

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

BNSF Railway Company,
Petitioner,

v.

State of Illinois, Department of Transportation, and
County of Fulton, Illinois,
Respondents.

Case No. T14-0150

Petition for an Order of the Illinois Commerce Commission
authorizing the installation of an additional railroad track at the
grade crossing inventoried as DOT #078 455 Y (M.P. 142.62x)
at what is commonly known as CR 13 near Vermont, IL for
determination of suitable and appropriate warning and traffic
devices at or near the crossing, and for determination by the
Illinois Commerce Commission of the division of costs between
the parties.

MOTION FOR EXPEDITED RULING

NOW COMES Petitioner, BNSF Railway Company (BNSF), by its attorneys, DALEY MOHAN GROBLE, P.C., and pursuant to Section 200.190 of the Rules of Practice of the Illinois Commerce Commission, moves the Court for an expedited ruling on the Petition to install an extension of the siding track at the CR 13 grade crossing, and to determine whether the existing active warning devices are suitable and appropriate for the crossing. In support hereof, you movant states:

1. On December 19, 2014, BNSF Railway Company filed a Petition with the Illinois Commerce Commission ("Commission") in the above-captioned matter seeking an order authorizing the installation of an extension of the siding track at the CR 13 highway-rail grade crossing ("crossing") of the BNSF Railway Company's track near Vermont, Fulton County, Illinois, designated as crossing AAR/DOT #078 455 Y, Railroad Milepost 142.62x, and for a determination of suitable and appropriate warning and traffic devices at or near the crossing in accordance with road, profile, and signal plan prepared by Hanson Engineers, consulting engineers, attached as Exhibits A and B to the Petition.

2. Due to the nature of the need for the siding extension to improve the efficiencies of rail traffic though the area involved, BNSF has been proactively working

with the County Engineer for Fulton County (the road authority) and with ICC staff to discuss the project and resolve any issues with respect to this Project, with the hope that it would be allowed to proceed in the near future.

4. It is essential that the project be completed in as timely a manner as possible in order to minimize the impacts of construction on the Fulton County community and BNSF railroad operations, and for the public benefits of the siding to be realized without unnecessary delay.

5. To this end, BNSF respectfully requests that this matter be assigned for consideration by an appropriate Judge as soon as possible so that this worthy project can be evaluated for the requested improvements.

6. This would allow for an expedited ruling on the Petition and entry of an order to move the Project forward in the near future.

7. The parties have been in agreement throughout the pre-Petition process, and continue to cooperate.

8. Pursuant to Stipulated Agreement No. 1783 and Case No. T14-0099, , the Illinois Commerce Commission has previously ordered on September 18, 2014, the installation of automatic flashing lights and gates, and constant warning time (CWT) for the crossing containing the single main line, with the parties hereto to pay a division of cost.

9. Early resolution of this matter will allow the parties to coordinate the upgrades already ordered by the ICC with the proposed installation of the additional track through the crossing, and avoid unnecessary work that would have to be “undone” if the Commission approves the additional track through the crossing.

WHEREFORE, BNSF respectfully requests that the Court to consider granting relief by way of this motion for an expedited ruling as it is essential that this project moves forward in as timely a manner as possible.

Respectfully submitted,
BNSF Railway Company

By: s/Robert J. Prendergast

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CERTIFICATE OF SERVICE

I, Robert J. Prendergast, an attorney, hereby certify that on the 13th day of January, 2015, I caused the foregoing **MOTION FOR AN EXPEDITED RULING** to be served on attorneys/parties of record by e-filing the same with the Illinois Commerce Commission and by forwarding the same to the following at the email and/or street addresses listed below, before 5:00 p.m.:

John Saladino
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s/Robert J. Prendergast
Robert J. Prendergast