

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS DEPARTMENT OF TRANSPORTATION,)
)
Petitioner,)
)
v.)
)
The Kansas City Southern Railway Company,)
)
Respondents.)
)
Petition for an Order granting permission to construct)
new grade separation structures carrying a proposed)
four (4) lane US 67 Expressway over the tracks of the)
KCSR situated near the southern edge of the Village of)
Manchester, Scott Co., Illinois.)

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Illinois Commerce Commission
RAIL SAFETY SECTION

Docket No.

T03-0062

RESPONSE TO KCSR's ANSWER TO AMENDED PETITION

NOW COMES Petitioner, State of Illinois, Department of Transportation ("Department"), by and through its attorney Lisa Madigan, Attorney General for the State of Illinois, and as its Response To KCSR's Answer To Amended Petition filed by the Kansas City Southern Railway Company on October 29, 2003, the Department states it has no objection to issues raised therein by the KCSR in Answers 1 and 10. The Department acknowledges that the figures stated by the KCSR in its Answer are correct and further acknowledges that the agreement between the parties is an actual cost agreement; therefore, payments will be made based on the actual costs incurred by the KCSR.

WHEREFORE, State of Illinois, Department of Transportation requests that an order issue without a hearing, or alternatively, that this matter be noticed up for hearing on the next available date.

Respectfully submitted,
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan
Attorney General

By: *Stacey C. Hollo* 13
Stacey C. Hollo
Special Assistant Attorney General

Dated: November 10, 2003

Illinois Department of Transportation
2300 South Dirksen Parkway, Rm. 311
Springfield, Illinois 62764
Telephone (217)782-0692

DOCKETED

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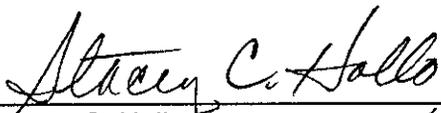
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NOTICE OF FILING

TO: Anothony Franks, Atty.
Michael R. Haverty, KCSR
Ron Drake, Village Pres.
Peggy Renner, Village Clerk

PLEASE TAKE NOTICE that I have this 10th day of November, 2003, forwarded to Mr. Dave Lazarides, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, a Response to KCSR's Answer to Amended Petition, copies of which are attached hereto and hereby served upon you.



Stacey C. Hollo ^{LB}
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Room 311
Springfield, Illinois 62764
(217) 782-3215

Counsel for the Illinois
Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that copies of the foregoing instruments were served upon the addressees listed below by mailing a true and correct copies via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 10th day of November, 2003:

A handwritten signature in cursive script, reading "Stacy C. Hall", is written over a solid horizontal line.

Anthony Franks
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101

Kansas City Southern Railway Company
Michael R. Haverty
427 West 12th Street
Kansas City, MO 64105-1403

Ron Drake
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