

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The Village of Tinley Park and the County of Cook,  
Petitioners,

v.

The Northeast Illinois Regional Commuter Railroad Company,  
d/b/a METRA,  
Respondent.

T06-0112  
2<sup>nd</sup> Supp.

Petition for an Order of the Illinois Commerce Commission  
authorizing the establishment of a new grade crossing at 183<sup>rd</sup>  
Street extended with the tracks of the Northeast Illinois Regional  
Commuter Railroad Company, d/b/a METRA, in the Village of  
Tinley Park, Illinois, directing the installation of automatic flashing  
light signals and gates, and dividing the cost of installation among  
the Parties.

**SECOND SUPPLEMENTAL ORDER**

By the Commission:

**PROCEDURAL HISTORY**

On May 2, 2007, the Commission issued an Order approving construction of a new at-grade crossing of 183rd Street with the Metra Joliet-Chicago Rail Line in Tinley Park, including installation of automatic flashing lights and gates, and an adjacent pedestrian crossing with automatic gates within the at-grade crossing (the "Project"). Pursuant to the terms of the Order, construction of the project was to be completed within 12 months, or by May 1, 2008.

On June 4, 2008, upon a joint request filed by Tinley Park and Metra, the Commission issued a Supplemental Order permitting an extension of the completion date for the project up to and including November 30, 2009.

Tinley Park now seeks, in a Petition for a Second Supplemental Order, authorization to extend the time until August 31, 2010 to complete the project. The Petition is joined by Respondent Northeast Illinois Regional Commuter Railroad Company d/b/a METRA, and agreed to by Petitioner Cook County.

**PETITIONER TINLEY PARK'S STIPULATED FACTS**

Tinley Park submits, as shown in the Commission's May 2, 2007 Order and June 4, 2008 Supplemental Order, that the at-grade crossing is part of a larger project

involving the widening and reconstruction of 183rd Street from U.S. Route 45, which is LaGrange Road, on the west end of the project, to 80th Avenue on the east end of the larger project. The widening and reconstruction of 183rd Street from LaGrange Road to 80th Avenue, including construction of the new at-grade crossing that is the subject of the Commission's prior Order, is to be funded through a combination of funding sources that include the Illinois Department of Transportation ("IDOT"), Tinley Park, the South Suburban Mayors and Managers Association and Cook County. According to Tinley Park, the widening and reconstruction of 183rd Street is part of a broader regional transportation plan designed to convert 183rd Street into a strategic east-west regional artery to alleviate traffic congestion and meet current and projected traffic between Wolf Road in Orland Park to Harlem Avenue in Tinley Park.

Despite the best good faith efforts of all concerned, the process of obtaining a final right of way acquisition, necessary approvals, and ultimately an award of the contract by Cook County has taken longer than anticipated. Preliminary work on relocation of utilities began in June 2009, but the contract award by Cook County did not occur until September 1, 2009, when Cook County awarded the widening and reconstruction work to Concrete Structures of the Midwest Inc., 1845 Western Drive, West Chicago, IL 60185-1791. Concrete Structures began construction work shortly thereafter, with an anticipated completion date later next year. Tinley Park anticipates that the grade crossing work will be done toward the end of the project to reduce the amount of traffic moving through the construction zone, thus requiring a final completion date on or before August 31, 2010.

### **PARTIES' POSITIONS**

As indicated above, METRA joins in the request for extension of time filed by Tinley Park. Additionally, Tinley Park submits that Cook County has advised the Village that it does not oppose this request for additional time within which to complete the project.

### **STAFF'S POSITION**

Staff has no objections to the request for additional time, to and including August 31, 2010, within which to complete the project.

### **COMMISSION ANALYSIS AND CONCLUSION**

The Commission is of the opinion that the request for additional time to complete the project is reasonable under the circumstances, and should be granted.

### **FINDINGS AND ORDERING PARAGRAPHS**

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

- 1) the Commission has jurisdiction over the Parties and subject matter of this proceeding;

- 2) the recitals of fact set forth above are true and correct and are hereby adopted as findings of fact;
- 3) the completion date for the project should be extended to August 31, 2010; and,
- 4) all other terms and conditions of the original Order entered May 2, 2007 and Supplemental Order entered June 4, 2008, shall remain in full force and effect, except as modified herein.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission, that the time for construction of the new 183rd Street public at-grade crossing of Metra's track in the Village of Tinley Park, Illinois, shall be extended up to and including August 31, 2010.

IT IS FURTHER ORDERED that the Commission shall retain jurisdiction for the purpose of issuing any Supplemental Order or Orders as it may deem necessary.

IT IS FURTHER ORDERED that in accordance with Chapter 625 ILCS 5/18c-2201 and 5/18c-2206 of the Illinois Commercial Transportation Law, this is a final Order subject to the Administrative Review Law.

By Order of the Commission this 7th day of April 2010.



MANUEL FLORES  
ACTING CHAIRMAN

JUDGE
SECTION CHIEF
ORDERS SUPERVISOR