

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

The Department of Transportation of the State of Illinois, for and on behalf of the People of the State of Illinois : : T07-0073

vs. : :

Union Pacific Railroad Company, a Delaware Corporation holding title as the Chicago and Northwestern Railroad Company; and Unknown Owners, : : :

Petition for approval of the taking or damaging owned by a common transportation carrier in Cook County, Illinois by exercising the right of eminent domain of certain properties. Job No. R90-003-06; parcel Nos. 0G30007PE-A & B And Parcel Nos. 0G000TE-A, B, C & D. : : :

consolidated with

The Village of Arlington Heights, : :

vs. : :

Union Pacific Railroad and the Department of Transportation of the State of Illinois, : : T08-0154

Petition for an Order of the Illinois Commerce Commission, pursuant to 625 ILCS 5/18c-7401, allowing modification to grade crossing at Arthur Avenue and East Davis Street : : :

**MOTION FOR EXTENSION OF STAY
AND SUSPENSION OF THE BRIEFING SCHEDULE**

Union Pacific Railroad Company (“Union Pacific”), through its attorneys, submits this Motion for Extension of Stay and Suspension of the Briefing Schedule pursuant to § 200.190 of the Illinois Commerce Commission (“the Commission”) Rules of Practice, 83 Ill. Adm. Code § 200.190. In support of this Motion, Union Pacific states as follows:

1. On February 24, 2010, Union Pacific filed a Motion to Stay Proceedings and Suspend the Briefing Schedule due to discussions that may result in an amicable resolution of the issues.

2. On February 26, 2010, the Administrative Law Judge (“ALJ”) issued a Notice of ALJ’s Ruling granting Union Pacific’s Motion to Stay Proceedings and Suspend the Briefing Schedule until May 7, 2010.

3. Union Pacific, the Department, and the Village are continuing discussions that may result in an amicable resolution of the issues presented on Union Pacific’s Motion to Stay and Dismiss for Lack of Jurisdiction. Progress has been made to resolve the issues. A settlement agreement draft has been circulated and is being discussed. However, the parties require more time to finalize a settlement and obtain approval from the governmental entities involved in the proceeding.

4. The related declaratory and injunctive action by Union Pacific in the U.S. District Court for the Northern District of Illinois (No. 09-CV-4564) has been continued for purposes of settlement until June 24, 2010.

5. Accordingly, Union Pacific requests that the ALJ continue to stay this proceeding for an additional 45 days to allow the parties an opportunity to reach an amicable resolution of these issues. Union Pacific further requests that the ALJ suspend to the current briefing schedule on its Motion to Stay and Dismiss for Lack of Jurisdiction until further notice.

6. The Department and the Village have no objection to the granting of this Motion, which is without prejudice to any party’s position on the merits of the Motion to Stay and Dismiss for Lack of Jurisdiction.

7. This Motion is made in good faith and not for purposes of delay. No party will be unfairly prejudiced by the granting of this Motion.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Administrative Law Judge grant this Motion.

Dated: May 5, 2010

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

By: /s/ John E. Rooney
One of its attorneys

John E. Rooney
Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard Street
Suite 430
Chicago, Illinois 6064
(312) 447-2800
john.rooney@r3law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above Notice, together with a copy of the document referred to therein, have been served upon all parties on the attached service list by electronic mail, on the 5th day of May 2010.

/s/ John E. Rooney _____
John E. Rooney

ILLINOIS COMMERCE COMMISSION

DOCKET NO. T07-0073

Service List

Cindy K. Bushur-Hallam
Special Assistant Chief Counsel
Illinois Dept. of Transportation
2300 S. Dirksen Pkwy.
Springfield, IL 62764

Gloria M. Camarena
Assistant Chief Counsel
Illinois Department of Transportation
JRTC - Suite 6-600
100 West Randolph
Chicago, IL 60601

Douglas G. Felder
Special Assistant Attorney General
Douglas G. Felder, P.C.
203 North LaSalle Street, Suite 2300
Chicago, IL 60601

Rupert F. Graham
Cook County Superintendent of Highways
69 W. Washington, Room 2300
Chicago, IL 60602

Lance T. Jones
Deputy Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway, Suite 311
Springfield, IL 62764

Dave McKernan
Union Pacific Railroad Company
100 North Broadway, Suite 1500
St. Louis, MO 63102

Daniel Powers
Transportation - Railroad
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Document Processor
Union Pacific Railroad Company
C T Corporation System
208 S. LaSalle St.
Chicago, IL 60604

Richard Redmond
Holland & Knight
131 S. Dearborn, 30th Floor
Chicago, IL 60603

Christine M. Reed
Director, Division of Highways
Illinois Department of Transportation
ATTN: Jeff Harpring, Room 205
2300 South Dirksen Parkway
Springfield, IL 62764

John E. Rooney
Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard St., Ste. 430
Chicago, IL 60654

Ellen Schanzle-Haskins
Chief Counsel - IDOT
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764

Mack H. Shumate Jr.
Union Pacific Railroad Company
101 N. Wacker Drive, Suite 1920
Chicago, IL 60606

Brian A. Vercruysse
Rail Safety Specialist
Railroad Section
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701