

Docket Number: T10-0121

Bench Date: 12/19/2012

Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Michael E. Stead, Rail Safety Program Administrator

DATE: December 5, 2012

SUBJECT: Illinois Railway, Incorporated, the Scott Township Highway Department, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the Junction Road highway-rail grade crossing of the Company's track near Holcomb, Ogle County, Illinois, designated as crossing AAR/DOT #070 061G, railroad milepost 10.17-BNSFF.

RECOMMENDATION: Enter Order approving the Third Supplemental Petition for additional Grade Crossing Protection Fund assistance.

On August 18, 2010, the Illinois Commerce Commission entered its original Order, subsequent to Stipulated Agreement 1482, in the above captioned matter. Illinois Railway (IR) was required and directed to install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, at the Junction Road grade crossing near Holcomb, Ogle County. The original Order contained a division of cost among the parties and all work was to be completed on or before August 18, 2011.

On October 31, 2011, the IR filed its Supplemental Petition requesting an extension of time, to and including July 30, 2012, to complete the work required of it. On December 7, 2011, the Commission entered its Supplemental Order granting the Company an extension of time.

On July 25, 2012, the IR filed its Second Supplemental Petition requesting an additional extension of time, to and including July 30, 2013, to complete the work required of it and on August 15, 2012, the Commission entered its Second Supplemental Petition granting the company an extension of time.

On November 19, 2012, the Scott Township Highway Department (Township) filed its supplemental Petition to Reopen and Issue Supplemental Order requesting the Commission increase the Grade Crossing Protection Fund (GCPF) assistance to cover

\$11,803, or one half, of the Township's portion of the project cost. The Township's supplemental Petition cited a decrease in revenues as the reason for their request.

Staff has reviewed the Petition and found that the Township's claims are substantiated by the Exhibits. Township revenues have been reduced by over \$50,000 below the revenues received in 2010, prior to the issuance of the original Order. The Township is still willing to assume a reasonable share of the project costs.

I recommend entry of the attached Third Supplemental Order, which includes a revised division of costs to show the GCPF will pay 90% of the actual cost to install automatic flashing light signals and gates, controlled by constant warning time circuitry, not to exceed \$212,454, with the Township responsible for 5% of the actual installation costs, not to exceed \$11,803.

All other terms and conditions of the original Order, dated September 22, 2010, the Supplemental Order, dated December 7, 2011, and the Second Supplemental Order, dated August 15, 2012, are reaffirmed.

Attachment
JJV