

**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,	:	
Respondents.	:	T97-0050 4th
	:	Supp.
	:	
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.	:	

**ORDER**

BY THE COMMISSION:

**PROCEDURAL HISTORY**

On December 17, 1997, the Illinois Commerce Commission ("Commission") entered an order in this Docket granting 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, Madison County, Illinois. The estimated cost for the structure was estimated to be \$7,208,118, with 60%, not to exceed \$4,324,871, to be paid from the Grade Crossing Protection Fund. The work was to be completed within three (3) years from the date of the order. A Supplemental Order entered on March 7, 2001, extended the completion date to December 31, 2004, and increased the Fund participation by \$258,698. A Second Supplemental Order entered on June 19, 2002, released the remaining Fund money to the authorized limit of \$4,583,569. A Third Supplemental Order entered on December 15, 2004, extended the Completion date to June 30, 2007.

On July 5, 2007, the instant Fourth Supplemental Petition was filed. This Petition seeks a further extension of time for completion to December 31, 2008.

**PETITIONER'S EVIDENCE**

In the Petition, Petitioner states that the project was planned to be completed with a Phase II contract with the assumption that Phase II construction would begin by the summer of 2005. Phase II construction was delayed while the City studied relocating the existing Union Pacific Railroad which would have resulted in the elimination of an at-

grade crossing. The City has now determined that the Union Pacific track will remain on the existing alignment with a crossing improvement. Improvement of the existing Union Pacific at-grade crossing was ordered by the Commission, on April 18, 2007, in Docket Number T07-0008. Some of the improvements to the Union Pacific crossing will align with the overpass structure and approach to the Indiana Avenue overpass. All work should be completed by December 31, 2008. The Petition also states that on October 11, 2006, the City passed an ordinance changing the name of Indiana Avenue to Cpl. Chris Belchik Memorial Expressway.

### STAFF AND RESPONDENT'S POSITION

Staff and Respondents support the request for extension of time for completion of the project.

### COMMISSION ANALYSIS AND CONCLUSION

The request for extension of time is reasonable and should be granted. The City has acted in a reasonable manner by merging both projects so that there will be no unnecessary duplication of roadwork.

### FINDINGS AND ORDERING PARAGRAPHS

The Commission, after a review of the entire record, finds that:

- (1) the Commission has jurisdiction of the parties and the subject matter of this proceeding;
- (2) the recitals of fact, as set forth in the prefatory portion of this Order are true and correct and are hereby adopted as findings of fact;
- (3) Petitioner's request for an extension of time to complete the project is reasonable under the circumstances and should be granted;
- (4) all other terms and conditions of the previous order entered in this case should remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the City of Alton, be, and it is hereby, granted an extension of time for completing the approved project to December 31, 2008.

IT IS FURTHER ORDERED that all other terms and conditions of the various orders entered in this Docket 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 29<sup>th</sup> day of August, 2007.



CHARLES E. BOX  
Chairman

JUDGE	
SECTION CHIEF	
ORDERS SUPERVISOR	