

## MEMO

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Client: Newell Township Road District

Date: 12/16/09

Re: Consequences of permanent closure of Sunset Rd/CSX Highway/Rail Crossing

Conference with Ted Fisher, Director, Vermilion County Emergency Management Agency.

The Vermilion County EMA performs various functions in relation to natural and man made disasters, including:

- Planning emergency responses
- Providing resources in the form of certain equipment and manpower
- Reporting to Illinois Emergency Management (IL EMA reports further to IL EPA, federal agencies, etc.)

The Vermilion County EMA coordinates the efforts of approximately 80 volunteers. Equipment includes search boats, generators and lighting.

An example of County EMA response to a hazardous materials spill would be the provision of portable generators and lighting equipment at a railroad derailment site. If hazardous chemicals create a dangerous cloud enveloping on an area away from the site, volunteers would go door to door notifying residents of the need to evacuate the area.

The County EMA would also work with the County Hazmat team and the City of Danville Hazmat team, providing resources and manpower to help those teams. The County Hazmat team is headed by Mark Ames, a Westville Fire Protection District firefighter. The City of Danville unit is run out of the Danville Fire Department and is headed by Tom Pruitt.

The County Hazmat unit is trained at a level permitting personnel to act in close proximity to the hazardous materials (as would be necessary to contain the spill), but are not trained to actually handle the material. The City of Danville unit is trained and equipped to work directly with the hazardous materials, as required to neutralize and clean up site materials.

The permanent closure of Sunset Road would eliminate an important route for response to a hazardous incident involving West Newell Road and the CSX

crossing east of the Wal-Mart/Menards shopping complex and the Vermilion County Airport east of the crossing at Bowman Road between West Newell and Poland Road.

The proposed belt line is from I-74, North through unincorporated Danville Township North thereof to East Poland Road, West on Poland to Bowman, then West on West Newell Road to Vermilion. If that route is developed in the future, West Newell Road would experience a heavy increase in truck traffic, some possibly carrying hazardous materials. A permanent closure of the Sunset Road/CSX crossing would cause an increased response time for fire, ambulance and emergency responders to sites east of the crossing. Alternative routes from the west would be via West Newell Road to the North and Poland Road to the South. In case of event closing the West Newell Road crossing, response from the North to the area would require travel over Route 1, Shake Rag Road or Bowman Road. The Sunset Road area is located in an area changing from rural to urban, increasing the numbers of individuals put at risk by the proposed closure.

**From:** Ted Fisher (tedf@vercomis.org)  
**To:** mockbeelaw@att.net  
**Date:** Thu, December 17, 2009 2:56:23 PM  
**Subject:** FW:

Here is contact #'s Tom is City of Danville, Mark is County Hazmat

Ted Fisher, Director  
Vermilion County Emergency Management Agency / Technology Services  
State of Illinois  
County of Vermilion  
Danville, IL 61832  
EMA office: (217)443-6010  
Tech Office: (217)554-6061  
cell: (217)304-2152  
email: [tedf@vercomis.org](mailto:tedf@vercomis.org)

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**From:** Michelle Rice  
**Sent:** Thursday, December 17, 2009 2:50 PM  
**To:** Ted Fisher  
**Subject:** RE:

Tom Pruitt (217) 260-1963  
Mark Ames (217) 304-5077

*Michele Rice, Office Manager  
Vermilion County Emergency Management Agency  
2507 Georgetown Road  
Danville, Illinois 61832  
Phone # (217)443-6010  
Cell # (217)304-2092  
email: [ema4@vccema.org](mailto:ema4@vccema.org)*

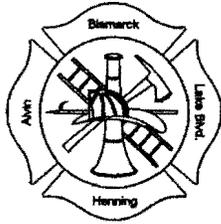
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**From:** Ted Fisher  
**Sent:** Thursday, December 17, 2009 2:45 PM  
**To:** Michelle Rice  
**Subject:**

Can you get me contact info, names address, phone email for our head HAZMAT guy and Tom Pruitt so I can get it to an attorney that is looking for information

Thanks

Ted Fisher, Director  
Vermilion County Emergency Management Agency / Technology Services  
State of Illinois  
County of Vermilion  
Danville, IL 61832  
EMA office: (217)443-6010  
Tech Office: (217)554-6061  
cell: (217)304-2152  
email: [tedf@vercomis.org](mailto:tedf@vercomis.org)



**BISMARCK COMMUNITY  
FIRE PROTECTION DISTRICT**  
P.O. Box 224  
BISMARCK, ILLINOIS 61814

**TRUSTEES**  
DON RICE  
DON EVANS  
DAN WRIGHT  
VALERIE WILSON  
JOSH POTTER

Chief ~ Doug Hardy

Station One: 217-759-7373    Station Two: 217-442-0790    Station Three: 217-286-3321    Station Four: 217-765-4141

Re: Permanent closure of the railroad crossing on Sunset Rd

To Whom It May Concern,

There has been recent discussion regarding the permanent closure of the railroad crossing on Sunset Rd. Discussion and proceedings of such have brought many concerns to the Bismarck Community Fire Protection District. I appreciate the opportunity to speak on behalf of the Bismarck Community Fire Protection District to make an effort to stop the closing. I will take this opportunity to express the reasons for our strong opposition of this closing.

Emergency response time to Burr Oak Rd would be compromised due to the detour we would need to make using either West Newell Rd or Poland Rd. It would limit access as a throughway to gain access to hydrants and additional equipment and manpower. This roadway provides another much needed opening for emergency situations.

Previous discussions had lead us to believe the railroad crossing was to be made safer by adding lights and, possibly, gates. There have been situations in which trains have been blocking the crossing for periods of time which causes safety issues as well. We strongly encourage and support any efforts to make the railroad crossing safer since our main focus is safety for the community.

We remain open to the discussion of collaborative efforts in making the crossing safer but must say we strongly oppose the permanent closing of the railroad crossing on Sunset Rd. We ask that you strongly consider our valid concerns for our community in an understanding that safety remains our greatest concern.

Chief Doug Hardy  
Bismarck Comm. Fire Prot. District  
217-304-4862



*Sharon S Clore 9/21/09*

MEMO

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Client: Newell Township Road District

Date: 12/28/09

Subject: Bismarck Community Fire Protection District Fire Chief, Doug Hardy, interview re impact of proposed closure of Sunset Road/CSX Highway Rail Crossing.

Chief Hardy's background – 24 years with BCFPD, approximately 7 years as Chief. This is a volunteer position; Doug is employed as an electrician at Provena USMC, Danville. District has stations in Bismarck, Henning, Alvin & Lake Blvd., equipped with various equipment, including a 1250 Pumper and 2000 gallon tanker at Lake Blvd, 1250 Pumper and tanker at Bismarck, 1250 Pumper/tanker (2000 gallon) combination at Alvin and 2000 gallon tanker and spare engine at Henning. There are 30 plus active volunteers. As a first responder the district responds to emergency calls received for ambulance service of Bismarck Community Ambulance Service, as well as fire calls.

Regarding Sunset Road, due to its narrow width and the possibility of a blocked CSX Crossing (prior to closing and addition of a second track) it was not the usual route taken for calls to the Burr Oak, or more distant area east. Poland Road is the preferred route due to its rail overpass. West Newell is the usual second choice due to its wider right-of-way, making it easier to turn around in case of a blocked rail crossing. Because of its utility in extreme situations, the district supports the reopening of the crossing.

Doug pointed out the utility of Aqua Illinois hydrants located in the Lake Blvd/Dixie Acres, Devonshire area; also on West Newell and east West Newell, all the way to the airport. The new tank on West Newell provides excellent pressure.

# BISMARCK-HENNING

www.bismarck.k12.il.us

COMMUNITY UNIT SCHOOL DISTRICT #1

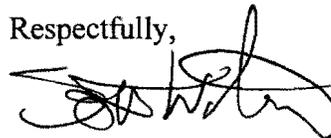
SCOTT WATSON, 9-12 PRINCIPAL  
BRENT RADEMACHER, ASSISTANT PRINCIPAL  
TOM JOHNSON, ATHLETIC DIRECTOR  
EDINA LeCLEIR, COUNSELOR  
PHIL BENJAMIN, DEAN OF STUDENTS

Date: September 17, 2009

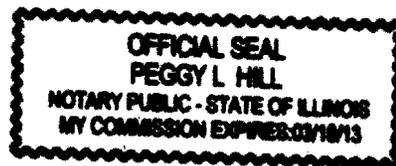
To Whom It May Concern,

This letter is in reference to the railroad crossing at the end of Sunset Road. The Bismarck-Henning High School would like you to reconsider reopening the railroad crossing at the end of Sunset Road. Having the railroad crossing closed has cause our routes to change and make them much longer than they need to be, which in turn causes younger students to be on the bus a longer period of time. Please consider how this can impact a young child.

Respectfully,



Scott Watson, Principal  
Bismarck-Henning High School



# BISMARCK-HENNING

www.bismarck.k12.il.us

COMMUNITY UNIT SCHOOL DISTRICT #1

RUSTY CAMPBELL, 5-8 PRINCIPAL

September 16, 2009

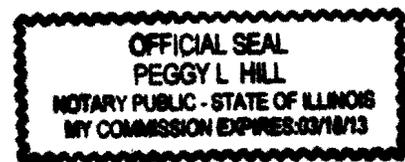
To: Whom It May Concern

I am concerned over the possible permanent closing of the railroad crossing on Sunset Road. I think it is a terrible idea. The bus routes have been extended already for the "temporary closing." This makes the routes longer for our students. After a day at school, we would like to get our students home as early as possible. We also understand the need for improving the crossing. The way it was is extremely dangerous for all traffic. We would encourage you to upgrade and re open the crossing.

Sincerely,

*Rusty Campbell*

Rusty Campbell  
Bismarck-Henning Junior High Principal



*Peggy L. Hill*

Thank you for this opportunity to address the ICC about the temporary closing of Sunset Road rail crossing. As you may know the township entered into an agreement with the railroad on May 10, 2006 to improve the safety of the crossing including signal lights and gates (ICC Agreement #1188). It has been documented that there have been 4 accidents involving vehicles at this crossing over the last 30 years. This stands to reason; the railroad only had cross bars at this location. With the proposed improvements the crossing whether it is one track or parallel tracks will be a far safer crossing.

Less than 3 months after the agreement the CSX, City of Danville, Vermilion County, and Newell Township Road District in good faith negotiation agreed to order #T06-0003 which would allow the rebuilding of the rail bridge over Winter Ave. which is in the City of Danville. Within this order CSX called for the construction, removal, and salvage of a linear shoo-fly. The order also called for the temporary closure of the Sunset Road crossing during the construction of this much needed overpass to the south over Winter Ave. Without our cooperation in the closing of the crossing and the installation of a temporary turnaround on the west side of the crossing, the Winter Ave. project would not have been possible.

It has now been 3 years in which the crossing has been closed and our residents inconvenienced. The Winter Ave. project has been completed. The railroad has been granted numerous extensions, with the latest being last Tuesday September 1, 2009. It is Newell Township and the citizens of Newell Township's wish not to grant anymore extensions of time for improving the crossing nor allow the railroad to close the crossing permantly. On May 5, 2009 even the ICC staff stated the September 1, 2009 extension was more than reasonable and in the best interest of the public.

It is only a matter of time before the safety of the residents of Newell Township is jeopardized by the closure of this crossing. It not only affects the residents that live and works on Sunset Road but also the residents in the surrounding areas. The emergency response time has more than doubled to the residents on 1750 east road (Burr Oak) which was accessed by using the Sunset crossing. The distance for fire and rescue has increased from 1.3 to 2.9 miles. Farm machinery now has to travel on West Newell Road passing by the local Wal-Mart and Menards with traffic counts of almost 5000 cars per day. Also farm machinery has to travel on IL State Route 1 blocking over 2 lanes with traffic counts over 12000 vehicles per day. This has been cited by CSX as seasonal, but even one accident will cause serious bodily harm or death. The temporary closing of this crossing may appear to have nominal impact on the community from the CXS's perspective, but it is not nominal if you live and work in the area.

Once again we ask the ICC to recommend that CSX reopen and improve the crossing at Sunset Road as was agreed in 2006.

Jim Wilson, Newell Township Supervisor  
September, 2009



# Illinois Department of Transportation

Division of Highways / Region 3 / District 5  
13473 IL Highway 133 / P.O. Box 610 / Paris, Illinois / 61944  
Telephone 217/465-4181

October 20, 2009

Mr. Jim Wilson, Newell Township Supervisor  
Newell Township  
3821 N. Vermilion  
Danville, IL 61832

Dear Mr. Wilson:

This letter is an affidavit to attest to the ADT counts on the routes you requested in your letter dated October 14, 2009. Listed in the table below are the roadways with their ADT counts. All counts were taken in 2008 with the exception of IL 1 which were taken in June 2009 as part of the biennial State Marked Routes counts.

ROADWAY	FROM	TO	ADT	DATE
IL 1	South of	Boiling Springs Rd.	17,700	6/17/2009
IL 1	Boiling Springs Rd.	W. Lake Blvd.	14,700	6/17/2009
IL 1	W. Lake Blvd.	W. Newell Rd.	13,000	6/17/2009
IL 1	North of	W. Newell Rd.	4,750	6/30/2009
W. Newell Rd.	West of	IL 1	2,000	6/16/2008
W. Newell Rd.	IL 1	Shake Rag Rd.	4,850	6/16/2008
W. Newell Rd.	Shake Rag Rd.	Burr Oak	6,100	6/12/2008
Sunset Rd.	IL 1	Terminus	325	6/16/2008
Poland Rd.	IL 1	Burr Oak	1,100	6/16/2008
Poland Rd.	Burr Oak	The east	1,400	6/16/2008
Burr Oak			No count	

A copy of the map you provided our office has been attached with ADT and dates. If you need any further information you may contact Robert Nelson at 217-466-7303 or e-mail at [Robert.M.Nelson@illinois.gov](mailto:Robert.M.Nelson@illinois.gov).

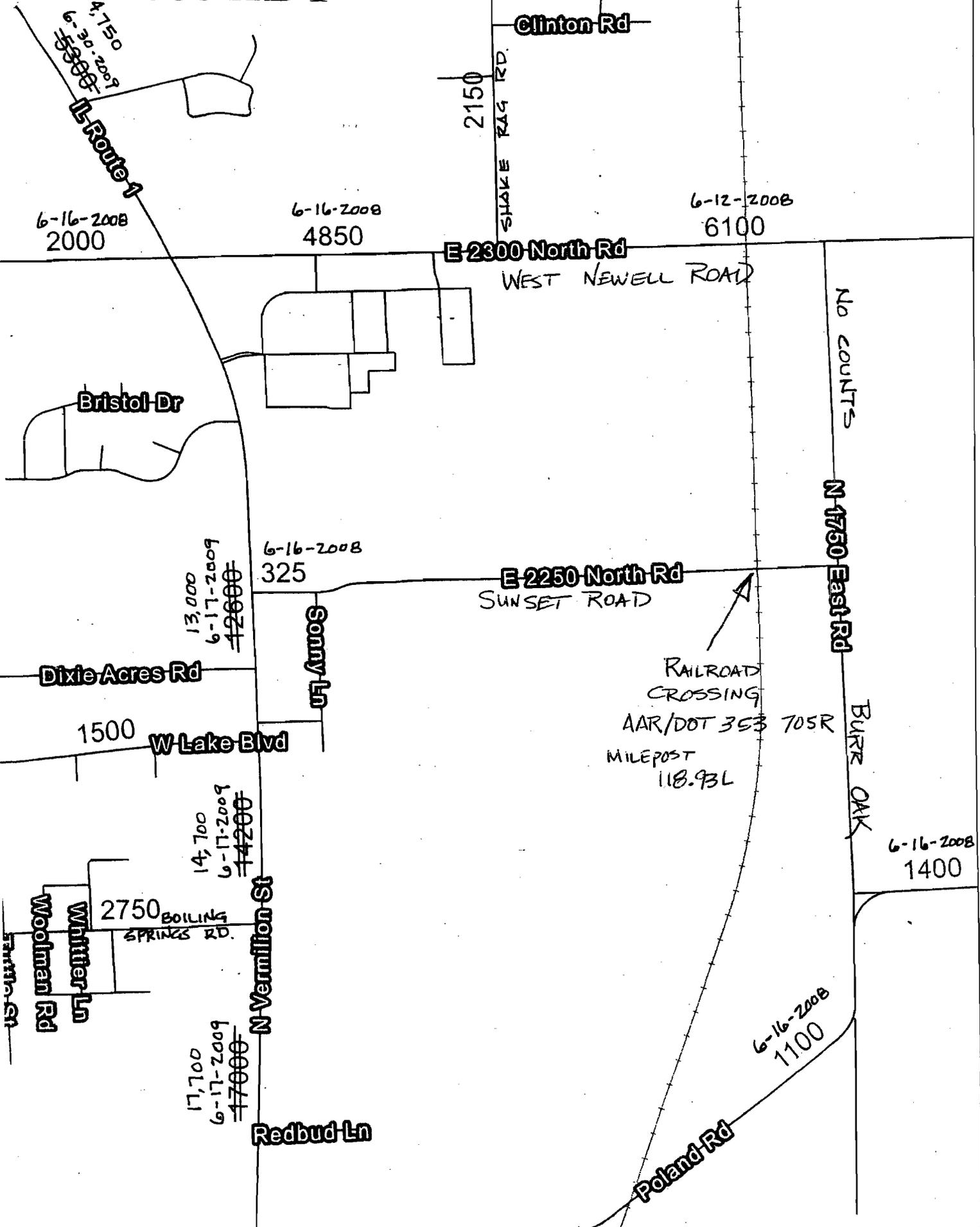
Very truly yours,

Joseph E. Crowe, P.E.  
Deputy Director of Highways,  
Region Three Engineer

RMN/als  
Enc.

cc: Mr. Doug Staske, Vermilion County Engineer, 2732 Batestown Road,  
Oakwood, IL 61858 (Enc.)

# 2008 ADT



September 8, 2009

To Whom It May Concern:

I am writing to oppose the permanent closing of the railroad crossing on Sunset Rd in Danville Illinois.

I have lived at 3813 Sonny Lane in Danville, Illinois since October 97 (12 years). Sonny Lane is an "L" shaped street approximately 2 blocks long. The south end of Sonny Lane is accessed from Vermilion St (Route 1) and the north end is accessed from Sunset Rd.

Residents in the area of this crossing were lead to believe that it would be reopened once the Winter Avenue project was completed.

Closing this railroad crossing affects my safety and those of other residents. Vermilion St (route 1) is a main through fare and is heavily traveled. Sunset Rd provides an alternative to Vermilion Street. Prior to the closing of this crossing I used Sunset road and rarely if ever used Vermilion Street for safety reasons.

If an emergency occurred that closed access to Vermilion St from both Sonny Lane and Sunset Rd there would be no way for us to evacuate. To me the railroad has no right to do this.

There is a rail yard in Tilton, Il and that is where trains should be railed if needed. My understanding is that the railroad doesn't want to deal with complaints from Tilton residents regarding idling trains and is one of the reasons they don't want to reopen the Sunset crossing.

Farmers with fields on Sunset Rd are being forced to take their equipment via Vermilion St to access their fields. This is a dangerous situation for all concerned.

I respectfully request that the crossing be reopened for our use.

Thank you,

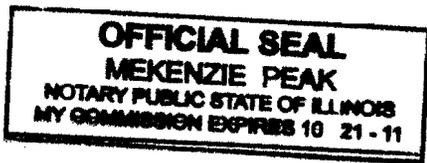
Sharon S Clore



3813 Sonny Lane  
Danville IL 61832  
217-442-8107



9-21-09



# The News-Gazette.com

## CSX wants to keep Sunset crossing in Danville shut

By Tracy Moss

Thursday May 14, 2009

DANVILLE – CSX Railroad officials want to permanently close the railroad crossing on Sunset Road, to the dismay of residents who live in that area on Danville's north end.

The crossing was temporarily closed within the last few years, partly to accommodate the reconstruction of Winter Avenue in Danville. CSX staged trains at the grade-separation crossing over Winter Avenue, but had to do that farther north during the project.

Closing the Sunset crossing and adding 1.5 miles of track next to the existing track allowed the staging to take place farther north across Sunset.

Newell Township officials and Sunset Road residents had been told that the crossing would reopen after the Winter Avenue project was finished.

But Ken Gilsdorf, supervisor of public affairs and safety with CSX, told Newell Township trustees Wednesday night that the railroad plans to petition the Illinois Commerce Commission to permanently close the crossing, which is currently barricaded.

About 20 residents who attended the meeting objected, and said they want it to be reopened.

Less and Tracy Miller live on Sunset Road and farm 125 acres west of the railroad tracks. Miller's farm equipment is stored along Bowman Avenue. For the last two years, he has had to drive his combine and other large farm equipment west on West Newell Road by Wal-Mart to Illinois 1, head south on five-lane Illinois 1 past Sunset Funeral Home, and turn east across traffic onto Sunset Road to access his field. In the past, he took a much shorter route on all rural roads to get there.

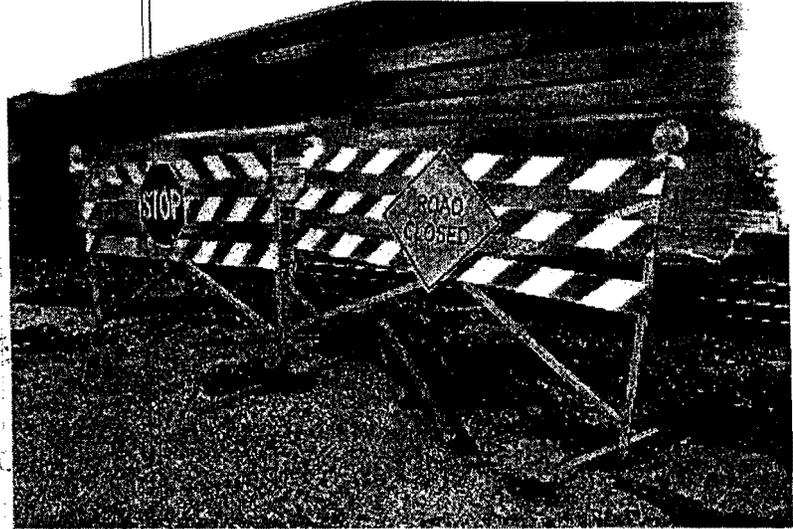
Miller said he was OK with the temporary closure, but the last two years accessing his field has been "hectic," especially on heavily traveled Illinois 1, where his slow-moving equipment blocks both southbound lanes into Danville. Miller said a curb doesn't allow him to drive the equipment partly off the highway either.

"It increases our liability quite a bit," said Miller, who does not want to do that permanently to reach his farmland.

Currently, the ICC has a pending order for the railroad to reopen the crossing later this year and install lights and safety arms, which have never been at that crossing. The cost to the railroad would be \$175,000 to \$200,000.

Gilsdorf said at Wednesday's meeting that in the last two years train traffic has increased along that track, which runs from Chicago south to Danville and through Terre Haute, Ind. About 30 trains a day use the track, he said, and four of those carry double decker cars, while the daily road traffic count on Sunset Road is 209, according to 2003 numbers.

With increased train traffic and a history of train-motor vehicle accidents at that crossing, Gilsdorf said the railroad supports closing the crossing permanently. He also said that if the crossing re-opened, trains would block the crossing for staging and other reasons. He said noise complaints about idling trains from residents further south in Danville would also increase again



Rick Danzl

A train passes the intersection with Sunset Road on Wednesday in Danville. The crossing was removed two years ago, and CSX Railroad officials want it to stay that way.

if the crossing were reopened.

Gilsdorf showed the audience statistics on accidents at the Sunset crossing that included four train-vehicle incidents since 1979 that collectively resulted in two fatalities, three injuries and thousands in property damage.

He said that's a high number of incidents for one at-grade crossing, and with the double track there now, the risk of accidents would only increase.

Some of the residents said they doubted the numbers, claiming that they don't remember accidents Gilsdorf said occurred in 2002 and 2006, but Gilsdorf said the railroad has the records. Residents also argued that with lights and safety arms, the crossing would be safer in the future than in the past.

The township had to create a turnaround for vehicles at the crossing, and township officials argued that improvements, including widening and turnarounds, would have to be made to the road if the crossing is to be closed permanently.

In that event, the township would receive about \$75,000 in incentive money from the ICC, the railroad and the Illinois Department of Transportation. But township officials said that's not enough to purchase right-of-way to widen the road and make other improvements so vehicles can turn around on either side of the railroad tracks.

In fielding questions and comments from residents, Gilsdorf said that the township could negotiate with the railroad for more incentive money to improve the road if the crossing were permanently closed. He also said that the railroad in some cases has turned public crossings into private crossings, especially to help farmers, who would have keys to the gate.

Newell Township officials plan to fight the railroad's petition and want it reopened, especially for the benefit of those living along Sunset Road.

Find this article at:

[http://www.news-gazette.com/news/2009/05/14/csx\\_wants\\_to\\_keep\\_sunset\\_crossing\\_in\\_danville\\_shut](http://www.news-gazette.com/news/2009/05/14/csx_wants_to_keep_sunset_crossing_in_danville_shut)

Comments

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**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 92: TRANSPORTATION**  
**CHAPTER III: ILLINOIS COMMERCE COMMISSION**  
**SUBCHAPTER c: RAIL CARRIERS**  
**PART 1536 GRADE CROSSING CLOSURE AND OPENING**  
**SECTION 1536.10 PETITION TO CLOSE GRADE CROSSING**

**Section 1536.10 Petition to Close Grade Crossing**

- a) A party may petition the Commission to close a grade crossing of a public highway with the tracks of a registered rail carrier on the grounds that public safety requires such a closure. The Commission shall, at public hearing, consider the evidence presented in the petition. Such hearing shall be conducted in accordance with the Commission's rules of practice (83 Ill. Adm. Code 200).
- b) The petition filed under subsection (a) of this section shall include the following information about the crossing:
  - 1) whether the crossing is located in an incorporated city, village or town or in an unincorporated area;
  - 2) whether the crossing is signalized (i.e., equipped with automatic flashing lights, with or without gates) or unsignalized (i.e., all other types of warning devices, including crossbuck signs), and, if signalized, when warning devices were installed or circuitry was updated;
  - 3) the average daily vehicular traffic (ADT) which traverses the crossing and posted speed limit (if speed is not posted, it shall be assumed to be 55 mph for crossings outside of incorporated cities and municipalities, or 30 mph for crossings within the limits of incorporated cities and municipalities). The ADT, which must have been taken in a calendar year not more than two calendar years prior to the year of the filing of the petition, shall be obtained from the Illinois Department of Transportation (IDOT); however, if IDOT does not respond within 90 days to such a request, the petitioner may determine the ADT by performing a traffic study utilizing IDOT's current traffic monitoring practices and procedures;
  - 4) the average number of freight train movements per day over the crossing, calculated by taking the total number of freight train movements which occur over the crossing during a period of 28 consecutive days and then dividing that number by 28;
  - 5) the average number of passenger train movements per day over the crossing, calculated by taking the total number of passenger train movements which occur over the crossing during a period of 28 consecutive days and then dividing that number by 28;
  - 6) the maximum timetable speed for freight and for passenger trains operating through the crossing;
  - 7) the location of the two nearest public rail-highway crossings;
  - 8) the crossing's accident history for the last 5 years;

- 9) the alignments of the roadway and railroad and the angle of intersection of those alignments, and whether visibility of trains to motorists approaching the crossing or to motorists stopped at the crossing is adequate according to Appendix 1, "A Policy of Geometric Designs of Highways and Streets", published by the American Association of State Highway and Transportation Officials (AASHTO) in 1990 (no later editions or amendments included);
  - 10) the types of vehicular traffic that use the grade crossing (e.g., automobiles, trucks carrying hazardous materials, vehicles carrying passengers for hire, school buses, etc.); and
  - 11) the location and mailing address of emergency response units having responsibility for the area where the grade crossing is located, as obtained from the county sheriff or county emergency management agency.
- c) Parties to the proceeding or Commission staff may contest the validity of the information included in the petition in accordance with subsection (b) above.

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 92: TRANSPORTATION**  
**CHAPTER III: ILLINOIS COMMERCE COMMISSION**  
**SUBCHAPTER c: RAIL CARRIERS**  
**PART 1536 GRADE CROSSING CLOSURE AND OPENING**  
**SECTION 1536.20 CRITERIA FOR CROSSING CLOSURE**

**Section 1536.20 Criteria for Crossing Closure**

- a) The hearing examiner shall assign the crossing proposed for closure to one of the following categories:
- 1) Category 1: the crossing is located in an incorporated area and the crossing is signalized;
  - 2) Category 2: the crossing is located in an incorporated area and the crossing is unsignalized;
  - 3) Category 3: the crossing is located in an unincorporated area and the crossing is signalized; or
  - 4) Category 4: the crossing is located in an unincorporated area and the crossing is unsignalized.
- b) The categories listed in subsection (a) of this Section shall be differentiated by:
- 1) the crossing's ADT; and
  - 2) the crossing's Train Volume and Speed Index (TVSI), which is calculated by taking the average number of freight and passenger train movements per day which use the crossing and multiplying each by their maximum timetable train speed. This calculation is represented by the following equation:

$$TVSI = (T_f \times S_f) + (T_p \times S_p)$$

Where:

TVSI = Train Volume and Speed Index

$T_f$  = Average number of freight trains/day

$T_p$  = Average number of passenger trains/day

$S_f$  = Maximum timetable speed for freight trains

$S_p$  = Maximum timetable speed for passenger trains

- c) The ADT and TVSI thresholds for each category are:

Category	Characteristics	Closure Criteria
1:	Incorporated/Signalized*	ADT $\leq$ 125 and TVSI $\geq$ 240
2:	Incorporated/Unsignalized	ADT $\leq$ 175 and TVSI $\geq$ 240
3:	Unincorporated/Signalized*	ADT $\leq$ 75 and TVSI $\geq$ 300
4:	Unincorporated/Unsignalized	ADT $\leq$ 100 and TVSI $\geq$ 300

\* Where signal equipment or last circuitry update is 10 years old or older.

- d) The Commission shall determine if the crossing meets the following criteria:
- 1) the crossing has a permanent or seasonal obstruction(s) whereby the visibility of trains to motorists approaching the crossing or to motorists stopped at the crossing is not adequate per Appendix 1, "A Policy of Geometric Designs of Highways and Streets", incorporated in Section 1536.10 (b)(9) of this Part;
  - 2) the crossing has an ADT value less than or equal to the threshold for the category; and
  - 3) the crossing has a TVSI value equal to or greater than the threshold for the assigned category.
- e) The Commission shall consider evidence regarding the amount of adverse distance which closure will cause. For the purposes of this Part, adverse distance is defined as the distance which must be traveled, from one side of the crossing to be closed to reach a point adjacent to and on the opposite side of the crossing, via the nearest alternate public crossing and roadway. The Commission shall also consider the adequacy of the alternate crossing and roadway.
- f) The alternate public crossing shall not be considered adequate unless, in the case of an at-grade crossing, it is equipped with automatic warning devices and conforms with the requirements of 92 Ill. Adm. Code 1535, or it is grade separated.
- g) The alternate roadway shall be considered adequate if:
- 1) it is a roadway with an all-weather surface;
  - 2) it is of sufficient width to accommodate its existing vehicular traffic plus the vehicular traffic rerouted by the closure, as determined by IDOT's Bureau of Local Roads and Streets;
  - 3) when an existing road is used as an alternate, the roadway is already, or may legally be, utilized by the same types of vehicular traffic as the roadway where the crossing is sought to be closed; and
  - 4) rerouting of the crossing's vehicular traffic over the alternate roadway will not have a significant adverse effect on public safety. Factors to be considered in making this determination include:
    - A) the extent to which rerouting will cause or increase an unsafe and incompatible mix of traffic on the alternate roadway;
    - B) the extent to which rerouting will increase emergency response time; and
    - C) any other evidence of record relating to the safe public use of the alternate roadway.
- h) Proponents of the closure will bear the burden of proving the alternate public crossing and roadway meet the requirements in subsections (f) and (g) above or will meet them after improvements have been made.
- i) The alternate public crossing will not be considered adequate if the amount of adverse distance, as measured along the centerline of the routes which comprise the alternate roadway, which the closure will cause:
- 1) is greater than 0.75 miles when any part of the railroad right-of-way or

highway right-of-way at the crossing lies within an incorporated town, village or city, or abuts the corporate limits of any town, village or city; or  
2) is greater than four miles in any other case.

- j) The Commission shall order the crossing closed if it meets the criteria set forth in subsections (d), (f), (g) and (i) of this Section or if, under the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401] (ICTL), the Commission finds, based on the totality of evidence presented, that public safety requires the crossing be closed and that public convenience served by the crossing in question is not such as to justify its further retention. No two consecutive crossings shall be closed in a row without the consent of the affected highway agency(s) if the distance between the two crossings from the centerline of each crossing along the railroad's centerline is equal to or greater than one mile.
- k) The Commission shall, when such action is supported by the evidence, order the construction of a turn-around or cul-de-sac to accommodate school bus traffic and/or highway maintenance equipment affected by the crossing closure.
- l) The Commission shall allocate the cost of any improvements found necessary to accommodate a crossing closure required by this Section among the railroad, IDOT and the Grade Crossing Protection Fund. The Commission may also allocate costs to the highway agency when evidence of record supports such allocation.

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 92: TRANSPORTATION**  
**CHAPTER III: ILLINOIS COMMERCE COMMISSION**  
**SUBCHAPTER c: RAIL CARRIERS**  
**PART 1536 GRADE CROSSING CLOSURE AND OPENING**  
**SECTION 1536.30 PETITION TO OPEN GRADE CROSSING**

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**Section 1536.30 Petition to Open Grade Crossing**

A party may petition the Commission to open a grade crossing of a public highway with the tracks of a registered rail carrier on the grounds that public necessity requires such an opening.

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PART 1536 GRADE CROSSING CLOSURE AND OPENING  
SECTION 1536.40 CRITERIA FOR CROSSING OPENING

**Section 1536.40 Criteria for Crossing Opening**

- a) When a petition is filed to extend a public road, highway or street across a track at grade the Commission shall determine if the following criteria are satisfied:
  - 1) there is presently inadequate or no vehicular access to the area to be served by the crossing;
  - 2) alternate vehicular access cannot be provided at a cost equal to or less than the cost of establishing the crossing;
  - 3) the crossing would not meet the Commission's criteria for closure specified in Section 1536.20 of this Part;
  - 4) the crossing's average daily traffic (ADT) would be at least 1,000 vehicles per day within 3 years after the crossing was established;
  - 5) the crossing's location does not interfere with the railroad's operational activities such as switching and usage of a passing track(s) which would result in substantial delay of, or hazard to, motor vehicles; and
  - 6) the crossing does not pose risks to train crews or motorists beyond those normally associated with at-grade crossings.
- b) The Commission shall order the construction of a new at-grade crossing if all of the criteria set forth in subsection (a) above are satisfied or if, under the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401] (ICTL), the Commission finds, based on the totality of evidence presented, public convenience and necessity requires the opening.
- c) Notwithstanding the provisions of subsection (b) above, the Commission may order the construction of a grade separation if evidence of record supports such a finding.
- d) The Commission shall allocate the cost associated with the construction of a new at-grade crossing or grade separation required by subsection (a), (b) or (c) above among the highway agency(s), IDOT, and the Grade Crossing Protection Fund. The Commission may also allocate costs to the railroad when evidence of record supports such allocation.