

**Docket Number:** T12-0099  
**Bench Date:** 12/19/12  
**Deadline:** N/A

**MEMORANDUM**

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**TO:** The Commission

**FROM:** Michael E. Stead, Railroad Safety Program Administrator

**DATE:** December 5, 2012

**SUBJECT:** Norfolk Southern Railway Company, Rome Township Road District, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the Ebenezer Road/1875N highway-rail grade crossing of the Norfolk Southern Railway Company's track near Dix, Jefferson County, Illinois, designated as crossing AAR/DOT #724 808S, railroad milepost 80.98-W.

**RECOMMENDATION:** Enter Supplemental Order.

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On June 26, 2012, the Illinois Commerce Commission entered its original Order in the above captioned matter. Rome Township and Norfolk Southern were required to make safety improvements at the Ebenezer Road/1875N grade crossing. All work was to be completed on or before June 26, 2013. On July 30, 2012, NS reported that temporary STOP signs had been installed at the crossing within 30 days of the original Order date, as required.

Section 3, Page 2 of Stipulated Agreement 1667 (SA 1667), which was appended and made part of the original Order, required that NS submit detailed drawings, circuit plans, cost estimates and any required specifications for the Company's proposed improvements within ninety days of the date of the Commission Order approving SA 1667. On August 10, 2012, these items were submitted by NS and received by Staff for preliminary review and comment prior to NS filing a formal Form 3 Petition.

Upon Staff's preliminary review of NS's general layout and circuitry plans, it was discovered that public safety could be further enhanced by consolidating into one new cabin certain trackside equipment contained in a separate existing cabin immediately adjacent to the proposed new cabin location. This action would eliminate the existing cabin and remove it as a potential sight obstruction for motorists at the crossing. Staff requested that NS provide an estimate to perform this previously un-contemplated work. NS provided an estimate in the amount of \$80,000 for the additional work. NS's original estimate for the work that did not include consolidation of the equipment into a single cabin, as approved by SA 1667, was \$229,465. Thus, the NS's new total estimated cost is \$309,465.

The previously agreed cost division in Section 5 of SA 1667 had the GCPF being used to reimburse NS for 95% of the installation costs, not to exceed \$217,992, with NS to assume the remaining 5%, or \$11,473. Upon subsequent discussion with Staff, NS agreed that the company should pay 15% of the new total estimated cost of \$309,465 in the amount of \$46,420, and the GCPF should pay 85%, not to exceed \$263,045. NS will pay a larger percentage of the installation cost, which was agreed to by NS and Staff, because the existing trackside equipment to be consolidated into the new cabinet is not related to the proposed automatic warning devices.

Staff has reviewed NS's revised estimate and is of the opinion that public safety would be significantly enhanced by consolidating into one new cabin the trackside equipment currently contained in a separate existing cabin located immediately adjacent to the proposed new signal cabin location, thereby removing the existing cabin as a potential sight obstruction for motorists at the crossing. Staff believes it is fair and reasonable that the GCPF be used to pay 85% of the revised total project cost of \$309,465, not to exceed \$263,045. Staff recommends that all remaining costs, including all future operation and maintenance costs, be the responsibility of NS.

I recommend entry of the attached Supplemental Order.

Attachment  
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