

STATE OF ILLINOIS



**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

---

(Filed on E-Docket & E-mailed to Judge Jackson & Parties per Certification)

February 10, 2009

Dean Jackson  
Chief Administrative Law Judge  
Review and Examination Section  
Transportation Bureau  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

Judge Jackson:

Please find attached, the Village of Maywood's Petition Requesting an Extension of Time and the Staff Response for **Docket T08-0093**. As noted, Staff's has contacted and coordinated a Proposed Supplemental Order with the Parties. The Agreed Supplemental Order, with concurrence correspondence, is also enclosed.

If you have any questions, or require additional information, please contact me at (630) 424-8750 or [bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov).

Very truly yours,

A handwritten signature in cursive script that reads "Brian Vercruysse".

Brian Vercruysse  
Senior Railroad Safety Specialist

Enclosures

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Union Pacific Railroad Company, Village of Maywood, and :  
the State of Illinois, Department of Transportation :  
 :  
 :  
Stipulated Agreement regarding voluntary closure of the 4th : T08-0093  
Avenue highway-rail grade crossing of the Union Pacific :  
Railroad Company's track in Maywood, Cook County, :  
Illinois, designated as crossing AAR/DOT #173 997S; :  
railroad milepost 10.37-CNWA. :  
 :  
 :

**VILLAGE OF MAYWOOD'S PETITION FOR ENTRY OF SUPPLEMENTAL ORDER**

NOW COMES PETITIONER, the Village of Maywood, an Illinois municipal corporation, (the "Village"), by and through its attorneys, KLEIN, THORPE and JENKINS, Ltd, and hereby petitions this Commission to enter a Supplemental Order to its August 27, 2008, Stipulated Order, for an extension of time for the purpose of allowing the Village to complete the remainder of its project obligations. In support of its petition, the Village states:

1. On August 27, 2008, on Petition of Union Pacific Railroad Company ("Union Pacific"), the Village of Maywood (the "Village"), and the State of Illinois, Department of Transportation, this Commission entered an order (the "Order") permitting the closure of the at grade highway crossing located at 4th Avenue in the Village of Maywood.
2. By stipulation, the Order required that the Village complete certain road, fencing and landscaping work surrounding the closed areas of the Union Pacific crossing on 4th Avenue.
3. The Order also required that the Village's work be completed within six (6) months of the date of the Order, or February 27, 2009.
4. Section 8 of the Order requires that "[a]ny person making a Request for an Extension of Time that exceeds days must file a Petition for Supplemental Order with the Director of Processing and Information no later than 21 days in advance of the scheduled deadline."
5. Section 9 of the Order also requires that advance notice be given to the Railroad Safety Program Administrator of any request for extension of time. The Village has complied with this requirement prior to the filing of this Petition.

6. Pursuant to the Order, Union Pacific was to remove the crossing and install a fence and the Village was to make certain improvements at the adjacent intersections at 4th Avenue and Main Street and 4th Avenue and St. Charles Road to eliminate vehicular traffic.
7. Union Pacific and the Village met at the end of September 2008 to discuss the intended schedule of work to be completed.
8. In mid October 2008, Union Pacific and the Village met at the site of the crossing to discuss when the actual crossing would be removed, with the date set as November 10, 2008. Due to certain aspects of the project, the timing of the work required that Union Pacific's work be completed prior to the Village's commencement of its work.
9. Union Pacific completed this work in late fall of 2008.
10. Due to the time requirements associated with design, permit submittal and approval, and bidding process, the Village was not able to complete its portion of the project work before the onset of winter.
11. Due to the winter completion date in the Order, the last three and one-half months of the six month time-period to complete the project are not conducive to performing the necessary construction due to prevailing inclement weather conditions.
12. The Village therefore petitions the Commission for a Supplemental Order be entered adding an extension so that the work can proceed in spring 2009.
13. The Village intends to begin work in April 2009 (weather permitting) with a completion date of July 31, 2009.

NOW THEREFORE, Petitioner, the Village of Maywood, prays that the Illinois Commerce Commission enter a Supplemental Order, in accordance with its authority, extending the completion date of the at-grade closing related construction to July 31, 2009.

Respectfully submitted,

/s/ Jacob Karaca  
VILLAGE OF MAYWOOD

Michael T. Jurusik  
Jacob Karaca  
KLEIN, THORPE and JENKINS, Ltd.  
20 North Wacker Dr., #1660  
Chicago, Illinois 60606

(312) 984-6400  
Atty. No. 90446

**PROOF OF SERVICE**

I, Jacob Karaca hereby certify that I have served copies of this Petition and associated filings via e-mail to the parties listed below and to Commission Staff for filing on e-Docket.

/s/ Jacob Karaca  
Name: Jacob Karaca  
Title: Attorney for Village of Maywood

Lawrence D. Parrish  
Assistant Chief Counsel  
Illinois Department of Transportation  
300 West Adams Street, 2nd Floor  
Chicago, IL 60606  
E-Mail: [lawrence.parrish@illinois.gov](mailto:lawrence.parrish@illinois.gov)

Mack H. Shumate Jr.  
Union Pacific Railroad Company  
101 N. Wacker Drive, Suite 1920  
Chicago, IL 60606  
E-Mail: [mackhshumate@up.com](mailto:mackhshumate@up.com)

Brian Vercruysse – Rail Safety Section  
[bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov)

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Union Pacific Railroad Company, Village of :  
Maywood, and the State of Illinois, Department of :  
Transportation :  
: T08-0093  
:   
Stipulated Agreement regarding voluntary closure of :  
the 4<sup>th</sup> Avenue highway-rail grade crossing of the :  
Union Pacific Railroad Company's track in :  
Maywood, Cook County, Illinois, designated as :  
crossing AAR/DOT #173 997S; railroad milepost :  
10.37-CNWA. :

**STAFF RESPONSE TO PETITIONER'S REQUEST  
FOR AN EXTENSION OF TIME**

Now comes the Staff of the Commission ("Staff"), and in response to the Village of Maywood's ("Village") Request for an Extension of Time (as included with this filing) respectfully submits that Staff has no objection to the request for an extension.

Staff has contacted the Parties regarding the requested extension of time. Staff has also provided an Agreed Proposed Supplemental Order to the Parties, attached as Exhibit A. The Parties have provided their concurrence to this Order as provided in Exhibit B.

Staff respectfully requests that the Supplemental Order be entered allowing for an Extension of Time to and including July 31, 2009. Staff further requests that the Order be entered without a Hearing.

Respectfully Submitted February 10, 2009,



Brian Vercruysse, P.E.  
Senior Rail Safety Specialist  
312-636-7760 mobile  
bvercruy@icc.illinois.gov

Certificate of Service

I, Brian Vercruysse, Senior Rail Safety Specialist for the Illinois Commerce Commission, hereby certify that the STAFF RESPONSE and AGREED PROPOSED SUPPLEMENTAL ORDER for T08-0093 was docketed on e-Docket and e-mailed to the parties listed below.

<p>Lawrence Parrish Special Assistant Chief Counsel Illinois Department of Transportation 300 W. Adams - 2nd Floor Chicago, IL 60606 (312) 793-2255 Lawrence.Parrish@illinois.gov</p> <p>Counsel to Village of Maywood Michael T. Jurusik &amp; Jacob Karaca KLEIN, THORPE and JENKINS, Ltd. 20 N. Wacker Drive, #1660 Chicago, IL 60606 jhkaraca@KTJLAW.com mtjurusik@KTJNET.com</p>	<p>Mack H. Shumate Jr. Union Pacific Railroad Company 101 N. Wacker Drive, Suite 1920 Chicago, IL 60606 E-Mail: mackhshumate@up.com</p>
---	---

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Union Pacific Railroad Company, Village of	:	
Maywood, and the State of Illinois, Department of	:	
Transportation	:	
	:	T08-0093
Stipulated Agreement regarding voluntary closure of	:	
the 4 <sup>th</sup> Avenue highway-rail grade crossing of the	:	
Union Pacific Railroad Company's track in	:	
Maywood, Cook County, Illinois, designated as	:	
crossing AAR/DOT #173 997S; railroad milepost	:	
10.37-CNWA.	:	

**AGREED SUPPLEMENTAL ORDER**

By the Commission:

**PROCEDURAL HISTORY**

On August 27, 2008, the Illinois Commerce Commission ("Commission") entered its Order in this case, which approved provisions of Stipulated Agreement 1289, executed by the Parties and Commission Staff. Included within the required work was closure of the 4<sup>th</sup> Avenue highway-rail grade crossing, vacation of the right-of-way, and reconfiguration of the previous crossing area. The Commission further ordered that the project be completed within six (6) months from the date of the Order, no later than February 27, 2009.

On February 10, 2009, the Village of Maywood ("Village") filed a Supplemental Petition seeking an extension of time, to and including July 31, 2009, within which to complete the reconfiguration of the crossing area. The Village submitted as a basis for the request information that indicated the Union Pacific Railroad Company ("Company") completed its work in late fall of 2008 (barricades installed, crossing surface removed, and warning devices removed). However, according to the Petitioner, the extension of time is necessary due to time requirements associated with design, permit submittal and approval, and bidding process, such that the Village was not able to complete its portion of the project work before the onset of winter. The Village intends to begin work in April of 2009 with an anticipated completion date of July 31, 2009.

**PARTIES AND STAFF POSITIONS**

In conjunction with the February 10, 2009 filing, Staff of the Commission's Rail Safety Section ("Staff") filed a Response in conjunction with the Supplemental Petition, indicating that it had no objection to the request. Staff also contacted all of the Parties and coordinated an Agreed Supplemental Order. Each Party provided written concurrence to the Supplemental Order, both of which were provided with Staff's filing.

Staff reviewed the Petitioner's request and is of the opinion that the request for an extension of time, to and including July 31, 2009, within which to complete the project is reasonable and should be granted.

**COMMISSION FINDINGS AND ORDERS**

The Commission, having given due consideration to the record in this case and the Petition for Supplemental Order and Responses filed thereto, finds that:

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding;
2. The recitals of fact as set forth in the prefatory portion of this Supplemental Order are true and correct and are hereby adopted as findings of fact;
3. The Village of Maywood should be granted additional time, to and including July 31, 2009, within which to complete the reconfiguration of the previous 4<sup>th</sup> Avenue crossing area;
4. All other terms and conditions of the Order entered August 27, 2008, in this case should remain in full force and effect, except as modified herein.

IT IS THEREFORE ORDERED that the Village of Maywood is hereby required to complete the reconfiguration of the area where the 4<sup>th</sup> Avenue highway-rail grade crossing of the Union Pacific Railroad Company's track used to exist no later than July 31, 2009.

IT IS FURTHER ORDERED that all terms and conditions of the Order entered August 27, 2008, shall remain in full force and effect, except as modified herein.

IT IS FURTHER ORDERED that subject to Sections 18c-2201 and 18c-2206 of the Illinois Commercial Transportation Law, this is a final decision subject to the Illinois Administrative Review Law.

By Order of the Commission this 25<sup>th</sup> day of February 2009.

CHARLES E. BOX  
Chairman

## Vercruysse, Brian

---

**From:** Parrish, Lawrence D [Lawrence.Parrish@illinois.gov]  
**Sent:** Thursday, February 05, 2009 8:52 AM  
**To:** Vercruysse, Brian; Harpring, Jeff L  
**Subject:** RE: Maywood Extension of Time

No. The Dept. has no objection.

---

**From:** Vercruysse, Brian [mailto:bvercruy@icc.illinois.gov]  
**Sent:** Thursday, February 05, 2009 8:31 AM  
**To:** Parrish, Lawrence D; Harpring, Jeff L  
**Subject:** FW: Maywood Extension of Time

Hi Larry and Jeff,

Does the Department have any objection to the Village's Petition for Extension of Time, or the Proposed/Agreed Order?

Thank you,  
Brian

Brian Vercruysse  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
V 630-424-8750  
M 312-636-7760  
[bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov)

---

**From:** Jacob H. Karaca [mailto:jhkaraca@KTJLAW.com]  
**Sent:** Monday, February 02, 2009 10:24 AM  
**To:** Vercruysse, Brian  
**Subject:** RE: Maywood Extension of Time

Brian-

Here is the revised Petition. Are you filing everything?

Please let me know.

JHK

-----Original Message-----

**From:** Vercruysse, Brian [mailto:bvercruy@icc.illinois.gov]  
**Sent:** Thursday, January 29, 2009 1:37 PM  
**To:** Michael T. Jurusik; Jacob H. Karaca; MACKSHUMATE@UP.COM; Parrish, Lawrence D  
**Cc:** jervin@maywood-il.org; Harpring, Jeff L; TNANDRYU@up.com  
**Subject:** FW: Maywood Extension of Time

Gentlemen:

The Village of Maywood has prepared a draft petition (attached .pdf file) requesting an extension of time for reconfiguring the old 4<sup>th</sup> Street crossing area. So as to avoid a hearing or filings by all parties, I have completed a Staff Response and Agreed Proposed Order. Please review and provide your written concurrence to the Petition and Order. I will then compile these concurrence documents with the Petition, Response, and Order to file electronically. Mr. Jurusik, please add the included "Proof of Service" language to the end of the Petition so that the filing by ICC Staff is accounted for. Thanks.

Thank you very much, and if there are any questions please let me know.

Sincerely,  
Brian

Brian Vercruysse  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
V 630-424-8750  
M 312-636-7760  
[bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov)

---

**From:** Stead, Mike  
**Sent:** Thursday, January 29, 2009 1:22 PM  
**To:** Vercruysse, Brian  
**Subject:** RE: Maywood Extension of Time

[My comments are incorporated into the attached documents.](#)

---

**From:** Vercruysse, Brian  
**Sent:** Wednesday, January 28, 2009 3:46 PM  
**To:** Stead, Mike  
**Subject:** Maywood Extension of Time

Hi Mike,

The Village is seeking additional time for the reconfiguration of 4<sup>th</sup> Avenue. The crossing is closed; winter just hit them too quick. For your review are the Staff Response and Agreed Suppl Order in response to the Petition.

Thanks,  
Brian

Brian Vercruysse  
Senior Rail Safety Specialist  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
630-424-8750 office  
312-636-7760 mobile  
[bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov)

## Vercruysse, Brian

---

**From:** MACKSHUMATE@UP.COM  
**Sent:** Tuesday, February 03, 2009 8:50 AM  
**To:** Bob Belt  
**Cc:** Mike Jurusik; Vercruysse, Brian  
**Subject:** Fw: Maywood Extension of Time  
**Attachments:** Brian Veracruz.vcf; Brian Vercruysse.vcf

----- Original Message -----

From: Mack H. Shumate  
Sent: 02/03/2009 08:45 AM CST  
To: Tom Andryuk  
Subject: Re: Maywood Extension of Time

The proposed amendment to the order is acceptable to law and I concur with the request. It is my understanding that engineering is in agreement also. Even though the crossing surface is already removed the barricades will remain in place until the village of Maywood has completed the street work. Mack

----- Original Message -----

From: Tom N. Andryuk  
Sent: 02/02/2009 12:32 PM CST  
To: Mack Shumate  
Cc: Jeff Perenchio; Tom Zapler  
Subject: Fw: Maywood Extension of Time

Mack,

All of our work is complete. We have no objection to the Village's request.

----- Forwarded by Tom N. Andryuk/UPC on 02/02/2009 12:31 PM -----

"Vercruysse,  
Brian"  
<bvercruy@icc.illinois.gov>

01/29/2009 01:39  
PM

"Michael T. Jurusik"  
<mtjurusik@KTJNET.com>,  
"jhkaraca@KTJNET.com"  
<jhkaraca@KTJNET.com>,  
"MACKSHUMATE@UP.COM"  
<MACKSHUMATE@UP.COM>, "Parrish,  
Lawrence D"  
<Lawrence.Parrish@illinois.gov>

To

cc

"jervin@maywood-il.org"  
<jervin@maywood-il.org>, "Harpring,  
Jeff L"  
<Jeff.Harpring@illinois.gov>,

"TNANDRYU@up.com" <TNANDRYU@up.com>  
Subject  
FW: Maywood Extension of Time

Gentlemen:

The Village of Maywood has prepared a draft petition (attached .pdf file) requesting an extension of time for reconfiguring the old 4th Street crossing area. So as to avoid a hearing or filings by all parties, I have completed a Staff Response and Agreed Proposed Order. Please review and provide your written concurrence to the Petition and Order. I will then compile these concurrence documents with the Petition, Response, and Order to file electronically. Mr. Jurusik, please add the included "Proof of Service" language to the end of the Petition so that the filing by ICC Staff is accounted for. Thanks.

Thank you very much, and if there are any questions please let me know.

Sincerely,  
Brian

Brian Vercruysse  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
V 630-424-8750  
M 312-636-7760  
bvercruy@icc.illinois.gov

From: Stead, Mike  
Sent: Thursday, January 29, 2009 1:22 PM  
To: Vercruysse, Brian  
Subject: RE: Maywood Extension of Time

My comments are incorporated into the attached documents.

From: Vercruysse, Brian  
Sent: Wednesday, January 28, 2009 3:46 PM  
To: Stead, Mike  
Subject: Maywood Extension of Time

Hi Mike,

The Village is seeking additional time for the reconfiguration of 4th Avenue. The crossing is closed; winter just hit them too quick. For your review are the Staff Response and Agreed Suppl Order in response to the Petition.

Thanks,

## Vercruysse, Brian

---

**From:** Jacob H. Karaca [jhkaraca@KTJLAW.com]  
**Sent:** Tuesday, February 03, 2009 8:38 AM  
**To:** Vercruysse, Brian  
**Subject:** RE: Maywood Extension of Time

All documents look good to us.

Thanks, Brian.

JHK

-----Original Message-----

**From:** Vercruysse, Brian [mailto:bvercruy@icc.illinois.gov]  
**Sent:** Tuesday, February 03, 2009 7:54 AM  
**To:** Jacob H. Karaca  
**Subject:** RE: Maywood Extension of Time

Hi Jacob,

I will file everything once I receive concurrence e-mails from IDOT and the UP for the Proposed Order. Does the Village have any comment on the Order?

Thanks,  
Brian

---

**From:** Jacob H. Karaca [mailto:jhkaraca@KTJLAW.com]  
**Sent:** Monday, February 02, 2009 10:24 AM  
**To:** Vercruysse, Brian  
**Subject:** RE: Maywood Extension of Time

Brian-

Here is the revised Petition. Are you filing everything?

Please let me know.

JHK

-----Original Message-----

**From:** Vercruysse, Brian [mailto:bvercruy@icc.illinois.gov]  
**Sent:** Thursday, January 29, 2009 1:37 PM  
**To:** Michael T. Jurusik; Jacob H. Karaca; MACKSHUMATE@UP.COM; Parrish, Lawrence D  
**Cc:** jervin@maywood-il.org; Harpring, Jeff L; TNANDRYU@up.com  
**Subject:** FW: Maywood Extension of Time

Gentlemen:

The Village of Maywood has prepared a draft petition (attached .pdf file) requesting an extension of time for reconfiguring the old 4<sup>th</sup> Street crossing area. So as to avoid a hearing or filings by all parties, I have completed a Staff Response and Agreed Proposed Order. Please review and provide your written

concurrence to the Petition and Order. I will then compile these concurrence documents with the Petition, Response, and Order to file electronically. Mr. Jurusik, please add the included "Proof of Service" language to the end of the Petition so that the filing by ICC Staff is accounted for. Thanks.

Thank you very much, and if there are any questions please let me know.

Sincerely,  
Brian

Brian Vercruysse  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
V 630-424-8750  
M 312-636-7760  
[bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov)

---

**From:** Stead, Mike  
**Sent:** Thursday, January 29, 2009 1:22 PM  
**To:** Vercruysse, Brian  
**Subject:** RE: Maywood Extension of Time

[My comments are incorporated into the attached documents.](#)

---

**From:** Vercruysse, Brian  
**Sent:** Wednesday, January 28, 2009 3:46 PM  
**To:** Stead, Mike  
**Subject:** Maywood Extension of Time

Hi Mike,

The Village is seeking additional time for the reconfiguration of 4<sup>th</sup> Avenue. The crossing is closed; winter just hit them too quick. For your review are the Staff Response and Agreed Suppl Order in response to the Petition.

Thanks,  
Brian

Brian Vercruysse  
Senior Rail Safety Specialist  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
630-424-8750 office  
312-636-7760 mobile  
[bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov)