

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company, North Muddy Road District, :
and the State of Illinois, Department of Transportation. :
: T09-0133
Stipulated Agreement regarding improving public safety at the :
1200th Avenue highway-rail grade crossing of the Illinois Central :
Railroad Company's track near Wheeler, Jasper County, :
designated as crossing AAR/DOT #313 640R, railroad milepost :
160.02. :

ORDER

By the Commission:

On August 20, 2009, August 26, 2009, September 22, 2009, and November 19, 2009, Staff of the Illinois Commerce Commission ("Commission"), North Muddy Road District ("Road District"), the State of Illinois, Department of Transportation ("Department" or "IDOT"), and the Illinois Central Railroad Company ("Company"), respectively, executed Stipulated Agreement 1418 according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law. The Stipulated Agreement, which is appended hereto, provides for payment from the Grade Crossing Protection Fund, the Company, and IDOT to the Road District for the voluntary closure of the 1200th Avenue highway-rail grade crossing of the Company's track near Wheeler, Jasper County, designated as crossing AAR/DOT #313 640R, railroad milepost 160.02. Stipulated Agreement 1418 contains a division of cost among the parties.

The Commission, having given due consideration to the Stipulated Agreement, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The physical characteristics of the subject highway - railroad grade crossing, rail and highway volumes and speeds are indicated on Exhibit A of the Stipulated Agreement appended hereto;
- (3) North Muddy Road District has submitted a vacation ordinance for the 1200th Avenue roadway, effective upon execution of this Order by the Commission.
- (4) The parties agree that in the interest of public safety the voluntary crossing closure work (hereafter referred to as the closure), as set forth in Section 2 of the Stipulated Agreement, appended hereto, should be performed;

- (5) The cost of the voluntary crossing closure work should be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, in accordance with the Law;
- (6) It is fair and reasonable that the Secretary of the Illinois Department of Transportation through Federal Funding and the Grade Crossing Protection Fund of the Motor Fuel Tax Law and the Illinois Central Railroad Company and the be directed to pay their respective portions of the cost of the closure as set forth in Section 5 of the Stipulated Agreement, appended hereto;

IT IS THEREFORE ORDERED that the terms of Stipulated Agreement 1418, executed by the Staff of the Commission, North Muddy Road District, the State of Illinois, Department of Transportation, and the Illinois Central Railroad Company on August 20, 2009, August 26, 2009, September 22, 2009, and November 19, 2009, respectively, be, and they are hereby accepted and required to be met by all the parties.

IT IS FURTHER ORDERED that the vacation ordinance submitted by the North Muddy Road District is hereby effective and the 1200th Avenue roadway within the Illinois Central Railroad Company right-of-way is hereby vacated.

IT IS FURTHER ORDERED that the Illinois Central Railroad Company and the North Muddy Road District are each hereby required and directed to proceed immediately in performing the work set forth in Section 2 of the Stipulated Agreement, appended hereto and shall complete the work within sixty (60) days from the date of this Order.

IT IS FURTHER ORDERED that the cost of performing the voluntary crossing closure work herein required shall be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, as set forth in Section 5 of the Stipulated Agreement, appended hereto.

IT IS FURTHER ORDERED that any person making a Request for an Extension of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing and Information no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

IT IS FURTHER ORDERED that any person making a Request for an Extension of Time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing and Information no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions for Supplemental Orders.

IT IS FURTHER ORDERED that requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request for Extension of Time or a Petition for Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered timeframe.

IT IS FURTHER ORDERED that the Commission or its Administrative Law Judge reserves the right to deny Petitions for Supplemental Orders and Requests for Extension of Time, if the reason(s) supporting the request is (are) insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision 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