



and runs, by compass direction, generally in the east/west direction near and through the vicinity of 19<sup>th</sup> Avenue, Cook County, Illinois (the “19<sup>th</sup> Avenue Grade Crossing”).

4. Union Pacific in partnership with the Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA (“Metra”) desires to complete the ongoing triple mainline railroad track project on said Geneva Subdivision, (the “Third Track Project”). The Third Track Project when completed will result in a triple mainline railroad track system for the Geneva Subdivision which will enhance train fluidity, add capacity for commuter operations and improve the overall railroad operations and safety of the Geneva Subdivision.

5. The 19<sup>th</sup> Avenue Grade Crossing is currently formed by the intersection of UP’s current main line tracks and 19<sup>th</sup> Avenue, is inventoried as DOT #174009S, and is located at railroad milepost 11.38. The ICC Crossing Information for the 19<sup>th</sup> Avenue Grade Crossing is presented on Exhibit B which is attached hereto and is hereby made a part hereof.

6. The 19<sup>th</sup> Avenue Grade Crossing is depicted on the Engineering Design and Construction drawings consisting of one (1) page (the “Design Plans”) is attached hereto as Exhibit A and hereby made a part hereof. UP owns and maintains said railroad tracks and right of way at or near the 19<sup>th</sup> Avenue Grade Crossing.

7. The public street known as 19<sup>th</sup> Avenue is currently located on both sides of the 19<sup>th</sup> Avenue Grade Crossing, and runs, by compass direction, generally in a north/south direction through the 19<sup>th</sup> Avenue Grade Crossing, and is maintained by and at the expense of the Village of Melrose Park, a municipal corporation located in the County of Cook, a political subdivision of the State of Illinois (the “Village”).

8. There are approximately fifty-three (53) through freight trains per day and sixty (60) commuter trains in and out per day over the 19<sup>th</sup> Avenue Grade Crossing. The average daily traffic (ADT) over the 19<sup>th</sup> Avenue Grade Crossing is approximately 8,300 vehicles per day, of which approximately 99% are autos and 1% single unit trucks. There have been no accidents with injury or death in the last five (5) years at the 19<sup>th</sup> Avenue Grade Crossing.

9. The proposed third track through the 19<sup>th</sup> Avenue Grade Crossing is part of the Third Track Project and is set forth on the Design Plans, and will run parallel to UP’s existing Geneva Subdivision Mainline Track through the 19<sup>th</sup> Avenue Grade Crossing, and will continue generally in an east/west direction by compass.

10. The proposed third track will add an additional track through the 19<sup>th</sup> Avenue Grade Crossing, and will require a repositioning of the existing automatic flashing light signals and gates at the 19<sup>th</sup> Avenue Grade Crossing and reconfiguration of the crossing surface and roadway surface in accordance with the Design Plans.

11. The number of train movements per day along the Geneva Subdivision

Mainline Tracks once the third track is built is expected to remain the same with enhanced fluidity of train operations, increased capacity and improved railroad operations and safety.

12. Based on the location and nature of the train movements, it is anticipated that the train movements will not adversely affect the vehicular traffic along 19<sup>th</sup> Avenue at and near the 19<sup>th</sup> Avenue Grade Crossing.

13. The installation of the third track at the 19<sup>th</sup> Avenue Grade Crossing is necessary in order to promote more efficient operations along the Geneva Subdivision in conjunction with (a) the Chicago Regional Environmental and Transportation Efficiency Program ("CREATE Program") and (b) METRA Operations.

14. The costs of the Third Track Project will be borne 50% by UP and 50% by METRA and will not require the contribution of any moneys by the Village of Melrose Park.

15. The third track in the vicinity of the 19<sup>th</sup> Avenue Grade Crossing will be maintained by the Petitioner at its expense.

16. The inspection and maintenance of the relocated 19<sup>th</sup> Avenue Grade Crossing warning devices will continue to be the responsibility of the Petitioner UP at its expense.

17. It is in the best interest of the public at large to reconfigure the 19<sup>th</sup> Avenue Grade Crossing and to reposition the existing automatic flashing light signals and gates at the 19<sup>th</sup> Avenue Grade Crossing for the third track, in order to meet the needs of the CREATE Program and for improved safety and efficiencies of rail operations for METRA in the area.

18. The subject 19<sup>th</sup> Avenue Grade Crossing and the grade crossing warning devices thereon currently exist pursuant to prior Commission Order. The Petitioner is of reasoned beliefs that the Respondent and the Staff of the Commission have no objection to the Petition. The Petitioner is also of reasoned belief that both parties and Staff concur with the terms and conditions of the Proposed Draft Order (the "Proposed Draft Order"), which is attached hereto as Exhibit C and hereby made a part hereof, UP respectfully requests that the Proposed Draft Order be adopted by the Commission without hearing.

WHEREFORE, Petitioner prays that this Honorable Commission:

1. Authorize the Petition for modification of the existing 19<sup>th</sup> Avenue Grade Crossing by acknowledging the installation of an additional railroad track by UP at the 19<sup>th</sup> Avenue Grade Crossing and authorizing the reconfiguration of the crossing surface, roadway surface and warning devices without hearing in accordance with the Proposed Draft Order.

2. Allow twenty-four (24) months for construction of the 19<sup>th</sup> Avenue Grade Crossing Project from the date of the Commission Order in this matter.

3. For other just and appropriate relief.

Respectfully submitted,

**UNION PACIFIC RAILROAD COMPANY,  
Petitioner**

A handwritten signature in black ink, reading "Mack H. Shumate, Jr.", written in a cursive style.

Mack H. Shumate, Jr.  
Senior General Attorney

Mack H. Shumate, Jr.  
Union Pacific Railroad Company  
101 North Wacker Drive, Room 1920  
Chicago, IL 60606  
312/777-2055  
312/777-2065 (facsimile)  
[mackshumate@up.com](mailto:mackshumate@up.com)

G:\Law\Commerce\Commil\T15-Village of Melrose Park-Petition

**VERIFICATION**

I, Sean D. Collier, Manager Field Engineering for the Petitioner, Union Pacific Railroad Company, hereby certify pursuant to 735 ILCS 5/1-109 that I have read the foregoing Petition and the matters contained therein are believed true and correct based upon the information provided to me and reasonable inquiry made with respect to same.



---

Sean D. Collier

**CERTIFICATE OF SERVICE**

I, Mack H. Shumate, Jr., an attorney, hereby certify that on the 16<sup>th</sup> day of December, 2015, I caused the foregoing **PETITION** to be served on attorneys/parties of record by UPS the same with the Illinois Commerce Commission and by forwarding the same to the following at the email addresses listed below, before 5:00 p.m.

Brian Vercruysse  
Railroad Section  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701  
[bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov)

Village of Melrose Park  
1000 N. 25<sup>th</sup> Avenue  
Melrose Park, IL 60160

Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield, Illinois 62764

Illinois Department of Transportation  
District 1  
201 West Center Court  
Schaumburg, Illinois 60196-1096

Lawrence D. Parrish  
Assistant Chief Counsel—IDOT  
100 W. Randolph, Ste 6-600  
Chicago, Illinois 60601  
[lawrence.parrish@illinois.gov](mailto:lawrence.parrish@illinois.gov)

Sean Collier  
Union Pacific Railroad Company  
2 N. Riverside Plaza  
17<sup>th</sup> Floor  
Chicago, IL 60606  
[sdcollie@up.com](mailto:sdcollie@up.com)



Mack H. Shumate, Jr.