

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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JUN 28 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

CITY OF GRANITE CITY,)
an Illinois municipal corporation,)

Petitioner,)

v.)

Docket No. T02-0067

ILLINOIS DEPARTMENT OF)
TRANSPORTATION, GATEWAY)
EASTERN RAILWAY COMPANY,)
GATEWAY WESTERN RAILWAY)
COMPANY, NORFOLK SOUTHERN)
RAILWAY COMPANY, AND UNION)
PACIFIC RAILROAD,)

Respondents.)

PETITION

COMES NOW the City of Granite City, an Illinois municipal corporation, and pursuant to 625 ILCS 5/18c-7401 and 625 5/18c-1101 et seq., and 83 Ill. Adm. Code Part 200, files its Petition and in support thereof states as follows:

Description of the Parties

1. Petitioner, City of Granite City, is a municipal corporation duly created and authorized pursuant to Illinois law.

2. The Illinois Department of Transportation (IDOT), whose address is 2300 South Dirksen Parkway, Room 311, Springfield, Illinois 62764, is a state agency created pursuant to 20 ILCS 5/3.

4. The Norfolk Southern Railway Company (NS), whose address is 99 Spring Street, S.W., Atlanta, Georgia, 30303, is rail carrier operating its lines of railroad in the State of Illinois.

5. The Union Pacific Railroad Company (UP), whose address is 1416 Dodge Street,

DOCKETED

Omaha, Nebraska, 68179, is a rail carrier operating its lines of railroad in the State of Illinois.

6. The Gateway Eastern Railway and Gateway Western Railway Companies (GE), whose address is 114 W. Eleventh Street, Kansas City, Missouri 64105, is a rail carrier operating its lines of railroad in the State of Illinois.

Description of Previous Filing

7. On or about January 12, 2000, Petitioner filed a Petition with the Illinois Commerce Commission (Commission) in support of the Pontoon Road Overpass. At the time of the filing it was believed there was sufficient funding for the project. However, it soon became clear the funding commitment from some of the parties would not be sufficient, if at all, by which to cover the anticipated costs of the project. As a consequence, the Petitioner moved to dismiss its Petition, which dismissal was granted.

8. In a recent session before the General Assembly, approximately \$6.5 million has been allocated to IDOT in support of the Pontoon Road Overpass. Petitioner verily believes this additional funding amount, in conjunction with the anticipated funding from the Grade Crossing Protection Fund, as well as equitable contributions from the Respondent railroads, should be adequate to cover the anticipated funding.

Description of Pontoon Road and 22nd Street Crossings

9. Within the corporate limits of the City of Granite City, and under its jurisdiction, are Pontoon Road (FAU. Route 9082) and 22nd Streets, as public streets.

10. The portion of Pontoon Road which is to be improved, begins at the intersection of North Street and Pontoon Road and extends in a westerly direction a total distance of 1,400 lineal feet or $\pm(0.26 \text{ miles} \pm)$. Pontoon Road serves a 4-lane urban collector facility between Illinois Route 203 (Nameoki Road) and Illinois Route 3.

11. The current average daily traffic (ADT) for this portion of Pontoon Road from Illinois Route 203 west towards Illinois Route 3 is approximately, 13,500. In 2000, the ADT was 18,000, however, with closure of the McKinley Bridge traffic has reduced. In 2005, the bridge is expected to be in operation and so it is reasonable to expect a resumption of traffic to the levels in 2000, if not greater.

12. Pontoon Road is equipped with automatic flashing lights with gates, and crosses dual main line tracks of the NS at - grade, a single main line track of the UP at - grade, and a single main line track of the GE at - grade, all immediately due west of the Pontoon Road and Illinois 203 intersection. Pontoon Road and Illinois Route 203 is a four legged, signalized intersection. Pontoon Road crosses the respective railroad tracks at approximately a 45 degree angle of intersection. The types of vehicular traffic that use the grade crossings include automobiles and commercial trucks, trucks carrying hazardous materials, vehicles carrying passengers for hire, and school buses. The average number of train movements per day over the crossings is greater than 50. The maximum timetable speed for trains operating through the crossings is 60 mph for freight trains and 79 mph for passenger trains. The crossings' accident history for the past five (5) years is 24 accidents.

13. 22nd Street crosses the right of way of the Terminal Railroad Association and three (3) main tracks of the NS rail yard which are immediately due west of the four (4) main line tracks that cross Pontoon Road. 22nd Street carries mostly passenger cars and some limited commercial truck traffic, connecting residential areas within the City of Granite City. 22nd Street is located 0.50 miles westerly of 25th Street and 0.37 miles easterly of the 19th Street Overpass. The crossings at 22nd Street are equipped with automatic flashing lights, with gates. The ADT is approximately 2,300. The average number of train movements per day over the crossings is greater than 50. The maximum timetable speed for trains operating through the crossings is 60 mph for freight trains and

79 mph for passenger trains. The crossings' accident history for the past five (5) years is two (2) accidents.

14. Attached hereto and identified as Exhibits A and B are schematic drawings of the Pontoon Road and 22nd Street crossings of the aforesaid tracks, and an aerial photograph of the Pontoon Road area, respectively.

Description of the Pontoon Road Overpass Project and 22nd Street Crossing Closing

15. Petitioner recommends the construction of the Pontoon Road Overpass, a four lane overpass with pedestrian sidewalks on both sides, as a roadway overpass grade separation over Illinois Route 203 (Nameoki Road) and the railroads' four tracks. Petitioner had previously submitted an application to the Illinois Commerce Commission Crossing Safety Improvement Program on November 15, 1999. The grade separation will be accomplished by raising Pontoon Road to accommodate a 23' minimum clearance from the bottom of the bridge structure to the top of the rail. The proposed overpass will be constructed to accommodate 61' 6" wide typical section. This typical section consists of four (4) 12' wide travel lanes, 5' wide cantilever sidewalks, and two (2) 1.75' parapets. A closed storm sewer system will be developed where feasible along the proposed improvement. The vertical profile will be changed to provide a maximum grade of 6% into and exiting the overpass structure.

16. The following roadway improvements shall be constructed in conjunction with the Pontoon Road Overpass project:

- . North Street from Illinois Route 203 (Nameoki Road) to Pontoon Road will be reconstructed.
- . North Street at Illinois Route 203 and Pontoon Road will be a fully signalized intersections.
- . North Street from Pontoon Road to Amos Avenue will be reconstructed.
- . Briarcliff Drive/Melrose Avenue and Pontoon Road intersection will be closed.
- . Amos Avenue from North Street to Illinois Route 203 (Nameoki Road) will be reconstructed.
- . Braden Avenue to Pontoon Road will be closed.
- . A connector roadway from Old Alton Road to Briarhaven Drive will be constructed around

the existing Melrose Subdivision.

A connector roadway from Briarmoor Lane to Century Drive will be constructed.

Illinois Route 203 (Nameoki Road) will be modified as required to accommodate the proposed improvements to North Street and Amos Avenue.

Fully activated traffic signals will be installed at the following intersections:

Illinois Route 203 (Nameoki Road) and North Street

Pontoon Road and Briarhaven Drive/connector road

North Street and Pontoon Road

Storm sewer improvements and detention basin expansions as required to comply with IDOT standards

17. The following roadway improvements shall be constructed in conjunction with the closing of the 22nd Street crossing:

A truck route connector roadway from 22nd Street to 20th Street will be constructed (Century Drive extension).

With the closure of 22nd Street, petitioner requests a pedestrian cross walk be constructed by the respondent railroads at 25th Street to meet the existing sidewalks.

18. It is noted all existing roadways to be closed will be closed in accordance with IDOT standards. In order to effectuate the 22nd Street grade crossing closing, NS and UP will need to dedicate a sufficient right-of-way or permanent roadway easement to construct the connector roadway between 22nd Street and 20th Street, and it may be required that NS relocate the existing field office at the 22nd Street. Any costs associated with the dedication of right-of-ways or the permanent roadway easement to construct the connector roadway between 22nd Street and 20th Street is proposed to be borne by the Respondent railroads.

19. In order to implement the roadway improvements as well as the Pontoon Road Overpass as described above, land acquisition and relocation expenses for both residential and commercial properties will be incurred.

Description of Project Costs and Funding

20. Petitioner has developed probable cost breakdowns for the aforesaid roadway

improvements and the Pontoon Road Overpass, including closing of the 22nd Street crossing, in a total amount of \$23,845,000. A breakdown of the probable construction costs is provided in the attachment identified as Exhibit C incorporated herein by reference.

21. In order to initiate the Pontoon Road Overpass project, and closing the 22nd Street crossing, there will be incurred certain expenditures and costs for the initial phase. This phase, prior to the construction of the Pontoon Road Overpass project and roadway improvements, would include soil boring and analysis, preparation of right-of-way documents, and design engineering, in the total amount of \$2,200,000. In the initial phase, Petitioner requests that the Commission through the Grade Crossing Protection Fund provide one-hundred percent (100%) financing for this phase as described below. Upon completion of this initial phase, Petitioner intends to file a petition or motion with the Commission for funds for the construction phase, tentatively scheduled for fiscal year 2004.

22. Petitioner requests that the following named agencies or entities be apportioned the cost associated with the total project costs referenced as follows:

Grade Crossing Protection Fund - 70%

NS, UP, GE - 7%

IDOT - 23%

Petitioner further proposes it not be allocated any costs, stating it has no available funds in current or projected budgets. Petitioner's largest employer, Granite City Steel, is undergoing a bankruptcy reorganization and has not paid property taxes in the current year. As a consequence, and as a result of rising health insurance and other operating expenses, Petitioner has laid off employees and further layoffs are anticipated later this year.

23. Petitioner proposes that IDOT Bureau of Local Roads serve as the funding agency

and that all payments during construction be paid by said agency. Petitioner further proposes that all funding parties be required to escrow sufficient funds in a timely manner to IDOT in order to provide payments during construction.

Pontoon Road Overpass and 22nd Street Closing is in the Public Interest

24. The Pontoon Road Overpass is necessary in order to enhance the public health, safety, convenience and welfare. Pontoon Road serves as a vital link for local traffic from the adjoining subdivisions to the business district along Illinois Route 203 and commuting traffic to Illinois Route 3. The proposed project will eliminate the conflict between pedestrians/vehicular traffic and train traffic at these at - grade crossings. This improvement will increase the safety and serve not only residents, but also the pedestrians and vehicular traffic using Pontoon Road. The improvement will also enhance the public welfare as it will facilitate the commercial growth west of the Pontoon Road Overpass. Petitioner had recently re-zoned properties west of the Pontoon Road Overpass as M-4, and along with existing zoning, intends to promote the economic and commercial development along the Illinois Route 3 corridor.

25. The closing of 22nd Street is also necessary for the public health, safety, convenience and welfare. 22nd Street, at this juncture, is primarily used by residential traffic commuting within the adjoining neighborhoods or subdivisions. 22nd Street is not used to access major routes or roadways in the area. Closure of 22nd Street with the construction of additional access to 20th Street is justified by the availability of alternate access with the proposed construction.

26. With respect to the Pontoon Road Overpass project, there will be no material adverse distance caused by the closure of the railroad crossings. With respect to the 22nd Street crossing closure, the adverse distance associated with the distance which must be traveled from one side of the crossing to a point adjacent from the crossing is approximately 0.70 miles.

NOW, THEREFORE, Petitioner, City of Granite City, prays that the Illinois Commerce Commission enter its Order directing that the matter be set for public hearing in accordance with law and, thereafter, issue a further order:

a. Directing the Gateway Eastern Railway and Gateway Western Railway Companies, Norfolk Southern Corporation, and Union Pacific Railroad to permanently close, abandon, and barricade the existing crossings at Pontoon Road and 22nd Street, in accordance with applicable Illinois Commerce Commission rules and requirements, in conjunction with the completion of the proposed improvements;

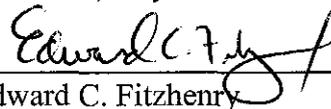
b. Allocating the costs of the initial phase of the project from the Grade Crossing Protection Fund;

c. Allocating the costs of the proposed Pontoon Road Overpass, the 22nd Street closing, and roadway improvements equitably between the Grade Crossing Protection Fund and Respondents, and allocating no costs to the Petitioner, City of Granite City;

d. Finding that the proposed Pontoon Road Overpass project, the 22nd Street closing, and requested roadway improvements as set out herein, are in the interest of the public health, safety, convenience and welfare, and;

e. For such other and further relief as the Illinois Commerce Commission deems equitable and just.

Petitioner, City of Granite City



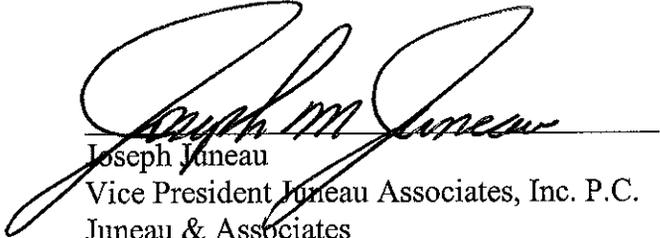
Edward C. Fitzhenry
Lueders, Robertson, Konzen & Fitzhenry
1939 Delmar Avenue, P. O. Box 735
Granite City, IL 62040
(618) 876-8500

STATE OF ILLINOIS, :
 :
 :
COUNTY OF MADISON, :
 :
 :

SS

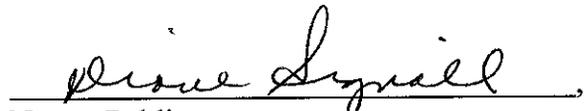
VERIFICATION

I, Joseph Juneau, being duly sworn, depose and state that I have read the foregoing Petition, and state the contents therein are true and accurate to the best of my belief and knowledge.



Joseph Juneau
Vice President Juneau Associates, Inc. P.C.
Juneau & Associates
P. O. Box 1325
Granite City, IL 62040
618-877-1400

SUBSCRIBED AND SWORN to before me, a Notary Public on this 25 day of
June, 2002.



Notary Public

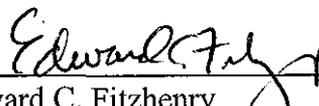


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PROOF OF SERVICE

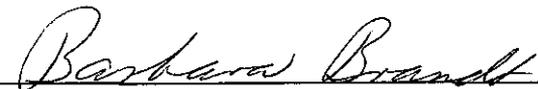
STATE OF ILLINOIS)
)
COUNTY OF MADISON) SS

I, Edward C. Fitzhenry, Jr., being an attorney admitted to practice in the State of Illinois and one of the attorneys for City of Granite City herewith certify that I did on the 25 day of June, 2002, filed with the Illinois Commerce Commission an original and one (1) copy of the Petition on behalf of the City of Granite City, and serve upon the persons identified on the attached service list, by depositing same in the United States Mail, in Granite City, Illinois with postage fully prepaid thereon.



Edward C. Fitzhenry
Lueders, Robertson, Konzen & Fitzhenry
1939 Delmar Avenue
P. O. Box 735
Granite City, IL 62040
(618) 876-8500

SUBSCRIBED AND SWORN to me, a Notary Public, on this 25 day of June, 2002.



Notary Public

36859



CITY OF GRANITE CITY
V.
ILLINOIS DEPARTMENT OF TRANSPORTATION ET AL

SERVICE LIST

Donna Caton, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P. O. Box 19280
Springfield, IL 62794

Illinois Department of Transportation
2300 South Dirksen Parkway
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Robert Berry
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Neil F. Flynn
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Stacey C. Hollo
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108 West Ryder
Litchfield, IL 62056

Dean W. Jackson
522 E. Monroe, Suite 306
Springfield, IL 62701

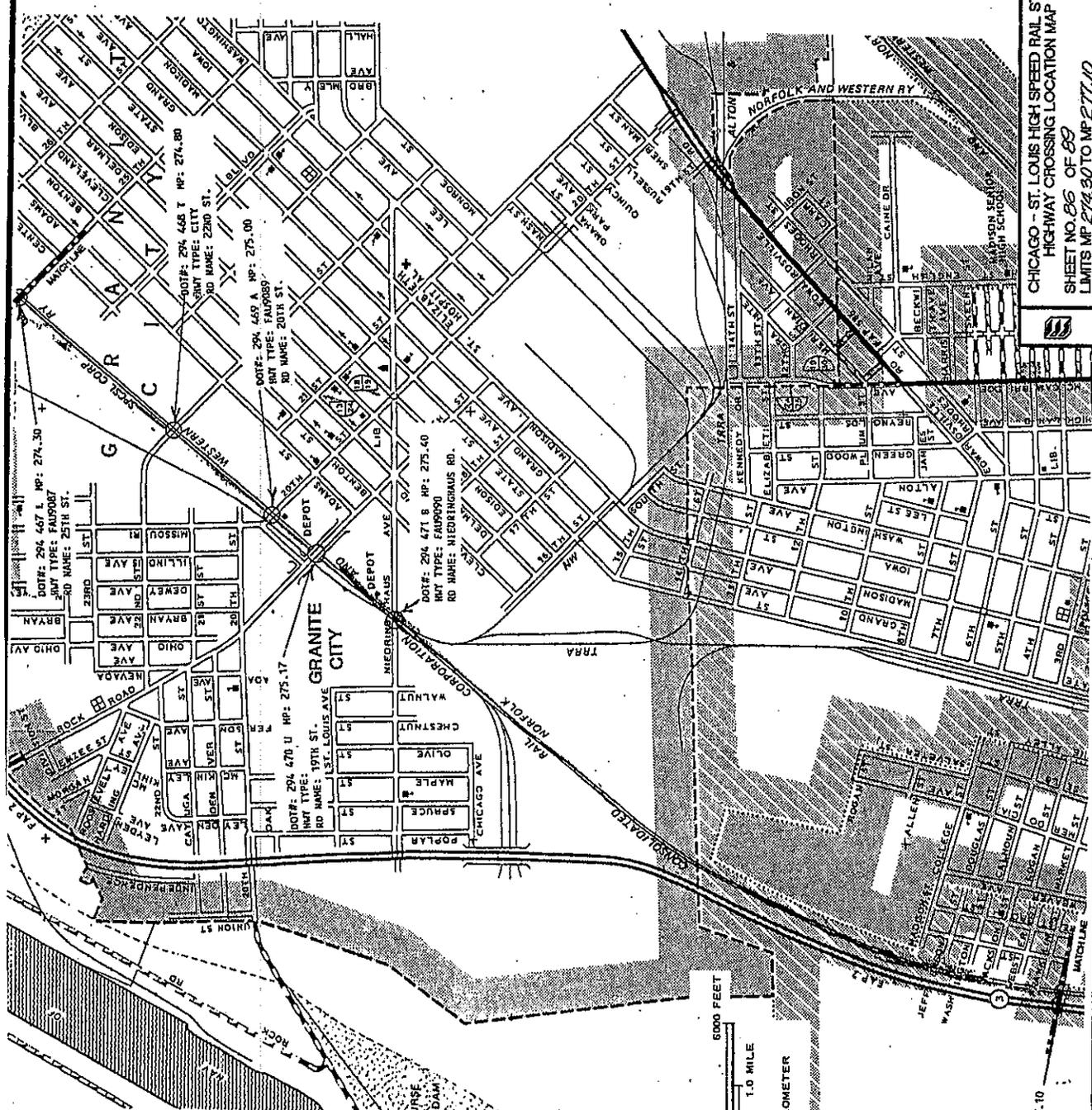
Paul M. Brown
Thompson Coburn, LLP
One Mercantile Center
St. Louis, MO 63101-1693

Norfolk Southern Railway Company
99 Spring Street, S.W.
Atlanta, Georgia, 30303

36859

Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska, 68179

Gateway Eastern Railway Companies
114 W. Eleventh Street
Kansas City, Missouri 64105



DOT#: 294 457 L. MP: 274.30
 HWY TYPE: FURROUT
 RD NAME: 25TH ST.

DOT#: 294 468 T. MP: 274.80
 HWY TYPE: CITY
 RD NAME: 22ND ST.

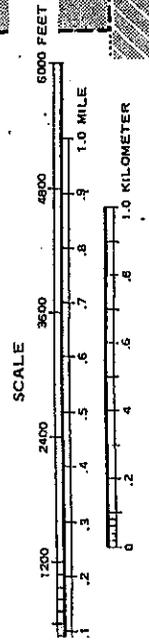
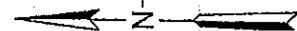
DOT#: 294 469 A. MP: 275.00
 HWY TYPE: FAIRWAY
 RD NAME: 20TH ST.

DOT#: 294 471 B. MP: 275.40
 HWY TYPE: FAIRWAY
 RD NAME: NIEDRINGRAUS RD.

DOT#: 294 470 U. MP: 275.17
 HWY TYPE: 19TH ST.
 RD NAME: ST. LOUIS AVE

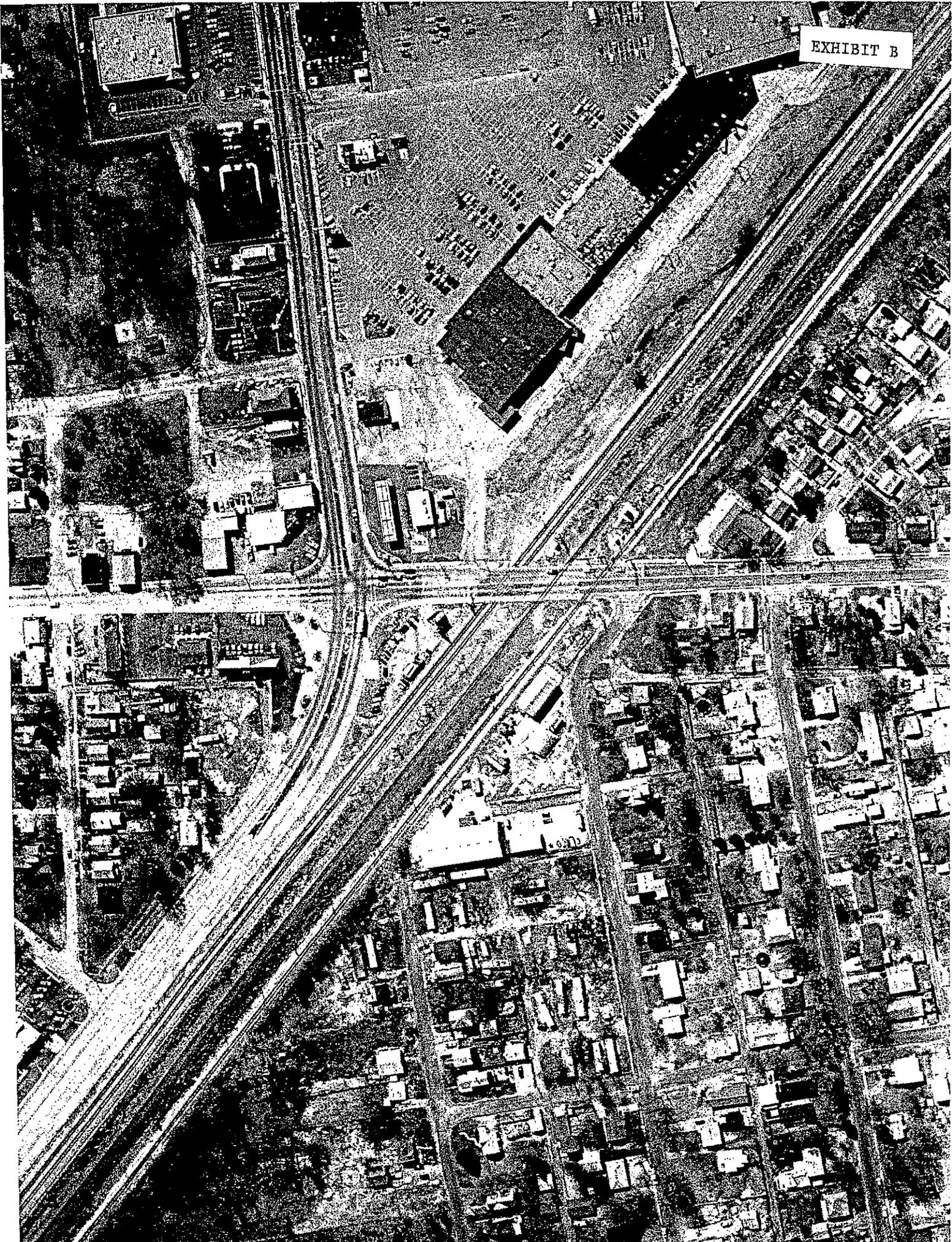
DOT#: 294 472 P. MP: 277.10
 HWY TYPE: FAIRWAY
 RD NAME: BISSELL ST.

CHICAGO - ST. LOUIS HIGH SPEED RAIL STUDY
 HIGHWAY CROSSING LOCATION MAP
 SHEET NO. 86 OF 89
 LIMITS MP 274.30 TO MP 277.10



SOURCE: ILLINOIS DEPARTMENT OF TRANSPORTATION
 GENERAL HIGHWAY MAP

EXHIBIT B



IV. OPINION OF PROBABLE CONSTRUCTION COST

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Qty.</u>	<u>Unit Price</u>	<u>Amount</u>	
1	Residential Building Demolition	Each	19	15,000.00	285,000.00	
2	Commercial Building Demolition	Each	11	25,000.00	275,000.00	
3	Briarcliff Pump Station Modification	L.S.	1	75,000.00	75,000.00	
4	Soil Boring and Analysis	L.S.	1	150,000.00	150,000.00	
5	Borrow Pit Acquisition	L.S.	1	100,000.00	100,000.00	
6	Demolition and Removal of Existing Roadway	L.S.	1	250,000.00	250,000.00	
7	Existing 203 Signal Modifications	L.S.	1	75,000.00	75,000.00	
8	203/North Street Traffic Signals	L.S.	1	100,000.00	100,000.00	
9	North Street/Pontoon Road Traffic Signals	L.S.	1	100,000.00	100,000.00	
10	203/North Street Intersection Improvements	L.S.	1	600,000.00	600,000.00	
11	North Street Reconstruction (North & South)	Mile	0.7	1,800,000.00	1,260,000.00	
12	Storm Sewer - Pontoon Road to Briarcliff Detention Basin	L.S.	1	150,000.00	150,000.00	
13	Embankment in Place, Class I Excavation, Engineered Fill and Bridge Approach Slabs	L.S.	1	472,350.00	472,350.00	
14	Bridge Structure (62' wide x 722' x \$130/sq. ft.) with Cantilever Sidewalks	L.S.	1	5,819,320.00	5,819,320.00	
15	Traffic Control	L.S.	1	200,000.00	200,000.00	
16	Engineer's Field Office	Months	15	1,600.00	24,000.00	
17	Site Restoration	L.S.	1	50,000.00	50,000.00	
18	QA/QC Bituminous & Concrete	L.S.	1	40,000.00	40,000.00	
19	Pavement Marking (Temp/Final)	L.S.	1	30,000.00	30,000.00	
20	Utility Relocation/Adjustments - By Others	-	-	740,000.00	740,000.00	
21	Overpass Lighting	L.S.	1	100,000.00	100,000.00	
22	Railroad Protection Insurance	L.S.	1	250,000.00	250,000.00	
23	Railroad Flagman	Days	80	500.00	40,000.00	
24	Approach Roadway Construction	L.S.	1	500,000.00	500,000.00	
25	Railroad Construction Requirements (Detour Road, etc.)	L.S.	1	1,000,000.00	1,000,000.00	
26	Land Acquisition	L.S.	1	3,000,000.00	3,000,000.00	
27	Real Estate Relocation, Appraisals & Negotiations	L.S.	1	700,000.00	700,000.00	
28	Connector Roadway from 22nd to 20th Street	L.S.	1	350,000.00	350,000.00	
29	Special Waste Construction along 22nd Street to 20th Street Corridor	L.S.	1	100,000.00	100,000.00	
30	22nd Street Closure Protection	L.S.	1	45,000.00	45,000.00	
31	Access Roadway from Old Alton Road to Opposite Briarcliff, Signalized Intersection Century Dr. Connection to Briarcliff Subdivision	L.S.	1	1,100,000.00	1,100,000.00	
32	Landscaping and Noise Screen along North Street	L.S.	1	50,000.00	50,000.00	
					18,030,670.00	
					15% Contingency	2,704,600.50
					Subtotal	20,735,270.50
					Design & Construction Engineering 15%	3,110,290.58
						23,845,561.08