

ORIGINAL

ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DOCKET

CASE NO. T09-0013

RECEIVED

FEB 23 2010

Illinois Central Railroad Company, Freeburg Township, and the State of Illinois, Department of Transportation.

ILLINOIS COMMERCE COMMISSION
RAIL SAFETY SECTION

Stipulated Agreement regarding improving public safety at the Press Road highway-rail grade crossing of the Company's track near Freeburg, Freeburg Township, St. Clair County, Illinois, designated as crossing AAR/DOT #296 094W, railroad milepost 23.02G.

T09-0013

PETITION FOR EXTENSION

NOW COMES, Freeburg Township and petitions the ICC for an Order granting the parties hereto an extension of time in which to comply with the ICC's Order to complete the improvements within twelve months of the date of the Order (March 11, 2009). In support of its Petition, Freeburg Township states as follows:

1. On March 11, 2009, the Illinois Commerce Commission entered an Order in the above entitled matter requiring the parties hereto to complete the following described project:

Complete all work described in Section 2 of Stipulated Agreement No. 1378 entered into by the parties hereto, which includes installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, equipped with an event recorder and a remote monitoring system (work to be completed by ICRR); installation of temporary STOP signs at the crossing within 30 days of a Commission Order for installation of new automatic warning devices (work to be completed by ICRR); improvement of the east and west highway approaches to meet minimum requirements of 92 Ill. Adm. Code

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1535.204 (work to be completed by Freeburg Township).

2. The ICC's Order states that the project was to be completed within twelve (12) months of the date of the Order and all billing is to be submitted within twelve (12) months of completion.
3. Despite the good-faith efforts of the parties to meet these deadlines the project has not been completed due to the following:
 - a. Weather conditions hampered the construction season necessary to complete the project.
 - b. The asphalt plant which is to supply the asphalt necessary to complete the project is closed for the season and will not resume operations until the end of March 2010.
4. Despite ICRR, IDOT and Freeburg Township's good-faith efforts to complete the stated work by March 11, 2010, the weather conditions and the availability of asphalt necessary to complete the project, ICCR, IDOT and Freeburg Township have been unable to complete all of the required work within twelve (12) months of the date of the Order.

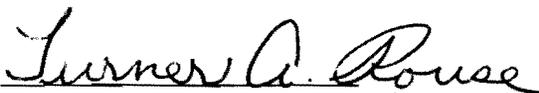
WHEREFORE, ICRR, IDOT and Freeburg Township, respectfully request that the Commission:

Extend until July 11, 2010, the time to complete the work stated in the Order; and provide such other and further relief as the Commission deems just and appropriate.

Dated this 19th day of February 2010.

Respectfully submitted,

Freeburg Township Road Commissioner

BY: 
Turner A. Rouse # 6199037
THE ROUSE LAW FIRM
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Illinois Central Railroad Company, Freeburg Township, and the State of :
Illinois, Department of Transportation. :
: :
Stipulated Agreement regarding improving public safety at the Press : T09-0013
Road highway-rail grade crossing of the Company's track near :
Freeburg, Freeburg Township, St. Clair County, Illinois, designated as :
crossing AAR/DOT #296 094W, railroad milepost 23.02G. :

NOTICE OF FILING

PLEASE TAKE NOTICE that we have on this 19th day of February 2010, sent for filing with the Illinois Commerce Commission, the attached Petition for Extension in the above captioned matter, a copy of which is hereby served on you.

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Freeburg Township Road Commissioner

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the **Petition For Extension** , was placed in a sealed envelope, clearly addressed, with proper postage fully prepaid, and deposited in the United States Mail in Belleville, Illinois, on the 19th day of February, 2010, addressed to the following:

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