

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

BNSF Railway Company, Mound Township Road District, :
McDonough County Highway Department, and the State of :
Illinois, Department of Transportation. :
:
:
Stipulated Agreement regarding improving public safety at the TR : T09-0081
95 highway-rail grade crossing of BNSF Railway Company's :
track near Bushnell, McDonough County, designated as crossing :
AAR/DOT #063 789M, railroad milepost 193.08-LS11. :

SUPPLEMENTAL ORDER

By the Commission:

PROCEDURAL HISTORY

On July 29, 2009, the Illinois Commerce Commission ("Commission") entered its original Order in this case directing, among other things, Mound Township Road District ("Road District") to reconstruct the highway approaches at the TR 95 highway-rail grade crossing of BNSF Railway Company's track located near Bushnell, McDonough County. All work was to be completed within twelve months (12) of the Order date.

PETITIONER'S EVIDENCE

On July 26, 2010, the Road District filed its First Supplemental Petition stating that, due to extreme wet conditions, it will be unable to complete the project by the original July 29, 2010 completion date. Therefore, the Road District requests an extension of time, to and including July 29, 2011, within which to complete the work required by the Original Order.

STAFF'S POSITION

Staff of the Rail Safety Section has reviewed the Road District's Petition for Supplemental Order and believes the request for additional time, to and including July 29, 2011, 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) Mound Township Road District's request for an extension of time, to and including July 29, 2011 is fair and reasonable and should be granted;
- (4) All other terms and conditions of the original Order entered July 29, 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 July 29, 2011, is hereby granted to the Mound Township Road District within which to complete the reconstruction of the highway approach grades to meet the minimum requirements of 92 Ill. Adm. Code 1535 as set forth in the original Order dated July 29, 2009.

IT IS FURTHER ORDERED that all terms and conditions of the original Order, dated July 29, 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 20th day of October 2010.



MANUEL FLORES
ACTING CHAIRMAN

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