

STATE OF ILLINOIS



**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

*Michael E. Stead*

*Rail Safety Program Administrator*

(Filed in E-Docket and e-mailed to Judge O'Brien and as attached)

May 20, 2008

Joe O'Brien  
Administrative Law Judge  
Review and Examination  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

RE: T02-0067 Granite City

Dear Judge O'Brien:

The attached Agreed Third Supplemental Order is respectfully submitted for your approval and submittal to the Commission for the June 4, 2008 bench session. The Agreed Order was drafted in coordination with the parties and TRRA.

The Third Supplemental Order identifies modifications to the 20<sup>th</sup> and 22<sup>nd</sup> Street crossings, and was completed in place of the Stipulated Agreement contemplated in the Second Supplemental Order.

If you have any questions, or require additional information, please contact Brian Vercruyse, Railroad Safety Specialist, at (630) 424-8750 or [bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead  
Rail Safety Program Administrator

Enclosure

Certificate of Service

I, Brian Vercruysse, Senior Rail Safety Specialist for the Illinois Commerce Commission, hereby certify that the AGREED THIRD SUPPLEMENTAL ORDER for T02-0067 was docketed on e-Docket and e-mailed to the parties listed below.

RAIL SAFETY SECTION STAFF  
ILLINOIS COMMERCE COMMISSION

By:   
Brian Vercruysse, P.E.  
Senior Rail Safety Specialist

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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

City of Granite City, an Illinois municipal corporation	:	
Petitioner,	:	
	:	
Vs.	:	
	:	
The Department of Transportation of the State of Illinois, for and	:	
in behalf of the People of the State of Illinois, Gateway Eastern	:	
Railway Company, Kansas City Southern Railway Company	:	T02-0067
(Gateway Western Railway Company), Norfolk Southern Railway	:	
Company, and Union Pacific Railroad Company, Kansas City	:	
Southern Railway Company,	:	
Respondent.	:	
	:	
Terminal Railroad Association of St. Louis	:	
Intervener.	:	

AGREED THIRD SUPPLEMENTAL ORDER

By the Commission:

On May 21, 2008, Staff (“Staff”) of the Illinois Commerce Commission (“Commission”) filed an Agreed Third Supplemental Order providing for design modifications at the 20<sup>th</sup> Street and 22<sup>nd</sup> Street grade crossings as depicted in the attached exhibits.

**PROCEDURAL HISTORY**

On June 28, 2002, the City filed its initial Petition seeking approval for the construction of a highway overpass structure to carry Pontoon Road over Illinois Route 203 (Nameoki Road) and the tracks of the Norfolk Southern Railway Company (“NS”), Union Pacific Railroad Company (“UP”), Kansas City Southern Railway Company, and the Gateway Eastern Railway Company (“GWWE” or “KCS”), a subsidiary of the KCS. Included in the scope of work for the Pontoon Road bridge project, was the extension of Century Drive and subsequent closure of all of the grade crossings on 22<sup>nd</sup> Street, and necessary modifications to the 20<sup>th</sup> Street grade crossings. Various hearings, status meetings, and filings occurred, and numerous Orders were entered for the project. These previous activities and Orders are summarized in the February 6, 2008 Second Supplemental Order.

The Second Supplemental Order was an Agreed Order and provided for increased costs, and the associated participation by the various parties. The

Second Supplemental Order provided that any warning device work at the 20<sup>th</sup> Street crossing required due to the Century Drive Extension, and that was not contemplated in the previous Orders, was to be addressed by a separate Stipulated Agreement among the parties, including the Intervener Terminal Railroad Association of St. Louis, ("TRRA"). The TRRA maintains the existing automatic warning devices at the 20<sup>th</sup> Street crossing. Staff recommended that the preliminary division of cost for this work should be apportioned 95% to the GCPF and the remainder to the "Railroads" (excludes TRRA).

### **PETITIONER, RESPONDENTS, INTERVENER, & STAFF POSITION**

In progressing towards the Stipulated Agreement for the 20<sup>th</sup> Street crossings, several design alternatives for the warning devices were reviewed by the parties and TRRA. Due to the added complexities associated with extending Century Drive to an intersection with 20<sup>th</sup> Street, between the NS Yard tracks and the UP/KCS mainline, Staff determined that the needed gate layout would close access to all of the crossings on 20<sup>th</sup> Street when a train approached on any track. With frequent through and switching train moves, this would create significant delay along Century Drive and 20<sup>th</sup> Street, each designated as a truck route by the City.

To address this concern, a new alternative was developed and agreed to by all parties providing for a safer, more efficient routing of traffic. The alternative includes design aspects that were originally proposed by the City. To create a more efficient truck route, the 20<sup>th</sup> Street crossing with the NS Yard track would be relocated approximately 434 feet north (along the NS track) to provide a continuous roadway transition along the Century Drive Extension. The remaining grade crossings at 20<sup>th</sup> Street (including the UP, KCS, and NS mainline tracks) would then be closed, with the roadway vacated by the City. The City will provide notice to all parties when the roadway is vacated. To allow access into the City center from Century Drive, the 22<sup>nd</sup> Street mainline (UP, KCS, and NS) crossings would then remain open (the NS Yard track crossing with 22<sup>nd</sup> Street would remain closed as currently proposed). Consistent with the previous Orders, the Railroads would be responsible for removing their respective crossing surfaces allowing for the modified plan and closures. Similarly, the location of permanent barricades previously ordered for the closures, would be modified with the City now installing a barricade for westbound vehicular traffic at the 20<sup>th</sup> Street mainline crossing, and retaining those proposed for the 22<sup>nd</sup> Street Yard crossing.

The NS has provided cost estimates for the work associated with relocating the 20<sup>th</sup> Street yard track crossing. The scope of work will include relocating a track switch, installing a concrete panel crossing surface, and installing automatic flashing light signals and gates. (The Commission notes that with the closure of the remaining 20<sup>th</sup> Street crossings, extensive modifications, complexities, and costs will be eliminated. These eliminated expenditures include the cost of the installation of a new warning system with all of the crossings interconnected, widening of the crossing surfaces, as well as

installing roadway drainage structures under the tracks). The NS estimates are included in the Cost Division Table below.

## **COMMISSION ANALYSIS AND CONCLUSION**

The Commission is of the opinion that the modifications to the Century Drive Extension and 20<sup>th</sup> and 22<sup>nd</sup> Street crossings are reasonable, beneficial, and in the best interests of the safety of the people in the State of Illinois.

## **COMMISSION FINDINGS AND CONCLUSIONS**

The Commission, having given due consideration to the entire record herein, finds that:

- 1) the Commission has jurisdiction of the parties and Intervener TRRA hereto and the subject matter herein;
- 2) the recitals of fact as set forth in the prefatory portion of this Third Supplemental Order are true and correct and are hereby adopted as findings of fact;
- 3) The improvements at the 20th Street crossing which the parties previously contemplated would be accomplished by way of a Stipulated Agreement (and as referenced in the Second Supplemental Order dated February 6, 2008) are instead set forth in and are directed to be accomplished by means of this Third Supplemental Order
- 4) all other terms and conditions of the Orders entered to date in this Docket should remain in full force and effect except as herein modified.
- 5) The parties and TRRA agree that an equitable division of cost for the relocation of the 20<sup>th</sup> Street crossing with the NS Yard track, and modification to the Century Drive alignments is as follows:

### **- COST DIVISION TABLE -**

<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>CITY</b>	<b>NS</b>	<b>IDOT</b>
Relocation of crossing approximately 434 feet north of existing location; Installation of automatic flashing light signals, gates, controlled by constant warning time circuitry	\$217,773	(95%) \$206,884 <sup>1</sup>	\$0	(5%) 10,889 <sup>3</sup>	\$0

Relocation of existing track switch	\$128,059	(100%) \$128,059	\$0	\$0 <sup>3</sup>	\$0
Installation of a concrete panel surface	\$61,124	(50%) \$30,562 <sup>2</sup>	(50%) \$30,562	\$0 <sup>3</sup>	\$0
<b>TOTALS</b>	<b>\$406,956<sup>4</sup></b>	<b>\$365,505</b>	<b>\$30,562</b>	<b>\$10,889</b>	<b>\$0</b>

Notes:

- <sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$206,884; any installation costs above the estimated amount of \$217,773 will be divided between the GCPF and the NS in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.
- <sup>2</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$30,562; any installation costs above the estimated amount of \$61,124 will be divided between the GCPF and the City in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission. (Note: the City share will be paid from the Railroad Force Account that was established for the overall project and included costs associated with work at the 20<sup>th</sup> and 22<sup>nd</sup> Street crossings).
- <sup>3</sup> NS responsible for all future operating and maintenance costs associated with the automatic warning devices, switch, and crossing surface.
- <sup>4</sup> All bills submitted for this Order shall be separated by improvement item noted in the table, and provide the crossing location.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 20<sup>th</sup> and 22<sup>nd</sup> Street revisions, including the relocation of the 20<sup>th</sup> Street crossing with the NS Yard Track shall be completed in accordance with Findings (1) through (5).

IT IS FURTHER ORDERED that all other terms and conditions of the previous Orders entered by the Illinois Commerce Commission in this Docket shall remain in full force and effect except as herein modified.

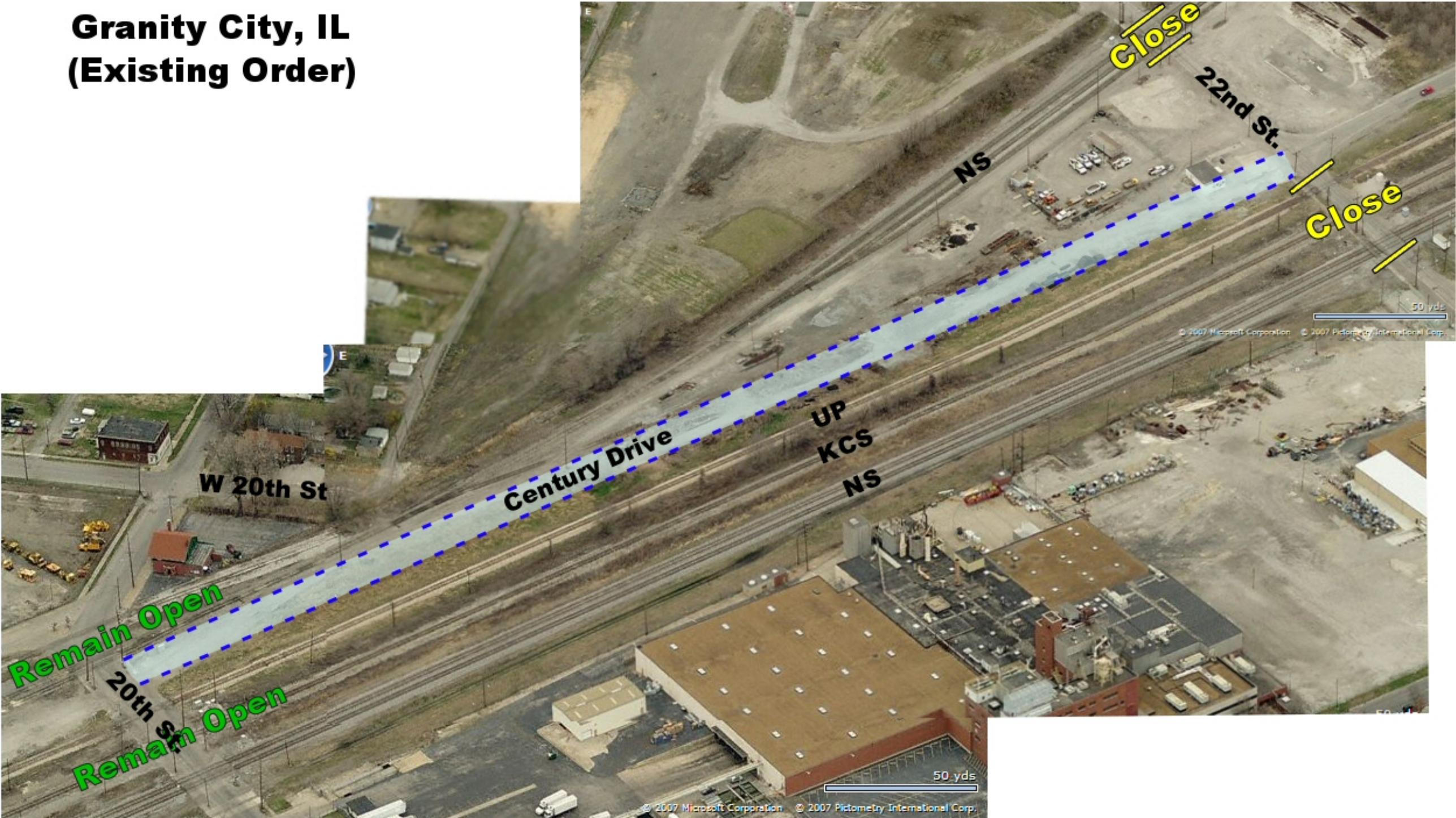
IT IS FURTHER ORDERED that the Commission or its Administrative Law Judge reserves the right to deny Petitions for Supplemental Orders and Requests for Extension of Time, if the reason(s) supporting the request is (are) insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

IT IS FURTHER ORDERED that subject to Sections 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 4<sup>th</sup> day of June, 2008.

CHARLES E. BOX  
Chairman

# Granity City, IL (Existing Order)



# Granity City, IL (Proposed)

