

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

COUNTY OF JEFFERSON,)
)
) Petitioner)
)
) VS.)
)
) UNION PACIFIC RAILROAD)
) AND THE STATE OF ILLINOIS)
) DEPARTMENT OF TRANSPORTATION,)
)
) Respondents)

RECEIVED
 MAY 22 2003
 Illinois Commerce Commission
 RAIL SAFETY SECTION

T00-0113

In the Matter of the Petition for an Order)
 directing the construction of a grade)
 separation structure, approach roadways,)
 and the removal of an existing at grade)
 crossing and adjacent timber highway bridge)
 structure where Township Road 227 (Green)
 Road) now crosses the tracks of the Union)
 Pacific Railroad and Casey Fork in the central)
 part of Jefferson County near the City of)
 Mt. Vernon, and apportioning the project)
 cost among the Parties.)

SECOND AMENDED PETITION

TO: The Illinois Commerce Commission

Your Petitioner, the County of Jefferson, acting on behalf of Mt. Vernon Township, respectfully states:

1. The County of Jefferson, the petitioner, is a County in the State of Illinois, with offices at 750 Old Fairfield Road, Mt. Vernon, Illinois.

DOCKETED

2. The Union Pacific Railroad, a respondent, is a company with offices at 210 North 13th Street , St. Louis, Missouri.

3. The Illinois Department of Transportation, also a respondent, is a governmental agency with offices at 2300 South Dirksen Parkway, Springfield, Illinois.

4. A main line railroad track located in the respondent's "Mt. Vernon Sub-division" extends in a generally north-south direction through the central part of Jefferson County. Certain public highways of Jefferson County, in particular Township Road 227 (Green Road), intersect the respondent's railroad tracks by means of an at grade crossing (see EXHIBIT I).

5. Township Road 227 (Green Road) carries a substantial amount of local and non-local traffic (550 vehicles per day) and is an east-west road within central Jefferson County. Township Road 227 (Green Road) is also used as a school bus route and mail route and is used for the movement of farm equipment and as a route to move agricultural products to market.

This particular mainline railroad track of the respondent is utilized by a large number of freight trains (averaging 20 trains per day).

6. Township Road 227 (Green Road) is provided with an inadequate and hazardous at grade crossing as a means of crossing said railroad tracks. The existing approach roadway grades are sub-standard. The location and existing grade of the adjacent timber highway bridge makes adjustment of the east approach roadway impractical at the present time. The existing timber highway bridge structure over Casey Fork (Structure Number 041-3094) is maintained by the petitioner, and is structurally and functionally deficient for the types and levels of traffic now using TR 227 (Green Road). The inadequate timber structure, having a width of only 18.5 feet and carrying only one lane of traffic at a time, has been inspected, inventoried, rated, and posted in compliance with current Illinois Department of Transportation policies.

The Sufficiency Rating for Structure Number 041-3094 is 18.2 and recommended by the Illinois Department of Transportation that it be posted for only sixteen (16) tons.

7. The total estimated project cost, including preliminary engineering studies, right of way acquisition, design engineering, wetlands mitigation, construction engineering, structures, approach roadways and maintenance of traffic of said grade separation, is estimated at \$1,660,000.00 (see EXHIBIT III).

The petitioner, Jefferson County, has made an application for funds from a DCCA / Legislative Grant to fund approximately seventeen (17) percent of the total estimated project cost for constructing a grade separation structure where TR 227 (Green Road) now crosses the Union Pacific Railroad's track and Casey Fork. Other available funds planned for use by the petitioner, Jefferson County, are Township Bridge Program Funds (approximately 4%) and Local Agency Funds (approximately 9%). The total fixed amount for these funds is \$498,000, which represents approximately thirty (30) percent of the total estimated project cost.

8. Because the petitioner, Jefferson County, is financially unable to participate in the total project cost, it will be necessary to obtain approximately \$1,162,000.00 to supplement the above described funds available to Jefferson County. The petitioner, Jefferson County, thus respectfully requests that the Illinois Commerce Commission apportion the remaining seventy (70) percent of the estimated project cost among the Illinois Grade Crossing Protection Fund and the Union Pacific Railroad in order to fully fund the project.

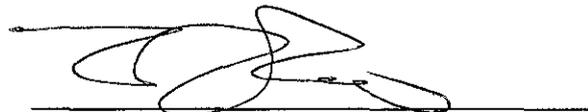
9. The petitioner, Jefferson County, would pray that the Grade Crossing Protection Fund pay sixty (60) percent and that the Union Pacific Railroad should volunteer ten (10) percent of the project cost as their share. If the Union Pacific Railroad would provide such a contribution on a voluntary basis, the petitioner, Jefferson County, would agree to assume ownership and future maintenance responsibility for the new grade separation structure. Otherwise, the petitioner, Jefferson County, requests that the Union Pacific Railroad be required to maintain the new grade separation structure.

10. In the event that the DCCA / Legislative Grant funding is not obtained, your petitioner, Jefferson County, is prepared to utilize alternate funding sources to replace the DCCA / Legislative grant funds currently applied for (see EXHIBIT III-A for the project cost breakdown utilizing alternate funding sources).

Wherefore, your petitioner, Jefferson County, prays that the Illinois Commerce Commission conduct a hearing on this Petition and after said hearing provide an order for construction of a grade separation structure, other associated drainage structures, approach roadways, and the removal of an existing at grade crossing and timber highway bridge structure where Township Road 227 (Green Road) now crosses the Union Pacific Railroad and Casey Fork and further apportioning and distributing the project cost as previously requested according to the project funding sources outlined herein.

COUNTY OF JEFFERSON

BY:



Troy J. Parrish
Attorney for Petitioner

Parrish & Ringel
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CERTIFICATE OF SERVICE

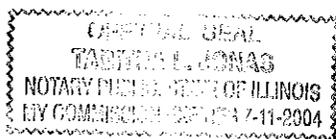
The undersigned, being first duly sworn on oath, certifies that a copy of the foregoing instruments (Entry of Appearance and Second Amended Petition) were served upon each of the following parties of record in the above cause by enclosing the same in envelopes properly stamped and addressed to such parties and depositing said envelope in a US Postal Service mailbox with postage fully prepaid on the 21st day of May, 2003.

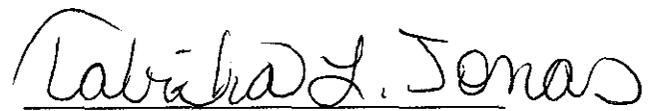
- | | |
|--|--|
| 1. Mr. Kevin Sharpe (2 Originals)
Director of Processing and Information
Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62794 | 2. Mr. Victor A. Modeer (1 Copy)
Acting Director of Highways
Attn: Jeff Harpring, Room 205
2300 South Dirksen Parkway
Springfield, Illinois 62794 |
| 3. Mr. Roy P. Farwell (1 Copy)
Union Pacific Railroad
210 North 13 th Street
Room 2000
St. Louis, Missouri 63103 | 4. Mr. David W. McKernan (1 Copy)
Union Pacific Railroad
210 North 13 th Street
Room 1612
St. Louis, Missouri, 63103 |
| 5. Union Pacific Railroad
CT Corporation System
208 South LaSalle Street
Chicago, Illinois 60604 | 6. Union Pacific Railroad
Mr. Ronald J. Cuchna, Esq.
General Solicitor
Attn: Mr. Mack Shumate, Jr.
101 North Wacker Drive
Suite 1920
Chicago, Illinois 60606 |
| 7. Mr. Charles Slavens (1 Copy)
Illinois Department of Transportation
400 West Wabash Avenue
Effingham, Illinois 62401 | |

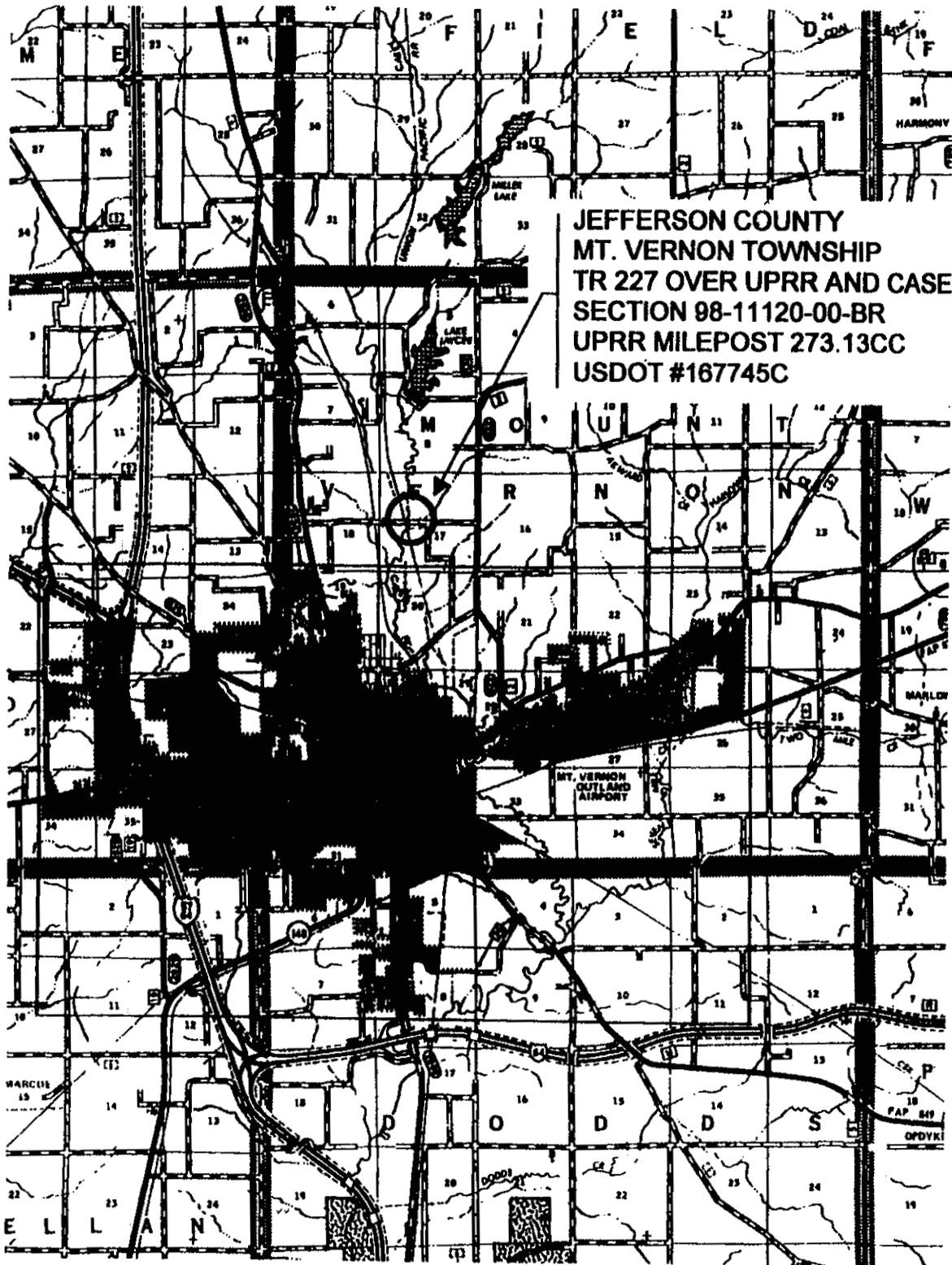


Troy J. Parrish
Attorney at Law
Serving Agent

Subscribed and sworn to before me this 21st day of May, 2003.




Notary Public



JEFFERSON COUNTY
MT. VERNON TOWNSHIP
TR 227 OVER UPRR AND CASEY FORK
SECTION 98-11120-00-BR
UPRR MILEPOST 273.13CC
USDOT #167745C

PROJECT LOCATION SKETCH

EXHIBIT I

RHUTASEL and ASSOCIATES, INC.
Consulting Engineers • Land Surveyors
Centralia / Freeburg, Illinois

JEFFERSON COUNTY, ILLINOIS
MT. VERNON TOWNSHIP
TR 227 OVER UPRR AND CASEY FORK
SECTION 98-11120-00-BR

PRELIMINARY COST ESTIMATE
FOR PROPOSED OVERPASS BRIDGE STRUCTURE AND
AND APPROACH ROADWAY

Code No.	Item	Unit	Quantity	Unit Price	Total
	Railroad Protective Liability Insurance	L Sum	1	\$7,000.00	\$7,000.00
	Tree Removal, Acres	Acre	4	\$5,000.00	\$20,000.00
	Earth Excavation	Cu Yd	700	\$3.50	\$2,450.00
	Furnished Excavation	Cu Yd	82,000	\$4.75	\$389,500.00
	Porous Granular Embankment	Ton	120	\$22.00	\$2,640.00
	Seeding, Class 2 (Special)	Acre	5	\$2,750.00	\$13,750.00
	Stone Dumped Riprap, Class A4	Ton	750	\$20.00	\$15,000.00
	Geotextile Fabric	Sq Yd	4570	\$5.00	\$22,850.00
	Aggregate Base Course, Type A	Ton	2100	\$15.00	\$31,500.00
	Aggregate Surface Course, Type B	Ton	1000	\$15.00	\$15,000.00
	Bituminous Materials (Prime Coat)	Gallon	1800	\$1.75	\$3,150.00
	Bituminous Materials (Cover and Seal Coats)	Gallon	4800	\$1.75	\$8,400.00
	Cover Coat Aggregate	Ton	100	\$25.00	\$2,500.00
	Seal Coat Aggregate	Ton	50	\$25.00	\$1,250.00
	Bridge Approach Pavement (Special)	Sq Yd	90	\$95.00	\$8,550.00
	Removal of Existing Structures	Each	1	\$8,000.00	\$8,000.00
	Concrete Structures	Cu Yd	350	\$425.00	\$148,750.00
	Precast Prestressed Concrete Deck Beams (33" Depth)	Sq Ft	7200	\$35.00	\$252,000.00
	Precast Prestressed Concrete Deck Beams (27" Depth)(Reset)	Sq Ft	1340	\$6.00	\$8,040.00
	Reinforcement Bars	Pound	56,000	\$0.85	\$47,600.00
	Steel Railing, Type S1 (Special)	Foot	604	\$70.00	\$42,280.00
	Steel Railing, Type S1	Foot	110	\$65.00	\$7,150.00
	Furnishing Steel Piles, HP 12x53	Foot	1900	\$30.00	\$57,000.00
	Driving Steel Piles	Foot	1900	\$1.00	\$1,900.00
	Test Pile Steel HP 12x53	Each	2	\$3,000.00	\$6,000.00
	Name Plates	Each	2	\$300.00	\$600.00
	Pipe Culverts, Class D, Type 1, 24"	Foot	120	\$38.00	\$4,560.00
	End Sections 24"	Each	8	\$450.00	\$3,600.00
	Traffic Barrier Terminal, Type 1 Special (Tangent)	Each	8	\$2,250.00	\$18,000.00
	Traffic Barrier Terminal, Type 5A	Each	8	\$700.00	\$5,600.00
	Steel Plate Beam Guard Rail, Type B	Foot	1600	\$16.00	\$25,600.00
	Furnishing and Erecting Right-of-Way Markers	Each	12	\$75.00	\$900.00
	Terminal Marker - Direct Applied	Each	8	\$35.00	\$280.00
	Temporary Erosion Control Seeding	Pound	1400	\$3.00	\$4,200.00
	Temporary Ditch Checks	Each	10	\$75.00	\$750.00
	Perimeter Erosion Barrier	Foot	4500	\$2.85	\$12,825.00
	Inlet & Pipe Protection	Each	4	\$80.00	\$320.00
				Total	\$1,199,495.00
					SAY \$1,200,000.00

Date: May 21, 2003
By: Gary L. Hahn, P.E., S.E.

EXHIBIT II

RHUTASEL and ASSOCIATES, INC.
Consulting Engineers • Land Surveyors
Freeburg / Centralia, Illinois

JEFFERSON COUNTY, ILLINOIS
MT. VERNON TOWNSHIP
TR 227 over UPRR and CASEY FORK
SECTION 98-11120-00-BR

PRELIMINARY PROJECT CONSTRUCTION COST ESTIMATE

I.	Right-of Way Acquisition (estimated at approx. 4.0 acres)	=	\$	14,000.00
II.	Construction (see Exhibit II)	=	\$	1,200,000.00
III.	Railroad Flagging	=	\$	40,000.00
IV.	Private Property Railroad Crossing	=	\$	20,000.00
			\$	<u>1,274,000.00</u>
	10% Contingency	=	\$	<u>127,400.00</u>
	Sub-Total A (I, II, III, IV)	=	\$	1,401,400.00
IV.	Engineering:			
	a) Preliminary Studies (to date)	=	\$	33,000.00
	b) Design (8% of Sub-Total A)	=	\$	112,100.00
	c) Wetlands Mitigation	=	\$	500.00
	d) Construction (8% of Sub-Total A)	=	\$	<u>112,100.00</u>
	Sub-Total B (IVa,b,c,d)	=	\$	257,700.00
	Total Estimated Project Cost (Sub-Total A + B)	=	\$	1,659,100.00
			USE \$	<u>1,660,000.00</u>

PROPOSED PROJECT FUNDING

DCCA / Legislative Grant (Fixed Lump Sum Award) (approx. 17% of Total Estimated Project Cost)	=	\$	275,000.00
Grade Crossing Protection Fund (60% of Total Estimated Project Cost)	=	\$	996,000.00
Union Pacific Railroad (10% of Total Estimated Project Cost)	=	\$	166,000.00
Township Bridge Program Funds (Fixed Lump Sum Amount) (approx. 4% of Total Estimated Project Cost)	=	\$	62,000.00
Local Agency Funds (Fixed Lump Sum Amount) (approx. 9% of Total Estimated Project Cost)	=	\$	<u>161,000.00</u>
Total Estimated Project Cost	=	\$	<u>1,660,000.00</u>

Date: May 21, 2003
By: Gary L. Hahn, P.E., S.E.

EXHIBIT III

Rhutasel and Associates, Inc.
Consulting Engineers - Land Surveyors
Freeburg / Centralia, Illinois

JEFFERSON COUNTY, ILLINOIS
MT. VERNON TOWNSHIP
TR 227 over UPRR and CASEY FORK
Section 98-11120-00-BR

PRELIMINARY PROJECT CONSTRUCTION COST ESTIMATE

I.	Right-of Way Acquisition (estimated at approx. 4.0 acres)	=	\$ 14,000.00
II.	Construction (see Exhibit II)	=	\$ 1,200,000.00
III.	Railroad Flagging	=	\$ 40,000.00
IV.	Private Property Railroad Crossing	=	\$ 20,000.00
			\$ 1,274,000.00
	10% Contingency	=	\$ 127,400.00
	Sub-Total A (I, II, III)	=	\$ 1,401,400.00
IV.	Engineering:		
	a) Preliminary Studies (to date)	=	\$ 33,000.00
	b) Design (8% of Sub-Total A)	=	\$ 112,100.00
	c) Wetlands Mitigation	=	\$ 500.00
	d) Construction (8% of Sub-Total A)	=	\$ 112,100.00
	Sub-Total B (IVa,b,c,d)	=	\$ 257,700.00
	Total Estimated Project Cost (Sub-Total A + B)	=	\$ 1,659,100.00
		USE	\$ 1,660,000.00

PROPOSED PROJECT FUNDING

(UTILIZING ALTERNATE FUNDING SOURCES TO REPLACE THE DCCA / LEGISLATIVE GRANT FUNDS)

BRRP Funds (FY 2005 Availability - Fixed Lump sum Amount) (approx. 22% of Total Estimated Project Cost)	=	\$ 376,000.00
Grade Crossing Protection Fund (60% of Total Estimated Project Cost)	=	\$ 996,000.00
Union Pacific Railroad (10% of Total Estimated Project Cost)	=	\$ 166,000.00
Township Bridge Program Funds (Fixed Lump Sum Amount) (approx. 4% of Total Estimated Project Cost)	=	\$ 62,000.00
Local Agency Funds (Fixed Lump Sum Amount) (approx. 4% of Total Estimated Project Cost)	=	\$ 60,000.00
Total Estimated Project Cost	=	\$ 1,660,000.00

Date: May 21, 2003

By: Gary L. Hahn, P.E., S.E.

EXHIBIT III-A

Rhutasel and Associates, Inc.
Consulting Engineers - Land Surveyors
Freeburg / Centralia, Illinois

JEFFERSON COUNTY, ILLINOIS
MT. VERNON TOWNSHIP
TR 227 over UPRR and CASEY FORK
Section 98-11120-00-BR