

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Norfolk Southern Railway Company, Bear Creek :  
Township Road District, Rick's Township Road :  
District, and the State of Illinois, Department of :  
Transportation. :  
: T07-0045  
Stipulated Agreement regarding improving public :  
safety at the TR 68 and the TR 54 highway-rail grade :  
crossings of the Norfolk Southern Railway :  
Company's track near Palmer and Morrisonville, :  
Christian County, designated as crossings AAR/DOT :  
#480 013Y, railroad milepost 413.24-WA and :  
AAR/DOT #480 015M, railroad milepost 415.00-WA, :  
respectively. :

**SUPPLEMENTAL ORDER**

By the Commission:

**PROCEDURAL HISTORY**

On June 27, 2007, the Illinois Commerce Commission entered its original Order in the above captioned matter. Bear Creek Township Road District ("Bear Creek Township"), Rick's Township Road District ("Rick's Township"), the Norfolk Southern Railway Company ("Company"), and the Illinois Department of Transportation ("IDOT") were required to make safety improvements at the TR 68 and the TR 54 highway-rail grade crossings of the Company's track in Bear Creek Township and Rick's Township, Christian County, respectively, on or before June 27, 2008.

**PETITION FOR SUPPLEMENTAL ORDER BY RICK'S TOWNSHIP**

On December 24, 2008, Rick's Township filed its Petition for Supplemental Order requesting an extension of time to and including June 30, 2009 to complete its portion of the project as required by the Commission in its original Order. The Request stated that Rick's Township attempted to satisfy the requirements of the Commission Order by making improvements to the TR 54 approach pavement, but upon inspection by Commission Staff, the improvements were found to be unacceptable. The Norfolk Southern, Bear Creek Township, and IDOT portions of the project have been completed, leaving only the highway approach work at TR 54 to be completed.

**STAFF'S POSITION**

Staff of the Rail Safety Section has reviewed the Petition for Supplemental Order and believes that it is fair and reasonable to grant Rick's Township additional time, to and including June 30, 2009, to complete the work required of it by the Commission in this docket.

**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 First Supplemental Order, are supported by investigation by Commission Staff and are hereby adopted as findings of fact;
- (3) the Ordered automatic warning devices have been installed and placed in service at both the TR 54 and TR 68 grade crossings;
- (4) all other Ordered safety improvements have been completed by the parties, except that the Ordered approach improvements at TR 54 in Rick's Township are not complete;
- (5) it is fair and reasonable to grant Rick's Township additional time, to and including June 30, 2009, to complete its portion of the project, and;
- (6) all other terms and conditions of the original Order dated June 27, 2007 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 June 30, 2009, is hereby granted to Rick's Township Road District to complete the required work as set forth in the original Order dated June 27, 2007.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated June 27, 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 11<sup>th</sup> day of February 2009.



CHARLES E. BOX  
Chairman

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