

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	:	T02-0067
in behalf of the People of the State of Illinois, Gateway Eastern	:	
Railway Company, Kansas City Southern Railway Company	:	
(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.	:	

FOURTH SUPPLEMENTAL ORDER

By the Commission:

On August 20, 2008, Staff ("Staff") of the Illinois Commerce Commission ("Commission") filed a Fourth Supplemental Order, the terms of which have been agreed to by all the parties, providing for the division of costs associated with the design modifications at the 20th Street grade crossing.

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 22nd Street, and necessary modifications to the 20th 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 Second Supplemental Order, approved by the Commission on February 6, 2008.

On February 6, 2008, the Commission entered its Second Supplemental Order required, among other things, that any warning device improvements at the 20th Street crossing that were not contemplated in the previous Orders were 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 20th 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).

On June 11, 2008, Staff filed its Agreed Third Supplemental Order. In support of the filing, Staff also included revised plans for the Century Drive portion of the project. On June 25, 2008, the Commission entered its Third Supplemental Order, which authorized design modifications to the Century Drive Extension and the 20th Street grade crossings.

On August 13, 2008, the Commission entered its Amended Third Supplemental Order which clarified design modifications to the Century Drive Extension, as well as the 20th Street grade crossings, as authorized by the Commission's Third Supplemental Order issued on June 25, 2008.

On August 20, 2008, in lieu of a Stipulated Agreement, as required by the Second Supplemental Order, Staff filed a Fourth Supplemental Order providing for the division of costs for rail and warning device work necessary at the relocated 20th Street crossing with the NS Yard track.

PETITIONER, RESPONDENTS, INTERVENER, & STAFF POSITION

In progressing towards the Stipulated Agreement for the 20th Street and 22nd Street crossings contemplated in the Commission's Second Supplemental Order, 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 20th 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 20th Street when a train approached on any track. With frequent through and switching train moves, this would create significant delay along Century Drive and 20th Street, each designated as a truck route by the City.

To address this concern, the revised Century Drive alignment authorized by the Commission in its Third Supplemental Order 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 20th 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 20th Street (including the UP, KCS, and NS

mainline tracks) will 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 22nd Street mainline (UP, KCS, and NS) crossings will remain open (the NS Yard track crossing with 22nd Street will remain closed as currently proposed). Consistent with the previous Orders, the Railroads will 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 will be modified with the City now installing a barricade for westbound vehicular traffic at the 20th Street mainline crossing, and retaining those proposed for the 22nd Street Yard crossing.

The NS has provided cost estimates for the work associated with relocating the 20th Street yard track crossing as described in the Third Supplemental Order. The scope of work will include relocating a track switch, installing a concrete panel crossing surface, and installing automatic flashing light signals and gates. (Staff notes that with closure of the remaining 20th Street crossings, extensive modifications, complexities, and costs will be eliminated. These eliminated expenditures include the cost of 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, which is acceptable to all parties and the TRRA.

COMMISSION STAFF ANALYSIS AND CONCLUSION

Staff is of the opinion that the cost estimates and division of costs associated with the relocated 20th Street crossing with the NS Yard track are reasonable and should be approved.

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 Fourth Supplemental Order are true and correct and are hereby adopted as findings of fact;
- 3) the Stipulated Agreement contemplated in the February 6, 2008, Second Supplemental Order is no longer necessary as the design modifications and warning device work for Century Drive and the 20th Street grade crossing are addressed in the Third Supplemental Order and this Fourth 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 20th Street crossing with the NS Yard track is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	CITY	NS	IDOT
Relocate 20 th Street Crossing of NS Yard Track approximately 434 feet north of existing location; Install Automatic Flashing Light Signals and Gates, controlled by Constant Warning Time Circuitry	\$217,773	(95%) \$206,884 ¹	\$0	(5%) 10,889 ³	\$0
Relocate Existing Track Switch	\$128,059	(100%) \$128,059	\$0	\$0 ³	\$0
Install Concrete Crossing Surface	\$61,124	(50%) \$30,562 ²	(50%) \$30,562	\$0 ³	\$0
TOTALS	\$406,956⁴	\$365,505	\$30,562	\$10,889	\$0

Notes:

- ¹ Total Grade Crossing Protection Fund (GCPF) assistance for relocation of the 20th Street crossing of the NS Yard Track and installation of automatic warning devices 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.
- ² Total Grade Crossing Protection Fund (GCPF) assistance for installation of a new concrete surface at the 20th Street crossing of the NS track 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 20th and 22nd Street crossings).
- ³ NS responsible for all future operating and maintenance costs associated with the automatic warning devices, track switch, and crossing surface.
- ⁴ All bills submitted for work completed under this 4th Supplemental 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 Norfolk Southern Railway Company shall relocate the 20th Street crossing of the Company's Yard Track in accordance with Findings (1) through (5).

IT IS FURTHER ORDERED that the Norfolk Southern Railway Company shall complete the work outlined in Finding (5) within twelve (12) months from the date of this Order.

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 24th day of September, 2008.



CHARLES E. BOX
Chairman

JUDGE	
SECTION CHIEF	
ORDERS SUPERVISOR	