

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION

March 22, 1991

Village of Franklin Park, Illinois, :
 vs. :
 Indiana Harbor Belt Railroad Company, Soo Line :
 Railroad Company, Wisconsin Central, Ltd., and State :
 of Illinois, Department of Transportation :
 : T90-0022

Petition for an Order regarding a separation of grades:
 and construction of a bridge carrying the tracks of :
 the Indiana Harbor Belt Railroad Company, Soo Line :
 Railroad Company, and the Wisconsin Central, Ltd. over :
 an underpass at Grade Avenue, in the Village of :
 Franklin Park, Cook County, Illinois, apportioning :
 the costs thereof and directing an appropriate portion :
 thereof to be borne by the Grade Crossing Protection :
 Fund. :

TO ALL PARTIES OF INTEREST:

Dear Sir/Madam:

Attached is a copy of the Hearing Examiner's second proposed Order in the above matter.

Modifications have been incorporated on pages 3, 5, 8, 9, 10, 11, 12, 13, 14, Appendix A, and Appendix B of the proposed Order.

Under Section 200.830 of the Rules, exceptions to the proposed Order and replies thereto may be filed by the parties within the time periods established by the rule or such other times as fixed by the Hearing Examiner. The times for filing exceptions and replies shall be postmarked March 29, 1991 and April 3, 1991, respectively.

Very truly yours,

Joseph H. O'Brien
 Director of Review & Examination

cc
 Hearing Examiner: Mr. Morris
 cc: Ken Ruck - Transportation Division, Railroad

DOCKETED

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

| | | |
|---|---|----------|
| Village of Franklin Park, Illinois, | : | |
| Petitioner, | : | |
| | : | |
| vs. | : | |
| | : | |
| Indiana Harbor Belt Railroad Company, Soo Line | : | |
| Railroad Company, Wisconsin Central, Ltd., and State | : | |
| of Illinois, Department of Transportation | : | |
| Respondents | : | |
| | : | T90-0022 |
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| the costs thereof and directing an appropriate portion: | : | |
| thereof to be borne by the Grade Crossing Protection | : | |
| Fund. | : | |

Proposed Order

On April 5, 1990, the Village of Franklin Park ("Petitioner" or "Village") filed its duly verified petition seeking a Commission Order requiring the construction of an underpass structure to allow Grand Avenue to pass underneath the tracks of the Indiana Harbor Belt Railroad Company and the Wisconsin Central, LTD. Petitioner also requested that the cost be divided among the parties and that a substantial portion thereof be borne by the Grade Crossing Protection Fund of the Motor Fuel Tax Law. The Indiana Harbor Belt Railroad Company ("IHB"), Wisconsin Central, LTD. ("WC"), Soo Line Railroad Company ("SOO"), and the Illinois Department of Transportation ("IDOT") were named as parties respondent therein.

On June 21, 1990, the IHB and the WC filed a Joint Cross Petition requesting that the Chestnut Street grade crossing with the WC main track (DOT# 689 634C) be closed and barricaded. The Village's Petition envisioned that this crossing would remain open with two IHB tracks being placed immediately west of and adjacent to the WC main track. Notice that a hearing would be held on the proposed closure of the Chestnut Street crossing was published in the Franklin Park/Schiller Park Times on June 28, 1990.

On September 7, 1990, the IHB and the WC filed a Joint Cross Petition requesting that the Parklane Avenue grade crossing with the WC main track (DOT# 689 635J) be closed and barricaded. The Village's Petition envisioned that this crossing would remain

open with two IHB tracks being placed immediately west of and adjacent to the WC main track. Notice that a hearing would be held on the proposed closure of the Parklane Avenue crossing was published in the Franklin Park/Schiller Park Times on September 13, 1990.

On September 26, 1990, the Village filed an Amended Petition modifying its original petition which essentially updated its proposal by substituting the Exhibit #1 attached thereto for the original Exhibit #1, by substituting the Exhibit #2 attached thereto (Project Schedule), for the original Exhibit #9, and by substituting the Exhibit #3 attached thereto, entitled "Cost Apportionment", for the original Exhibit #7

Pursuant to notice as required by law and by the rules and regulations of the Commission, this matter came on for hearing before a duly authorized Hearing Examiner of the Commission at its offices in Chicago on June 6, July 17, September 26, and December 4, 1990. Appearances at the June 6 hearing were entered by counsel on behalf of the Village of Franklin Park, by counsel on behalf of the Wisconsin Central, LTD., by a representative of the Soo Line Railroad Company, by counsel on behalf of the Indiana Harbor Belt Railroad Company, by a representative of the State of Illinois, Department of Transportation, and by a member of the Commission's Transportation Division, Railroad Section. Appearances at the July 17, September 26, and December 4 hearings were entered by counsel on behalf of the Village of Franklin Park, by counsel on behalf of the Wisconsin Central, LTD., by counsel on behalf of the Indiana Harbor Belt Railroad Company, by a representative of the State of Illinois, Department of Transportation, and by a member of the Commission's Transportation Division, Railroad Section. In addition, Mr. John Gieske and Mr. Gerald Alexi, both private citizens, made statements for the record at the December 4 hearing concerning their opposition to the construction of the proposed underpass. At the conclusion of the hearing on December 4, 1990, the matter was marked "Heard and Taken."

The IHB consists of two main tracks extending through the Village of Franklin Park in a north-south direction from Norpaul Yard on the south terminating on a northwesterly alignment with a physical connection with the Soo Line tracks on the north. The IHB main tracks cross at grade from south to north Grand Avenue (DOT#326 725H), Chestnut Street (DOT# 326 873J), and Franklin Street (DOT# 326 877C). An industrial spur track serving Jewel emanates from a main track in the vicinity of Norpaul Yard and extends southeasterly. Daily rail traffic on the IHB main tracks through the Village of Franklin Park consists of 26 freight

trains travelling at a maximum speed of 20 mph. Simultaneous train movements over the aforesaid crossings are probable. The IHB conducts both day and night operations.

The WC consists of one main track extending in a general north-south direction through the Village of Franklin Park, roughly parallel and approximately 800 feet east of the IHB tracks. The WC's main track crosses at grade from south to north Grand Avenue (DOT# 689 633V), Chestnut Street (DOT# 689 634C), and Parklane Avenue (DOT# 689 635J) before it also crosses at grade the Metra tracks (which generally parallel SOO's track) and continues northerly. The WC/Metra crossing is controlled by Tower B12. The WC owns a team track which is located on the west side of its main track between Chestnut Street and Parklane Avenue. An interchange track extends from the WC north of Parklane Avenue to the southwest and connects with the IHB at Chestnut Street. The interchange track crosses Commerce Street (DOT# 689 636R) and Parklane Avenue (DOT# 689 637X). The interchange track crosses Chestnut Street but is considered part of the Chestnut Street/IHB grade crossing (DOT# 326 878J). Daily rail traffic on the WC main track through the Village of Franklin Park consists of 10 freight trains travelling at a maximum speed of 20 mph. The WC conducts both day and night operations.

The SOO extends into Franklin Park in a northwest to southeast direction from Bensenville Yard located northwest of Franklin Park. The SOO and Metra operate adjacent facilities, with the SOO occupying the southern portion of the right-of-way, to a point approximately 70 feet westerly of the WC main track. At this point the SOO's ownership terminates and Metra owns the entire right-of-way easterly.

Grand Avenue, Chestnut Street, and Parklane extend in a general east-west direction. Grand Avenue, with an average daily traffic count of 27,600, extends completely through the Village. Grand Avenue is located approximately 800 feet south of Chestnut Street. Chestnut Street has an average daily traffic count of approximately 1,000 and extends from Mannheim Road, located on the west side of the Village, easterly through the Village. Chestnut Street is located approximately 400 feet south of Parklane Avenue. Parklane Avenue has an average daily traffic count of approximately 3,800 and extends from just east of the IHB easterly to Elm Street on the east edge of the Village. Parklane Avenue is located approximately 500 feet south of the Metra/SOO Line tracks. Commerce Street runs parallel to and approximately 125 feet west of the WC from Chestnut Street north to approximately 200 feet north of Parklane Avenue. At that point it turns to the northwest parallel to the Metra/SOO Line

tracks and is known as Franklin Avenue. Franklin Avenue continues to the northwest and crosses the IHB main tracks. An offset of Commerce Street extends south of Chestnut Street but ends one block north of Grand Avenue. Birch Street extends northerly from Chestnut Street approximately 150 feet east of the WC main track and crosses Parklane Avenue before terminating at the Metra tracks. Birch Street also extends south from Chestnut Street but is offset 100 feet east and is only one block in length terminating at Cherry Avenue. Cherry Avenue extends to the east and does not cross any of the tracks in question. Edgington Street is a north-south roadway located two blocks west of the IHB and connects Grand Avenue, Chestnut Street and Franklin Avenue before crossing the Metra/SOO Line tracks. Grand Avenue, Chestnut Street, Franklin Avenue, and Edgington Street are designated truck routes in the project area. All roadways mentioned hereinabove are now under the jurisdiction of the Village.

The eight highway-railroad grade crossings in the project area herein above mentioned are provided with warning devices as follows:

Grand Avenue/IHB - Cantilevered automatic flashing light signals and gates controlled by constant warning time circuitry.

Grand Avenue/WC - Cantilevered automatic flashing light signals and gates controlled by motion sensor circuitry.

Chestnut Street/IHB - Automatic flashing light signals with "Two Train" indicators controlled by motion sensor circuitry.

Chestnut Street/WC - Automatic flashing light signals and gates controlled by motion sensor circuitry.

Franklin Avenue/IHB - Automatic flashing light signals with "Two Train" indicators controlled by constant warning time circuitry.

Parklane Avenue/WC - Automatic flashing light signals and gates controlled by motion sensor circuitry.

Parklane Avenue/WC interchange - Automatic flashing light signals controlled by DC circuitry.

Commerce Street/WC interchange - Automatic flashing light signals controlled by DC circuitry.

The Village called three witnesses to present evidence and submitted 29 exhibits. This evidence included testimony describing the surrounding area including roadways, railroads, grade crossing protection, and residential and commercial areas which would be affected by its proposed project and the Cross Petitioner's proposed crossing closures. The Village also presented evidence describing the nature of the traveling public utilizing Grand Avenue, Chestnut Street, and Parklane Avenue, including statewide and regional traffic. The accident history of the Grand Avenue and the Chestnut Street grade crossings of both the IHB and WC as well as the Parklane Avenue/WC and the Franklin Avenue/IHB grade crossings were presented in evidence. The Village witnesses described railroad operations in the Village, including stopped and slow moving IHB trains merging onto the SOO tracks toward Bensenville Yard and WC trains slowed or stopped by the WC/Metra interlocking plant at Tower B12, which have caused numerous delays to vehicular traffic at the grade crossings of the IHB and WC, particularly at Grand Avenue because of the extremely heavy traffic volume (27,600 ADT).

The Village also presented Exhibits and testimony describing the proposed project, including the grade separation structure, the railroad relocation, roadway construction and modifications, and right-of-way requirements. Testimony was provided describing the estimated cost and scheduling of the proposed project as well as its safety and economic benefits. The Village also presented testimony opposing the closure of Chestnut Street or Parklane Avenue grade crossings with the WC, citing economic hardship to the surrounding area and increased vehicular travel that would occur due to the proposed closures.

A witness for the IHB presented evidence and submitted an exhibit supporting the Cross Petitions to close the Chestnut Street and Parklane Avenue crossings. This evidence included testimony describing the accident histories of the crossings, benefits that could be accrued from the closure, including economic and safety, and alternative routes available.

A witness for the WC provided testimony concerning the WC team track relocation necessary to accommodate the IHB track relocation and associated costs as well as the coordination of the project schedule with the WC.

An IDOT witness presented evidence and submitted IDOT Exhibit #1. This evidence included testimony describing a letter of intent between IDOT and the Village whereby jurisdictional transfer from IDOT to the Village of Grand Avenue between Mannheim Road and the east Village limits, including the location

of the proposed underpass structure, will occur. The letter from the Village was dated August 2, revised September 20, and was executed by IDOT on September 27, 1990. The jurisdictional transfer of Grand Avenue took effect immediately upon execution of the letter.

The Commission, after reviewing the entire record and being fully advised in the premises, finds that:

- (1) the Indiana Harbor Belt Railroad Company, the SOO Line Railroad Company, and the Wisconsin Central, Ltd. are each corporations engaged in the transportation for-hire of passengers and/or goods in the State of Illinois and as such, each is a "rail carrier" within the meaning of Section 18c-1104(28) of the Illinois Commercial Transportation Law;
- (2) the Commission has jurisdiction of the parties hereto and the subject matter hereof;
- (3) the recitals of fact set forth in the prefatory portion of this order are supported by evidence of record and are hereby adopted as findings of fact;
- (4) by virtue of a letter of intent entered into between the Village and IDOT, IDOT Exhibit #1, that portion of Grand Avenue extending between Mannheim Road on the west and the east Village limit became a part of the Village street system on September 27, 1990, and the Village will be responsible for the construction, maintenance and improvement of that portion of the roadway;
- (5) public convenience and necessity do not require the retention of the Parklane Avenue grade crossing of the Wisconsin Central, Ltd. track and right-of-way (DOT# 689 635J); public safety requires that said crossing be closed, abolished, and barricaded with barricades conforming to 92 Ill. Adm. Code 1535.701 and that vehicular traffic now using said crossing be diverted to crossings to be improved pursuant to terms of this order; such closure will necessitate the reconstruction of Birch Street between Parklane Avenue and Chestnut Street including the relocation of parking spaces and the improvement of Shiller Blvd. between the existing IHB right-of-way and Commerce Street in a manner as generally shown on Petitioner's Exhibit #1 submitted September 26, and Petitioner's Exhibits 23, 24, 25, and

28, submitted December 4, all admitted into evidence; such closure shall not be effected until after the Chestnut Street/WC crossing improvements hereinafter described in Finding (8) have been completed.

- (6) public convenience, necessity and safety requires the construction of an underpass structure to allow Grand Avenue to cross under the relocated WC and IHB tracks generally at the place and the manner as shown in Petitioner's Amended Petition and Petitioner's Exhibit #1 submitted September 26, and Petitioner's Exhibits 23, 24, 25, 26, 27, and 28, submitted December 4, all admitted into evidence;
- (7) public convenience, necessity and safety requires the relocation of the IHB tracks to accommodate the construction of the underpass structure, said relocation to be generally in the manner as shown in Petitioner's Exhibit #1 submitted September 26, and Petitioner's Exhibits 23, 24, 25, 26, 27, and 28, submitted December 4, all admitted into evidence, which will include the removal of the existing IHB tracks from a point 80 south of Grand Avenue to the SOO right-of-way including surfaces and warning devices at the Franklin Avenue, Chestnut Street, and Grand Avenue grade crossings, removal of the interchange track including surfaces and warning devices of its crossings at Parklane Avenue and Commerce Street, the realignment of the WC main track easterly and the removal of the WC team track;
- (8) in the interest of public safety, convenience and necessity, permission should be granted to extend the relocated IHB tracks described in Finding (7) herein, at grade through Chestnut Street adjacent to and immediately west of the WC track and the automatic flashing light signals and gates at the Chestnut Street/WC grade crossing should be relocated so as to also encompass and provide warning for the relocated IHB tracks in the manner as generally shown on Petitioner's Exhibit #1 submitted September 26, and Petitioner's Exhibits 23, 24, 25, and 28, submitted December 4, all admitted into evidence, and conforming with 92 Ill. Adm. Code 1535; constant warning time circuitry for the automatic flashing light signals and gates should be installed at the Chestnut Street grade crossing of the WC and relocated IHB tracks;

- (9) in connection with the project, public convenience, necessity and safety requires the construction of a new access roadway on the existing IHB right-of-way from 80' south of Grand Avenue to Franklin Avenue, and construction of local roadway improvements to replace access lost due to the construction of the grade separation structure in the manner generally as shown in Petitioner's Exhibit #1 submitted September 26, and Petitioner's Exhibits 23, 24, 25, 26, 27, and 28, submitted December 4, all admitted into evidence;
- (10) regarding the acquisition of necessary right-of-way to implement terms of this order both with respect to right-of-ways for railroad tracks and public or private roads to be constructed under terms of this order the Commission does not have statutory authority to direct a railroad to dispose of its property or to set the value of such property; therefore, the Village will have to negotiate for the acquisition of necessary property rights with the owner railroads and acquire such property rights by purchase or other mutually agreeable transaction; in the event such acquisition cannot be accomplished in an amicable manner, the Village should petition the Commission for an order authorizing it to acquire the necessary property by eminent domain;
- (11) during construction of the underpass at Grand Avenue, the Village should be granted permission to open a temporary at-grade crossing with the WC track at the intersection of a temporary runaround roadway to be constructed immediately south of the existing Grand Avenue, pursuant to and in accordance with the plans set forth in Petitioner's Exhibit 27 admitted into evidence; said temporary crossing should be provided with automatic flashing light signals and gates placed in service prior to any vehicular use of the crossing; said temporary crossing must be closed and abolished and the temporary runaround roadway removed at the completion of the project;
- (12) since the WC team track has to be removed to accommodate the construction of the underpass structure, the cost of replacement in kind of said track, estimated to be \$62,000, should be part of the underpass structure project cost;
- (13) it is fair and reasonable that the SOO should make the

necessary circuitry modifications to the existing interlocking plant (not a completely new system) at the B12 Tower at project expense to accommodate the track work hereinbefore mentioned;

- (14) because of existing intersecting roadways in the area of the Chestnut Street/WC crossing, permission should be granted to maintain the approaches at the Chestnut Street/WC grade crossing at grades being in excess of that set forth in 92 Ill. Adm. Code 1535; permission should be granted to construct and maintain grades of 5% on the west approach and 6% on the east approach as specifically shown on "Chestnut Street Crossing" dated March 1, 1991 attached to the Village's Brief on Exceptions and made a part hereof as Appendix B;
- (15) it is fair and reasonable that the actual cost of the Grand Avenue underpass structure project, hereinbefore described in Findings (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) be divided among the Indiana Harbor Belt Railroad Company, the Soo Line Railroad Company, the Wisconsin Central, Ltd., the Village of Franklin Park, the Illinois Department of Transportation, and in the interest of the statewide travelling public, the Grade Crossing Protection Fund of the Motor Fuel Tax Law as set forth in Appendix A attached to this order;

IT IS THEREFORE ORDERED that the Village of Franklin Park be, and it is hereby, required and directed to construct an underpass structure to carry the tracks of the Indiana Harbor Belt Railroad Company and the Wisconsin Central, Ltd. over Grand Avenue in the Village of Franklin Park, Cook County, Illinois, generally at the place and the manner as shown in Petitioner's Amended Petition and Petitioner's Exhibit #1, submitted September 26, and Petitioner's Exhibits 23, 24, 25, 26, 27, and 28, submitted December 4, all admitted into evidence;

IT IS FURTHER ORDERED that the Village of Franklin Park be, and it is hereby, required and directed to relocate the IHB tracks at the place and the manner as shown in Petitioner's Amended Petition and Petitioner's Exhibit #1, submitted September 26, and Petitioner's Exhibits 23, 24, 25, 26, 27, and 28, submitted December 4, all admitted into evidence, which will include the removal of the existing tracks from a point 80' south of Grand Avenue to the SOO including surfaces and warning devices at the Franklin Avenue, Chestnut Street, and Grand Avenue grade crossings, removal of the interchange track including surfaces

and/or warning devices of its crossings at Parklane Avenue, Commerce Street and Chestnut Street, the realignment of the WC track easterly and the removal of the WC team track.

IT IS FURTHER ORDERED that the Village of Franklin Park be, and it is hereby, granted permission to extend the tracks of the relocated IHB tracks hereinabove ordered to be extended at grade through Chestnut Street adjacent to and immediately west of the WC track.

IT IS FURTHER ORDERED that permission be, and is hereby granted to the Village of Franklin Park to maintain the approaches at the Chestnut Street/WC grade crossing at grades in excess of that set forth in 92 Ill. Adm. Code 1535; said grades being 5½ for the west approach and 6½ on the east approach as specifically shown on "Chestnut Street Crossing" dated March 1, 1991 attached to the Village's Brief on Exceptions and made a part hereof as Appendix B.

IT IS FURTHER ORDERED that the Village of Franklin Park be, and it is hereby, granted permission to open a temporary at-grade crossing with the WC track at the intersection of a temporary runaround roadway to be constructed immediately south of the existing Grand Avenue, pursuant to and in accordance with the plans set forth in Petitioner's Exhibit 27 admitted into evidence; said temporary crossing shall be provided with automatic flashing light signals and gates to be installed by the Wisconsin Central, Ltd. and placed in service prior to any vehicular use of the crossing; said temporary crossing will be closed and abolished and said temporary runaround roadway removed at the completion of the project.

IT IS FURTHER ORDERED that the Village of Franklin Park be, and it is hereby, required and directed to close, abolish, and barricade, with barricades conforming to 92 Ill. Adm. Code 1535.701, the Parklane Avenue grade crossing of the Wisconsin Central, Ltd. track and right-of-way (DOT# 689 635J); such closure shall not be effected until after the completion of the Chestnut Street/WC crossing improvements herein required.

IT IS FURTHER ORDERED that the Village of Franklin Park be, and it is hereby, required and directed to reconstruct Birch Street between Parklane Avenue and Chestnut Street including the relocation of parking spaces and the improvement of Shiller Blvd. between the existing IHB right-of-way and Commerce Street as necessitated by the closure of the Parklane Avenue/WC grade crossing herein above ordered in a manner as generally shown on Petitioner's Exhibits 23, 24, 25, and 28, submitted December 4,

all admitted into evidence.

IT IS FURTHER ORDERED that the Village of Franklin Park be, and it is hereby, required and directed to construct a new access roadway on existing IHB right-of-way from 80' south of Grand Avenue to Franklin Avenue, and to construct local roadway improvements to replace access lost due to the construction of the grade separation structure in the manner generally as shown in Petitioner's Exhibits 23, 24, 25, 26, 27, and 28, submitted December 4, all admitted into evidence.

IT IS FURTHER ORDERED that the Wisconsin Central, Ltd. be and it is hereby, required and directed to relocate the automatic flashing light signals and gates at its Chestnut Street grade crossing so as to also encompass the relocated IHB tracks hereinabove ordered, and to install constant warning time circuitry on all three tracks for the automatic flashing light signals and gates at said Chestnut Street grade crossing and thereafter maintain same.

IT IS FURTHER ORDERED that the SOO Line Railroad Company be, and it is hereby, required and directed to perform the necessary circuitry modifications to the existing interlocking plant (not a completely new system) at the B12 Tower at the Grand Avenue underpass structure project expense to accommodate the track work herein above ordered.

IT IS FURTHER ORDERED that the Indiana Harbor Belt Railroad Company, the SOO Line Railroad Company, and the Wisconsin Central, Ltd. be, and they are each hereby required and directed to perform railroad force account work necessary to accommodate the construction of the grade separation structure and other work herein required.

IT IS FURTHER ORDERED that the cost of making the improvements hereinbefore required shall be divided among the Indiana Harbor Belt Railroad Company, the SOO Line Railroad Company, the Wisconsin Central, Ltd., the Village of Franklin Park, the Illinois Department of Transportation, and, the Grade Crossing Protection Fund as set forth in Finding (15) herein and Appendix A attached hereto.

IT IS FURTHER ORDERED that the Village of Franklin Park shall bear the cost of maintenance of the underpass structure upon completion, except for damage caused by railroad derailments, collisions or operations.

IT IS FURTHER ORDERED that the Village of Franklin Park

shall bear the cost of maintenance of the new access roadway to be constructed on the existing IHB right-of-way and all other roadway improvements, except as to proposed access roads established as private drives, which are part of this project.

IT IS FURTHER ORDERED that the Village of Franklin Park, the Indiana Harbor Belt Railroad Company, the SOO Line Railroad Company, and the Wisconsin Central, Ltd. be, and they are each hereby, required and directed to proceed with the work herein required and shall complete said work by September 30, 1994.

IT IS FURTHER ORDERED that the Village of Franklin Park shall submit plans and estimates for the construction of the grade separation structure herein required to the Illinois Department of Transportation, the Indiana Harbor Belt Railroad, and the Wisconsin Central, Ltd., and shall receive approval thereof before a contract for construction is advertised, which approval or suggested modifications shall be given within thirty (30) days of receipt by the named parties, or as extended by mutual agreement.

IT IS FURTHER ORDERED that the Wisconsin Central, Ltd. shall within one hundred twenty (120) days from the date of this Order furnish the Illinois Department of Transportation for its approval four (4) copies of the estimates of cost and three (3) copies of the detailed circuit plans applying to the installation of the "constant warning time circuitry" and the relocation of the warning devices at the Chestnut Street crossing and the installation of automatic flashing light signals at the temporary at-grade crossing hereinbefore required.

IT IS FURTHER ORDERED that the Wisconsin Central, Ltd. shall file Form 3 of 92 Ill. Adm. Code 1535 of the Commission showing details of the "constant warning time circuitry" and the relocation of the warning devices at the Chestnut Street crossing and the installation of automatic flashing light signals at the temporary at-grade crossing hereinbefore required and shall receive approval thereof by the Commission before commencing the work of installation.

IT IS FURTHER ORDERED that the Illinois Department of Transportation shall furnish to the Commission within thirty (30) days of its receipt of the aforesaid signal cost estimates and circuit plans, a statement of its approval or disapproval thereof, this for the information of the Commission when considering the Form 3 petitions hereinbefore required to be filed in accordance with 92 Ill. Adm. Code 1535.

IT IS FURTHER ORDERED that since the highway underpass structure construction will be performed by the Village of Franklin Park and/or its contractor, roadway contractor and railroad liability insurance as well as railroad flagging will be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction" Section 107.

IT IS FURTHER ORDERED that in the event federal funding is utilized, all work shall be governed by the applicable provisions of the Federal-Aid Highway Program Manual, Volume I, Chapter 4, Section 3 dated October 1, 1982 and Volume VI, Chapter 6, Section 2.1, dated April 24, 1984, or subsequent amendments if they shall occur.

IT IS FURTHER ORDERED that the Village of Franklin Park, the Indiana Harbor Belt Railroad Company, the SOO Line Railroad Company, the Wisconsin Central, Ltd., and the Illinois Department of Transportation shall conduct monthly construction meetings upon commencement of the project to coordinate their efforts to accomplish the proposed improvement each has been required to perform, unless mutually agreed that such a meeting is not necessary.

IT IS FURTHER ORDERED that the Village of Franklin Park, the Indiana Harbor Belt Railroad Company, the SOO Line Railroad Company, and the Wisconsin Central, Ltd. shall each file written reports at six (6) month intervals from the date of this order stating the progress each has made toward the completion of the work herein required.

IT IS FURTHER ORDERED that the Village of Franklin Park shall, within five (5) days of completion of the underpass structure and related work herein above required, submit to the Director of Processing, of the Commission's Transportation Division, the Wisconsin Central, Ltd. and the Indiana Harbor Belt Railroad Company, a written notice of completion.

IT IS FURTHER ORDERED that the Wisconsin Central, Ltd., within five (5) days of receipt of the Village's completion notice concerning the underpass structure, submit to the Director of Processing of the Commission's Transportation Division, National Inventory Update Report Forms concerning the new structure carrying both WC and IHB tracks, the addition of the relocated IHB tracks at its Chestnut Street grade crossing, and the abolishment of the grade crossings of Commerce Street and Parklane Avenue with the interchange track.

IT IS FURTHER ORDERED that the Indiana Harbor Belt Railroad Company, within five (5) days of receipt of the Village's completion notice concerning the underpass structure, submit to the Director of Processing of the Commission's Transportation Division, National Inventory Update Report Forms concerning the abolishment of its crossings of Grand Avenue, Chestnut Street, and Franklin Avenue grade crossings.

IT IS FURTHER ORDERED that the Village of Franklin Park shall, within five (5) days of completion of the Parklane Avenue/WC grade crossing closure, submit to the Director of Processing, of the Commission's Transportation Division and the Wisconsin Central, Ltd., a written notice of completion.

IT IS FURTHER ORDERED that the Wisconsin Central, Ltd. within five (5) days of receipt of the Village's completion notice concerning the Parklane Avenue/WC closure, submit to the Director of Processing of the Commission's Transportation Division, National Inventory Update Report Forms concerning the closure.

IT IS FURTHER ORDERED that the Commission retains jurisdiction in this matter to enter further Orders in accordance with the evidence already presented or presented in supplemental hearings in the event disputes arise among the parties over the issues under the Commission's jurisdiction.

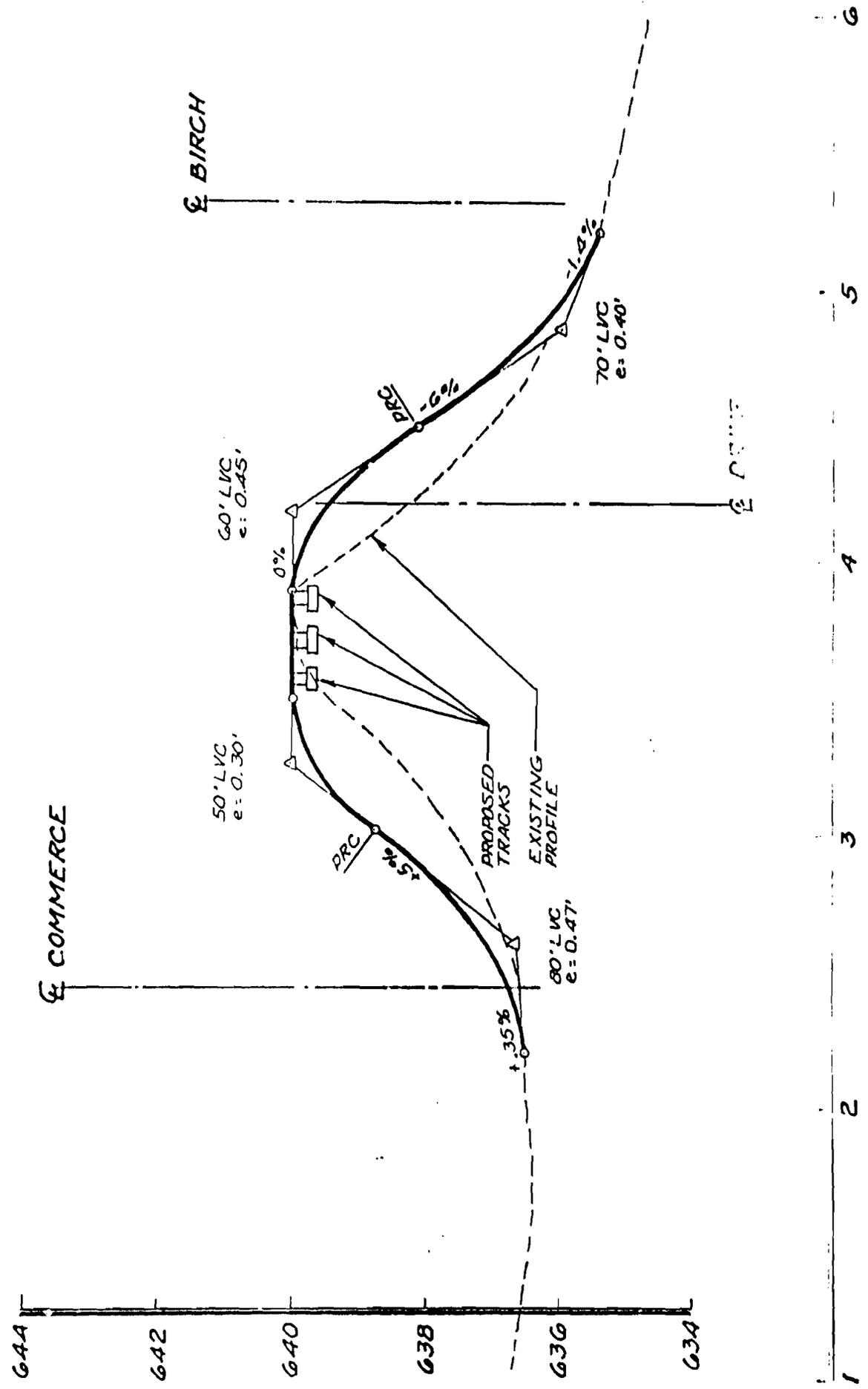
By Order of the Commission this 17th day of April, 1991.

Chairman

| Improvement | Estimated Cost | CCRF | IDOT | Village | IHB | WC | SOO |
|--|----------------|-----------------------|-----------------------|-------------|------------------------|------------------------|-----|
| Construct the Grand Ave. underpass structure project as described in Findings (5) (6) (7) (8) (9) (10) (11) (12) | | | 10%* (\$1,697,100) | | | | |
| | \$16,971,000 | 60% (\$10,182,600) | \$2,121,375 | \$2,121,375 | 2.9165% (\$494,959) | 2.0835% (\$353,591) | 0% |
| | | \$10,182,600 | \$3,818,475 | \$2,121,375 | \$494,959 | \$353,591 | 0 |

*Voluntary contribution since jurisdiction of Grand Avenue has been transferred to the Village.
 **Village funds and/or federal funds it has obtained.
 ***Voluntary IDOT contribution to match the Village contribution (either federal funds it has obtained or Village funds).

the amount to be paid by the Grade Crossing Protection Fund for construction of the Grand Avenue underpass structure project, hereinbefore described in Findings (5), (6), (7), (8), (9), (10) (11), and (12), all estimated to cost \$16,971,000, should be 60% of the actual cost not to exceed \$3,394,200 until further order of the Commission (it is the Commission's intent to issue further orders increasing the maximum amount to be paid from the Fund to \$10,182,600 in annual installments or earlier); the amount to be paid by the IHB toward the underpass structure project should be 2.9165% of the actual cost not to exceed \$494,959; the amount to be paid by the WC toward the underpass structure project should be 2.0835% of the actual cost not to exceed \$353,591; IDOT, as it has voluntarily agreed to do, will bear 10% of the project cost in exchange for the jurisdictional transfer of Grand Avenue to the Village; any remaining cost should be borne by the Village and IDOT equally (IDOT has also voluntarily agreed to pay 50% of this remaining cost); the cost of future maintenance of the new structure except for damage caused by railroad collision, derailment or operation shall be borne by the Village; the cost of future maintenance of the relocated and/or realigned tracks shall be borne by the respective railroad company; the IHB and WC shall each bear the cost of maintaining their respective track circuitry for the Chestnut Street warning dev-ees; the cost of future maintenance and operation of the, common equipment of the Chestnut Street grade crossing warning devices shall be borne equally by the WC and IHB.



CHESTNUT STREET CROSSING

3-1-91