



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

April 5, 2001

Illinois Commerce Commission
Attn: Kevin Sharpe
527 East Capitol Avenue
Springfield, Illinois 62701

RECEIVED
APR 10 2001

Illinois Commerce Commission
RAIL SAFETY SECTION

Re: Sherman (T89-0028)

Dear Mr. Sharpe:

Enclosed herewith for filing in the above-referenced matter are an original and three copies of the Department's Motion to Continue. Please file the original and return the extra file-stamped copy in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this regard.

Sincerely,

Stacey C. Hollo
LB

Stacey C. Hollo
Assistant Chief Counsel

cc: Terry Fountain
Jeff Harpring
Phil McBride

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

The Village of Sherman, A Municipal Corporation,)
Sangamon County, Illinois)

vs.)

T89-0028

Union Pacific Railroad, Successor in Interest to SPCSL)
Corporation and the Chicago, Missouri and Western Railway)
Company and the Illinois Department of Transportation, and)
Sangamon County, Illinois.)

In the matter of the Petition for an Order of the Illinois)
Commerce Commission directing the construction of a new)
grade crossing with the tracks of the Chicago, Missouri and)
Western Railway Company within the corporate limits of the)
Village of Sherman, directing thereon the installation of)
automatic protection devices and the construction of the)
crossing proper.)

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Illinois Commerce Commission
RAIL SAFETY SECTION

MOTION TO CONTINUE

NOW COMES RESPONDENT, Illinois Department of Transportation, by and through its attorney Jim Ryan, Attorney General and in support of its Motion states:

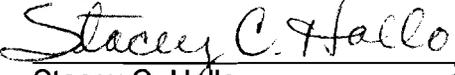
1. Terry Fountain, an employee of the Illinois Department of Transportation is not available on April 20, 2001, as he is already scheduled to attend a three-day out of town conference set for April 18th through the 20th.
2. Phil Koeberlein, Sangamon County Engineer, is also scheduled to attend the same conference.
3. Counsel for Respondent Illinois Department of Transportation has contacted Petitioner's Counsel, James Kelly, and represents he has no objection to a short continuance.
4. This request to continue is not an attempt to unduly delay this matter.

DOCKETED

APR 10 2001

WHEREFORE, Respondent Illinois Department of Transportation respectfully requests the Commission grant its Motion and continue this cause to a convenient date and time the following week of April 23rd through the 26th (Attorney Kelly is not available April 27th).

Respectfully submitted


Stacey C. Hallo *SB*
Special Assistant Attorney General

Dated April 5, 2001

Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
Telephone (217)782-3215

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

The Village of Sherman, A Municipal Corporation,)
Sangamon County, Illinois)

vs.)

T89-0028

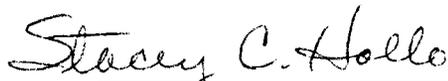
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Village of Sherman, directing thereon the installation of)
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crossing proper.)

NOTICE OF FILING

TO: Mr. Rick Korte, Hearing Examiner
Mr. Bob Berry, ICC
Mr. Phil Koeberlein, Engineer
Mr. James Kelly, Village of Sherman
Mr. Hugh Graham, UP

PLEASE TAKE NOTICE that I have this 5th day of April, 2001, forwarded to Mr. Kevin Sharpe, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, Motion to Continue, a copy of which is attached hereto and hereby served upon you.

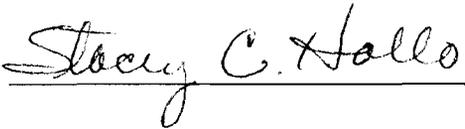


Stacey C. Hollo *SH*
Special Assistant Attorney General
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217) 782-3215

Counsel for the Illinois
Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addresses listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 5th day of April, 2001:



Illinois Commerce Commission
Attn: Rick Korte
527 East Capitol Avenue
Springfield, Illinois 62701
Fax: 524-4637

Illinois Commerce Commission
Attn: Bob Berry
527 East Capitol Avenue
Springfield, Illinois 62701
Fax: 525-7404

Mr. James Kelly
Presney Kelly & Presny
726 South Second Street
Springfield, Illinois 62704
Fax: 525-0032

Mr. Phil Koeberlein
3303 Terminal Avenue
Springfield, Illinois 62707
Fax: 753-7999

Mr. Hugh Graham
Graham & Graham Ltd.
1201 South 8th
Springfield, Illinois 62703
Fax: 523-4656