

approximately milepost 15.59 (“At-Grade Pedestrian Crossing”) as a condition precedent to the opening of Pedestrian Underpass No. 2 (collectively the “Project”); and (c) further assigning payment of construction costs to Western Springs, while authorizing the expenditure of Illinois Grade Crossing Protection Funds to pay a portion of these costs. In support of its Petition, Western Springs states as follows:

1. Western Springs is a municipal corporation organized and existing under the laws of the State of Illinois, with its principal office at 740 Hillgrove Avenue, Western Springs, Cook County, Illinois 60558-1409.

2. Western Springs names the State of Illinois, Department of Transportation Division of Highways (“IDOT”), with its principal offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764, and the BNSF Railway Company (“BNSF”), a Delaware Corporation, with its principal offices at 2650 Lou Menk Drive, 2nd Floor, P.O. Box 961057, Fort Worth, Texas 76161-0057, as the Respondents to this Petition.

3. The BNSF is a rail carrier engaged in the transportation of persons and property by rail in the State of Illinois, and is subject to the jurisdiction of the Commission. The BNSF supports this Petition for approval of the construction of Pedestrian Underpass No. 2, conditioned upon the closure and removal of the At-Grade Pedestrian Crossing, with Pedestrian Underpass No. 2 to serve as a replacement crossing to allow pedestrian traffic to cross under the BNSF railroad tracks within Western Springs.

4. The IDOT is subject to the jurisdiction of the Commission, and is a necessary Respondent to this Petition.

5. Western Springs and the BNSF have entered into a cooperative agreement (the “Underpass Agreement” or “Agreement”), which details Western Springs’ and the BNSF’s respective responsibilities for the construction, completion and maintenance of the Project. The Agreement also identifies the funding sources and payment obligations for the Project costs. Within the Agreement and its exhibits, Western Springs and the BNSF have provided for all of the necessary land conveyances, including permanent access and maintenance easements and temporary construction easements for the construction of the Project and operation and maintenance of Pedestrian Underpass No. 2.

6. In support of this Petition, Western Springs has attached the following

exhibits and incorporates and makes the exhibits a part of this Petition:

- a. **Exhibit 1** – Project Location Site Map.
- b. **Exhibit 2** – Project Plans (Select Portions of Design and Engineering Plans and Specifications) prepared by Epstein, Project consulting engineers.
- c. **Exhibit 3** – Photograph of Current At-Grade Pedestrian Crossing (to be removed).

7. The Petitioner requests approval of the Project, consisting of the construction and operation of proposed Pedestrian Underpass No. 2 within the corporate boundaries of Western Springs, Illinois, to be located at approximately milepost 15.80 of BNSF's line segment 71, in the Chicago Subdivision of the Chicago Division, and the closure of the current At-Grade Pedestrian Crossing located at approximately milepost 15.59.

8. Western Springs has coordinated the Project with the BNSF and Commission Staff, who, along with IDOT, have no objection to the Project. Western Springs intends on beginning construction on the Project in year 2020 and completing the Project by the end of year 2023, conditioned upon receiving Commission approval.

9. In 2004, as part of ICC Docket No. T04-04, the Commission approved a similar petition filed by Western Springs, in conjunction with the BNSF, that granted approval of a pedestrian underpass ("Pedestrian Underpass No. 1") at approximately milepost 14.95.

10. At the location involved, the BNSF has three (3) main line railroad tracks which run in an east-west direction. The average week-day train traffic count is approximately 149 trains. There is a mix of Amtrak and Metra trains, which are authorized to run at a track speed of 79 mph. The BNSF also has freight traffic of approximately 52 trains per day.

11. Pedestrian Underpass No. 2 is to be located between Hillgrove Avenue to the north and Burlington Avenue to the south, near Prospect Avenue, and pass under the tracks in a north/south direction. See attached **Exhibit 1**, which shows the proposed location of Pedestrian Underpass No. 2. The proposed location of Pedestrian Underpass No. 2 is proximate to the current At-Grade Pedestrian Crossing for which closure is sought, and will serve as a replacement structure and crossing for pedestrian traffic in that

area of Western Springs. See **Exhibit 1** attached hereto and made a part hereof.

12. The construction of Pedestrian Underpass No. 2 will allow for safer, more convenient pedestrian access between Hillgrove Avenue and Burlington Avenue, especially for pedestrian commuter traffic that currently must cross at-grade in a busy, multiple-track train corridor.

13. The Project will provide a connection for existing pedestrian facilities north and south of the BNSF's track that serve the nearby Metra commuter rail station, high-density residential areas, a recreational area, and commercial areas.

14. The approval sought for Pedestrian Underpass No. 2 (DOT# 974394G) is conditioned upon the closure of the At-Grade Pedestrian Crossing (DOT# 079517X), as closure of the at-grade crossing is required in the interest of public safety. With the approval of Pedestrian Underpass No. 2, the public convenience served by the current At-Grade Pedestrian Crossing is not such as to justify the further retention of the At-Grade Pedestrian Crossing in accordance with 625 ILCS 5/18c-7401(3).

15. Western Springs agrees to surrender any property rights it has, or may have had, in the At-Grade Pedestrian Crossing for purposes of closing the crossing, upon establishment of Pedestrian Underpass No. 2.

16. The Estimated Total Project Cost is \$2,909,195.00, subject to competitive bidding of the Project. Western Springs will pay up to \$581,839.00 of the Total Project Cost ("Western Springs Project Costs Share") from multiple Project funding sources. Western Springs anticipates using, receiving or allocating funds from multiple Project funding sources, consisting of a pending Federal Grant (Surface Transportation Program funding) (not to exceed \$2,322,103.00), an ICC Grade Crossing Protection Fund Grant (\$900,000.00), an Invest In Cook Grant (\$200,000.00), and a METRA funding contribution (\$200,000.00), as provided through the Chicago Metropolitan Agency for Planning, to satisfy the Total Project Cost. The ICC has programmed and allocated \$900,000.00 in Project funding assistance from the Illinois Grade Crossing Protection Fund (GCPF) for the construction of Pedestrian Underpass No. 2. Western Springs requests \$900,000.00 in Project funding assistance from the GCPF or such additional amount of GCPF monies as are necessary to pay a pro-rated amount of the actual, final Project Costs equal to thirty-one percent (31%) of the final Project Costs.

17. The BNSF will perform a portion of the Project work and will be reimbursed for such work by Western Springs; and for any Project Costs that exceed the Estimated Total Project Cost, Western Springs is obligated to pay those Project Costs. The remainder of the Project work not completed by the BNSF will be completed by the low bid contractor who is awarded the construction contract for the non-BNSF Project work by the State of Illinois' bid letting process.

18. Pedestrian Underpass No. 2 improvements set forth in the Project Plans (**Exhibit 2**) are necessary and in the public's safety, interest and convenience for the following reasons:

- a. An increase in the number of families with small children in Western Springs has caused increased pedestrian traffic at and around the BNSF in the vicinity of the existing At-Grade Pedestrian Crossing, and the nearby at-grade railroad track/pedestrian crossing area at Grand Avenue has created the need to improve the level of safety for those individuals who desire to or need to cross the railroad tracks;
- b. Construction of proposed Pedestrian Underpass No. 2 and removal of the existing At-Grade Pedestrian Crossing would benefit the public safety by reducing the pedestrian traffic using the existing BNSF at-grade crossings; and
- c. The proposed Pedestrian Underpass No. 2 is designed to improve pedestrian safety by offering pedestrian traffic an alternative, below grade underpass route to access Burlington Avenue and Hillgrove Avenue instead of utilizing the BNSF highway at-grade crossing at Grand Avenue, and serve as a replacement of the existing At-Grade Pedestrian Crossing near Central Avenue.

19. Pursuant to 625 ILCS 5/18c-7401, Western Springs requests that the Commission grant it permission to construct Pedestrian Underpass No. 2 as an upgrade and replacement for the existing at-grade pedestrian crossing, and close the At-Grade Pedestrian Crossing in conformance with the design and engineering plans and specifications set forth in the Project Plans (See attached **Exhibit 2**).

20. Upon completion, all of the Pedestrian Underpass No. 2 improvements and related facilities will be maintained by and at the expense of Western Springs in accordance with the terms of the Underpass Agreement.

21. It is estimated that the Project, as set forth in the Project Plans, shall be completed within a 36-month time period to complete the Project.

22. Should additional safety devices be warranted in the interest of the public safety, and/or the use of different materials be required for constructing any of the proposed Project improvements, Western Springs agrees to conform all of the construction and installation work to the decisions of the Commission and, as appropriately ordered, IDOT, and to pay 100% of the cost of such scope changes, either from federal grant funds or its own funds, but in no event as a cost to the BNSF.

23. Western Springs agrees to comply with all applicable rulings, rules and regulations of the Commission in the construction, operation and maintenance of Pedestrian Underpass No. 2.

WHEREFORE, the Petitioner, the Village of Western Springs, requests that the Illinois Commerce Commission enter an Order pursuant to the authority in Section 18c-7401(3) of the Illinois Commercial Transportation Law (625 ILCS 5/18c-7401(3)) as follows:

i. Finding that the Commission has jurisdiction over Western Springs, the BNSF and the IDOT, and the subject matter of the proceeding;

ii. Authorizing the Village of Western Springs to construct Pedestrian Underpass No. 2 to replace the existing at-grade pedestrian crossing and the BNSF to close and remove the existing At-Grade Pedestrian Crossing (DOT # 078517X) as set forth in the Project Plans (**Exhibit 2**), all as deemed necessary by the Commission to protect the public safety, welfare and convenience of the statewide traveling public, and all other safety implements and devices as deemed necessary for the public safety by the Commission;

iii. Assigning the payment of the Project Costs, including the construction of Pedestrian Underpass No. 2 and the removal of the existing At-Grade Pedestrian Crossing, to be apportioned between the Grade Crossing Protection Fund and the Village of Western Springs as well as any other safety implements and devices as deemed necessary for the public safety by the Commission, with such other costs being borne 100% by Western Springs;

iv. Approving the allocation and expenditure of \$900,000.00 in Project funding assistance from the Illinois Grade Crossing Protection Fund (GCPF) for the construction of Pedestrian Underpass No. 2, or such additional amount of GCPF monies

as are necessary to pay a pro-rated amount of the actual, final Project Costs equal to thirty-one percent (31%) of the final Project Costs;

v. Directing completion of the construction of Pedestrian Underpass No. 2 and the removal of the existing At-Grade Pedestrian Crossing within thirty-six (36) months from the date of the Commission's Order;

vi. Directing the BNSF and the Village of Western Springs to work cooperatively to complete the installation of Pedestrian Underpass No. 2 and its related improvements and the removal of the existing At-Grade Pedestrian Crossing;

vii. Directing the Village of Western Springs' responsibility for future maintenance of Pedestrian Underpass No. 2 and its related improvements;

viii. Entering an Order granting the above-requested relief after conducting an expedited hearing on this Petition; and

ix. Providing for such other or further relief as the Commission may deem appropriate.

Respectfully submitted,

VILLAGE OF WESTERN SPRINGS

Michael T. Jurusik

By: _____
Michael T. Jurusik,
one of its attorneys

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ARDC No. 6211772 (MTJ)
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Attorneys for Village of Western Springs

Date: April 15, 2020

Exhibit 1

Project Location Site Map

(attached)

**BNSF RAILWAY PEDESTRIAN UNDERPASS
PROSPECT AVENUE FROM BURLINGTON AVENUE TO HILLGROVE AVENUE
WESTERN SPRINGS, ILLINOIS**



EXHIBIT 1- PROJECT LOCATION SITE MAP



JAMES J. BENES & ASSOC., INC.
1011 W. Arrowsville Road, Ste. 420
Lisle, IL 60532

Exhibit 2

Project Plans

(Select Portions of Design and Engineering Plans and Specifications)

(attached)

BNSF RAILWAY PEDESTRIAN UNDERPASS
PROSPECT AVENUE FROM BURLINGTON AVENUE TO HILLGROVE AVENUE
WESTERN SPRINGS, ILLINOIS

**EXHIBIT 2 – PROJECT PLANS (SELECT PORTIONS OF DESIGN
AND ENGINEERING PLANS AND SPECIFICATIONS FOR
PEDESTRIAN UNDERPASS NO. 2) PREPARED BY EPSTEIN**

SHEET 1 OF 6



JAMES J. BENES & ASSOC., INC.
1011 Warrenville Road, Ste. 420
Lisle, IL 60532

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

PLANS FOR PROPOSED FEDERAL AID HIGHWAY

F.A.U. ROUTE 3782 (HILLGROVE AVE.) & 3783 (BURLINGTON AVE.)
AT PROSPECT AVENUE

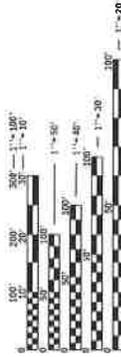
PEDESTRIAN UNDERPASS
SECTION NO: 08-00088-00-BT
PROJECT NO: HPP-1419(009)

BURLINGTON NORTHERN SANTA-FE RAILWAY
VILLAGE OF WESTERN SPRINGS
COOK COUNTY
C-91-560-08

FOR INDEX OF SHEETS AND LIST OF HIGHWAY
STANDARDS, REFER TO SHEET 2

TRAFFIC DATA

FUNCTIONAL CLASSIFICATION
URBAN MINOR COLLECTOR
HILLGROVE AVE ADT = 3250 (2014)
BURLINGTON AVE. ADT = 1450 (2014)

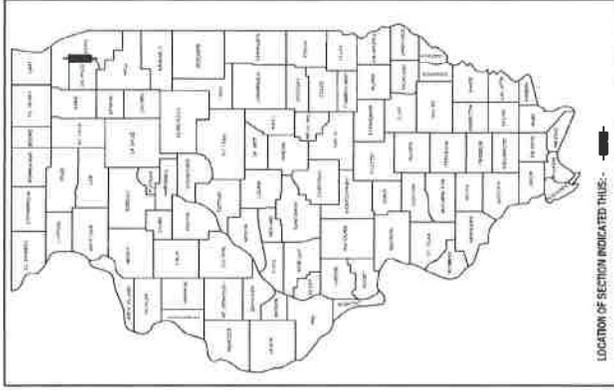


FULL SIZE PLANS HAVE BEEN PREPARED USING STANDARD
ENGINEERING SCALES. REDUCED SIZED PLANS WILL NOT
CONFORM TO STANDARD SCALES. IN MAKING MEASUREMENTS
ON REDUCED PLANS, THE ABOVE SCALES MAY BE USED.

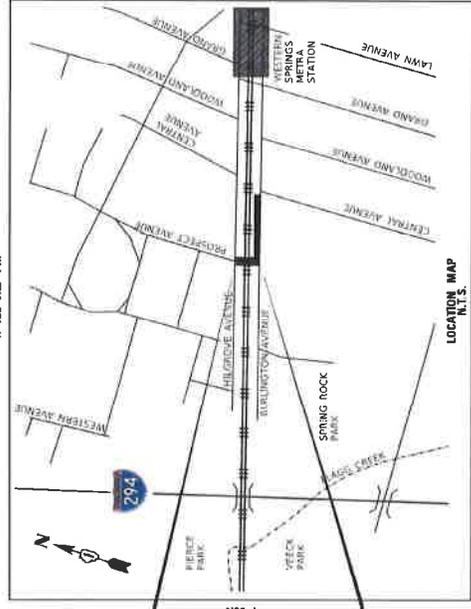
JULIE
JOINT UTILITY LOCATION INFORMATION FOR EXCAVATION
I-800-892-0123
OR 811

CONTRACT NO. 61G33

SECTION	COUNTY	SHEET
11-23	COOK	11-23
11-23	COOK	11-23
11-23	COOK	11-23



LOCATION OF SECTION INDICATED THIS: -



END OF
PROJECT LIMITS
STA. 44+50.00

BEGINNING OF
PROJECT LIMITS
STA. 1+00.00

GROSS LENGTH = 590 FT. = 0.11 MILE
NET LENGTH = 590 FT. = 0.11 MILE



MATTHEW D. BUEHLER, P.E.
SHEETS: 1-16, 13-17



BRIAN PASS, P.E.
SHEETS: 26-31



MATTHEW D. BUEHLER, P.E.
SHEETS: 1-16, 13-17

EPSTEIN

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

APPROVED: *Matthew D. Buehler, P.E.* 11-23-2019
LOCAL ENGINEER, POSITION

PASSED: _____ 20____ REGIONAL ENGINEER

RELEASING FOR BID
BASED ON LIMITED
REVIEW: _____ 20____
DISTRICT 1 ENGINEER OF LOCAL ROADS & STREETS

PRINTED BY THE AUTHORITY
OF THE STATE OF ILLINOIS

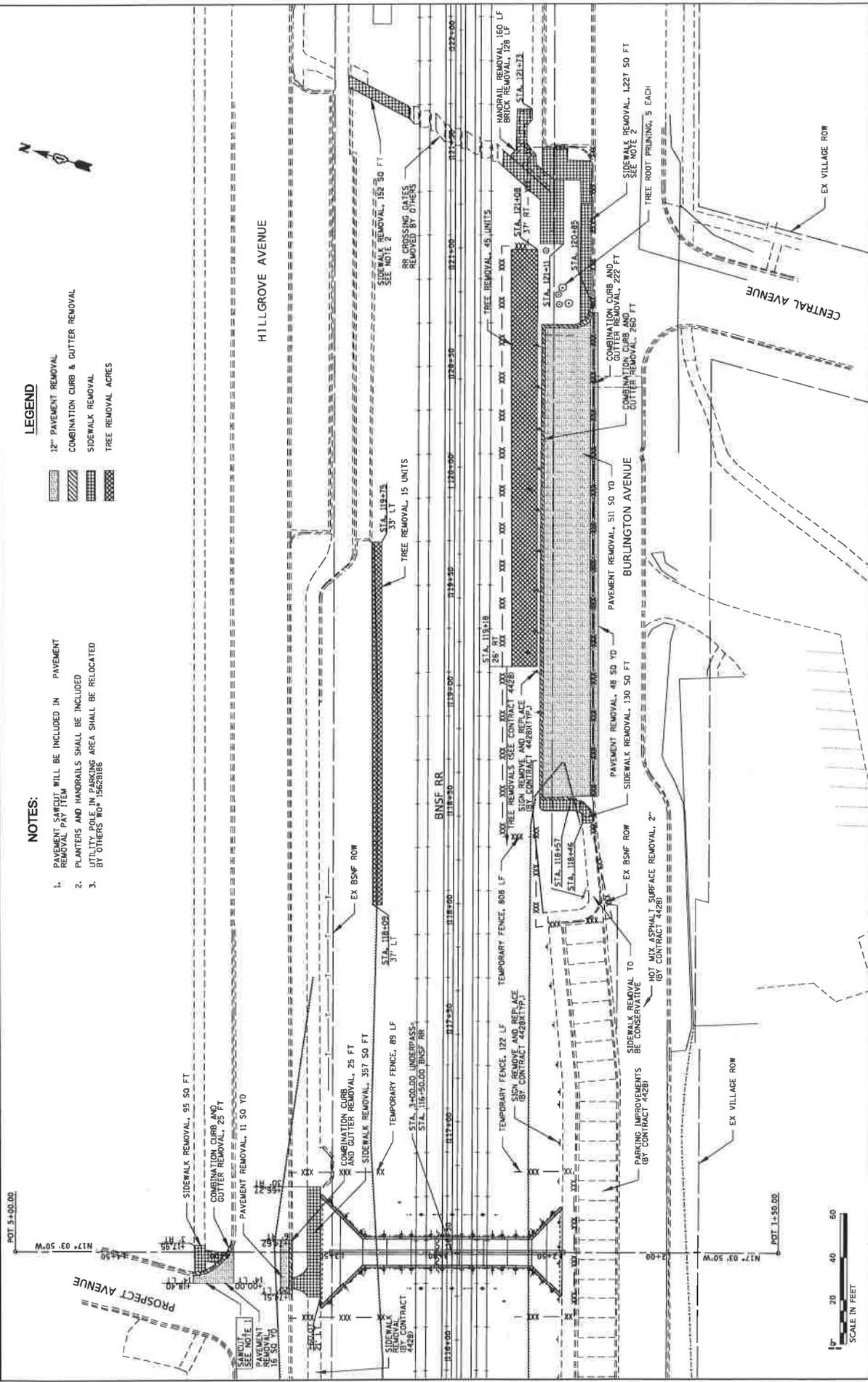


LEGEND

- 12" PAVEMENT REMOVAL
- COMBINATION CURB & CUTTER REMOVAL
- SIDEWALK REMOVAL
- TREE REMOVAL ACRES

NOTES:

1. PAVEMENT SAWCUT WILL BE INCLUDED IN PAVEMENT REMOVAL PAY ITEM
2. PLANTERS AND HANDRAILS SHALL BE INCLUDED
3. UTILITY POLE IN PARKING AREA SHALL BE RELOCATED BY OTHERS WOP 15628186

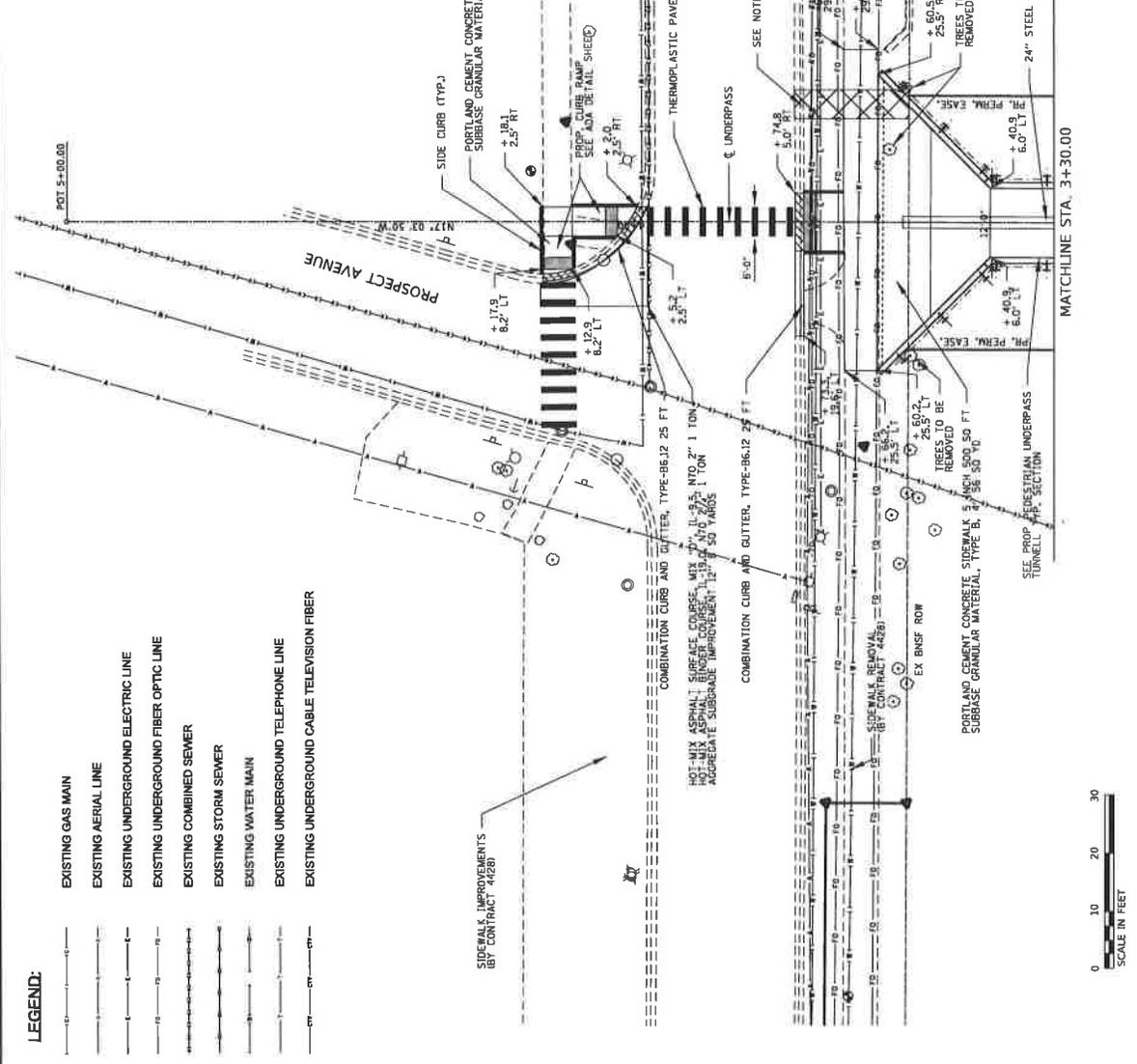


M M MOTT ADDENDUM	USER NAME: MUEBEN PLOT SCALE: 1"=40'-0"	DECIDED: JAW DRAWN: SHR CHECKED: ROC DATE: 11-25-2013	REVISIONS 1 2 3	STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION	WESTERN SPRINGS BNSF PEDESTRIAN UNDERPASS REMOVAL PLAN	SHEET NO. 81033 OF 81033	COUNTY: COOK CONTRACT NO. 08-00088-00-8T	SECTION: 08-00088-00-8T SHEET NO. 81033	SHEETS: 1 OF 1	SCALE: 1"=40'-0"	ILLUSTRATED BY: MUEBEN
	Exhibit 2B - Project Overview - Sheet 3 of 6										



- LEGEND:**
- EXISTING GAS MAIN
 - EXISTING AERIAL LINE
 - EXISTING UNDERGROUND ELECTRIC LINE
 - EXISTING UNDERGROUND FIBER OPTIC LINE
 - EXISTING COMBINED SEWER
 - EXISTING STORM SEWER
 - EXISTING WATER MAIN
 - EXISTING UNDERGROUND TELEPHONE LINE
 - EXISTING UNDERGROUND CABLE TELEVISION FIBER

- NOTES:**
1. REFER TO LIGHTING PLAN ON SHEET 22 FOR PROPOSED LIGHTING CONTROLLER.
 2. REFER TO CCTV PLAN ON SHEETS 23-26 OR PROPOSED CCTV CONTROLLER.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES. THIS WORK SHALL BE COORDINATED WITH THE VILLAGE OF WESTERN SPRINGS. ALL UTILITIES SHALL BE PROTECTED AND CELESTIAL LINKS SHALL BE UNDER THE BLIND TRENCHING AND HAND DIGGING, 0 FT TO 5 FT IN UNPAVED AREAS.



M M MOTT MACDONALD	USER NAME: RUSHIN DRAWN: SRP CHECKED: ROC DATE: 11-25-2019	DESIGNED: JAV REVISION: - REVISION: - REVISION: -	DEPARTMENT OF TRANSPORTATION STATE OF ILLINOIS	SHEETS: 1 SHEET: 47 OF: 70	SECTION: 08-0008-02-BT COUNTY: COOK CONTRACT NO.: 61033	WESTERN SPRINGS BNSF PEDESTRIAN UNDERPASS SITE PLAN AND UTILITY - HILLGROVE AVENUE
	SCALE: 1" = 30'-0"	ILLUSTRATED BY PROJECT	PROJECT NO.: 11-25-2019	PROJECT NAME: HILLGROVE AVE UNDERPASS	SHEET NO.: 47	SHEET TOTAL: 70

Exhibit 2C - Hillgrove Ave Plan Sheet - Sheet 4 of 6

Exhibit 3

Photograph of Current At-Grade Pedestrian Crossing (To Be Removed)

(attached)

**BNSF RAILWAY PEDESTRIAN UNDERPASS
PROSPECT AVENUE FROM BURLINGTON AVENUE TO HILLGROVE AVENUE
WESTERN SPRINGS, ILLINOIS**



EXHIBIT 3 - PHOTOGRAPH OF CURRENT AT-GRADE CROSSING (TO BE REMOVED)



JAMES J. BENES & ASSOC., INC.
101 W. Warrenville Road, Ste. 420
Lisle, IL 60532

VERIFICATION

Under the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Matt Supert

By: _____
Matt Supert,
Director of Municipal Services,
Village of Western Springs

Date: April 15, 2020

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