

Docket No.: T11-0134
Bench Date: 2/20/2014
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Timothy Duggan, Administrative Law Judge

DATE: December 6, 2013

SUBJECT: The City of Urbana, the City of Champaign, and the County of Champaign, Illinois, all Municipal Corporations, bodies politic and corporate, in Champaign County, Illinois, Joint Petitioners,

v.

Illinois Central Railroad Company, and the Illinois Department of Transportation,
Respondents.

Joint Petition for an Order of the Illinois Commerce Commission regarding a separation of grades and an authorization for the construction of a highway bridge over the Canadian National Railway Company railroad tracks (MP 124.70) at the tracks' intersection with the Olympian Drive Extension in Champaign County, Illinois, an apportionment of costs thereof, including directing payment to be borne by the Grade Crossing Protection Fund, and other stated or requested relief,

and

Preserve Olympian Farmland,
Intervenor.

RECOMMENDATION: Enter Order approving construction of a vehicle bridge over railroad tracks.

On October 20, 2011, the Cities of Urbana and Champaign and Champaign County of Champaign filed a Joint Petition with the Commission requesting authorization to construct a road bridge over Illinois Central Railroad tracks in Champaign County. Preserve Olympian Farmland, an association of 27 individuals who

live or own land in the area, was allowed to Intervene. Multiple hearings were held. On December 19, 2013, the record was marked "Heard and Taken."

The Bridge Project - The proposed bridge is part of a planned east-west highway route, known as Olympian Drive, from Interstate 57 on the northwest side of the urban developed area, to U.S. Route 45, on the north east side of the urban developed area. I-57 and Route 45 both provide access south to the cities. Illinois Central's railroad tracks run north-south approximately mid-way between I-57 and Route 45.

The western part of Olympian Drive, from I-57 to Apollo Road, just west of the railroad tracks has already been constructed. Petitioners now plan to construct a 1.1 mile segment of the road from Apollo Road, over the tracks, and to Lincoln Avenue. Petitioners refer to the future planned extension of Olympian Drive from Lincoln Avenue east to Route 45 as "Project B."

The concrete and steel bridge will have two lanes and run perpendicular to IC's 5 tracks. The total distance from the points of touchdown to touchdown is 3330'. The bridge will be 269 feet 7 ½ inches long. The width of the bridge's typical section will be 47'-2". This typical section consists of two 12' wide travel lanes, 10' wide shoulders on each side, The minimum vertical clearance from the bottom of the bridge to the top of the existing rails will be 23'-0" which is the minimum vertical clearance required by law. It will. The maximum grade will be four percent. The bridge will be constructed consistent with the plans and specifications set forth on the Preliminary Proposed Highway Plans admitted as Joint Petitioners' Exhibit 2.

No one disputed that if a crossing were to be constructed for the planned road, that a grade separation was preferable to an at-grade crossing. It is .8 mile to the nearest crossing to the north, which is an at-grade crossing at Ford Harris Road. It is 2.39 miles to the nearest at-grade crossing on the south at Bradley Avenue. There are 25 freight trains and 6 Amtrak trains per day on the IC tracks. The projected Average Daily Traffic (ADT) on the Olympian Drive bridge would be 1,800 vehicles in 2015 and 8,900 vehicles in 2033.

Costs and Allocations - Joint Petitioners, IDOT and the Commission Staff comprise all of the entities providing or administering all of the funds for the project. The proposed funding sources for the bridge and its related approaches are the GCPF, State of Illinois "Jobs Now" funds, federal Surface Transportation Urban (STU) funds, local funds, and from the Champaign-Urbana Urbanized Area Transportation Study (CUUATS). Finding 9 contains the cost allocation agreed among Joint Petitioners, IDOT and Commission Staff, including Staff's recommendation for contribution from the Grade Crossing Protection Fund (GCPF). They ask that the Commission approve and order the allocation set out in Finding 9.

\$15,738,850 is the projected cost of the overall project. \$13,065,640 is GCPF eligible portion. 60% of the GCPF eligible amount, or \$7,839,384 is Staff's recommended GCPF assistance. In approximate amounts, \$3.5 million will come from

the State of Illinois "Jobs Now" funds, \$3.25 million will come from federal STU funds, and \$1.1 million will come from local funds.

Construction and Maintenance - All engineering and work required to construct the grade separation will be performed by Joint Petitioners, IDOT or their agents. IC will remain responsible for railroad ballast, ties, rails, and any other railroad facilities along the newly-constructed bridge. Upon completion, Champaign will maintain the west half of the bridge and Urbana will maintain the east half. All future maintenance costs of the proposed grade separation will be the responsibility of Joint Petitioners.

Completion - Letting is set for early 2014. Work will be completed in 30 months.

Intervenor's Position - Intervenor objected to the bridge and the use of GCPF funds because its members believed that extra traffic will create additional potential for vehicle accidents and danger to children in the area. Intervenor also did not want to lose farmland or have farms divided by the road and did not want to lose the rural attraction of the area. Intervenor believed that the GCPF should not be used to assist construction of a bridge that will not now connect to U.S. 45. Intervenor believed that the GCPF should be used to improve existing at-grade crossings.

Proposed Order - A Proposed Order was issued. Staff and Intervenor's filed initial Briefs or a statement of Exceptions. IDOT, Joint Petitioner's and Intervenor filed Responses. All points were incorporated or otherwise addressed in the attached Order.

I recommend entry of the attached Order authorizing construction of the bridge and approving and ordering the cost allocation set out in Finding 9.