

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

CSX Transportation, Inc., Newell Township Road District,)
And the State of Illinois, Department of Transportation.)

Stipulated Agreement regarding improving public safety)
at the Sunset Road (TR 193) highway-rail grade crossing of)
CSX Transportation's track near Danville, Vermilion County,)
Illinois, designated as crossing AAR/DOT #353 705R,)
Railroad milepost 118.93-L.)

T06-0058

TRANSPORTATION DIV

2009 SEP - 3 A 9: 27

ILLINOIS COMMERCE
COMMISSION

ANSWER TO PETITION FOR SUPPLEMENTAL AND OTHER RELIEF

NOW COMES Respondent Newell Township Road District, by its attorney, Charles D. Mockbee, III, and for its ANSWER to the PETITION FOR SUPPLEMENTAL AND OTHER RELIEF of CSX Transportation, Inc., states as follows:

1. Respondent admits the allegations of Petitioner's paragraph 1 herein.
2. Respondent denies the allegation of Petitioner's paragraph 2 herein that the two tracks at the subject crossing are both main line tracks, and states affirmatively that the west track is a main line track and the east track is a main line siding. Respondent admits the remaining allocations of Petitioner's paragraph 2 herein.
3. Respondent admits the allegations of Petitioner's paragraph 3 herein. Respondent was not made a party to cause number T06-0003.
4. Respondent denies the allegation of Petitioner's paragraph 4 herein regarding completion of the Winter Avenue bridge project and states affirmatively that as part of the Winter Avenue bridge project, Petitioner was ordered to remove a northern extension of its main line siding track (linear shoo-fly) constructed between Liberty Lane and Newell Road (actually West Newell Road) upon completion of the new Winter Avenue bridge (which has been completed), but has failed to take any action in furtherance of said Order. Respondent denies Petitioner's allegation

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regarding the closure of Sunset Road (that it has remained closed since 2006) and states that it has remained closed since September 2007.

5. Respondent denies the allegations of Petitioner's paragraph 5 herein.

6. Respondent denies the allegations of Petitioner's paragraph 6 herein and each subparagraph thereof.

7. Respondent denies the allegations of Petitioner's paragraph 7 herein.

8. Respondent denies the allegations of Petitioner's paragraph 8 herein.

9. Petitioner's Petition is not in compliance with 92 Illinois Administrative Code Part 1536 and the subject crossing does not meet the criteria for closure as set forth therein.

WHEREFORE, Newell Township Road District prays as follows:

- A. The Illinois Commerce Commission enter an Order denying authorization for the permanent closing of the Sunset Road crossing.
- B. That the Illinois Commerce Commission refuse to stay its prior Order in this cause requiring Petitioner to install automatic flashing light signals and gates, and reconstruct the crossing surface at Sunset Road.
- C. For such other and further relief as is deemed just and equitable.

Respectfully submitted,

NEWELL TOWNSHIP ROAD DISTRICT

By: Charles D. Mockbee III
Charles D. Mockbee, III, Its Attorney

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NOTICE OF FILING

PLEASE TAKE NOTICE that Newell Township Road District's ANSWER TO CSX Transportation Inc.'s PETITION FOR SUPPLEMENTAL AND OTHER RELIEF in the above entitled matter has been filed with the Illinois Commerce Commission this 3rd day of September, 2009. In addition, a copy of the aforementioned Answer has been sent to all parties of record as follows:

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Highway Commissioner
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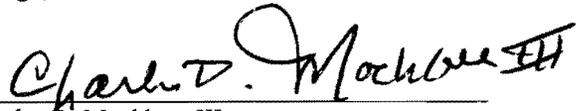
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