

ORIGINAL

ILLINOIS COMMERCE COMMISSION
Springfield, Illinois

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Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois & Midland, Inc.,)
Petitioner)
v.)
State of Illinois, Department of Transportation,)
Cincinnati Township)
Respondent.)

Docket: T03-0086

Second Amended Petition to Modify Railroad)
crossing intersection, D.O.T. 169809T, "flashing)
lights and gates.")

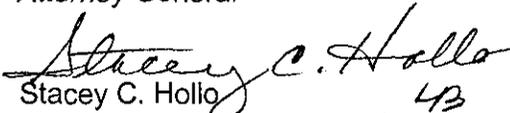
RESPONSE TO SECOND AMENDED PETITION

NOW COMES Respondent, 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 Second Amended Petition filed by the Illinois & Midland Railroad, Inc. on November 20, 2003, the Department states that none of the roadways in question are under the jurisdiction of the Department. The Department further responds that it does not believe Grade Crossing Protection Fund money is or has been requested by Petitioner. Based on these two premises, the Department states that it believes it does not have standing on any issue with regard to the Second Amended Petition and therefore does not have or take a position on the relief sought by Petitioner.

WHEREFORE, State of Illinois, Department of Transportation has no objection to the pending Second Amended Petition and does not request a hearing be held in this regard.

Respectfully submitted,
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan
Attorney General

By: 
Stacey C. Hollo ^{LB}
Special Assistant Attorney General

Dated November 24, 2003

Illinois Department of Transportation
2300 South Dirksen Parkway, Rm. 300
Springfield, Illinois 62764
Telephone (217)782-0692

DOCKETED

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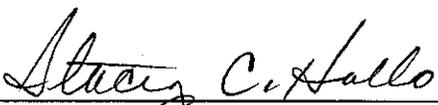
ILLINOIS COMMERCE COMMISSION
Springfield, Illinois

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NOTICE OF FILING

TO: Hugh Graham
Dorothy J. Duncanson, Clerk
Mike H. Fahnders, Twp. Supervisor
Ronald C. Hawkins, Twp., Highway

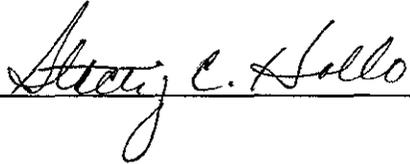
PLEASE TAKE NOTICE that I have this 24th day of November, 2003 forwarded to Mr. Dave Lazarides, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, Department's Response to Second Amended Petition, a copy of which is attached hereto and hereby served upon you.



Stacey C. Hollo
Special Assistant Attorney General
2300 South Dirksen Parkway, Rm 300
Springfield, Illinois 62764
(217) 782-0692
Counsel for the Illinois
Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addresses listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 24th day of November 2003:



Hugh J. Graham III
Attorney
Graham & Graham, Ltd.
1201 South 8th
Springfield, IL 62703

Dorothy J. Duncanson
Clerk
Cincinnati Township
1606 Deppert Drive
Pekin, IL 61554

Mike H. Fahnders
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