



ILLINOIS COMMERCE COMMISSION

November 29, 2004

Village of Prairie City, McDonough County, Illinois,  
Petitioner,

v.

State of Illinois, Department of Transportation, and The Burlington Northern and  
Santa Fe Railway Company,  
Respondents.

T04-0079

Petition for an Order Authorizing the Permanent Closure of an At-Grade Railroad  
Crossing Located at Center Street Highway-Rail Grade Crossing (AAR/DOT  
#072932U, Milepost 186.10) and Request for Incentive Payment.

Mr. Dudley Borah  
Borah Law Office  
295 Cole Street  
Bushnell, IL 61422

Dear Mr. Borah:

Receipt is acknowledged of the original and three (3) copies of the Petition filed November 24, 2004  
in the above matter.

All future correspondence/pleadings should be filed with an original and two (2) copies and  
addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission,  
527 E. Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-  
Docket if you have an account. To apply for an account, please log on to [www.icc.state.il.us](http://www.icc.state.il.us) and  
apply for an E-docket account.

Processing and Information Section

kl

- cc: Mr. Victor A. Modeer, IDOT
- Mr. W. Douglas Werner, BNSF
- Ms. Cheryl Townlian, BNSF
- CT Corporation System, BNSF
- Village of Prairie City, President/Clerk
- Mr. Joshua Richardson, McDonough County
- Mr. James L. Hoyle

**ORIGINAL**

**RECEIVED**  
NOV 24 2004

Illinois Commerce Commission  
RAIL SAFETY SECTION

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Village of Prairie City,  
McDonough County, Illinois,  
  
Petitioner  
  
v.  
  
State of Illinois, Department of Transportation,  
and the Burlington Northern and Santa Fe  
Railway Company,  
  
Respondents

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) Case No. 704-0079  
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PETITION FOR AN ORDER AUTHORIZING THE PERMANENT CLOSURE OF AN  
AT-GRADE RAILROAD CROSSING LOCATED AT CENTER STREET  
HIGHWAY-RAIL GRADE CROSSING (AAR/DOT #072932U, MILEPOST 186.10)  
AND REQUEST FOR INCENTIVE PAYMENT

Now comes the Petitioner, Village of Prairie City, Illinois, by counsel, James Hoyle of Hoyle Law Office, and in support of its petition to the Illinois Commerce Commission, states as follows:

1. Petitioner, Village of Prairie City, is an Illinois Municipal Corporation.
2. Respondent, Burlington Northern Santa Fe (BNSF) is a Delaware corporation authorized to transact business in the State of Illinois, and operates a common carrier service by railroad in interstate and intrastate commerce, with certain trackage and other facilities located throughout the State of Illinois, including within the Village of Prairie City, McDonough County, State of Illinois.
3. Center Street in Prairie City, Illinois is a public highway within the geographic and municipal limits of the Village of Prairie City, Illinois and is under the

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jurisdiction of the Village of Prairie City, Illinois.

4. BNSF operates certain railroad trackage in and through the Village of Prairie City, McDonough County, Illinois.
5. Center Street traverses the trackage of BNSF by virtue of an at-grade crossing at milepost 186.10, DOT No. 072932U.
6. Because the public safety and convenience no longer require further retention of the Center Street crossing of BNSF tracks, the Village of Prairie City requests that the Commission, pursuant to 625 ILCS 5/18c-7401(3), issue an Order permanently closing and vacating the at-grade crossing on both sides of and through Center Street, Village of Prairie City, Illinois where Center Street crosses the BNSF tracks at milepost 186.10, DOT No. 072932U.
7. Village of Prairie City, in preparation of filing this petition for the closing and vacation of the herein described Center Street at-grade crossing, has submitted an application for approval of an incentive payment in the amount of \$30,000.00 to be transferred to the Motor Fuel Tax account of the Village of Prairie City from the Grade Crossing Protection Fund in consideration of the voluntary closure of this at-grade crossing.
8. The Rail Safety Section, Transportation Division, Illinois Commerce Commission has determined that the request for an incentive payment in the amount of \$30,000.00 should be approved and will recommend the Commission issue an Order authorizing closure of the herein described Center Street crossing.
9. Upon issuance of an Order of the Commission permanently closing and vacating the Center Street at-grade crossing herein described and approval of the

aforementioned incentive payment, Village of Prairie City by properly adopted ordinance will order that the Center Street at-grade crossing of BNSF tracks be permanently closed, vacated and barricaded to vehicular and pedestrian traffic on both sides and through the subject at-grade crossing at Milepost 186.10, DOT No. 072932U.

WHEREFORE, Petitioner, Village of Prairie City, respectfully requests the Illinois Commerce Commission, if it deems it necessary, set the aforesaid matter for hearing and to the extent required by law enter an Order abolishing, vacating and permanently closing the at-grade crossing located at the intersection of Village of Prairie City Center Street and the trackage of BNSF at Milepost 186.10, DOT No. 072932U, award incentive compensation for the voluntary closure of the subject at-grade crossing in the amount of \$30,000.00, and for such other relief as the Illinois Commerce Commission deems just and appropriate.

VILLAGE OF PRAIRIE CITY  
MCDONOUGH COUNTY, ILLINOIS

By: Kenneth E Sharp  
Kenneth Sharp,  
President of Village Board of Trustees

HOYLE LAW OFFICE

By: James L. Hoyle  
James L. Hoyle  
Village Attorney  
Hoyle Law office  
295 Cole St.  
P.O.Box 265  
Bushnell, IL 61422  
(309) 772-8171

ATTEST:

Gail Yocum  
Gail Yocum  
Clerk of the Village of Prairie City, Illinois

STATE OF ILLINOIS            )  
  ) ss:  
COUNTY OF MCDONOUGH )

VERIFICATION

I, Kenneth Sharp, being first duly sworn upon oath, depose and state that I am President of the Village Board of the Village of Prairie City, McDonough County, State of Illinois, that I am duly authorized to sign, verify and file the foregoing Petition and that the matters set forth in said Petition are true and correct to the best of my knowledge, information and belief.

Kenneth E Sharp  
Kenneth Sharp

Subscribed and sworn to before me this 9<sup>th</sup> day of November, 2004.

Ledena Rae Paul  
Notary Public



James L. Hoyle  
HOYLE LAW OFFICE  
P.O. Box 265  
295 Cole St.  
Bushnell, IL 61422

**PROOF OF SERVICE**

James L. Hoyle deposes and says that on the 22<sup>nd</sup> day of November, 2004, he caused to be served via U.S. Mail in Bushnell, Illinois, a true and correct copy of PETITION FOR AN ORDER AUTHORIZING THE PERMANENT CLOSURE OF AN AT-GRADE RAILROAD CROSSING LOCATED AT CENTER STREET HIGHWAY-RAIL GRADE CROSSING (AAR/DOT #072932U, MILEPOST 186.10) AND REQUEST FOR INCENTIVE PAYMENT upon:

Mr. David Lazarides  
Director of Processing  
Transportation Division  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
(2 original copies)

Mr. Victor A. Modeer  
Director of Highways, IDOT  
ATTN: Jeff Harping, Room 205  
2300 South Dirksen Parkway  
Springfield, IL 62764  
(1 original copy)

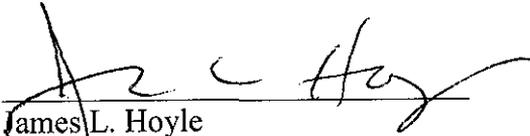
Burlington Northern and Santa Fe Railway Company  
CT Corporation System  
208 S. LaSalle St.  
Chicago, IL 60604  
(1 original copy)

Mr. W. Douglas Werner  
Burlington Northern and Santa Fe Railway Company  
P.O. Box 961039  
Fort Worth, TX 76161-0039  
(1 original copy)

Ms. Cheryl Townlian  
Burlington Northern and Santa Fe Railway Company  
3253 E. Chestnut Expressway  
Springfield, MO 65802  
(1 original copy)

Mr. Josh Richardson  
McDonough County, Illinois Highway Engineer  
204 S. Western Ave.  
Macomb, IL 61455  
(Informational copy)

Mr. Perry Sinnett  
Prairie City Township Road Commissioner  
202 S. Washington St.  
Prairie City, IL 61470  
(Informational copy)



James L. Hoyle  
Attorney for Village of Prairie City

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James L. Hoyle, Attorney at law  
295 Cole St.  
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