

Docket Number: T11-0007
6th Supplemental
Bench Date: 7/09/2014
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Michael E. Stead, Railroad Safety Program Administrator

DATE: June 25, 2014

SUBJECT: CSX Transportation, Inc., Union Pacific Railroad Company, Mound Township Road District, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the N. 100th Street highway-rail grade crossing of CSX Transportation Inc.'s and Union Pacific Railroad Company's tracks near Altamont, Effingham County, designated as crossing AAR/DOT #507 896H, railroad milepost 154.12-CRA and AAR/DOT #167 928V, railroad milepost 220.91-CC, respectively.

RECOMMENDATION: Enter Sixth Supplemental Order approving Increase in Cost.

On February 9, 2011, the Commission entered its Original Order in this matter requiring, among other things, CSX Transportation (CSX) and Union Pacific Railroad Company (UP) to install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, at the N. 100th Street highway-rail grade crossing located near Altamont, Effingham County. All work was to be completed within twelve (12) months of the Order date.

On September 23, 2011, CSX filed its First Supplemental Petition stating that, due to technical problems with the existing signal control circuitry, the company was unable to complete the project by the required completion date of February 9, 2012. CSX requested an extension of time, to and including May 30, 2012, within which to complete the work required by the Original Order. On October 18, 2011, the Commission entered its First Supplemental Order, granting CSX an extension of time, to and including May 30, 2012, to complete the required work.

On February 21, 2012, Mound Township Road District filed its First Supplemental Petition for Extension of Time stating that, due to weather, it was unable to complete the project by the original completion date of February 9, 2012. The Road District requested an extension of time, to and including August 9, 2012, within which to

complete the work required by the Original Order. On March 7, 2012, the Commission entered its Second Supplemental Order, granting the Road District an extension of time, to and including August 9, 2012, to complete the required work.

On May 30, 2012, CSX filed its Second Supplemental Petition stating that its circuit design contractor was unable to complete the required design and the company had to retain another contractor to complete the design work. In addition, CSX experienced issues with two other railroads at rail-rail intersections which delayed completion of the design work. Accordingly, the company was unable to complete the project by the required completion date of May 30, 2012. CSX requested an extension of time, to and including August 31, 2012, within which to complete the work required by the Original Order. On June 27, 2012, the Commission entered its Third Supplemental Order, granting the CSX an extension of time, to and including August 31, 2012, to complete the required work.

On December 6, 2012, CSX filed its Third Supplemental Petition stating that interlocking incompatibility and design requirements to update from microcode to electrocode signal control circuitry delayed the completion of this project. In addition, CSX experienced issues with power connections along the road in proximity to the crossing between the local power company and a property owner. Accordingly, the company was unable to complete the project by the required completion date of August 31, 2012. CSX requested an extension of time, to and including March 31, 2013, within which to complete the work required by the Original Order. On January 9, 2013, the Commission entered its Fourth Supplemental Order, granting the CSX an extension of time, to and including March 31, 2013, to complete the required work.

On March 7, 2014, Effingham County, on behalf of the Road District, filed its Second Supplemental Petition requesting \$26,902.88 in additional assistance from the Grade Crossing Protection Fund, an increase in assistance from \$10,000 to \$36,902.88, to reconstruct the highway approaches at the N. 100th Street crossing. The Petition for Supplemental Order stated that the actual cost for engineering, and construction exceeded the amount of the original estimate prepared on August 20th, 2010. On April 2, 2014, the Commission entered its Fifth Supplemental Order, granting the Road District an increase in assistance from \$10,000 to \$36,902.88, to reconstruct the highway approaches at the N. 100th Street crossing.

On May 1, 2014, UP filed its First Supplemental Petition requesting \$88,272.81 in additional assistance from the Grade Crossing Protection Fund, an increase in assistance from \$140,296 to \$228,568.81, to install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, at the N. 100th Street crossing. The Petition for Supplemental Order stated that coordination with CSX and the Township caused additional labor costs to be incurred.

Staff of the Rail Safety Section has reviewed the UP's Petition for Sixth Supplemental Order and believes the request for an increase in assistance from the Grade Crossing

Protection Fund, from \$140,296 to \$228,568.81, is reasonable and should be approved without hearing. I recommend entry of the attached Supplemental Order.

Attachment
JRS