

11:233(3)

STATE OF ILLINOIS  
BEFORE THE  
ILLINOIS COMMERCE COMMISSION

VILLAGE OF FRANKLIN PARK, ILLINOIS, )  
 )  
 ) Petitioner, )  
 )  
 ) vs. )  
 )  
 ) INDIANA HARBOR BELT RAILROAD COMPANY, )  
 )  
 ) SOO LINE RAILROAD COMPANY, )  
 )  
 ) WISCONSIN CENTRAL, LTD., and )  
 )  
 ) STATE OF ILLINOIS )  
 ) DEPARTMENT OF TRANSPORTATION, )  
 )  
 ) Respondents. )

No. T90-002

ILLINOIS COMMERCE  
COMMISSION  
APR 8 11 30 AM '91  
TRANSPORTATION DIV.

Petition for an Order regarding a separation of grades and construction of a bridge carrying the tracks of said Railway Companies over an underpass at Grand Avenue, Village of Franklin Park, Cook County, Illinois, apportioning costs thereof and directing an appropriate portion thereof to be borne by the Grade Crossing Protection Fund.

VILLAGE'S BRIEF IN REPLY TO EXCEPTIONS  
TO HEARING EXAMINER'S PROPOSED ORDER DATED MARCH 22, 1991

NOW COMES the Village of Franklin Park, a municipal corporation and Petitioner herein, and respectfully submits its Brief in Reply to Exceptions to Hearing Examiner's Proposed Order Dated March 22, 1991, pursuant to Section 200.830 of the Commission's Rules of Practice (83 Ill. Adm. Code 200). The Village of Franklin Park (hereinafter "Village") cites and submits replies to the exceptions submitted by other parties to the proceedings as follows:

I. The Village is in receipt of correspondence dated March 27, 1991, and received April 1, 1991, submitting a statement of revisions to the Hearing Examiner's Second Proposed Order as proposed by the State of Illinois, Department of Transportation. The correspondence proposes five revisions to which the Village replies as follows:

(1) With respect to the submittal of the questions regarding variations for the Chestnut Street crossing as revised and portrayed on the Appendix B to the second Proposed Order, the Project Engineers have been in contact with the appropriate representatives of the Illinois Department of Transportation and have provided by facsimile transmittal a proposed revision of the cross-section as portrayed in Appendix B that is intended to reflect comments and suggestions acceptable to the Illinois Department of Transportation. Inasmuch as the process for compliance with the administrative variance activities of the Illinois Department of Transportation has been undertaken and inasmuch as the Illinois Department of Transportation and the Village are both parties to the Order, it is respectfully suggested that no modification is required to the provisions of the second full paragraph on page 10. Additionally, attached hereto is the revised Appendix B submitted and intended to be substituted for the Appendix B that was attached to the Hearing Examiner's second Proposed Order.

(2) Agree.

(3) Agree.

(4) & (5) Both IDOT and the Village have respectively indicated to the Hearing Examiner and to the Commission their obligation to honor the letter of understanding as between them. The Village does not feel that the proposed language of the IDOT in (4) provides significantly greater clarity on the distribution of expense burden for the project. However, the statement proposed in (5) suggesting that the letter of understanding governs the relationship as to funding between the Village and IDOT does recognize the allocation responsibility voluntarily assumed by both parties and does not necessitate significant revision to the appendix. While the Village still suggests that the information as excerpted and portrayed on page 6 of the Village's Brief in Reply to Exceptions to Hearing Examiner's Proposed Order correctly identifies funding sources for purposes of the application of the agreement between the Village and the Department as well as for purposes of the total project fund, the inclusion of a specific reference to the appropriate letter of understanding is of equal value and will also serve that purpose.

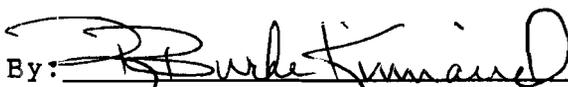
II. The Village has not had served upon it, and is not in receipt of, any briefs on exceptions or proposed modifications to the Hearing Examiner's second Proposed Order from any other party in interest to these proceedings other than the one referred to

in Article I above. The Village requests that any party heretofore failing to file a brief on exceptions be barred from so filing, or, in the alternative, that full and adequate time be provided by the Hearing Examiner for the Village to file reply to any brief on exceptions filed by any other party in interest and not properly served upon the Village.

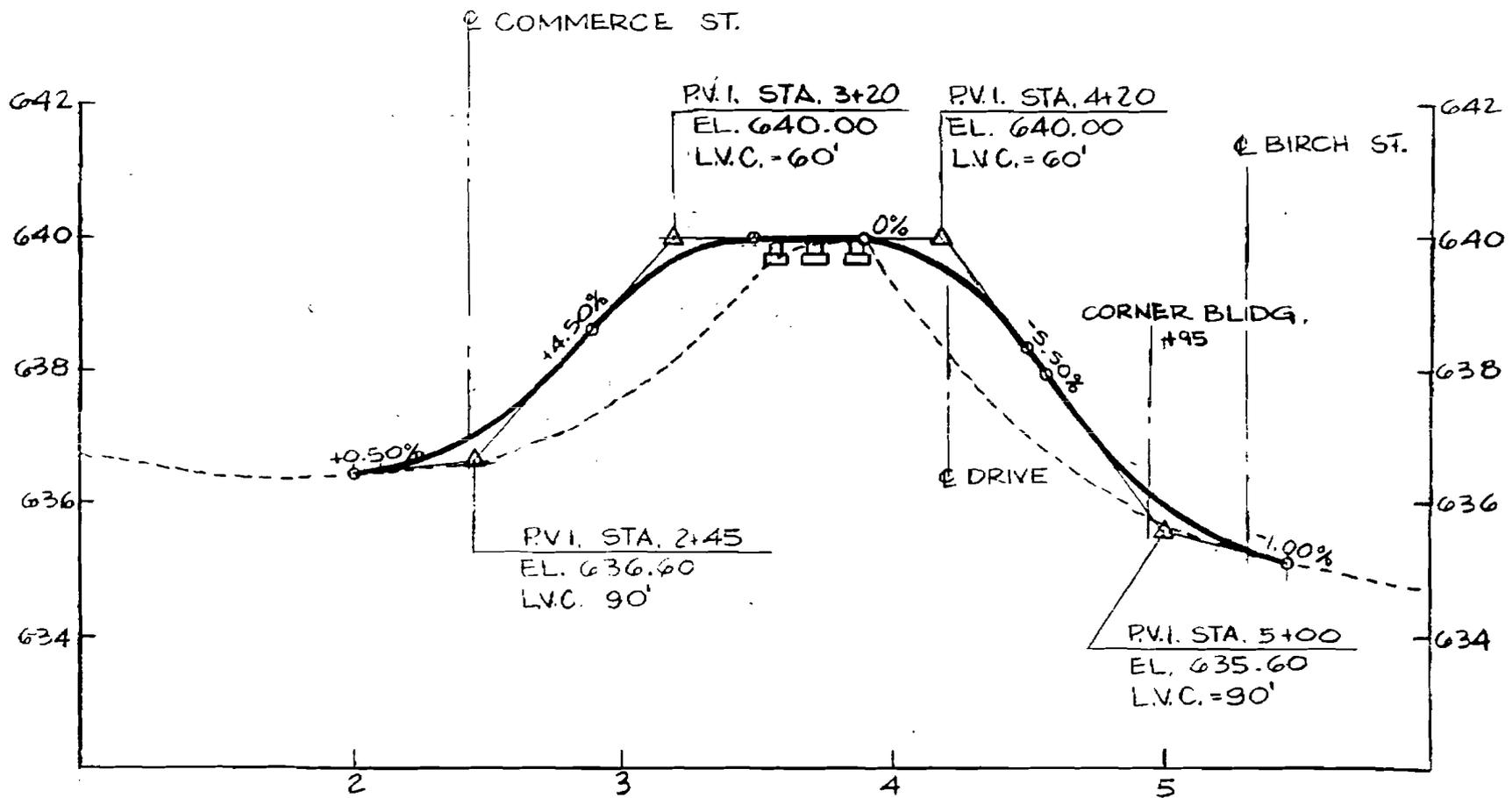
WHEREFORE, Petitioner Village prays that the modifications and revisions as proposed by the Department be corrected, correlated and be reconciled with the modifications and revisions herein suggested by the Village and be incorporated into the Order of the Commission with respect to the above-referenced Docket Number T90-0022 and made a part of the Final Order thereon.

Respectfully submitted,

THE VILLAGE OF FRANKLIN PARK, ILLINOIS,  
A Municipal Corporation and Petitioner  
Herein

By:   
R. Burke Kinnaird  
Village Attorney for the  
Village of Franklin Park

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CHESTNUT ST. PROFILE

STATE OF ILLINOIS  
BEFORE THE  
ILLINOIS COMMERCE COMMISSION

VILLAGE OF FRANKLIN PARK, ILLINOIS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. T90-0022
	)	
INDIANA HARBOR BELT RAILROAD COMPANY,	)	
	)	
SOO LINE RAILROAD COMPANY,	)	
	)	
WISCONSIN CENTRAL, LTD., and	)	
	)	
STATE OF ILLINOIS	)	
DEPARTMENT OF TRANSPORTATION,	)	
	)	
Respondents.	)	

Petition for an Order regarding a separation of grades and construction of a bridge carrying the tracks of said Railway Companies over an underpass at Grand Avenue, Village of Franklin Park, Cook County, Illinois, apportioning costs thereof and directing an appropriate portion thereof to be borne by the Grade Crossing Protection Fund.

PROOF OF FILING

R. Burke Kinnaird, attorney for Petitioner, does hereby certify that an original and eleven (11) copies of the foregoing Village's Brief in Reply to Exceptions to Hearing Examiner's Proposed Order Dated March 22, 1991, were served upon and filed with the Illinois Commerce Commission this 3rd day of April, 1991, by mailing the same to The Chief Clerk, Illinois

Commerce Commission, 527 East Capitol Avenue, P.O. Box 19280,  
Springfield, Illinois 62794-9280, postage prepaid at the U.S.  
post Office, O'Hare Airport Station, Chicago, Cook County,  
Illinois.

  
R. Burke Kinnaird

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8420 West Bryn Mawr Avenue  
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Chicago, Illinois 60631  
(312) 693-6700

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF COOK        )

PROOF OF SERVICE

R. Burke Kinnaird does hereby certify that a copy of the Village's Brief in Reply to Exceptions to Hearing Examiner's Proposed Order Dated March 22, 1991, in the above and foregoing matter was duly served upon Mr. Roger Serpe, designated agent for the Indiana Harbor Belt Railroad Company, 175 West Jackson, Suite 1460, Chicago, Illinois 60604; Michael G. Artery, designated agent for SOO Line Railroad Company, 547 West Jackson Boulevard, Suite 1501, Chicago, Illinois 60606; Ms. Janet H. Gilbert, designated agent for the Wisconsin Central, Ltd., at P.O. Box 5062, Rosemont, Illinois 60017-5062; and Mr. Ralph Wehner, Director, Division of Highways, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois, 62764, and on the addressees listed on the attachment hereto, by mailing the same to them postage prepaid at the U.S. Post Office, O'Hare Airport Station, Chicago, Cook County, Illinois, on the 3rd day of April, 1991, A.D.

  
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