

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

CITY OF ELMHURST, ILLINOIS, a municipal corporation,	)	
	)	
	)	
Petitioner,	)	
vs.	)	No. T12-_____
	)	
UNION PACIFIC RAILROAD COMPANY,	)	
	)	
Respondent,	)	
	)	

**PETITION**

The City of Elmhurst, DuPage County, Illinois, a municipal corporation, (hereinafter referred to as "Elmhurst") petitions the Illinois Commerce Commission (hereinafter referred to as the "Commission") to enter an order pursuant to the authority in Section 18c 7401(3) of the Illinois Commercial Transportation Law (625 ILCS 5/18c 7401(3)) to permit the construction and maintenance of a five-foot (5') wide pedestrian crossing on the east side of West Avenue at its intersection with the tracks of the Union Pacific Railroad Company (hereinafter referred to as the "Union Pacific") designated as AAR/DOT #174 933J, railroad mile post 16.66. In support of its petition, Elmhurst states as follows:

1. Elmhurst is a municipal corporation organized and existing under the laws of the State of Illinois with its principal offices in DuPage County, Illinois.
2. The Union Pacific is a rail carrier engaged in the transportation of persons and property by rail in the State of Illinois.
3. An open highway-rail crossing exists within the corporate limits of Elmhurst located at West Avenue at its intersection with the tracks of the Union Pacific, designated as AAR/DOT #174 933J, railroad mile post 16.66, as depicted in Exhibit "A" attached hereto and

made a part hereof and legally described on Exhibit "B" attached hereto and made a part hereof.

4. Elmhurst has determined that it is necessary to promote public safety and convenience to the public that the existing railroad grade crossing located at West Avenue at its intersection with the tracks of the Union Pacific, designated as AAR/DOT #174 933J, railroad mile post 16.66, be altered by the addition of a five-foot (5') wide pedestrian crossing with pedestrian gates on the east side of West Avenue, as shown on the plans attached hereto as Exhibit "C" and made a part hereof (hereinafter referred to as the "Project").

5. If the Project is approved by the Commission, including such other or additional warning devices as the Commission determines are necessary to preserve public safety, Elmhurst proposes to pay the costs and to reimburse the Union Pacific for its reasonable and necessary costs for the engineering and construction of the Project subject to the agreement of the parties.

6. If the Project is approved by the Commission and constructed, Elmhurst proposes to pay the maintenance costs of the five-foot (5') wide pedestrian crossing, pedestrian gates and such other or additional warning devices as the Commission determines are necessary to preserve public safety, subject to the agreement of the parties.

**WHEREFORE**, Elmhurst requests that the Commission enter an order pursuant to the authority in Section 18c 7401(3) of the Illinois Commercial Transportation Law (625 ILCS 5/18c 7401(3) as follows:

A. Finding that the Commission has jurisdiction over Elmhurst and the Union Pacific and the subject matter of the proceeding;

B. Finding that the construction and maintenance of a five-foot (5') wide pedestrian crossing on the east side of West Avenue at its intersection with the tracks of the Union Pacific, designated as AAR/DOT #174 933J, railroad mile post 16.66, requested by Elmhurst are necessary to promote safety and convenience to the public;

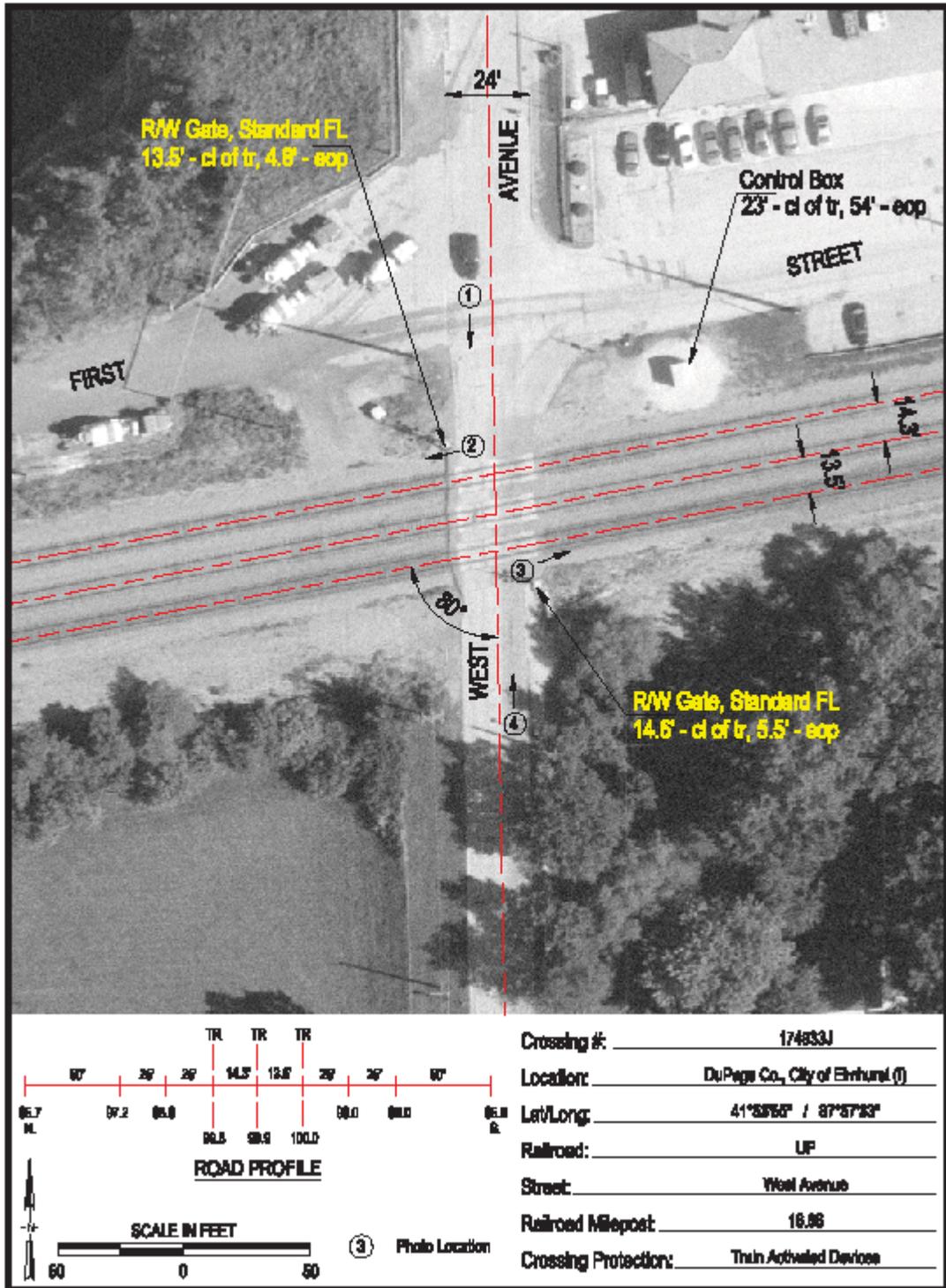
C. Granting permission for the construction and maintenance of a five-foot (5') wide pedestrian crossing on the east side of West Avenue at its intersection with the tracks of the Union Pacific, designated as AAR/DOT #174 933J, railroad mile post 16.66, substantially as shown on the plans attached hereto as Exhibit "C" upon such terms and conditions as may be reasonably necessary;

D. To apportion the cost of the engineering and construction of the Project, including such other or additional warning devices as the Commission determines are necessary to preserve public safety, to Elmhurst and to order Elmhurst to reimburse the Union Pacific for its reasonable and necessary costs, for the engineering and construction of the Project subject to the agreement of the parties;

E. To apportion the cost of maintenance of the constructed improvements, apportioning the maintenance costs of the five-foot (5") wide pedestrian crossing pedestrian gates and such other or additional warning devices as the Commission determines are necessary to preserve public safety to Elmhurst; and



**EXHIBIT "A"**  
**PROJECT LOCATION**



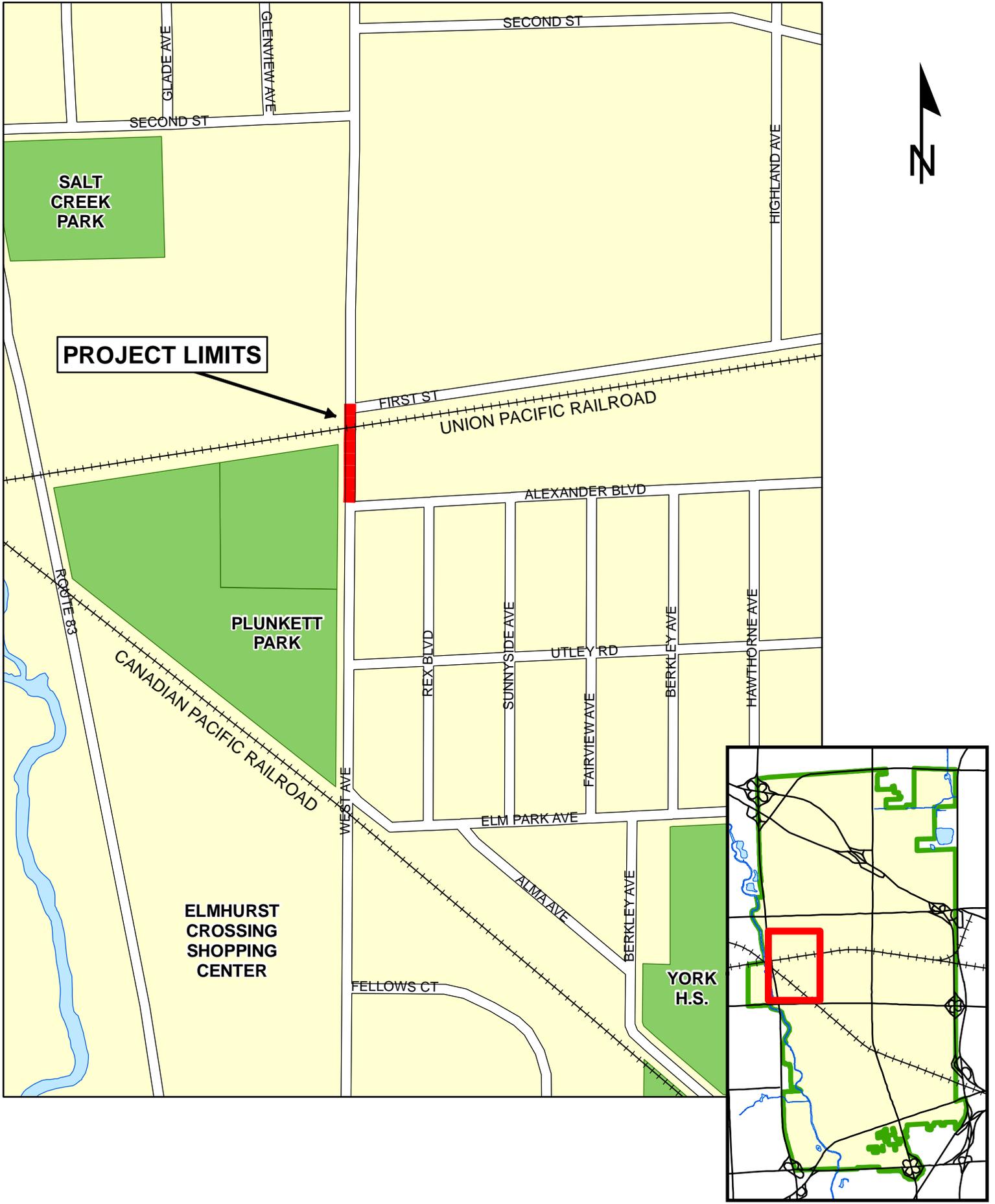


Elmhurst, IL  
July 20, 2011  
Crossing Surface Renewal  
T11-0058



# PROJECT LOCATION MAP

West Avenue  
Pedestrian Improvements  
City of Elmhurst



**EXHIBIT "B"**  
**LEGAL DESCRIPTION**

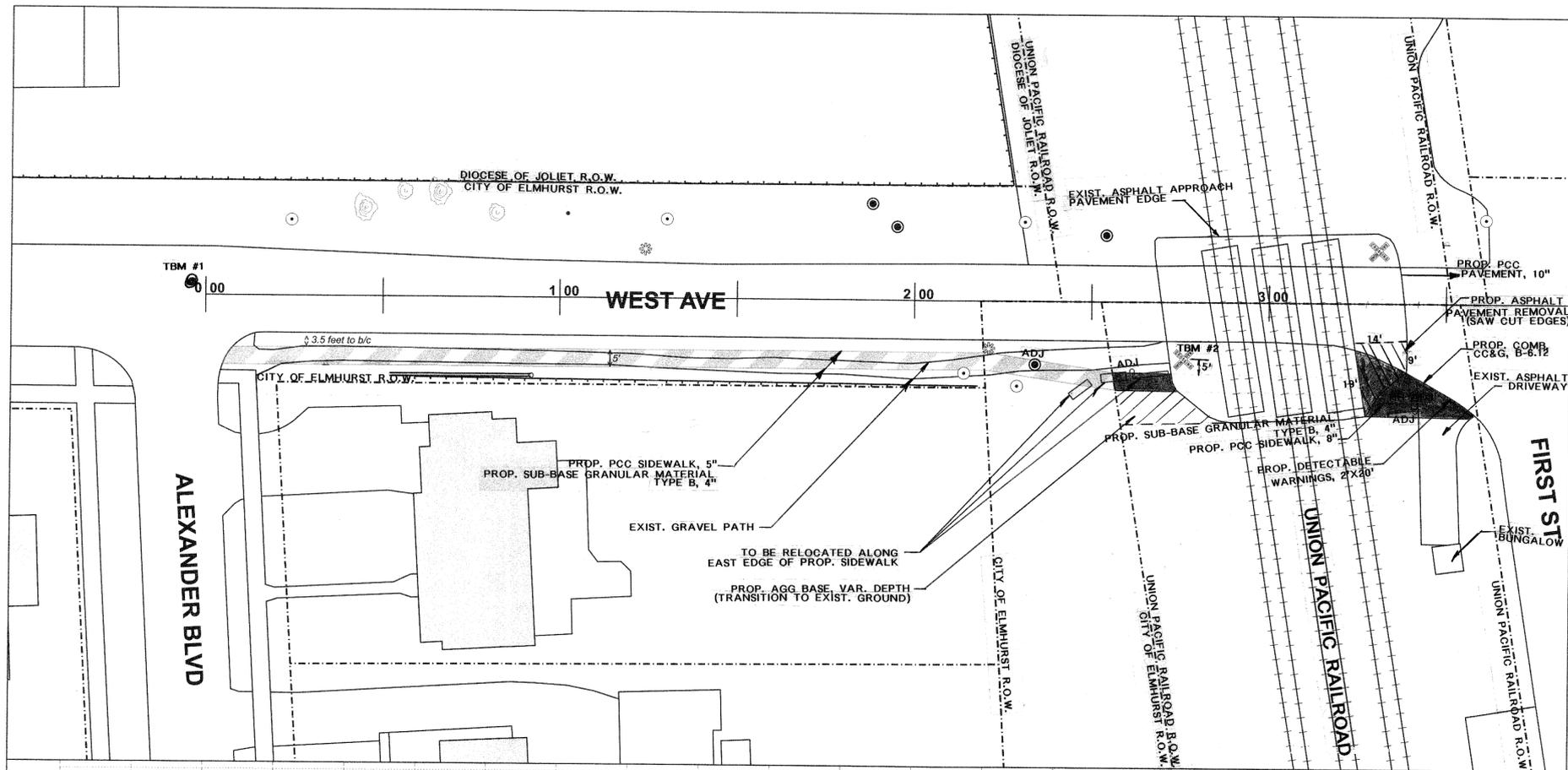
**WEST AVENUE AT UNION PACIFIC RAILROAD – PEDESTRIAN IMPROVEMENTS**  
**LEGAL DESCRIPTION FOR PROPOSED SIDEWALK ON UNION PACIFIC RAILROAD R.O.W.**

That part of the Union Pacific Railroad right-of-way in Elmhurst, Illinois described as the easterly 5 feet of the westerly 25 feet of that part of said right-of-way lying south of the southernmost track and east of the west section line of Section 2, Township 39 North, Range 11, East of the Third Principal Meridian; in addition to that part of said Union Pacific Railroad right-of-way in said Section 2 described as the westerly 31 feet of said right-of-way lying north of the northernmost track, east of the West Avenue pavement, and south of the First Street pavement, all in DuPage County, Illinois.

P.I.N.: 06-02-505-001



**EXHIBIT "C"**  
**PROJECT PLANS**



**NOTES**

1. ASPHALT PAVEMENT REMOVAL SHALL BE PERFORMED TO ACCOMMODATE THE CONSTRUCTION OF APPROXIMATELY 10 FEET OF NEW CURB TO THE WEST OF THE EXISTING CURB.
2. THE PROPOSED SIDEWALK ON UNION PACIFIC R.O.W. SHALL BE CONSTRUCTED TO SLOPE AWAY FROM THE ROADWAY, CONSISTENT WITH THE NATURAL DRAINAGE PATTERN OF THE AREA. STONE TRANSITIONS TO EXISTING GROUND SHALL BE PLACED AS NECESSARY.
3. PROPOSED PEDESTRIAN GATES SHALL BE DESIGNED BY OTHERS.
4. TEMPORARY BENCH MARKS:
  - #1: MANHOLE AT ALEXANDER BLVD AND WEST AVE, RIM ELEVATION = 100.00
  - #2: CONCRETE FOUNDATION OF EXISTING RAILROAD GATE, SOUTH OF UNION PACIFIC RAILROAD TRACKS, TOP OF CONCRETE ELEVATION = 114.30
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES. LOCATIONS OF EXISTING UTILITIES ON PLANS MAY NOT BE EXACT OR ALL INCLUSIVE. CALL J.U.L.I.E. AT 1-800-892-0123 or 811 AND THE FIBER OPTIC HOTLINE AT 1-800-336-9193 FOR ALL UTILITY LOCATES PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL CONTACT THE UNION PACIFIC RAILROAD AT 312-496-4738 AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION TO COORDINATE CONSTRUCTION ACTIVITIES AND REQUEST A FLAGGER.
7. "ROAD CONSTRUCTION AHEAD" AND "SIDEWALK CLOSED" SIGNS WILL BE PLACED AT EACH END OF THE WORK AREA.

**Proposed Concrete Sidewalk**

- On Union Pacific Railroad right-of-way
- On Public right-of-way

- Power Pole
- Light Pole
- Manhole
- Pole
- Guy Wire
- Sign
- Gate
- Tree
- Guard Rail
- Fence
- Concrete Barrier Wall

