

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :
On Its Own Motion :
v. : T14-0076
OmniTRAX – Illinois Railway, LLC and Chicago Rail :
Link, LLC :
Citation with respect to OmniTRAX Inc. managed :
railroads, Illinois Railway, LLC and Chicago Rail :
Link, LLC and the failure to maintain various :
highway-rail grade crossing surfaces in accordance :
with the requirements of 92 Ill. Adm. Code Part :
1535.203. :

MOTION TO WITHDRAW CITATION

Now comes Staff of the Commission (Staff), and requests that the Citation naming Respondent, OmniTRAX – Illinois Railway, LLC and Chicago Rail Link, LLC (OmniTRAX) be withdrawn.

In support of this motion, Staff states:

1. OmniTRAX has made repairs to all the crossings identified in the Citation. Staff has reviewed the repairs at the crossings, including the 104th Street and 106th Street crossings in the City of Chicago.

2. Similar to past Staff filings, photographs showing the improvements to the 104th and 106th Street crossings are attached herein as Exhibit A. Conditions of the surfaces at these crossings now meet the minimum requirements of Ill. Adm. Code Part 1535.203.

3. Staff and representatives from OmniTRAX and IDOT conducted a meeting on November 12, 2014. The meeting minutes are attached herein as Exhibit B.

WHEREFORE, Staff prays that the Illinois Commerce Commission grant this motion to withdraw the citation and cancel the hearing currently set for January 13, 2015.

Respectfully Submitted January 7, 2015:



Brian Vercruysse, P.E.
Senior Rail Safety Specialist
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Certificate of Service

I, Brian Vercruysse, Senior Rail Safety Specialist for the Illinois Commerce Commission, hereby certify that the STAFF **MOTION TO WITHDRAW CITATION** for T14-0076 was docketed on e-Docket and e-mailed to the parties listed below on January 7, 2015.

<p>Honorable Timothy Duggan Illinois Commerce Commission 527 E. Capitol Avenue Springfield, IL 62701 tduggan@icc.illinois.gov</p> <p>Jim Robinson, Division General Roadmaster Illinois Railway, Inc. 2728 E. 104th Street Chicago, IL 60617 jrobinson@omnitrax.com</p>	<p>Michael Barron, Attorney Fletcher & Sippel LLC 29 N. Wacker Dr., Ste. 920 Chicago, IL 60606-2832 mbarron@fletcher-sippel.com</p> <p>Tommy Gibson 430 West Madison Ottawa, IL 61350 tgibson@omnitrax.com</p>
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GROUP EXHIBIT A Inspection Photos

104th Street, Chicago: Chicago Rail Link, DOT #608 857W, MP 1.22 (1/2/15)



104th Street, Chicago: Chicago Rail Link, DOT #608 857W, MP 1.22 (1/2/15)



106th Street, Chicago: Chicago Rail Link, DOT #608 859K, MP 1.48 (1/2/15)



2014 OmniTRAX / State of Illinois Coordination Meeting

November 12, 2014 – 9:00am

700 East Norris Drive, Ottawa, Illinois 61350

IDOT – District 3

MEETING MINUTES

1. Contact Information – IDOT District Map provided and contact sign-in sheet.
 - a. OmniTRAX – Illinois Railway & Chicago Rail Link
 - b. IDOT
 - c. ICC

2. 2014 Projects and Complaints
 - a. OmniTRAX – Illinois Railway & Chicago Rail Link
 - b. IDOT
 - i. District 1 – Halsted and 106th Reconstructed. 104th Application for GCPF possible.
 - ii. District 2 –
 1. 1. IL 2 project to start 2015 March/April. City to meet with OmniTRAX regarding removal of the crossing and providing separate UP connection. Without removal, the roadway project will require a temporary signal, and modifications to allow for sidewalk behind the flashing signals (remove guardrail). 1 to 2 trains per week (one car switch), and IL Railway looking to a Stop and Proceed circuit. IL Railway also looking to complete temporary repairs before the freeze. District 2 to send agreement for temporary signal needed for roadway project.
 2. 2. IL 64 (King) – IDOT project all new surface and crossing warning devices. IL Railway has provided temporary repairs. Agreement was sent to Johnny Declue in August 2014.
 - iii. District 3 –
 1. US 6 (Ottawa) – crossing surface repaired.
 2. US 34 (Oswego) repairs have been made with asphalt. Reconstruction agreement to be sent by District 3 by December 2014. Signal circuitry and warning device upgrades complete. 2015 reconstruction with IDOT providing \$60k towards work.

3. IL 23 concrete panels are deteriorating (IDOT recommends removing concrete panels and replace with asphalt). OmniTRAX is also working towards more substantial budget to allow for asphalt repairs while awaiting reconstruction program.
4. IL 47 (Yorkville) – IDOT still has 2015 completion date, but hoping for final configuration at the crossing by end of 2014. Gates are in final location, but have been used/spun to accommodate traffic control.
5. US 52 (Serena) – application into IDOT for new warning devices, to be reviewed by IDOT.
6. IL Railway/OmniTRAX purchasing Peru Lead; new transload facility for the LaSalle Sub. IL Railway will send to ICC and IDOT, District 3; information and site plan for the facility, etc when the sale is final.

c. ICC

- i. SA1730 – E2153rd St./Starved Rock Road, Wedron (065 084D) – Revive – ICC and IL Railway to meet with County to work out drainage problems to allow for signal work, and may look at surface component. EPA conducting groundwater analysis.
- ii. Flagg Road (Ogle Co.) - 070047L County widening project; IL Railway to review if BNSF ownership.
- iii. Airport Road (Rockford) – City and IL Railway reviewing plans.

3. Funding Sources

- a. Statewide source by IDOT for state routes (50/50 cost division)
- b. Section 130 Federal Funds (State, Andy Rabadi – District 1; Dewayne Bonnell – District 2; Steve Klein – District 3) and Local Routes (DOT Contact is Jason Johnson) – If new warning devices and circuitry, can also include complete crossing surface reconstruction. 100%
- c. IDOT District 3 – also has a district source/line item (\$150K/year) that they utilize towards surfaces (also 50/50 cost division).
- d. Grade Crossing Protection Fund – Local Roads and Street. Provide application by end of December.
<http://www.icc.illinois.gov/forms/results.aspx?st=4> (GCPF applications)
<http://www.idot.illinois.gov/Assets/uploads/files/IDOT-Forms/BLR/BLR%2004100.docm> (IDOT Local Roads Application)

4. Freight projections – double carloads for 2015. 110 car trains. Would like to get the track back to Class II; Ottawa Subdivision (Montgomery to Streator). Currently 10 mph. Increasing from 4 trains to 6 to 8 per day.