



ILLINOIS COMMERCE COMMISSION

February 26, 2008

City of Danville,
Petitioner,

Vs.

Norfolk Southern Railway Company,
Respondents.

T08-0044

Petition to remove the existing grade separation structure carrying Voorhees Street over the exempt Norfolk Southern track and to construct a new roadway on embankment over the existing railroad right of way situated in the City of Danville, Vermilion County, Illinois, and apportioning cost thereof.

Mr. R. David Schnelle
City of Danville, City Engineer
17 West Main Street
Danville, IL 61832-5705

Dear Mr. Schnelle:

Receipt is acknowledged of the original and one (1) copy of the Petition filed February 25, 2008 in the above matter.

All future correspondence/pleadings should be filed 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 and apply for an E-docket account.

Processing and Information Section

KI

Cc: Staff: Mr. Richard Daniels
Mr. Thomas W. Ambler, NS
Mr. Richard E. Boyle, NS
Mr. Rick Ray, NS
Ms. Nanci K. Scott, NS
Mr. Scott Eisenhauer, City of Danville, Mayor
Ms. Janet K. Myers, City of Danville, Clerk



STATE OF ILLINOIS
BEFORE THE
ILLINOIS COMMERCE COMMISSION

CITY OF DANVILLE,

Petitioner,

vs.

NORFOLK SOUTHERN RAILWAY COMPANY

Respondents.

Petition to remove the existing grade separation structure carrying Voorhees Street over the exempt Norfolk Southern track and to construct a new roadway on embankment over the existing railroad right of way situated in the City of Danville, Vermilion County, Illinois, and apportioning cost thereof.

}
}
}
}
}
}
}
}
}
}
}
}
}
}
}

RECEIVED

FEB 25 2008

Illinois Commerce Commission
RAIL SAFETY SECTION

T08-0044

PETITION

NOW COMES Petitioner, City of Danville, Illinois (City), by and through it's duly appointed City Engineer, R. David Schnelle, P.E., S.E., respectfully represents to the Commission the following:

1. The Petitioner has jurisdiction under the laws of the State of Illinois, being the Illinois Highway Code and Illinois Municipal Code, over FAU Route 6999 (hereinafter referred to as "Voorhees Street") a part of the City of Danville Highway System which carries local and regional traffic.
2. The Respondent, Norfolk Southern Railway Company (herinafter referred to as "the railroad") in the operation of its railroad facilities has a certain exempt tracking running in a general north and south direction through the City of Danville, Vermilion County, Illinois.
3. The existing grade separation structure carrying Voorhees Street over the above described tracks at Milepost WA 299.87 in Range 11 West, Section 4 of Township 19 North and Section 33 of Township 20 North of the Second Principal Meridian was constructed in 1915.
4. The Voorhees Street grade separation structure has been maintained by the City, and/or its predecessors since its initial construction in 1915.

DOCKETED

FEB 26 2008

5. Voorhees Street is an east-west minor arterial connecting Illinois Route 1 to Interstate 74 with a current average daily traffic of 11,000 vehicles per day and is a major public school busing route.
6. The current train traffic volume is 0 trains per day and has been for some years with an exempt track status.
7. The structure is currently weight restricted at 12 Tons for two axle vehicles, 16 Tons for 3 or 4 axles vehicles, and 19 Tons for 5 or more axles due to severe structural steel corrosion.
8. The Voorhees Street grade separation structure is a fracture critical structure, is functionally obsolete, and a threat to the safety and convenience of the traveling public.
9. The replacement of the Voorhees Street grade separation structure is necessary to preserve and promote the safety and convenience of the traveling public.
10. It is uncertain that the Railroad line will be reactivated.
11. The City proposes to develop plans to construct a two lane roadway with curb and gutter and sidewalk on embankment to replace the existing grade separation structure.
12. The City accepts full financial responsibility for replacing the Voorhees Street grade separation structure.
13. The City additionally proposes to assume maintenance responsibilities for the proposed roadway and roadway embankment except for railroad ballast, ties, rails, drainage structures, and any other railroad related facilities, which will remain the responsibility of the railroad.
14. An agreement between the parties is yet to be developed that will stipulate that the Railroad will give the City access to its property to perform such construction and maintenance and that the City will bear the costs to remove the roadway facility and replace it with a grade separation structure should the exempt line be reactivated.
15. In the event that the railroad is reactivated, the City requests that the cost of removing the roadway facility and the construction of a new grade separation structure be eligible for Grade Crossing Protection Funding assistance.
16. The geometric and general information for the proposed improvement for Voorhees Street are detailed in Exhibit 'B' which is attached hereto and made part thereof.

17. The estimated cost for the project is \$735,000. The project costs are shown in Exhibit 'C' attached hereto and made part thereof.
18. A resolution has been passed by the City of Danville to replace the Voorhees Street grade separation structure with roadway on embankment which is attached hereto in Exhibit 'D' and made part thereof.

WHEREFORE, the Petitioner, the City of Danville prays that the Illinois Commerce Commission order the following:

1. That a hearing be held at the Commission's offices in Springfield, Illinois, as soon as practicable.
2. That the existing grade separation structure carrying Voorhees Street over the exempt Norfolk Southern Railroad Company track in Danville, Illinois be replaced.
3. That a new roadway on embankment carrying Voorhees Street over the exempt Norfolk Southern Railroad Company in Danville, Illinois be constructed.
4. That the City is authorized to proceed with the Voorhees Street bridge replacement project and the cost of replacing the Voorhees Street grade separation structure shall be the responsibility of the City.
5. That the Railroad shall remain responsible for all railroad ballast, ties, rails and other railroad related facilities at the crossing with Voorhees Street.
6. That the City shall be responsible for future maintenance of the Voorhees Street roadway and roadway embankment.

Respectfully submitted,

THE CITY OF DANVILLE, ILLINOIS

By: _____
R. David Schnelle, City Engineer

On Behalf Of: Scott Eisenhauer, Mayor

EXHIBIT "B"

**GENERAL PLAN & ELEVATION
FAU 6999 (VOORHEES STREET)
OVER
EXEMPT NORFOLK SOUTHERN RAILWAY COMPANY**

EXHIBIT C
 OPINION OF PROBABLE COSTS
 VOORHEES ST. (FAU ROUTE 6999) OVER THE
 EXEMPT NORFOLK SOUTHERN TRACK MP WA 299.87

ITEM	UNIT	QUANTITY	UNIT COST	TOTAL ITEM COST
STRUCTURE REMOVAL	L SUM	1.0	\$ 25,000.00	\$ 25,000.00
TRAFFIC CONTROL & PROTECTION	L SUM	1.0	\$ 15,000.00	\$ 15,000.00
BRUSH CLEARING	L SUM	1.0	\$ 10,000.00	\$ 10,000.00
EARTH EXCAVATION	CU YD	444.4	\$ 15.00	\$ 6,666.67
REMOVE & DISPOSE OF UNSUITABLE	CU YD	444.4	\$ 20.00	\$ 8,888.89
FURNISHED EXCAVATION	CU YD	9382.0	\$ 25.00	\$ 234,550.00
PAVEMENT REMOVAL	SQ YD	160.0	\$ 10.00	\$ 1,600.00
AGGREGATE BASE COURSE TY A	CU YD	109.6	\$ 75.00	\$ 8,216.67
COMBINATION CURB & GUTTER	FOOT	348.0	\$ 25.00	\$ 8,700.00
RIP RAP	SQ YD	222.2	\$ 25.00	\$ 5,555.56
PAVEMENT	SQ YD	444.7	\$ 70.00	\$ 31,126.67
SIDEWALK	SQ FT	870.0	\$ 5.00	\$ 4,350.00
STORM SEWER	FOOT	100.0	\$ 50.00	\$ 5,000.00
INLETS & CATCH BASINS	L SUM	1.0	\$ 10,000.00	\$ 10,000.00
END SECTIONS	EACH	2.0	\$ 1,500.00	\$ 3,000.00
SEEDING	L SUM	1.0	\$ 7,500.00	\$ 7,500.00
STRIPING	L SUM	1.0	\$ 2,000.00	\$ 2,000.00
CULVERT	FOOT	200.0	\$ 900.00	\$ 180,000.00
WINGWALLS	CU YD	14.8	\$ 700.00	\$ 10,370.37
MOBILIZATION	L SUM	1.0	\$ 34,651.49	\$ 34,651.49
SUB TOTAL				\$ 612,176.30
20% CONTINGENCY				\$ 122,435.26
TOTAL OPINION OF PROBABLE COSTS			SAY	\$ 735,000.00

EXHIBIT "D"

CITY OF DANVILLE RESOLUTION

February 19, 2008

RESOLUTION NO. 2008-16 authorizing the Mayor to petition the Illinois Commerce Commission to replace the Voorhees Street grade separation structure over the Norfolk Southern Railway Company with roadway on embankment.

RESOLUTION NO. 2008-16

A RESOLUTION AUTHORIZING THE PETITION OF THE ILLINOIS COMMERCE
COMMISSION TO REPLACE THE VOORHEES STREET BRIDGE OVER
THE NORFOLK SOUTHERN RAILROAD

WHEREAS, the Voorhees Street Bridge over the Norfolk Southern Railroad was built in 1915, has severe deterioration, and is currently weight restricted; and

WHEREAS, Voorhees Street is a minor arterial with an average daily traffic count of 11,000 vehicles per day; and

WHEREAS, the Norfolk Southern line is Exempt and has not been used for a long period of time; and

WHEREAS, Grade Crossing Protection Funding for the replacement of the Voorhees Street Bridge is not likely due to the status of the railroad line and the likelihood of its reactivation; and

WHEREAS, the City desires to replace the bridge with a roadway on fill with appropriate drainage structures; and

WHEREAS, the City will enter into an agreement with the Norfolk Southern stipulating that the cost of removing the roadway and fill with a new grade separation structure will be borne by the City; and

WHEREAS, it is necessary to file a Petition before the Illinois Commerce Commission to pursue replacement of the Voorhees Street Bridge with a new roadway on fill.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Danville, Illinois, that:

1. The Mayor is authorized to pursue the replacement of the Voorhees Street Bridge with a roadway on fill.
2. The Mayor is authorized to perform any duties needed to accomplish this.
3. The mayor shall file with the Illinois Commerce Commission such Petition and other documentation as is necessary or advisable to accomplish the foregoing.
4. This Resolution shall take effect upon its passage and publication in pamphlet form.

PASSED this 19th day of February 2008, by 11 Ayes, 3 Nays, 0 Absent

APPROVED:

BY: Scott Eisenhauer
MAYOR

ATTEST:

By: Anet K. Myers
CITY CLERK