

# **SAMPLE PETITION**

**STATE OF INDIANA  
INDIANA DEPARTMENT OF TRANSPORTATION**

PETITION OF THE CITY OF (NAME)  
(NAME) COUNTY, INDIANA, FOR THE  
APPROVAL OF THE ESTABLISHMENT OF A  
GRADE CROSSING ON PROPOSED (NAME STREET,) ESTABLISHMENT (or)  
OVER MAINLINE TRACKS OWNED BY THE (NAME (or) RELOCATE  
RAILROAD) IN (NAME), INDIANA, (or) MODIFICATION

and  
PETITIONER,

RAILROAD NAME AND UTILITY  
CONSUMER COUNSELOR FOR THE  
STATE OF INDIANA, (ETC.),  
ANYONE ELSE DIRECTLY AFFECTED

RESPONDENTS.

## **PETITION**

The City of (Name) (Name) County, Indiana, (Petitioner), respectfully petitions the Indiana Department of Transportation (INDOT) for approval of the establishment of a crossing at grade at the junction of the proposed Name Street and the Railway tracks Name Railroad.

In support of this petition, Petitioner alleges the following:

1. Petitioner is a duly constituted, authorized and elected public body legally authorized and charged with the responsibility of constructing, reconstructing, maintaining the operating all streets and roads, with the exception of state highways, in the City of Name, Indiana.
2. (Name Railroad) is named as Respondent for the reason that it owns the railway tracks over which the new proposed at grade crossing is to be constructed.
3. The Utility Consumer Counselor of Indiana is named Respondent pursuant to the Indiana 8-1-1-5.
4. Accordingly, this petition is filed to the provisions of Indiana Code 1971 8-6-1-7 for the construction of a highway crossing over a railroad line.

5. (Name Street) as proposed will intersect railway tracks currently operating by (name railroad) requiring the installation of an at grade crossing. These railway tracks and the point of intersection of the proposed at grade crossing are in the vicinity of, and adjacent to: \_\_\_\_\_.

7. Petitioner desires to construct the proposed (Name Street) to provide (please provide a detailed reason) \_\_\_\_\_.

8. The tentative location, details and blueprints of the proposed construction are shown in exhibit A, which is attached hereto and made a part hereof by reference (all parties of record shall be furnished with a copy of the plans).

9. Petitioner shall respond in detail to the 105 Indiana Administrative Code (IAC) 5-10-1 criteria listed and provide proper documentation as set forth in the IAC.

10. Under the designated plans of the Petitioner, the proposed (Name Street) will intersect (Railroad Name) Railway tracks at an angle of degrees.

11. Average daily vehicular traffic (ADT) over the proposed (Name Street), which has a design speed of MPH, is estimated at \_\_\_\_\_ vehicles.

12. The proposed rail-highway intersection profile is \_\_\_\_\_?

12. Approximately \_\_\_\_\_ trains per week presently use the (Name Railroad) railway tracks. These trains travel at an approximate speed of MPH.

13. What are the roadway view sights for a motorist at the new proposed at grade crossing?

14. The plans for this project demonstrate that the crossing should be what type of protection?

CHECK THOSE THAT APPLY

- |          |                        |
|----------|------------------------|
| _____ A. | Gates                  |
| _____ B. | Standard Flashers      |
| _____ C. | Cantilever Flashers    |
| _____ D. | Audible (Bell)         |
| _____ E. | Crossbucks             |
| _____ F. | Advanced Warning Signs |
| _____ G. | Paint                  |
| _____ H. | Other                  |

15. If you determine that standard flashers are not required at the proposed rail-highway intersection, please list the rail-highway intersection location within the county that standard flashers warning devices will be installed.

16. The proposed rail-highway intersection is located in an area zoned as \_\_\_\_\_

17. Are any factors present that will divert or distract driver attention away from the (proposed) rail-highway intersection?

18. Please include a detailed map or an aerial photo of the affected area.

19. The above mentioned protection will be installed by (Railroad Name) pursuant to their labor agreements which is attached hereto and made part hereof by reference Exhibit B.

20. The crossing surface shall be composed of:

CHECK THOSE THAT APPLY

- |          |                  |
|----------|------------------|
| _____ A. | Rubber           |
| _____ B. | Timber           |
| _____ C. | Timber & Asphalt |
| _____ D. | Asphalt          |
| _____ E. | Other            |

21. The above mentioned crossing will be installed by (Railroad Name) pursuant to their labor agreements and the contract which is attached hereto and made part hereof by reference Exhibit C

22. Petitioner will bear the cost of materials and construction of the at grade crossing and the protection warning devices.

WHEREFORE, the Petitioner requests that the I.N.D.O.T. authorize the Petitioner pursuant to I.C. 8-6-1-7 to construct a highway crossing at grade across the rail line of the respondent (Name Railroad) at the location set forth in the Petition and for all other proper relief.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

By \_\_\_\_\_  
Attorney for Petitioner

(PLEASE PRINT)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

CERTIFICATE OF SERVICE

Comes now \_\_\_\_\_, Attorney for the (Name Petitioner) of the  
County of \_\_\_\_\_, Indiana and certifies that on  
this day of \_\_\_\_\_, 2\_\_\_\_, has served copies of the foregoing:

Indiana Utility Consumer Counselor Office  
Indiana Office of Utility Consumer Counselor  
115 W. Washington Street, Suite 1500 South  
Indianapolis, Indiana 46204

Railroad Resident Agent or Local Public Entity Official

All bodies affected public and/or private

File: PETITION