

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The City of Alton, Illinois, by its Mayor, Donald E. Sandidge, :
Petitioner, :
vs. :
Norfolk and Western Railway Company , the County of :
Madison and the Department of Transportation of the State :
of Illinois :
Respondent. : T97-0050
Petition for permission to construct an overhead grade :
crossing of Indiana Avenue, MFT Section # 97-00208-010 :
GS, Structure #060-6110, over the tracks of the Norfolk :
Southern Corporation at a location approximately 1/3 mile :
north of Illinois Route 143, Alton, Madison County, Illinois. :

SUPPLEMENTAL ORDER

By the Commission:

On December 17, 1997, the Illinois Commerce Commission ("Commission") entered its Order in this matter that granted permission to the City of Alton ("City") to, among other things, construct a highway overpass structure to carry Indiana Avenue over the tracks of the Norfolk Southern Railway Company ("NS") in the City of Alton, Madison County, Illinois. The cost for the structure, estimated to be \$7,208,118, was divided 60% in an amount not to exceed \$4,324,871, to the Grade Crossing Protection Fund with all remaining cost being borne by the City of Alton. This work was required to be completed within three (3) years from the date of the Order.

On December 18, 2000, the City filed its Supplemental Petition with the Commission requesting an extension of time to and including December 31, 2004, within which to complete the work as required by the original Order. In addition, the City requests a revision in the division of cost for the project by including costs associated with the adjustment of utility overhead utility lines and an underground water line that were not contemplated at the time of the original Order.

In its Supplemental Petition, the City states that at this time the project construction has not yet commenced. The City states that Federal Highway Funds were secured for this project on or about June, 1998. Following federal procedures, project development and environmental processing did not begin until this time. The project development and environmental processing phase of a project typically takes 18 to 24 months to receive design approval, however, this project has taken longer due to special waste cleanup and wetland mitigation issues. At this time, it is anticipated that design approval will be secured by March, 2001, with construction beginning by November, 2001. The city further states that due to poor soil conditions and the need

for special embankment construction with waiting periods for soil consolidation, it is contemplated that construction will take three (3) years to complete and the City requests an extension of time to and including December 31, 2004, within which to complete the construction of the project as required by the original Order.

The Supplemental Petition also states that construction of the project will require the adjustment of existing overhead electric lines owned by AmerenUE, and overhead electric service for a well pump owned by Laclede Steel Company, and an underground 16-inch water line also owned by Laclede Steel Company. The AmerenUE overhead electric lines are located within the NS right-of-way at the site of the proposed overpass structure and existed prior to the development of this project. The Laclede Steel Company overhead electric service and underground 16-inch water line is located at the south approach of the proposed overpass structure and existed on private property prior to the acquisition of road right-of-way by the State of Illinois. The City further states that the cost of adjusting these utilities will be an incidental expense to the project and were not included in the original Order. The City requests that the Grade Crossing Protection Fund ("Fund") pay 60% of the cost for the utility adjustments with the City paying the remaining cost, which is the same percentage cost division as contained in the original Order.

Staff has reviewed the City's requests and has no objection to granting the extension of time or paying 60% of the cost for the utility adjustments in the amount of \$258,698 from the Fund, as long as the Fund obligation for the utility adjustments are made part of the second Fund allotment due to be obligated to the City by Commission Order in fiscal year 2003. In reviewing the file on this case, staff has found that no bills for reimbursement from the Fund have been received and therefore the balance of the original Fund obligation of \$2,162,435 remains intact.

The Commission, being fully advised in the premises herein, finds that:

- 1) the Commission has jurisdiction of the parties hereto and of the subject matter herein;
- 2) the recitals of fact as set forth in the prefatory portion of this Supplemental Order are true and correct and are hereby adopted as findings of fact;
- 3) an extension of time to an including December 31, 2004, should be granted to the City of Alton within which to complete the work as required by the original Order;
- 4) the cost for the improvements, including the utility adjustments as described in the prefatory portion of this Supplemental Order, should be divided in the following manner;
- 5) the cost division table as contained in Finding (5) of the original Order should be amended by the addition of the cost for the utility adjustments as follows:

Improvement	Estimated Cost	GCPF	City
Construction cost of new highway overpass.	\$ 5,157,146	60% \$3,094,288	Remainder
Contingencies	\$ 773,572	60% \$464,143	Remainder
Design & Construction Engineering	\$**903,700	60% \$542,220	Remainder
Right of Way	\$ 263,700	60% \$158,220	Remainder
Right of Way-Railroad	\$ 50,000	60% \$30,000	Remainder
Railroad Force Account	\$ 60,000	60% \$36,000	Remainder
Utility adjustments	\$ 431,164	60% \$258,698	Remainder
Total	\$7,639,282	\$4,583,569 (*\$2,162,435)	Remainder

** the engineering cost can be broken down further in the following manner:

Preliminary Bridge Plan	\$ 26,700
Soils investigation	\$ 17,600
Environmental Investigation	\$ 40,000
Right of way Engineering	\$ 18,000
Plans and Specifications	\$343,500
Construction Engineering	<u>\$457,900</u>
	\$903,700

the amount to be paid by the Fund shall not exceed \$2,162,435 until further Order of the Commission; (*) it is the intent of the Commission to issue further Order(s) increasing the maximum amount to be paid by the Fund to \$4,583,569 by the end of the project, either by annual increases equal to the limiting amount as previously contained in Finding (6), or earlier if necessitated by the project; all cost of future maintenance of the new structure shall be borne by the City of Alton except for damage caused by railroad derailment, collision or accident which will be borne by the railroad;

while the City of Alton has been assessed the remaining 40% of the cost for the highway overpass structure, it has entered into an intergovernmental agreement with Madison County whereby Madison County is paying ½ of the City's 40% share of the project cost; the City of Alton is also attempting to obtain federal funds to pay a portion of their share of the aforementioned costs.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Finding (5) of the original Order pertaining to the cost division for the construction of the Indiana Street highway overpass structure be, and it is hereby, amended and that Finding (5) as contained in this Supplemental Order be substituted therefore.

IT IS FURTHER ORDERED that an extension of time be, and it is hereby, granted to the City of Alton, to and including December 31, 2004, within which to complete the work as required by the original Order dated December 17, 1997.

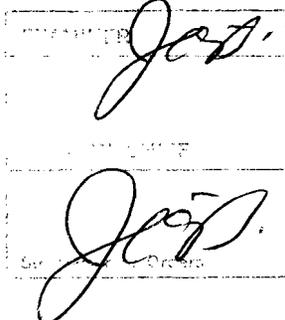
IT IS FURTHER ORDERED that all bills for expenditures authorized to be reimbursement from the Grade Crossing Protection Fund shall be submitted to the District 8 Office of the Illinois Department of Transportation, 1102 Eastport Plaza, Collinsville, IL 62234. The Department shall submit copies of all bills received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final bill." All bills shall be submitted to the Commission no later than forty eight (48) months from the date of the Commission's Supplemental Order . The Department shall, at the end of the 48th month from the Commission's Supplemental Order date, de-obligate all residual funds accountable for this project.

IT IS FURTHER ORDERED that the City of Alton shall at six (6) month intervals from the date of this Supplemental Order, and until this project is completed, submit written reports to the Director of Processing and Information, of the Commission Transportation Division, stating the progress it has made toward completion of the highway overpass work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in this Supplemental Order, type of improvement, and project manager information (the name, title, mailing address, phone number and facsimile number of the City of Alton's employee responsible for management of this project.) The report shall also include the status of expenditures of the total project and percentage of completion of the project. If the project is behind schedule, the report must also include a brief explanation of the reason(s) for the delay.

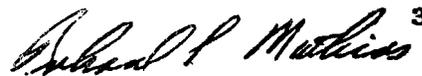
IT IS FURTHER ORDERED that the all other terms and conditions of the original Order are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that subject to the provisions of Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 7th day of March, 2001.



Two rectangular stamps, each containing a signature and the text "Director". The signatures appear to be "J.P.S." and "J.P.S.".



Richard P. Mathias³

Chairman