

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Illinois Department of Transportation, Petitioner, :  
v. :  
 :  
Norfolk Southern Railway Company, City of :  
Springfield, Springfield Park District and Illinois :  
Department of Natural Resources, :  
Respondents. :  
 :  
Petition for an Order granting authority to (1) : T06-0016 Supp.  
construct a new highway overpass structure :  
carrying MacArthur Boulevard Extension over :  
railroad tracks of the Norfolk Southern Railway :  
Company located at Railroad mile Post DH-418.23 :  
and; (2) construct a new pedestrian overpass :  
structure carrying the Interurban Bike Trail over :  
railroad tracks of the Norfolk Southern Rail :  
Company located at Railroad mile Post DH-418.23 :  
and; (3) to close the West Grand Avenue Grade :  
Crossing (DOT/AAR 915 859F; Railroad Mile Post :  
DH-418.07) located near the new structures all at a :  
point near the southern edge of the City of :  
Springfield, Sangamon County, Illinois. :

**SUPPLEMENTAL ORDER**

By the Commission:

**PROCEDURAL HISTORY**

On May 17, 2006, the Illinois Commerce Commission (“Commission”) entered its original Order in the above captioned matter. The Illinois Department of Transportation (“Department” or “IDOT”) was authorized to construct a new highway overpass structure to carry the MacArthur Boulevard Extension over the Norfolk Southern Railway Company’s (“NS” or “Company”) track; to construct a new pedestrian overpass structure to carry the Interurban Bike Trail over the NS’s track; and, to close the West Grand Avenue highway-rail grade crossing of the NS’s track, all at a point near railroad milepost DH-418.25 (hereinafter referred to as the “MacArthur Boulevard Extension”). All work is to be completed on or before May 17, 2010.

The original Order authorized that total assistance from the Grade Crossing Protection Fund (“GCPF”) be limited to \$4,481,000. \$2,481,000 in assistance from the GCPF, available in state fiscal year (“FY”) 2006, was authorized with the original Order. \$2,000, 0000 in assistance from the GCPF was to be made available to IDOT in FY 2008.

The original Order directed IDOT to submit a Supplemental Petition requesting the remainder of the GCPF assistance, including evidence to prove that previous contributions from the GCPF have been expended.

### **PETITIONER'S EVIDENCE**

On January 7, 2008, IDOT filed a Supplemental Petition for Additional Relief seeking the remainder of GCPF assistance that was approved for the MacArthur Boulevard Extension project by the original Order dated May 17, 2006.

On January 9, 2008, Staff of the Rail Safety Section of the Commission's Transportation Bureau ("Staff") submitted a Response to IDOT's Supplemental Petition. With the Response Staff indicated that IDOT's Supplemental Petition did not include evidence to prove that previous GCPF contributions had been expended, as required by the original Order dated May 17, 2006. Staff recommended that IDOT submit an Amended Supplemental Petition that includes the required information.

On February 5, 2008, IDOT submitted an Amended Supplemental Petition seeking the remainder of GCPF assistance (\$2,000,000 in FY 08) that was approved for the MacArthur Boulevard Extension project by the original Order dated May 17, 2006. With the Amended Supplemental Petition, IDOT provided as Exhibit "A" evidence to show that previous GCPF contributions for the MacArthur Boulevard Extension project have been expended.

Staff has reviewed the Amended Supplemental Petition, including Exhibit "A", and believes that it is fair and reasonable to approve IDOT's request for the remainder of the GCPF assistance (\$2,000,000) that was approved by the original Order dated May 17, 2006, without a hearing.

### **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 Supplemental Order, are supported by investigation by Commission Staff and are hereby adopted as findings of fact;
- (3) the original Order authorized that total assistance from the Grade Crossing Protection Fund ("GCPF") be limited to \$4,481,000. \$2,481,000 in assistance from the GCPF, available in FY 2006, was authorized with the original Order. \$2,000,000 in assistance from the GCPF was to be made available to IDOT in FY 2008. The original Order directed IDOT to submit a

Supplemental Petition requesting the remainder of the GCPF assistance, including evidence to prove that previous contributions from the GCPF have been expended;

- (4) IDOT submitted a Supplemental Petition requesting the remainder of the GCPF assistance for the project, including evidence to prove that previous contributions from the GCPF have been expended;
- (5) Staff has reviewed IDOT's Supplemental Petition, including Exhibit "A", and believes that it is fair and reasonable to approve the request for the remainder of the GCPF assistance (\$2,000,000) that was approved by the original Order dated May 17, 2006, without a hearing;
- (6) all other terms and conditions of the original Order dated May 17<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 \$2,000,000 in assistance from the Grade Crossing Protection Fund is hereby granted to the Illinois Department of Transportation to complete the required work as set forth in the original Order, dated May 17, 2006.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated May 17, 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 12<sup>th</sup> day of March 2008.



CHARLES E. BOX  
Chairman

