

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Village of Evergreen Park, Cook County, Illinois, :
Petitioner, :

vs. :

Grand Trunk Western Railroad, Inc. and Illinois :
Department of Transportation, Division of Highways, :
Respondents. :

T01-0059

Petition for an Order of the Illinois Commerce :
Commission to increase the amount of minimum :
preemption warning time provided by the Grand Trunk :
Western Railroad, Inc., as required by the Illinois :
Department of Transportation, for a new traffic signal :
installation at the intersection of 94th Street and Kedzie :
Avenue in Evergreen Park, Cook County, Illinois, and :
apportioning the costs to be borne in pro-rata shares by :
the Village of Evergreen Park and the Illinois Department :
of Transportation through the Southwest Conference of :
Mayors. :

ORDER

By the Commission:

On September 28, 2001, the Village of Evergreen Park, Cook County, Illinois ("Village") filed the above-described Petition with the Illinois Commerce Commission ("Commission"). The case was set for hearing on December 7, 2001.

On November 5, 2001, the Grand Trunk Western Railroad, Inc. ("Company") filed a Motion To Change Respondent And For Time To Answer. The Company requested it be substituted for the Canadian National Illinois Central Railroad (CNIC) in this proceeding and all references to CNIC in the Village's petition be read as Grand Trunk Western Railroad, Inc. The Company also requested it be given until November 30, 2001, to answer the Village's petition. On November 7, 2001, the Company's motion was granted.

On November 26, 2001, the Company filed its answer to the Village's petition and a Motion For Continuance. On November 27, 2001, the Company's Motion For Continuance was granted.

On February 1, 2002, pursuant to proper legal notice, a hearing was held before a duly authorized Administrative Law Judge at the Commission's office in Springfield, Illinois. A member of the Commission's Railroad Section ("Staff") entered an



appearance. The Illinois Department of Transportation ("Department"), Village and the Company did not enter appearances at the hearing.

At the February 1, 2002 hearing, Staff submitted a recommended draft order and letters from the Company, Department and Village acknowledging their review and acceptance of the contents of the draft order, as evidence on behalf of the Department, Company, Village and Staff. Staff also submitted Exhibit A, which is an estimate of cost prepared by the Company to perform its work contemplated herein and Exhibit B, which is the recommended highway traffic control signal preemption sequence. The draft order addressed issues in the Village's Petition including: a new highway traffic control signal installation interconnected with the Company's crossing warning signals and gates where said Company's double main line tracks extend through the 94th Street intersection with Kedzie Avenue in Evergreen Park; the interconnection of highway traffic control signals where Kedzie Avenue intersects 95th Street with the Company's crossing warning signals and gates where its tracks cross 95th Street east of Kedzie Avenue; the integration of the aforesaid two interconnected signal systems; the establishment of minimum simultaneous preemption time for the traffic signal preemption sequences. The draft order also included a division of cost and a completion date for the proposed warning system improvements. At the conclusion of the hearing, the record was marked "Heard and Taken".

The Commission, having given due consideration to the entire record in this matter, finds that:

- (1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) the recitals of fact as set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (3) within the Village a public highway known as 94th Street intersects with another public highway known as Kedzie Avenue; the only highway traffic control devices at the intersection are stop signs on 94th Street; the Company's double main line tracks extend through the intersection in a northwest/southeast direction, forming an angle of approximately 35 degrees with Kedzie Avenue; the grade crossing (DOT 283 149U – Kedzie Avenue; DOT 283 150N – 94th Street) is provided with gate arms and cantilever mounted automatic flashing light signals; 94th Street is under the jurisdiction of the Village and Kedzie Avenue is under the jurisdiction of the Department; the Village proposes to replace the stop signs at said intersection with highway traffic control signals and interconnect said signals with the Company's automatic warning devices thereat; the Village also proposes to improve geometrics of the intersection which will necessitate the extension of the crossing surfaces and relocation/alteration of the Company's automatic warning devices;

- (4) within the Village a public highway known as 95th Street (U.S. 12-20) crosses at grade the Company's double main line tracks approximately 300 feet east of Kedzie Avenue; the crossing is provided with automatic flashing light signals and gates; 95th Street is under the jurisdiction of the Department; the Kedzie Avenue/95th Street intersection has highway traffic control signals under the jurisdiction of the Department; the traffic control signals are not interconnected with the Company's warning devices where its tracks cross 95th Street; the Department proposes to interconnect the aforesaid highway traffic control signals with the Company's automatic warning devices;
- (5) Federal Railroad Administration Rule 49 CFR Part 234.225 and the Commission's 92 IL Adm. Code 1535.350 both require that a minimum of 20 seconds warning time be provided at grade crossings equipped with automatic warning devices;
- (6) the automatic flashing light signals and gates where the Company's tracks cross the 94th Street/Kedzie Avenue intersection should be interconnected with the highway traffic control signals to be installed at said intersection; the Department will have jurisdiction over the traffic control signals; the automatic flashing light signals and gates at the Company's 95th Street crossing should be interconnected with the highway traffic control signals at the 95th Street/Kedzie Avenue intersection; the warning systems at the two grade crossings should operate simultaneously;
- (7) the grade crossing warning system improvements requested in the Village's petition are in the interest of public safety and should be approved; the minimum simultaneous preemption time provided by the Company to the Department for the traffic signal preemption sequence at each location should be 66 seconds; the crossing improvements and cost allocations should be as follow:

<u>Improvement</u>	<u>Est. Cost</u>	<u>Federal Funds</u>	<u>Village</u>	<u>Company</u>	<u>Completion from Order Date</u>
Replace and relocate signal and gate devices; lengthen the crossing surfaces; install pedestrian crossing surfaces at the northwest end of the highway crossing, all at the 94 th St./Kedzie Ave. (DOT 283 150N; DOT 283 149U) grade crossing in the Village.	\$143,360	70%	30%		12 months
Install interconnect circuit and modernize circuitry to provide a minimum 66 seconds simultaneous preemption time at the 94 th St./Kedzie Ave. and at the 95 th St. (DOT 283 151V) grade crossings in the Village.	\$356,030	70%	30%		12 months
Note: the railroad warning systems at both crossings shall operate simultaneously; the highway traffic control signal interconnects shall have 3-wire supervised circuits.					
Total Cost	\$499,390	\$349,573	\$149,817		

- (8) the Village should install and maintain barrier medians on 94th Street and the Department should install and maintain barrier medians on Kedzie Avenue where said streets approach the Company's tracks in accordance with the final design plans for the intersection; the Department should extend the west barrier median and maintain the barrier medians on 95th Street at the Company's tracks, in accordance with the final design plans.

IT IS THEREFORE ORDERED by the Commission that the Company shall perform the grade crossing improvements as set forth in Finding (7) herein and shall thereafter maintain same.

IT IS FURTHER ORDERED that the cost of the grade crossing improvements herein required shall be allocated as set forth in Finding (7) herein.

IT IS FURTHER ORDERED that the Village and the Department shall install, extend and maintain barrier medians as set forth in Finding (8) herein.

IT IS FURTHER ORDERED that the Village, the Department and the Company shall perform their work herein required within twelve (12) months from the date of this Order.

IT IS FURTHER ORDERED that after the warning system work herein required has been completed, the Company shall not take any action which would result in a reduction of the minimum simultaneous preemption time without approval of the Commission.

IT IS FURTHER ORDERED that the Company shall post a readily visible notice inside its warning system cabinet(s) at each of the aforesaid at-grade crossings notifying its personnel not to take any action which would result in a reduction of the minimum railroad preemption time herein required without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the proposed railroad preemption sequence, set forth in Exhibit B, shall be utilized by the highway traffic control devices at the intersections of 94th Street and Kedzie Avenue, and 95th Street and Kedzie Avenue, and shall not be altered in a manner which would reduce the amount of time vehicles encroaching the track zones would have to clear the tracks without the approval of the Commission.

IT IS FURTHER ORDERED that the Department shall post a readily visible notice inside its traffic signal cabinet(s) at each location, notifying its personnel not to alter the railroad preemption sequence for the traffic signals at the interconnected at-grade crossings in a manner which would reduce the amount of time vehicles encroaching the track zones would have to clear the tracks without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the Company shall within one hundred twenty (120) days from the date of this Order furnish the Department for its review two (2) copies of the general layout plans applying to the warning system work herein required.

IT IS FURTHER ORDERED that the Department shall, within thirty (30) days of its receipt of the aforesaid general layout plans, furnish to the Commission a statement of its approval or disapproval thereof, this for the information of the Commission when considering the applications herein required to be filed in accordance with Form 3 of 92 Ill. Adm. Code 1535.

IT IS FURTHER ORDERED that the Company shall file a Form 3 application, one for each crossing, with the Commission, in accordance with 92 Ill. Adm. Code 1535, showing details of the warning system work herein required and shall receive approval thereof by X-Resolutions of this Commission before commencing the work of installation.

IT IS FURTHER ORDERED that the Company, the Village and the Department shall each file a written report within six (6) months from the date of this Order with the Director of Processing and Information, of the Commission's Transportation Division, stating the progress made toward completion of its work herein required. Said reports shall include the Commission Order Number, the Order Date, the project completion date as noted in this Order, crossing information (Inventory Numbers and Railroad Mileposts), type of improvement and project manager information (the name, title, mailing address, phone number and facsimile number of the employee responsible for management of this project.)

IT IS FURTHER ORDERED that the Company, the Village and the Department shall each file a written report within six (6) months from the date of this Order with 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 reports shall also include a brief explanation of the reason (s) for the delay.

IT IS FURTHER ORDERED that all bills pertaining to this project shall be submitted to James J. Sexton, Village Clerk, 9418 South Kedzie Avenue, Village of Evergreen Park, Illinois, 60642.

IT IS FURTHER ORDERED that the Company, the Village and the Department shall each file a written notice of completion with the Director of Processing and Information, Transportation Division of the Commission within five (5) days of completion of its work herein required.

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

By Order of the Commission this 27th day of February, 2002.



Chairman

JUDGE	
SECTION CHIEF	
ORDERS SUPERVISOR	