

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

City of Belleville, Illinois, A Municipal Corporation

vs.

Norfolk Southern Railway Company and Illinois Department of  
Transportation

T00-0111

Petition for an Order authorizing (a) the construction of a new at  
grade crossing of the 57<sup>th</sup> - 59<sup>th</sup> Street Connector with the tracks  
of the Norfolk Southern Railway Company in Belleville, St. Clair  
County, Illinois and directing the installation of automatic  
protection, and granting related relief, (b) the retention of the  
existing at grade crossing and automatic protection at South 59<sup>th</sup>  
Street, and (c) the closure of the existing at grade crossing at  
North 24<sup>th</sup> Street.

ORDER

By the Commission:

On December 6, 2000, the City of Belleville, St. Clair County, Illinois, ("City") filed its Petition with the Illinois Commerce Commission ("Commission"), naming therein the Norfolk Southern Railway Company ("NS") and the Illinois Department of Transportation ("IDOT") as Respondents. The City's Petition requests permission to establish a new at-grade crossing by the extension of a 57<sup>th</sup>-59<sup>th</sup> Street connector, including the installation of automatic warning devices thereat, the retention of the existing 59<sup>th</sup> Street crossing, and the closure of the 24<sup>th</sup> Street crossing.

Pursuant to notice as required by law and the rules and regulations of the Commission, this matter came on for hearings before a duly authorized Administrative Law Judge ("ALJ") of the Commission on April 5, 2001, May 8, 2001, and July 3, 2001 at the Commission's offices in Springfield, Illinois. Staff of the Rail Safety Section of the Commission was present at the hearing on April 5, 2001. At the hearing on May 8, 2001, the City and NS were represented by counsel. A member of the Commission's Rail Safety Section was present and participated in the hearing. At the hearing on July 3, 2001, the City and NS were again represented by counsel. A member from the Commission's Rail Safety Section was also present. At the conclusion of the hearing on July 3, the matter was marked "Heard and Taken."

At the hearing on May 8, 2001, the ALJ granted a motion from the City to strike that part of the Petition pertaining to the closure of the 24<sup>th</sup> Street crossing. Staff revealed that the 24<sup>th</sup> Street crossing is inventoried as a private crossing outside the Commission jurisdiction. On May 25, 2001, the City filed its Amended Petition that requesting the extension of the 57<sup>th</sup>-59<sup>th</sup> Street extension, including the closure of the 59<sup>th</sup> Street public at-grade crossing.

A Certificate of Publication was filed by the Commission's Rail Safety Section representative and entered into evidence in this proceeding. It shows that on June 13, 2001, the public in the City were notified of the proposed closure of the 59<sup>th</sup> Street crossing of the date of the hearing on July 3, 2001, through the publication of the notice in the Belleville New-Democrat.

59<sup>th</sup> Street is a two-lane (one in each direction) roadway that extends in a general north-south direction in the City. It is currently under the jurisdiction of IDOT. Once the construction plans as referred to below are approved by IDOT, there will be a jurisdictional transfer whereby all future maintenance for 59<sup>th</sup> Street will be the responsibility of the City. There currently are 11,600 vehicles that cross the NS tracks on 59<sup>th</sup> Street. On the south, 59<sup>th</sup> Street t-intersects with Ill. Rte. 158 and with West Main Street on the north. The West Main Street/59<sup>th</sup> Street intersection is located immediately north of the railroad crossing with the NS. Currently, motorists wishing to travel north on 59<sup>th</sup> Street north of West Main Street must turn to the east on West Main Street for several blocks and then turn to the north again on 57<sup>th</sup> Street. 59<sup>th</sup> Street does not extend to the north of its intersection with West Main Street. There are several small commercial properties such as beauty shops and nail shops, one large new car wash facility and a vacant lot located between the existing crossing and 59<sup>th</sup> Street's intersection with Main Street. Negwar Lumber Company is located south of the existing 59<sup>th</sup> Street crossing. The next crossing to the west of the 59<sup>th</sup> Street crossing is an at-grade crossing located at Foley Drive, a distance of 2400 feet. The next crossing to the west is a grade separation at 74<sup>th</sup> Street. To the east, the closest crossing to the 59<sup>th</sup> Street crossing is located at 52<sup>nd</sup> Street, a distance of approximately 1800 feet. The angle of the existing crossing at 59<sup>th</sup> Street with the track of the NS is approximately 38°.

59<sup>th</sup> Street has become an important thoroughfare in the City because of the construction of several large traffic generators on/near 59<sup>th</sup> Street. The new Belleville High School is being constructed on South 59<sup>th</sup> Street. A new Metro link station has been built on North 57<sup>th</sup> Street.

The new 59<sup>th</sup> Street crossing will be located approximately 300' southeast from the existing crossing of 59<sup>th</sup> Street and the track of the NS. The new at-grade crossing will have a better angle of intersection with the track of the NS. The City proposes the construct 59<sup>th</sup> Street on a new alignment whereby 59<sup>th</sup> Street will curve to the northeast approximately 600' south of the current crossing with the track of the NS, cross the track of the NS at an approximate 82° angle at

the new location, and then connect with 57<sup>th</sup> Street at Main Street. The new crossing will be located approximately 450 south of the Main Street/57<sup>th</sup>-59<sup>th</sup> Street intersection. The speed limit will be posted at 35 mph. It is estimated that when completed, the realigned 57<sup>th</sup>-59<sup>th</sup> Street will carry 20,000 to 24,000 vehicles per day. The construction of a new at-grade crossing was chosen by the City in lieu of a grade separation structure since the preliminary study, conducted by the City, determined that the structure would be too close to West Main Street resulting in the touchdown points extending several hundred feet beyond West Main Street. It would be impossible to get back down to grade at West Main Street to provide for either a highway overpass or underpass at this location. In addition to the aforementioned reasons, the poor geometry of the intersection of 59<sup>th</sup> Street with West Main Street and with the NS railroad tracks are reasons for the City's request for a new at-grade crossing.

The new concrete roadway will have three twelve (12) foot traffic lanes, two through lanes (one in each direction) and a bi-directional left turn lane, for a roadway width of thirty-six (36) feet (Petitioner's Exhibit No. 7). The new roadway section will have concrete curb and gutter and six (6) foot sidewalks on both side of the roadway bringing the total roadway width to 40'. The highway approaches to the new crossing will be constructed to comply with Commission requirements. The new 59<sup>th</sup> Street realignment section will extend from North Belt West to West Main Street. Per Petitioner's Exhibit No. 5, Intersection Design Study, shows that the city's calculations of the design hourly volume traffic, based on the 30 hour traffic for the year for that intersection (Main Street/57<sup>th</sup>-59<sup>th</sup> Street extended intersection), that the designed length of the turn lane is of sufficient length to store cars when the traffic light is red for northbound traffic and not back vehicles over the NS tracks. This calculation is also based upon the amount of signal time and phasing for the traffic signals that will be installed at the West Main Street/57<sup>th</sup>-59<sup>th</sup> Street extended. The City requests that the newly established crossing be equipped with automatic flashing light signals and gates controlled by constant warning time circuitry and a concrete crossing surface of a width of at least 54 feet to include the sidewalks to be located on each side of the proposed roadway. All property for the realigned 57<sup>th</sup>-59<sup>th</sup> Street extension has been obtained except for that portion required from the NS.

The estimated cost for the roadway project is as follows:

Roadway Construction	\$1,400,000
Engineering Cost	\$ 3,00,000
Right-of-way Acquisition	\$ 550,000
Railroad Improvements (est.)	\$ 100,000
Contingency	<u>\$ 150,000</u>
Total	\$2,500,000

The railroad operates over and maintains a single main line track through the existing 59<sup>th</sup> Street crossing and through the proposed 57<sup>th</sup>-59<sup>th</sup> Street crossing location. The railroad's right-of-way in this vicinity is 100'. The existing 59<sup>th</sup> Street crossing is equipped with automatic flashing light signals and gates. The NS operates sixteen (16) freight trains per day over the 59<sup>th</sup> Street crossing at a maximum speed of 50 mph. Train operations are conducted in both daylight and darkness.

As stated previously, the City filed an Amended Petition requesting the Commission require the closure of the existing 59<sup>th</sup> Street crossing. Testimony by the City states that greater inconvenience would be encountered by the local community if the 57<sup>th</sup>-59<sup>th</sup> Street extension was not constructed rather than by the closure of the 59<sup>th</sup> Street crossing. Staff supports the closure of the existing 59<sup>th</sup> Street crossing. The existing crossing at 59<sup>th</sup> Street is not necessary once the 57<sup>th</sup>-59<sup>th</sup> Street extension is completed. However, staff recommends that the 59<sup>th</sup> Street crossing not be closed, abolished or barricaded to vehicular traffic until such time as the 57<sup>th</sup>-59<sup>th</sup> Street extension has been completed and open to vehicular traffic.

The Commission, having been informed of the entire record herein, finds that:

- 1) the Commission has jurisdiction of the parties hereto and the subject matter herein;
- 2) the recitals of fact as set forth in the prefatory portion of this Order are true and correct and are hereby adopted as findings of fact;
- 3) permission is hereby granted to the City to establish a new at-grade crossing by the extension of the 57<sup>th</sup>-59<sup>th</sup> Street connector across the track of the NS as further shown on Petitioner's Exhibit No. 7; a system of automatic flashing light signals and gates controlled by constant warning time circuitry and a new concrete crossing surface should be installed at the new crossing; proper signage should be installed at the new at-grade crossing;
- 4) the existing 59<sup>th</sup> Street crossing should be closed, abolished, and barricaded to vehicular traffic with barricades being a type-3 barricade conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices; proper signage should be installed advising of the barricaded crossing;
- 5) all work should be completed within eighteen (18) months from the date of this Order;

- 6) the cost for the aforementioned work should be divided between the parties in accordance with law;
- 7) it is fair and reasonable that the cost for the aforementioned improvements be divided between the parties in the following manner.

Improvement	Estimated Cost	City	NS
Close, abolish, barricade 59 <sup>th</sup> Street crossing, including the cost to remove the AFLS and gates.	\$21,300	100%	0%
Install AFLS and gates controlled by CWT circuitry.	\$177,000	100%	0*%
Install concrete crossing surface.	\$65,000	100%	0*%
Construct 57 <sup>th</sup> -59 <sup>th</sup> connector (\$100,000 has been deducted for railroad items since the railroad has submitted its own estimates for its work)	\$2,400,000	100%	0%
Total	\$2,663,300	\$2,663,300	

the amount to be paid by the City of Belleville toward the warning device and crossing surface installations should not exceed 100% of the estimated sums of \$177,000 and \$65,000, respectively; 100% of the cost for the roadway construction and 100% of installation and of future maintenance of the barricades after installation should also be borne by the City of Belleville; any remaining installation cost after payment from the City toward the warning device and crossing surface installation, all cost of future maintenance and operation of the warning devices, and future maintenance of the crossing surface, should be borne by the NS.

- ❖ The City has obtained grants from Illinois First Program to pay 100% of the cost of the project.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that permission be, and it is hereby, granted to the City of Belleville to extend 57<sup>th</sup>-59<sup>th</sup> Street on a new alignment crossing the tracks of the Norfolk Southern

Railway Company by means of a new at-grade crossing at the location and substantially in the manner as shown in Petitioner's Exhibit No. 7, and thereafter maintain the highway approaches to the new at-grade crossing.

IT IS FURTHER ORDERED that Norfolk Southern Railway Company be, and it is hereby, required and directed to install and thereafter maintain a system of automatic flashing light signals and gates controlled by constant warning time circuitry at the newly established 57<sup>th</sup>-59<sup>th</sup> Street extension and thereafter maintain and operate same.

IT IS FURTHER ORDERED the Norfolk Southern Railway Company be, and it is hereby, required and directed to install a minimum 54 foot concrete crossing surface to extend through the new roadway and sidewalk area at the 57<sup>th</sup>-59<sup>th</sup> Street extension and thereafter maintain same.

IT IS FURTHER ORDERED that Norfolk Southern Railway Company be, and it is hereby, required and directed to close, abolish, and barricade the existing at-grade crossing of 59<sup>th</sup> Street in the City of Belleville to vehicular traffic; said barricades should be a type-3 barricade conforming to the requirements of 92 Ill. Adm. Code 1535.701, and the Manual on Uniform Traffic Control Devices. The City of Belleville shall thereafter maintain the barricades.

IT IS FURTHER ORDERED that the existing 59<sup>th</sup> Street crossing with the track of the Norfolk Southern Railway Company shall not be closed, abolished, or barricaded until the work has been completed at the new 57<sup>th</sup>-59<sup>th</sup> Street extension, including the activation of the warning devices herein required.

IT IS FURTHER ORDERED that the City of Belleville and the Norfolk Southern Railway Company shall proceed immediately in performing the work required of them and shall complete these respective improvements within eighteen (18) months from the date of this Order.

IT IS FURTHER ORDERED that the cost of the project shall be divided between the parties in the manner as prescribed in Finding (7) herein.

IT IS FURTHER ORDERED that the City of Belleville and the Norfolk Southern Railway Company shall at six (6) month intervals from the date of this Order until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress each has made toward the completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and project manager information (the name, title, mailing address, telephone number, and facsimile number of the City's and NS's employee responsible for management of the project.)

IT IS FURTHER ORDERED that the City of Belleville shall at six (6) month intervals from the date of this Order until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the status of the total project and percentage of completion of the project. If the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

IT IS FURTHER ORDERED that the Norfolk Southern Railway Company shall at six (6) month intervals from the date of this Order until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the total project and percentage of completion of the project. If the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

IT IS FURTHER ORDERED that all bills relating to the project subject to reimbursement from Illinois First funds shall be submitted to the Bureau of Local Roads and Streets, District 8 of the Illinois Department of Transportation, 1102 Eastport Plaza, Collinsville, IL 62234.

IT IS FURTHER ORDERED that the City of Belleville and the Norfolk Southern Railway Company shall submit plans and estimates of cost for the required roadway construction and crossing surface installation to the Department's District 8 office for its approval.

IT IS FURTHER ORDERED that the Norfolk Southern Railway Company shall submit to the Director of Processing and Information of the Commission's Transportation Division for its approval a copy of the plans and cost estimate applying to the installation of the automatic flashing light signals and gates.

IT IS FURTHER ORDERED that Norfolk Southern Railway Company shall file a Form 3 of 92 Ill. Adm. Code 1535 of this Commission showing details of the automatic warning devices herein required and shall receive approval thereof by X-Resolution before commencing the work of installation.

IT IS FURTHER ORDERED that Norfolk Southern Railway Company shall submit to the Director of Processing and Information, Transportation Division of the Commission, within five (5) days of the completion of the work herein required of it, National Inventory Report Forms as notice of said completions and closure.

IT IS FURTHER ORDERED that the City of Belleville shall submit to the Director of Processing and Information, Transportation Division of the Commission, within five (5) days of the work herein required of it, a written notice of said completion.

IT IS FURTHER ORDERED that, subject to Sections 18c-2201 and 18c-2206 of the Law, this is a final Order of the Commission subject to the Administrative Review Law.

By Order of the Commission this 12<sup>th</sup> day of September, 2001.

*Richard V. Mathias*<sup>3</sup>

Chairman

EXAMINER	<i>[Signature]</i>
SECTION CHIEF	
Supervisor of Orders	<i>[Signature]</i>