

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

County Of Bureau,)
a body politic)
Petitioner,)
)
vs)
Iowa Interstate R. R., LTD and)
Illinois Department of Transportation)
Respondents)
Petition For an Order authorizing the)
Reconstruction of a bridge carrying)
County Highway 8 (FAS 188) over the)
Iowa Interstat R. R. Ltd.'s track near the)
Village of Wyanet, Bureau County,)
Illinois, and directing a portion of the)
Costs to be paid by the Grade Crossing)
Protection Fund)

T 09- 0130

PETITION

The County of Bureau (County), a body politic and corporate, by and through its attorney, Patrick J. Herrmann, Bureau County State's Attorney, hereby petitions the Illinois Commerce Commission (Commission) for an Order authorizing reconstruction of the bride carrying County Highway 8 (FAS 188) (AAR/DOT #863 561W) over the Iowa Interstate R.R. LTD's track near the Village of Wyanet, Bureau County, Illinois and relocation of the existing Tow path Road highway-rail grade crossing (AAR/DOT #863 560P), located adjacent to the existing bridge.

In support of the Petition, the County states as follows:

1. The Illinois Commerce Commission has jurisdiction over the parties and the subject matter herein pursuant to Illinois Commerce Transportation Law (625

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ILCS 5/18C-7401) and the Illinois Administrative Code (92 Ill. Adm. Code 1535 et.seq.)

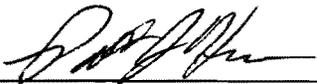
2. The existing structures, SN 006-3244 and SN 006-3245 were originally constructed in 1931 and rehabilitated in 1981 and were subsequently maintained by the County and the Rock Island Railroad Co. predecessors to the Iowa Interstate R. R. LTD. (Company).
3. In the interest of public safety and convenience, the parties have agreed to replace the existing bridge with a new structure and relocate the Tow Path Road grade crossing, substantially as shown on the general plan sheet marked as Exhibit 1, attached hereto and made a part hereof,
4. The proposed improvements, (Structure No 006-3247) will be constructed by Bureau County as part of an improvement known as Section 05-00195-00-BR, which will be shown in an agreement between the County and Company and filed as an amendment to this petition when fully executed.
5. Iowa Interstate R. R. LTD. has no objection to the proposed plans as shown in Exhibit 1 and as will be shown in fully executed written agreement between the County and the Company expected to be entered into evidence at a hearing before the Illinois Commerce Commission at a later date.

NOW, THEREFORE, Petitioner, County of Bureau, prays that the Illinois Commerce Commission Order, in accordance with its authority, the following:

1. The Commission enter an Order authorizing the reconstruction of the bridge carrying County Highway 8 (FAS 188) over the Iowa Interstate R. R. LTD's track and relocation of the existing Tow Path Road highway-rail grad crossing in accordance with the general plans marked as Exhibit 1;
2. Costs for the improvements be assessed among the parties and the Grade Crossing Protection Fund;

3. Such other and further relief as is deemed appropriate.

Nov 10, 2009
Date



Patrick J. Herrmann
Bureau County State's Attorney

Attachment

Patrick J. Herrmann
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Princeton, IL 61356
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ILLINOIS COMMERCE COMMISSION

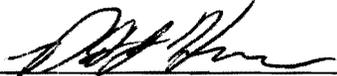
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NOTICE OF FILING

Dennis H. Miller, President
Iowa Interstate Railroad Co.
5900 6th Street S.W.
Cedar Rapids, IA 52404

Please take notice that I have this 11th day of November 2009 filed the attached Petition in the above entitled matter with the Illinois Commerce Commission. A copy of the attached Petition has been sent to all parties of record via first class mail.



Patrick J. Herrmann
Bureau County State's Attorney

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