

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**CITY OF URBANA, ILLINOIS,
a municipal corporation,**

Petitioner,

vs.

**NORFOLK SOUTHERN RAILWAY
COMPANY,
a Virginia Corporation,**

Respondent.

No. T14-

Petition for an Order of the Illinois Commerce Commission to construct a pedestrian sidewalk on the east side of Race Street, adjacent to the existing at-grade crossing of the Norfolk Southern Railway Company's track in Urbana, Champaign County (AAR/DOT# 543 239M, railroad milepost UM-30.30).

PETITION FOR RAILROAD CROSSING IMPROVEMENT

The City of Urbana, Illinois ("Urbana") respectfully petitions the Illinois Commerce Commission (the "Commission") as follows:

1. Urbana is an Illinois municipal corporation located in Champaign County.
2. Norfolk Southern Railway Company ("NS") is a rail carrier operating a line of railroad in the State of Illinois with a certain main track running in a general east and west direction through Urbana.
3. The Commission has jurisdiction of the subject matter pursuant to the Illinois Commercial Transportation Law (625 ILCS 5/18c-7401 *et seq.*) and the Illinois Administrative Code (92 Ill. Admin. Code 1535 *et seq.*).

4. North Race Street (“Race Street”) is a two-lane major collector street located in and under the jurisdiction of Urbana, running in a generally north and south direction. Race Street intersects with a single mainline track owned and operated by NS, with designated crossing AAR/DOT# 543 239M, at railroad milepost UM-30.30. The intersection of Race Street with the NS railroad track is currently improved with a grade crossing improvement for vehicular traffic and a four-foot wide sidewalk on the west side of the street.

5. Urbana seeks to install a six-foot wide concrete sidewalk on the east side of Race Street at its intersection with the NS railroad track.

6. The proposed sidewalk will connect two sections of existing public sidewalk along the east side of Race Street.

7. The proposed sidewalk is depicted on the overview location and plan view maps attached hereto as Exhibits A and B respectively and made a part of this Petition.

8. An Agreement between Urbana and NS for this project is attached and marked as Exhibit C.

9. One purpose of the proposed sidewalk is to improve public safety. The sidewalk at the NS track is part of a larger project that includes construction of a sidewalk on the east side of Race Street south of the track. See Exhibit D. Before this project began, there was no sidewalk for a distance of 142 feet south of the track. Consequently, pedestrians walking to or from the track on this side of Race Street were required to cross the street to use the west sidewalk, walk in a traffic lane, or walk on an unpaved surface in the parkway. The new extension will allow pedestrians to use a sidewalk on either the east or west side of Race Street, thereby avoiding conflicts with motor vehicles or uneven terrain. Hence, the proposed sidewalk will provide a safer and more direct route across the track.

10. Another purpose of the proposed sidewalk is to provide continuity by improving pedestrian access to Urbana's downtown area and the new public parkland currently being developed along the Boneyard Creek. The downtown district is approximately one and one-half blocks south of the track; and the Boneyard Creek is approximately one-half block south of the track.

11. If the sidewalk is approved, Urbana will pay 100% of the cost of construction and will remain responsible for all subsequent maintenance costs.

12. The proposed sidewalk grade crossing is necessary to provide a safe, off-street connection for the pedestrians who will use the new sidewalk on the east side of Race Street to travel to and from the nearby commercial developments and recreational area located south of the NS track.

13. Urbana requests that its petition be granted without a hearing.

14. Urbana agrees to accept service by electronic means as provided for in Ill. Admin. Code tit. 83, § 200.1050 (2013).

WHEREFORE, the City of Urbana respectfully requests that the Illinois Commerce Commission, without a hearing, enter an order:

A. Finding that the proposed pedestrian sidewalk as set out herein is necessary and in the interest of the public health, safety, convenience, and welfare;

B. Authorizing construction of the sidewalk on the east side of Race Street, adjacent to the existing at-grade crossing of the Norfolk Southern Railway Company's track at railroad milepost UM-30.30 in Urbana, Champaign County, and as depicted in Exhibit B;

C. Directing the City of Urbana to pay the cost of installation of said sidewalk;

D. Providing that, upon completion of construction, the City of Urbana shall, thereafter, maintain the sidewalk; and

E. Providing for such further relief as the Illinois Commerce Commission may deem just and proper.

Dated: March 5, 2014

Respectfully submitted,

THE CITY OF URBANA, ILLINOIS

By Curt Borman
Curt Borman, Assistant City Attorney

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CERTIFICATE OF SERVICE

I, being first duly sworn on oath, hereby certify that I served a true copy of the above and foregoing instrument upon Respondent Norfolk Southern Railway Company by depositing the same with the United States Postal Service at Urbana, Illinois, in a sealed envelope, with proper first class postage affixed and addressed to Thomas W. Ambler, General Attorney, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510-2191, on the 7th day of March 2014.

Curt Borman

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Subscribed and sworn to before me this 7th day of March, 2014

Diane Bucher
NOTARY PUBLIC

