

RESOLUTION NO. 2017-074

A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO PETITION THE ILLINOIS COMMERCE COMMISSION FOR AN ORDER AUTHORIZING THE INSTALLATION OF AN AT-GRADE PEDESTRIAN CROSSWALK WITH RAILROAD TRACKS

WHEREAS, the Village of Vernon Hills, County of Lake, State of Illinois (*"the Village"*) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code; and

WHEREAS, the Village desires to extend its pedestrian facilities; and

WHEREAS, Pulte is developing the Loyola-Cuneo parcel and is required to install a sidewalk system that includes a crossing of the Canadian National Railroad (commonly referred to as the E.J. & E. Railroad); and

WHEREAS, a petition must be approved by the Illinois Commerce Commission (ICC) to provide for the installation of said crossing and related appurtenances; and

WHEREAS, the attached petition has been reviewed by the Village Attorney and Engineer, who recommend its approval; and

WHEREAS, the Village Board agrees that this improvement is beneficial to the Village and directs staff to move forward with executing said petition.

NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS, as follows:

SECTION 1: EXECUTION OF AGREEMENT. The Village Manager is hereby authorized to execute the ICC Petition as attached to this Resolution as Exhibit A.

SECTION 2: EFFECTIVE DATE. This Resolution shall be in full force and effect upon its passage and approval by a majority of the members of the Village Board.

SECTION 3: RESOLUTION NUMBER: This Resolution shall be known as Resolution Number 2017-074.

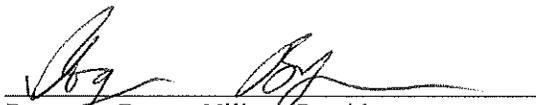
Dated the 28th of November, 2017

Adopted by roll call votes as follows:

AYES: 6 – Hebda, Koch, Marquardt, Oppenheim, Schultz, Takaoka

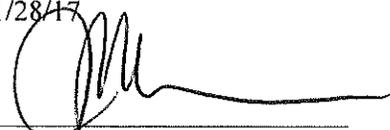
NAYS: 0 - None

ABSENT AND NOT VOTING: 0 - None



Roger L. Byrne, Village President

PASSED: 11/28/17
APPROVED: 11/28/17
ATTEST: 11/28/17



John M. Kalmar, Village Clerk



RESOLUTION 2017-074

**EXHIBIT A: ICC PETITION FOR AN ORDER AUTHORIZING THE INSTALLATION OF AN AT-
GRADE PEDESTRIAN CROSSWALK WITH RAILROAD TRACKS**

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

THE VILLAGE OF VERNON HILLS, ILLINOIS,)	
a Municipal Corporation and body politic)	
and corporate in Lake County, Illinois)	
)	
Petitioner,)	
)	
v.)	No.
)	
CANADIAN NATIONAL RAILROAD COMPANY,)	
and THE ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondents.)	
)	

Petition for an Order of the Illinois Commerce Commission authorizing the installation of an at-grade pedestrian crosswalk with Canadian National Railroad Company railroad tracks at the tracks' intersection with Milwaukee Avenue (State Route 21) within Lake County, Illinois

**PETITION FOR AN ORDER AUTHORIZING THE INSTALLATION OF
AN AT-GRADE PEDESTRIANN CROSSWALK WITH RAILROAD TRACKS**

The Village of Vernon Hills of Lake County, Illinois, a Municipal Corporation, (hereinafter referred to as "Vernon Hills"), petitions the Illinois Commerce Commission (hereinafter referred to as "Commission") to enter an Order pursuant to Section 18c-7401 of the Illinois Commercial Transportation Law (625 ILCS 5/18c-7401) to authorize the installation and maintenance of a pedestrian crosswalk on the West side of Milwaukee Avenue (State Route 21) at its intersection with the tracks of the Canadian National Railroad Company (hereinafter referred to as "Canadian National"). In support of its Petition, Vernon Hills states as follows:

1. Vernon Hills is a unit of local government, a municipal corporation, and body politic and corporate organized and existing under the laws of the State of Illinois with its principal offices in Lake County, Illinois.

2. Canadian National is a railroad company authorized to operate as a common carrier by rail in the State of Illinois and is a rail carrier within the meaning of the Illinois Commercial Transportation Law. Canadian National operates trains over one mainline track that runs by compass direction generally in a northeasterly-southwesterly direction through Vernon Hills.

3. The Respondent Illinois Department of Transportation (hereinafter "IDOT"), whose address is 2300 South Dirksen Parkway, Springfield, Illinois 62764, is a State agency created pursuant to 20 ILCS 2705/2705-1 et. seq.

4. There is an existing at-grade rail crossing of Milwaukee Avenue at its intersection with the tracks of Canadian National (designated as AAR/DOT Number 260490K, Railroad Mile Post 62.20) as depicted in the "Canadian National Railroad Crossing Exhibit" marked as "Exhibit A" attached hereto and made a part hereof. This existing at-grade crossing is protected by flashing warning lights and gates.

5. In conjunction with these planned improvements, Vernon Hills requests that, in order to promote public safety and convenience, this existing railroad at-grade crossing at Milwaukee Avenue be altered by the installation of an eight-foot (8') wide pedestrian crosswalk with pedestrian gates on the West side of Milwaukee Avenue as shown on the "Canadian National Railroad Crossing Exhibit" marked as "Exhibit A" attached hereto and made a part hereof (hereinafter referred to as the "pedestrian crosswalk"). The area surrounding this existing at-grade crossing is predominately commercial in nature to the North, and residential to the South. A pedestrian crosswalk does not currently exist at this at-grade crossing. There is a sidewalk on the West side of Milwaukee Avenue that ends just north of the Canadian National right-of-way.

6. Vernon Hills requests pursuant to the provisions of 92 Ill.Admin.Code Sections 1535.203 and 1535.206 that Canadian National maintain the pedestrian crosswalk surface and any pedestrian gates or other additional warning or safety devices determined necessary by the Commission to protect public safety.

7. Vernon Hills agrees to maintain the surface of that part of the pedestrian crosswalk installed within Canadian National's right-of-way that extends more than 24" outward from each rail of the track.

8. Vernon Hills agrees to post and maintain standard pedestrian warning signs as determined necessary by the Commission for the pedestrian crosswalk.

9. There is no anticipated Canadian National right-of-way required for the pedestrian crosswalk. An Installation Easement may be required per Final Design.

10. Respondents Canadian National and IDOT, as well as Commission Staff, support the pedestrian crosswalk and this Petition.

11. The pedestrian crosswalk will be installed, subject to the approval of the Commission, and maintained in conformance with the requirements of Section 18c-7401 of the Illinois Commercial Transportation Law, 92 Ill.Admin.Code Sections 1535.203 and 1535.206, and all other applicable rulings, standards, rules and regulations.

12. Vernon Hills agrees to accept service by electronic means as provided for in 83 Ill.Admin.Code Section 200.1050.

WHEREFORE, Vernon Hills requests the Commission to enter an Order pursuant to Section 18c-7401 of the Illinois Commercial Transportation Law (625 ILCS 5/18c-7401) as follows:

1. finding that the Commission has jurisdiction over Vernon Hills, Canadian National and IDOT, and the subject matter of this Petition;
2. finding that the installation and maintenance of an eight-foot (8') wide pedestrian crosswalk on the West side of Milwaukee Avenue at its intersection with the tracks of Canadian National (designated as AAR/DOT Number 260490K, Railroad Mile Post 62.20) requested by Vernon Hills are necessary to promote and preserve public safety and convenience;
3. granting a temporary easement, if required, for the installation and maintenance of the eight-foot (8') wide pedestrian crosswalk on the West side of Milwaukee Avenue at its intersection with the tracks of the Canadian National (designated as AAR/DOT Number 260490K, Railroad Mile Post 62.20) substantially as shown on the plan attached hereto as "Exhibit A" upon such terms and conditions as may be reasonably necessary;
4. directing Canadian National and IDOT to assist Vernon Hills to the extent required to complete installation of the Milwaukee Avenue pedestrian crosswalk within a reasonable period of time as determined by the Commission;
5. directing Canadian National pursuant to the provisions of 92 Ill.Admin.Code Sections 1535.203 and 1535.206 to maintain the pedestrian crosswalk surface and any pedestrian gates or other additional warning or safety devices determined necessary by the Commission to protect public safety; and
6. such other and further relief as the Commission deems appropriate.

Respectfully submitted,

THE VILLAGE OF VERNON HILLS, a
Municipal Corporation, Petitioner

By: _____



Village of Vernon Hills
290 Evergreen Drive
Vernon Hills, Illinois 60061
(847) 367-3700
(847) 367-0880 (facsimile)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the foregoing Petition was made by enclosing a true and accurate copy thereof in a sealed envelope addressed to:

Paul Chojenski
Manager – Public Works
Canadian National Railway
17641 Ashland Avenue
Homewood, Illinois 60430-1339

Office of Chief Legal Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway, Suite 311
Springfield, Illinois 62764

Brian Vercruysse, P.E.
Senior Rail Safety Specialist
Rail Safety Section
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

and by depositing same with proper postage thereon, in the U.S. Mail from the office of the undersigned, this _____ day of November, 2017.
