

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :
On Its Own Motion :
- vs - :
Omni-Trax - Chicago Rail Link, LLC : T07-0111
: :
Citation with respect to Omni-Trax – Chicago Rail :
Link, LLC’s failure to maintain various highway-rail :
grade crossing surfaces in accordance with the :
requirements of 92 Ill. Adm. Code Part 1535.203 :

CITATION

By the Commission:

WHEREAS, it has come to the attention of the Illinois Commerce Commission (“Commission”) via complaints from the public, local governmental officials, and state representatives that existing conditions at various public highway-rail grade crossings of Omni-Trax - Chicago Rail Link, LLC (“CRL”) track, owned and operated by CRL do not meet the minimum requirements of 92 Ill. Adm. Code Part 1535; and

WHEREAS, Commission Staff (“Staff”) has sent letters to CRL regarding the highway-rail grade crossings listed in Exhibit A, where surface repairs were required so that existing conditions meet the minimum requirements of 92 Ill. Adm. Code Part 1535.203. These letters are also attached as Group Exhibit B.

WHEREAS, Staff has also met with, and sent electronic mail messages and placed telephone calls to, CRL representatives requesting information on when repairs to the subject crossings would be completed; and

WHEREAS, CRL provided various responses to Staff’s requests for information regarding the crossing matters and completed temporary repairs to some crossings, other crossings have not been repaired or have been completed with insufficient repairs; and

WHEREAS, it appears that formal proceedings should be instituted by Citation for the purpose of obtaining from CRL a schedule for the repair of the crossings listed in Exhibit A, and for upgrading the passive warning devices at the crossings identified in Exhibit C.

WHEREAS, proper notice should be given to the CRL with respect to said proceedings; and

WHEREAS, a hearing or hearings should be held for the purpose of taking testimony from all the parties involved regarding the issues so raised.

IT IS THEREFORE ORDERED that Omni-Trax - Chicago Rail Link, LLC is cited and hereby required to appear at a hearing to be held at the COMMISSION's offices, Leland Building, 527 East Capitol Avenue, Springfield, Illinois, to show cause, if any there be, why an Order should not be issued requiring the CRL to make the appropriate repairs to the crossings identified in Exhibits A and C, attached hereto and made a part hereof; and requiring such other or further relief as the COMMISSION may, under the circumstances, deem necessary to comply with the Law.

IT IS FURTHER ORDERED that Omni-Trax - Chicago Rail Link, LLC be, and it is hereby, required and directed to submit prior to said hearing, a schedule specifying how and when CRL will make repairs to the subject crossings.

By Order of the Commission this 19th day of December 2007.



Chairman
Charles C. Box

JUDGE
SECTION CHIEF <i>MES</i>
<i>rwj</i> ORDERS SUPERVISOR

**Exhibit A, Citation 11/30/07
Chicago Rail Link, LLC - Rough Crossing Complaints**

Existing Conditions at Each Location Do Not Meet the Minimum Requirements of 92 Ill. Adm. Code 1535.203.

AAR/DOT #	RR Milepost	Street Name	Municipality	County	Letters to CRL/ Coordination	Status
004 382L	40.01	Muskegon Avenue	Chicago	Cook	11/29/06; 7/31/07	Reconstruction Required
608 926C	0.38	Union Avenue	Chicago	Cook	11/22/06; 7/31/07	Reconstruction Required
608 927J	0.45	Lowe Avenue	Chicago	Cook	11/22/06; 7/31/07	Reconstruction Required
608 928R	0.50	Wallace Street	Chicago	Cook	11/22/06; 7/31/07	Reconstruction Required
608 929X	0.57	Parnell Avenue	Chicago	Cook	11/22/06; 7/31/07	Reconstruction Required
608 930S	0.63	Normal Avenue	Chicago	Cook	11/22/06; 7/31/07	Reconstruction Required
867 218R		Torrence Avenue	Chicago	Cook	3/14/06	Repairs/Reconstruction Required

* Table does not reflect other coordination efforts: meetings, site visits, phone calls, and e-mails.

7 Crossings



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

Michael E. Stead

Rail Safety Program Administrator

March 14, 2006

Mr. Richard Ellison
Union Pacific Railroad
301 West Lake Street
Northlake, IL 60164

Mr. Mike Polk
Project Superintendent
Walsh Construction
2215 W. 51st Place
Chicago, IL 60609

Mr. Jose Cervantes
Road Master
Chicago Rail Link
2728 E. 104th Street
Chicago, IL 60617

RE: Torrence Avenue at Union Pacific Railroad (and Chicago Rail Link) near 112th St.
AAR/DOT #867 218R, City of Chicago, Cook County

Gentlemen:

This letter is in response to recent coordination efforts to allow Walsh Construction to complete utility work along Torrence Avenue at 112th Street, that will impact the referenced crossing.

Our records indicate that the referenced crossing, which served the old Acme Steel Plant, is owned by the Union Pacific Railroad Company ("UP"). From various discussions and field reviews, it is our understanding that the UP notes the crossing as "Closed" on its own internal database. However it is also our understanding that the Chicago Rail Link ("CRL") utilizes the southern track, while the north track is out of service. Further the CRL utilizes the Torrence crossing approximately twice a year as a way to switch cars onto tracks on the east side of Torrence. This operation is completed utilizing Stop and Flag rules, as the warning devices at the crossing are inoperable.

With a new infrastructure development by Walsh Construction along 112th Street, a sewer and water main will be installed that will impact the crossing surface and the inactive warning devices, which consist of flashing light signals on cantilevers and gates. We accept and concur with the proposed work given the following:

Mssrs. Ellison, Polk, and Cervantes
November 30, 2007
Page Two

1. The northern track and surface will be removed within the Torrence Avenue right-of-way, and disposed of by Walsh Construction. Walsh Construction will then complete pavement patching per IDOT standards.
2. If the southern track is impacted, Walsh Construction will be responsible for reinstating it per CRL specifications, and in adherence with Ill. Adm. Code 1535.
3. Given the very poor condition, Stop and Flag operations, and low utilization, the warning devices at the crossing will be removed and disposed of by Walsh Construction. The CRL will be responsible for installing new crossbucks at the crossing in accordance with the Manual on Uniform Traffic Control Devices. A Stop and Flag order at the crossing must be maintained.
4. The CRL and UP should file an updated USDOT Inventory Form, with a copy to the Commission.
5. If train operations increase at the crossing, the CRL must notify the Commission prior to the start of such operations.

I trust this information will be helpful. If you have any questions, or need additional information, please contact Brian Vercruysse, Railroad Safety Specialist, at (630) 424-8750 or bvercruy@icc.illinois.gov.

Very truly yours,



Michael E. Stead
Rail Safety Program Administrator

cc: Bill Severensin, UP
Ralph Gillen, UP

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

*Michael E. Stead**Rail Safety Program Administrator*

November 22, 2006

Mr. Jose Cervantes
Road Master
Chicago Rail Link
2728 E. 104th Street
Chicago, IL 60617

R06- 289

RE: Normal Avenue, City of Chicago, Cook County
(AAR/DOT 608 930S, milepost 0.63)

Dear Mr. Cervantes:

On October 20, 2006, a representative of this office inspected the referenced crossing in response to a complaint we recently received regarding the warning devices.

Warning Devices

Results of the inspection indicate that active warning devices were at one time present at the crossing, but that the flashers were removed leaving the post and crossbuck sign, which are now faded. The removal of the active devices was requested by the previous operating rail carrier, LaSalle & Bureau County Railroad Company (LSBC), and authorized by the Commission with the understanding that a Stop and Flag Order would be utilized (X-Resolution 9781). The crossbuck signs at the Normal crossing, and other crossings along this line, should be renewed to provide improved visibility.

This office is willing to enter into a Stipulated Agreement to upgrade these and all other passive crossings on the CRL. The new crossbuck signs would include a YIELD sign, and retroreflective markings. We would recommend that the Grade Crossing Protection Fund pay 50% of the costs, with the remaining the responsibility of the CRL. A representative from this office is available to perform diagnostic reviews of the crossings with CRL personnel.

Crossing Surfaces

Results of the inspection at the crossings also indicate that existing conditions at many locations do not meet the minimum requirements of 92 Ill. Adm. Code 1535.203. Problems with the crossings include:

- Asphalt patches are failing at the crossing and adjacent to the rail.
- The crossings have settled.
- Photos of the crossing are enclosed.

According to 92 Ill. Adm. Code 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."*

Mr. Jose Cervantes
November 22, 2006
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Inventory Updates

Lastly, in reviewing the Commission and FRA databases, the LSBC still is noted as the operating rail carrier, and the data has not been updated. The updates should be completed in conjunction with the installation of the new crossbuck signs.

Please advise this office within the next 30 days of your company's plans to ensure that the warning devices are updated and the crossing surfaces are properly repaired and meet the requirements of 92 Ill. Adm. Code 1535.

Thank you for your prompt attention to this matter. If you have any questions, please contact Brian Vercruyse, Railroad Safety Specialist, at (630) 424-8750 or bvercruy@icc.illinois.gov.

Very truly yours,



Michael E. Stead
Rail Safety Program Administrator

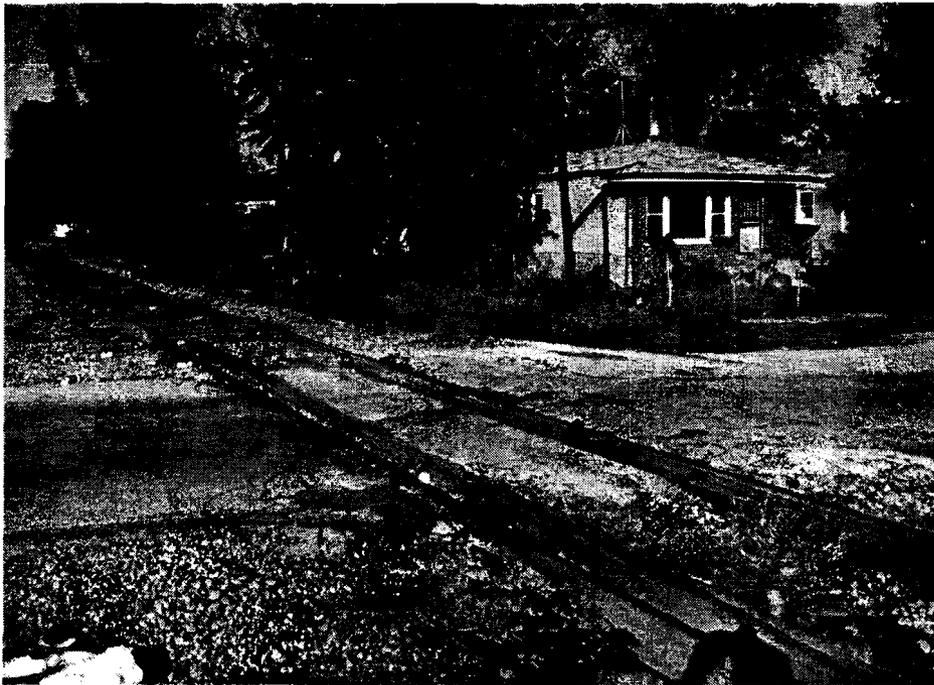
Enclosure

cc: Joe Alonzo, CDOT

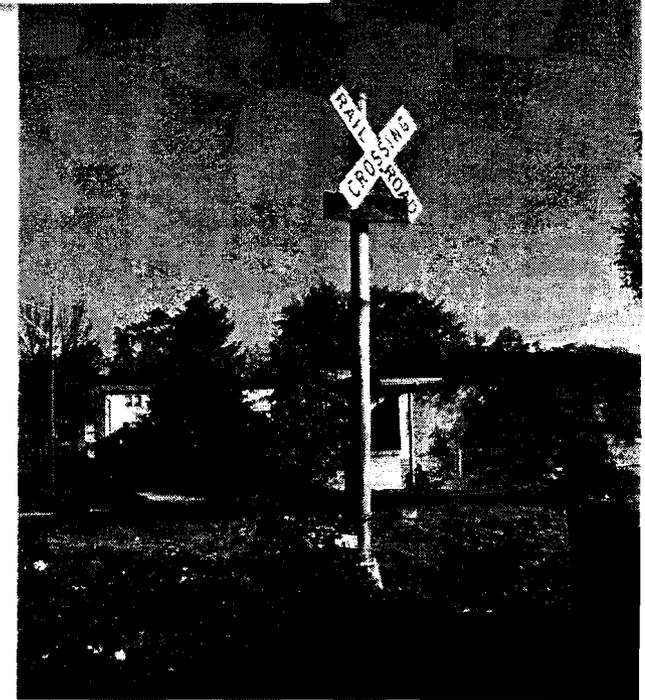
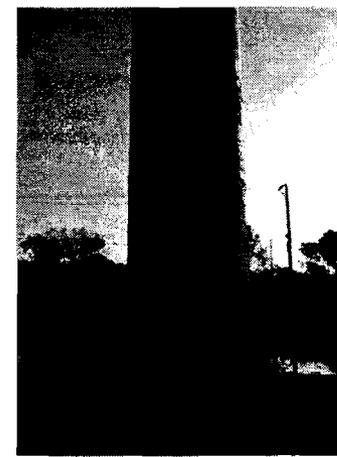
BV

Normal Avenue at Chicago Rail Link (CRL)
City of Chicago
AAR/DOT # 608 930S; MP 0.63

BV 10/20/06



Looking West - Surface



AFLS Removed - Crossbuck Remains

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

*Michael E. Stead**Rail Safety Program Administrator*

November 29, 2006

Mr. Jose Cervantes
Roadmaster
Chicago Rail Link
2728 E. 104th Street
Chicago, IL 60617

Randall Smith
Assistant Chief Engineer
The Belt Railway Company of Chicago
6900 South Central Avenue
Bedford Park, IL 60638

R06- 273

RE: Muskegon Road at CRL (AAR/DOT # 004 382L, railroad milepost 40.01),
Muskegon Road at BRC (AAR/DOT # 869 201U, railroad milepost 22.87)
City of Chicago, Cook County

Dear Messrs. Cervantes and Smith:

On November 14, 2006, a representative of this office inspected the referenced crossings in response to a rough surface complaint we recently received. Results of the inspection indicate that existing conditions at the crossings do not meet minimum requirements of 92 Illinois Administrative Code (IAC) 1535.203.

A summary of our findings are outlined below:

- Crossings have settled. This provides a noticeable impact to vehicles traveling south over the CRL crossing, and northbound over the BRC crossing.
- The BRC crossing timbers have worn causing the surface bolts to shift and protrude.
- Traffic significantly slows down, and/or weaves to traverse the crossings.
- Pictures of the crossings are enclosed for your reference.

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 companies' plans to ensure that the crossing surface is properly repaired and meets the requirements of 92 IAC 1535. With the close proximity of the two crossings it may be beneficial to coordinate repair efforts to minimize the need for traffic control along Muskegon Road.

Messrs. Cervantes and Smith
November 29, 2006
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Thank you for your prompt attention to these matters. If you have any questions, please contact Brian Vercruysse, Senior Railroad Safety Specialist, at (630) 424-8750 or bvercruy@icc.illinois.gov.

Very truly yours,



Michael E. Stead
Rail Safety Program Administrator

Enclosure

cc: Senator Donne Trotter
Tim Coffey, BRC

BV



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

Michael E. Stead

Rail Safety Program Administrator

July 31, 2007

Ed Cobean
President
Chicago Rail Link, LLC (OmniTRAX)
2728 E. 104th Street
Chicago IL 60617

**R05-286
R06-289**

RE: Union Street (DOT # 608 926C, railroad milepost 0.38)
Lowe Street (DOT # 608 927J, railroad milepost 0.45)
Wallace Street (DOT # 608 928R, railroad milepost 0.50)
Parnell Street (DOT # 608 929X, railroad milepost 0.57)
Normal Street (DOT # 608 930S, railroad milepost 0.63)
Muskegon Road (DOT # 004 382L, railroad milepost 40.01) all in Chicago,
Cook County, Illinois

Dear Mr. Mr. Cobean:

On November 22 and 29, 2006, you were notified, by letters (copies enclosed), of poor surface conditions at the referenced crossings. The letter also asked that you notify this office of your plans to repair the crossings. In addition, a representative of this office met with your Road Master on December 15, 2006 to field review all of the Chicago Rail Link crossings and to reinforce the need to repair and/or reconstruct these crossings as well as enter an agreement with the Commission to upgrade the existing warning devices (from deteriorated crossbuck signs to new crossbuck and yield signs, which will become a requirement of a future Manual on Uniform Traffic Control Devices).

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 surfaces are properly repaired and satisfy 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 Dan Powers, Railroad Safety Specialist, at (847) 516-0733 or dpowers@icc.illinois.gov.

Mr. Cobean
Date July 31, 2007
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Group Exhibit B
CRL Citation
Page 9 of 9

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead". The signature is fluid and cursive, with the first name being the most prominent.

Michael E. Stead
Rail Safety Program Administrator

Enclosure

cc: Senator Emil Jones, Jr.
Senator Donne Trotter

DP

**Exhibit C, Citation 11/30/07
Chicago Rail Link, LLC – Warning Sign Renewals Necessary**

AAR/DOT #	RR Milepost	Street Name
004 382L	40.01	Muskegon Avenue
608 926C	0.38	Union Avenue
608 927J	0.45	Lowe Avenue
608 928R	0.50	Wallace Street
608 929X	0.57	Parnell Avenue
608 930S	0.63	Normal Avenue
867 218R	14.97	Torrence Avenue
867 219X	15.24	112 TH Street
867 220S	15.6	117 th Street

