

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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ILLINOIS Commerce Commission
RAIL SAFETY SECTION

COUNTY OF ST. CLAIR, ST. CLAIR COUNTY,)
ILLINOIS,)

PETITIONER,)

V.)

KANSAS CITY SOUTHERN RAILWAY)
COMPANY, UNION PACIFIC RAILROAD)
COMPANY AND THE ILLINOIS DEPARTMENT)
OF TRANSPORTATION,)

RESPONDENTS)

Case No.: T08-0054
Former Case No.: T03-0059

In the Matter of the Petition of the County of St.)
Clair for an Order Compelling the building of a)
bridge carrying Mousette Lane, County Highway)
19 over the triple tracks of Kansas City Southern)
Railway Company, and the Union Pacific Railroad)
Company and that such Order prescribe the)
Manner in which the expenses to build said bridge)
shall be divided among the parties and that said)
Order direct the Illinois Department of)
Transportation to pay a substantial part of the)
expenses for building said bridge from the)
Illinois Grade Crossing Protection Fund)

ANSWER OF
THE KANSAS CITY RAILWAY COMPANY TO
PETITION FOR VACATION OF ORDER

COMES NOW The Kansas City Southern Railway Company ("KCS"), by and through
counsel, and for its Answer to the Petition for Vacation of Order does state:

1. KCS admits the allegations in paragraph 1.
2. KCS lacks sufficient information to admit the allegations in paragraphs 2, 3, 4, 5, 6, 7,
8, 9 and 10, so therefore denies the same.

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3. KCS admits the allegations in paragraph 11.

4. KCS lacks sufficient information to admit the allegations in paragraphs 12, 13 and 14, so therefore denies the same.

Additional Statement of Facts

5. In the Order dated May 17, 2005 in Case No.: T03-0059, the Commission specifically found that the existing highway-rail grade crossing at Mousette Lane is equipped with automatic flashing light signals and gates.

6. The automatic flashing light signals and gates at the Mousette Lane crossing continue to remain in operation since the entry of the May 17, 2005 Order.

7. The current highway-rail grade crossing at Mousette Lane complies with all applicable safety requirements enforced by the Commission.

WHEREFORE, KCS has no objection to the Commission entering an Order serving to vacate the prior Orders dated May 17, 2005 and August 30, 2006 in Case No.: T03-0059, however KCS specifically requests that in any such Order the Commission:

A. Find that the existing highway-rail grade crossing at Mousette Lane is equipped with automatic flashing light signals and gates;

B. Find that the existing highway-rail grade crossing at Mousette Lane complies with all applicable safety requirements enforced by the Commission;

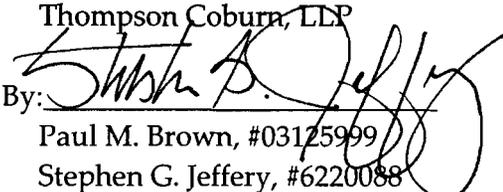
C. Find that grade separation at the existing highway-rail grade crossing at Mousette Lane is not warranted or necessary for purposes of public safety;

D. Assess any and all costs in this matter to Petitioner, and

E. Award such further relief the Commission deems just and proper.

Thompson Coburn, LLP

By:


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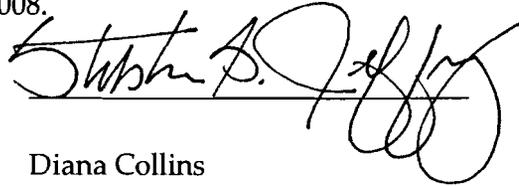
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Certificate of Service

I certify that a true copy of the foregoing was mailed via First Class U.S. Mail, postage prepaid, to the following persons on this 13th day of May 2008.



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