

**ORIGINAL**

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

**RECEIVED**

FEB 11 2010

ILLINOIS COMMERCE COMMISSION  
RAIL SAFETY SECTION

Petition for authorization to reconstruct )  
the Chicago Avenue and Halsted Street )  
Viaduct over the Union Pacific Railroad )  
from 500' North, South, East and West of the )  
intersection of Chicago Avenue and Halsted )  
Street in the City of Chicago, County of Cook )  
and State of Illinois, and for a waiver of the )  
clearance requirements of 92 Ill. Admin. Code, )  
Section 1500. )

No. T10-0020

**PETITION**

The City of Chicago ("City), by its attorney Mara S. Georges, Corporation Counsel, hereby petitions the Illinois Commerce Commission ("Commission") for authority to reconstruct the Chicago Avenue and Halsted Street Viaduct from approximately 446' North, 174' South, 268' East and 127' West of the centerlines of the intersection of Chicago Avenue and Halsted Street, which is located over tracks of the Union Pacific Railroad in Chicago, Illinois, and for a waiver of the Commission's clearance requirements set forth in 92 Ill. Adm. Code, Section 1500.

In support of the petition, the City states as follows:

1. The Commission has jurisdiction of the subject matter of this petition and of the petitioner pursuant to Chapter 18 of the Illinois Commercial Transportation Law. 625 ILCS 5/18c-7401. The City requests that Union Pacific Railroad and the Illinois Department of Transportation be made parties to this proceeding.
2. Chicago Avenue and Halsted Streets are minor arterials in the City of Chicago which run in an east-west and north-south direction respectively and, at this location, are a primary mover of pedestrian, vehicular and truck traffic within the City of Chicago.

**DOCKETED**

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3. The Chicago Avenue and Halsted Street Viaduct is an overhead structure spanning two railroad tracks of the Union Pacific Railroad (one active and one inactive track).
4. The City desires to reconstruct the Chicago Avenue and Halsted Street Viaduct and hereby seeks authorization from the Commission for this reconstruction project. A drawing of the proposed reconstruction plan has been prepared by URS Corporation, consulting engineers, and is attached as Group Exhibit A.
5. The City plans to secure funds for this project (Federal Highway Administration) pursuant to the Federal Intermodal Surface Transportation Efficiency Act of 1991 which provides for 80% Federal and 20% State monies.
6. The City does not seek at this time any contribution of funds for this reconstruction project from the Union Pacific Railroad or from the Grade Crossing Protection Fund.
7. The existing and proposed vertical clearances of the Chicago Avenue and Halsted Street Viaduct from bottom of I-Beam to top of rail are attached as Exhibit B. The existing minimum clearances are 16'6" under Halsted Street to the top of the rail track and 17'3" under Chicago Avenue to the top of the rail track. The clearances will remain the same after reconstruction.
8. The City hereby requests that the Commission waive its clearance requirements of 92 Ill. Adm. Code Section 1500 (formerly General Order 22).
9. The reason that compliance with 92 Ill. Adm. Code Section 1500 cannot be met and a waiver is requested by the City is as follows:

With respect to vertical clearances, the reconstructed Chicago Avenue and Halsted Street Viaduct must maintain a profile similar to the existing one in order to meet existing approach grade requirements. Raising the roadway profiles would interfere

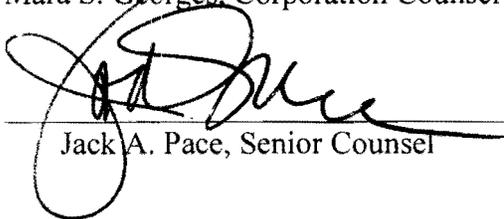
with traffic in the immediate vicinity of the intersection and would require reconstruction of both minor arterial urban roadways. In addition, raising the roadways would also eliminate current at grade entrances to the local businesses which now have entrances from the existing sidewalks.

10. The Union Pacific Railroad has no objection to this reconstruction plan, a letter form UP is attached as Exhibit C. The City will be obligated to maintain the new structure.
11. The City expects to complete the reconstruction of the Chicago Avenue and Halsted Street Viaduct by spring of 2013.

**WHEREFORE**, the City of Chicago prays that the Illinois Commerce Commission enter an Order, without hearings, in which it authorizes the reconstruction of the Chicago Avenue and Halsted Street Viaduct and waives the clearance requirements of 92 Ill. Adm. Code Section 1500.

Respectfully submitted,

CITY OF CHICAGO  
Mara S. Georges, Corporation Counsel



Jack A. Pace, Senior Counsel

Diane Pezanoski  
Deputy Corporation Counsel  
Jack A. Pace  
Senior Counsel  
City of Chicago Law Department  
30 N. La Salle Street, Suite 1400  
Chicago, Illinois 60602  
312-744-6997

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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**NOTICE OF FILING**

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE THAT ON THIS DATE I caused to be mailed to the Illinois Commerce Commission, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois 62794-9280, by Federal Express, the original and three (3) copies of the City of Chicago's Petition.

**CERTIFICATE OF SERVICE**

I, Jack A. Pace, an attorney, hereby certify that a copy of the foregoing City of Chicago Motion was served upon the party or parties listed on the attached service list, by **Hand Delivery, Federal Express or by U.S. Mail, postage pre-paid**, from Suite 1400, 30 North La Salle Street, Chicago, Illinois 60602, in accordance with the Rules of Practice of the Illinois Commerce Commission.

Dated: February 10, 2010

  
\_\_\_\_\_  
Jack A. Pace  
Senior Counsel  
City of Chicago  
30 North La Salle Street, Suite 1400  
Chicago, IL 60602 (312) 744-6997

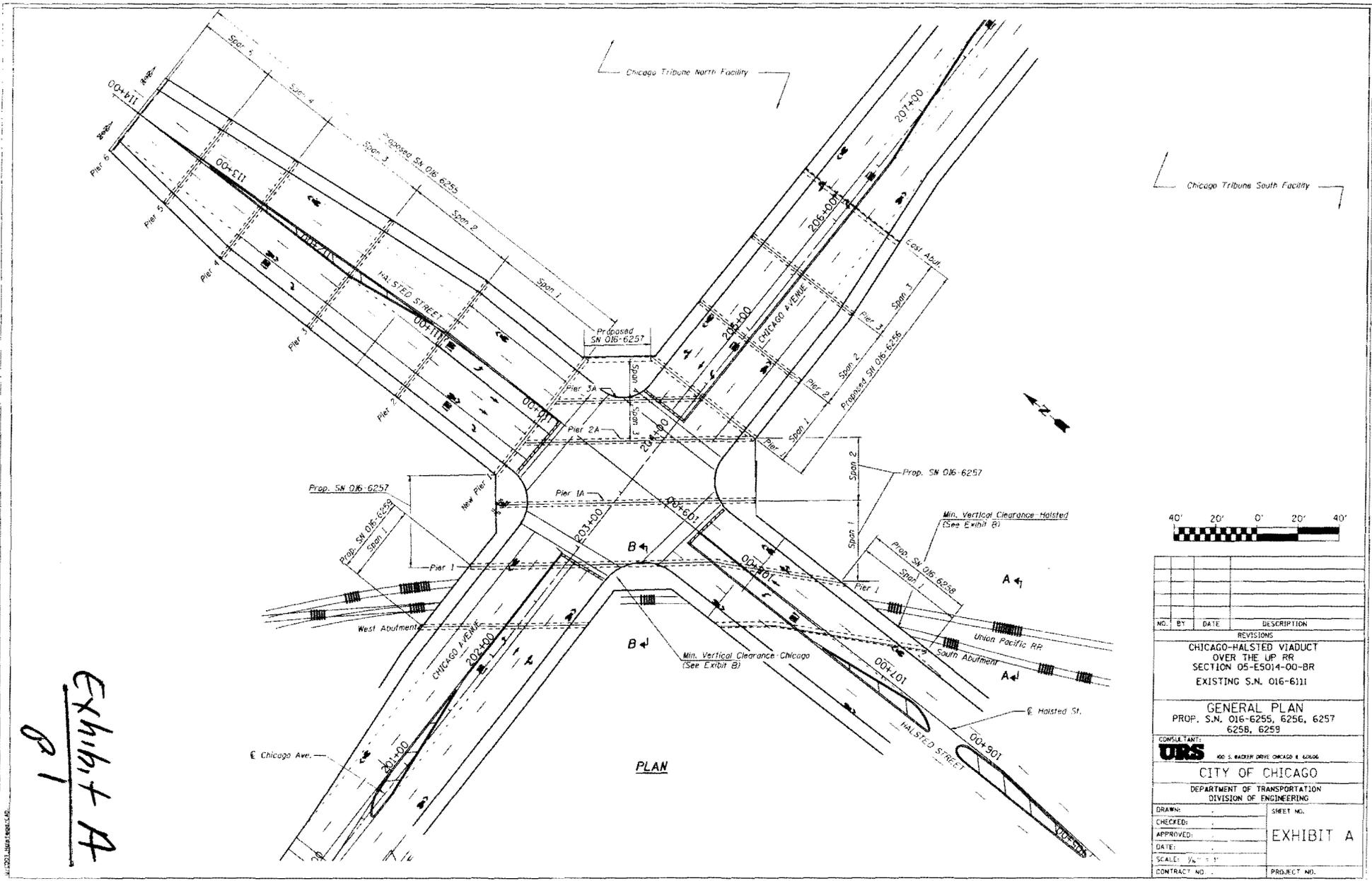
Service List

Mr. Mike Stead  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, Illinois 62794

Mr. Dan Burke  
Mr. Soliman Khudeira  
CDOT  
30 N. La Salle Street  
4<sup>th</sup> floor  
Chicago, Illinois 60602

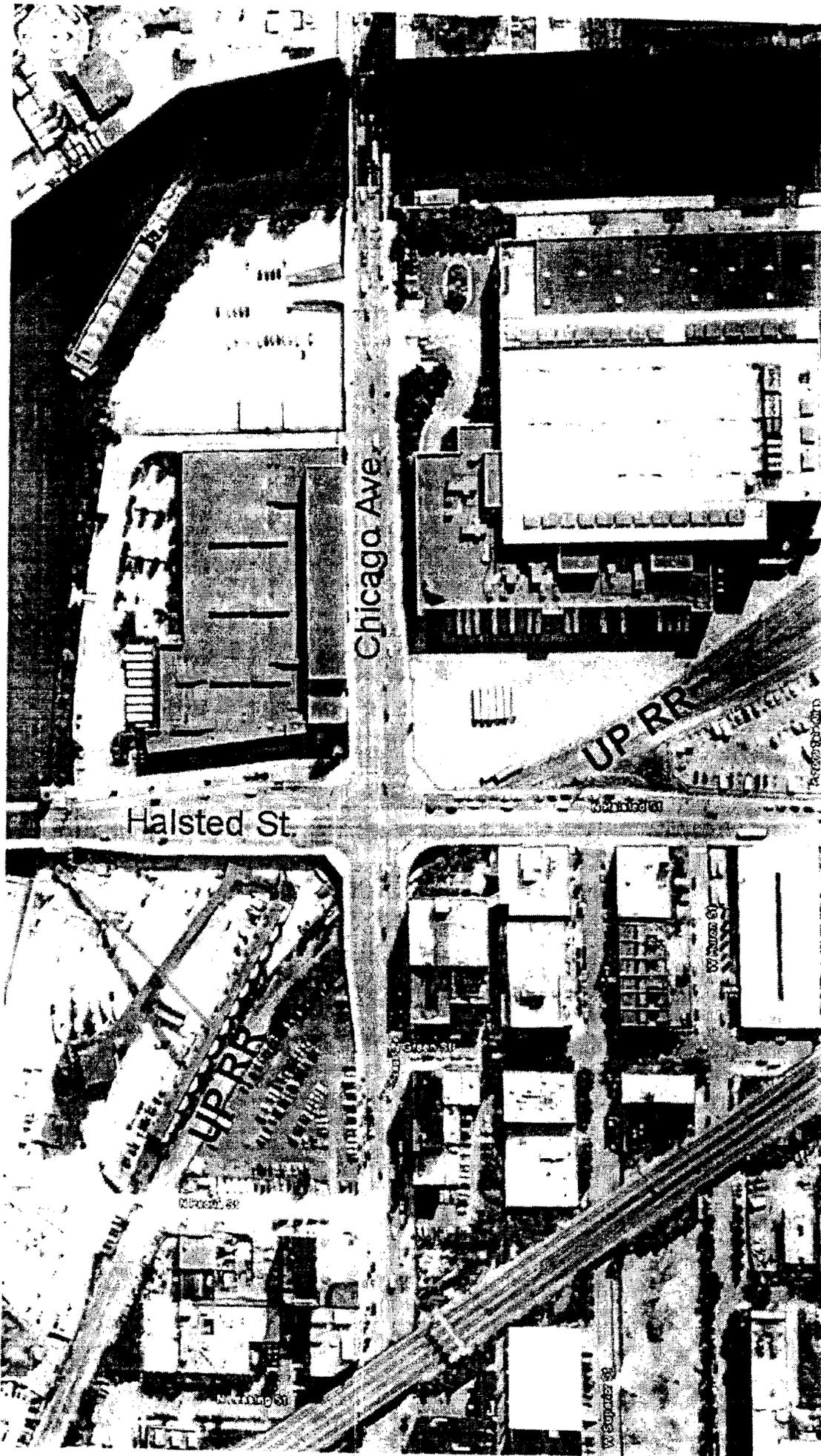
Mr. Michael W. Payette  
AVP, Government Affairs, Central Region  
Union Pacific Railroad  
101 North Wacker Drive, Ste. 1910  
Chicago, Illinois 60606

Mr. Zubair Haider  
IDOT District 1  
Bureau of Local Roads  
201 West Center Court  
Schaumburg, Illinois 60196-1096



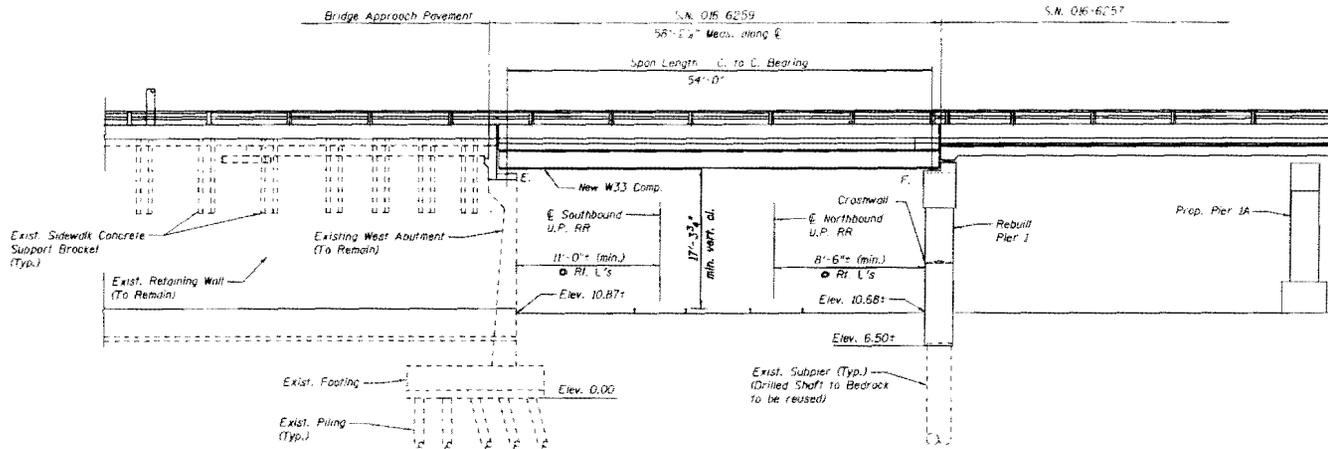
*Exhibit A*  
*R 1*

NO.	BY	DATE	DESCRIPTION
REVISIONS			
CHICAGO-HALSTED VIADUCT OVER THE UP RR SECTION 05-E5014-00-BR EXISTING S.N. 016-6111			
GENERAL PLAN PROP. S.N. 016-6255, 6256, 6257 6258, 6259			
CONSULTANT: <b>URS</b> 400 S. MADISON DRIVE CHICAGO 6, ILLINOIS			
CITY OF CHICAGO DEPARTMENT OF TRANSPORTATION DIVISION OF ENGINEERING			
DRAWN: _____			SHEET NO.
CHECKED: _____			EXHIBIT A
APPROVED: _____			
DATE: _____			
SCALE: 1/4" = 1'			PROJECT NO.
CONTRACT NO. _____			



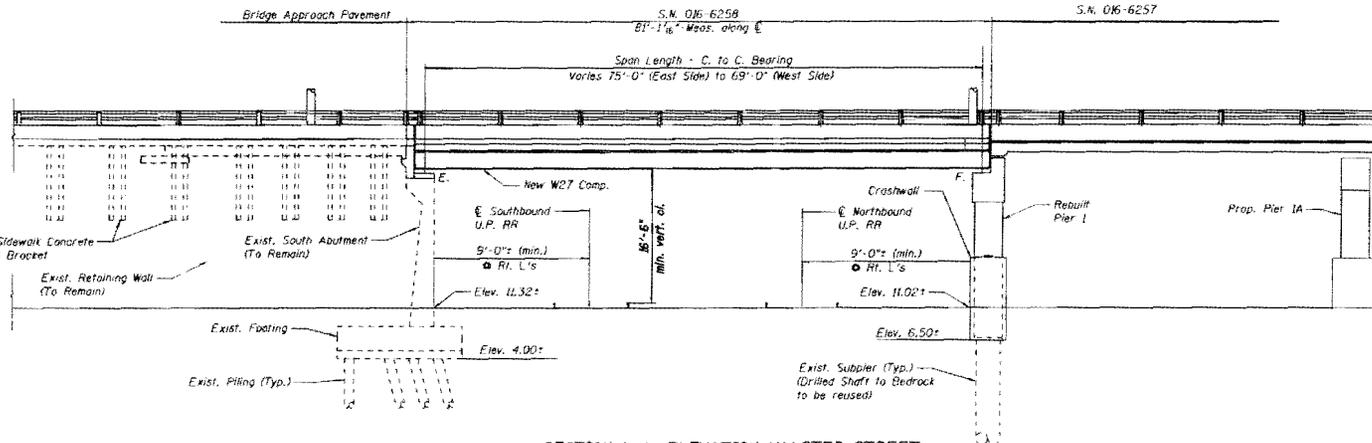
Chicago Ave. - Halsted St. Viaduct

Exhibit  
A  
p. 2



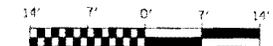
**SECTION B-B: ELEVATION - CHICAGO AVENUE**

Span 2: Existing S.N. 016-6111  
Span 1: Proposed S.N. 016-6259  
(Looking Northwest)



**SECTION A-A: ELEVATION - HALSTED STREET**

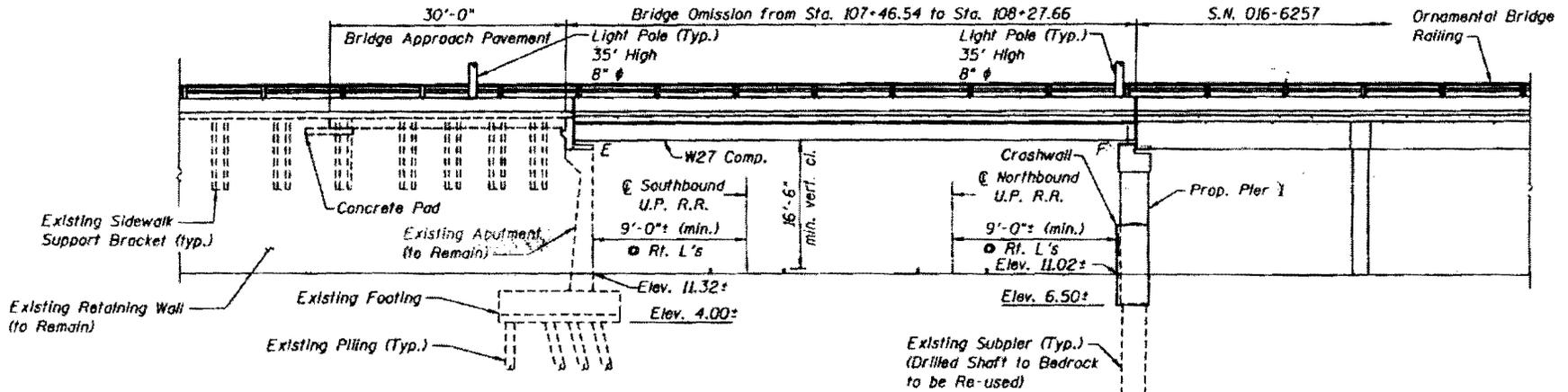
Span 1: Existing S.N. 016-6111  
Span 1: Proposed S.N. 016-6258  
(Looking Northwest)



NO.	BY	DATE	DESCRIPTION
REVISIONS			
CHICAGO-HALSTED VIADUCT OVER THE U.P. RR SECTION 05-ES014-00-BR PROP. S.N. 016-6258 - HALSTED ST. PROP. S.N. 016-6259 - CHICAGO AVE.			
GENERAL ELEVATION OVER U.P. RR			
CONSULTANT: <b>URS</b> 400 N. MICHIGAN CHICAGO IL 60606			
CITY OF CHICAGO			
DEPARTMENT OF TRANSPORTATION DIVISION OF ENGINEERING			
DRAWN:			SHEET NO.
CHECKED:			<b>EXHIBIT B</b>
APPROVED:			
DATE:			
SCALE:			
CONTRACT NO.			PROJECT NO.

Exhibit B, p. 1

No salvage



ELEVATION

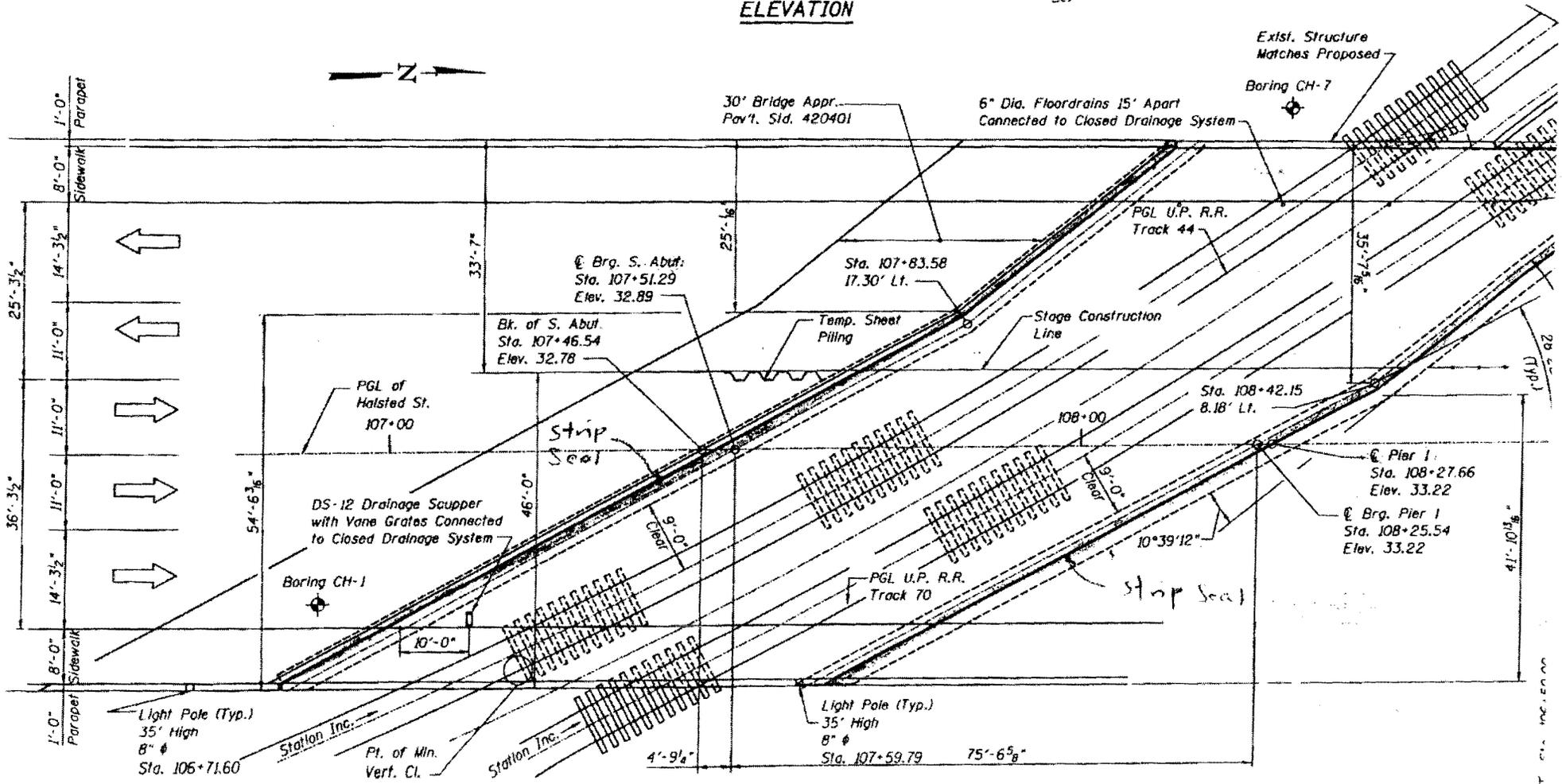
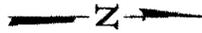


EXHIBIT B, p. 2





Michael W. Payette  
AVP, Government Affairs, Central Region

November 4, 2009

John Yonan, P.E.  
Deputy Commissioner  
Division of Engineering  
City of Chicago  
30 N. LaSalle St., Ste. 400  
Chicago, IL 60602

**RE:** Halsted Street and Chicago Avenue Bridges

Dear Mr. Yonan:

The Union Pacific Railroad supports the City's petition to the Illinois Commerce Commission seeking a waiver from Illinois Administrative Code, Section 1500.160(c). This Section requires that all highway bridges spanning railroad tracks must have a vertical clearance of not less than 23' above top of rail.

Our opinion is that the application of the 23' vertical clearance requirement would be difficult and prohibitively expensive to achieve at this urban location. The effects would have a severe, negative impact on the quality of life in this neighborhood and the benefits of the 23' clearance would be minimal to the Union Pacific, and its customers, on a cost/benefit basis.

Union Pacific supports the City's petition to waive the required 23' minimal clearance requirement when the Halsted Street and Chicago Avenue bridges are rebuilt over our tracks.

Very truly yours,

cc: Thomas Power  
Luann Hamilton  
Soliman Khudeira  
Demetrius Watson

(TAZ\102709-005)

Exhibit C