

**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.)

And Illinois Department of Transportation,)
Intervenor.)

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.)

PETITIONER'S UNOPPOSED 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 December 10, 2013 at 1:30 p.m. for approximately 90 days. In support of its motion, the City submits the Affidavit of Edward R. Gower. In further support of its motion, the City states:

1. The City has discussed with the Norfolk Southern Railway Company ("NS"), the Illinois Department of Transportation ("IDOT") and Illinois Commerce Commission Staff

(“Staff”) possible ways in which the parties might be able to amicably resolve their differences concerning the proposed highway-rail grade crossing that is the subject of this proceeding.

2. The NS responded with an unexpected position.

3. The City’s staff and counsel need to discuss the NS’ position with the City’s Mayor and City Council in order to obtain guidance as to how the City will respond to the NS position, which also will impact this case.

4. The hearing in this matter currently is scheduled for December 10, 2013 at 1:30. In light of the foregoing, the City believes that it would be advisable to continue the hearing and that, in light of the intervening holidays, the continuance is requested for a period of approximately 90 days. However, the City’s counsel is not available the week beginning March 10, 2014.

5. Counsel for the City, Ed Gower has discussed this continuance request with Neil Flynn, counsel for the NS, Jennifer Kuntz, IDOT counsel, and Staff rail specialist Aaron Toliver, and they have advised Mr. Gower that the NS, IDOT and Staff, respectively, have no objection to the requested 90-day continuance.

WHEREFORE, Petitioner, the City of Bloomington requests the hearing in this matter currently scheduled for December 10, 2013 at 1:30 to be continued for approximately 90 days, to a time and date convenient for the presiding Administrative Law Judge, other than the week of March 10, 2014.

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 PETITIONER'S UNOPPOSED 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 November 27, 2013.

/s/ Edward R. Gower

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