

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

City of Danville,  
Petitioner,

v.

CSX Transportation, Inc., and the State of Illinois Department of  
Transportation,  
Respondents.

T06-0003  
2<sup>nd</sup> Supp.

Petition for an Order regarding a separation of grades and  
construction of a new railroad bridge to replace an existing railroad  
bridge of CSX Transportation, Inc., over FAU Route 6998 (Winter  
Avenue), City of Danville, Illinois, apportioning cost thereof and  
directing an appropriate portion thereof to be borne by the Grade  
Crossing Protection Fund.

**SECOND SUPPLEMENTAL ORDER**

By the Commission:

**PROCEDURAL HISTORY**

On January 10, 2007, the Illinois Commerce Commission ("Commission"), entered its Order in this matter that required, among other things, the City of Danville ("City" or "Danville") and CSX Transportation, Inc. ("CSX" or "Railroad"), to construct a highway overpass structure and realign the roadway at the intersection of FAU 6998 (Winter Avenue) and the tracks of CSX Transportation, Inc. (AAR/DOT #353 709T, milepost 121.6-OZA), located in the City of Danville, County of Vermillion, Illinois. In a Supplemental Order entered January 7, 2009, the Commission granted the request of CSX for additional costs incurred for the project. Both the original Order and the Supplemental Order in this case required the project to be been completed on or before March 31, 2009.

Petitioner City of Danville now seeks, in a Petition for Supplemental Order filed March 31, 2009, an extension of time to and including May 31, 2009, within which to complete the Project.

**PETITION FOR SUPPLEMENTAL ORDER**

As support for its request for the extension of time, Danville submits that it proposed additional landscaping for the project to change the slope on the overpass structure from a concrete finish to rip rap. According to the City, completion of the project was delayed while Danville coordinated and sought approval from CSX and Staff for the revised slope work. CSX and Staff have approved the work order change, and Danville is now obtaining pricing from the contractor. According to the City, the rest of

the almost \$13,000,000 project has been completed, and the two month extension of time is reasonable and necessary to complete the remaining portion of the project.

**STAFF'S AND RESPONDENTS' POSITION**

Staff, CSX Transportation, Inc., and the Illinois Department of Transportation have all filed Responses to the Petition for Supplemental Order, indicating that Staff and Respondents have no objections to the request for a two-month extension of time to complete the project.

**FINDINGS AND ORDERING PARAGRAPHS**

The Commission, having given due consideration to the record in this case and the Petition for Supplemental Order and Responses filed thereto, finds that:

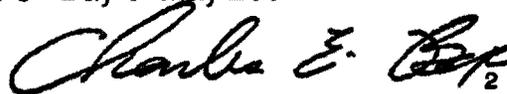
- (1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) the recitals of fact as set forth in the prefatory portion of this Second Supplemental Order are true and correct and are hereby adopted as findings of fact;
- (3) the completion date of the project shall be May 31, 2009;
- (4) all other terms and conditions of the original Order entered January 10, 2007 and the Supplemental Order entered January 7, 2009 in this case should remain in full force and effect, except as modified herein.

IT IS THEREFOR ORDERED that the completion date for the project herein shall be May 31, 2009.

IT IS FURTHER ORDERED that all terms and conditions of the original Order in this case, entered on January 10, 2007, and the Supplemental Order entered January 9, 2009, shall remain in full force and effect, except as modified herein.

IT IS FURTHER ORDERED that subject to Sections 18c-2201 and 18c-2206 of the Illinois Commercial Transportation Law, this is a final decision subject to the Illinois Administrative Review Law.

By Order of the Commission this 6<sup>th</sup> Day of May 2009.



CHARLES E. BOX  
CHAIRMAN

JUDGE
SECTION CHIEF
 ORDERS SUPERVISOR