

STATE OF ILLINOIS



**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION BUREAU / RAIL SAFETY SECTION**

Michael E. Stead

Rail Safety Program Administrator

(Filed in E-Docket and e-mailed to Judge Kirkland-Montaque and cc'd)

August 7, 2012

Latrice Kirkland-Montaque
Chief Administrative Law Judge
Review and Examination
Illinois Commerce Commission
160 N. LaSalle Street
Chicago, IL 60601

RE: T07-0096

Dear Judge Kirkland-Montaque:

The attached Staff Request for Hearing is respectfully submitted for your consideration.

If you have any questions, or require additional information, please contact me (312) 636-7760 or bvercruy@icc.illinois.gov.

Very truly yours,

A handwritten signature in cursive script that reads "Brian Vercruysse".

Brian Vercruysse, P.E.
Senior Rail Safety Specialist

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

City of Chicago, Illinois :
Petitioner, :
 :
vs. : T07-0096
 :
CSX Transportation, Inc. :
Respondent. :
 :
 :
Petition for funding from the Grade Crossing Protection Fund to :
make vertical clearance improvements underneath the elevated :
viaduct containing tracks of CSX Transportation, Inc. through the :
reconstruction of 35th Street, a roadway in the City of Chicago, :
County of Cook and State of Illinois and to establish the terms :
and conditions of the project between the City of Chicago and :
CSX Transportation, Inc. :

STAFF REQUEST FOR HEARING

Now comes the Staff of the Commission (Staff), and respectfully requests that a Hearing be held for the subject docket so as to determine the current project scope, funding, and schedule. In support of this request, Staff submits the following:

1. On November 13, 2008, the Commission entered its Order requiring the City to lower the 35th Street pavement to improve the vertical clearance under the bridge that carries CSX Transportation Inc.'s (CSX) track over the roadway. The Commission authorized assistance from the Grade Crossing Protection Fund (GCPF), in an amount not to exceed \$1,495,714, for the project which was to be complete by November 13, 2010.
2. In January 2009, it was brought to the attention of Staff and the City of Chicago (City) that the CSX was planning on reconstructing the 35th Street bridge superstructure, and that the proposed schedule would overlap with the City's project schedule. The parties held a coordination meeting as documented in Attachment 1 (Staff Letter and Meeting Minutes). During the meeting, it was noted that the Norfolk Southern Railway Company (NS) has ownership and/or operating interests over the structure.
3. The proposed bridge work is necessary to allow for track modifications that will improve train operations along this rail corridor and within the Chicago area. The overall project is designated as WA-2 (Western Avenue corridor) within the Chicago Regional Environmental and Transportation Efficiency Program (CREATE).

4. The City and Staff, as outlined in Attachment 1, had requested that the CSX review the feasibility of raising the superstructure, thereby eliminating the need for the City's duplicative project. Since that time, the City has held their roadway lowering project, as various reviews were completed.
5. Staff understands that budget constraints in 2009 and 2010 did not allow the CSX to move forward with the WA-2 project and bridge reconstruction as intended. With a recent federal transportation funding bill, it has now been brought to Staff's attention that the CSX (and NS) are in a position to move forward with the project.

Staff respectfully requests that a Hearing be scheduled within the next 30 days, so that the specifics of the CSX bridge project can be provided on record and reconciled with the work and provisions established in the Commission's November 12, 2008, Order.

Staff also requests that the NS be added as a party to the case. Staff has contacted the NS and its counsel, and has served a copy of this Staff Request as indicated in the Verification and Service List.

Respectfully Submitted on August 7, 2012:



Brian Vercruysse, P.E.
Senior Rail Safety Specialist
(312) 636-7760

PROOF OF SERVICE

Brian Vercruysse, Senior Rail Safety Specialist, certifies that on the 27th day of July, 2012, he caused to be served, a true and correct copy of the **STAFF REQUEST FOR HEARING** upon the following by the indicated method of service:

<p>Bill Frey (via e-mail) Acting Director of Highways-IDOT ATTN: Jason Johnson, Room 205 2300 S. Dirksen Parkway Springfield, IL 62764 jason.johnson@illinois.gov</p> <p>Jennifer Kuntz (via email) Office of Chief Counsel Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764 jennifer.kuntz@illinois.gov</p> <p>Jack A. Pace (via e-mail) Assistant Corporation Counsel City of Chicago 30 N. LaSalle St., Suite 900 Chicago, IL 60602-2580 Jpace@cityofchicago.org</p> <p>Anthony Rainey (vial e-mail) Chicago Department of Transportation Division of Project Development 30 N. LaSalle St., Suite 400 Chicago, IL 60602 arainey@cityofchicago.org</p>	<p>Tom Livingston (via email) Vice President, Public Affairs CSX Transportation, Inc. 1700 W. 167th Street Calumet City, IL 60409 tom_livingston@csx.com</p> <p>David R. Schmidt (via email) Fedota Childers, P.C. 70 W. Madison St., Ste. 3900 Chicago, IL 60602 dschmidt@fedotachilders.com</p> <p>David Clark (via email) CREATE Manager David_Clark@csx.com</p> <p>Cabell Brockman (via email) Attn: CTCO Norfolk Southern Railway 1501 S. Canal Street Chicago, IL 60607 John.brockman@nscorp.com</p> <p>Neil F. Flynn (via email) Neil F. Flynn & Associates 1035 South Second Street Springfield, IL 62704 nflynn@neilflynnlaw.com</p>
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STATE OF ILLINOIS

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

*Michael E. Stead**Rail Safety Program Administrator*

January 16, 2009

Mr. David Clark
Manager of CREATE Projects
CSX Transportation
1700 West 167th Street
Calumet City, IL 60409-5452

Dear Mr. Clark:

This letter is in follow-up to the meeting held on January 15, 2009, to discuss the 35th Street highway-rail underpass of the CSX Transportation's and Norfolk Southern Railway's tracks (**AAR/DOT 163 462R, Milepost 27.62**), located in the City of Chicago, Cook County, Illinois.

Meeting minutes are attached for your information to provide greater detail on the City's proposed roadway lowering project, and the recent proposal through the CREATE project to reconstruct the superstructure of the bridge as part of the WA-2 segment of work.

At this time, we are requesting that the CSX (and NS) review the feasibility of raising the structure 12 inches (12") to attain a vertical clearance of 14'-6". This would accomplish the goal of the City's proposed roadway project, such that it could be eliminated and avoid conflict and inefficiencies in trying to complete the two competing, though dependent projects.

Please provide this office with an answer, within 30 days from receipt of this letter, on whether CSX is agreement with the proposal to raise the bridge 12". As both projects are targeting 2009 lettings, it is imperative that an answer be provided within 30 days.

Mr. David Clark
January 16, 2009
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Thank you for your prompt attention to this matter. If you have any questions, please contact Brian Vercruysse, Senior Rail Safety Specialist, at (630) 424-8750 or bvercruy@icc.illinois.gov.

Very truly yours,



Michael E. Stead
Rail Safety Program Administrator

cc: Tom Livingston, CSX
Hal Gibson, CSX
Jeff Harris, NS
Jim Kazmierczak, NS
David Orrison, NS
Anthony Rainey, City of Chicago
Matthew Bieszczat, City of Chicago
Joe Alonzo, City of Chicago
Alaina Bridges, City of Chicago
Jesus Yopez, City of Chicago
Mike Garcia, IDOT
Merrill Travis, Lower Cost Solutions
Jack Pace, City of Chicago
Paul Streicher, Fedota, Childers

BV

Coordination Meeting

City of Chicago * CSX Transportation * Norfolk Southern Railway * Illinois Commerce
Commission

35th Street at CSX/NS - AAR/DOT 163 462R, Milepost 27.62

Date: January 15, 2009 (Thursday)
Time: 2:00 pm
Location: Conference Room 5B – Chicago Department of Transportation
30 N. LaSalle Street

Meeting Minutes

The meeting was held to discuss the following projects:

1. Chicago Department of Transportation: Lowering of 35th Street pavement to achieve a 14'-6" vertical clearance. With lowering the pavement, extensive utility and sewer work is necessary. Typically, this type of project requires a full roadway closure for six (6) to eight (8) months. This project was initiated in 2002, as a Stipulated Agreement between the City, CSX, IDOT, and the ICC. Due to differences in executing preliminary engineering and construction agreements, the City formally petitioned the Commission to receive authorization for the project (docket number T07-0096). The NS was never named as a Respondent in the case as it was assumed that the CSX had jurisdiction over the structure. The estimated \$2.5M project includes \$1.5M from the Grade Crossing Protection Fund ("GCPF"), and a Commission Order was entered on November 13, 2008. Various typical section and plan sheets are included with these minutes for reference.

Increased vertical clearance is not planned for the 36th Street viaduct as it is not a truck route.

Anthony Rainey is the City's Vertical Clearance Project Manager

2. CREATE Project WA-2: As part of the WA-2 segment, full bridge superstructure reconstruction is proposed. This was brought to the attention of Commission Staff approximately the same time the 11/13/08 Order was entered by the Commission. The origin and need for the project is in question, and will be reviewed by Dave Clark. Coordination that has taken place with the NS will also be reviewed. The structure was built in 1906, and significant track structure modifications (crossovers with #15 turn-outs) are proposed above the 35th and 36th Street structures. Of critical importance is staging the bridge construction to allow for the combined 60 trains per day for the CSX and NS, which include time sensitive shipments to the UPS facility in Willow Springs. Currently

January 15, 2009 Coordination Meeting
Minutes Continued
Page 2

Jacobs Engineering, consultant to the CSX is finalizing geometrics for the bridge work.

Dave Clark will be the CREATE Manager for the CSX and is in the process of relocating to the Chicago area from Jacksonville.

Jeff Harris is the NS Superintendent in the Chicago Transportation Coordination Office (CTCO), and serves as the CREATE lead contact for the NS.

The City has requested that the feasibility and costs associated with raising the structure 1' (to allow for 14'-6" vertical clearance) be determined. This would eliminate the need for the City's project and would also eliminate inherent conflicts in trying to complete the projects separately but within the same timeframe (each is scheduled for a 2009 letting). A precedent project occurred with the Union Pacific Railroad at 87th Street, where GCPF assistance was utilized to raise UP's structure versus lowering the pavement.

Action Items

Feasibility of Raising the Structure 1'

The CSX and NS should conduct the review within 30 days. A final check on the sufficiency of the substructure should also be completed to assure that micro-piles or other structural improvements are needed.

Follow-up Meeting

A second meeting should be held in February 2009 to review findings, costs, scheduling, and further project coordination.

ICC Process

The current case, docket number T07-0096 will need to be re-opened via Petition once the feasibility of raising the structure is determined. The NS will need to be added as a Respondent, and Supplemental Order will be requested to account for the review and coordination to take place.

Prepared by: Brian Vercruysse – ICC
312-636-7760
1/16/09

Coordination Meeting

City of Chicago * CSX Transportation * Norfolk Southern Railway * Illinois Commerce Commission

35th Street at CSX/NS - AAR/DOT 163 462R, Milepost 27.62

Date: January 15, 2009 (Thursday)
 Time: 2:00 pm
 Location: Conference Room 5B – Chicago Department of Transportation
 30 N. LaSalle Street

Attendance

Name	Representing	Phone Number	E-mail Address
David Clark	CSX	Local number TBD	David_clark@csx.com
Jeff Harris	Norfolk Southern	312-542-8356	jeff.harris@nscorp.com
Joe Alonzo	CDOT	(312) 744-1731	jalonzo@cityofchicago.org
Alaina Bridges	CDOT	(312) 744-3607	abridges@cityofchicago.org
Anthony Rainey	CDOT	(312) 742-0492	arainey@cityofchicago.org
Jesus Yopez	CDOT	(312) 744-3775	jyopez@cityofchicago.org
Merrill Travis	Lower Cost Solutions - Consultant to City	(312) 420-5436	travis@lcsrail.com
Brian Vercruysse	ICC	312-636-7760	bvercruy@icc.illinois.gov