

Docket No.: T08-0038 consol.
with T08-0039
Bench Date: 5/04/11
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Latrice Kirkland-Montaque, Chief Administrative Law Judge

DATE: April 20, 2011

SUBJECT: The Village of Hartford, Madison County, Illinois,
Petitioner,

v.

Norfolk Southern Railway, a Virginia Corporation; Kansas City Southern Railway; Gateway Eastern Railway Company; Union Pacific Railroad Company; and State of Illinois, Department of Transportation
Respondents.

Petition for an Order of the Illinois Commerce Commission authorizing the establishment of a grade crossing in Hartford, Madison County, Illinois as a public grade crossing, and for determination by the Illinois Commerce Commission of the appropriate level of warning devices and division of the costs among the parties. Kansas City Southern Railway, Union Pacific Railroad Company and State of Illinois, Department of Transportation

RECOMMENDATION: Enter Order granting the Petitions.

On February 28, 2008, the Village of Hartford ("Petitioner") filed Petitions requesting authority to re-designate the Robbins Road highway-rail grade crossing of the Norfolk Southern Railway Company's, and the Robbins Road highway-rail grade crossing of the jointly owned track of the Union Pacific Railroad Company and The Kansas City Southern Railway Company, and the track of the Gateway Eastern Railway Company ("GER"), from private to public. Petitioner also requests that the Commission determine the appropriate warning devices for the crossings, establish an appropriate division of cost for installation of the warning devices, and establish a time frame for any required improvements.

On April 9, 2008, an Interim Order was approved by the Commission designating the two highway-rail grade crossings as public and requiring, among other things, the installation of reflective crossbucks, 2 TRACKS signs and STOP signs at the KCS/UP crossing.

Since the initial hearing on March 20, 2008, the Village has reconstructed Robbins Road. Robbins Road has an estimated annual average daily traffic ("AADT") of 75 vehicles per day consisting of Village residents, nearby businesses and industries and farm vehicles and equipment. The Village of Hartford currently utilizes Robbins Road and the UP/KCS/GER crossing for its emergency response vehicles as the most direct access route to the businesses located east of the crossing. Robbins Road provides an alternative route that serves to minimize truck, tanker, and semi-trailer traffic through the Village's residential district, and a school zone.

Robbins Road is one of the four east-west public travel routes located in the Village, with Hawthorne Avenue being the main road through town. Hawthorne Avenue will be under construction in 2011, as IDOT will be performing repairs and an overlay of the road. These improvements are scheduled to begin in April 2011, and will occur throughout the 2011 construction season. The other two east-west routes in the Village cannot accommodate heavy traffic volumes or semi-trucks. This will create a public safety burden on the Village's emergency response vehicles and will inconvenience the residents and businesses in Hartford if Robbins Road is closed during this period.

The Village agrees install amber beacon/STOP AHEAD signs as requested by Staff. In addition, the UP and GER will replace the existing STOP signs at the UP/KCS/GER crossing with flashing LED enhanced STOP signs, which will be maintained until such time automatic flashing light signals and gates are placed in service.

The UP/KCS/GER crossing is part of Illinois' Chicago to St. Louis high speed rail corridor project with potential passenger train speeds of up to 110 mph. Currently this segment of track is designed for maximum train speeds of 79 mph.

Within eight months of this Order, the UP and GER will install automatic flashing light signals and gate assemblies in their respective quadrants of the UP/KCS/GER crossing designed for 79 mph maximum train speeds and operated by constant warning time control equipment housed in their respective signal bungalows that can accommodate a four-quadrant gate system.

IDOT has agreed to pay 100% of the costs to install the automatic flashing light signals and gates designed for 79 mph maximum train speeds and operated by constant warning time control equipment housed in signal bungalows that can accommodate a four-quadrant gate system at the UP/KCS/GER crossing. IDOT will utilize \$350,000 in Section 130 federal highway safety funds to pay the GER portion of the project cost, which includes the cost of the interim flashing LED enhanced STOP

sign. All remaining costs, not to exceed \$600,000, will be paid for with Illinois High-Speed Rail project funds.

The NS has completed all of the work that it was ordered to undertake by the Commission per the Interim Order entered in this Docket on April 9, 2008. This Order dismisses the NS as a Party from this proceeding.

Staff does not object to the project. I recommend entry of the attached Order granting the Petitions.