

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company ("Company"), the :  
City of Benton ("City"), and the State of Illinois, :  
Department of Transportation ("Department" or :  
"IDOT"). :

Stipulated Agreement regarding improving public :  
safety at the South Pope Street and Wilson Street :  
highway-rail grade crossings of the Company track :  
in Benton, Franklin County, Illinois, designated as :  
crossings AAR/DOT #293 717T, railroad milepost :  
89.45-GE and AAR/DOT #293 721H, railroad :  
milepost 90.00-GE, respectively. :

T06-0055

**SECOND SUPPLEMENTAL ORDER**

By the Commission:

On July 12, 2006, the Illinois Commerce Commission ("Commission") entered its original Order in the above captioned matter approving Stipulated Agreement 1184, which was executed by Staff of the Illinois Commerce Commission, the City of Benton ("City"), the Illinois Central Railroad Company ("Company"), and the Illinois Department of Transportation ("IDOT"). The Company was required and directed to, among other things, install automatic flashing light signals and gates at the South Pope Street and Wilson Street highway-rail grade crossings of the Company track in Benton, Franklin County, Illinois, designated as crossings AAR/DOT 293 717T, railroad milepost 89.45-GE and AAR/DOT 293 721H, railroad milepost 90.00-GE, respectively. The original Order contained a division of cost among the parties and all work was to be completed on or before July 12, 2007.

On June 13, 2007, the Company filed a Petition for Extension and on July 25, 2007, the Commission entered a Supplemental Order granting an extension of time to complete the required work, to and including October 12, 2007.

On September 18, 2007, the Company filed a Petition for Extension requesting that the Commission enter a Supplemental Order granting an extension of time to complete the required work, to and including December 12, 2007. The Company claims that despite its good-faith efforts to complete the stated work by July 12, 2007, due to a shortage of manpower account other ongoing signal projects, the Company crews have been unable to complete all of the required work within one (1) year of the date of the original Order. The Company therefore respectfully requests that the Commission grant an extension of time to and including December 12, 2007. On October 1, 2007, the Illinois Department of Transportation filed a Response of No Objection to the September 18, 2007, Petition by the Company.

After reviewing the Supplemental Petition, Commission Staff believes the request is reasonable and should be granted. The Company has submitted Form 3 applications, X-resolutions have been issued and materials have been ordered.

The Commission, having given due consideration to the Petition, 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 Extension and are hereby adopted as findings of fact;
- (3) the Company request for an extension of time, to and including December 12, 2007, is fair and reasonable and should be granted;
- (4) All other terms and conditions of the original Order, dated July 12, 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 the Illinois Central Railroad Company is hereby granted an extension of time, to and including December 12, 2007, within which to complete the crossing circuitry improvements as set forth in the original Order dated July 12, 2006.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated July 12, 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 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>DWS</i> ORDERS SUPERVISOR