

TJB

ORIGINAL RECEIVED
SEP 26 2006

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission
RAIL SAFETY SECTION

SPRINGFIELD TOWNSHIP,)
SANGAMON COUNTY, ILLINOIS,)
)
Petitioner,)
)
v.)
)
MIDLAND AND ILLINOIS)
RAILROAD, a corporation and)
STATE OF ILLINOIS, ACTING)
THROUGH ILLINOIS DEPARTMENT)
OF TRANSPORTATION,)
)
Respondents.)

Case No.: T 99 0085

**PETITION TO EXTEND TIME TO COMPLETE
CONSTRUCTION WORK ON TAINTOR ROAD**

IN THE MATTER OF THE PETITION OF SPRINGFIELD TOWNSHIP, SANGAMON COUNTY, ILLINOIS FOR AN ORDER OF THE ILLINOIS COMMERCE COMMISSION DIRECTING THE INSTALLATION OF GRADE CROSSING PROTECTION DEVICES AT MIDLAND AND ILLINOIS RAILROAD GRADE CROSSING AT TAINTOR ROAD (EAST OF PEORIA ROAD) SITUATED IN SANGAMON COUNTY, ILLINOIS, AND FOR SUCH OTHER APPROPRIATE RELIEF AS THE COMMISSION MAY DEEM NECESSARY

TO: ILLINOIS COMMERCE COMMISSION

NOW COMES Petitioner, SPRINGFIELD TOWNSHIP, a township situated in Sangamon County, Illinois (hereinafter called "Petitioner") by and through its attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Michael A. Myers, of Counsel, and respectfully represents:

1. At the request of the Petitioner, this Commission on March 29, 2000 entered an Order requiring installation of automatic flashing light signals and gates controlled by constant warning time circuitry at the grade crossing of the Illinois and Midland Railroad and a public road known as Taintor Road, Springfield Township, Sangamon County, Illinois.

{S0519058.3 9/20/2006 MAM PKC}

DOCKETED
SEP 27 2006

JV-
JTB

2. The Commission has granted several extensions of this time frame because the Owners were unable to develop the property due to change in development concepts or financing issues.

3. In January, 2004, the 75 acre parcel was sold to LFH 100 Partnership, an established developer in Bloomington, Illinois. In 2004, the LFH 100 Partnership requested an extension of time to complete construction of the Taintor Road railroad crossing; the Commission granted that request on March 29, 2004. The Commission was informed at that time that the new developer will be subdividing the land and constructing single family residences in a subdivision known as Manchester Woods. The project is projected to have 205 single family lots and 55 duplexes when completed. As with all large scale residential subdivisions Manchester Woods will be developed in separate phases. The first two plats of the subdivision, consisting of 69 homes, will have access to a public road through an entrance on the north side of the property called Sycamore Road. Sycamore intersects with Peoria Road. There will be no access needed at this time onto Taintor Road or use of the Taintor Road Railroad Crossing for the first 69 lots.

4. Since the filing of the 2004 petition, the developer has constructed the first phase of the subdivision containing 40 lots. A second phase has now started which will bring the subdivision up to a total of 69 lots available for sale. Anything more than 69 lots will require a second entrance to the subdivision for use by emergency vehicles; this entrance will be Taintor Road. At that time the developer will improve the railroad crossing as well as Taintor Road from Peoria Road to the west boundary of Petitioner's property. The cost of the Taintor Road improvement, including the railroad crossing will exceed \$400,000.00. Since none of the present subdivision lots in the first two phases need to have direct access to Taintor Road, it makes

neither practical nor economic sense to construct these improvements until needed. No one will be prejudiced by this request to delay construction of the railroad crossing.

5. A copy of the Manchester Woods Subdivision, showing the phases of development, and the Sycamore Road entrance, and Taintor Road has previously been filed with this Commission.

6. This Commission's last order extended the construction time requirements until September 29, 2006.

7. This subdivision is still actively moving forward, as indicated by the present construction on the second phase. Nevertheless, sales have been slower than developer anticipated due to economic conditions. Developer is hopeful that by September 2008 enough subdivision lots will have been sold to justify construction of the third phase which will include the second subdivision entrance onto Taintor Road via the Taintor Road railroad crossing.

WHEREFORE, Petitioner prays the Commission modify its Order and extend the required time to commence the railroad crossing construction until October 1, 2008.

Dated in Springfield, Sangamon County, Illinois on this 26th day of September, 2006.

SPRINGFIELD TOWNSHIP,
Petitioner,

By: George Ruzic
George Ruzic,
Township Road Commissioner

Sorling, Northrup, Hanna, Cullen & Cochran, Ltd.
Michael A. Myers, of Counsel
Suite 800, Illinois Building
Post Office Box 5131
Springfield, IL 62705
Telephone: (217)544-1144

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served by placing same in a sealed envelope addressed:

Illinois Midland Railroad
c/o Mr. Hugh J. Graham, III
Graham & Graham, Ltd.
1201 South 8th Street
Springfield, IL 62703

Ms. Norma Graves, City Clerk
City of Springfield
106 Municipal Center West
300 South 7th Street
Springfield, IL 62701

Office of Corporation Counsel
City of Springfield
Municipal Center West
300 South 7th Street, Room 100
Springfield, IL 62701-1680

Mr. Joe VonDeBur
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Mr. Vic Modeer, Director
Division of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

Mr. Timothy C. Zahn
Sangamon County Engineer
3303 Terminal Avenue
Springfield, IL 62707

Mr. Gary Budd
Springfield Township Supervisor
2372½ North Grand Avenue
Springfield, IL 62702

Ms. Rhonda Wood
Springfield Township Clerk
2372½ North Grand Avenue
Springfield, IL 62702

and by depositing same in the United States mail in Springfield, Illinois, on the 26th day of September, 2006, with postage fully prepaid.


