

ORIGINAL

RECEIVED  
SEP 24 2008

ILLINOIS COMMERCE COMMISSION  
RAIL SAFETY SECTION

September 19, 2008

Michael E. Stead  
Rail Safety Program Administrator  
The Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701-1827  
(217) 557-1285

T06-0102

Re: REQUEST for EXTENSION or PETITION for SUPPLEMENTAL ORDER

Dear Mr. Stead:

Regarding Illinois Commerce Commission Order Number T06-0102, dated December 22, 2006, Sections 8, 9, and 10, the Decatur Junction Railway Co. (DT) is hereby making written notice of its intent to request a nine (9) month extension to complete the work as stated in the Stipulated Agreement 1237; original completion date of December 20, 2007, first extension request date of September 20, 2008, second extension request completion date of June 20, 2009.

The DT is requesting the extension due to lack of personnel resources and failure of a contractor to perform. Throughout 2008, and still ongoing, the DT has performed some extraordinary track maintenance; mainly focusing on bridges, this in addition to general and required maintenance. DT attempted to hire a contractor to install the signs, but the contractor failed to install all of them and to the necessary specifications. DT will need to finish the work and correct the deficiencies before filing a notice of completion.

The DT appreciates the opportunity to work with the Illinois Department of Transportation and Illinois Commerce Commission, should you have any questions regarding this notice, please do not hesitate to call me directly, (309) 697-1400, Ext. 238.

Sincerely,

*Shane Cullen*

Shane Cullen  
Superintendent of Transportation

DOCKETED

SEP 24 2008

DSO  
MS

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

**RECEIVED**  
SEP 24 2008

ILLINOIS COMMERCE COMMISSION  
RAIL SAFETY SECTION

Decatur Junction Railway Co. and )  
the State of Illinois, Department of )  
Transportation. )  
)  
Stipulated Agreement regarding ) Docket No. T06-0102  
improving public safety by renewal of )  
the existing crossbuck signs and )  
installation of YIELD signs at each of )  
the Company's public highway- )  
railroad grade crossings listed on )  
Exhibit A attached hereto: )

**PETITION FOR EXTENSION**

Now comes Decatur Junction Railway Co. ("DT") and petitions the Illinois Commerce Commission (the "Commission") for an order giving the DT an extension of time to comply with the mandates of the Commission in this docket. In support of its Petition, DT states as follows:

1. On December 20, 2006, the Commission issued an order ("Order") in the referenced docket, allowing the work described therein to be performed by DT at the referenced highway-rail grade crossings.
2. Specifically, the Order required DT to complete all work set forth in Section 2 of a Stipulated Agreement entered among DT and the State of Illinois

acting by and through the Illinois Commerce Commission, including the renewal of the existing crossbuck signs and installation of YIELD signs.

3. The Order stated the completion date for the work to be one (1) year after issuance of the Order, with all billing to be submitted within one (1) year thereafter.

4. Despite DT's good-faith efforts to complete the stated work by December 20, 2007, and then, September 20, 2008, due to the following reasons: the lack of personnel resources, and a failure of a contractor to perform, the DT will be unable to complete this work on time. Throughout 2007 and 2008, the DT has performed some extraordinary track maintenance; maintenance, work mainly focused on bridges and general maintenance. In addition, DT attempted to hire a contractor to complete the sign installation, however the contractor failed to finish and install the signs according to the necessary specifications, DT will have finish the installation and correct the work before filing a notice of completion.

WHEREFORE, DT, respectfully requests that the Commission;

- a) Extend until June 20, 2009, the time to complete the work stated in the Order; and
- b) Provide such other and further relief, as the Commission deems just and appropriate.

Dated this 19<sup>th</sup> day of September, 2008

Decatur Junction Railway Co.

For  
By Dan La Kemper *JKL*  
Dan La Kemper  
Counsel  
Decatur Junction Railway Co.  
1318 S. Johanson Road  
Peoria, IL 61607  
Phone: 309-697-1400  
Fax: 309-697-5387

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Decatur Junction Railway Co. and  
the State of Illinois, Department of  
Transportation.

Stipulated Agreement regarding  
improving public safety by renewal of  
the existing crossbuck signs and  
installation of YIELD signs at each of  
the Company's public highway-  
railroad grade crossings listed on  
Exhibit A attached hereto:

Docket No. T06-0102

**NOTICE OF FILING**

Ellen J. Schanzle-Haskins  
Chief Counsel – IDOT  
2300 South Dirksen Parkway, Room 300  
Springfield, IL 62764

Ms. Christine Reed  
Director of Highways – IDOT  
ATTN: Jeff Harpring, Room 205  
2300 South Dirksen Parkway  
Springfield, IL 62764

Mr. Lance T. Jones  
Deputy Chief Counsel – IDOT  
2300 South Dirksen Parkway, Room 300  
Springfield, IL 62764

PLEASE TAKE NOTICE that we have on this 19<sup>th</sup> day of September, 2008, I sent for filing with the Illinois Commerce Commission, the attached Petition for Extension in the above captioned matter, a copy of which is hereby served upon you.

Decatur Junction Railway Co.

ger  
By Dan La Kemper *jm*  
Dan La Kemper  
Counsel  
Decatur Junction Railway Co.  
1318 S. Johanson Road  
Peoria, IL 61607  
Phone: 309-697-1400  
Fax: 309-697-5387

## CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing instruments were served upon the addresses listed below by mailing true and correct copies via First Class U.S. Mail, postage thereon fully prepaid and depositing the same in the United States Mail, Peoria, Illinois, this 19<sup>th</sup> day of September, 2008

Ellen J. Schanzle-Haskins  
Chief Counsel – IDOT  
2300 South Dirksen Parkway, Room 300  
Springfield, IL 62764

Ms. Christine Reed  
Director of Highways – IDOT  
ATTN: Jeff Harpring, Room 205  
2300 South Dirksen Parkway  
Springfield, IL 62764

Mr. Lance T. Jones  
Deputy Chief Counsel – IDOT  
2300 South Dirksen Parkway, Room 300  
Springfield, IL 62764

for  
By Dan La Kemper  
Dan La Kemper  
Counsel  
Decatur Junction Railway Co.  
1318 S. Johanson Road  
Peoria, IL 61607  
Phone: 309-697-1400  
Fax: 309-697-5387