

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Union Pacific Railroad Company, a Delaware Corporation,

Petitioner,

v.

Village of Maywood, Illinois, a municipal Corporation in Cook County, Illinois, and the Illinois Department of Transportation,

Respondent.

T15-00__

Petition for an Order of the Illinois Commerce Commission for authorization to modify the existing (1) 1st Avenue highway-rail grade crossing of the Union Pacific Railroad Company's tracks (AAR/DOT #173996K, railroad milepost 10.2), under the jurisdiction of the Illinois Department of Transportation and located in the Village of Maywood, Cook County, Illinois, on the Geneva Subdivision, (2) 5th Avenue highway-rail grade crossing of the Union Pacific Railroad Company's tracks (AAR/DOT #173998Y, railroad milepost 10.57), located in and under the jurisdiction of the Village of Maywood, Cook County, Illinois, on the Geneva Subdivision and (3) 9th Avenue highway-rail grade crossing of the Union Pacific Railroad Company's tracks (AAR-DOT #174001M, railroad milepost 10.76), located in and under the jurisdiction of the Village of Maywood, Cook County, Illinois, on the Geneva Subdivision to accommodate the installation of an additional railroad track at said 1st Avenue, 5th Avenue and 9th Avenue highway-rail grade crossings on said Geneva Subdivision, and authorizing the reconfiguration of the existing crossing surface, existing roadway surface and the existing warning devices.

PETITION

TO THE ILLINOIS COMMERCE COMMISSION:

NOW COMES the Petitioner, Union Pacific Railroad Company (UP), by and through its attorney, Mack H. Shumate, Jr., respectfully seeking an Order by the Illinois Commerce Commission confirming and authorizing the following:

1. That Petitioner is a railway company which is authorized to do business in the State of Illinois as a common carrier by rail.

1st AVENUE GRADE CROSSING

2. As part of its railroad operations, Petitioner operates both commuter and freight trains over the Geneva Subdivision (the “Geneva Subdivision”) which consists of a mixture of double and triple mainline railroad tracks which run, by compass direction in an east/west direction at various locations through Cook, DuPage and Kane County, Illinois (the “Geneva Subdivision Mainline Tracks”).

3. The 1st Avenue Grade Crossing is located on the Geneva Subdivision and runs, by compass direction, generally in the east/west direction near and through the vicinity of 1st Avenue, Cook County, Illinois (the “1st 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 1st Avenue Grade Crossing is currently formed by the intersection of UP’s current main line tracks and 1st Avenue, is inventoried as DOT #173996K, and is located at railroad milepost 10.2. The ICC Crossing Information for the 1st Avenue Grade Crossing is presented on Exhibit D which is attached hereto and is hereby made a part hereof.

6. The 1st 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 1st Avenue Grade Crossing.

7. The public street known as 1st Avenue is currently located on both sides of the 1st Avenue Grade Crossing, and runs, by compass direction, generally in a north/south direction through the 1st Avenue Grade Crossing, and is maintained by and at the expense of the State of Illinois, through the Illinois Department of Transportation, a political entity of the State of Illinois (“IDOT”).

8. There are approximately fifty-three (53) through freight trains per day and sixty (60) commuter trains in and out per day over the 1st Avenue Grade Crossing. The average daily traffic (ADT) over the 1st Avenue Grade Crossing is approximately 23,800 vehicles per day, of which approximately 94% are autos and 6% single unit trucks. There have been no accidents with injury or death in the last five (5) years at the 1st Avenue Grade Crossing.

9. The proposed third track through the 1st 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 1st 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 1st Avenue Grade Crossing, and will require a repositioning of the existing automatic flashing light signals and gates at the 1st 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 1st Avenue at and near the 1st Avenue Grade Crossing.

13. The installation of the third track at the 1st 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 IDOT.

15. The third track in the vicinity of the 1st Avenue Grade Crossing will be maintained by the Petitioner at its expense.

16. The inspection and maintenance of the relocated 1st 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 1st Avenue Grade Crossing and to reposition the existing automatic flashing light signals and gates at the 1st 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 1st 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 G and hereby made a part hereof, UP respectfully requests that the Proposed Draft Order be adopted by the Commission without hearing.

5th AVENUE GRADE CROSSING

19. As part of its railroad operations, Petitioner operates both commuter and freight trains over the Geneva Subdivision (the “Geneva Subdivision”) which consists of a mixture of double and triple mainline railroad tracks which run, by compass direction in an east/west direction, at various locations through Cook, DuPage and Kane County, Illinois (the “Geneva Subdivision Mainline Tracks”).

20. The 5th Avenue Grade Crossing is located on the Geneva Subdivision and run, by compass direction, generally in the east/west direction near and through the vicinity of 5th Avenue, Cook County, Illinois (the “5th Avenue Grade Crossing”).

21. 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.

22. The 5th Avenue Grade Crossing is currently formed by the intersection of UP’s current main line tracks and 5th Avenue, is inventoried as DOT #173998Y, and is located at railroad milepost 10.57. The ICC Crossing Information for the 5th Avenue Grade Crossing is presented on Exhibit E which is attached hereto and hereby made a part hereof.

23. The 5th 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 B and hereby made a part hereof. UP owns and maintains said railroad tracks and right of way at or near the 5th Avenue Grade Crossing.

24. The public street known as 5th Avenue is currently located on both sides of the 5th Avenue Grade Crossing, and runs, by compass direction, generally in a north/south direction through the 5th Avenue Grade Crossing, and is maintained by and at the expense of the Village of Maywood, a municipal corporation located in the County of Cook, a political subdivision of the State of Illinois (the “City”).

25. There are approximately forty-seven (47) through freight trains per day and sixty (60) commuter trains in and out per day over the 5th Avenue Grade Crossing. The average daily traffic (ADT) over the 5th Avenue Grade Crossing is approximately 8200 vehicles per day, of which approximately 92% are autos and 8% single unit trucks. There have been no accidents with injury or death in the last five (5) years at the 5th Avenue Grade Crossing.

26. The proposed third track through the 5th 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 5th Avenue Grade Crossing, and will continue generally in an east/west direction by compass.

27. The proposed third track will add an additional track through the 5th Avenue Grade Crossing, and will require a repositioning of the existing automatic flashing light signals and gates at the 5th Avenue Grade Crossing and reconfiguration of the crossing surface and roadway surface in accordance with the Design Plans.

28. 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.

29. 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 5th Avenue at and near the 5th Avenue Grade Crossing.

30. The installation of the third track at the 5th Avenue Grade Crossing (the "5th Avenue Grade Crossing Project") is necessary in order to promote more efficient operations (a) along the Geneva Subdivision in conjunction with (a) the Chicago Regional Environmental and Transportation Efficiency Program ("CREATE Program") and (b) METRA Operations.

31. 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 Maywood.

32. The third track in the vicinity of the 5th Avenue Grade Crossing will be maintained by the Petitioner at its expense.

33. The inspection and maintenance of the relocated 5th Avenue Grade Crossing warning devices will continue to be the responsibility of the Petitioner at its expense.

34. It is in the best interest of the public at large to reconfigure the 5th Avenue Grade Crossing and to reposition of the existing automatic flashing light signals and gates at the 5th 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.

35. The subject 5th Avenue Grade Crossing and the grade crossing warning devices thereof currently exist pursuant to prior Commission Order. The Petitioner is of reasoned belief that the Respondent and the Staff of the Commission have no objection to the Petition, and 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 G and hereby made a part hereof, UP respectfully requests that the Proposed Draft

Order be adopted by the Commission without hearing.

9th AVENUE GRADE CROSSING

36. As part of its railroad operations, Petitioner operates both commuter and freight trains over the Geneva Subdivision (the "Geneva Subdivision") which consists of a mixture of double and triple mainline railroad tracks which run, by compass direction in an east/west direction, at various locations through Cook, DuPage and Kane County, Illinois (the "Geneva Subdivision Mainline Tracks").

37. The 9th Avenue Grade Crossing is located on the Geneva Subdivision and run, by compass direction, generally in the east/west direction near and through the vicinity of 9th Avenue, Cook County, Illinois (the "9th Avenue Grade Crossing").

38. 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.

39. The 9th Avenue Grade Crossing is currently formed by the intersection of UP's current main line tracks and 9th Avenue, is inventoried as DOT #174001M, and is located at railroad milepost 10.76. The ICC Crossing Information for the 9th Avenue Crossing is presented on Exhibit F which is attached hereto and hereby made a part hereof.

40. The 9th 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 C and hereby made a part hereof. UP owns and maintains said railroad tracks and right of way at or near the 9th Avenue Grade Crossing.

41. The public street known as 9th Avenue is currently located on both sides of the 9th Avenue Grade Crossing, and runs, by compass direction, generally in a north/south direction through the 9th Avenue Grade Crossing, and is maintained by and at the expense of the Village of Maywood, a municipal corporation located in the County of Cook, a political subdivision of the State of Illinois (the "City").

42. There are approximately forty-seven (47) through freight trains per day and sixty (60) commuter trains in and out per day over the 9th Avenue Grade Crossing. The average daily traffic (ADT) over the 9th Avenue Grade Crossing is approximately 8700 vehicles per day, of which approximately 97% are autos and 3% single unit trucks. There have been no accidents with injury or death in the last five (5) years at the 9th Avenue Grade Crossing.

43. The proposed third track through the 9th 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 9th Avenue Grade Crossing, and will continue generally in an east/west direction by compass.

44. The proposed third track will add an additional track through the 9th Avenue Grade Crossing, and will require a repositioning of the existing automatic flashing light signals and gates at the 9th Avenue Grade Crossing and reconfiguration of the crossing surface and roadway surface in accordance with the Design Plans.

45. 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.

46. 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 9th Avenue at and near the 9th Avenue Grade Crossing.

47. The installation of the third track at the 9th Avenue Grade Crossing (the "9th Avenue Grade Crossing Project") is necessary in order to promote more efficient operations (a) along the Geneva Subdivision in conjunction with (a) the Chicago Regional Environmental and Transportation Efficiency Program ("CREATE Program") and (b) METRA Operations.

48. 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 Maywood.

49. The third track in the vicinity of the 9th Avenue Grade Crossing will be maintained by the Petitioner at its expense.

50. The inspection and maintenance of the relocated 9th Avenue Grade Crossing warning devices will continue to be the responsibility of the Petitioner at its expense.

51. It is in the best interest of the public at large to reconfigure the 9th Avenue Grade Crossing and to reposition of the existing automatic flashing light signals and gates at the 9th 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.

52. The subject 9th Avenue Grade Crossing and the grade crossing warning devices thereof currently exist pursuant to prior Commission Order. The Petitioner is of reasoned belief that the Respondent and the Staff of the Commission have no objection to the Petition, and 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

G 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 1st Avenue Grade Crossing by acknowledging the installation of an additional railroad track by UP at the 1st 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 1st Avenue Grade Crossing Project from the date of the Commission Order in this matter.

3. Authorize the Petition for modification of the existing 5th Avenue Grade Crossing by acknowledging the installation of an additional railroad track by UP at the 5th 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.

4. Allow twenty-four (24) months for construction of the 5th Avenue Grade Crossing Project from the date of the Commission Order in this matter.

5. Authorize the Petition for modification of the existing 9th Avenue Grade Crossing by acknowledging the installation of an additional railroad track by UP at the 9th 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.

6. Allow twenty-four (24) months for construction of the 9th Avenue Grade Crossing Project from the date of the Commission Order in this matter.

7. For other just and appropriate relief.

Respectfully submitted,

**UNION PACIFIC RAILROAD COMPANY,
Petitioner**

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

Mack H. Shumate, Jr.
Senior General Attorney

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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 16th 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
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