



ILLINOIS COMMERCE COMMISSION

February 14, 2008

County of Macoupin, Illinois,  
Petitioner,

Vs

Union Pacific Railroad Company,  
Respondent

Petition for an Order authorizing relocation of a grade crossing (DOT  
175 376D) at milepost 101.37.

Mr. Brent C. Cain  
Bertinetti & Cain  
227 East First South Street  
Carlinville, IL 62626-0645

Dear Mr. Cain:

Receipt is acknowledged of the original and two (2) copies of the Petition filed February 14, 2008 in the above matter.

**All future correspondence/pleadings should be filed with an original and addressed to: Mr. Dave Lazarides, Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to [www.icc.illinois.gov](http://www.icc.illinois.gov) and apply for an E-docket account.**

Processing and Information Section

KI

Cc: Staff: Mr. Brian Vercruysse  
Mr. Mack Shumate, UP  
Mr. Dave McKernan, UP  
C T Corporation System, UP  
Mr. Thomas Reinhart, Macoupin County

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**ORIGINAL**

**RECEIVED**

FEB 14 2008

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission  
RAIL SAFETY SECTION

COUNTY OF MACOUPIN, ILLINOIS, )  
 )  
 Petitioner, )  
 )  
 vs )  
 )  
 UNION PACIFIC RAILROAD COMPANY, )  
 )  
 Respondent. )  
 )  
 Petition for an Order Authorizing )  
 Relocation of a Grade Crossing )  
 (DOT )175-376D) at milepost 101.37 )

No. 108-0041

PETITION

Now comes Petitioner, COUNTY OF MACOUPIN, ILLINOIS, by BRENT A. CAIN, Assistant State's Attorney for Macoupin County, Illinois, and represent unto the Commission as follows:

1. Petitioner is a political subdivision of the State of Illinois and has responsibilities for maintenance of certain county roads in Macoupin County, Illinois.

2. Respondent is a Delaware corporation engaged in the business of a common carrier freight railroad. Respondent owns and operates railroad tracks and equipment in the State of Illinois, including Macoupin County, and is authorized to do business in the State of Illinois.

3. Respondent owns and operates a single main line of railroad track running north and south on a roadway commonly known as Litchfield Road at railroad milepost 101.37, crossing #175376D (1650 north, 1900 east). Respondent operates one

**DOCKETED**

FEB 14 2008

freight train carrying coal per day into its spur at Monterey Coal Company, however, ~~pursuant to recent press releases~~ Monterey Coal Company ~~is scheduled to close~~<sup>has</sup> its operations, ~~on December 31, 2007.~~

4. Said Litchfield Road is a public road maintained by Macoupin County running in an east-west direction and is a 22 foot wide chip and seal road. It previously had an official vehicular count averaging 750 vehicles per day when said road was open, but due to mine subsidence no traffic is engaged on said roadway and has not been so engaged since 2003.

5. Petitioner desires to relocate said crossing approximately one-half mile south from the current location because Petitioner is reconstructing said road because of safety concerns in order to avoid four 90-degree turns and the new road alignment will eliminate said turns and provide better visibility and safety.

6. A copy of a portion of the county highway map with the general area of interest is attached hereto marked Exhibit A and expressly made a part hereof. Attached hereto and marked Exhibits B and C respectively are the grade crossing protection fund application filed by the Petitioner as well as the response from the Illinois Commerce Commission dated June 1, 2007.

7. Cost of this proposed relocation should either be borne by the railroad entirely or by the grade crossing protection fund.

8. The changes herein would be in the interest of public safety.

WHEREFORE, Petitioner requests that the Commission conduct such investigation and hearings as are proper in the matter and issue an Order authorizing the following:

- A. Relocation of the existing grade crossing with installation of appropriate barricades and/or gates;
- B. Cost be assessed at Union Pacific Railroad, or in the alternative, under the grade crossing protection fund;
- C. Such other and further relief as is deemed appropriate.

MACOUPIN COUNTY, ILLINOIS

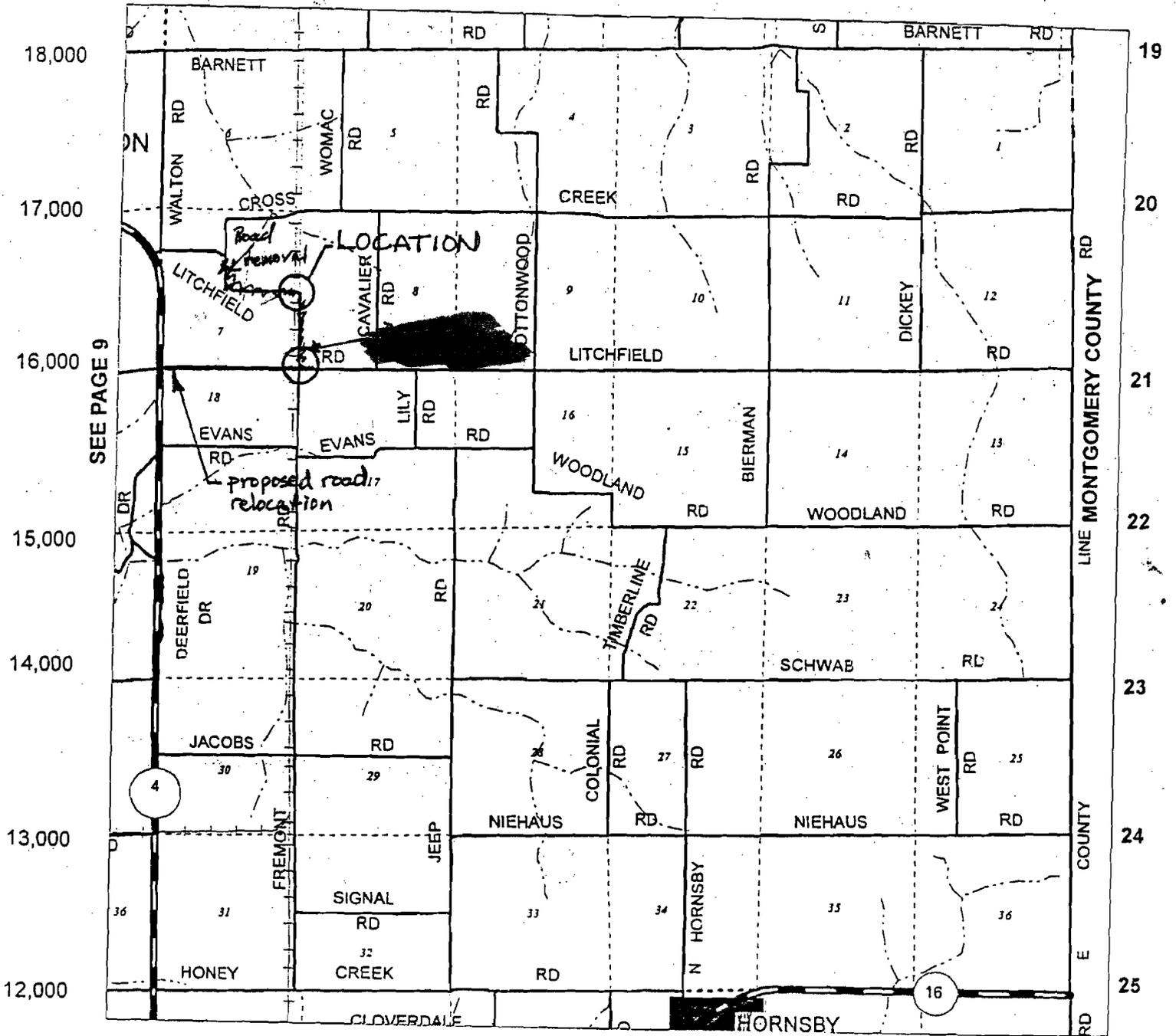
By:   
BRENT A. CAIN  
Assistant State's Attorney

BRENT A. CAIN  
BERTINETTI & CAIN  
Attorneys at Law  
227 East First South Street  
P. O. Box 645  
Carlinville, IL 62626-0645  
Telephone (217) 854-2666

# HONEY POINT TOWNSHIP 9N • RANGE 6W

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**ILLINOIS COMMERCE COMMISSION**  
**CROSSING SAFETY IMPROVEMENT PROGRAM**  
**GRADE CROSSING PROTECTION FUND PROJECT INFORMATION**  
*Public Railroad/Highway Grade Crossings*

**I. General Information**

Applicant Type:  City  Village  Town  County  Township  Railroad  
Resubmission:  Yes  No Company Name: Macoupin County  
Applicant Name: Tom Reinhart, Co Engr. Population: 50,000  
Chief Elected Official: Andrew Manar Title: County Board Chairman  
Business Address: 21480 IL Route 4  
City: Carlinville State: IL Zip: 62626  
Business Phone: (217) 854-6416 Business Fax: (217) 854-6861  
Email Address (if applicable):  
State Legislative District: 97 House 49 Senate

**II. Project Administrator**

Contact Person: Tom Reinhart Title: County Engineer  
Company: Macoupin County Highway Department  
Address: 21480 IL Route 4  
City: Carlinville State: IL Zip: 62626  
Business Phone: (217) 854-6416 Business Fax: (217) 854-6861  
Email Address (if applicable): treinhart@macoupincountyonline.net

**III. General Project Information**

(Note: Attach separate sheet listing all crossings if applying for more than one crossing improvement)  
County: Macoupin  In City  Near City City: Carlinville  
Street / Roadway Name: Litchfield Road (1650N, 1900E)  
Railroad: U.P./old CNWL Crossing Number: 175376D Railroad Milepost: 101.37  
Average Daily Traffic (ADT): 750 Daily Train Traffic: 1?  
(Number of Cars per Day over the Crossing) (Number of Trains per Day)  
Number of School Buses over Crossing per Day: 4  
Do vehicles carrying hazardous materials use crossing:  Yes  No  
If yes, list the type and approximate number of hazardous material vehicles per day:  
  
Number of tracks through crossing: 1  
Distance to and street name of the two nearest existing grade separations from location being applied for:  
IL Route 108 - 2.5 miles North & Wylder Road 11.0 mile North  
Crossing is currently:  A grade Separation  An at-grade crossing  No crossing  
Existing warning devices at crossing:  
 None  Stop signs only  Crossbucks only  
 Automatic flashing light signals  Automatic flashing light signals with gates  
 Center median or median barriers  Other (please specify) \_\_\_\_\_  
Are railroad signals interconnected with traffic signals at this location:  Yes  No  N/A  
If crossing is currently a grade separation, provide the following information:  
 Highway over railroad  Highway under railroad  
Number of traffic lanes \_\_\_\_\_ Width of pavement \_\_\_\_\_  
Vertical clearance \_\_\_\_\_

B

This narrative should justify the local government's need for GCPF assistance. One copy of the applicant's most recent financial audit should be included with your application (local government agencies only).

Macoupin County is large geographically (864 sq. miles) with a small population (est. 50,000). The County Highway Department is responsible for 223 miles of highway, and approx 45 county bridges. The 2004 assessed valuation was \$430,999,702. Only 19 of 102 counties have more miles of highway to maintain than Macoupin.

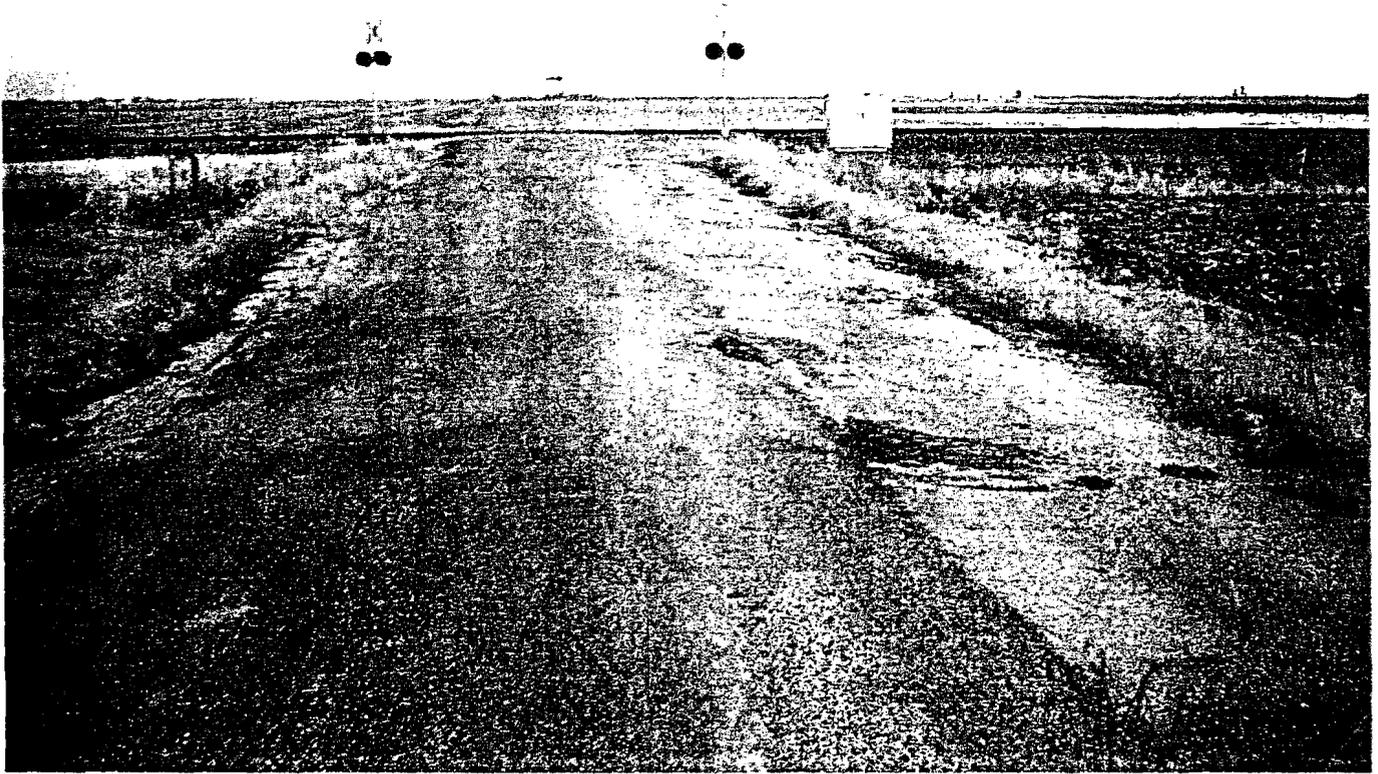
The maintenance demands of 223 miles of highway, and 45 bridges leaves little funding for special projects such as crossing improvements.

#### VIII. Project Schedule

Provide information on when this project is anticipated to commence, or when improvements should be implemented. Give an approximate timeline listing key milestones concerning the design and/or construction phases of the project.

The road reconstruction is currently scheduled for a late 2007 letting. Work would commence in fall 2007 and be completed late Spring 2008.

Obviously, the relocation of the crossing, has to be approved for there to be a project.



Looking East from West Approach 175 376 D



Looking South from North of Crossing 175 376 D



Looking Northwest from East Approach 175 376 D

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

June 1, 2007

Mr. Tom Reinhart, P.E.  
Macoupin County Engineer  
21480 IL Route 4  
Carlinville, IL 62626

Dear Mr. Reinhart:

This is in follow-up to a recent meeting you had with a representative of this office (Bob Berry) on May 18, 2007, concerning Macoupin County's proposal to relocate Litchfield Road. It is my understanding that the proposed roadway improvement would include closure of the existing Litchfield Road highway-rail grade crossing (**AAR/DOT #175 376D, railroad milepost 101.37-CNWL**) of the Union Pacific Railroad Company's (UP) track, located near Benld, Macoupin County, and creation of a new grade crossing approximately 1/2 mile from the existing crossing location.

It is also my understanding that Macoupin County believes gates should be added to the Litchfield Road crossing. Since the proposed roadway improvement includes what amounts to a relocation of the existing crossing, I recommend you submit a Grade Crossing Protection Fund Grade Crossing project application to this office. The application should include a complete explanation of the proposed safety improvements for the Litchfield Road crossing, including the relocation of the existing crossing, installation of new automatic flashing light signals and gates, and a new crossing surface. A copy of the GCPF application is enclosed.

Any project applications received now until the end of 2007 will be considered for the Commission's FY 2009-2013 Crossing Safety Improvement Program 5-Year Plan (Plan). Selection of projects for the FY 2009-2013 Plan won't begin until January 2008. If you submit a project application and it is included in the FY 2009-2013 Plan, it is likely this office will recommend the GCPF be used to pay 95% of the cost for the installation of the new automatic flashing light signals and gates. The railroad would be responsible for all remaining installation costs. The County would be responsible for all costs associated with the roadway improvements and the installation of the relocated crossing.

I trust this information will be helpful. If you have any questions, please contact me at (217) 557-1285 or [mstead@icc.illinois.gov](mailto:mstead@icc.illinois.gov), or Bob Berry, Rail Safety Specialist, at (217) 785-8434 or [bberry@icc.illinois.gov](mailto:bberry@icc.illinois.gov).

Very truly yours,

Michael E. Stead  
Rail Safety Program Administrator

cc: Dave McKernan, UP  
Jeff Harpring, IDOT  
RSB

C

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon these individuals by enclosing the same in an envelope addressed as follows:

Mr. Mack Schumate, Jr.  
Union Pacific Railroad Company  
101 N. Wacker Dr., Ste. 1920  
Chicago, IL 60606

CT Corporation System  
Union Pacific Railroad Company  
208 S. LaSalle Street  
Chicago, IL 60604

Mr. Dave McKernan  
Union Pacific Railroad Company  
100 North Broadway #1500  
St. Louis, MO 63102

Mr. Roy Farwell  
Union Pacific Railroad Company  
100 North Broadway, Ste. 1500  
St. Louis, MO 63102

Said envelope, addressed as set out above, containing a copy of the foregoing instrument was deposited in the U.S. Post Office Mail Box in the City of Carlinville, Illinois, with postage fully prepaid on the 11 day of Feb, 2008.

Brent A. Cain

BRENT A. CAIN  
BERTINETTI & CAIN  
Attorneys at Law  
227 East First South Street  
P.O. Box 645  
Carlinville, IL 62626-0645  
Telephone (217) 854-2666