

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Union Pacific Railroad Company, Lone :
Grove Road District, and the State of :
Illinois, Department of Transportation. :
:
Stipulated Agreement regarding :
improving public safety at the Township : T07-0027
Road 511 highway-rail grade crossing of :
the Union Pacific Railroad Company's :
tracks near the Village of Saint Peter, :
Fayette County, designated as crossing :
AAR/DOT #167 906V, railroad milepost :
234.67-CC. :

SUPPLEMENTAL ORDER

By the Commission:

On, April 18, 2007, the Illinois Commerce Commission ("Commission") entered its original Order in the above captioned matter. The Union Pacific Railroad Company ("UP" or "Railroad") was required and directed to, among other things, install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, a new control cabinet, and with an event recorder system at the Township Road ("TR") 511 highway-rail grade crossing of the Railroad's track located near the Village of St. Peter, Fayette County, designated as crossing AAR/DOT #167 906V, railroad milepost 234.67-CC. In addition, the Railroad was required to install temporary STOP signs within 30 days of the date of the original Order, and raise the elevation of the east track to the elevation of the west track as required by 92 Ill. Adm. Code 1535.206,. The original Order also required Lone Grove Road District ("Road District") to reconstruct the highway approaches to meet the minimum requirements of 92 Ill. Adm. Code 1535.204 and as further shown on Exhibit C, page 2 of the Stipulated Agreement attached to the original Order. The Illinois Department of Transportation ("IDOT" or the "Department") was also a party to the case. The original Order contained a division of cost among the parties and all signal and track work was to be completed on or before April 18, 2008.

PETITIONER'S EVIDENCE

On June 14, 2007, Lone Grove Road District filed its Supplemental Petition requesting that the Commission enter a Supplemental Order granting to the Road District:

1. An increase in the project cost to modify the highway approaches from \$66,805 to \$74,221, with the increase in cost being allocated in the same percentage

as in the original Order, specifically, 100% to the Grade Crossing Protection Fund;

2. Directing the UP to remove the east track crossing surface, raise the east track level to the west track level, and replace the crossing surface so that the crossing conforms to current applicable requirements of 92 Ill. Adm. Code 1535. In order for the roadway approaches to be constructed to the required profile grade, the Road District is requesting the UP; and
3. Require the UP to install a new "under the track" culvert as shown on the revised preliminary plans dated May 10, 2007, Exhibit B, sheets 2 and 3, attached to the Supplemental Petition. The preliminary plans dated October 5, 2005, showed proposed manholes being installed at both ends of the UP owned "under the tracks" pipe culvert. Since submitting the preliminary plans on behalf of the Road District, the County had learned that it was inappropriate. The Road District does not have ownership of the culvert and as such has no right or obligation to construction or maintenance.

The Road District intends to continue working toward completion of the roadway approach improvements. The revised cost estimate and preliminary plans dated May 10, 2007, are attached and incorporated herein by reference as Exhibit A and Exhibit B, 1-5.

RESPONDENT RAILROAD'S EVIDENCE

The Union Pacific Railroad Company did not file a Response to the Supplemental Petition filed by Lone Grove Road District. The Union Pacific Railroad Company had from June 14, 2007, to the present date within which to file a Response, but did not do so.

RESPONDENT IDOT EVIDENCE

On August 3, 2007, IDOT filed its Response to the Supplemental Petition, stating that the Department had no objection to the Illinois Commerce Commission entering a Supplemental Order without hearing.

STAFF'S POSITION

Staff has reviewed the Supplemental Petition and offers the following comments:

- The request made by the Road District for the UP to raise the east track to the elevation of the west track is contained in the original Order and is still an affirmed requirement. Making this request a requirement of the Supplemental

Order would be redundant.

- Staff has no objection to using the GCPF to pay the additional costs, estimated at \$7,416, for reconstruction of the highway approach grades.
- Following a review of the revised estimate of cost submitted by the Road District, as part of its Supplemental Petition, staff believes the request is acceptable.
- Staff also has no objection to this Supplemental Order containing a new Ordering Paragraph requiring the Union Pacific Railroad Company to replace the “under the track” culvert as requested by the Road District. The Road District has asserted that the ownership of the existing culvert is the responsibility of the UP and therefore the Railroad should be the party responsible for its installation and maintenance.
- The Railroad has had ample opportunity to object to the assertions made by Lone Grove Road District by sending in a Response to the Supplemental Petition filed on June 14, 2007, but has yet to file such a Response. Staff therefore concludes that the railroad has no objection to the Supplemental Petition as filed.
- Staff has no objection to the entry of a Supplemental Order without hearing.

FINDINGS AND ORDERING PARAGRAPHS

The Commission, having given due consideration to the Supplemental Petition filed herein, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The recitals of fact, as set forth in the prefatory portion of this Supplemental Order, are supported by the Supplemental Petition and are hereby adopted as findings of fact;
- (3) Lone Grove Road District’s request for the Union Pacific Railroad Company to abandon the existing “under the tracks” pipe culvert and install a new culvert as shown in the revised preliminary plans date May 10, 2007, attached as Exhibit B, sheet 3, to the Supplemental Petition, to provide for drainage under the tracks because the proposed roadway fill will cover the

existing culvert is fair and reasonable and should be granted;

- (4) It is fair and reasonable that the Secretary of the Illinois Department of Transportation, utilizing the Grade Crossing Protection Fund of the Motor Fuel Tax Law, be directed to pay the additional costs associated with the proposed highway approach improvements as set forth in Finding (5) of this Supplemental Order;
- (5) The increased costs for the highway approach grade improvements, as outlined in Lone Grove Road District's Supplemental Petition, are fair and reasonable and should be paid 100% by the Illinois Department of Transportation, utilizing the Grade Crossing Protection Fund of the Motor Fuel Tax Law;
- (6) All other terms and conditions of the original Order dated April 18, 2007, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Grade Crossing Protection Fund shall be used to pay for all costs associated with highway approach grade improvements as set forth in Finding 5 of this Supplemental Order.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company is hereby required and directed to abandon the existing "under the tracks" pipe culvert and install a new culvert as substantially shown in the revised preliminary plans dated May 10, 2007, attached to the Supplemental Order as Exhibit B, sheet 3, and thereafter maintain same.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall proceed immediately with installation of the pipe culvert and shall complete this work by April 18, 2008, and shall thereafter maintain the culvert so that water drains from its right-of-way.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall notify the Commission within five (5) days of the completion of the culvert installation.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated April 18, 2007, are hereby reaffirmed and shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to the Administrative Review Law.

By Order of the Commission this 28th day of November, 2007.

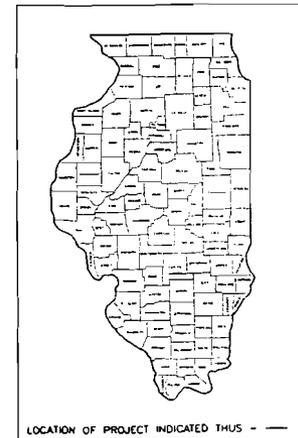


CHARLES E. BOX
Chairman

JUDGE
SECTION CHIEF <i>mes</i>
<i>DWS</i>
ORDERS SUPERVISOR

STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PLANS FOR PROPOSED GRADE CROSSING PROTECTION PROGRAM

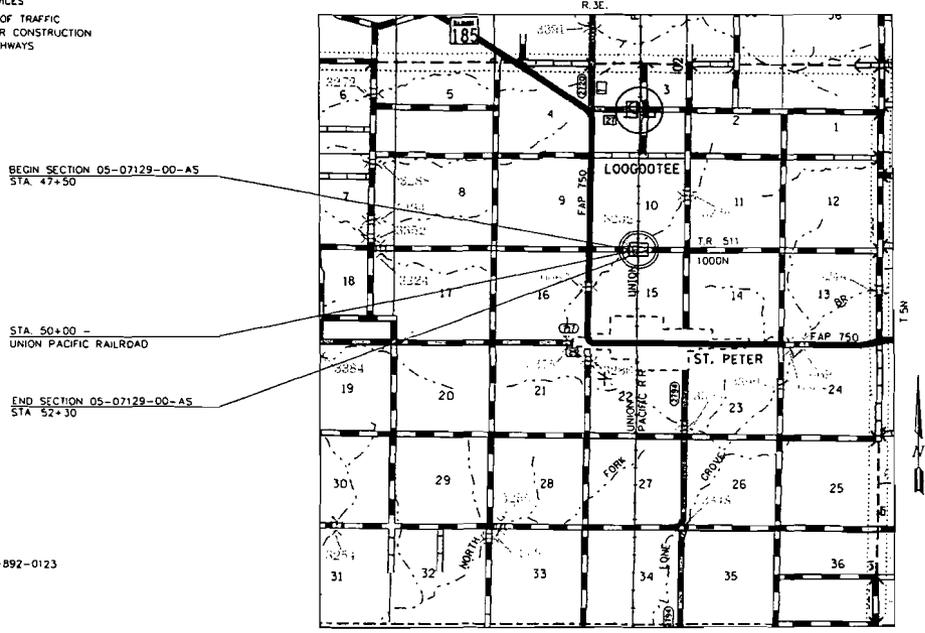
ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
T.R. 511	05-07129-00-AS	FAYETTE	5	1
FED. ROAD DIST. NO.	ALPHAS	PROJECT		



SECTION 05-07129-00-AS LONE GROVE ROAD DISTRICT FAYETTE COUNTY

INDEX OF SHEETS

1	COVER SHEET
2	TYPICAL CROSS SECTIONS, GENERAL NOTES, SUMMARY OF QUANTITIES AND MISC. DETAILS
3	PLAN AND PROFILE SHEET
4-5	CROSS SECTIONS
	STANDARD 000001-04 STANDARD SYMBOLS, ABBREVIATIONS AND PATTERNS
	STANDARD 542401 METAL END SECTION FOR PIPE CULVERTS
	STANDARD 602401 MANHOLE, TYPE A
	STANDARD 602601-01 PRECAST REINFORCED CONCRETE FLAT SLAB TOP
	STANDARD 280001-03 TEMPORARY EROSION CONTROL SYSTEMS
	STANDARD 604001-02 FRAME AND LIOS TYPE 1
	STANDARD 702001-06 TRAFFIC CONTROL DEVICES
	STANDARD B.L.R. 21-6 TYPICAL APPLICATION OF TRAFFIC CONTROL DEVICES FOR CONSTRUCTION ON RURAL LOCAL HIGHWAYS



LOCATION MAP
APPROXIMATE SCALE - 1" = 0.59 MILES
NET LENGTH OF IMPROVEMENTS = 480.00 FEET = 0.091 MILE

APPROVED _____ 20__
COUNTY ENGINEER

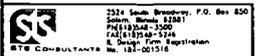
PASSED _____ 20__
DISTRICT SEVEN ENGINEER OF LOCAL ROADS & STREETS

Releasing For Bid Based on Limited Review _____ 20__
DEPUTY DIRECTOR OF HIGHWAYS, REGION FOUR ENGINEER

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

48 HOURS PRIOR TO EXCAVATION CALL J.U.L.I.E.: 1-800-892-0123

CLASS ROAD: RURAL LOCAL ROAD
A.D.T. = 100
DESIGN SPEED = 30 M.P.H.

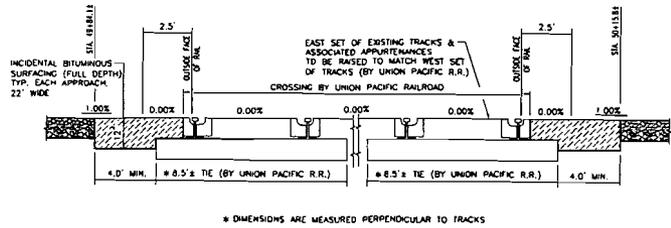


STS JOB NO. 30461

Exhibit B, sheet 1

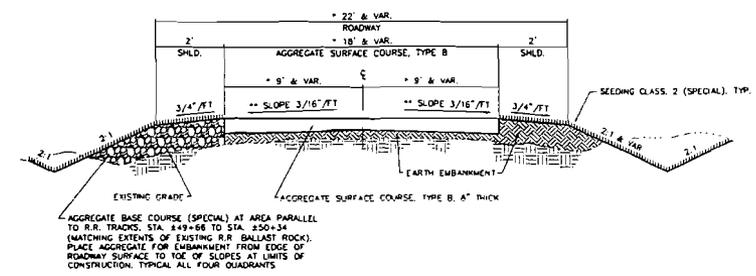
DATE: MAY 10, 2007

ROUTE NO	SECTION	COUNTY	TOTAL SHEETS	SHEET NO
T.R. 511	05-07129-00-AS	FAYETTE	5	2
FED. ROAD DIST. NO.	UNLIMS.	PROJECT		



PROFILE-UNION PACIFIC R.R. CROSSING

* DIMENSIONS ARE MEASURED PERPENDICULAR TO TRACKS



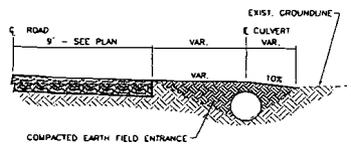
TYPICAL CROWNED CROSS-SECTION ROAD IMPROVEMENTS

STA 47+00 TO STA. 49+84.18
STA 50+15.82 TO STA 52+80

* TRANSITION FROM 13.4' EXISTING TO 18' PROPOSED, STA 47+00 TO STA. 47+50

* TRANSITION FROM 18' PROPOSED TO 14.0' EXISTING, STA. 52+30 TO STA. 52+80

** SEE PLAN & PROFILE SHEET FOR CROSS SLOPE TRANSITION NEAR RAILROAD TRACKS



TYPICAL FIELD ENTRANCE DETAILS

RT STA. 47+76 NOTE: 2:1 OR FLATTER SLOPES

SUMMARY OF QUANTITIES

ITEM	QUANTITY	UNIT
EARTH EXCAVATION	179	CU. YD.
FURNISHED EXCAVATION	1151	CU. YD.
SEEDING, CLASS 2 (SPECIAL)	0.40	ACRE
TEMPORARY DITCH CHECKS	5	EACH
STONE DUMPED RIPRAP, CLASS #4	10	TON
AGGREGATE SURFACE COURSE, TYPE B	495	TON
AGGREGATE BASE COURSE (SPECIAL)	80	TON
INCIDENTAL BITUMINOUS SURFACING	18	TON
PAVEMENT REMOVAL	28	SQ. YDS.
PIPE CULVERT REMOVAL	41	FOOT
PIPE CULVERTS, TYPE 1, CORRUGATED STEEL OR ALUMINUM CULVERT PIPE 48"	40	FOOT
RAILROAD PROTECTIVE LIABILITY INSURANCE	1	L. SUM.

GENERAL NOTES

1. THIS SECTION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS, THE SPECIAL PROVISIONS AND THE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" ADOPTED JANUARY 1, 2007.
2. IF SECTION OR SUBSECTION MONUMENTS ARE ENCOUNTERED, THE ENGINEER SHALL BE NOTIFIED BEFORE SUCH MONUMENTS ARE REMOVED. THE CONTRACTOR SHALL PROTECT AND CAREFULLY PRESERVE ALL PROPERTY MARKERS AND MONUMENTS UNLESS OWNER, AN AUTHORIZED SURVEYOR OR AGENT HAS WITNESSED OR OTHERWISE REFERENCED THEIR LOCATION.
3. THE SHRINKAGE FACTOR FOR EMBANKMENT IS 25%.
4. ALL CLEARING AND GRUBBING IS TO BE INCLUDED IN THE UNIT PRICE BID FOR EARTH EXCAVATION.
5. BITUMINOUS SURFACE TREATMENT (A-2) WILL BE COMPLETED BY THE OWNER.

PRELIMINARY
NOT FOR CONSTRUCTION

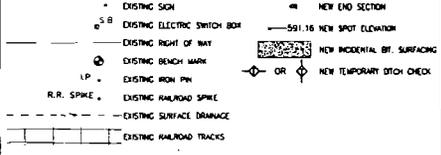
Exhibit B, sheet 2

STS CONSULTANTS
2514 South Broadway, P.O. Box 850
Springfield, Illinois 62781
PH: (618) 248-1000
FAX: (618) 248-5248
E-Design Team Reg. No. 184-00518

T.R. 511 SECTION 05-07129-00-AS
LONE GROVE ROAD DISTRICT
FAYETTE COUNTY, ILLINOIS

DATE:	DESIGN:	CHECKED:	DATE:
05/11	MRO	JAS	3/10/07
DATE:	DESIGN:	CHECKED:	DATE:
05/11	MRO	JAS	3/10/07

LEGEND



BENCH MARK INFORMATION

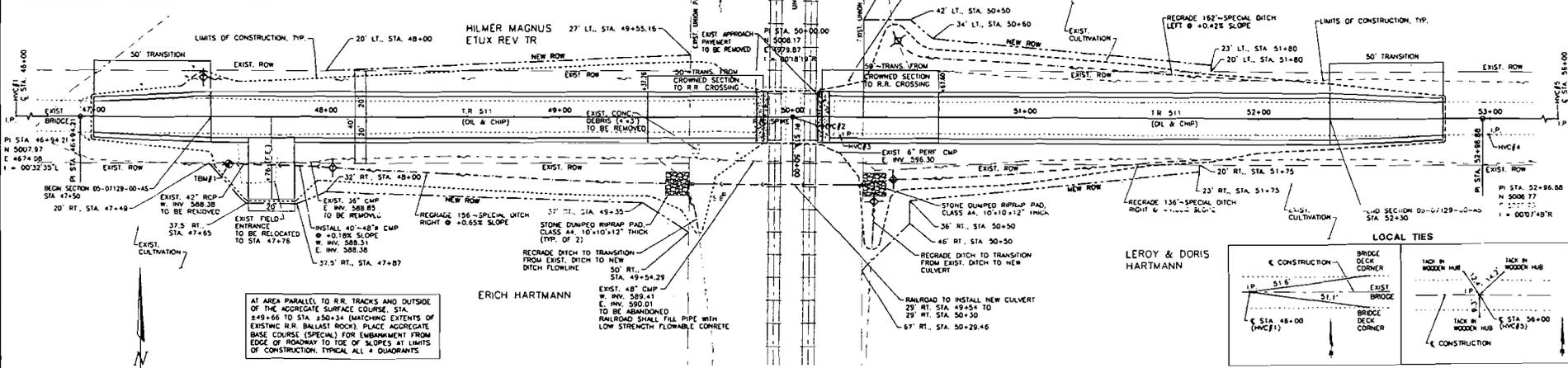
POINT	LOCATION	ELEV.
TBM #1 (TEMPORARY BENCH MARK)	20.4' RT. STA. 47+57.6	592.19
CHECKED "X" ON TOP OF CONCRETE CURB (VERT)		

HORIZONTAL & VERTICAL CONTROL COORDINATES

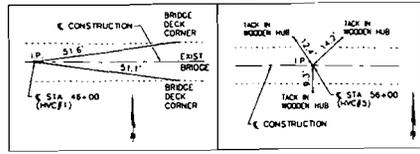
POINT	LOCATION	N. COOR.	E. COOR.	ELEV.
HVC#1 (IRON PIN)	E STA. 48+00	5008.81	4579.87	591.90
HVC#2 (R.R. SPIKE)	E STA. 50+00	5008.17	4979.87	598.75
HVC#3 (IRON PIN)	8.1' RT. STA. 50+20.2	5000.00	5000.00	598.00
HVC#4 (IRON PIN)	6.8' RT. STA. 52+99.5	5000.00	5279.33	593.13
HVC#5 (IRON PIN)	E STA. 56+00	5004.66	5579.86	593.95

CONSTRUCTION CLASS 2 (SPECIAL)
STA. 47+00 TO STA. 52+00 = 2.33 ACRES
NOTE: CULVERT LENGTHS DO NOT INCLUDE END SECTION

ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
TR 511	05-07129-00-AS	FAYETTE	3	3



AT AREA PARALLEL TO R.R. TRACKS AND OUTSIDE OF THE AGGREGATE SURFACE COURSE, STA. 49+66 TO STA. 50+34 (MATCHING EXTENTS OF EXISTING R.R. BALLAST ROCK), PLACE AGGREGATE BASE COURSE (SPECIAL) FOR EMBANKMENT FROM EDGE OF ROADWAY TO TOE OF SLOPES AT LIMITS OF CONSTRUCTION, TYPICAL ALL 4 QUADRANTS



SCALE:
1" = 20' HOR
1" = 2' VER

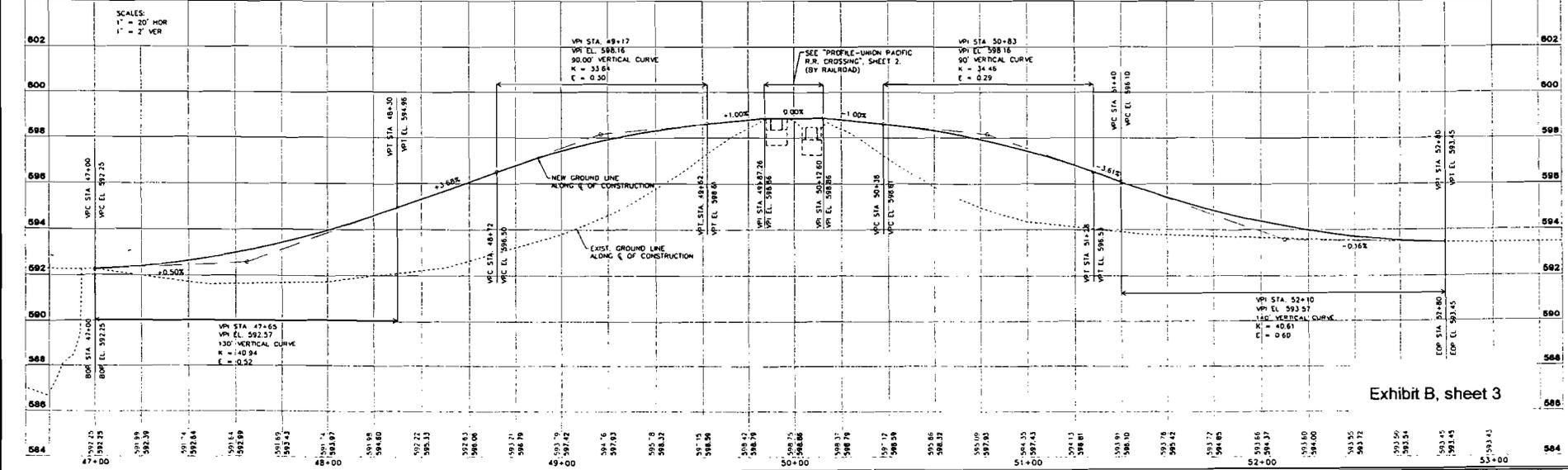
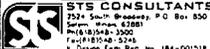


Exhibit B, sheet 3

PRELIMINARY
NOT FOR CONSTRUCTION



T.R. 511 SECTION 05-07129-00-AS
LONE GROVE ROAD DISTRICT
FAYETTE COUNTY, ILLINOIS

DESIGN	AS	DESIGNED	DATE
DESIGN	AS	APPROVED	3/10/07
DRAWN	BLT	APPROVED	3/10/07

ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
T.R. 511	05-07129-00-AS	FAYETTE	3	4
FED. ROAD DIST. NO.	ALUMNS	PROJECT		

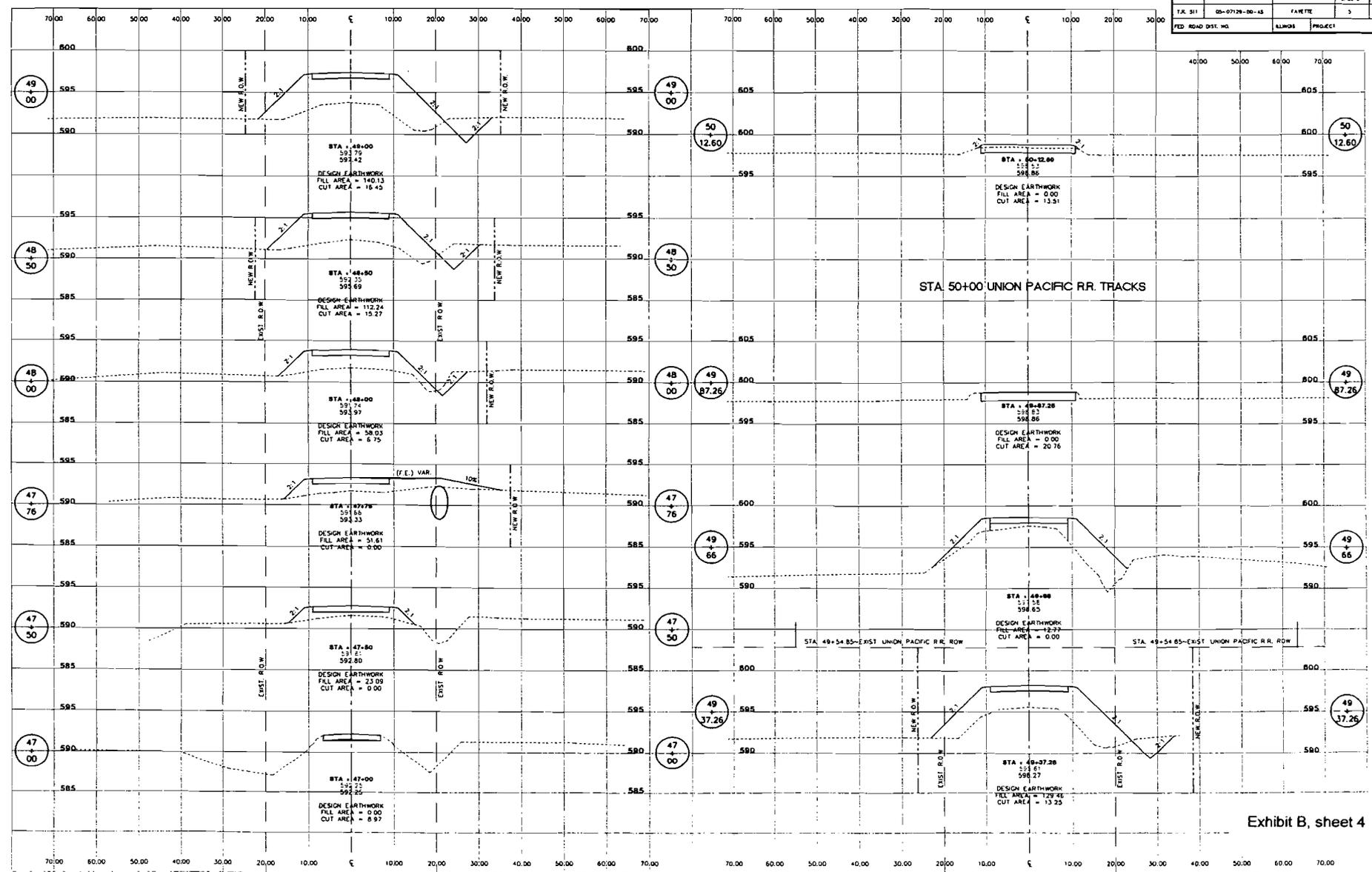


Exhibit B, sheet 4

PRELIMINARY NOT FOR CONSTRUCTION		STS CONSULTANTS 2524 South Broadway P.O. Box 830 Salem, Illinois 62281 Phone: 618/358-1300 Fax: 618/358-5246 E-Design Form Reg. No. 181-001518	T.R. 511 SECTION 05-07129-00-AS LONE GROVE ROAD DISTRICT FAYETTE COUNTY, ILLINOIS	CROSS SECTIONS STA. 47-00 TO STA. 50+12.60		DATE: 5/10/07 DESIGNED: MRO CHECKED: JAS APPROVED: JAS	JOB NO. SHEET NO.
				DATE: 1/1/00 SHEET NO. 3041			

ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
T.R. 511	05-07129-00-AS	FAYETTE	5	5
FED. ROAD DIST. NO.		ALLOS	PROJECT	

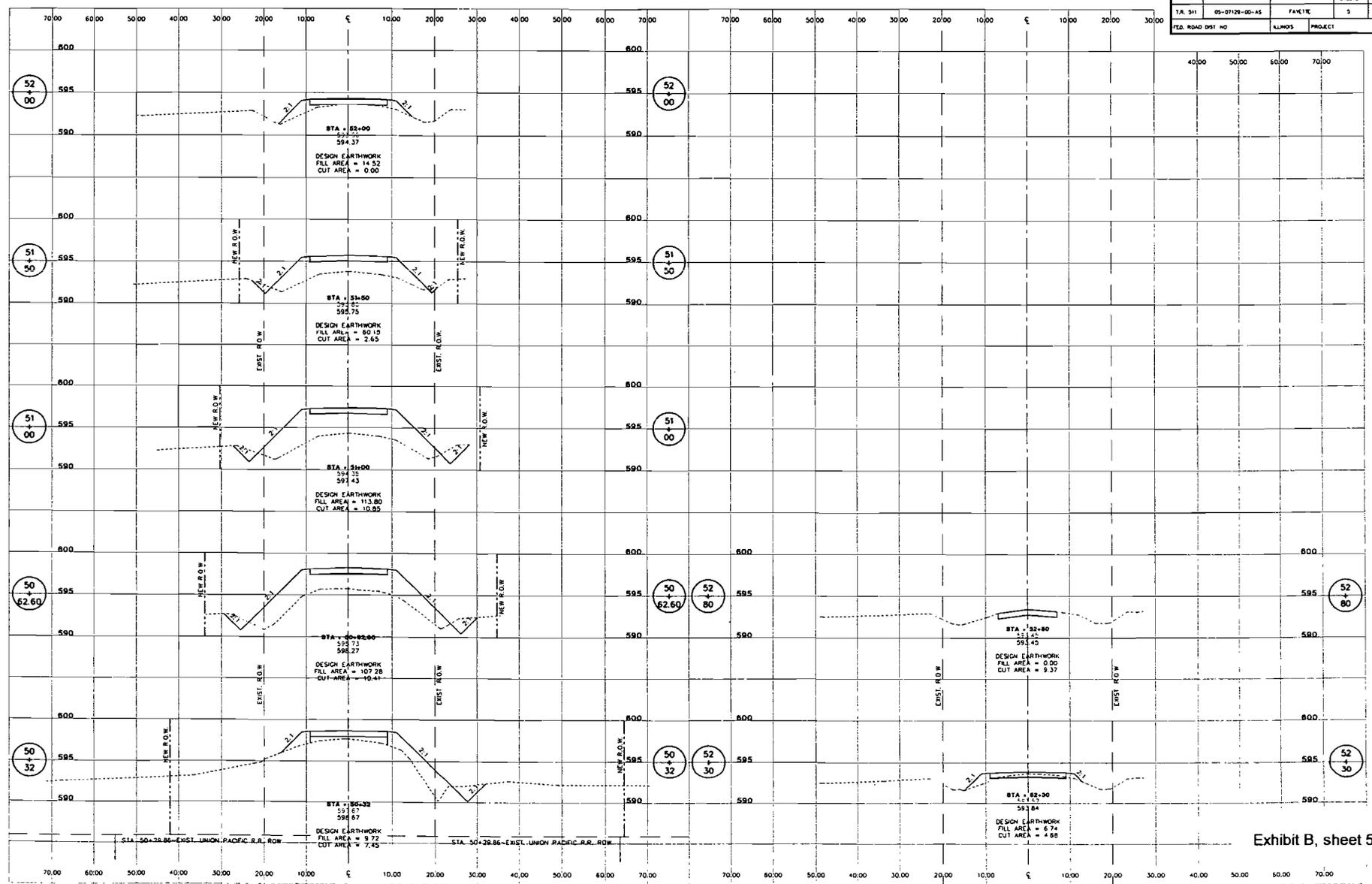
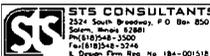


Exhibit B, sheet 5

PRELIMINARY
NOT FOR CONSTRUCTION



T.R. 511 SECTION 05-07129-00-AS
 LONE GROVE ROAD DISTRICT
 FAYETTE COUNTY, ILLINOIS

CROSS SECTIONS
 STA. 50+32 TO STA. 52+80

DESIGN	DATE	BY	DATE
MRO	AS	BLT/JSO	5/10/07
APPROVED	REVIEWED		