

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Norfolk Southern Railway Company, the City of :
Griggsville, Griggsville Township Road District, and :
the State of Illinois, Department of Transportation. :
:
Stipulated Agreement regarding improving public : T07-0037
safety at the 410th Street (TR 356) and the :
430th/Federal Street highway-rail grade crossings of :
the Norfolk Southern Railway Company's track in :
and near the City of Griggsville, Pike County, :
designated as crossings AAR/DOT #479 521S, :
railroad milepost 480.45-WC and AAR/DOT #479 :
518J, railroad milepost 478.40-WC, respectively. :

FIRST SUPPLEMENTAL ORDER

By the Commission:

PROCEDURAL HISTORY

On June 6, 2007, the Illinois Commerce Commission entered its original Order in the above captioned matter. The City of Griggsville ("City"), Griggsville Township Road District ("Township"), and the Norfolk Southern Railway Company ("Company"), were required to make safety improvements at the 410th Street (TR 356) and the 430th/Federal Street highway-rail grade crossings of the Company's track located in and near the City of Griggsville, designated as crossings AAR/DOT #479 521S, railroad milepost 480.45-WC and AAR/DOT #479 518J, railroad milepost 478.40-WC, respectively, on or before June 6, 2008.

SUPPLEMENTAL PETITION (FOR AN EXTENSION OF TIME) BY PIKE COUNTY ON BEHALF OF TOWNSHIP AND CITY, AND ALSO FROM NORFOLK SOUTHERN RAILWAY COMPANY

On May 20, 2008, Pike County ("County") filed a Supplemental Petition on behalf of the City and the Township for an extension of time to complete the project as required by the Commission in its original Order. With its Supplemental Petition the County is requesting an extension of time of one hundred and eighty (180) days, to and including December 6, 2008, to complete its portion of the project, which consists of reconstructing the existing highway approaches in order to comply with the minimum requirements of 92 Ill. Adm. Code 1535.204. This has been a very wet spring, and the contractor hired by the City and the Township needs dry dirt and dry weather in order to reconstruct the approaches to the required elevation.

On May 27, 2008, Norfolk Southern also filed a Supplemental Petition for an Extension of Time, to and including December 31, 2008, to perform the work required of it in this Order. The Company is required to install automatic flashing light signals and gates at

the 410th Street and 430th Street crossings, as well as raising one of the tracks at the 410th Street crossing. In this case the railroad work is dependent upon completion of the roadway improvements.

STAFF'S POSITION

Staff of the Rail Safety Section has reviewed the Supplemental Petitions submitted by Pike County and the Company, and believes that it is fair and reasonable to grant the City of Griggsville and Griggsville Township, and the Company additional time, to and including December 31, 2008, to complete the work required by the Commission in this docket.

At the 410th Street crossing the Company needs to raise one of the tracks before the Township's contractor can complete the roadway approach reconstruction, and the Company needs to wait for the roadwork to be completed before it can properly install the automatic flashing light signal and gates. This has been a very wet spring and the roadwork has been delayed because of it.

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) Staff believes that the Company will possibly need up to an additional six(6) months to complete the project;
- (4) All other terms and conditions of the original Order dated June 6, 2007, 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 December 31, 2008, is hereby granted to the City of Griggsville and Griggsville Township, and to the Norfolk Southern Railway Company to complete the required work as set forth in the original Order dated June 6, 2007.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated June 6, 2007, 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 25th day of June 2008.



CHARLES E. BOX
Chairman

JUDGE
SECTION CHIEF <i>mES</i>
<i>DWS</i> ORDERS SUPERVISOR