

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Williamson County, Illinois,

Petitioner,

v.

Illinois Department of Transportation and BNSF
Railway Company,

Respondents.

Case No. T08-0086

Petition for an order from the Illinois Commerce
Commission to reconstruct the existing overhead highway
grade separation structure which carries T. R. 557
(Limb Branch Road) (US/DOT # 068 979H Milepost 182.78) over
BNSF Railway Company tracks and order allowing the private
Crossing (US/DOT #068 978 Milepost 182.70) to be used
temporarily by the public during replacement of aforementioned
adjacent structure.

**AGREED MOTION TO CONTINUE HEARING SET FOR
FEBRUARY 24, 2009**

NOW COMES Respondent, BNSF Railway Company (BNSF), by its attorneys, Daley Mohan Groble, P.C., and moves this Honorable Commission for entry of an order granting a continuance of approximately 120 days in which to complete the necessary work-up and for Williamson County to re-apply for funding to IDOT for 2010 fiscal year (FY) approval . In support of this motion, your movant states:

1. All interested parties are in agreement that the status and complications involved in this matter indicate that this matter should be continued for approximately 120 days.

2. The involved parties have attempted to negotiate and finalize bridge plans, acceptable clearances, spans, costs, other bridge features, and obtain necessary internal approvals regarding same. The parties are continuing to draft additional plans and estimates regarding the bridge itself, but expectations are that the latest set of

plans will not be available in sufficient time for approval and agreement in time for letting in FY 2009.

3. This bridge project has complicating factors in that the west side of the bridge is land locked, and an alternative crossing, currently private, has been considered as location of allowing residents in the area to cross the tracks during time the bridge is removed and reconstructed. This has raised numerous property issues which need to be resolved, including possible easements, permits, and other property related considerations.

4. The parties have been attempting in good faith to resolve the necessary issues, but have been unable to address these issues in time for the above referenced letting schedule requiring the County to reapply for funding for FY 2010.

5. The parties are continuing to move toward resolution of the outstanding issues, but the complications presented by the area require additional time to resolve these matters. The parties will not be able to provide, on the currently scheduled date, the necessary plans, estimates, approvals and other information which would allow for proper assessment and resolution of the proposed bridge project.

WHEREFORE, BNSF, in agreement with the parties, prays that the Illinois Commerce Commission grant this motion for an additional 120 days to complete the necessary work up, resolve the outstanding property issues, and allow to the reestablishment of funding, and to reset the matter for hearing at future date.

Respectfully submitted,

BNSF Railway Company

By: /s/ Robert Prendergast
Robert Prendergast

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CERTIFICATE OF SERVICE

I, Robert Prendergast, an attorney, hereby certify that on the 10th day of February, 2009, I caused the foregoing **AGREED MOTION TO CONTINUE THE HEARING SET FOR FEBRUARY 24, 2009** to be served on attorneys/parties of record by operation of the Court's Electronic Filing System and by email to the addresses listed below:

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By: /s/ Robert Prendergast
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