

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission, :
On Its Own Motion :

v. :

Pleasant Mound Township Road District, BNSF Railway :
Company, and the Illinois Department of Transportation. :

Citation with respect to improving public safety at the Country :
Club Avenue highway-rail grade crossing of BNSF Railway :
Company's track near Smithboro, Bond County, Illinois :
designated as crossing AAR/DOT #069 151J, railroad milepost :
92.22-Y, by the installation of automatic flashing lights and gates :
controlled by constant warning time circuitry, and by providing :
any further relief the Commission may deem necessary including :
the dividing of cost among the Parties and Commission. :

CITATION

By the Commission:

WHEREAS, it has come to the attention of the Illinois Commerce Commission ("Commission"), through an application for assistance from the Grade Crossing Protection Fund ("GCPF") and investigation made by its Staff, that inquiry should be made into the matter of improving public safety at the Country Club Avenue (AAR/DOT #069 151J) highway-rail grade crossing of the BNSF Railway Company's track located near Smithboro, Bond County ("crossing"); and

WHEREAS, on May 17, 2000, the Pleasant Mound Township Road District ("Pleasant Mound") submitted an application to the Commission's Rail Safety Section asserting that the crossing has poor visibility caused by trees, is used by school buses, and was the site of a train/vehicle accident in 1990; and

WHEREAS, based on the Township's GCPF application, Staff recommended that a project to install automatic flashing light signals and gates at the Country Club Avenue crossing be included in the FY 2007 element of the Commission's FY 2005-2009 Crossing Safety Improvement Program 5-Year Plan; and

WHEREAS, the FY 2005-2009 Plan was approved by the Commission in July 2004; and

WHEREAS, in accordance with Commission procedures, on January 4, 2007, Staff sent copies of Stipulated Agreement 1253 to BNSF Railway Company ("BNSF"), the Illinois Department of Transportation ("IDOT") and Pleasant Mound Township Road District for execution; and

WHEREAS, BNSF and IDOT promptly returned an executed Stipulated Agreement;
and

WHEREAS, Pleasant Mound Township Road District has not returned an executed Stipulated Agreement despite follow-up correspondence and phone calls from Staff; and

WHEREAS, efforts to amicably resolve issues involving improvements to the subject crossing and agreement as to the division of costs between the Parties through the Stipulated Agreement process have been unsuccessful; and

WHEREAS, the Commission has jurisdiction over the Parties and the subject matter herein pursuant to the Illinois Commercial Transportation Law, 625 ILCS 5/18c-7401; and

WHEREAS, it appears that a formal proceeding should be initiated for the purpose of obtaining information from Pleasant Mound Township Road District, BNSF Railway Company and the Illinois Department of Transportation why an Order for safety improvements at the Country Club Avenue highway-rail grade crossing of BNSF Railway Company's track near Smithboro, Bond County, should not be entered and dividing the cost of such improvements between the Parties as may be required by the Commission in accordance with the Law; and

WHEREAS, proper notice of this proceeding should be given to Pleasant Mound Township Road District, BNSF and IDOT, and

WHEREAS, a hearing or hearings should be held for the purpose of hearing all Parties on the issues so raised.

IT IS THEREFORE ORDERED, that Pleasant Mound Township Road District, BNSF Railway Company, and the Illinois Department of Transportation are hereby cited and required to appear at a hearing to be held at the Commission's Offices, 527 East Capitol, Springfield, Illinois on August 23, 2007 at 10:00 am to show cause, if there be any, why an Order should not be issued requiring the improvements set forth herein, and requiring such further relief as the Commission, under the circumstances, may deem necessary and dividing the costs for such improvements among the Parties and the Commission in accordance with the Law,

By Order of the Commission this 25th day of July 2007.



CHARLES E. BOX
CHAIRMAN