

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Village of Tilton, Vermilion County, Illinois
Petitioner

vs.

Norfolk and Southern Railroad and State of Illinois, Department
of Transportation,
Respondents

T00-0103

Petition for an Order regarding a separation of grades and
construction of a bridge carrying 14th Street (FAU 7010), Village
of Tilton, Vermilion County, Illinois, over the tracks of said
Railway Company, apportioning cost thereof and directing an
appropriate portion thereof to be borne by the Grade Crossing
Protection Fund.

INTERIM ORDER

By the Commission:

On October 16, 2000, the Village of Tilton ("Village"), Vermilion County, filed its Petition with the Illinois Commerce Commission ("Commission") requesting an Order of the Commission to construct dual highway overpass structures carrying 14th Street over the tracks of the Norfolk Southern Railway Company ("NS") and CSX Transportation, Inc. ("CSX") in the Village. The NS, CSX, and the Illinois Department of Transportation ("IDOT") are named as Respondents. The Petition further requests that a portion of the cost for the highway overpass structures be borne by the Grade Crossing Protection Fund.

Pursuant to notice as required by law and by the rules and regulations of the Commission, this matter came on for hearing before a duly authorized Hearing Examiner of the Commission on January 4, 2001, and May 1, 2001, at the Commission's offices in Springfield, Illinois. At the hearing on May 1, 2001, the case was continued to November 1, 2001. At the hearing on January 4, 2001, the NS was represented by counsel. Representatives from the Village, IDOT and staff of the Commission's Rail Safety Section were present and participated in the hearing. At the hearing on May 1, 2001, the Village and NS were represented by counsel. Representatives from IDOT and Commission staff were present and participated in the hearing.

IDOT, on behalf of the Village, prepared a feasibility study that contained seven alternatives for access into the Village due to an IDOT improvement project on Ill. Rte. 1, which is located immediately east of the Village. IDOT is

currently planning on closing the interchange at Tilton Road and Ill. Rte. 1 necessitating the diversion of traffic to the 14th Street Tilton interchange on Ill. Rte. 1. IDOT is reconstructing an existing structure over the NS on Ill. Rte. 1 approximately .5 mile north of 14th Street. In order to get the proper clearances under the bridge, IDOT must raise the grade of the highway approaches to the structure that will necessitate the closure of the ramps at that location. These ramps are the main access to Tilton and the closure would be a safety hazard to the Village. The only access then into the Village would be at the Ill. Rte 1 interchange with 14th Street. The average daily vehicular traffic on 14th Street is estimated to increase from 2,050 a day to approximately 10,500 vehicles per day. The NS has two tracks that currently extend in a north-south direction at-grade through 14th Street. The NS crossing is currently equipped with automatic flashing light signals and gates. The CSX has only one track extending under 14th Street.

The most cost effective and feasible location for an alternative access to Tilton would be by 14th Street that will require crossing the NS and CSX tracks. The improvements would include a new bridge over the NS replacing an at-grade crossing and the replacement of an existing highway overpass structure on the CSX, and a slight realignment of 14th Street, requiring the acquisition of right-of-way, easements and properties. The project will also include the construction of a third grade separation structure that would allow access to a bulk storage plant. This third structure would not cross any railroad facility. The 14th Street project will extend from F Street on the west to Ill. Rte. 1 on the east. The new structure will carry two lanes of traffic over the NS and CSX tracks.

With the increase in traffic, the construction of a highway overpass structure over the NS and the reconstruction of the existing highway overpass structure over the CSX will increase the safety of the vehicular traffic using the new structures instead of at-grade crossings. There is a new school constructed west of Tilton, and it has been reported to the Villages Engineer that all bus vehicles will have to cross the NS crossing. Twenty (20) school buses per day are expected to use 14th Street in the vicinity of the NS crossing. In addition, the Vermilion County Nursing Home is located on the west side of town on 5th Street. It has been reported to the Village Engineer that one to two emergency vehicles per day will need to cross the NS tracks. If the existing NS at-grade crossing were reconstructed, any train blockage from a stationary or moving train could endanger the life of a senior citizen at the nursing home. The construction of a highway overpass at the NS tracks will alleviate this concern.

As stated previously, the Village and IDOT propose to eliminate the at-grade crossing on the NS and construct a highway overpass structure in place thereof. Due to the condition and realignment of 14th Street, the existing highway overpass structure over the CSX will need to be replaced with a new structure on a new alignment. The existing CSX highway overpass structure was built in 1906. The concrete is deteriorating, the structure is at the end of its useful life,

and it would cost more to modify the structure than build a new structure. The sufficiency rating of the structure is approximately 55 making it eligible for replacement under the bridge replacement program of IDOT.

The NS bridge will carry two vehicular lanes of traffic approximately 32' wide face to face of curb. There will be 6' wide sidewalks on both sides of the structure. The type/size of the structure has yet to be determined. The CSX structure will carry three lanes of vehicular traffic 40' wide face to face of curb. There will be an eastbound, westbound and an eastbound left turn lane for Tilton Road.

The Village presented three exhibits as evidence in this case: Petitioner's Exhibit No. 1 is a site location map; Petitioner's Exhibit No. 2 is the project site plan; Petitioner's Exhibit No. 3 is the engineering study; and, Petitioner's Exhibit No. 4 is IDOT's feasibility study. Upon completion of the preliminary plans, the project site plan may be altered slightly. The estimated cost for preliminary engineering, phase 1 and 2, is \$618,500.

Staff has reviewed the evidence and exhibits and has no objection to the project and recommends that the Village be granted permission to proceed with the preliminary engineering for the project. However, staff also recommends that the Village submit the plans from the preliminary engineering phase 1 to the Commission Rail Safety Section staff with estimate of cost broken down between the NS overpass, CSX overpass and eligible roadway approach work and receive approval from staff prior to proceeding on to preliminary engineering phase 2.

The Commission, having given due consideration to 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 should be granted to the City of Tilton to construct the highway overpass structures carrying 14th Street over the tracks of the NS and CSX, including portions of the roadway work associated with the highway approaches to the highway overpasses;
- 4) the cost of the preliminary engineering, phase 1 and 2, should be allocated 100% to the Grade Crossing Protection Fund ("Fund"); while the Fund is paying 100% of the cost for the preliminary

engineering, it will be averaged into the overall project cost and the total Fund contribution will not exceed 60% of the eligible cost;

- 5) the Commission should hold further hearings after the preliminary engineering has been completed; this hearing is currently scheduled for February 21, 2002, at the hour of 10:00am at the Commission's Springfield office.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 14th Street project in the Village of Tilton, Vermilion County, involving the reconstruction/realignment of 14th Street and the construction/reconstruction of highway overpass structures carrying 14th Street over the tracks of the Norfolk Southern Railway Company and CSX Transportation, Inc. is hereby deemed a safety improvement project and permission is hereby granted to the parties to proceed with the project as described in the following ordering paragraphs.

IT IS FURTHER ORDERED that permission be, and it is hereby, granted to the Village of Tilton, Vermilion County, to proceed with the preliminary engineering, phase 1 and 2 pertaining to the 14th Street project; the Village of Tilton shall submit the phase 1 plans and cost estimate separated into (1) the cost for the NS highway overpass structure; (2) the cost for the CSX highway overpass structure, and (3) the cost for the immediate highway approaches to the highway overpass structures.

IT IS FURTHER ORDERED that the initial costs toward the preliminary engineering for the project shall be allocated to the Grade Crossing Protection Fund in the manner as contained in Finding (4) herein.

IT IS FURTHER ORDERED that a hearing on the construction phase of the project will be held at the Commission's Springfield office on February 21, 2002, at the hour of 10:00am. The Village will supply the Norfolk Western Railway Company, CSX Transportation, Inc., the Illinois Department of Transportation, staff of the Commission's Rail Safety Section, and the Director of Processing and Information of the Commission's Transportation Division with the preliminary engineering plans and estimates of cost prior to the hearing scheduled for February 21, 2002.

IT IS FURTHER ORDERED that it is the intent of the Commission to issue further Order(s) in this matter increasing the Grade Crossing Protection Fund participation to the maximum amount as set forth in Finding (4) herein only after a written request from the City of Tilton has been received by the Director of Processing and Information, Transportation Division of the Commission, stating the need for additional payments from the Grade Crossing Protection Fund.

IT IS FURTHER ORDERED that all bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the

District Five (5) office of the Illinois Department of Transportation, Bureau of Local Roads and Streets, 13473 Ill. Hwy. 133, P.O. Box 610, Paris, IL 61944.

By Order of the Commission this 5th day of December, 2001.

*Richard L. Mathias*³

Chairman

JUDGE	<i>[Signature]</i>
SECTION CHIEF	
ORDERS SUPERVISOR	<i>[Signature]</i>