

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Illinois Central Railroad Company, the Village of :  
Danforth, and the State of Illinois, Department of :  
Transportation. :  
: :  
: :  
Stipulated Agreement regarding improving public : T04-0081  
safety at the 2100N highway-rail grade crossing of :  
the Company's track located in Danforth, Iroquois :  
County, Illinois, designated as crossing AAR/DOT :  
288 983E, milepost 78.00-M. :

**SUPPLEMENTAL ORDER**

By the Commission:

On January 20, 2005, the Illinois Commerce Commission ("Commission") entered its original Order, subsequent to execution of Stipulated Agreement No. 1102 by all the parties, in the above captioned matter, regarding safety improvements at the 2100N highway-rail grade crossing of the Illinois Central Railroad Company's track in Danforth, in Iroquois County, Illinois, designated as crossing AAR/DOT 288 973E, milepost 78.00-M. The original Order required and directed the Illinois Central Railroad Company ("Company") to install automatic flashing light signals and gates controlled by constant warning time circuitry and the Village of Danforth to reconstruct the existing west highway approach to comply with 92 Illinois Administrative Code 1535.204. The original Order contained a division of cost among the parties, and all work was to be completed on or before January 20, 2006.

On January 3, 2006, the Company filed a Supplemental Petition for an Extension of Time with the Commission seeking an extension of time, to and including July 20, 2006. The Company claims that its original plans to combine the 2100N crossing signal work with another Company project to relocate a control point have since changed due to budgetary constraints. The Company plans to do the crossing work as originally ordered.

X-Resolution X-12325 was previously approved by the Commission on July 12, 2005 and all other work has been completed and the materials are on site. Therefore, the Company is seeking an extension of time, to and including July 20, 2006.

Staff has reviewed the Company's request and believes it is reasonable and should be approved.

The Commission, having given due consideration to the Stipulated Agreement, 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 investigation by the Commission Staff and are hereby adopted as findings of fact;
- (3) The request by the Illinois Central Railroad Company for an extension of time, to and including July 20, 2006, is fair and reasonable and should be granted;
- (4) The Illinois Central Railroad Company should file a Form 1 with the Commission to show any revisions to those plans approved by X-Resolution X12325;
- (5) All other terms and conditions of the original Order, dated January 20, 2005, 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 Illinois Central Railroad Company is hereby granted an extension of time, to and including July 20, 2006, within which to complete the crossing circuitry improvements as set forth in the original Order dated January 20, 2005.

IT IS FURTHER ORDERED that the Illinois Central Railroad Company shall submit a Form 1 with the Commission to show any revisions to those plans approved by X-Resolution X12325.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated January 20, 2005, is 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 subject to the Administrative Review Law.

By Order of the Commission this 25<sup>th</sup> day of January, 2006.

|                                 |
|---------------------------------|
| JUDGE                           |
| SECTION CHIEF <i>MES</i>        |
| <i>DWS</i><br>ORDERS SUPERVISOR |

*Charles E. Cox*