

**Docket Number:** T11-0082  
**Bench Date:** 12/4/2013  
**Deadline:** N/A

**MEMORANDUM**

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**TO:** The Commission

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

**DATE:** November 20, 2013

**SUBJECT:** Iowa Interstate Railroad, Ltd., the City of Rock Island, and the State of Illinois, Department of Transportation

Stipulated Agreement regarding improving public safety at the 6<sup>th</sup> Avenue highway-rail grade crossing of Iowa Interstate Railroad's track in Rock Island, Rock Island County, Illinois, designated as crossing AAR/DOT #605 903K, railroad milepost 183.58-RIP.

**RECOMMENDATION:** Enter Supplemental Order.

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On June 2, 2011, the Commission entered its original Order in the above captioned matter. The City of Rock Island (City) and Iowa Interstate Railroad (Railroad) were required to make safety improvements at the 6<sup>th</sup> Avenue grade crossing in Rock Island, Rock Island County. All work was to be completed on or before June 2, 2012. On June 16, 2011, the Railroad reported that the required temporary stop signs were installed on June 15, 2011. A site inspection on December 15, 2011, conducted by a representative of the Commission's Railroad Safety Staff (Staff), found that the Railroad's automatic warning devices had been installed and placed in service, and the City's required railroad advance warning pavement markings and signage were also installed. During the inspection, Staff noted that the standard automatic flashing light signal unit for westbound traffic on 6<sup>th</sup> Avenue was partially obscured by the presence of power poles. Staff also noted that it would be beneficial to include a sidelight signal unit aimed for vehicles turning from southbound Mill Street onto eastbound 6<sup>th</sup> Avenue.

Based on Staff's inspection of the warning device layout as installed and placed in service by the Railroad, Staff recommended that the Railroad prepare and submit signal layout plan revisions to include the addition of a cantilever signal to eliminate the view obstruction presented by the power poles along westbound 6<sup>th</sup> Avenue. Staff also recommended that the Railroad's revised plans include sidelights aimed for vehicles turning from southbound Mill Street onto eastbound 6<sup>th</sup> Avenue. On June 7, 2012, and July 28, 2012, the Railroad submitted its Form 3 Petition and Revised Plans, respectively, which were approved by Commission X-resolution, dated July 31, 2012. On April 9, 2013, Staff performed a final signal inspection. Staff found the Railroad's modified warning devices to be installed and functioning as designed at that time.

On July 26, 2013, the Railroad filed a Petition for a Supplemental Order (Petition) requesting additional Grade Crossing Protection Fund (GCPF) assistance for cost overruns incurred due to the unanticipated need to add the cantilever signal and sidelights.

The Railroad stated in its Petition that it incurred \$217,334.94 in actual costs to complete the required improvements, which is \$24,030.94 in excess of the initial total estimated amount of \$193,304 in Commission Stipulated Agreement (SA) 1574. The Railroad provided documentation of its actual costs incurred with its Petition for additional GCPF. The Railroad requested reimbursement for the overruns in accordance with the agreed cost division in SA 1574 (85% GCPF; 10% City; 5% Railroad). On August 15, 2013, the Illinois Department of Transportation (Department) filed its Response to the Railroad's Petition, stating no objection to the request for additional GCPF assistance in accordance with the approved SA 1574 cost division and requesting entry of a Commission Order granting the Petition without the need for a Hearing. The City of Rock Island did not file a Response or present any objection to the Railroad's Petition.

Staff of the Commission's Rail Safety Section has reviewed the Railroad's documentation and the Department's Response, and believes it is fair and reasonable that additional GCPF assistance should be approved using the same cost division used in Stipulated Agreement 1574 (85% GCPF; 10% City; 5% Railroad). The Agreement contains a GCPF "not to exceed" limit of \$164,308 for the work required of the railroad. However, Section 5, Note 1 of the Stipulated Agreement also states "*any installation costs above the total estimated amount of \$193,304 will be divided between the GCPF, the Company, and the City in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.*"

Staff recommends that additional GCPF assistance should be approved to pay 85% of the \$24,030.94 in additional costs incurred by the Railroad in an amount not to exceed \$20,426.30. Staff further recommends that the additional GCPF amount should be final and no further GCPF assistance should be allowed in this docket.

Staff recommends that the City should pay 10% of the \$24,030.94 cost overrun, in the amount of \$2,403.09. Staff further recommends that the Railroad pay all remaining installation costs plus all future operation and maintenance costs associated with the automatic warning devices. I recommend entry of the attached Supplemental Order.

Attachment  
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