

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CSX Transportation, Inc., Pleasant Mound Township Road :
District, and the State of Illinois, Department of Transportation. :
: T09-0040
Stipulated Agreement regarding improving public safety at the :
King Road highway-rail grade crossing of the CSX :
Transportation's track near Smithboro, Bond County, designated :
as crossing AAR/DOT #546 513J, railroad milepost 184.20-QS. :

SUPPLEMENTAL ORDER

By the Commission:

PROCEDURAL HISTORY

On April 22, 2009, the Illinois Commerce Commission ("Commission") entered its original Order in this case directing, among other things, CSX Transportation, Inc. ("CSX") to install automatic flashing light signals and gates controlled by constant warning time circuitry at the King Road highway-rail grade crossing of CSX's track located near Smithboro, Bond County. All work was to be completed within twelve months (12) of the Order date.

PETITIONER'S EVIDENCE

On April 21, 2010, CSXT filed its First Supplemental Petition stating that, due to technical problems with the existing microcode circuits, it was unable to complete the project by the original April 22, 2010 completion date. Therefore, CSX requests an extension of time, to and including October 22, 2010, within which to complete the work required by the Original Order.

STAFF'S POSITION

Staff of the Rail Safety Section has reviewed CSX's Petition for Supplemental Order and believes the request for additional time, to and including October 22, 2010, is reasonable and should be approved without hearing.

FINDINGS AND ORDERING PARAGRAPHS

The Commission, having given due consideration to the record in this case and the Petition for Supplemental Order, 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 the Petition for Supplemental Order and are hereby adopted as findings of fact;
- (3) CSX Transportation's request for an extension of time, to and including October 22, 2010 is fair and reasonable and should be granted;
- (4) All other terms and conditions of the original Order entered April 22, 2009 in this case should remain in full force and effect, except as modified herein.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that an extension of time, to and including October 22, 2010, is hereby granted to CSX Transportation, Inc. within which to complete the installation of automatic flashing light signals and gates controlled by constant warning time circuitry as set forth in the original Order dated April 22, 2009.

IT IS FURTHER ORDERED that all terms and conditions of the original Order, dated April 22, 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 2nd day of June 2010.



MANUEL FLORES
ACTING CHAIRMAN

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