

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Wisconsin Central Ltd., the Village of Mundelein, the County of Lake, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding the installation of an Automated Horn System (AHS system) at the crossings of the Company's track with public highways known as Butterfield Road, Illinois Rte. 60 (IL 60), Allanson Road, Hawley Street, Park Street, Maple Street (IL Rte. 176), Dunbar Road, Winchester Road, and Peterson Road, located in/near the Village of Mundelein, Lake County, Illinois, designated as crossings AAR/DOT 689 698N, milepost 37.37M; AAR/DOT 689 699V, milepost 37.50M; AAR/DOT 689 701U, milepost 38.65M; AAR/DOT 689 703H, milepost 39.80M; AAR/DOT 689 704P, milepost 39.94M; AAR/DOT 689 705W, milepost 40.10M; AAR/DOT 689 707K, milepost 40.85M; AAR/DOT 689 709Y, milepost 41.78M; AAR/DOT 689 710G, milepost 42.38M, respectively.

RECEIVED  
OCT 23 2003

Illinois Commerce Commission  
RAIL SAFETY SECTION

T01-0029

**Wisconsin Central Ltd.'s Response to the Supplemental Petition for an Order Directing the Canadian National to Comply with the Stipulated Agreement Dated March 19, 2001 and the Interim Order Entered April 25, 2001 and for Other Relief**

NOW COMES Wisconsin Central Ltd. ("WCL") with its Response to the Village of Mundelein's petition ("Petition") to the Illinois Commerce Commission (the "Commission") for an order directing the Canadian National to comply with the Stipulated Agreement dated March 19, 2001 and the Interim Order entered on April 25, 2001 and for other relief. WCL states as follows:

1. In response to Paragraph 1 of the Petition, WCL states that it is a rail carrier operating in Illinois and is a rail carrier within the meaning of the Illinois Commercial Transportation Law, and markets itself as doing business as CN. Wisconsin Central Ltd. is the proper party to the proceeding, not Canadian National.

DOCKETED

OCT 23 2003

2. WCL admits the assertions contained in Paragraphs 2, 3, and 4 of the Petition.
3. In response to Paragraph 5 of the Petition, WCL asserts that it owns and operates a main line of railroad through Cook County continuing into Lake County and to the Wisconsin border. This main line passes through the municipalities made party respondents to this action.
4. WCL admits the assertions made in Paragraphs 6, 7, 8, 9, 10 and 11 of the Petition, except to say all references to CN shall be considered references to WCL.
5. In response to Paragraph 12 of the Petition, WCL admits that the STUDY was completed and distributed, and that its content is available for review by the Commission.
6. WCL lacks sufficient information so as to be able to admit or deny the assertions in Paragraphs 13, 14 and 15 of the Petition.
7. WCL admits the assertions made in Paragraphs 16 and 17 of the Petition.
8. WCL denies the assertions made in Paragraphs 18 and 19 of the Petition.
9. WCL admits the assertions made in Paragraph 20 of the Petition.
10. In response to Paragraph 21 of the Petition, WCL admits that it sent a letter to Michael Flynn dated July 2, 2003, and that a copy is attached to the Petition.
11. WCL admits the assertions made in Paragraph 22 of the Petition.
12. In response to Paragraphs 23 and 24 of the Petition, WCL admits that it sent letters dated August 26, 2003 and September 18, 2003, and that copies are attached to the Petition.

13. WCL denies the assertions made in Paragraphs 25, 26 and 27 of the Petition.

14. WCL lacks sufficient information so as to be able to admit or deny the assertions made in Paragraphs 28 and 29 of the Petition.

15. WCL admits the assertions made in Paragraphs 30, 31 and 32 of the Petition.

16. WCL asserts that it has fully complied with all agreements and orders that are part of Illinois Commerce Commission Docket Number T01-0029. WCL also asserts that the orders and agreements in this docket simply give it the authority to not sound train horns at locations when the automated horns are in place, and that the final discretion to use automated horns or train horns rests with the railroad.

17. WCL asserts that the Illinois Commerce Commission has no authority to prohibit the sounding of train horns at crossings in the State of Illinois and that past practices of the Illinois Commerce Commission support this assertion.

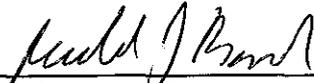
18. WCL asserts that, pursuant to 625 ILCS § 5/18c-7402, it retains discretion to use train horns at crossings notwithstanding that stand-alone audible warning devices may be present at the crossing.

WHEREFORE, Wisconsin Central Ltd. respectfully requests that the Commission deny the relief sought by the Village of Mundelein in their Petition of October 14, 2003 in this matter, but nevertheless extend the study period originally set forth in the interim order of April 25, 2001, in this docket, by an additional 60 days.

Dated at Chicago, Illinois this 21st day of October, 2003.

Respectfully submitted,

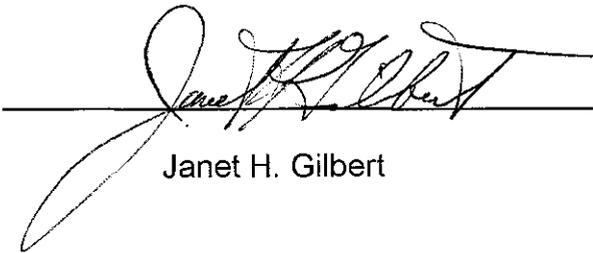
WISCONSIN CENTRAL LTD.

By: 

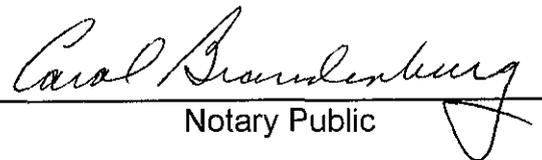
Michael J. Barron, Jr.  
Counsel for Wisconsin Central Ltd.  
CN  
455 North Cityfront Plaza Drive  
Chicago, IL 60611-5317  
(312) 755-7954  
ARDC #6228809

VERIFICATION

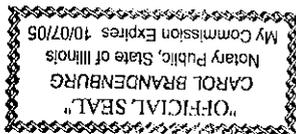
Janet H. Gilbert, being duly sworn, deposes and says that she is Assistant Secretary of Wisconsin Central Ltd., that she has read the foregoing Response to the Petition of the Village of Mundelein, and that the contents thereof are true and correct to the best of her knowledge and belief.

  
Janet H. Gilbert

Subscribed and sworn to  
before me this 20<sup>th</sup> day of  
OCTOBER, 2003.

  
Notary Public

My Commission Expires:



**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Wisconsin Central Ltd., the Village of Mundelein, the County of Lake, and the State of Illinois, Department of Transportation.

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T01-0029

**NOTICE OF FILING**

Mr. Samuel Ach  
Chief Counsel  
Illinois Department of  
Transportation  
2300 S. Dirksen Parkway,  
Room 300  
Springfield, IL 62764

Mr. Ken Marabella  
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Village of Mundelein  
440 East Hawley Street  
Mundelein, IL 60060

Mr. Robert Berry  
Railroad Safety Specialist  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

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Lake County Division of  
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118 W. Cook Avenue  
Libertyville, IL 60048

Mr. Michael S. Allison  
Village Manager  
Village of Vernon Hills  
290 Evergreen Drive  
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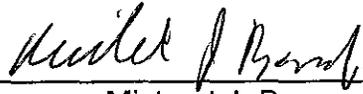
PLEASE TAKE NOTICE that we have on this 21st day of October, 2003, sent for filing with the Illinois Commerce Commission, Wisconsin Central Ltd.'s Response to the Village of Mundelein's Supplemental Petition for an Order Directing the Canadian National to Comply with the Stipulated Agreement dated March 19, 2001 and the Interim Order Entered April 25, 2001 and for Other Relief.

WISCONSIN CENTRAL LTD.

By  \_\_\_\_\_  
Michael J. Barron, Jr.  
Counsel for Wisconsin Central Ltd.  
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455 North Cityfront Plaza Drive  
Chicago, Illinois 60611-5317  
(312) 755-7954  
ARDC #6228809

**CERTIFICATE OF SERVICE**

I, MICHAEL J. BARRON, JR., an attorney, certify that on behalf of Wisconsin Central Ltd., I served the foregoing Response of Wisconsin Central Ltd. upon those made party to this proceeding by enclosing copies of the document in envelopes addressed to those parties as set forth below, postage prepaid, and depositing the envelopes in the United States mail at 455 North Cityfront Plaza Drive, Chicago, Illinois on the 21st day of October, 2003.



Michael J. Barron, Jr.

Mr. Samuel Ach  
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