

RECEIVED
JUN 0 2 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

May 29, 2003

Attorneys and Counselors

■
Paul E. Presney
James D. Kelly
Paul Presney, Jr.
Catherine J. Gonzalez

■
726 South Second Street
Springfield, Illinois 62704
217-525-0016

■
Chatham Office:
217-483-4211

New Berlin Office:
217-488-3331

T89-0028

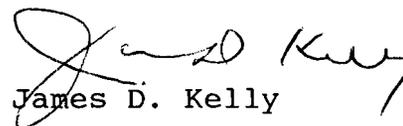
Illinois Commerce Commission
Railroad Section
527 East Capitol Avenue
P.O. Box 19280
Springfield, Illinois 62794-9280

RE: Village of Sherman vs. Union Pacific Railroad (f/k/a
SPCSL Corp.), No. T89-0028

To Whom It May Concern:

Please place on file the enclosed Additional Comments on Administrative Law Judge's Proposed Order in this case and return a file stamped copy in the envelope provided. Thank you.

Yours truly,


James D. Kelly

JDK/sh

Enc.

RECEIVED
BY ILCC

JUN 0 4 2003

Transportation Division
Review & Examination Program

DD BB/RK 4

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

THE VILLAGE OF SHERMAN, a Municipal Corporation, Sangamon County, Illinois

Petitioner,

vs.

UNION PACIFIC RAILROAD, Successor in Interest to SPCSL Corporation and to the Chicago, Missouri and Western Railway Company, the ILLINOIS DEPARTMENT OF TRANSPORTATION, and SANGAMON COUNTY, ILLINOIS,

Respondents.

In the matter of the Petition for an Order of the Illinois Commerce Commission directing the construction of a new grade crossing with the tracks of the Chicago, Missouri and Western Railway Company within the corporate limits of the Village of Sherman, directing thereon the installation of automatic protection devices and the construction of the crossing proper.

ADDITIONAL COMMENTS ON ADMINISTRATIVE
LAW JUDGE'S PROPOSED ORDER

Attached is a copy of additional comments prepared by I.E. Consultants, Inc. submitted to be considered by the Administrative Law Judge in the preparation of his order.

Respectfully submitted,

VILLAGE OF SHERMAN, Petitioner,

By: James D. Kelly
James D. Kelly

ORIGINAL
RECEIVED
JUN - 2 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

No. T89-0028

RECEIVED
BY ILCC

JUN 04 2003

Transportation Division
Review & Examination Program

DOCKETED

JUN 3 2003

T89-0028

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Additional Comments on Administrative Law Judge's Proposed Order was served upon:

Rick Korte
Chief Administrative Law Judge
Fax No. (217) 782-9244

Bob Berry
Fax No. (217) 785-7404

Dean Jackson
Fax No. (217) 523-4834

Stacey Hollo
Fax No. (217) 324-4480

Phil Koeberlein
Fax No. (217) 753-7999

via facsimile transmission to the fax numbers as disclosed above on the 29th day of May, 2003.


James D. Kelly

James D. Kelly
Presney, Kelly & Presney
Attorneys for Petitioner
726 South Second Street
Springfield, Illinois 62704
Phone (217) 525-0016
Fax (217) 525-0032



T89-0028

International Engineering Consultants, Inc.
 6420 South Sixth Street, Springfield, Illinois 62707
 Phone: (217) 529-8027 Fax: (217) 529-4543

Fax

To: Jim Kelly – Presney Kelly & Presney **From:** David Booher

Fax: **Fax:** 217-529-4543

Phone: **Date:** 5/28/03

Re: Meredith Dr. Under UPRR **Pages:** 1

Comments:

Tim Swanson & I reviewed the proposed order and have the following comments:

1. First paragraph, Page 4. Wolf Creek Road should be changed to **Sudduth Drive**.
2. Fourth sentence, Sixth paragraph, Page 4. Should read "The new structure will be a single..."
3. Table, Page 6. Total of the "Estimated cost" column should be **\$3,003,826**.
4. Table, Page 6. "Construction: Roadway, shoofly, and bridge" line of the "Company" column is greater than 5% of the actual project cost.
5. First paragraph, Page 7. states "...the County and Village will equally be responsible for all costs over the estimated amount of \$3,557,042...". Should this figure be \$3,003,826 ? The difference is the estimated amount of the utility relocation.
6. Fourth paragraph, page 7. Delete ", and be," from the first sentence.
7. Last paragraph, page 7. Revise to read "...that the County is hereby required..."
8. Fifth paragraph, Page 8. Revise to read "...federal funding is to be utilized..."

Please call if you have any questions.