

Docket Number: T12-0056
Bench Date: 2/20/14
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Michael E. Stead, Railroad Safety Program Administrator

DATE: February 6, 2014

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

Stipulated Agreement regarding improving public safety at the Farmingdale Road/TR 124 highway-rail grade crossing of the Norfolk Southern Railway Company's track near Curran, Sangamon County, Illinois, designated as crossing AAR/DOT #479 357R, railroad milepost DH-424.72.

RECOMMENDATION: Enter Second Supplemental Order Approving Additional Grade Crossing Protection Fund Assistance.

On May 2, 2012, the Commission entered its original Order in the above captioned matter. Curran Township (Township) and Norfolk Southern (NS) were required to make safety improvements at the Farmingdale Road/TR 124 grade crossing near Curran, Sangamon County. All work was to be completed on or before May 2, 2013.

On April 23, 2013, NS filed a Request for Extension of Time, to and including July 1, 2013, to complete the required work. The additional time was requested due to the unanticipated need to "plow-in" over one mile of electrical cable with additional step-up and step-down transformers to supply power for the required automatic warning devices. NS stated in its request that it anticipated additional costs beyond the costs originally estimated and approved by the Commission's original Order in this docket, but would wait until final costs were known to request additional GCPF assistance at the time of final billing. The Township concurred with the NS request and requested an identical time extension, to and including July 1, 2013, for the completion of its required roadway approach improvements. The Township cited extraordinarily wet weather in the spring of 2013, as well as their desire to coordinate the approach improvements as closely as possible with NS's completion of the warning devices. On June 5, 2013, the Commission entered a Supplemental Order granting the requested extensions of time to NS and the Township to complete the work required of each.

On June 6, 2013, NS reported that its required automatic warning devices were placed in service on June 5, 2013. On June 26, 2013, the Township reported that its required roadway approach improvements were completed and opened to public travel as of that date, pending later application of a final chip seal roadway surface not required by the Commission's Order.

On August 23, 2013, a representative of the Commission's Rail Safety Section (Staff) performed an inspection of the crossing and found the automatic warning devices to be located properly and functioning correctly per the design approved by X-resolution.

On February 3, 2014, NS filed a Petition for a Second Supplemental Order (Petition) requesting additional GCPF assistance for cost overruns incurred due to the reasons noted in its previous request for a time extension. NS stated that it incurred \$251,880.42 in final actual costs to complete the required improvements, which is \$54,616.42 in excess of the initial total estimated amount of \$197,264 in Commission Stipulated Agreement (SA) 1650. NS provided documentation of its final actual costs incurred with its Petition for additional GCPF assistance, and requested reimbursement for the overruns using the same cost division outlined in SA 1650 (95% GCPF; 5% NS).

Staff has reviewed NS's Petition and supporting documentation and believes it is fair and reasonable that additional GCPF assistance should be approved to pay 95% of the \$54,616.42 in additional costs incurred by NS, in an amount not to exceed \$51,885.40. Staff further recommends that the additional amount of GCPF assistance should be final and no further assistance should be allowed in this docket.

I recommend entry of the attached Second Supplemental Order.

Attachment
AT