



ILLINOIS COMMERCE COMMISSION

February 23, 2004

City of Effingham, Illinois,
Petitioner

v.

CSX Transportation, Inc,
Respondent.

T04-0013

Petition for an Order of the Illinois Commerce Commission directing the construction of a pedestrian grade crossing for the South Maple Street sidewalk at its intersection at South Maple Street and the CSX Transportation, Inc. railroad tracks in the City of Effingham, County of Effingham, State of Illinois.

Mr. Matthew R. Hortenstine
Taylor Law Offices, P.C.
122 E. Washington
Effingham, IL 62401

Dear Mr. Hortenstine:

Receipt is acknowledged of the original and three (3) copies of the Petition filed February 20, 2004 in the above matter.

All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 E. Capitol Avenue, Springfield, IL 62701 or you may file electronically through E-Docket if you have an account. To apply for an account, please log on to www.icc.state.il.us and apply for an E-docket account.

Processing and Information Section

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cc: Mr. Victor A. Modeer, IDOT
Mr. Paul Carine, CSX
Mr. Gordon Bailey, CSX
Mr. Ken Downard, CSX
City of Effingham, Mayor/Clerk

ILLINOIS COMMERCE COMMISSION
STATE OF ILLINOIS

CITY OF EFFINGHAM, ILLINOIS,)
)
Petitioner,)
v.)
)
CSX TRANSPORTATION, INC.)
Attention: Paul Carine,)
Designated Agent,)
P.O. Box 45052,)
Jacksonville, Florida 32232-5052)
)
Respondent.)

No. T-04-0013

ILLINOIS COMMERCE
COMMISSION
2004 FEB 20 P 2:30
TRANSPORTATION DIV

PETITION

IN RE THE MATTER OF a Petition for an Order of the Illinois Commerce Commission directing the construction of a pedestrian grade crossing for the South Maple Street sidewalk at its intersection at South Maple Street and the CSX Transportation, Inc. Railroad tracks in the City of Effingham, County of Effingham, State of Illinois.

TO THE ILLINOIS COMMERCE COMMISSION:

NOW COMES Petitioner, City of Effingham, County of Effingham, State of Illinois, (hereinafter referred to as the "City") by and through its Attorneys, Taylor Law Offices, P.C., and respectfully states that:

1. That CSX Transportation, Inc. (hereinafter referred to as "Railroad") in the operation of its facilities, has a certain main track running in an east/west direction through the City of Effingham, County of Effingham, State of Illinois.
2. That the City has a major collector street commonly known as South Maple Street, which is under the jurisdiction of the City of Effingham, Illinois, and is running in a north/south direction through the City. The intersection of South Maple Street with the Railroad's railroad tracks is currently improved with a grade crossing improvement for vehicular traffic.
3. That the City has determined that it is necessary to construct a concrete sidewalk along South Maple Street in that area where it intersects the Railroad's railroad track for purposes of providing pedestrian access across the Railroad's railroad tracks and to improve public safety.
4. The side walk to be constructed is more fully described in the attached plans, which are attached hereto as Exhibit A and hereby incorporated by this reference as though fully stated herein.

5. That 100% of the cost of said construction of said sidewalk shall be paid by the City.
6. That said sidewalk along said South Maple Street will carry a significant amount of pedestrian traffic and would form an important connection between neighboring residential developments, commercial developments, and industrial developments located on the north side and the south side of the Railroad's railroad tracks at and about South Maple Street and connecting street infrastructure of the City.
7. The safe operation of the pedestrian routes requires the construction of pedestrian grade crossing across and intersecting the Railroad's railroad tracks at the intersection of the Railroad's railroad tracks and South Maple Street as shown in said Exhibit A.

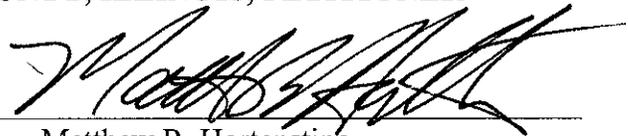
WHEREFORE, Petitioner respectfully requests the Commission to set the aforesaid matter for hearing with notice to the parties hereto, and after such hearing enter an Order as follows:

- A. Ordering the construction of a pedestrian grade crossing for a sidewalk at the intersection of the Railroad's railroad tracks and South Maple Street in the City of Effingham, County of Effingham, State of Illinois, as depicted in Exhibit A.
- B. Directing the Railroad to install and construct and thereafter maintain said pedestrian grade crossing in conformance with Exhibit A.
- C. Direct the City to pay for the cost for said installation of said pedestrian grade crossing.
- D. Providing for such other further relief as the Commission may deem appropriate.

Respectfully submitted,

**THE CITY OF EFFINGHAM, EFFINGHAM
COUNTY, ILLINOIS, PETITIONER**

Date: 2/17/04

By: 

Matthew R. Hortenstine
Attorney for Petitioner

Taylor Law Offices, P.C.
122 East Washington
P.O. Box 668
Effingham, Illinois 62401
217/342-3925
217/342-2341 (FAX)
Regis. No. 06216260

ILLINOIS COMMERCE COMMISSION
STATE OF ILLINOIS

CITY OF EFFINGHAM, ILLINOIS,

Petitioner,

v.

CSX TRANSPORTATION, INC.

Attention: Paul Carine,

Designated Agent,

P.O. Box 45052,

Jacksonville, Florida 32232-5052

Respondent.

No. T-_____

VERIFICATION

I, Steven W. Miller, PE, being the duly appointed and acting City Engineer for the City of Effingham, Illinois, and being duly sworn upon oath does hereby swear and affirm that I am the City Engineer for the City of Effingham, Illinois, and that I have read the foregoing Petition and I do hereby swear and affirm that said contents are true in substance and in fact.

Signed: Steven W. Miller
Steven W. Miller, PE, City Engineer
City of Effingham, Illinois

Subscribed and sworn to before me this 18th day of February, 2004.

Jayne P. Miller
Notary Public

Taylor Law Offices, P.C.
122 East Washington
P.O. Box 668
Effingham, Illinois 62401
217/342-3925
217/342-2341 (FAX)
Regis. No. 06216260



STATE OF ILLINOIS)
)
COUNTY OF EFFINGHAM) .ss

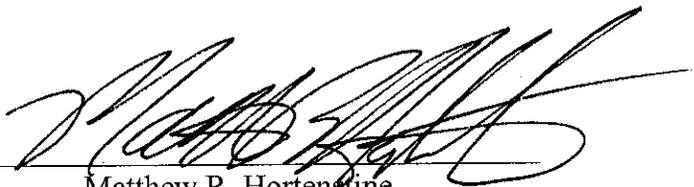
PROOF OF SERVICE

I, Matthew R. Hortenstine, being first duly sworn on oath deposes and states that on the 18th day of February, 2004, I did serve a copy of the foregoing upon all parties listed below by depositing same in the U.S. Mail depository in Effingham, Illinois in envelope(s) with first-class postage, prepaid, addressed to:

Paul Carine (sent via Certified Mail)
CSX Transportation, Inc.
P.O. Box 45052
Jacksonville, Florida 32232

James Easterly, Director
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

Stan Grabski
Illinois Department of Transportation
400 West Wabash
Effingham, Illinois 62401

Signed: 
Matthew R. Hortenstine
Taylor Law Offices, P.C.

