

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

January 9, 2008

Illinois Department of Transportation,
Petitioner,
v.
Norfolk Southern Railway Company, City of Springfield, Springfield
Park District and Illinois Department of Natural Resources,
Respondents.
T06-0016
Petition for an Order granting authority to (1) construct a new
highway overpass structure carrying MacArthur Boulevard Extension
over railroad tracks of the Norfolk Southern Railway Company
located at Railroad Mile Post DH-418.25 and; (2) construct a new
pedestrian overpass structure carrying the Interurban Bike Trail over
railroad tracks of the Norfolk Southern Railway Company located at
Railroad Mile Post DH-418.23 and; (3) to close the West Grand
Avenue Grade Crossing (DOT/AAR 915 859F; Railroad Mile Post
DH-418-07) located near the new structures all at a point near the
southern edge of the City of Springfield, Sangamon County, Illinois.

STAFF RESPONSE

Staff received the Illinois Department of Transportation's ("IDOT") Supplemental Petition on
January 7, 2008. After reviewing the Supplemental Petition and the record in this matter,
Staff has several concerns and questions concerning IDOT's request for additional
assistance from the Grade Crossing Protection Fund. The Commission Order, dated May
17, 2006, included an ordering paragraph (top of Page 7) that directed, among other things,
"The Petitioner shall be required to submit a Supplemental Petition requesting the remainder
of the Grade Crossing Protection Fund assistance. Any Supplemental Petition shall include
evidence to prove that previous contributions from the Grade Crossing Protection Fund have
been expended." The Supplemental Petition submitted by IDOT does not include evidence
to prove that previous contributions from the Grade Crossing Protection Fund have been
expended.

Staff recommends that IDOT submit an Amended Supplemental Petition that includes the
required information. If IDOT submits the required information, Staff recommends that a
Supplemental Order be issued without hearing. If IDOT does not submit an Amended
Supplemental Petition, Staff recommends that the matter be set for hearing.

[Handwritten signature of Michael E. Stead]

Michael E. Stead
Rail Safety Program Administrator

A copy of this response was sent to the following parties of record via US Mail:

Ms. Christine Reed
Director of Highways - IDOT
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield, IL 62764
ATTN: JEFF HARPRING, ROOM 205

Mr. Lance T. Jones
Special Assistant Attorney General
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 311
Springfield, IL 62764

Mr. Thomas W. Ambler
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-2191

Mr. Neil F. Flynn
Attorney at Law
103 S. Second Street
Springfield, IL 62704

Mr. Bill Richardson
IDNR, Office of Legal Services
One Natural Resources Way
Springfield, IL 62702

Mr. Timothy J. Sheehan, P.E.
Dept. of Public Works
City of Springfield
Municipal Center West, Room 201
Springfield, IL 62702

Mr. Mike Stratton
Springfield Park District
2500 S. 11th Street
Springfield, IL 62703