

NEIL F. FLYNN, ATTORNEY AT LAW

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October 20, 1997

Bob Artz, Hearing Examiner
Illinois Commerce Commission
527 East Capitol Avenue/P.O. Box 19280
Springfield, IL 62794-9280

RE: T97-0050/City of Alton v. Norfolk and Western Railway Company

Dear Bob:

I am enclosing and am hereby filing Respondent's Exhibit #3 in relation to the above referenced case.

As you recall, at the October 9th hearing in this matter, you directed Respondent Norfolk and Western Railway Company to file an Affidavit containing information as to the relevant train operations. I am also forwarding a copy of this Affidavit (Respondent's Exhibit #3) to all parties of record.

Thank you for your cooperation. Your attention to this matter is sincerely appreciated.

Sincerely,


Neil F. Flynn

NFF/cb

Enclosure

cc: All Parties of Record
Thomas W. Ambler, Esq.
Chris Bennett
George Camille
Dick Smith

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AFFIDAVIT

Mark Hamilton, under oath, states as follows:

1) I am the Assistant Superintendent of Transportation, St. Louis Terminal, for Norfolk and Western Railway Company; I am currently employed by and have held this position for the past year. My current job responsibilities include supervision of all train operations in the train yard located in Alton, Illinois.

2) I have reviewed and am familiar with the Petition filed in ICC Docket T97-0050; and I am familiar with the bridge structure proposed to be constructed by the City of Alton over the Norfolk and Western Railyard at Indiana Avenue in Alton, Illinois.

3) The proposed bridge structure will pass over four (4) sets of tracks, all of which are owned and operated by Norfolk and Western Railway Company.

4) These tracks consist of one (1) mainline track and three (3) switching or auxiliary tracks.

5) The maximum permitted train speed on each of these tracks is 20 mph.

6) There are approximately thirty (30) train movements daily over these tracks. Of these thirty (30) train movements, approximately five (5) are mainline movements, and approximately twenty-five (25) are switching movements.

FURTHER AFFIANT SAYETH NOT.

Dated: 10-17-97

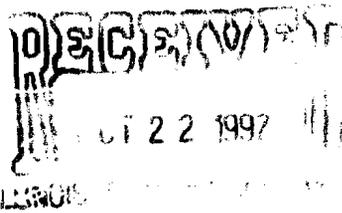
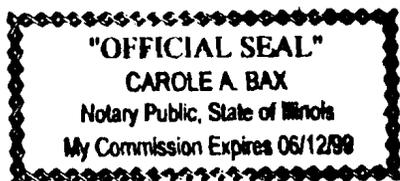
M.S. Hamilton Asst. Supt.

M. S. Hamilton
Assistant Superintendent of Transportation,
Norfolk and Western Railway Company

Subscribed and sworn to before me
this 17th day of October, 1997.

Carole A. Bax

(Notary Public)



Respondent' Exhibit #3

DOCKETE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 21, 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.
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