



ILLINOIS COMMERCE COMMISSION

March 26, 2003

Norfolk Southern Railway Company,
Petitioner,

V.

City of Urbana, Champaign County, Illinois; and the State of Illinois,
Department of Transportation,
Respondents.

T03-0025

Proposed installation of 24' automatic flashing light signal cantilever in the SE quadrant in lieu of existing automatic flashing light signal and the relocation of the automatic flashing light signal in NW quadrant controlled by Type C island circuitry, at the grade crossing of Smith Road located in Urbana, Champaign County, Illinois. Crossing No. US DOT 543 235K.

Mr. Thomas W. Ambler
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-2191

Dear Mr. Ambler:

Receipt is acknowledged of the original and three (3) copies of the Petition filed March 25, 2003 in the above matter.

Processing and Information Section

kl

cc: Mr. James Easterly, IDOT
Mr. Richard E. Boyle, NS
City of Urbana, Mayor/Clerk

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

RECEIVED
MAR 25 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Norfolk Southern Railway Company, Petitioner	:	
	:	X-11576
Proposed installation of 24' automatic flashing light signal cantilever in the SE quadrant in lieu existing automatic flashing light signal and the relocation of the automatic flashing light signal in NW quadrant controlled Type C island circuitry, at the grade crossing of Smith Road located in Urbana, Champaign County, Illinois.	:	
Crossing No. US DOT 543 235K	:	703-0025

PETITION FOR AN ORDER

Comes now Norfolk Southern Railway Company ("NSR"), Petitioner, to request an order of the Illinois Commerce Commission rescinding the captioned X-Resolution and designating the captioned crossing in the city of Urbana, Champaign County, Illinois as out of service and in support of said Petition states as follows:

1. At one time, a track of NSR extended from MP UM 28.68 on the west side of Smith Road to the east to the end of the track at MP UM 28.5, a track that was about 1000 feet or 0.18 of a mile long (the "Subject Track").
2. Smith Road is a public state roadway that crossed at-grade the Subject Track in Urbana, Illinois at approximately MP UM 28.6, or just east of the western end of the Subject Track. Smith Road is also known as FAU 7188. The US DOT crossing number is 543 235K.
3. At this crossing NSR had the following type of active warning devices: automatic flashing light signals.
4. The state of Illinois proposed to improve Smith Road, including the crossing of NSR's track, by widening the turning radius from U.S. Highway 150, which ran parallel to the Subject Track.
5. As part of the proposed improvement, NSR proposed to install a 24' automatic flashing light signal cantilever in the southeast quadrant in lieu of an existing automatic flashing light signal and also to relocate the automatic flashing light signal in northwest quadrant, all controlled by Type C island circuitry. This proposal was detailed in a Form 3 petition NSR filed with the Illinois Commerce Commission on March 12, 2001

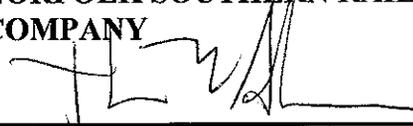
and amended on March 12, 2002. This project is also known as Project C-95-066-97.

6. By X-Resolution dated March 20, 2002, the Illinois Commerce Commission approved the NSR Form 3.
7. Subsequent to this Illinois Commerce Commission approval of the NSR Form 3, NSR, the state of Illinois Department of Transportation and Illinois Commerce Commission staff consulted among one another about the Subject Track. NSR, because there had been no traffic on the Subject Track for at least two years, indicated a willingness to save the state money by having the track removed in lieu of having any work occur at the Smith Road crossing, and the others were supportive of this approach.
8. As a result, NSR removed the Subject Track subject to the need to reinstall it if at a future time NSR should be required to reinstall it by a court or governmental agency with jurisdiction. With the track removal, the warning devices also are appropriate for removal since nonuse hereafter will require replacement. NSR is taking appropriate action to permanently retire the Subject Track.
9. The public safety is benefited by the actions taken as noted above. Since NSR intends to take such action as is needed to permanently retire the Subject Track, it would be a poor use of limited public funds to replace any crossing surface impacted by the Smith Road improvement project and to make the noted warning device changes. Also, the action of removal of the Subject Track provides for easier vehicular travel on Smith Road and prevents any train/vehicle incidents from occurring at the Smith Road crossing.
10. NSR is not seeking any contribution for its costs of removal of the Subject Track.

WHEREFORE, NSR prays that the Illinois Commerce Commission enter its Order rescinding the noted X-Resolution and declaring the Smith Road crossing as one that is out of service. NSR prays that these actions be granted without a hearing.

Respectfully submitted,

**NORFOLK SOUTHERN RAILWAY
COMPANY**



Thomas W. Ambler, Attorney and
Representative of
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510
Date: March 26, 2003

CERTIFICATE OF SERVICE

I, Thomas W. Ambler, hereby certify that I have served a copy of the foregoing Petition upon the following, by placing the same in the United States Mail, postage prepaid, on the 21 day of March 2003.

Michael Stead
Administrator
Rail Safety Program
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62794

James Easterly
Director of Highways
IL Dept. of Transportation
2300 So. Dirksen Parkway
Springfield, Illinois 62764

Mayor Tod Satterwaite
City of Urbana
400 S Vine Street
Urbana, Illinois 61801

Jack Wallace
City Attorney
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Thomas W. Ambler