

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

BNSF Railway Company, City of East Moline, City :
of Moline, City of Rock Island, and the State of :
Illinois, Department of Transportation. :

Stipulated Agreement regarding improving public :
safety at the 3rd Street (AAR/DOT #605935R, IAIS :
milepost 175.76; BNSF milepost 246.50), the 17th :
Street (AAR/DOT #605929M, IAIS milepost 178.98; :
BNSF milepost 249.78), and the 17th Street :
(AAR/DOT #069601D, BNSF milepost 253.7) :
highway-rail grade crossings with the BNSF :
Railway Company’s track in the Cities of East :
Moline, Moline and Rock Island, respectively, all in :
Rock Island County. :

T17-0018

SUPPLEMENTAL ORDER

By the Commission:

PROCEDURAL HISTORY

On May 10, 2017, the Commission entered its original Order in the above captioned matter. The BNSF Railway Company (Company) was required and directed to renew surfaces at the following highway-rail grade crossings: 3rd Street, East Moline, 17th Street, Moline, and 18th Street, East Moline, in Rock Island County. The original Order contained a division of cost among the parties and all work was to be completed by February 10, 2018.

PETITIONER’S (COMPANY) EVIDENCE

On February 13, 2019, the Company filed its Petition for Supplemental Order stating that the surface renewals at 3rd Street in East Moline and 17th Street in Moline had been completed. The Company stated that it had inadvertently submitted the wrong crossing and suggested that the surface renewal at 18th Street in Rock Island not be completed but requested that it be substituted with 17th Street (AAR/DOT #069601D, BNSF milepost 253.7) in Rock Island. In addition, the Company requested an extension of time to complete the work. Staff would recommend June 10, 2021 as the new completion date.

STAFF'S POSITION

Commission staff has reviewed the original Order and the Petition for Supplemental Order and is of the opinion that the Company's request to substitute the 17th Street in Rock Island crossing for the 18th Street in Rock Island crossing, is fair and reasonable and should be granted. In addition, Commission staff also recommends that an extension of time, to and including June 10, 2021, is reasonable and should be approved without hearing.

FINDINGS AND ORDERING PARAGRAPHS

The Commission, having given due consideration to the Petition for Supplemental Order and to the record in this case, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The recitals of fact, as set forth in the prefatory portion of this Supplemental Order, are supported by the Petition for Supplemental Order and are hereby adopted as findings of fact;
- (3) The Company's request to substitute the 17th Street (AAR/DOT #069601D, BNSF milepost 253.7) crossing in Rock Island for the 18th Street (AAR/DOT #069600W, BNSF milepost 252.98) crossing in Rock Island, in this case is fair and reasonable and should be granted. The caption in this case has been changed to reflect the aforesaid crossing substitution;
- (4) The Company's request for an extension of time, and staff's recommendation, to and including June 10, 2021, to complete the required surface renewal is fair and reasonable and should be granted;
- (5) All terms and conditions of the original Order, dated May 10, 2017, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 17th Street crossing in Rock Island (AAR/DOT #069601D, railroad milepost 253.7) shall be substituted for the 18th Street crossing (AAR/DOT #069600W, railroad milepost 252.98) in this case, and that the BNSF Railway Company shall construct the surface at the substituted crossing.

IT IS FURTHER ORDERED by the Illinois Commerce Commission that an extension of time, to and including June 10, 2021, is hereby granted to the BNSF Railway Company within which to complete the surface renewals.

IT IS FURTHER ORDERED that all terms and conditions of the original Order, dated May 10, 2017, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to the Administrative Review Law.

By Order of the Commission this 14th day of October 2020.

(Signed) CARRIE ZALEWSKI
CHAIRMAN