

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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Illinois Commerce Commission
RAIL SAFETY SECTION

County of LaSalle, Illinois, Department of)
Highways and City of Streator, Illinois,)

PETITIONERS

VS.

T04-0069

Burlington Northern and Santa Fe Railway)
Company and State of Illinois, Department)
of Transportation,)

RESPONDENTS.

Petition for an Order of the Illinois)
Commerce Commission authorizing the)
replacement of the structure where E.)
Broadway Street goes over the tracks of the)
Burlington Northern Santa Fe Railway)
Company and the SB Warehousing, Inc. in)
Streator, LaSalle County, Illinois,)
apportioning costs thereof and directing an)
appropriate portion thereof to be borne by)
the Grade Crossing Protection Fund.)

**LASALLE COUNTY AND CITY OF STREATOR
BRIEF ON EXCEPTIONS**

LaSalle County and City of Streator received the Hearing Examiner's Proposed Order concerning the above Docket on February 10, 2006.

LaSalle County concurs with the Administrative Law Judge's Proposed Order as drafted with the following exceptions:

- 1) Page 9, First Ordering paragraph – We request that Section 4 as referenced in the paragraph be revised to allow a shift in percentages for eligible costs with no increase in total participation from the GCPF as follows:

DOCKETED

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<u>Item</u>	<u>Est. Cost</u>	<u>% GCPF Participation</u>	<u>GCPF Cost</u>
Preliminary Engineering & Land Acquisition	\$814,008	100%	\$814,008
Construction Engineering	\$454,029	100%	\$454,029
Construction – Bridge	<u>\$6,085,000</u>		<u>\$3,143,815*</u>
Totals	\$7,353,087	60%	\$4,411,852

* Remainder after 100% of PE, LA, CE costs are deducted from 60% of total for all eligible project costs

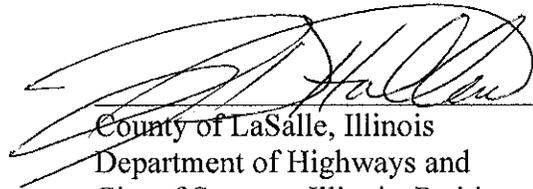
- 2) Page 7, Section 4 Notes – We request that the last phrase of Note 1 be revised as follows:

GCPF assistance shall be limited to \$2,448,200 in State FY 2006 and shall be appropriated as follows: 100% of Preliminary Engineering and Land Acquisition costs with the balance applied to Construction and Construction Engineering costs; and \$1,963,652 in State FY 2007.

This proportionment will maximize the federal participation (Major Bridge and HBP) by I.D.O.T.

Wherefore, LaSalle County and the City of Streator respectfully request these Exceptions to the Proposal Order be accepted and included in the Final Order by the Commission

Dated: February 23, 2006


 County of LaSalle, Illinois
 Department of Highways and
 City of Streator, Illinois, Petitioners
 BY: TROY D. HOLLAND,
 LaSalle County Assistant State's Attorney

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PROOF OF SERVICE

I, Troy D. Holland under penalties of perjury, says that on the 23rd day of February 2006 he caused to be served copies of LaSalle County and City of Streator's Brief of Exceptions:

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Chief Administrative Law Judge
Review & Examination Program
Illinois Commerce Commission
Transportation
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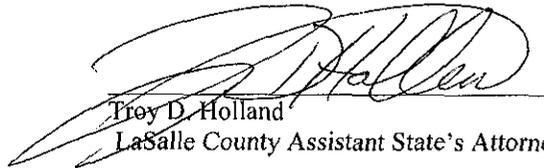
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brief BNFS exceptions