

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Norfolk Southern Railway Company, the City of :
Springfield, the Village of Grandview, and the State :
of Illinois, Department of Transportation. :

Stipulated Agreement regarding improving public :
safety at the Wolfe Street highway-rail grade :
crossing of the Norfolk Southern Railway :
Company's track located in the Village of :
Grandview, designated as crossing AAR/DOT #479 :
307M, railroad milepost 412.12-WC; and the 19th :
Street, North Grand Avenue, 13th/Reservoir Streets, :
11th/Division Streets, Enterprise Street, Enos :
Avenue, Miller Street, Carpenter Street, Reynolds :
Street, Jefferson Street, Washington Street, Adams :
Street, Monroe Street, Capitol Avenue, and Jackson :
Street highway-rail grade crossings of the Norfolk :
Southern Railway Company's track located in the :
City of Springfield, Sangamon County, Illinois, :
designated as crossings AAR/DOT #479 309B, :
railroad milepost 412.75-WC, AAR/DOT #479 :
313R, railroad milepost 413.04-WC, AAR/DOT :
#479 312J, railroad milepost 413.22-WC, AAR/DOT :
#479 319G, railroad milepost 413.38-WC, :
AAR/DOT #479 320B, railroad milepost 413.48-WC, :
AAR/DOT #479 322P, railroad milepost 413.69-WC, :
AAR/DOT #479 323W, railroad milepost 413.77- :
WC, AAR/DOT #479 324D, railroad milepost :
413.85-WC, AAR/DOT #479 325K, railroad milepost :
413.93-WC, AAR/DOT #479 328F, railroad milepost :
414.20-WC, AAR/DOT #479 329M, railroad :
milepost 414.24-WC, AAR/DOT #479 330G railroad :
milepost 414.32-WC, AAR/DOT #479 331N, :
railroad milepost 414.39-WC, AAR/DOT #479 332V, :
railroad milepost 414.47-WC, and AAR/DOT #479 :
334J, railroad milepost 414.55-WC, respectively. :

T06-0029

FIRST SUPPLEMENTAL ORDER

By the Commission:

On May 17th, 2006, the Illinois Commerce Commission entered its original Order in the above captioned matter. The Village of Grandview (Village), the City of Springfield (City), and the Norfolk Southern Railway Company (Company), were required to make

safety improvements at the Wolfe Street highway-rail grade crossing of the Company's track located in the Village of Grandview, designated as crossing AAR/DOT #479 307M, railroad milepost 412.12-WC; and the 19th Street, North Grand Avenue, 13th/Reservoir Streets, 11th/Division Streets, Enterprise Street, Enos Avenue, Miller Street, Carpenter Street, Reynolds Street, Jefferson Street, Washington Street, Adams Street, Monroe Street, Capitol Avenue, and Jackson Street highway-rail grade crossings of the Company's track located in the City of Springfield, Sangamon County, designated as crossings AAR/DOT #479 309B, railroad milepost 412.75-WC, AAR/DOT #479 313R, railroad milepost 413.04-WC, AAR/DOT #479 312J, railroad milepost 413.22-WC, AAR/DOT #479 319G, railroad milepost 413.38-WC, AAR/DOT #479 320B, railroad milepost 413.48-WC, AAR/DOT #479 322P, railroad milepost 413.69-WC, AAR/DOT #479 323W, railroad milepost 413.77-WC, AAR/DOT #479 324D, railroad milepost 413.85-WC, AAR/DOT #479 325K, railroad milepost 413.93-WC, AAR/DOT #479 328F, railroad milepost 414.20-WC, AAR/DOT #479 329M, railroad milepost 414.24-WC, AAR/DOT #479 330G, railroad milepost 414.32-WC, AAR/DOT #479 331N, railroad milepost 414.39-WC, AAR/DOT #479 332V, railroad milepost 414.47-WC, and AAR/DOT #479 334J, railroad milepost 414.55-WC, respectively; on or before November 17, 2007.

SUPPLEMENTAL PETITION BY THE CITY OF SPRINGFIELD

On September 14, 2007, the City of Springfield filed a Supplemental Petition for an extension of time to complete a portion of the Order, namely to acquire clear title to the property on the Northwest Quadrant of 11th and Division. The original Order directed the City to remove the permanent sight restriction (building) located in the Northwest Quadrant of the 11th and Division Street grade crossing by purchasing the land and demolishing the structure located thereon. The City, according to the Order, is to be reimbursed by the Grade Crossing Protection Fund (GCPF) for this work, in an amount not to exceed \$60,000. The Order also required the City to pass an ordinance forbidding the construction of any permanent or temporary structures on the property located in the Northwest Quadrant of the 11th and Division Street grade crossing, or allow anything to be planted on the property that would create a sight restriction for highway users approaching the crossing. The City is also required to submit the ordinance to the IDOT District 6 Office before payment from the GCPF is made to the City.

With its Supplemental Petition the City is requesting an extension of time, to and including November 17th, 2008, to obtain clear title to the property and pass the ordinance mentioned above. The City has already demolished the subject building, thereby eliminating the sight restriction in the northwest quadrant of the crossing. The City needs the additional time in order to resolve liens that have been placed on the property. The City cannot complete the remainder of its obligations contained in the original Order until it has clear title to the property.

Staff of the Rail Safety Section reviewed the Supplemental Petition and believes that it is fair and reasonable to grant the City additional time, to and including November 17, 2008, to complete the task of obtaining clear title for the property located in the

northwest corner of 11th and Division crossing in the City of Springfield, and to pass an ordinance permanently forbidding the construction of any permanent or temporary structures or allowing anything to be planted on it that would cause a visibility problem for safe vehicular use.

FINDINGS AND ORDERING PARAGRAPHS

The Commission, having given due consideration to the entire record herein and being fully advised in the premises, is of the opinion and 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 First Supplemental Order, are supported by investigation by Commission Staff and are hereby adopted as findings of fact;
- (3) The City has already removed the sight restriction (building) in the Northwest Quadrant of the 11th and Division railroad crossing, thus addressing the safety concern mentioned in the Order;
- (4) Staff believes that the City will possibly need up to an additional year to foreclose on the property and pass an ordinance through its Council and Mayor forbidding any future building or planting on said property;
- (5) The City reports that all other work required of them in the original Order will be completed on time;
- (6) All other terms and conditions of the original Order dated May 17, 2006, 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 an extension of time, to and including November 17, 2008, is hereby granted to the City of Springfield to complete the property acquisition at the northwest corner of 11th and Division Streets, and pass an ordinance forbidding further development and planting on said property as set forth in the original Order dated May 17, 2006.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated May 3, 2006, 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 24th day of October 2007.



CHARLES E. BOX
Chairman

JUDGE
SECTION CHIEF <i>MES</i>
<i>OWS</i> ORDERS SUPERVISOR