

**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 410<sup>th</sup> Street (TR 356) and the :  
430<sup>th</sup>/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. :

**SECOND 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 410<sup>th</sup> Street (TR 356) and the 430<sup>th</sup>/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.

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 and including December 6, 2008, to reconstruct the existing highway approaches at both crossings, as required by the Commission in its original Order. The County cited the extremely wet conditions in spring 2008 as the primary reason for the delay.

On May 27, 2008, the Company also filed its First Request for Extension of Time, to and including December 31, 2008, to complete the signal installations at both crossings, as well as to raise the south track at the 410<sup>th</sup> Street crossing. The Company stated in its Request that the required railroad work was dependent upon completion of the roadway improvements.

On June 25, 2008, the Commission entered its First Supplemental Order granting the City of Griggsville and Griggsville Township, and the Company additional time, to and including December 31, 2008, to complete the safety improvements required in the Original Order.

**SECOND REQUEST FOR EXTENSION OF TIME BY NORFOLK SOUTHERN RAILWAY COMPANY**

On December 5, 2008, the Company filed its Second Request for Extension of Time, to and including July 31, 2009, to raise the south track at the 410<sup>th</sup> Street crossing. The Company stated in its Request that the required automatic warning device installations have been completed and placed in service at both crossings, but that the required elevation adjustments to the south track cannot be completed before the Ordered December 31, 2008 completion date. Because of continuing wet weather throughout the 2008 construction season, the roadway work at the 410<sup>th</sup> Street crossing was not completed until late October 2008, thus delaying the track adjustment work by the Company. The Company stated in its Second Request for Extension of Time that, due to the winter season, the south track adjustment by the Company and associated final roadway adjustment by the Township at the 410<sup>th</sup> Street crossing cannot occur until spring 2009.

**STAFF'S POSITION**

Staff of the Rail Safety Section has reviewed the Company's Second Request for Extension of Time, and believes that it is fair and reasonable to grant additional time, to and including July 31, 2009, for the Company to complete the required track adjustment and for the Township to complete the associated final roadway adjustment at the 410<sup>th</sup> Street crossing.

**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 Second Supplemental Order, are supported by investigation by Commission Staff and are hereby adopted as findings of fact;
- (3) Staff believes that the Company and the Township will need up to an additional seven (7) months to complete the project;
- (4) The automatic warning devices required in the original Order have been installed and placed in service by Norfolk Southern Railway Company at both subject highway-rail grade crossings;
- (5) The highway approach work required in original Order has been substantially completed at both subject highway-rail crossings, except for

final approach grade adjustments by Griggsville Township Road District at the 410<sup>th</sup> highway-rail grade crossing, to be performed in coordination with Norfolk Southern Railway Company's required track adjustment work at the same location;

- (6) 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 July 31, 2009, is hereby granted to the Norfolk Southern Railway Company and Griggsville Township Road District 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 7<sup>th</sup> day of January 2009.



CHARLES E. BOX  
Chairman

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