

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission  
PUBLIC SAFETY SECTION

BNSF Railway Company and Dunlieth Township in Jo  
Daviess County, Illinois )  
 )  
 Petitioners )  
 )  
 v. )  
 )  
 Chicago Central and Pacific Railroad Company )  
 Department of Transportation )  
 )  
 Respondents )

Docket No. T07-0091

Petition for an Order of the Illinois Commerce Commission authorizing the establishment of grade crossings inventoried as DOT #306 915E (M.P. 181.62) and DOT #306 916L (M.P. 181.66), at what is commonly known as Barge Harbor Road near East Dubuque, Jo Daviess County, Illinois, as public grade crossings, at their intersection with the main line tracks of BNSF Railway Company and CN, and for determination by the Illinois Commerce Commission of the appropriate level of warning devices and division of the costs among the parties.

ANSWER

NOW COMES Respondent, Illinois Department of Transportation ("DEPARTMENT") by its attorney, Lisa Madigan, Illinois Attorney General and in response to the Verified Petition of BNSF Railway Company (BNSF) and Dunlieth Township filed herein, states as follows:

1. Respondent Illinois Department of Transportation admits the allegations in paragraph 1 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township.
2. Respondent Illinois Department of Transportation admits the allegations in paragraph 2 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township.
3. Respondent Illinois Department of Transportation admits the allegations in paragraph 3 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township.

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4. Respondent Illinois Department of Transportation in response to the allegations in paragraph 4 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township states that while it has no information readily available to affirm the allegations contained therein, it has no reason to believe said allegations to be false.
5. Respondent Illinois Department of Transportation neither admits nor denies the allegations in paragraph 5 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township and demands strict proof thereof.
6. Respondent Illinois Department of Transportation neither admits nor denies the allegations in paragraph 6 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township and demands strict proof thereof.
7. Respondent Illinois Department of Transportation neither admits nor denies the allegations in paragraph 7 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township and demands strict proof thereof.
8. Respondent Illinois Department of Transportation neither admits nor denies the allegations in paragraph 8 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township and demands strict proof thereof.
9. Respondent Illinois Department of Transportation neither admits nor denies the allegations in paragraph 9 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township and demands strict proof thereof.
10. Respondent Illinois Department of Transportation neither admits nor denies the allegations in paragraph 10 of the Verified Petition filed by Wisconsin Central Ltd. and demands strict proof thereof.
11. Respondent Illinois Department of Transportation neither admits nor denies the allegations in paragraph 11 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township and demands strict proof thereof.
12. Respondent Illinois Department of Transportation in response to the allegations in paragraph 12 of the Verified Petition filed by BNSF Railway Company and Dunlieth Township states that while it has no information readily available to affirm the allegations contained therein, it has no reason to believe said allegations to be false.

WHEREFORE, Respondent Illinois Department of Transportation having fully answered the Verified Petition of BNSF Railway Company and Dunlieth Township filed herein, respectfully requests the Illinois Commerce Commission hold a hearing in this regard requiring Petitioners, present their case in chief.

Respectfully submitted,  
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan  
Attorney General

A handwritten signature in black ink, appearing to read "Lance T. Jones", written over a horizontal line.

Lance T. Jones  
Special Assistant Attorney General

Lance T. Jones  
Special Assistant Attorney General  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 311  
Springfield, IL 62764  
(217)782-3215  
Fax (217)5240823  
Lance.Jones@illinois.gov

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

BNSF Railway Company and Dunleith Township in Jo	)	
Daviess County, Illinois	)	
	)	
Petitioners	)	
	)	
v.	)	Docket No. T07-0091
	)	
Chicago Central and Pacific Railroad Company	)	
Department of Transportation	)	
	)	
Respondents	)	

Notice of Filing

PLEASE TAKE NOTICE that we have on this 21<sup>st</sup> day of December, 2007, sent for filing with the Illinois Commerce Commission, the attached Appearance and Answer in the above captioned matter, a copy of which is hereby served upon you.

Thomas J. Healey  
CN  
17641 S. Ashland Avenue  
Homewood, Illinois 60430

Robert J. Prendergast  
Daley & Mohan, P.C.  
150 N. Wacker Dr., Ste. 1550  
Chicago, Illinois 60606  
E-Mail: [rprendergast@daleymohan.com](mailto:rprendergast@daleymohan.com)

Vincent Hasken  
Supervisor  
Dunleith Township  
18 North JF Kennedy Road  
East Dubuque, Illinois 61025

W. Douglas Werner  
Esquire  
BNSF Railway  
P.O. Box 961039  
Fort Worth, TX 76161-0039

Dennis J. Leibold  
Highway Commissioner  
Dunleith Township  
Jo Daviess County  
5 Rose Drive  
East Dubuque, Illinois 61025

Craig N. Rasmussen  
Manager, Public Projects  
BNSF Railway Company  
80 44<sup>th</sup> Avenue N.E.  
Minneapolis, MN 55421  
E-Mail: [craig.rasmussen@bnsf.com](mailto:craig.rasmussen@bnsf.com)

John M. Henricksen  
Manager of Public Works  
Canadian National/Illinois Central  
17641 Ashland Avenue  
Homewood, IL 60430

Jeremy M. Berman, Attorney  
Fletcher & Sippel LLC  
29 N. Wacker Dr., Suite 920  
Chicago, IL 60606-2832

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan  
Attorney General



Lance T. Jones  
Special Assistant Attorney General