

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

Petition for permission to make a major change in crossing protection, or to install new protection under 92 Illinois Administrative Code 1535.400 (d)

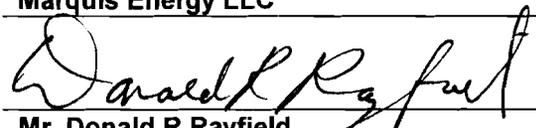
X-12640 Date: October 29, 2007

To the Illinois Commerce Commission:

The petitioner Marquis Energy LLC states: T07-0015 025422A

- (1) That it is responsible for the hiring qualified signal maintenance person or company that can properly maintain the new automatic flashing light signals with bell and gates for the at grade crossings with ESK Road, and industrial spur connecting to the Norfolk Southern Railway Company line.
- (2) That petitioner proposes and hereby makes application for authority to make a major change in crossing protection, or to install new warning devices, under 92 Illinois Administrative Code 1535.400 (d) adopted by this Commission.
- (3) That the location of the crossing, the nature of existing warning devices now established and proposed warning devices to be established, and other pertinent facts in connection therewith, are set forth in the statement attached to and forming part of this petition.
- (4) That petitioner's reasons and purpose, with reference to its said proposal are:
Construction of new service track for the new ethanol production plant, automatic flashing light signals with bell and gates controlled by CWT circuitry are to be installed in compliance with the Order issued July 25, 2007 for Docket T07-0015.
- (5) That the facts set forth in this petition and in the statement and plans or plats attached thereto, are, all of them, true and correct to the best of petitioner's knowledge and belief.

WHEREFORE, the petitioner prays that the Commission will, if deemed desirable by the Commission, set the aforesaid matter for hearing, and that the Commission enter an order or adopt a resolution consenting to and granting authority for the making of the said proposed changes in or additions to crossing protection.

By Marquis Energy LLC

Mr. Donald R Rayfield
Attorney for Marquis Energy, Inc.

Attorney for Marquis Energy, Inc.
Donald R Rayfield
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DOCKETED

Statement, attached to and part of an application for permission to make a major change in crossing protection or to install new protection, under 92 Ill. Adm. Code 1535.400(d).

1. Name of Railroad Company Marquis Energy LLC
2. Crossing Number 925422A
3. Village or City near Hennepin
4. Name of Street or Highway ESK Road (875E)
5. Public Agency Maintaining Highway Putnam County
6. Protection now established: (Give full description.)
NA (all new crossing).
7. Protection desired: (Give details.)
New crossing with Automatic flashing light signals with bell and gates controlled by constant warning time circuitry.
8. Number of main tracks 0 Other tracks 1
9. Number of passenger train movements: 6 a.m. to 6 p.m. 0 6 p.m. to 6 a.m. 0
10. Number of freight train movements: 6 a.m. to 6 p.m. 3 6 p.m. to 6 a.m. 0
11. Approximate number of switch movements: 6 a.m. to 6 p.m. 3 6 p.m. to 6 a.m. 0
12. Maximum speed of trains at crossing on each track in each direction
Track 1 N/E Bound 5 mph S/W Bound 5 mph
Track 2 N/E Bound _____ mph S/W Bound _____ mph
Track 3 N/E Bound _____ mph S/W Bound _____ mph
13. Passenger platforms served by tracks within the limits of track circuits, if any 0
14. Where automatic signals or gates are proposed, approximately number of train or engine movements daily which would cause false indications or operation 0

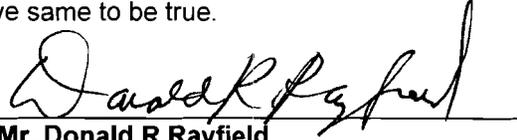
15. Nature and approximate amount of street or highway traffic over crossing
700 (+) ADT, Commercial 50% truck traffic
-
16. In addition to the information listed hereinbefore in Form 3, attach a track plan or plat of the proposed crossing. This plan should show:
- (a) Width and surface of highway.
 - (b) Highway intersections (including private driveways to be so indicated) and location of established highway signs or signals within 100 feet of crossing.
 - (c) Location of tracks, switches and other railroad facilities such as block signals, etc. within limits of track circuits, present and/or proposed.
 - (d) Where automatic protection is proposed, show proposed location of signals (sidelights, cantilevers, etc., if any).
 - (e) Show the length of each operation track section within the control limits of the crossing protection and its function.

ADDITIONAL INFORMATION

Industrial spur to the Norfolk Southern

VERIFICATION

I, **Donald R Rayfield**, first being duly sworn upon oath depose and say that I am **Attorney of Marquis Energy, Inc.**, an **Illinois Limited Liability** Company; that I have read the above and foregoing petition by me subscribed and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

A handwritten signature in black ink, appearing to read "Donald R Rayfield", is written over a horizontal line.

Mr. Donald R Rayfield
Attorney for Marquis Energy, Inc.