

STATE OF ILLINOIS



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

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

November 7, 2013

Latrice Kirkland-Montague
Chief Administrative Law Judge
Review and Examination
Illinois Commerce Commission
State of Illinois Building
160 N. LaSalle Street, Suite C-800
Chicago, IL 60601-3104

RE: T13-0041

Dear Judge Kirkland-Montague:

The attached Proposed Agreed Order is respectfully submitted for your approval and submittal to the Commission for the December 4, 2013 Bench Session. The Proposed Agreed Order was prepared by Staff in coordination with the parties. Concurrence documentation from counsel representing the County of Lake, counsel representing the Wisconsin Central Ltd., counsel representing the Illinois Department of Transportation and the Village Administrator for the Village of Round Lake Beach is also included in the filing.

If you have any questions, or require additional information, please contact me at (847) 516-0733 or dpowers@icc.illinois.gov.

Very truly yours,

A handwritten signature in black ink that reads "Daniel Powers".

Daniel Powers, P.E.
Senior Rail Safety Specialist

Enclosure

cc: Gunnar Gunnarsson, Lake County
Tom Healey, CN
Lawrence Parrish, IDOT
Dave Kilbane, Village of Round Lake Beach

DP

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

County of Lake, Illinois,
Petitioner,

v.

Wisconsin Central Ltd. , Illinois Department of Transportation,
and Village of Round Lake Beach,
Respondents.

T13-0041

Verified uncontested Petition for an Order of the Illinois
Commerce Commission authorizing the construction of a new
grade separation to replace the existing highway-rail grade
crossing designated as Rollins Road (Lake County Highway
31) AAR/DOT #689 728D, railroad milepost 48.21, Waukesha
Subdivision, located in the Village of Round Lake Beach, Lake
County, Illinois, and assigning construction costs to the
petitioner and authorizing the Grade Crossing Protection Fund
to pay a portion of the costs thereof.

PROPOSED AGREED ORDER

By order of the Commission:

PROCEDURAL HISTORY

On April 8, 2013, the County of Lake, Illinois (County or Petitioner) filed the above-captioned verified petition with the Illinois Commerce Commission (Commission) naming as Respondents the Wisconsin Central Ltd. (WCL), the Illinois Department of Transportation (Department or IDOT) and Village of Round Lake Beach, a body politic and corporate (Village or Respondent), seeking authority for the construction of new highway-rail grade separation structure to replace the existing Rollins Road (Lake County Highway 31) highway-rail grade crossing of the WCL's track, located in Round Lake Beach, Lake County, designated as AAR/DOT #689 728D, railroad milepost 48.21 (collectively hereinafter defined as the Project).

On May 15, 2013, the Commission entered its original Interim Order in the above captioned matter. The County and the WCL were required to perform certain work leading to the completion of the Project. At the time the Interim Order was entered, the County and WCL were actively negotiating a construction, maintenance and ownership agreement for the Project.

On May 15, 2013, a status hearing was held at the Commission's office in Chicago, Illinois, and the matter was continued to June 4, 2013.

On June 4, 2013 a hearing was held at the Commission's office in Chicago, Illinois. At the conclusion of the hearing the matter was marked "Heard and Taken."

On August 8, 2013, the County filed a fully executed construction, maintenance and ownership agreement for the Project, signed by both the County and WCL and as required by the Interim Order in this matter.

The Project is currently under construction.

RESPONDENT WISCONSIN CENTRAL LTD.'S POSITION

WCL does not object to the County's Petition.

RESPONDENT DEPARTMENT'S POSITION

The Department concurs with Petition and supports the Project.

RESPONDENT VILAGE OF ROUND LAKE BEACH'S POSITION

The Village concurs with Petition and supports the Project.

STAFF'S POSITION

Staff is of the opinion that the Project is beneficial and in the public interest.

FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The recitals of fact and conclusions of law contained in the prefatory portion of this order are supported by Commission Staff and are hereby adopted as findings of fact and conclusions of law;
- (3) All terms and conditions of the original Interim Order, dated May 15, 2013, shall remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission, that all terms and conditions of the original Interim Order, dated May 15, 2013, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that the Commission shall retain jurisdiction for the purpose of issuing any supplemental order or orders as it may deem necessary.

IT IS FURTHER ORDERED that in accordance with Chapter 625 ILCS 5/18c-2201 and 5/18c-2206 of the Illinois Commercial Transportation Law, this is a final Order subject to the Administrative Review Law.

By Order of the Commission this 4th day of December, 2013.

DOUGLAS P. SCOTT
CHAIRMAN

From: [Patrick Jones](#)
To: [Powers, Daniel](#); [@ Healey, Thomas J.](#); "[Gunnarsson, Gunnar](#)"; [Kuntz, Jennifer R.](#)
Subject: RE: T13-0041 Rollins Road Grade Separation Proposed Agreed Order
Date: Monday, November 04, 2013 6:15:41 PM
Attachments: [103013_Proposed_Agreed_Order_T13-0041_Rollins_Rd_Lake_Co_WC.DOC](#)

Dan,

Tom and me have reviewed the proposed agreed order and have 1 minor change to the Company name, otherwise looks good to us. Please see attached.

Thanks,

Patrick Jones

CN - Manager Public Works
17641 South Ashland Avenue
Homewood, IL 60430
(o) 708.332.3557
(e) patrick.jones@cn.ca



From: Powers, Daniel [<mailto:dpowers@icc.illinois.gov>]
Sent: Wednesday, October 30, 2013 3:30 PM
To: Tom Healey; 'Gunnarsson, Gunnar'; Kuntz, Jennifer R.
Cc: Patrick Jones
Subject: RE: T13-0041 Rollins Road Grade Separation Proposed Agreed Order

All:

Attached for your review and approval is a proposed agreed order for the subject case.

Please confirm your concurrence with a reply email. If there are any errors or omissions, please advise and I will correct and submit to the Administrative Law Judge for Commission approval.

Thank you in advance,

Daniel Powers, P.E.
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

From: [Gunnarsson, Gunnar](#)
To: [Powers, Daniel](#)
Cc: [Patrick.Jones@cn.ca](#); [@ Healey, Thomas J.](#); [Kuntz, Jennifer R.](#)
Subject: RE: T13-0041 Rollins Road Grade Separation Proposed Agreed Order
Date: Monday, November 04, 2013 11:45:31 AM

Dan—

The agreed order looks fine to the County. Thanks.

Gunnar

From: Powers, Daniel [mailto:dpowers@icc.illinois.gov]
Sent: Wednesday, October 30, 2013 3:30 PM
To: [@ Healey, Thomas J.](#); [Gunnarsson, Gunnar](#); [Kuntz, Jennifer R.](#)
Cc: [Patrick.Jones@cn.ca](#)
Subject: RE: T13-0041 Rollins Road Grade Separation Proposed Agreed Order

All:

Attached for your review and approval is a proposed agreed order for the subject case.

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Daniel Powers, P.E.
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
(847) 516-0733

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

County of Lake, Illinois
Petitioner,

v.

Wisconsin Central Limited, Illinois Department of
Transportation, and Village of Round Lake,
Respondent.

Verified uncontested Petition for an Order of the Illinois Commerce
Commission authorizing the construction of a new grade crossing
separation to replace the existing highway-rail grade crossing
designated as Rollins Road (Lake County Highway 31) AAR/DOT
#689 782D, railroad milepost 48.21, Waukesha Subdivision,
located in the Village of Round Lake Beach, Lake County, Illinois,
and assigning construction costs to the petitioner, and authorizing
the Grade Crossing Protection Fund to pay a portion of the
costs thereof.

T13-0041

**THE ILLINOIS DEPARTMENT OF TRANSPORTATION'S RESPONSE TO
PROPOSED AGREED ORDER**

NOW COMES the Illinois Department of Transportation ("Department") by and through its attorney, Lawrence D. Parrish, Special Assistant Chief Counsel, and in response to the Proposed Agreed Order, docketed Illinois Commerce Commission T13-0041.

The Department takes no exception and as no objection to the Proposed Agreed Order, and agrees to entry of an order granting the relief requested.

Illinois Department of Transportation

By: 
Lawrence D. Parrish

Illinois Department of Transportation
James R. Thompson Center, Suite 6-600
100 W. Randolph Street
Chicago, IL 60601
312-793-573

From: [Gunnarsson, Gunnar](#)
To: [Powers, Daniel](#)
Cc: [@ Healey, Thomas J.](#)
Subject: FW: ICC - Rollins/83/WCL Grade Separation
Date: Tuesday, April 30, 2013 3:16:08 PM

Dan—

Here is the Village of Round Lake Beach's email supporting the project and agreeing to the ICC Order.

Gunnar Gunnarsson
Assistant State's Attorney
Lake County State's Attorney's Office
18 North County Street, 5th floor
Waukegan, IL 60085
(847) 377-3050

From: Dave Kilbane [mailto:dkilbane@rlbeach.org]
Sent: Tuesday, April 30, 2013 1:30 PM
To: Gunnarsson, Gunnar
Cc: Trigg, Paula J.; Dave Kilbane; Jon Wildenberg
Subject: ICC - Rollins/83/WCL Grade Separation

Dan Powers, ICC

The Village of Round Lake Beach is supportive of the construction of a new grade separation to replace the existing highway-rail grade crossing designated as Rollins Road (Lake County Highway 31) AAR/DOPT #689 728D, Railroad milepost 48.21, Waukesha Subdivision, located in the Village of Round Lake Beach and supportive of the ICC entering the order.

Thank you

Dave Kilbane
Village Administrator
Village of Round Lake Beach
1937 North Municipal Way
Round Lake Beach, Illinois 60073
dkilbane@rlbeach.org
(847) 740-6011