

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission  
On Its Own Motion

v.

T03-0089

CSX Transportation, Inc., the City of Chicago, the City of Blue Island,  
the Village of Evergreen Park, Cook County, and the State of Illinois,  
Department of Transportation.

Citation with respect to improving public safety at the 123<sup>rd</sup> Street  
(DOT 163 421L), 119<sup>th</sup> Street (DOT 163 422T), 115<sup>th</sup> Street (DOT  
163 423A), 113<sup>th</sup> Street (DOT 163 424G), 111<sup>th</sup> Street (DOT 163  
425N), 109<sup>th</sup> Street (DOT 163 426V), 107<sup>th</sup> Street (DOT 163 427C),  
105<sup>th</sup> Street (DOT 163 429R), 104<sup>th</sup> Street (DOT 163 430K), 99<sup>th</sup>  
street (DOT 163 432Y) and 91<sup>st</sup> Street (DOT 163 436B) public  
highway-rail grade crossings of CSX Transportation's tracks located  
in Cook County, Illinois, by the installation of four quadrant gate  
systems and by providing any further relief the Commission may  
deem necessary, dividing the cost among the Parties and the  
Commission.

**THIRD SUPPLEMENTAL ORDER**

By the Commission:

**PROCEDURAL HISTORY**

This case began with a Citation filed by the Illinois Commerce Commission ("Commission") requiring that CSX Transportation, Inc. ("CSXT" or "Railroad") show cause why it should not be ordered to make signal upgrades at the above-captioned eleven (11) crossings located in Cook County, Illinois. Following hearings held on the Citation, the Parties and Commission Staff agreed to an Interim Order resolving almost all issues raised in the Citation. The Commission approved the agreement, and entered an Interim Order to that effect on November 23, 2003. The Interim Order approved a demonstration project, concerning the installation of four-quadrant gate systems at the subject crossings. In particular, the performance of the vehicle detection component of the four-quadrant gate system was to be evaluated. The preliminary project cost total of \$2,275,000 was funded 100% by a Capitol Development Fund grant.

On June 6, 2007, the Commission entered a Second Supplemental Interim Order approving that an additional project cost of \$255,704 be reimbursed to CSXT, from the Grade Crossing Protection Fund ("GCPF"), and that the demonstration period of the

project be extended to July 1, 2010, during which time, the performance of the four-quadrant gate systems would continue to be evaluated.

The demonstration period of this project ended on July 1, 2010.

### **STAFF'S POSITION**

Staff of the Commission's Rail Safety Section believes it is appropriate for the demonstration period of the project to end on July 1, 2010. Staff further believes the four-quadrant gate systems, including the vehicle detection components, have performed well and have provided enhanced public safety at the crossing locations. Therefore, Staff recommends, at the conclusion of the demonstration period, CSXT should administer the maintenance responsibility of the vehicle detection component as part of the four-quadrant gate systems at the subject crossings.

In addition, CSXT may request reimbursement from the GCPF, per Public Act 96-0034, for future costs incurred for administering the maintenance of the in-pavement inductive detector loops. Payment would then be authorized through a subsequent Order(s) upon submittal and review of evidence to support the actual maintenance costs, subject to approval by the Commission.

Staff prepared a draft Order concerning the conclusion of the demonstration period of this project and submitted the draft to the Parties by electronic mail on July 22, 2010, advising that, if there were no objection, Staff would request the Order be entered by the Commission without a hearing.

### **POSITIONS OF THE PARTIES**

As of September 8, 2010, all Parties, except the City of Chicago, have responded to Staff's draft Order and represented that they have no objection to entry of the draft Order as the Order of the Commission. The City of Chicago has not filed an objection to the draft Order.

### **COMMISSION ANALYSIS AND CONCLUSIONS**

The Commission finds that the demonstration period has successfully ended and that the four-quadrant gate systems, including the vehicle detection components, have performed well and have provided enhanced public safety at the crossing locations. It is therefore reasonable and in the public interest to require CSXT to administer the maintenance responsibility of the vehicle detection component as part of the four-quadrant gate systems at the subject crossings.

### **FINDINGS AND ORDERING PARAGRAPHS**

The Commission, having given due consideration to the entire record in this matter, 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 Order are supported by the record and are hereby adopted as findings of fact;
- (3) the four-quadrant gate systems have performed well and have provided enhanced public safety at the aforesaid highway-rail crossings;
- (4) administration of the maintenance responsibility of the vehicle detection components should be assumed by the Railroad, effective July 1, 2010, the end of the demonstration period;
- (5) all other terms and conditions of the Interim Order, dated November 25, 2003, Supplemental Interim Order dated May 26, 2004, Order dated February 2, 2005, and Second Supplemental Interim Order dated June 6, 2007 are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that, effective July 1, 2010, CSX Transportation, Inc., be responsible for administering the maintenance of the vehicle detection component of the four-quadrant gate warning systems at the aforesaid highway-rail crossings.

IT IS FURTHER ORDERED that all other terms and conditions of the Interim Order, dated November 25, 2003, Supplemental Interim Order dated May 26, 2004, Order dated February 2, 2005, and Second Supplemental Interim Order dated June 6, 2007 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 subject to the Administrative Review Law.

By Order of the Commission this 6th day of October 2010.



MANUEL FLORES  
ACTING CHAIRMAN

JUDGE
SECTION CHIEF
ORDERS SUPERVISOR