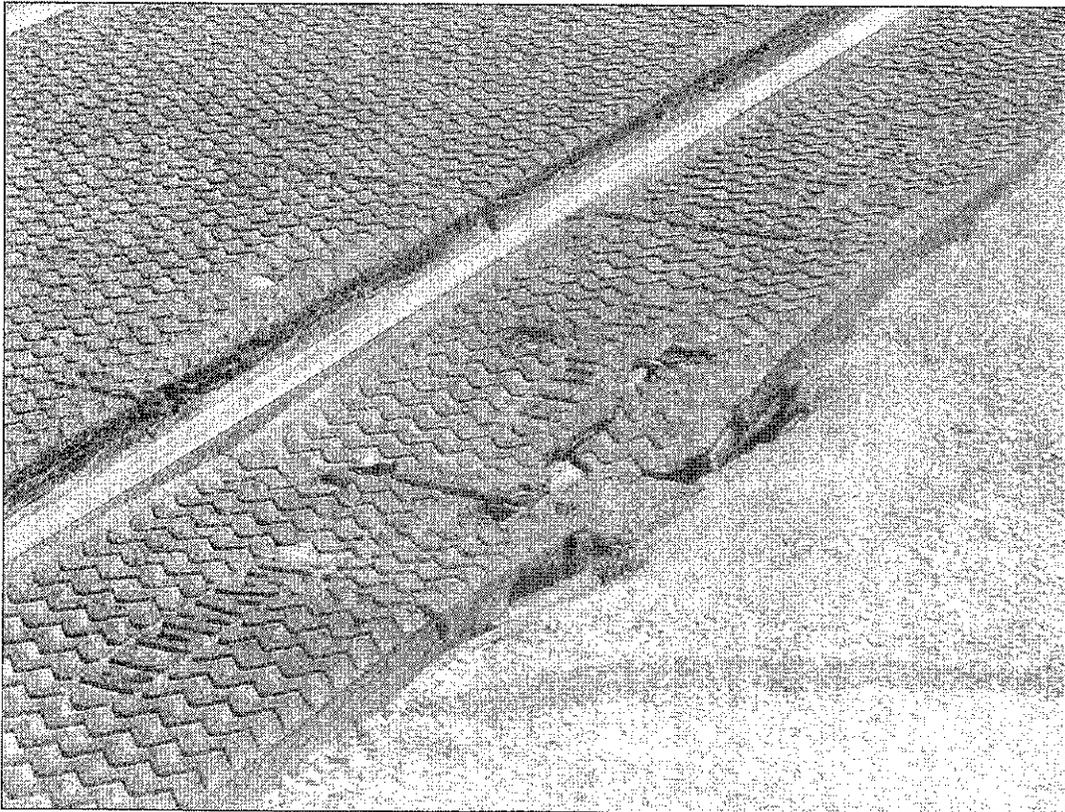


Oakton Street at UP: EB Lanes 6/1/05



Oakton Street at UP: Close-up (WB Lane) 6/1/05

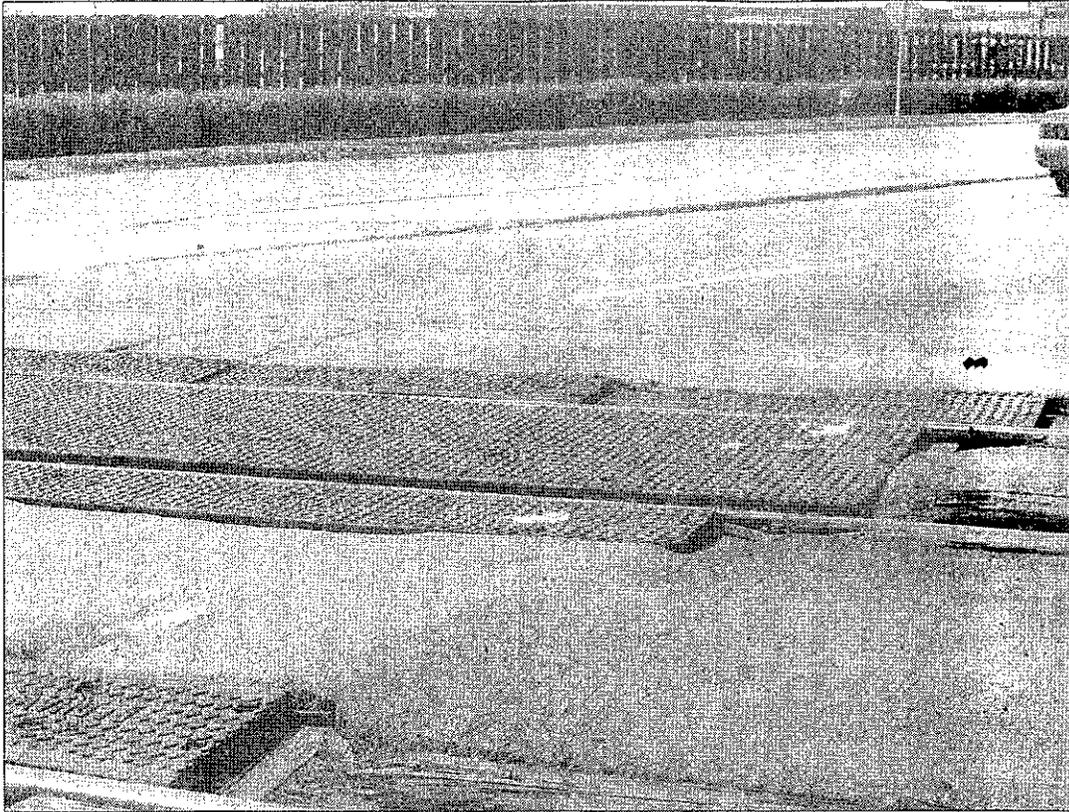
**OFFICIAL FILE**

I.C.C. DOCKET NO. 705-0026

STAFF Exhibit No. 4

Witness DATE 6/6/05

DATE 6/6/05



Wolf Road at UP: NB Lanes 6/1/05

**OFFICIAL FILE**

I.C.C. DOCKET NO. T05-0026

STAFF Exhibit No. 5

Witness \_\_\_\_\_

Date 6/6/05 Reporter CS

**COMPLAINT/INQUIRY RECORD R04-114**

**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION - RAILROAD SECTION**

Complaint #	Date Received	How Received	Received By	Staff Assigned	Date Closed
<b>R04-114</b>	4/29/04	Phone	BV	BV	

<b>Complainant Organization Street City, State, Zip</b>	Bagdonas, Joe 400 W. Touhy, Lot 456 Des Plaines, IL 60018	<b>Phone</b>	847/297-0723
		<b>E-mail</b>	

Railroad, AAR	UP			
DOT/Inv. #	MP-Line	Street/Hwy	City	County
174087Y and added via Jon Duddles e-mail	8.75 Freight	Touhy Avenue	Des Plaines	Cook
174 090G	9.39	Howard Avenue	Des Plaines	Cook
174 091N	9.99	Howard Avenue (Spur)	Des Plaines	Cook
174 096X	10.02	Oakton Street	Des Plaines	Cook

<b>Complaint or Inquiry</b>	Rough crossing, needs work.
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Date	Action
4/29/04	BV Inspection. Inside lanes are the worst with uneven pavement/holes.
6/3/04	Initial letter to Union Pacific.
7/29/04	Follow-up letter to the UP.
9/13/04	Confirmation from UP, Rich Ellison that the crossing will be repaired. However, the UP was requesting help with traffic control and staging as they did not have funding programmed. I spoke with Andy Rabadi, IDOT and they cannot provide help. Informed Rich.
9/15/04	Spoke with Ed Benbow, UP and discussed staging issue; look to meet next week -- possibly ask the City of DesPlaines to help.
9/20/04	Spoke with John Duddles, Des Plaines to attend field meeting, and possibly working out crossing issues with UP.
9/21/04	Field meeting held with UP, Des Plaines, and ICC.
9/27/04	Follow-up letter drafted and sent to the UP.
10/20/04	Spoke with Craig Clark, MTM: Des Plaines - middle of next week will work with City to fix Oakton and Howard.  The Touhy, which is much more of a challenge, will follow.
11/23/04	Spoke with Mr. Bagdonas: Touhy and Rand roads -- status (Dundee now complete, UP will move to Touhy, Rand minor/insufficient milling completed, letters forthcoming). Called and left vm for Craig Clark for status (no return call).
	<b>Additional complaints received, R04-252, R04-270 and R05-002, and</b>

6/3/2005, 10:37:45 AM

I.C.C. DOCKET NO. 705-0026  
 STAFF          Exhibit No. 6e  
 Witness           
 Date 6/6/05 Reporter         

6

	<b>also as noted below</b>
1/4/05	Reviewed new on-line complaints from Mike. Sent response re Touhy that I recommend a Citation.
2/3/05	Spoke with Joe Bagdonas re Touhy; gave him limited update. Also provided UP claims number.
2/8/05	Touhy review (with Bob Meyer from the FRA). Serious drainage issues with Creek.
3/1/05	Left vm for Jack Mullen, UP Mgr Track Projects re US 30 and Touhy complaints.
4/26/05	For the Touhy crossing, Jack Mullen, the Manager of Track Projects noted that the reconstruction could take place within a month or two. This is the first timeframe that we have been given, though Jack is supposed to get back to me relative to Omaha providing this on the UP's capital improvement list versus using regional maintenance funds. Similar situation for Oakton. So nothing is concrete, but better (pending the funding information).
5/10/05	Spoke with Jon Duddles re Des Plaines crossings and UP seems to be moving forward, though a firm schedule has not been provided. E-mailed him a blank Formal Complaint if he would like to proceed in that direction. Also discussed the schedule for Rand Road.
5/16/05	City of Des Plaines formal complaint submitted to Commission.
5/27/05	Discussed Touhy crossing with Andy Rabadi of IDOT, who then faxed to me their records, complaints, and correspondence with the UP.
6/1/05	BV field review of Touhy, Howard, Oakton, and Wolf.

1. Mike Stead working with Mike Payette to get Union Pacific schedule for completion/reconstruction. 1<sup>st</sup> Qtr. '05. Various e-mails back and forth relative to UP internal meetings and scheduling.
2. Other conversations with Mr. Bagdonas in 2004 (5/28, 6/15, 8/2, 9/13, 11/23) and in 2005 (2/3, 5/26).
3. E-mailed Mr. Kosten an update on 5/26/05.
4. E-mailed all complainants, including those from IDOT, as to hearing schedule on 6/1/05.

**Other Complainants to ICC**

<p><b>October 20, 2004</b>                  Ms. Colleen Rocks                  6816 N. Northwest Highway                  Chicago, IL 60631                  847-427-2357 work                  773-763-1291 home  <a href="mailto:Crocks@ccc1.com">Crocks@ccc1.com</a></p>	<p><b>March 2, 2005</b>                  Mr. Dennis Beach                  511 W. Schaumburg Road                  Streamwood, IL 60107-1266                  630-372-4940 home                  630-544-4398 work  <a href="mailto:Drb1956@yahoo.com">Drb1956@yahoo.com</a></p>
<p><b>January 4, 2005</b>                  Mr. Matthew Kosten                  918 Ridge Square #109                  Elk Grove Village, IL 60007  <a href="mailto:Matt_kosten@charter.net">Matt_kosten@charter.net</a></p>	<p><b>March 17, 2005</b>                  Mr. Sanjay Patel                  1991 S. Ash Street                  Des Plaines, IL 60018                  Sanjay Patel                  Home Phone No: 847-937-4596                  Work Phone No: 847-937-4596  <a href="mailto:Sanjay.Patel@hospira.com">Sanjay.Patel@hospira.com</a></p>

**OFFICIAL FILE**

I.C.C. DOCKET NO. 705-0026  
STAFF Exhibit No. 6 (pg 2)

Witness \_\_\_\_\_  
 Date 6/6/05 Reporter Lj

6/3/2005, 10:37:45 AM

**Complainants to IDOT**

<p><b>March 2, 2004</b>                  Mr. Keith Kmilek                  746 Ebbtide Point                  Schaumburg, IL 60194                  773-686-5983 work                  847-884-1728 home</p>	<p><b>March 7, 2005</b>                  Ms. Julie Iverson                  1318 Brentwood                  Round Lake Beach, IL 60073                  847-740-1930 home</p>
<p><b>August 6, 2004</b>                  Mr. Randall Ballschmiede                  548 Reese Avenue                  East Dundee, IL 60118-2426                  847-551-1123 work</p>	<p><b>May 16, 2005</b>                  Ms. Colleen Rocks (Also to ICC)                  6816 N. Northwest Highway                  Chicago, IL 60631                  847-427-2357 work                  773-763-1291 home  <a href="mailto:Crocks@ccc1.com">Crocks@ccc1.com</a></p>
<p><b>November 11, 2004</b>                  Mr. Matthew Kosten (Also to ICC)                  918 Ridge Square #109                  Elk Grove Village, IL 60007  <a href="mailto:Matt_kosten@charter.net">Matt_kosten@charter.net</a></p>	

**OFFICIAL FILE**

I.C.C. DOCKET NO. 705-0026  
~~STATE~~ Exhibit No. (6) (pg 3)  
 Witness \_\_\_\_\_  
 Date \_\_\_\_\_ Reporter \_\_\_\_\_

6/3/2005, 10:37:45 AM

## STATE OF ILLINOIS


**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Michael E. Stead

Rail Safety Program Administrator

June 8, 2004

Mr. Ed Benbow  
Director of Track Maintenance  
Union Pacific Railroad Company  
301 West Lake Street  
Northlake, IL 60164

R04-114

RE: Touhy Avenue (**AAR/DOT #174 087Y, milepost 8.75**) DesPlaines, Cook Co., IL

Dear Mr. Benbow:

On April 29, 2004, a representative of this office inspected the referenced crossing in response to a rough surface complaint we recently received. Results of the inspection indicate that existing conditions at the ~~Dundee Road~~ *correction, Touhy (7/29/04 BV) crossing* do not meet the minimum requirements of 92 Illinois Administrative Code (IAC) 1535.203. Our findings include:

- The crossing panels have shifted and the pavement between the tracks is humped for the inside westbound lane (closest to the median). Please see the enclosed picture.
- It appears that pavement milling and repair to the panels in the aforementioned lane will correct the deficiency.

According to 92 Illinois Administrative Code, Chapter 3, Section 1535.203: "Every grade crossing shall be constructed and maintained in such manner that it will not interfere with the reasonably safe use of the roadway when traveled in the usual and ordinary manner."

Please advise this office within the next 30 days of your company's plan to repair the crossing. If you have any questions, please contact Brian Vercruyse, Railroad Safety Specialist, at (630) 424-8750 or bvercruy@icc.state.il.us.

Very truly yours,

Michael E. Stead  
Rail Safety Program Administrator

cc: Mr. Joe Bagdonas  
Mr. Gary Wilwerding

BV

**OFFICIAL FILE**I.C.C. DOCKET NO. T05-0026STAFF Exhibit No. 7

Witness \_\_\_\_\_

Date 6/6/05 Reporter Lj

## STATE OF ILLINOIS


**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Michael E. Stead

Rail Safety Program Administrator

July 29, 2004

Mr. Ed Benbow  
Director of Track Maintenance  
Union Pacific Railroad Company  
301 West Lake Street  
Northlake, IL 60164

Mr. Gary Wilwerding  
Manager of Industry and Public Projects  
Union Pacific Railroad Company  
301 West Lake Street  
Northlake, IL 60164

RE: Touhy Avenue (AAR/DOT #174 087Y, milepost 8.75)  
Howard Street (AAR/DOT #174 090G, milepost 9.49)  
Oakton Street (AAR/DOT #174 096X, milepost 10.0)

R04-114  
R03-105  
R03-104

Dear Messrs Wilwerding and Benbow:

On June 8, 2004, you were notified, by letter (copy enclosed), of poor surface conditions at the referenced crossing. The letter also asked that you notify this office of your plans to repair the crossing.

As of this date, we have not received any indication that repairs have been scheduled or completed. Please notify this office immediately of the status of your company's plans to ensure that the crossing surface is properly repaired and satisfies the requirements of 92 Illinois Administrative Code 1535. Failure of your company to respond will likely result in the initiation of Citation proceedings by this office.

If you have any questions, please contact Brian Vercruyse, Railroad Safety Specialist, at (630) 424-8750 or bvercruy@icc.state.il.us.

**OFFICIAL FILE**

Very truly yours,

I.C.C. DOCKET NO. TOS-0026  
STAFF Exhibit No. 8

Witness \_\_\_\_\_

Michael E. Stead  
Rail Safety Program Administrator

Date 6/6/05 Reporter Lj

Enclosure

## STATE OF ILLINOIS


**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Michael E. Stead

Rail Safety Program Administrator

September 27, 2004

Mr. Ed Benbow  
Director of Track Maintenance  
Union Pacific Railroad Company  
301 West Lake Street  
Northlake, IL 60164

Mr. Gary Wilwerding  
Manager of Industry and Public Projects  
Union Pacific Railroad Company  
301 West Lake Street  
Northlake, IL 60164

RE: Touhy Avenue (**AAR/DOT #174 087Y, milepost 8.75**)  
Howard Street (**AAR/DOT #174 090G, milepost 9.49**)  
Oakton Street (**AAR/DOT #174 096X, milepost 10.0**)

R04-114  
R03-105  
R03-104

All in the City of Des Plaines, Cook County, Illinois

Dear Messrs Wilwerding and Benbow:

This letter is in follow-up to a recent meeting held on Tuesday September 21, 2004, regarding the referenced at-grade crossings. In attendance with you, Mr. Benbow, were Mr. Rich Ellison and Mr. Craig Clark of the Union Pacific Railroad (UP), Mr. Jon Duddles of the City of Des Plaines (City), and Brian Verduyze, representing this office.

The following summarizes the proposed repairs for these crossings, which have been the subject of recent and past complaints. As noted in previous correspondence, the crossings require repair to satisfy the requirements of 92 Illinois Administrative Code 1535.

It is my understanding that the crossings will be repaired **this October** utilizing milling and asphalt patching in areas where there is settlement, or where the crossing timbers and rubber panels have failed. Further, the work to all three crossings will occur over the course of a weekend utilizing lane closures due to traffic concerns on Touhy Avenue. One crew will be dedicated to the Touhy crossing, while another crew will complete the repairs on Howard and Oakton Streets.

Though it is ultimately the responsibility of the Union Pacific Railroad due to the condition of the crossings, it is my further understanding that the City of Des Plaines may help with traffic control and protection to facilitate the repairs. In either case, the lane closures will have to be coordinated with the Illinois Department of Transportation (Department) for Touhy Avenue and Oakton Street. As information, a copy of this letter has been sent to the Department.

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I.C.C. DOCKET NO. TOS-0026  
STAFF Exhibit No. 9

Witness \_\_\_\_\_  
Date 6/6/05 Reporter LS

Ultimately, the Touhy Avenue and Howard Street crossings should be renewed in 2005. The Touhy Avenue crossing renewal will be the sole responsibility of the UP, while the Howard Street crossing renewal should take place in conjunction with a proposed City roadway project. An agreement between the City and UP should be drafted relative to the scope of work, the upgrade to a concrete panel surface, and the division of costs. The agreement should also consider the Howard Street at UP Old Main (**AAR/DOT #174 091N, MP 9.99**) crossing to the east.

**Please notify this office immediately of the finalized repair dates and the status of your company's plans to ensure that the crossing surfaces are properly repaired and satisfy the requirements of 92 Illinois Administrative Code 1535.**

If you have any questions, please contact Brian Vercruysse, Railroad Safety Specialist, at (630) 424-8750 or bvercruy@icc.state.il.us.

Very truly yours,

Michael E. Stead  
Rail Safety Program Administrator

cc: Mr. Mack Shumate, Union Pacific Railroad  
Mr. Rich Ellison, Union Pacific Railroad  
Mr. Michael Payette, Union Pacific Railroad  
Mr. Jon Duddles, City of Des Plaines  
Mr. Joe Bagdonas  
Mr. Kevin Belgrave, IDOT  
Mr. John Fortman, IDOT

BV

**OFFICIAL FILE**

I.C.C. DOCKET NO. TS-0026

STAFF Exhibit No. 9 (pg 2)

Witness \_\_\_\_\_

Date \_\_\_\_\_ Reporter \_\_\_\_\_