

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

City of Bloomington, McLean County, Illinois )  
an Illinois Municipal Corporation, )  
Petitioner, )

Docket No. T12-0132

v. )

Norfolk Southern Railway Company, )  
Respondents. )

Petition of the City of Bloomington, an Illinois )  
Municipal Corporation, to (1) authorize the )  
establishment of a new highway-rail grade )  
crossing, including bike trail and sidewalk, at a )  
point where the extension of Hershey Road will )  
cross the existing railway and (2) authorize the )  
use of Grade Crossing Protection Funds to close )  
an existing uncontrolled grade crossing east of )  
the Hershey Road alignment and install warning )  
devices for the proposed Hershey Road grade )  
crossing, all at the point where the south )  
extension of Hershey Road will cross Norfolk )  
Southern Railway Company's track (Milepost )  
SP-371.4, Gibson City-Farmdale Line, Illinois )  
Division) in the City of Bloomington, County of )  
McLean, State of Illinois. )

**CITY OF BLOOMINGTON'S UNCONTESTED MOTION TO CONTINUE HEARING**

Petitioner, the City of Bloomington (the "City"), by its attorneys Hinshaw & Culbertson LLP, and pursuant to Section 200.190 of the Commission's Rules of Practice, moves to continue the hearing in this matter that is currently scheduled to commence on September 11, 2013 at 1:30 p.m. In support of its motion, the City submits the attached Affidavit of Edward R. Gower. In further support of its motion, the City states:

1. The hearing in this matter is currently scheduled for September 11, 2013 at 1:30 p.m.

2. The City has been involved in pre-hearing settlement discussions with the Commission Staff, Illinois Department of Transportation ("IDOT") counsel and staff, and Norfolk Southern Railway Company ("NS") counsel and staff to try and reach agreement on the

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proposed crossing that is the subject of this proceeding as well as several other crossings in Bloomington. Those discussions are ongoing, and the NS is currently evaluating the potential impact on its operations, if any, of a set of City crossing and grade separation proposals.

3. Given the complexity of the issues, the City requests a continuance of approximately ninety days to allow the parties to fully evaluate and try and reach agreement on the several crossings and a grade separation under consideration.

4. Counsel for the City has spoken with the Staff's Aaron Toliver and counsel for the NS and IDOT. No party to this proceeding objects to the proposed 90-day continuance.

5. If the Administrative Law Judge determines a continuance is appropriate, but perhaps not ninety days, the City requests that the hearing not be set during the period from November 12 through November 26, 2013 as its counsel is scheduled to start an estimated two week jury trial in federal court on November 12, 2013.

WHEREFORE, for all the reasons set forth above, the City of Bloomington requests that the hearing in this matter be continued for approximately ninety days, or for such period of time as the Administrative Law Judge deems appropriate.

Respectfully Submitted,

CITY OF BLOOMINGTON,

By:           /s/ Edward R. Gower            
Edward R. Gower  
Its Attorney

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## CERTIFICATE OF SERVICE

I, Edward R. Gower, an attorney for the City of Bloomington, certify that I caused to be served copies of the foregoing CITY OF BLOOMINGTON'S UNCONTESTED MOTION TO CONTINUE HEARING via electronic mail and U.S. mail (to parties not supplying email addresses) from the law office of Hinshaw & Culbertson LLP, 400 South Ninth Street, Suite 200, Springfield, Illinois, 62701, to the Parties of Record named on the Illinois Commerce Commission's service list for ICC Docket No. T12-0132, on September 4, 2013.

/s/ Edward R. Gower

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