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STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission  
RAIL SAFETY SECTION

ILLINOIS DEPARTMENT OF )  
TRANSPORTATION, )

Petitioner, )

v. )

Docket No. T03-0062

THE KANSAS CITY SOUTHERN )  
RAILWAY COMPANY, )

Respondents. )

**THE KANSAS CITY SOUTHERN RAILWAY COMPANY'S**  
**ANSWER TO AMENDED PETITION**

COMES NOW Respondent The Kansas City Southern Railway Company ("KCS"), by and through its undersigned attorneys, and for its Answer to The Illinois Department of Transportation's ("Petitioner") Amended Petition, states as follows:

1. Denied. Without waiver of said denial, KCS answers further that it operates certain mainline track running from northeast to southwest through the Village of Manchester in Scott County, Illinois.
2. KCS is without sufficient information to admit or deny the allegations of paragraph 2 of Petitioner's Amended Petition and, therefore, denies same.
3. KCS admits the allegations of paragraph 3 of Petitioner's Amended Petition.
4. KCS states that the allegations contained in paragraph 4 of Petitioner's Amended Petition contain conclusions of law to which no response is required. To the extent a response is required, KCS denies the allegations contained in paragraph 4 of Petitioner's Amended Petition.
5. KCS is without sufficient information to admit or deny the allegations of paragraph 5 of Petitioner's Amended Petition, and also states that the allegations of paragraph 5

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of Petitioner's Amended Petitioner contain conclusions of law to which no response is required. To the extent any further response is required, KCS denies the allegations of paragraph 5 of Petitioner's Amended Petition.

6. KCS admits the allegations contained in paragraph 6 of Petitioner's Amended Petition.

7. KCS admits the allegations contained in paragraph 7 of Petitioner's Amended Petition.

8. KCS admits the allegations of paragraph 8 of Petitioner's Amended Petition.

9. KCS admits the allegations of paragraph 9 of Petitioner's Amended Petition.

10. KCS admits that KCS and the Department have entered into an agreement providing for the construction of the new grade separation referenced in paragraph 10 of Petitioner's Amended Petition, but denies the accuracy of the estimated cost of \$89,558.00 referenced on page 5 of the parties' Agreement, which is attached as Exhibit 2 to the Department's Motion for Leave to Amend. KCS states that, to its knowledge, the correct estimated cost is \$82,044.00, which contemplates crossing upgrades at 5<sup>th</sup> Street-DOT 294046A (\$28,904.00), TR 151 (\$36,006.00), and the closure of TR 137 (\$17,134.00). As means of clarification, KCS believes that a cost estimate for upgrade of TR 166 (\$36,418.00) was inadvertently included in the cost estimate, and the cost estimate for the upgrade at 5<sup>th</sup> Street-DOT 294046A (\$28,904.00) was inadvertently omitted from the cost estimate.

11. KCS admits the allegations of paragraph 11 of Petitioner's Amended Petition.

WHEREFORE, Respondent KCS has answered fully Petitioner's Amended Petition and requests the Commission order that the requested construction be authorized as proposed by the

proposed agreement between the parties and to grant KCS any further relief it deems just and appropriate.

Respectfully submitted,

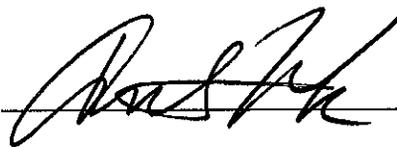
By  \_\_\_\_\_

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OF COUNSEL:  
THOMPSON COBURN LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was mailed certified mail postage prepaid to Stacy C. Hollo, Special Assistant Attorney General, Illinois Department of Transportation, 2300 South Dirksen Parkway, Room 311, Springfield, IL 62764; Ron Drake, Village Board President, P.O. Box 193, Manchester, IL 62663 and Peggy Renner, Village Clerk, P.O. Box 193, Manchester, IL 62663 this the 23rd day of October, 2003.

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