

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION



United Transportation Union – Illinois Legislative Board,

Petitioner

Vs.

Kansas City Southern Railroad,

Respondent

MAR 13 2008

Illinois Commerce Commission
RAIL SAFETY SECTION

T04-0027

Complaint as to inadequate locker rooms, restrooms, washing facilities, showers, dressing rooms and cleanliness and general maintenance at rail facilities at the St. Louis Yard in East St. Louis, Illinois.

ILLINOIS COMMERCE COMMISSION STAFF REPORT

On Wednesday September, 12, 2007, Joe VonDeBur and Dennis Mogan representing Commission Staff met with United Transportation Union (“UTU”) representative Robert W. Guy, Assistant State Director Illinois Legislative Board, at the Kansas City Southern Railway Company (“KCS”) yard in East St Louis. KCS counsel Paul Brown was unable to attend due to a schedule conflict. The result of Staff inspection indicates that KCS was not in full compliance with the Commission Interim Order per Exhibit A: Proposed Remediation Plan Items. Deficiencies were brought to the attention of the KCS.

On Tuesday, November 13, 2007, and on Wednesday, December 5, 2007, Dennis Mogan, representing Commission Staff, inspected the employee facilities at Kansas City Southern Railway Company (“KCS”) yard in East St. Louis. The result of Staff’s inspections indicated that KCS was not in full compliance with the Commission Interim Order of April 4, 2007, and the subsequent Order of July 11, 2007.

On December 5, 2007, Dennis Mogan, representing Commission Staff, Robert Guy, representing the UTU, and Taulton Dancy, representing the KCS, inspected the employee facilities at Kansas City Southern Railway Company (“KCS”) yard in East St Louis. Once again, the inspection indicated that KCS was not in full compliance with the Commission Interim Order of April 4, 2007, and the subsequent Order of July 11, 2007.

On March 12, 2008, Mike Sullivan, ICC, conducted a final inspection of the KCS East St. Louis facility.

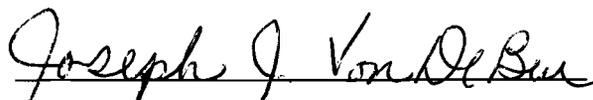
Findings from Staff’s inspections are summarized below:

- (1) Trailer 1, Locker Room A - The lockers have been reduced to a total number of 30, and have been rearranged as shown in Exhibit A of the Interim Order. Two benches have been provided for those 30 lockers.

- (2) Trailer 1, Locker Room B - The lockers have been reduced to a total number of 12 and are arranged in an acceptable configuration, with a bench.
- (3) Trailer 1, Floor Repair - The hole in what is now the Women's Locker Room has been patched and repaired.
- (4) The Office and Lunchroom has been relocated to the east end of Trailer 2.
- (5) Women's Locker Room - The east end of Trailer 1 has been converted to a Locker Room for female employees with six (6) lockers, a table and four (4) chairs. While the Remediation Plan stated no more than five (5) lockers, the lockers are in groups of three (3) and the configuration is acceptable as long as no more than five (5) female employees use the facility. Proper window coverings have also been provided.
- (6) Trailer 1, Locker Partition - A partition wall has been built between Locker Room A and the restroom. Locks have been placed on both the "Locker Room A" door and the Women's Locker Room door.
- (7) Cleaning - KCS efforts to keep both trailers clean have improved and are satisfactory to all parties.
- (8) An exterior door in the center of Trailer 1 (the "Vestibule" door) opens to the outside, but no platform or steps are present. A lock has been added to the door to prohibit its use.
- (9) The reconfiguration of the interior of Locker Room A (including locks), necessitated the addition of a fire extinguisher near the Mechanical Room.

Based on the results of the most recent inspection it is Staff's observation that the requirements of the Interim Order of April 4, 2007, and the Order of July 11, 2007, have been met and Staff recommends that Docket T04-0027 be closed.

Respectfully submitted,
ILLINOIS COMMERCE COMMISSION


Joseph J. Von De Bur
Railroad Safety Specialist

Dated: March 13, 2008
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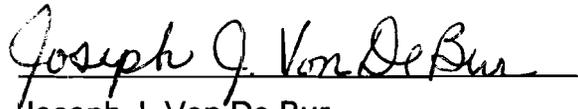
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NOTICE OF FILING

TO ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that an ILLINOIS COMMERCE COMMISSION STAFF RESPONSE in the above entitled matter has been filed with the Illinois Commerce Commission this 13th day of March, 2007. In addition, a copy of the aforementioned response has been sent to all parties of record.



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A copy of this response was hand delivered or sent to the following parties via US Mail:

<p>Mr. Milton R. Sees, P.E. Director of Highways-IDOT ATTN: Jeff Harpring, Room 205 2300 South Dirksen Parkway Springfield, IL 62764</p>	<p>CT Corporation System Kansas City Southern Railway Company 208 S. LaSalle Street Chicago, IL 60604</p>
<p>Mr. Joseph Szabo State Legislative Board United Transportation Union 8 S. Michigan Ave., Ste. 2006 Chicago, IL 60603 (312) 236-5353 JCSzabo@aol.com</p>	<p>Mr. Timothy C. Lapp Hiskes, Dillner, O'Donnell, Marovich & Lapp, Ltd. 16231 Wausau Avenue South Holland, IL 60473</p>
<p>Mr. Steven Matrisch Office of Transportation Counsel Illinois Commerce Commission 527 E. Capitol Avenue Springfield, IL 62701</p>	<p>Mr. Paul M. Brown Thompson Coburn LLP One US Bank Plaza St. Louis, MO 63101 (314) 552-6016 pbrown@thompsoncoburn.com</p>
<p>Mr. David C. Reeves Associate General Counsel Kansas City Southern P.O. Box 219335 Kansas City, MO 64121-9335 (816) 983-1387 DReeves@KCSouthern.com</p>	