

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The City of Alton, Illinois, by its Mayor,	:	
Donald E. Sandidge,	:	
Petitioner,	:	
vs.	:	
Norfolk and Western Railway Company , the County of	:	
Madison and the Department of Transportation of the State	:	
of Illinois	:	
Respondent.	:	T97-0050
	:	
Petition for permission to construct an overhead grade	:	
crossing of Indiana Avenue, MFT Section # 97-00208-010	:	
GS, Structure #060-6110, over the tracks of the Norfolk	:	
Southern Corporation at a location approximately 1/3 mile	:	
north of Illinois Route 143, Alton, Madison County, Illinois.	:	

ORDER

By the Commission:

On July 30, 1997, the City of Alton ("Petitioner") filed its Petition with the Illinois Commerce Commission ("Commission") naming therein the Norfolk and Western Railway Company ("NW") and the Illinois Department of Transportation ("IDOT") as Respondents. Petitioner requests an Order from the Commission granting permission for the establishment of a new grade separated crossing by the extension of Indiana Avenue over the tracks of the NW at a location approximately 1/3 of a mile north of Illinois Route 143, near Alton, Madison County, Illinois. Petitioner further requests that a portion of the cost be borne by the Grade Crossing Protection Fund of the Motor Fuel Tax Law.

As required by the rules and regulation of the Commission, this matter came on for hearing before a duly authorized Hearing Examiner of the Commission on October 9, 1997 and November 9, 1997 at the Commission's offices in Springfield, Illinois. The County of Madison was added as a Respondent at the hearing on October 9, 1997. At the October 9, 1997 hearing, the NW was represented by counsel. Representatives from the City of Alton, the Illinois Department of Transportation, the County of Madison and staff of the Railroad Section of the Commission were present and participated in said hearing. At the conclusion of the hearing on November 7, 1997, the case was marked "Heard and Taken."

The City of Alton proposes to extend Indiana Avenue from Ill. Rte. 143 northerly to Broadway Avenue. The new roadway will carry primarily industrial/commercial traffic. The area to be serviced by the new four lane roadway is industrial in nature and has limited roadway access at this time. Petitioner maintains that the new roadway will encourage the economic development, growth and employment in this area if approved by the Commission. The projected traffic count on the roadway is estimated to be 12,500 at a posted speed limit of 40 mph.

Indiana Avenue as proposed will have 48' of concrete roadway surface width with two lanes of traffic in each direction. Each traffic lane will be 12' in width. There will be a 6"-9" raised median separating the opposing lanes of traffic. The highway overpass structure will be 243' in length and 63'10" wide. The structure itself will be a steel plate girder superstructure type with a concrete deck. The substructure will have integral abutments at each end (railroad piers or crash walls). The highway approach grades will be 6%. The structure will have a vertical clearance of 23' and horizontal clearances of 18' on the north and 14' to the south.

The NW operates over four sets of tracks in the vicinity of the new highway overpass structure, one main line track and three switch tracks. The tracks extend in a general east-west direction. Rail traffic consists of thirty (30) freight train movements per day at a maximum speed of 20 mph. The 20 mph maximum speed limit applies to all four tracks.

After completion, the new structure will be maintained by the City of Alton. The City of Alton has requested that Madison County be the lead agency for the project and Madison County has agreed to the City's request.

The Commission, being fully advised in the premises herein, finds that:

- 1) the NW is a corporation engaged in the transportation for hire of property and is a rail carrier as defined in the Illinois Commercial Transportation Law; the City of Alton is a political subdivision of the State of Illinois; the Illinois Department of Transportation is an agency of the State of Illinois;
- 2) the Commission has jurisdiction of the parties hereto and of the subject matter herein;
- 3) the recitals of fact as set forth in the prefatory portion of this Order are true and correct and are hereby adopted as findings of fact;
- 4) permission should be granted to the City of Alton for the establishment of a new grade separation crossing by the extension of Indiana Avenue over the tracks of the NW substantially in the manner and location as set forth in Petitioner's Exhibit A, attached to the Petition; future maintenance of the new structure shall be borne by the City of Alton, except for any damage to the

overpass structure caused by railroad derailment, collision or accident which shall be borne by the NW;

- 5) the cost for the aforementioned improvements should be divided between the parties and the Grade Crossing Protection Fund in accordance with Law;
- 6) it is fair and reasonable that the Secretary of the Illinois Department of Transportation through the Grade Crossing Protection Fund and the City of Alton should be directed to bear their respective portions of the actual cost for the improvements as shown below:

Improvement	Estimated Cost	GCPF	City
Construction cost of new highway overpass.	\$ 5,157,146	60% \$3,094,288	Remainder
Contingencies	\$ 773,572	60% \$464,143	Remainder
Design & Construction Engineering	\$**903,700	60% \$542,220	Remainder
Right of Way	\$ 263,700	60% \$158,220	Remainder
Right of Way-Railroad	\$ 50,000	60% \$30,000	Remainder
Railroad Force Account	\$ 60,000	60% \$36,000	Remainder
Total	\$7,208,118	\$4,324,871 (*\$2,162,435)	Remainder

** the engineering cost can be broken down further in the following manner:

Preliminary Bridge Plan	\$ 26,700
Soils investigation	\$ 17,600
Environmental Investigation	\$ 40,000
Right of way Engineering	\$ 18,000
Plans and Specifications	\$343,500
Construction Engineering	<u>\$457,900</u>
	\$903,700

the amount to be paid by the Fund shall not exceed \$2,162,435 until further Order of the Commission; (*) it is the intent of the Commission to issue further Order(s) increasing the maximum amount to be paid by the Fund to \$4,324,870 by the end of the project, either by annual increases equal to the limiting amount as previously contained in Finding (6), or earlier if necessitated by the project; all

cost of future maintenance of the new structure shall be borne by the City of Alton except for damage caused by railroad derailment, collision or accident which will be borne by the railroad;

while the City of Alton has been assessed the remaining 40% of the cost for the highway overpass structure, it has entered into an intergovernmental agreement with Madison County whereby Madison County is paying ½ of the City's 40% share of the project cost; the City of Alton is also attempting to obtain federal funds to pay a portion of their share of the aforementioned costs.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that permission is hereby granted to the City of Alton for the establishment of a new grade separated crossing by the extension of Indiana Avenue over the tracks of the Norfolk and Western Railway Company at a location and substantially in the manner as set forth in Petitioner's Exhibit A, attached to the Petition.

IT IS FURTHER ORDERED that the County of Madison shall be the lead agency for the construction project of the Indiana Avenue highway overpass structure.

IT IS FURTHER ORDERED that the future maintenance of the new structure shall be borne by the City of Alton except for damage caused by railroad derailment, collision or accident which will be borne by the Norfolk and Western Railway Company.

IT IS FURTHER ORDERED that the City of Alton shall notify the Director of Processing, Transportation Division of the Commission at six (6) month intervals advising of the progress made toward the completion of the work herein required.

IT IS FURTHER ORDERED that construction of the Indiana Avenue overpass structure herein required shall be completed with three (3) years from the date of this Order.

IT IS FURTHER ORDERED that the cost for the project shall be divided between the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law in the manner as prescribed in Finding (6) herein.

IT IS FURTHER ORDERED that the City of Alton within one hundred eighty (180) days from the date of the this Order furnish to the Illinois Department of Transportation for its approval, two copies of the plans applying to the construction of the Indiana Avenue highway overpass structure.

IT IS FURTHER ORDERED that since federal funding may be utilized , all work shall be governed by the applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991.

IT IS FURTHER ORDERED that since the work of constructing the new Indiana Avenue highway overpass structure will be performed by the City of Alton or its contractor, contractor liability insurance and railroad liability insurance shall be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction" Section 107.

IT IS FURTHER ORDERED that the City of Alton shall notify the Director of Processing, Transportation Division of the Commission within five (5) days of the completion of the work herein required of it, a written notice of said completion.

IT IS FURTHER ORDERED that the new Indiana Avenue overpass structure shall conform to the horizontal and vertical clearance requirements of 92 Ill. Adm. Code 1500.

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

By Order of the Commission this 17th day of December, 1997.



Chairman

EXAMINER <i>R. A.</i>
SECTION CHIEF
<i>[Signature]</i> Supervisor of Orders