

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Norfolk Southern Railway Company, the City of Staunton, and the State of Illinois, Department of Transportation

Stipulated Agreement regarding improving public safety at the Main Street and the Macoupin Street highway-rail grade crossings of the Norfolk Southern Railway Company's track in Staunton, Illinois, designated as crossings AAR/DOT #480 090Y, railroad milepost 449.66-WA and AAR/DOT #904 808P, railroad milepost 449.67-WA, respectively.

T06-0045

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Illinois Commerce Commission  
RAIL SAFETY DIVISION

**SUPPLEMENTAL PETITION FOR ADDITIONAL TIME**

Now comes supplemental petitioner, the City of Staunton, by its attorneys, Roth, Evans & Lading, P.C., and requests that the Illinois Commerce Commission issue a supplemental Order granting the City of Staunton additional time, to and including December 31, 2007 in which to complete the work required to be performed by the City of Staunton pursuant to the June 7, 2006 Order issued by the Illinois Commerce Commission in the above captioned cause. In support thereof, the City of Staunton states as follows:

1. On April 3, 2006, April 25, 2006, May 5, 2006 and May 22, 2006, the Staff of the Illinois Commerce Commission (COMMISSION), the Norfolk Southern Railway Company (COMPANY), the Illinois Department of Transportation (DEPARTMENT), the City of Staunton (CITY), respectively, executed the Stipulated Agreement No. 1176 relating to the safety improvements at the locations captioned above.

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2. Pursuant to the aforesaid stipulation on June 7, 2006 the Illinois Commerce Commission entered its Order in the above captioned cause authorizing safety improvements at the aforesaid grade crossing locations.

3. Pursuant to the terms of the June 6, 2006 Order, the City of Staunton, or their respective contractor crews, was to complete the Main Street and Macoupin Street highway-rail grade crossings on or before August 6, 2007.

4. Pursuant to the terms of the aforesaid Order, the City of Staunton has timely secured the services of the City's consulting engineers Heneghan & Associates and have been actively working with IDOT to complete the requested improvements set forth in the aforesaid Order, and have completed multiple of the improvements requested therein.

5. At the present time, and in the same vicinity as the requested improvements, the City has also been coordinating four (4) other major construction projects, being: total surfacing of Main Street West of the subject crossing; drainage improvements to the East Main street in the area of the subject crossing; demolition/reconstruction of East Main street East of the subject crossing; and installation of a new major water main also potentially in the area of the subject crossing.

6. The City has been coordinating the above construction projects with IDOT, its consulting engineers, and representatives of Norfolk Southern so as to have a thorough understanding of how all of these projects fit together, so that the improvements called for in the above referenced Order would not have to be removed or modified at a later date.

7. At the present time, the City believes that through its recent conversations and the progress made in coordinating construction efforts on the above projects, that all affected parties have a thorough understanding of the scope of the requested improvements, and have taken steps n

coordination with the other pending construction projects so as to attempt to ensure that the time, money, and effort spent by the parties at this point in installing the mandated improvements will not be duplicated at a later date.

8. Failure to complete the aforesaid efforts within the allotted time is not the result of lack of diligence or attention by the City of Staunton nor their consulting engineers, and if anything results from an overabundance of attention to detail regarding installation of the improvements.

9. The City of Staunton, in communication with their consulting engineers, and in conjunction with Norfolk Southern, reasonably believes it can complete the project on or before December 31, 2007, and therefore requests a supplemental Order from the Illinois Commerce Commission granting such additional time.

10. The City of Staunton's supplemental petition herein is not made for the purpose of delay but rather to obtain such time as is reasonably required to complete all of the work required to be performed by the City of Staunton under the terms of the Order entered by the Illinois Commerce Commission in this cause. The City of Staunton has made no prior request for an extension of time.

WHEREFORE, Supplemental Petitioner the City of Staunton prays that the Illinois Commerce Commission enter a supplemental Order granting the City of Staunton additional time, to and including December 31, 2007 in which to complete the safety improvements as provided in the June 6, 2006 Order entered by the Illinois Commerce Commission in the above captioned cause.

CITY OF STAUNTON

A handwritten signature in black ink, appearing to read 'P. Lading', is written over a horizontal line.

Philip J. Lading  
Roth, Evans & Lading, P.C.  
Attorneys for Supplemental Petitioner  
The City of Staunton  
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# Roth, Evans & Lading, P.C.

Attorneys At Law - Illinois & Missouri

- Please reply to the Granite City Office -

Ronald A. Roth  
Eric W. Evans  
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November 5, 2007

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Illinois Commerce Commission  
RAIL SAFETY SECTION

J. Thomas Long  
Christopher B.  
Hunter  
Of Counsel

Re: Norfolk Southern Railway Co., The City of Staunton, and The State of Illinois,  
Department of Transportation  
Order No.: T06-0045

Main Office:  
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Centre Drive  
Suite 200  
Granite City, IL  
62040

Dear Sir:

T: 618.931.5000  
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Enclosed please find an original and one copy of a Supplemental Petition for Additional Time that I ask you to file with regard to the above-referenced matter. Please return file-stamped copies of same to my office in the enclosed, self-addressed, stamped envelope.

Thank you in advance for your assistance with this matter.

St. Louis Office:  
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Suite 575  
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63144

Very truly yours,

Philip J. Lading  
PJL/klk

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Enclosure

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