to the Director of Processing, Transportation Bureau of the Commission stating the progress that has been made toward completing of the work herein required. If the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, the type of improvement, and project manager information (name, title, mailing address, telephone number, and facsimile number) of the employee responsible for the management of the project.

IT IS FURTHER ORDERED that the Village of Plainfield shall within five (5) days of the completion of the work herein, file with the Commission's Director of Processing, Transportation Bureau, a letter advising the Commission of completion of the project.

IT IS FURTHER ORDERED that the Commission shall retain jurisdiction for the purpose of issuing any supplemental order or orders as it may deem necessary.

IT IS FURTHER ORDERED that any person making a Request for Extension of Time up to thirty (30) days to complete a project ordered by the Commission must file a request with the

Director of Processing no later than fourteen (14) days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

IT IS FURTHER ORDERED that any person requesting an extension of time which exceeds thirty (30) days must file a Petition for Supplemental Order with the Director of Processing no later than twenty-one (21) days in advance of the scheduled deadline. The Commission will decide Petitions for Supplemental Orders.

IT IS FURTHER ORDERED that Requests for Extension of Time and petitions for Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request for Extension or a Petition for Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered timeframe.

IT IS FURTHER ORDERED that the Administrative Law Judge reserves the right to deny Requests of Extension of Time and Petitions for Supplemental Orders if the reason(s) supporting the request is insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

IT IS FURTHER ORDERED that in accordance with Chapter 625 ILCS 5/18c-2201 and 5/18c-2206 of the Illinois Commercial Transportation Law, this is a final Order subject to the Administrative Review Law.

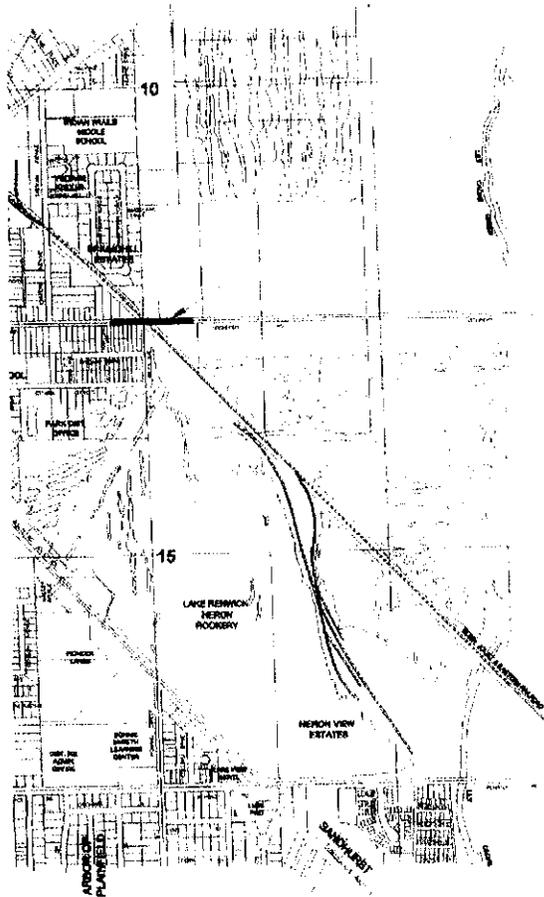
By Order of the Commission this _____ day of _____, 2006.

Chairman

WILMINGTON, ILLINOIS

WILMINGTON COUNTY FOREST PRESERVE

MULTI-USE PATH



PROJECT LOCATION

DESCRIPTION	SHEET NO.
COVER SHEET	1
SUMMARY OF QUANTITIES, GENERAL NOTES, BENCHMARKS, AND TYPICAL SECTIONS	2
LOCATION STREET PLAN AND PROFILE STA 10+00 TO 16+00	3
LOCATION STREET PLAN AND PROFILE STA 16+00 TO 21+00	4
PLATE DETAILS	5
CROSS SECTIONS	6-9

1 FEET (0.174 MILES)

MAP



Woodman

Mokena, Illinois
708 178 2090

Grayslake, Illinois
815 223 5088

Rockford, Illinois
815 489 1551



LICENSE EXPIRES 11-30-07
PROJECT MANAGER

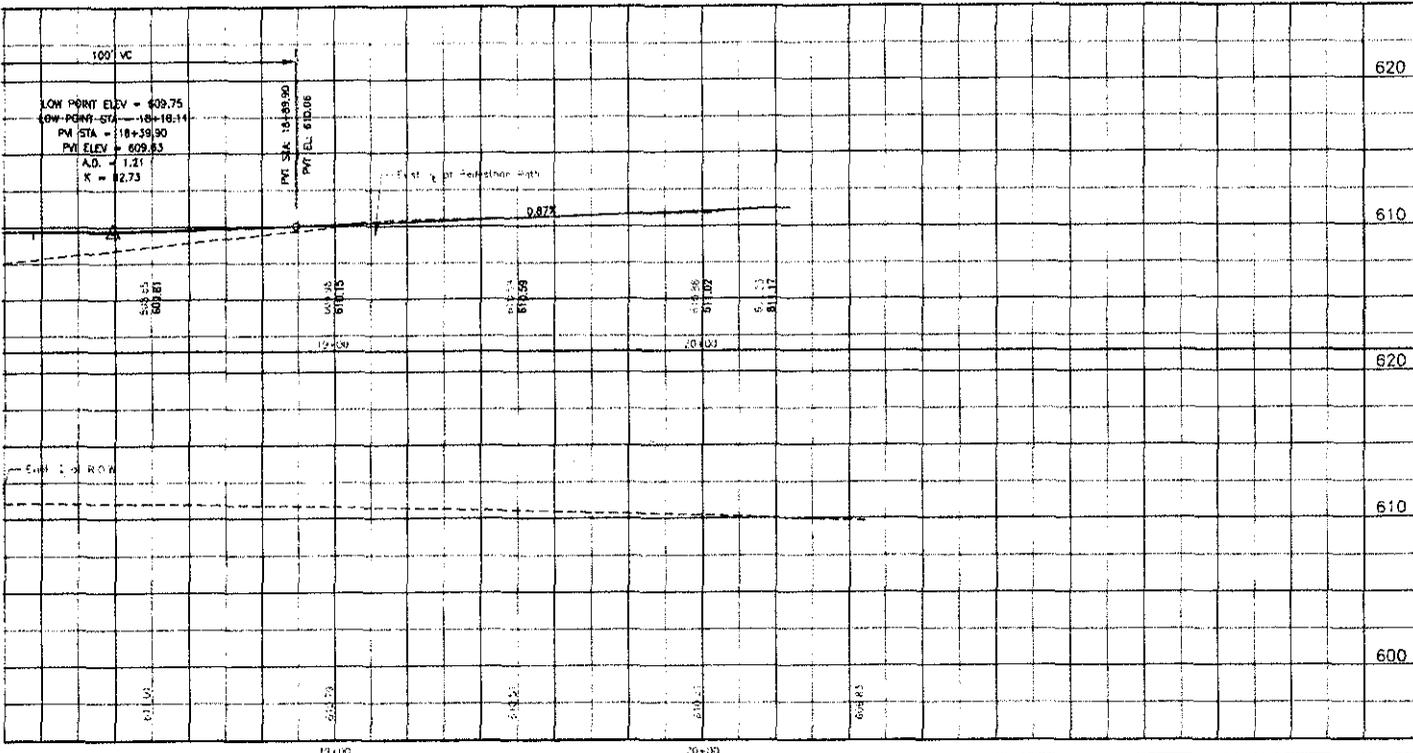
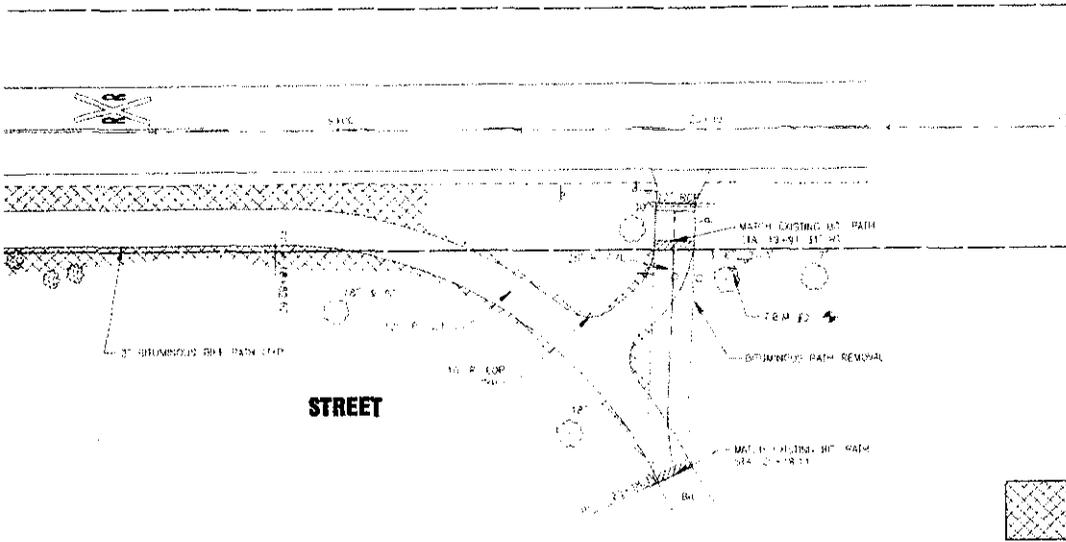


LICENSE EXPIRES 11-30-07
PROJECT ENGINEER

BAXTER & WOODMAN, INC.
STATE OF ILLINOIS - PROFESSIONAL DESIGN FIRM
LICENSE NO. - 184-001121 - EXPIRES 4/30/2007



SCALE: 1" = 20'



Barter & Woodman
 Crystal Lake, Illinois 815.459.1880
 Burlington, Wisconsin 262.762.7834
 Mokena, Illinois 708.475.2580
 DeKalb, Illinois 815.787.3111
 Crystal Lake, Illinois 815.223.6088
 Rockford, Illinois 815.489.1651

VILLAGE OF PLAINFIELD, ILLINOIS
LOCKPORT STREET E.J.&E.
PEDESTRIAN CROSSING

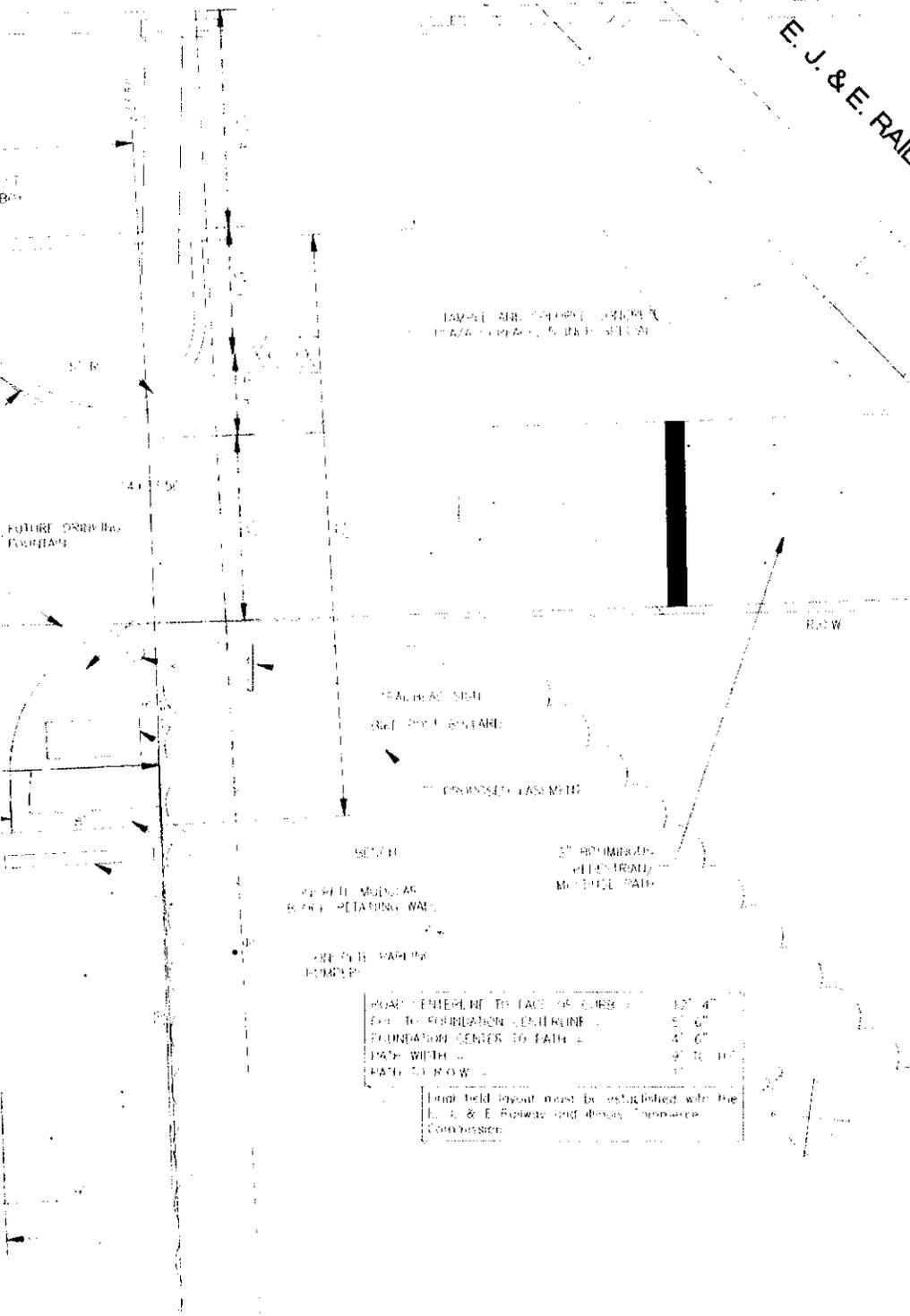
LOCKPORT STREET
STA. 16+00 TO STA. 20+24.33
PLAN AND PROFILE

DESIGNED BY GSH	SCALE AS NOTED
DRAWN BY GMS	PROJECT NO. 050460
CHECKED BY LKH	SHEET NO.
DATE 3-6-06	4 OF 9



E. J. & E. RAILROAD

PLAZA AND PEDESTRIAN CROSSING
LOCKPORT STREET, S. PLAINFIELD, ILL.



ROAD CENTERLINE TO FACE OF CURB	12'-0"
FACE TO FOUNDATION CENTERLINE	5'-0"
FOUNDATION CENTER TO PATH	4'-0"
PATH WIDTH	8'-0"
PATH TO ROW	11'

Final field layout must be established with the E. J. & E. Railway and Illinois Commerce Commission.



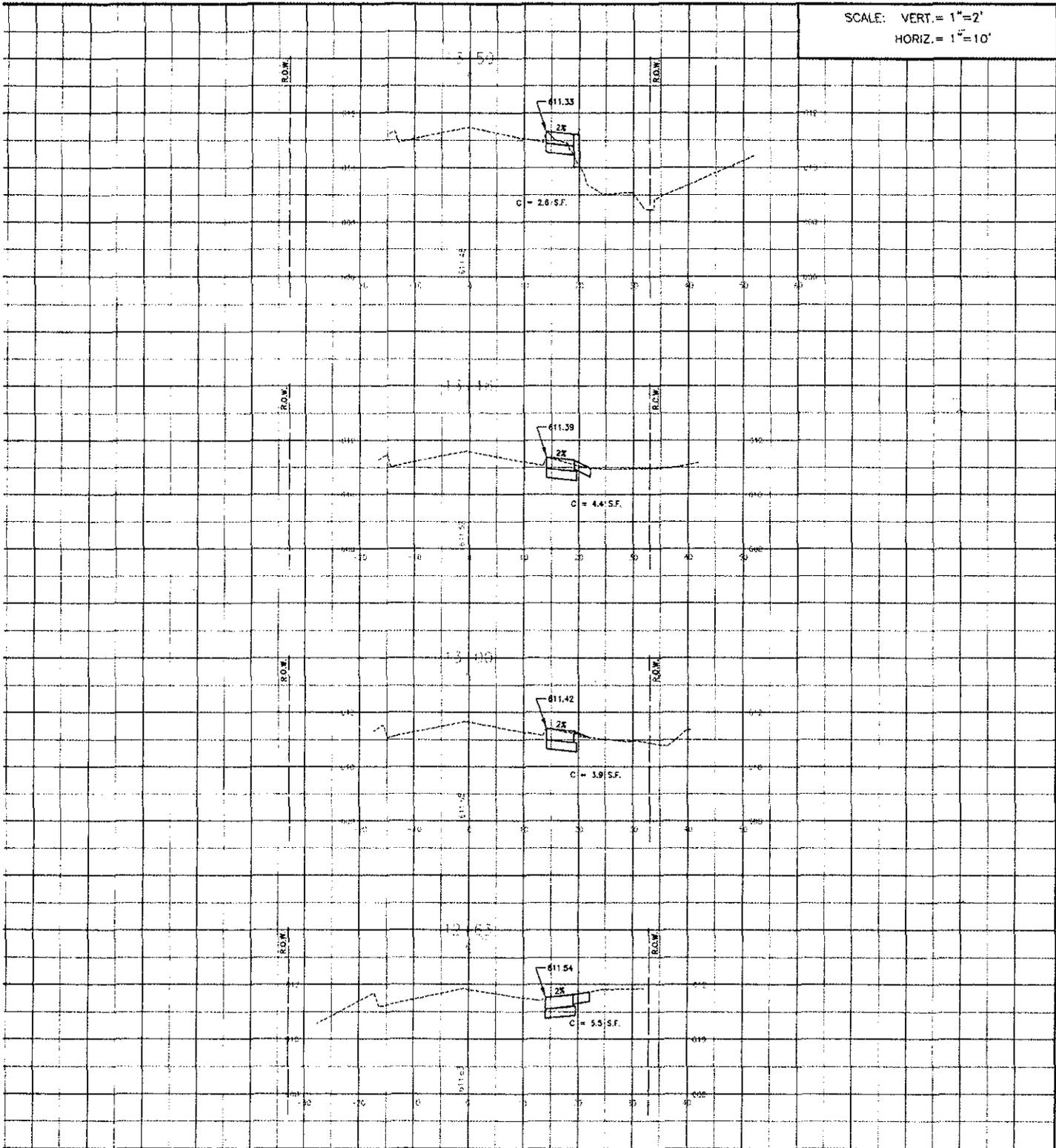
PLAZA CURB PAVEMENT

1171
1260
2454
2050
3111
5088
1551

VILLAGE OF PLAINFIELD, ILLINOIS
LOCKPORT STREET E.J.&E.
PEDESTRIAN CROSSING

PLAZA DETAIL

DESIGNED BY GSA	SCHEMATIC AS NOTED
DRAWN BY SMG	PROJECT NO. 050450
CHECKED BY LDB	SHEET NO. 5 OF 9
DATE 3-8-06	



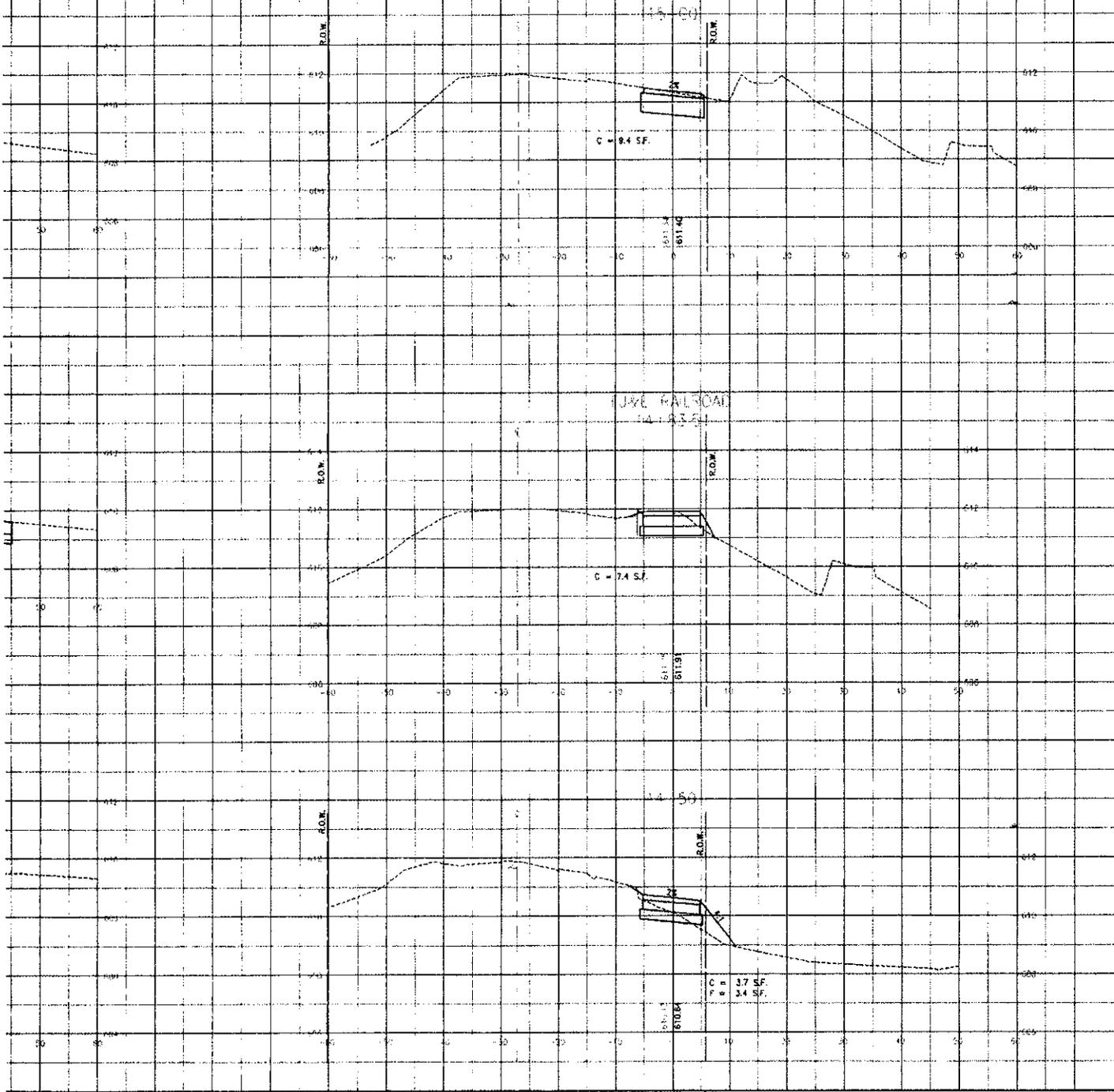
Baxter & Woodman
 Crystal Lake, Illinois 815.450.1200
 Burlington, Wisconsin 262.783.7824
 Mokena, Illinois 708.478.2090
 DeKalb, Illinois 815.787.3111
 Oregonsville, Illinois 447.283.3088
 Rockford, Illinois 815.459.1551

VILLAGE OF PLAINFIELD, ILLINOIS
LOCKPORT STREET E.J. & E.
PEDESTRIAN CROSSING

SIDEWALK
STA. 11+00 TO STA. 13+50
CROSS SECTIONS

DESIGNED BY OSH	SCALE VERT: 1"=2'
DRAWN BY SWS	HORIZ: 1"=10'
CHECKED BY LDH	PROJECT NO. 050480
DATE 3-8-06	SHEET NO. 6 OF 9

SCALE: VERT. = 1"=2'
 HORIZ. = 1"=10'



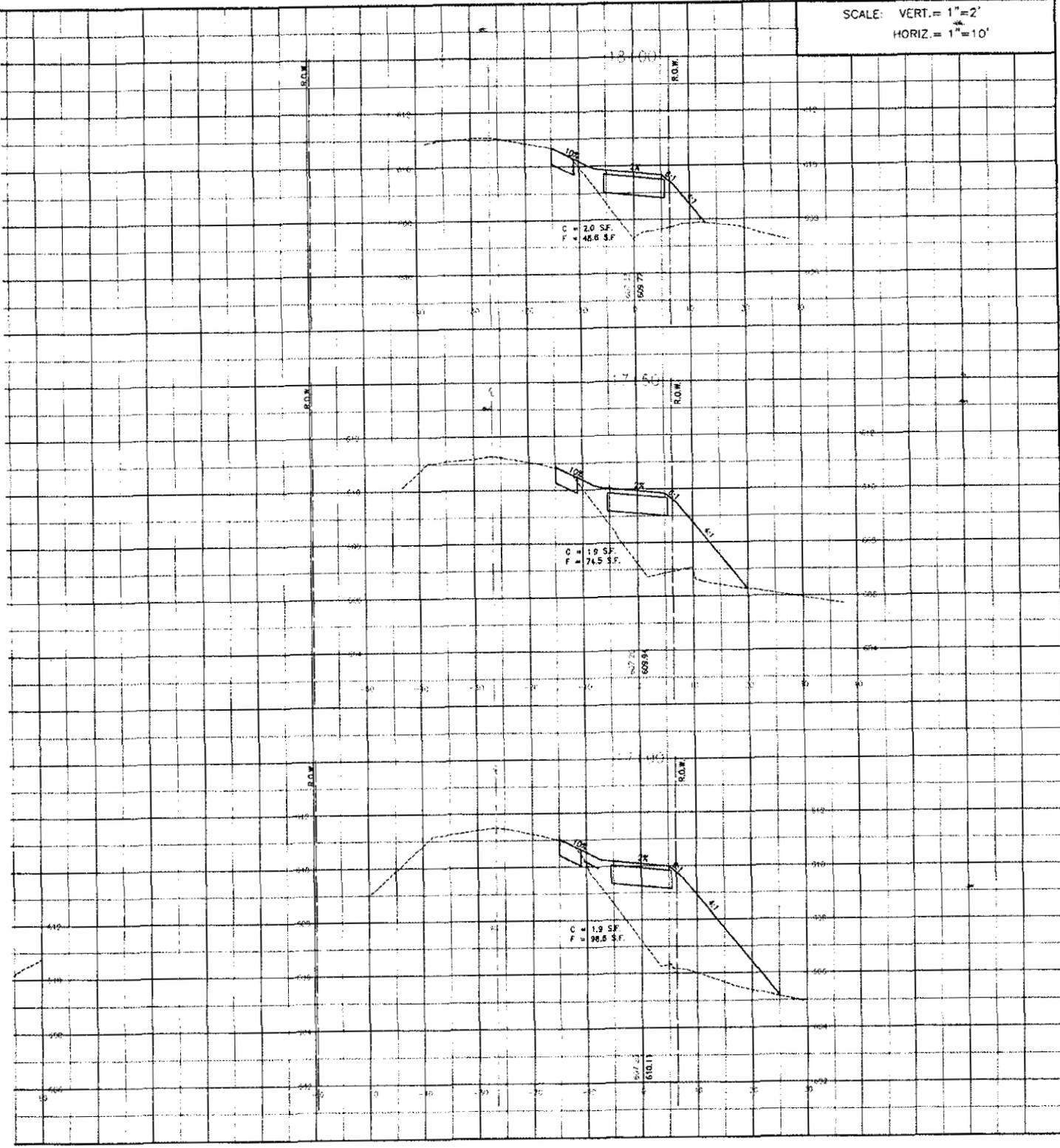
Baxter & Woodman
 Crystal Lake, Illinois 815.463.1280
 Burlington, Wisconsin 262.785.7634
 Mokena, Illinois 708.478.2090
 DeKalb, Illinois 815.707.9111
 Crystal Lake, Illinois 847.225.8088
 Rockford, Illinois 815.469.1651

VILLAGE OF PLAINFIELD, ILLINOIS
LOCKPORT STREET E.J. & E.
PEDESTRIAN CROSSING

SIDEWALK AND MULTI-USE PATH
STA. 14+00 TO STA. 15+00
CROSS SECTIONS

DESIGNED BY DSH	SCALE VERT: 1"=2'
DRAWN BY SMS	HORIZ: 1"=10'
CHECKED BY LDH	PROJECT NO. 050480
DATE 3-8-06	SHEET NO. 5 OF 9

SCALE: VERT. = 1"=2'
 HORIZ. = 1"=10'



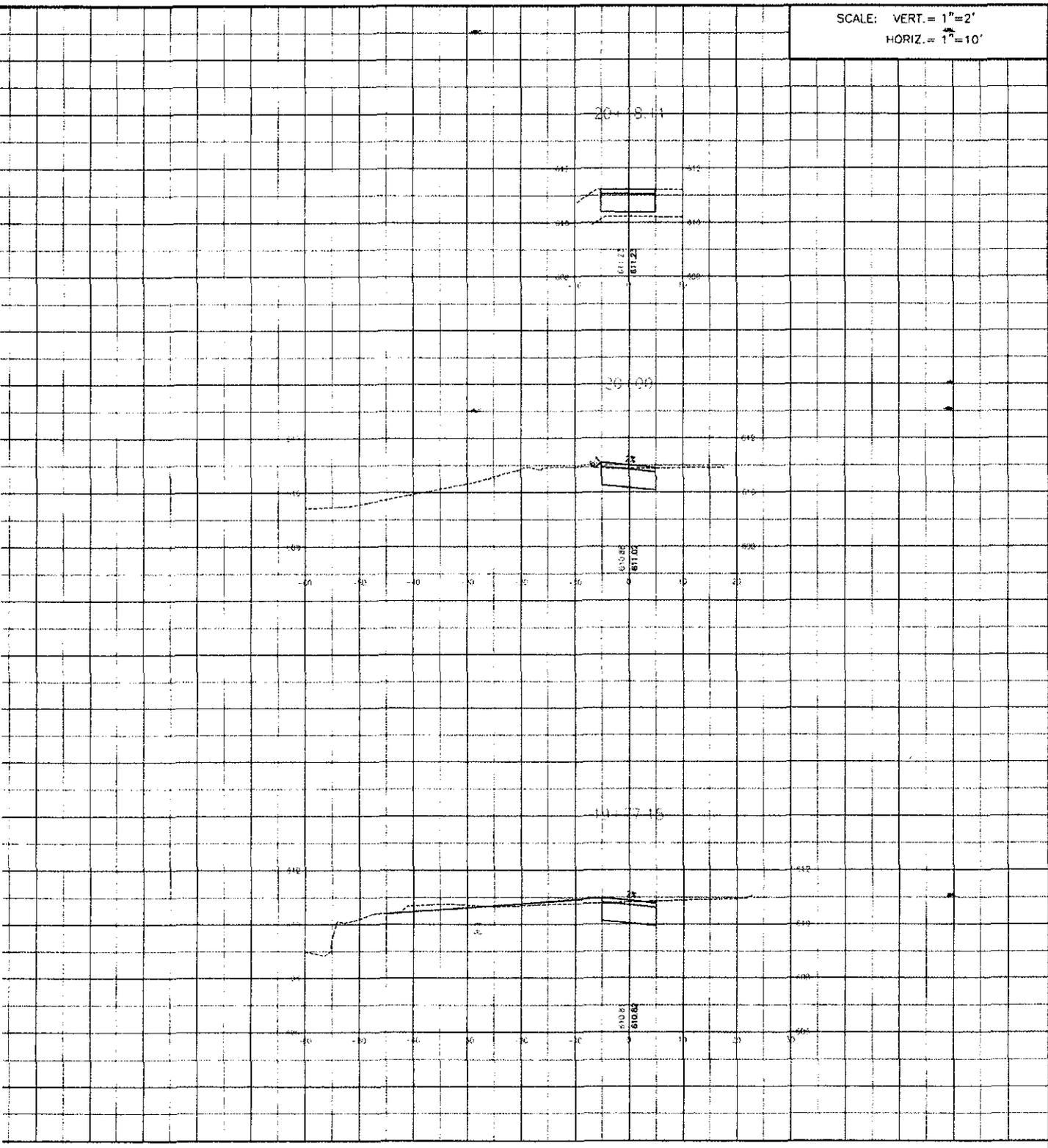
Baxter & Woodman
 Crystal Lake, Illinois 815.459.1865
 Burlington, Wisconsin 262.753.7824
 Moline, Illinois 708.478.8090
 DeKalb, Illinois 815.787.3111
 Grayslake, Illinois 847.832.5888
 Rockford, Illinois 815.469.1561

VILLAGE OF PLAINFIELD, ILLINOIS
LOCKPORT STREET E.I.S.E.
PEDESTRIAN CROSSING

MULTI-USE PATH
STA. 15+14.01 TO STA. 17+00
CROSS SECTIONS

DESIGNED BY GSM	SCALE VERT: 1"=2'
DRAWN BY SWS	HORIZ: 1"=10'
CHECKED BY LJM	PROJECT NO. 050450
DATE 3-6-06	SHEET NO. 6 OF 9

SCALE: VERT. = 1"=2'
 HORIZ. = 1"=10'



Baxter & Woodman
 Crystal Lake, Illinois 815.459.1200
 Burlington, Wisconsin 262.762.7834
 Mokena, Illinois 708.478.2090
 DeKalb, Illinois 815.787.9111
 Graylake, Illinois 847.823.5988
 Rockford, Illinois 815.409.1551

VILLAGE OF PLAINFIELD, ILLINOIS
LOCKPORT STREET E.J.&E.
PEDESTRIAN CROSSING

MULTI-USE PATH
STA. 17+50 TO STA. 20+24.33
CROSS SECTIONS

DESIGNED BY CSH	SCALE VERT: 1"=2'
DRAWN BY SWS	HORIZ: 1"=10'
CHECKED BY LDH	PROJECT NO. 05046D
DATE 3-6-06	SHEET NO. 95 OF 9