

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

Norfolk Southern Railway Company, the City of :  
East St. Louis, and the State of Illinois, Department :  
of Transportation :  
: :  
: :  
Stipulated Agreement regarding improving public : T06-0072  
safety at the St. Louis Avenue highway-rail grade :  
crossing of Norfolk Southern Railway Company's :  
track in East St. Louis, Illinois, designated as :  
crossing AAR/DOT #724 546M, railroad milepost :  
0.54-VC.

**SUPPLEMENTAL ORDER**

By the Commission:

**PROCEDURAL HISTORY**

On August 30<sup>th</sup>, 2006, the Illinois Commerce Commission entered its original Order in the above captioned matter. The City of East St. Louis (City), and the Norfolk Southern Railway Company (Company), were required to make safety improvements at the St. Louis Avenue highway-rail grade crossing of the Company's track located in the City of East St. Louis, designated as crossing AAR/DOT #724 546M, railroad milepost 0.54-VC on or before August 30, 2007.

**PETITIONER'S EVIDENCE**

On October 5, 2007, the Norfolk Southern Railroad Company filed a Supplemental Petition for an extension of time to complete the project as required of it by the Commission in its original Order. With its Supplemental Petition the Company is requesting an extension of time of one hundred and eighty (180) days, which is about 6 months, to and including February 29<sup>th</sup>, 2008, to complete their portion of the project. The Company has already erected the signals and gates, but they have no electrical supply at the subject crossing location to activate them. Until that electrical power source is installed and operational, Norfolk Southern is unable to complete all of the improvements ordered of it by the Commission in this docket.

**STAFF'S POSITION**

Staff of the Rail Safety Section reviewed the Supplemental Petition and believes that it is fair and reasonable to grant the Company additional time, to and including February 29<sup>th</sup>, 2008, to complete the work required of it by the Commission in this docket.

**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 Company has already erected the required signal and gate equipment at the subject railroad crossing, thus completing a bulk of the work required of it by the Commission;
- (4) Staff believes that the Company will possibly need up to an additional six (6) months to obtain power at the crossing in order to activate the already erected safety devices;
- (5) All other terms and conditions of the original Order dated August 30<sup>th</sup>, 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 February 29<sup>th</sup>, 2008, is hereby granted to the Norfolk Southern Railway Company to complete the required work as set forth in the original Order dated August 30<sup>th</sup>, 2006.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated August 30<sup>th</sup>, 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 28<sup>th</sup> day of November 2007.



CHARLES E. BOX  
Chairman

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