

**ORIGINAL
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JUL 29 2002

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission
RAIL SAFETY SECTION

VILLAGE OF FRANKLIN PARK, ILLINOIS,)
Petitioner,)

vs.)

No. T90-0022

INDIANA HARBOR BELT RAILROAD COMPANY,)
SOO LINE RAILROAD CO., WISCONSIN CENTRAL,)
LTD., and STATE OF ILLINOIS DEPARTMENT OF)
TRANSPORTATION,)

Respondents,)

GRAND AVENUE RAILROAD RELOCATION)
AUTHORITY,)

Intervenor.)

PETITION FOR AN ORDER REGARDING A)
SEPARATION OF GRADES AND OF A BRIDGE)
CARRYING THE TRACKS OF THE INDIANA)
HARBOR BELT RAILROAD COMPANY, SOO LINE)
RAILROAD COMPANY, WISCONSIN CENTRAL,)
LTD., OVER AN UNDERPASS AT GRAND 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.)

PETITION TO MODIFY THE PREVIOUSLY ENTERED ORDERS

The Grand Avenue Railroad Relocation Authority, a unit of local government and the Village of Franklin Park, Cook County, Illinois, a municipal corporation petitions the Illinois Commerce Commission (the "Commission") to modify the orders previously entered in this matter. In support of its petition the petitioners state as follows:

1. On April 3, 1990, the Village of Franklin Park (the "Village") filed a petition in this cause to authorize the construction of a grade separation and realignment of the Indiana Harbor Belt Railroad Company (the "IHB") right of way at Grand Avenue in the Village; the apportioning of the costs thereof between the Grade Crossing Protection Fund, the State of

DOCKETED

JUL 29 2002

Illinois Department of Transportation (“IDOT”), the Village and the affected railroads, related to the Grand Avenue Railroad Grade Separation Project (the “Project”).

2. On June 21, 1990, the IHB and the Wisconsin Central Railroad, Ltd. (“WC”) filed a Joint Cross Petition requesting the closure of the WC’s Chestnut Street grade crossing; and

3. On September 7, 1990, the IHB, and the WC filed a Joint Cross Petition requesting the closure of the WC’s Parklane Avenue grade crossing.

4. On September 26, 1990, the Village filed an Amended Petition updating the proposed project schedule and proposed cost apportionment.

5. Hearings were held on the petitions and on April 17, 1991 the Commission entered an order requiring and directing the construction of a grade separation and realignment of the IHB right of way at Grand Avenue in the Village; requiring and directing the closure of Parklane Avenue grade crossing, related signalization and other improvements; apportioning of the costs related to the Project between the Grade Crossing Protection Fund, IDOT, the Village and the IHB and WC.

6. On February 11, 1992 and on March 23, 1993 the Commission entered supplemental orders further apportioning the cost of the Project.

7. That during the preparation of design drawings for the Project, it was determined that environmental issues existed on portions of the land needed to construct the Project. Due, in part to the existence of these environmental issues, the costs associated with the construction of the Project exceeded the funds committed to the Project under the orders entered by the Commission on April 17, 1991, February 11, 1992 and March 23, 1993.

8. On July 14, 1995, the Grand Avenue Railroad Relocation Authority (the "Authority") was created by Public Act 89-134 with the objective of accomplishing the construction of the Project as described in the Commission's orders.

9. On December 31, 1998, the Commission filed a Motion for Hearing Examiner's Ruling Decreasing the Amount to be paid from the Grade Crossing Protection Fund until further Order of the Illinois Commerce Commission.

10. On January 19, 1999 the Authority filed a Petition to Intervene and a Response to Motion for Hearing Examiner's Ruling Decreasing the amount to be paid from the Grade Crossing Protection Fund.

11. On February 25, 1999, the hearing examiner granted the Authority's Petition to Intervene and reduced authorized amount obligated from the Grade Crossing Protection Fund to the Project to \$1,376,114.22 and de-obligated the sum of \$8,806,485.78.

12. Notwithstanding the de-obligation of the funds from the Grade Crossing Protection Fund the Authority has continued to perform preliminary engineering work with available funds to attempt to accomplish its objective.

13. Under the guidance of the Authority, the Project has undergone certain design modifications to accommodate current laws, codes and conditions as set forth in Exhibit A, changes in schedule as set forth in Exhibit B and changes in costs as set forth in Exhibit C necessitating the need for an amendment to the orders heretofore entered by the Commission.

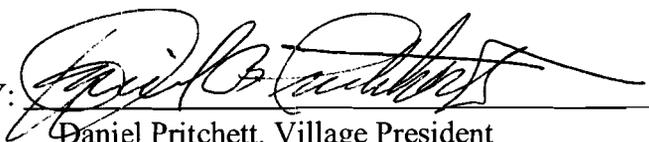
WHEREFORE, the Petitioners request that the Commission modify the orders heretofore entered in this matter on April 17, 1991, February 11, 1992 and March 23, 1993 and the hearing examiner's ruling of February 25, 1999, to provide for the following:

- A. Design modifications which have been proposed by the Authority's consultants;
- B. Modification of the project schedule to reflect current time projections;
- C. Modification of the project cost estimate and the cost allocation to reflect current projected costs;
- D. Re-obligating the contribution to the project costs from the Grade Crossing Protection Fund which were previously obligated to the Project and subsequently de-obligated.
- E. Such other and further relief as the Commission deems appropriate.

GRAND AVENUE RAILROAD RELOCATION AUTHORITY,
a unit of local government,

By: 
Peter N. Silvestri, Chairman

VILLAGE OF FRANKLIN PARK, a municipal corporation,

BY: 
Daniel Pritchett, Village President

T90-0022

State of Illinois }
 }ss
County of Cook }

Peter N. Silvestri, being first duly sworn on oath states that he has read the above and foregoing petition, that the statements set forth in the petition are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Peter N. Silvestri

Peter N. Silvestri, Chairman

Subscribed and sworn to before me this
25th day of April, 2002.

Richard J. Ramello
Notary Public



Richard J. Ramello
STORINO, RAMELLO & DURKIN
Attorneys for Petitioners
9501 West Devon Avenue, Suite 800
Rosemont, Illinois 60018
(847) 318-9500

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EXHIBIT A
PROJECT DESIGN CHANGES

April 25, 2002

Changes in the Project – 1990 to 2002

Grand Avenue Railroad Grade Separation Project

Franklin Park, IL

An ICC Order for the Grand Avenue Railroad Grade Separation Project was issued in 1990, but the project was put on hold in 1993 because of environmental concerns. Those concerns are now resolved allowing construction to start in 2002. Changes in the project that affect cost are described below.

Description of Project: The basic design of the project has not changed since 1990. The Indiana Harbor Belt (IHB), a 2-track railroad at this location, will be relocated east to the Canadian national (CN), formerly the Wisconsin Central (WC), 3-track right of way. A 3-track railroad bridge will be constructed at Grand Avenue and Grand Avenue will be depressed below the bridge. Some local streets will be improved to provide access to properties affected by the grade separation. The IHB and CN will continue north to the METRA and Canadian Pacific (CP) right of way. Construction Documents will include a Construction Staging Plan to limit disruption to the community and the railroads.

Summary of Cost Increases:

Environmental Issues: Environmental work as not included in the 1990 cost.

South Martens Street: This new local street will extend south from Grand Avenue along the alignment of the old IHB tracks to provide access to the Joslyn property. The cost of new right of way, pavement, drainage, lighting and landscaping for south Martens Street was not included in the 1990 cost.

Railroad Signals: railroad signaling has changed since 1990 and the costs have increased significantly.

Land Costs: Property values have increased since 1990.

Engineering Costs: Engineering costs increased to complete construction documents to meet current road and rail standards.

Construction Costs: These costs have escalated significantly since 1990.

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EXHIBIT B
PROJECT SCHEDULE

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EXHIBIT C**GRAND AVENUE RAILROAD RELOCATION GRADE SEPARATION PROJECT
PROJECT COST ESTIMATE**

ITEM	COST	NOTES
CONSTRUCTION	\$18,162,914	Based upon 90% Submittal
IHB RAILROAD SIGNAL WORK	\$2,544,180	From Railroad plus 10%/year escalation
CN RAILROAD SIGNAL WORK	\$700,567	From Value Engineering Study plus 10%/year escalation
METRA RAILROAD SIGNAL WORK	\$1,210,000	From Railroad plus 10%/year escalation
SUBTOTAL CONSTRUCTION	\$22,617,660	
RIGHT OF WAY INCLUDING SERVICES	\$8,592,049	Land Acquisition to Occur 2002/2003
ENVIRONMENTAL REMEDIATION	\$1,643,828	From Value Engineering Study plus 5%/year escalation
PHASE II ENGINEERING	\$736,520	
CONSTRUCTION ENGINEERING	\$2,035,589	9% of Construction
EXPENDED SERVICES	\$1,905,028	
TOTAL	\$37,530,675	

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**GRAND AVENUE RAILROAD RELOCATION GRADE SEPARATION PROJECT
PROJECT COST DISTRIBUTION**

	ORIGINAL COMMITMENT	PROPOSED DISTRIBUTION	ADDITIONAL NEEDED
ICC GRADE CROSSING PROTECTION FUND (60%)	\$10,182,600	\$18,371,061	\$8,188,461
INDIANA HARBOR BELT RAILROAD (2.9165%)	\$494,959	\$678,094	\$183,135
CANADIAN NATIONAL (WISCONSIN CENTRAL) RAILROAD (2.0835%)	\$353,591	\$484,420	\$130,829
ILLINOIS DEPARTMENT OF TRANSPORTATION JURISDICTIONAL TRANSFER (10%)	\$1,697,100	\$1,697,100	0
ILLINOIS DEPARTMENT OF TRANSPORTATION WITH VILLAGE	\$721,375	\$1,000,000	\$278,625
NORTH CENTRAL COUNCIL OF MAYORS	\$ 1,400,000	\$ 1,400,000	0
ILLINOIS DEPARTMENT OF TRANSPORTATION MATCH OF COUNCIL OF MAYORS	\$1,400,000	\$1,400,000	0
CONGESTION MITIGATION AIR QUALITY GRANT	\$11,500,000	\$11,500,000	0
VILLAGE OF FRANKLIN PARK	\$721,375	\$1,000,000	\$278,625
TOTAL	\$28,471,000	\$37,530,675	\$9,059,675

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

VILLAGE OF FRANKLIN PARK, ILLINOIS,)

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THEREOF AND DIRECTING AN APPROPRIATE)

PORTION THEREOF TO BE BORNE BY THE GRADE)

CROSSING PROTECTION FUND.)

No. T90-0022

NOTICE OF FILING

To: Ms. Janet Gilbert, General Counsel
Wisconsin Central Division, Canadian National Railroad
455 North Cityfront Plaza Drive
Chicago, IL 60611-5504

Mr. Roger A. Serpe, General Counsel
Indiana Harbor Belt Railroad Company
111 West Jackson Boulevard
Suite 2215
Chicago, IL 60604-3503

T90-0022

Ms. Nancy L. Magnus, P.E.
Illinois Department of Transportation
201 W. Center Court
Schaumburg, IL. 60196

Mr. James Easterly, Director of Division of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

Mr. Gary Schechter, Chief Transportation Counsel
Illinois Commerce Commission
527 East Capitol
Springfield, IL 62794

Mr. Joseph O'Brien
Hearing Examiner
Illinois Commerce Commission
527 East Capitol
Springfield, IL 62794

PLEASE TAKE NOTICE that on July 25, 2002, I filed on behalf of Grand Avenue Railroad Relocation Authority and the Village of Franklin Park in the office of the Chief Clerk of the Illinois Commerce Commission at Chicago, Illinois, a Petition to Modify the Commission's Orders.

Copies are attached and herewith served upon you.


Richard J. Ramello, One of the Attorneys for
Petitioners, the Grand Avenue Railroad Relocation
Authority and the Village of Franklin Park.

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

T90-0022

CERTIFICATE OF SERVICE

The undersigned certifies that she served the foregoing Petition to Modify the Commission's Orders by mailing a true and accurate copy of same to:

See attached Service List

and depositing same, proper postage prepaid, in the U.S. mail located at 9501 W. Devon Avenue, Rosemont, Illinois, at or before 4:00 p.m. on the 25th day of July, 2002.

Patricia J. Park

Subscribed and sworn to before me this
25th day of July, 2002.

Jennifer L Kavc
Notary Public



Richard J. Ramello
STORINO, RAMELLO & DURKIN
9501 West Devon Avenue, Suite 800
Rosemont, Illinois 60018
(847)318-9500

SERVICE LIST

T90-0022

Ms. Janet Gilbert, General Counsel
Wisconsin Central Division, Canadian National Railroad
455 North Cityfront Plaza Drive
Chicago, IL 60611-5504

Mr. Roger A. Serpe, General Counsel
Indiana Harbor Belt Railroad Company
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**PRELIMINARY CONSTRUCTION SEQUENCING SCHEDULE
GRAND AVENUE GRADE SEPARATION PROJECT
FRANKLIN PARK, ILLINOIS
February 7, 2002**

T90-0022

DESCRIPTION	2003						2004												2005											
	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
ADVANCE WORK																														
STEEL FABRICATION																														
MOBILIZATION																														
UTILITIES RELOCATION																														
CIVIL, ELECTRICAL WORK																														
WILLOW STREET / WILLOW ALLEY																														
BIRCH STREET & COMMERCE STREET																														
CHESTNUT AVENUE & RAILROAD CROSSING																														
PARKLANE AVENUE																														
GRAND AVENUE RUNAROUND																														
EXCAVATION																														
GRAND AVENUE ROADWAY CONSTRUCTION (WB)																														
GRAND AVENUE RUNAROUND REMOVAL																														
GRAND AVENUE ROADWAY CONSTRUCTION (EB)																														
MARTENS STREET CONSTRUCTION																														
ROADWAY LIGHTING																														
LANDSCAPING (TOP SOIL/SEEDING)																														
LIFT STATION CONSTRUCTION																														
STRUCTURAL WORK																														
TEMPORARY SHEET PILING																														
CAISSONS CONSTRUCTION																														
RETAINING WALL CONSTRUCTION																														
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BRIDGE CONSTRUCTION (WEST HALF)																														
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RAILROAD SIGNAL WORK																														
TRACK WORK (WEST TRACK) IHB NO. 2 MAIN																														
TEMPORARY RAILROAD SHO FLY																														
TEMPORARY RAILROAD CROSSING (RUNAROUND)																														
CN RAILROAD ALIGNMENT CHANGE																														
TRACK WORK																														
IHB TRACKS REMOVAL																														
DEMOBILIZATION / PUNCH LIST																														

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T90-0022

**PRELIMINARY CONSTRUCTION SEQUENCING SCHEDULE
GRAND AVENUE GRADE SEPARATION PROJECT
FRANKLIN PARK, ILLINOIS**

T90-0022

February 7, 2002

DESCRIPTION	2003						2004												2005											
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