



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

June 4, 2003

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Illinois Commerce Commission  
RAIL SAFETY SECTION

T89-0028

Illinois Commerce Commission  
Attn: Dave Lazarides  
527 East Capitol Avenue  
Springfield, Illinois 62701

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JUN 10 2003

Re: Sherman (T89-0028)

Dear Mr. Lazarides:

Transportation Division  
Review & Examination Program

Enclosed herewith for filing in the above-referenced matter are an original and three copies of the Department's Exceptions To ALJ's Proposed Order. Please file the original and return the extra file-stamped copy in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this regard.

Sincerely,

Stacey C. Hollo  
Assistant Chief Counsel

cc: Terry Fountain  
Jeff Harpring  
Phil McBride

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

**ORIGINAL**

The Village of Sherman, A Municipal Corporation, )  
Sangamon County, Illinois )

vs. )

T89-0028

Union Pacific Railroad, Successor in Interest to SPCSL )  
Corporation and the Chicago, Missouri and Western Railway )  
Company and the Illinois Department of Transportation, and )  
Sangamon County, Illinois. )

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. )

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**EXCEPTIONS TO ALJ'S PROPOSED ORDER**  
Transportation Division  
Review & Examination Program

Now Comes Respondent Illinois Department of Transportation by and through its attorney, Lisa Madigan, Attorney General, and for its exceptions to ALJ's Proposed Order states as follows:

1. The graph located on page 6 of the ALJ's Proposed Order should be amended as follows:

Eligible Costs	Estimated cost	GCPF*	Company**	Village	County	Federal
Preliminary Engineering I	\$67,656	\$67,656				
Preliminary Engineering II	\$283,541	\$283,541				
Right of Way	\$201,839	\$201,839				
Construction: Roadway, Shoo-fly, and Bridge	\$1,961,845	\$993,982	\$136,168	\$326,589	\$205,106	\$300,000
Phase II Inspection	\$121,483				\$121,483	
Railroad flagmen And right-of-entry cost	\$87,000	\$87,000				
<b>Sub Total</b>	<b>\$2,723,364</b>	<b>\$1,634,018</b>	<b>\$136,168</b>	<b>\$326,589</b>	<b>\$326,589</b>	<b>\$300,000</b>
<b>Non-Eligible Costs</b>						
Extra cost involved With 16'6" vertical clearance and access road	\$280,462		\$280,462			
Utility Relocation	553,216					
<b>Total</b>	<b>\$3,557,042</b>	<b>\$1,634,018</b>	<b>\$416,630</b>	<b>\$326,589</b>	<b>\$326,589</b>	<b>\$300,000</b>

Notes in determining costs

\*60% of Eligible Costs (Figure is still less than the interim Order amount of \$1,758,180)

\*\*5% of Eligible Costs

**DOCKETED**

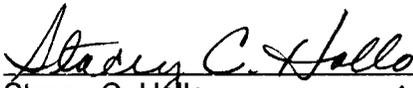
JUN 9 2003

2. The note following the graph on page 6, which carries over to page 7 should be amended to reflect the dollar amounts and percentages changed in the graph:

\*the sum of Fund contribution shall be ~~59%~~ 60% of the project cost, not to exceed ~~\$1,568,284~~ \$1,634,018 (~~the cost participation from the Fund is slightly below the normal 60% level; this is due to other parties paying 100% of certain line items deemed not eligible for Fund participation;~~  
 \*\*the sum of the company's contributions shall equal 5% of the actual project cost and the difference in cost between the originally designed bridge with a 14'6" vertical clearance and the 16'6" vertical clearance requested by the UP, in an amount not to exceed ~~\$444,294;~~ \$416,630  
 \*\*\*the sum of the Village of Sherman's contribution shall be ~~\$345,627,~~ \$326,589 the County and Village will equally be responsible for all costs over the estimated amount of ~~\$3,557,042~~ \$2,723,364; \*\*\*\*\*the sum of federal contributions shall not exceed \$300,000; the roadway, structure and associated appurtenances shall be maintained by and at the expense of the Village after completion; the railroad roadbed, track and associated appurtenances shall be maintained by and at the expense of the Company after completion;

WHEREFORE, Respondent, Illinois Department of Transportation respectfully requests that the ALJ accept its suggestions as delineated above and incorporate them in the Final Order to be submitted to the Illinois Commerce Commission.

Respectfully submitted

  
 Stacey C. Hollis  
 Special Assistant Attorney General LB

Dated June 4, 2003

Illinois Department of Transportation  
 2300 South Dirksen Parkway, Room 311  
 Springfield, Illinois 62764  
 Telephone (217)782-3215

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

The Village of Sherman, A Municipal Corporation, )  
Sangamon County, Illinois )  
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vs. ) T89-0028  
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**NOTICE OF FILING**

TO: Mr. Phil Koeberlein, Engineer  
Mr. James Kelly, Village of Sherman  
Mr. Dean Jackson, UP

PLEASE TAKE NOTICE that I have this 4th day of June, 2003, forwarded to Mr. Dave Lazarides, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, Exceptions To ALJ's Proposed Order, a copy of which is attached hereto and hereby served upon you.

  
\_\_\_\_\_  
Stacey C. Hollo <sup>LB</sup>  
Special Assistant Attorney General  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Counsel for the Illinois  
Department of Transportation

PROOF OF SERVICE

T89-0028

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addresses listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 4th day of June, 2003:

A handwritten signature in cursive script that reads "Linda Bunzner". The signature is written in black ink and is positioned above a horizontal line.

Mr. James Kelly  
Presney Kelly & Presny  
726 South Second Street  
Springfield, Illinois 62704

Mr. Phil Koeberlein  
3303 Terminal Avenue  
Springfield, Illinois 62707

Mr. Dean W. Jackson, Esq.  
Union Pacific Railroad Company  
522 East Monroe  
Suite 306  
Springfield, IL 62701