

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Norfolk Southern Railway Company, City of :
Bloomington, and the State of Illinois, Department of :
Transportation. :
:
:
Stipulated Agreement regarding improving public : T08-0163
safety at the 1800E Road highway-rail grade crossing :
of the Norfolk Southern Railway Company's track in :
Bloomington, McLean County, Illinois, designated as :
crossing AAR/DOT #475 029K, railroad milepost :
370.50-NL. :

SUPPLEMENTAL ORDER

By the Commission:

PROCEDURAL HISTORY

On December 17, 2008, the Illinois Commerce Commission entered its original Order in the above captioned matter. The City of Bloomington ("City") and the Norfolk Southern Railway Company ("Company") were required to make safety improvements at the 1800E Road highway-rail grade crossing of the Company's track in Bloomington, McLean County, Illinois. All work was to be completed within twelve (12) months of the Commission's Order (i.e., on or before December 17, 2009).

CITY OF BLOOMINGTON'S PETITION FOR SUPPLEMENTAL ORDER

On November 19, 2009, the City of Bloomington filed a Petition for Supplemental Order seeking an extension of time, to and including June 30, 2010, to complete the City's portion of the project as required by the Commission in its original Order. The Petition stated that the City has made extensive coordination efforts with the Company, but the City is still awaiting the Company's approval of a right-of-entry permit and railroad protective liability insurance. The Petition further stated that, due to the coming winter season, the City cannot begin the ordered approach improvements until spring of 2010.

STAFF'S POSITION

Staff of the Rail Safety Section has reviewed the City's Petition for Supplemental Order and believes that it is fair and reasonable to grant the City of Bloomington additional time, to and including June 30, 2010, to complete the work required of it by the Commission in this docket. Staff has requested that the Company expedite its right-of-entry and protective liability insurance approval processes for this project.

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 required automatic warning devices have been installed and placed in service by the Company at the 1800E Road grade crossing;
- (4) The required highway approach improvements at 1800E Road grade crossing are not complete;
- (5) It is fair and reasonable to grant the City of Bloomington additional time, to and including June 30, 2010, to complete its portion of the project, and;
- (6) All other terms and conditions of the original Order dated December 17, 2008 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, 2010, is hereby granted to the City of Bloomington to complete the required work as set forth in the original Order dated December 17, 2008.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated December 17, 2008, 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 16th day of December 2009.



CHARLES E. BOX
CHAIRMAN

JUDGE
SECTION CHIEF <i>MES</i>
ORDERS SUPERVISOR