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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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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
Now Known as
Case No. T08-0010

**PETITIONER'S RESPONSE TO STAFF OBJECTION
AND REQUEST FOR A HEARING ON PETITION TO
EXTEND COMPLETION OF CONSTRUCTION WORK**

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. On November 6, 2008, Petitioner filed a Petition to Extend Time to Complete Construction Work on Taintor Road from September 30, 2008, until October 1, 2011.

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2. Petitioner set forth in its Petition the reasons for requesting a three-year extension. The extension is not for purposes of delay but due to economic conditions associated with development of a subdivision in Springfield, Illinois.

3. This particular subdivision was built in the northeast quadrant of Springfield. Most new subdivisions in Springfield are built in the more affluent southern and western sections of the community. This development catered to lower income families and if successful would be a bonus to this section of the community.

4. Petitioner has shown good faith in constructing all of the infrastructure for 69 lots, but only 30 lots have been sold. Once the developer sells 69 lots it will commence improvements for Taintor Road and the railroad crossing. This improvement will serve as a second entrance to Manchester Woods Subdivision. To commence this railroad improvement at this time with only 30 lots having been sold is not feasible. This delay will not affect any third party as the Taintor Road railroad crossing is used by one business and one home. Taintor Road dead ends at Petitioner's land just east of the railroad crossing.

5. If the staff's recommendation is approved, Petitioner would be forced to either upgrade Taintor Road and the railroad crossing at this time when it is not needed due to vehicular traffic, or request the Commission vacate its Order. If the Order is vacated, the Petitioner will have to again petition the Commission and start over the entire legal process. Such a result would cause a great deal of lost time and add substantially to Petitioner's costs.

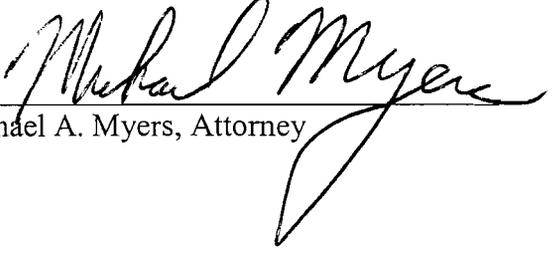
6. Petitioner would also accept an extension of time to complete the work of less than the requested 3 years if so mandated by the Commission.

WHEREFORE, Petitioner prays that this Commission reject the staff's recommendation and if necessary, set this matter before an Administrative Hearing Judge to hear the merits of the Petition to extend construction date.

Dated in Springfield, Sangamon County, Illinois on this 9th day of December, 2008.

SPRINGFIELD TOWNSHIP,
Petitioner,

By: _____


Michael A. Myers, Attorney

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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. Cecelia Tumulty, 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
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Mr. Joe VonDeBur
Illinois Commerce Commission
Railroad Section
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Mr. Vic Modeer, District Director
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Mr. Timothy C. Zahn
Sangamon County Engineer
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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 19th day of December, 2008, with postage fully prepaid.

