

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

CITY OF ALTON, ILLINOIS, by its MAYOR
DONALD E. SANDIDGE, :

vs. : Docket No. T97-0050

NORFOLK AND WESTERN RAILWAY COMPANY; :
and ILLINOIS DEPARTMENT OF TRANSPORTATION :

Petition for permission to construct an overhead grade
separation crossing of Indiana Avenue, MFT Section
97-00108-01-GS, Structure # 060-6110, over the
tracks of the Norfolk Southern Corporation at a location
approximately 1/3 mile north of Illinois Route 143,
Alton, Madison County, Illinois. :

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AUG 19 1997
ILLINOIS COMMERCE COMMISSION
RAILROAD DIVISION

INTERROGATORIES

NOW COMES Respondent, NORFOLK AND WESTERN RAILWAY COMPANY, by
and through its attorney, NEIL F. FLYNN, and pursuant to 92 Ill. Adm. Code Part 200, hereby
directs that these Interrogatories to Petitioner City of Alton be answered under oath, within
twenty-eight (28) days from the date of service hereof:

Interrogatory No. 1:

Does the City of Alton intend to request that the Illinois Commerce Commission enter an
Order requiring the Respondent Norfolk and Western Railway Company to make a financial
contribution in relation to the construction of the proposed grade separation structure?

DOCKETED

Answer to Interrogatory No. 1:

Interrogatory No. 2:

If the answer to Interrogatory No. 1 is yes:

- (A) What is the amount of that financial contribution?
- (B) For what specific purpose or purposes is that financial contribution being sought?
- (C) Please state the rationale and basis for that request for a financial contribution from Respondent Norfolk and Western Railway Company.

Answer to Interrogatory No. 2:

(A)

(B)

(C)

Interrogatory No. 3:

Has the City of Alton executed a written agreement with the Respondent Norfolk and Western Railway Company (or Norfolk Southern Corporation) regarding the acquisition of the necessary property, property rights and required clearances in relation to the proposed bridge structure which is the subject matter of this Petition?

Answer to Interrogatory No. 3:

Interrogatory No. 4:

If the answer to Interrogatory No. 3 is yes, please provide a signed copy of such agreement.

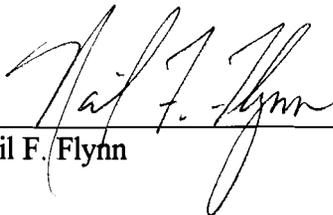
STATE OF ILLINOIS)
) ss.
County of _____)

_____, first being sworn on oath, deposes and states that he has read the above and foregoing Answers to Interrogatories by him subscribed, and that the answers therein contained are true and correct to the best of his knowledge and belief.

SUBSCRIBED AND SWORN to before me this _____ day of _____,
1997.

(Notary Public)

NORFOLK AND WESTERN RAILWAY
COMPANY, Respondent



Neil F. Flynn

Date: August 13, 1997

Neil F. Flynn
Attorney at Law
1035 South Second Street
P.O. Box 37
Springfield, Illinois 62705
Tel.: 217-544-0261
Fax: 217-544-0688

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on AUGUST 14, 1997, a copy of the foregoing instrument was deposited in the U.S. Mail, with postage thereon prepaid, at Springfield, Illinois, plainly addressed as follows:

Donald E. Sandidge
Mayor - City of Alton
101 East Third Street
P.O. Box 188
Alton, IL 62002-0188

Illinois Commerce Commission
Attn: Kevin Sharpe
Director of Processing
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280

Jim Schrempf
Attorney for City of Alton
307 Henry Street - Suite 415
P.O. Box 725
Alton, IL 62002

Mr. James Slifer, Director
Division of Highways
Illinois Department of Transportation
Rm. 300, DOT Administration Bldg.
Springfield, IL 62764

Neil F. Flynn
Attorney at Law
1035 South Second Street
P.O. Box 37
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Tel: 217-544-0261



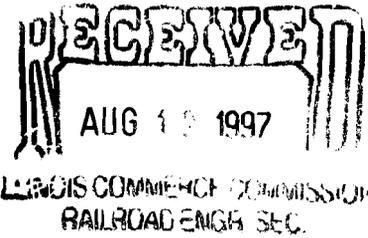
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approximately 1/3 mile north of Illinois Route 143, :
Alton, Madison County, Illinois. :



REQUEST FOR INFORMATION

NOW COMES Respondent, NORFOLK AND WESTERN RAILWAY COMPANY, by
and through its attorney, NEIL F. FLYNN, and hereby requests Petitioner, City of Alton, to
produce, within 28 days, the following information to all parties of record in accordance with 83
Ill. Adm. Code Part 200 (Illinois State Commerce Commission's Rules of Practice):

- 1) The names of all expert witnesses to be called as witnesses by the City of Alton at any currently scheduled hearing or any subsequent hearings in this proceeding;
- 2) The subject matter on which each such expert is expected to testify;
- 3) The conclusions and opinions of each such expert witness and the basis therefor;

4) Copies of any and all documents, papers or other information which the City of Alton intends or is likely to offer as exhibits at any currently scheduled hearing or any subsequent hearings in this proceeding;

5) Excepting any communication to which the City of Alton asserts attorney-client privilege, and excepting any work product, a copy of any and all memoranda, reports letters, or any other correspondence or communication of any kind between the City of Alton and the Illinois Department of Transportation (or any employee thereof) with respect to the subject matter of this Petition or the proposed grade separation structure referred to in this Petition;

6) Excepting any communication to which the City of Alton asserts attorney-client privilege, and excepting any work product, a copy of any and all memoranda, reports letters, or any other correspondence or communication of any kind between the City of Alton and the Illinois Commerce Commission (or any employee thereof) with respect to the subject matter of this Petition or the proposed grade separation structure referred to in this Petition;

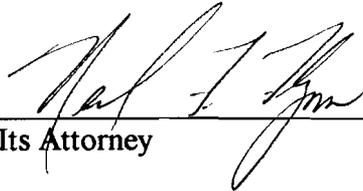
7) Excepting any communication to which the City of Alton asserts attorney-client privilege, and excepting any work product, a copy of any and all memoranda, reports letters, or any other correspondence or communication of any kind between the City of Alton and any employee, agent, or officer of the Norfolk and Western Railway Company with respect to the subject matter of this Petition or the proposed grade separation structure referred to in this Petition;

8) Excepting any communication to which the City of Alton asserts attorney-client privilege, and excepting any work product, a copy of any and all memoranda, reports, letters, or

any other correspondence or communication of any kind in the possession of the City of Alton (or its employees, agents, officials or attorneys) with respect to the subject matter of this Petition.

Respectfully submitted,
NORFOLK AND WESTERN RAILWAY
COMPANY, Respondent

DATE: August 13, 1997

By: 
Its Attorney

Neil F. Flynn
Attorney at Law
1035 South Second Street
P.O. Box 37
Springfield, IL 62705
Telephone: (217) 544-0261

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