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ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

Norfolk Southern Railway Company; the City of Mount Olive, Staunton Township; and the State of Illinois, Department of Transportation

T03-0041

Stipulated Agreement regarding improving public safety at the crossings of the Company's track with public highways known as Third North Street, Main Street (CH 16), Second South Street, Third South Street, Poplar Street, and Eighth South Street, all in the city of Mount Olive, and TR 457 in Staunton Township, all located in Macoupin County, Illinois, designated as crossings AAR/DOT 480 074P, milepost 444.51-WA, AAR/DOT 480 075W, milepost 444.74-WA; AAR/DOT 480 076D, milepost 444.85-WA, AAR/DOT 480 077K, milepost 444.93-WA, AAR/DOT 480 078S, milepost 445.09-WA, AAR/DOT 480 079Y, milepost 445.28-WA, and AAR/DOT 480 084V, milepost 447.13-WA, respectively.

APPLICATION FOR EXTENSION OF TIME AND PETITION FOR SUPPLEMENTAL ORDER

Comes now Norfolk Southern Railway Company ("NSR"), a party in the above proceeding, in support of its Application for Extension of Time and Petition for Supplemental Order, and states as follows:

1. Under the terms of the Commission's Order in this proceeding dated June 4, 2003, 2002, the following work is required:

A. Third North Street

a) NSR is to replace existing automatic flashing light signals with automatic flashing light signals and gates controlled by constant warning time circuitry, and thereafter maintain and operate the same.

b) The city of Mount Olive ("City") is to do some approach work.

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B. Main Street

a) NSR is to replace existing automatic flashing light signals and gates with automatic flashing light signals and gates controlled by constant warning time circuitry, and thereafter maintain and operate the same.

C. Second South Street

a) NSR is to replace existing automatic flashing light signals with automatic flashing light signals and gates controlled by constant warning time circuitry, and thereafter maintain and operate the same.

b) City is to do some approach work.

D. Third South Street

a) NSR is to close the crossing.

E. Poplar Street

a) NSR is to replace existing automatic flashing light signals with automatic flashing light signals and gates controlled by constant warning time circuitry, and thereafter maintain and operate the same.

b) City is to do some signage, pavement and approach work.

F. Eighth South Street

a) NSR is to replace existing automatic flashing light signals with automatic flashing light signals and gates controlled by constant warning time circuitry, and thereafter maintain and operate the same.

b) City is to do some approach work.

G. TR 457

a) NSR is to install automatic flashing light signals and gates controlled by constant warning time circuitry, and thereafter maintain and operate the same.

b) NSR is to raise the level of a siding track so that it is the same level as the main track and also install two new crossing surfaces to accommodate the work by Staunton Township ("Township") described next.

c) Township is to do some major approach work.

2. The Order required that all of the work be completed within eighteen (18) months of the Order date, or by December 4, 2004.

3. On September 10, 2003, the Commission approved X-Resolutions for the covered NSR work.

4. By a Supplemental Order dated October 20, 2004, in response to a Supplemental Petition filed with the Commission, the Commission extended to December 4, 2005 the time for the completion by City of the City approach work at Third North Street, Second South Street, Poplar Street and Eighth South Street.

5. The Supplemental Order stated that City informed the Commission that NSR had already completed all NSR required work at all of the crossings within the city of Mount Olive, Third North Street, Main Street, Second South Street, Third South Street, Poplar Street and Eighth South Street. This includes the closing of Third South Street. This is an accurate; all NSR work within the city of Mount Olive is completed.

6. However, until very recently NSR has not been able to start the process that will lead to all of the NSR automatic warning device work and NSR's track and surface work at Township's TR 457 crossing because NSR was not sure when the Township was going to begin its work. NSR has only just learned that the Township work began within the last few weeks. NSR has just started or will quite shortly start its work on the raising of the track, and expects to have that work done by December 4, 2004.

7. NSR states that once the Township completes its work at the TR 457 crossing, NSR will be able to complete all of its other TR 457 crossing work within four (4) months of the date on which the Township completes its work. It may be that the Township will complete the Township work by December 4, 2004, but NSR cannot be sure. Accordingly, NSR seeks a six (6) month extension, or until June 4, 2005.

8. NSR will not object to an extension of time by the Township within which to complete the Township work at TR 457, if the Township requires the same.

9. While a previous version of this Application was sent to a few persons on the service list on Friday, through a staff error, the Application was not sent to the Commission and thus this version of the Application is filed today, and should be treated as the correct version.

WHEREFORE, NSR prays that the Illinois Commerce Commission enter its Second Supplemental Order, extending the time for completing all but its track raising work required of NSR at TR 457 under the said June 4, 2003 order for an additional six (6) months or until June 4, 2005. NSR prays that the extension and the Second Supplemental Order be granted without a hearing.

Respectfully submitted,

**NORFOLK SOUTHERN RAILWAY
COMPANY**



Thomas W. Ambler, Attorney for and
representative of
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

Dated: November 15, 2004

AFFIDAVIT

COMMONWEALTH OF VIRGINIA:

: ss:

CITY OF NORFOLK :

I, Thomas W. Ambler, first being duly sworn upon oath, depose and say that I am General Attorney of Norfolk Southern Corporation. Norfolk Southern Railway Company is a subsidiary of Norfolk Southern Corporation. Both are Virginia corporations. I have read the attached application for Extension of Time and Petition for Supplemental Order and know the contents thereof. The said contents are true in substance and in fact, except as to those matters stated upon information and belief provided to the undersigned by others, and as to those matters I believe the same to be true.

Given this day at Norfolk, Virginia.



Thomas W. Ambler

Subscribed and sworn before me this 15th day of November ~~15~~, 2004.


Notary Public

My commission expires: My Commission Expires April 30, 2007

CERTIFICATE OF SERVICE

I, Thomas W. Ambler, hereby certify that I have served a copy of the foregoing Application for Extension of Time and Petition for Supplemental Order upon the following, by placing the same in the United States Mail, postage prepaid, on the 15th day of November, 2004:

Address

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Service List Entries: 10


Thomas W. Ambler