

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

State of Illinois, Department of :
Transportation :
-vs- : 81-0030
The Penn Central Transportation :
Company; :
Consolidated Rail Corporation; :
Paris Township; and :
The City of Paris :
Petition for permission to extend :
a new track at grade over Township :
Road 174 (Jefferson Street) just :
south of its intersection with :
Arthur Street in the City of Paris :
and Paris Township, Edgar County, :
Illinois. :

ORDER

By the Commission:

On January 16, 1981, the State of Illinois, Department of Transportation ("Petitioner") filed a petition naming as Respondents The Penn Central Transportation Company ("Penn Central"), Consolidated Rail Corporation ("Conrail"), Paris Township and the City of Paris and seeking an order of this Commission granting permission to extend a new track at grade over Township Road 167 (Jefferson Street) just south of its intersection with Arthur Street in the City of Paris and Paris Township, Edgar County, Illinois.

Pursuant to notice as required by the rules and regulations of the Commission, the matter came on for hearing before a duly authorized Hearing Examiner of the Commission at its offices in Springfield on March 6, 1981. Appearances were entered by counsel on behalf of Petitioner, Penn Central and Conrail and by a member of the Railroad Engineering Staff of the Transportation Division of the Commission ("Staff"). Evidence was taken at said hearing and the case marked "Heard and Taken". A motion by Petitioner to correct the designation of the Township Road Number from 167 to 174 was granted.

Conrail presently owns and operates three railroad tracks running through the City of Paris, Illinois. One track running in an east-west direction is not a subject of this petition. The second track runs in a north-south direction and connects with a Penn Central track at a point south of Jasper Street. A third track, known as the Midland Running Track, begins at Elizabeth Street and continues in a southeasterly direction to an industrial siding known as the Cummings Industrial Siding. The Midland Running Track includes ten crossings involving eight city streets and two state routes.

Petitioner and Conrail propose to extend the Cummings Industrial Siding in a general westerly direction across Jefferson Street to a connection with the north-south Penn Central track at a point near its connection with the aforesaid Conrail track. Such an extension would allow the removal of the Midland Running Track and elimination of the ten crossings. Evidence adduced at the hearing establishes that the proposed work would not result in a loss of service to any customers, that there would be nine fewer grade crossings and that improved traffic conditions to the benefit of the public would result.

An agreement reached between Petitioner and Conrail, setting forth the work to be performed by each with regard to the Cummings Industrial Siding extension, was introduced into evidence as I.D.O.T. Exhibit E. Petitioner intends to use funds from the Federal Aid, Section 203 Safety Fund to pay for its portion of the work. The cost of the work to be performed by Conrail is estimated to be \$88,203. Petitioner will also acquire any right-of-way necessary on property owned by Penn Central. Conrail will bear the cost of removing the rail on the Midland Running Track.

I.D.O.T. Exhibit D admitted into evidence is an affidavit of the Road Commissioner of Paris Township stating that he has no objection to the extension of the Cummings Industrial Siding across Township Road 174 (Jefferson Street) on condition that all movements be protected by flagmen. Conrail has agreed to provide the flagmen. A witness for Petitioner stated that he has met with the Paris city council and that the council has no objection to the extension or the removal of the Midland Running Track.

The Commission, having considered the entire record, finds that:

- (1) the Commission has jurisdiction of the subject matter hereof and the parties hereto;
- (2) the recitals of fact set forth in the prefatory portion of this order are supported by the evidence herein and are hereby adopted as findings of fact;
- (3) the extension of the Cummings Industrial Siding in the manner set forth in the prefatory portion of this order as shown on Exhibit A attached to the petition will result in a convenience to the public and should be allowed; the work performed by Petitioner and Conrail should be as set forth in I.D.O.T. Exhibit E; it is fair and reasonable that each party bear the full cost of the work to be performed by it;
- (4) the evidence of record indicates that approximately 550 vehicles per day will use the new Jefferson Street crossing and that train traffic will be approximately 16 switch movements each month; adequate crossing protection will be provided by reflectorized cross-buck signs with the use of flagmen for each train movement over the crossing;
- (5) upon completion of the extension project, installation of the new Jefferson Street crossing and installation of the crossing protection it is fair and reasonable that future maintenance be provided by Conrail;
- (6) Petitioner should be required to acquire all right-of-way necessary for the extension of the Cummings Industrial Siding;
- (7) the Midland Running Track proposed to be eliminated as described in the prefatory portion of this order is approximately 1.7 miles in length; the track crosses ten streets within the City of Paris from northwest to southeast (Elizabeth, Carroll, Jefferson, Benton, Newton, Alexander, Jasper, Central, Main and Marshall); elimination of the track will not deprive any customers of service and public convenience and necessity no longer requires retention of the track;
- (8) it is fair and reasonable that the cost of removing the ten crossings (including rails and ties) referred to in Finding No. 7 hereinabove should be borne

by Conrail; the cost of restoring the surface of the crossings should be borne by the City of Paris for all except Jasper and Main; since Jasper and Main Streets are State Routes the cost of restoring the surface of these crossings should be borne by Petitioner;

- (9) all other items which are not hereinabove expressly provided for to complete the extension of the Cummings Industrial Siding should be carried out and completed in accordance with the terms, conditions and specifications of the agreement between Petitioner and Conrail set forth in I.D.O.T. Exhibit E.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Petition filed on January 16, 1981, by the State of Illinois, Department of Transportation, for permission to extend a new track at grade over Township Road 174 (Jefferson Street) just south of its intersection with Arthur Street in the City of Paris, Illinois, at the location shown on Exhibit A attached to the petition be, and the same is hereby, granted, said crossing to conform with the provisions of General Order 138, Revised.

IT IS FURTHER ORDERED that the work to be performed and the cost to be borne by Petitioner and Conrail shall be as set forth in Finding No. 3 hereinabove.

IT IS FURTHER ORDERED that Conrail shall provide a flagman for each train movement over the Township Road 174 crossing hereinabove permitted.

IT IS FURTHER ORDERED that upon completion of the extension project, installation of the crossing and installation of the crossbucks, future maintenance shall be at the expense of Conrail.

IT IS FURTHER ORDERED that Petitioner shall acquire all right-of-way necessary for the extension project.

IT IS FURTHER ORDERED that Conrail shall remove its track (including rails and ties) known as the Midland Running Track and that the cost of said project and the restoring of the surface of the ten crossings to be removed shall be borne by the parties as set forth in Findings No. 7 and 8 hereinabove, said work to be completed within six (6) months from the date of completion of the Cummings Industrial Siding extension.

IT IS FURTHER ORDERED that all other items which are not hereinabove expressly provided for which are necessary to the completion of the extension project shall be carried out and completed as set forth in Finding No. 9 hereinabove.

IT IS FURTHER ORDERED that Conrail shall, within five (5) days of the completion of the work required herein, submit to the Office of the Chief Clerk of the Commission a National Inventory Update Report Form for all of the crossing work herein required.

By order of the Commission this 6th day of May, 1981.

(SIGNED) MICHAEL V. HASTEN
Chairman

(S E A L)