



ILLINOIS COMMERCE COMMISSION

July 31, 2008

Illinois Department of Transportation,
Petitioner,

v.

Exelon Corporation and Illinois Central Railroad,
Respondents.

Petition to designate crossing DOT/AAR No. 291 003W, which
traverses Illinois Route 54 as exempt pursuant to 625 ILCS 5/11-1202,
situated in DeWitt County, Illinois.

Mr. Lawrence D. Parrish
SAAG – IDOT
300 West Adams, 2nd Floor
Chicago, IL 60606

Dear Mr. Parrish:

Receipt is acknowledged of the original and one (1) copy of the Petition filed July 30,
2008 in the above matter.

All future correspondence/pleadings should be filed and addressed to: Mr. Dave Lazarides, Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to www.icc.illinois.gov and apply for an E-docket account.

Processing and Information Section

KI

Cc: Staff: Mr. Joseph VonDeBur
Ms. Christine Reed, IDOT
Ms. Ellen Schanzle-Haskins, IDOT
Mr. Lance T. Jones, IDOT
Mr. James Kvedaras, IC
Mr. Craig Fink, DeWitt County

Mr. John Henriksen, IC
Mr. Thomas Healey, IC
Ms. Veronica Gomez, Exelon Corp.
Mr. John Rowe, Exelon Corp.
Ms. Katherine Combs, Exelon Corp.

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS DEPARTMENT OF TRANSPORTATION,)
)
Petitioner,)
)
v.)
)
EXELON CORPORATION and ILLINOIS CENTRAL)
RAILROAD,)
)
Respondents,)
)
Petition to designate crossing DOT/AAR No. 291 003)
W, which traverses Illinois Route 54 as exempt)
pursuant to 625 ILCS 5/11-1202; situated in Dewitt)
County, Illinois.)

RECEIVED
JUL 30 2008

Illinois Commerce Commission
RAIL SAFETY SECTION

Docket No.

TOB-0108

PETITION

NOW COMES the Illinois Department of Transportation ("Department"), by and through its attorney Lisa Madigan, Attorney General, the State of Illinois, to request an order of the Illinois Commerce Commission ("ICC") designating the above captioned crossing located in Dewitt County, Illinois as exempt pursuant to 625 ILCS 5/11-1202 and in support of said Petition, the Petitioner states as follows:

1. A rail line currently owned by Exelon Corporation, the respondent herein ("EC"), is situated in Dewitt County. The rail line was ordered by ICC order # 59422 and permitted to cross Illinois Department of Transportation Right-of-way by Permit # 5-16770.
2. The said rail line is connected to the main tracks of the Illinois Central Railroad Company ("ICRR") by means of a switch owned by the ICRR. The ICRR operates over the tracks owned by EC.
3. That within Dewitt County, Illinois Route 54 is a public roadway under the jurisdiction of the Department, which crosses the aforesaid line of railroad at-grade. Said crossing is identified as DOT/AAR 291 003 W (A location map reflecting the location of this crossing is attached hereto and marked as Exhibit A.)
4. The aforesaid crossing is currently protected by cross-bucks, advanced warning signs, pavement markings and stop bars. (Photographs of the crossing are attached hereto and marked as group Exhibit B.)
5. Illinois Route 54 is an undivided, urban, two lane highway consisting of one eastbound and one westbound lane of traffic.

DOCKETED

JUL 31 2008

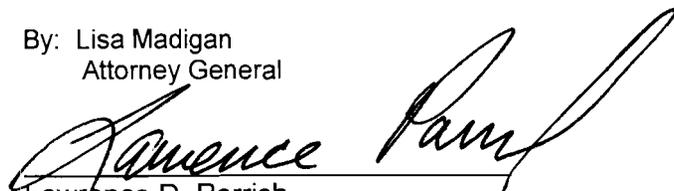
6. Highway traffic over the aforesaid crossing is 2300 vehicles per day at a posted speed limit of fifty-five miles per hour (MPH); traffic includes school buses, hazardous waste vehicles and other vehicles required to stop at all railroad grade crossing.
7. Railroad traffic on the rail line over the aforesaid crossing is minimal with less than 1 movement per year at 5-10 MPH. A mechanical derail has been installed between the main track of the ICRR and the crossing on the siding preventing rail traffic from entering the crossing. Photographs of the derail are attached hereto as part of group Exhibit C.
8. By reason of the lack of railroad traffic and the large volume of highway traffic over the aforesaid crossing, stopping at the crossing is an unnecessary restriction on certain aforementioned vehicles according to the provisions of Section 18c-7401 et seq of the Illinois Commercial Transportation Law (625 ILCS 5/18c-7403).
9. The installation of "EXEMPT" signage on either side of the railroad tracks of the at-grade crossing is necessary in the interest of public safety.
10. The Department agrees to bear the cost for the requested relief.

WHEREFORE, Petitioner, State of Illinois, Department of Transportation, respectfully requests that the Commission enter an Order as follows:

1. Designating the aforesaid grade crossing as "EXEMPT" within the meaning of Section 18c-7401 of the Illinois Commercial Transportation Law.
2. Directing the ICRR to protect the crossing during train movements in accordance to Part 234 of the Code of Federal Regulations,
3. Directing the Petitioner to install and maintain "EXEMPT" (Manual on Uniform Traffic Control Devices type R15-3) signs upon the sign posts at its own cost; and
4. Providing for such other or further relief as the Commission may deem appropriate.

Respectfully submitted,
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan
Attorney General

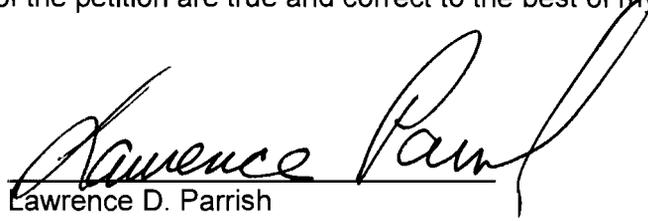

Lawrence D. Parrish
Special Assistant Attorney General

Dated July 25th, 2008

Illinois Department of Transportation
300 West Adams, 2nd Floor
Chicago, Illinois 60606
Telephone (312)793-5737

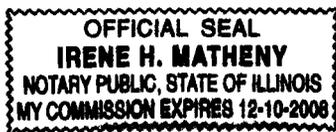
Verification

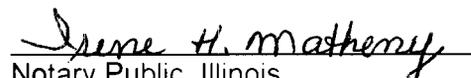
I, Lawrence D. Parrish, first being duly sworn, state that I have read the above petition and know what says. The contents of the petition are true and correct to the best of my knowledge.



Lawrence D. Parrish
Special Assistant Attorney General

Subscribed and sworn/affirmed to before me this 25th day of July, 2008,





Notary Public, Illinois

STATE OF ILLINOIS

)

) SS.

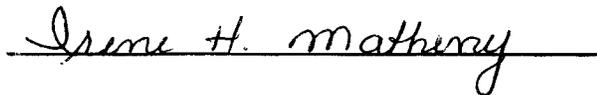
COUNTY OF COOK

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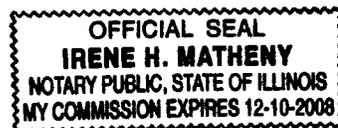
I, the undersigned, being first duly sworn on oath, depose and state that I served a copy of the within Petition by placing a true and correct copy of same in a separate envelope plainly addressed to whom it is directed and depositing same in the regular U.S. Mail, with postage fully prepaid, at Chicago, Illinois on the 25th day of July, 2008.


Lawrence Parrish

Subscribed and Sworn to before me
This 25th day of July, 2008



Illinois Department of Transportation
300 W. Adams – 2nd floor
Chicago, Illinois 60606
Telephone (312)793-5737



SERVICE LIST

Mr. James M. Kvedaras
Canadian National/Illinois Central
17641 South Ashland Avenue
Homewood, IL 60430

Mr. John M. Henriksen
Manager of Public Works
Canadian National/Illinois Central
17641 Ashland Avenue
Homewood, IL 60430

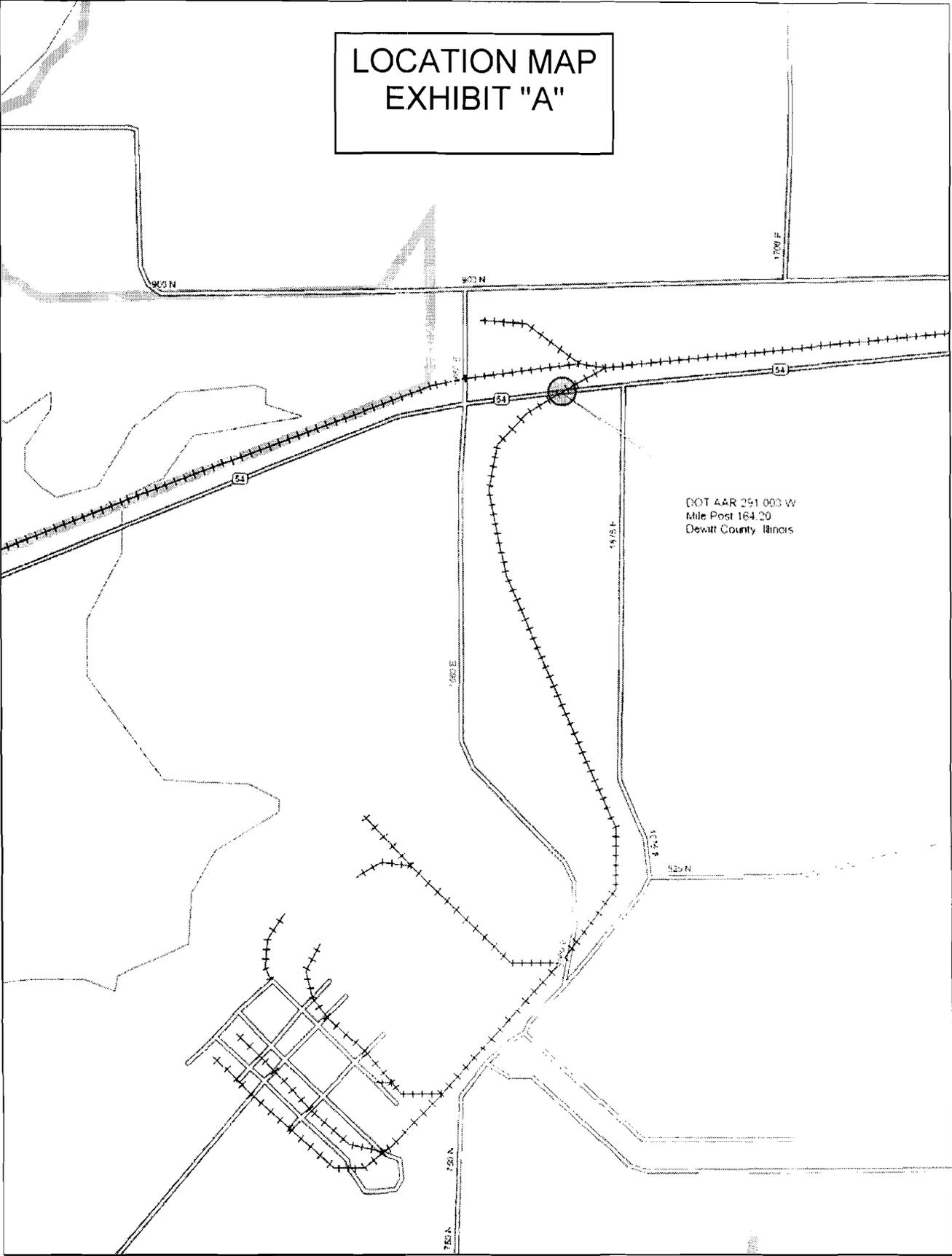
Mr. Thomas J. Healey
Counsel-Regulatory
Illinois Central Railroad Company
17641 South Ashland Avenue
Homewood, IL 60430

Exelon Corporation
C/O Veronica Gomez
Registered Agent
10 S. Dearborn St., 49th Floor
Chicago, IL 60603

John W. Rowe
President
Exelon Corporation
10 S. Dearborn St.
Chicago, IL 60603

Katherine K. Combs
Secretary
Exelon Corporation
10 S. Dearborn St.
Chicago, IL 60603

LOCATION MAP
EXHIBIT "A"



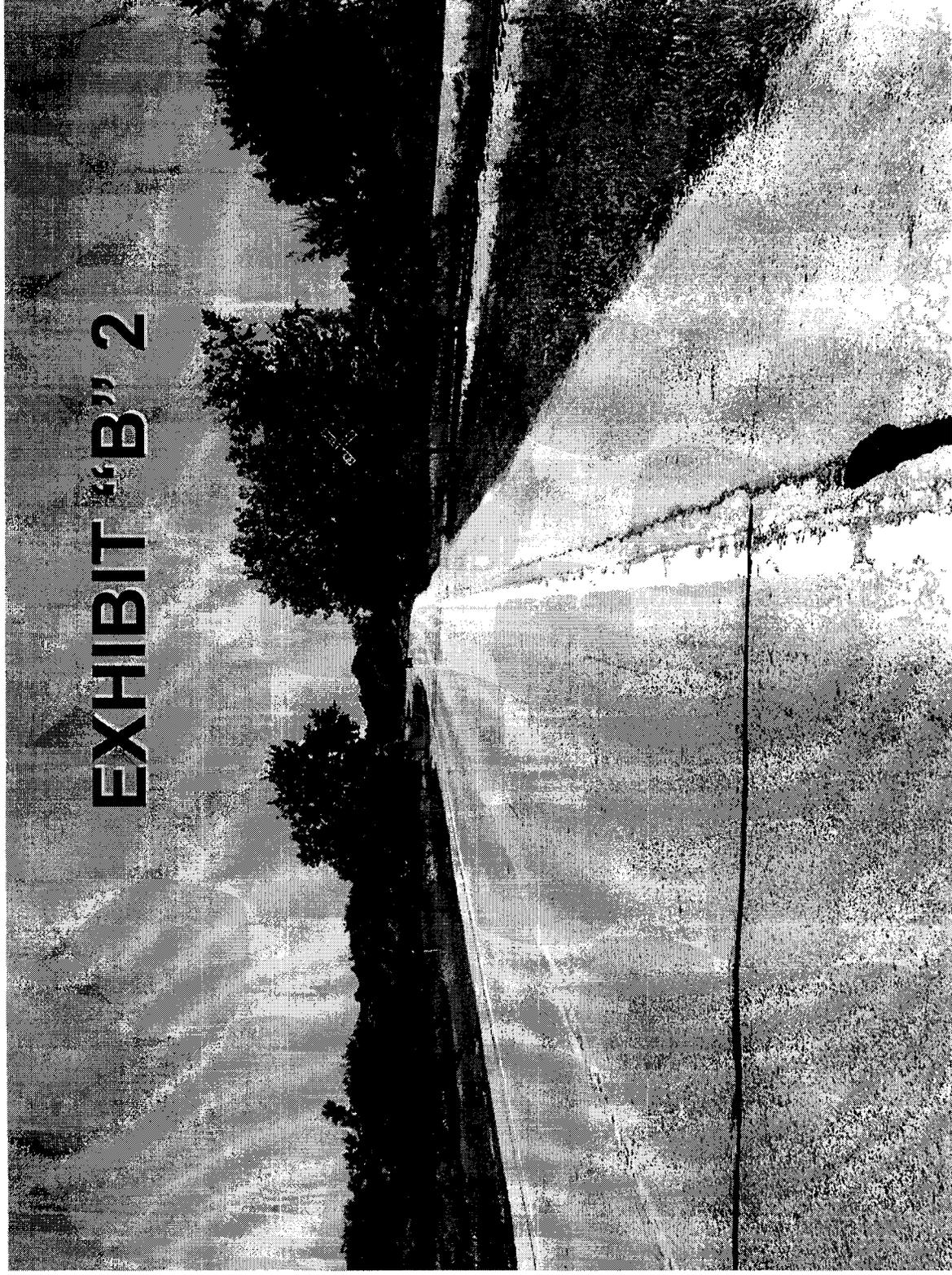
DOT AAR 291 000 W
Title Post 164.20
Dewitt County Illinois

EXHIBIT "B"



Crossing looking South

EXHIBIT "B" 2



Crossing looking West

EXHIBIT #B-3



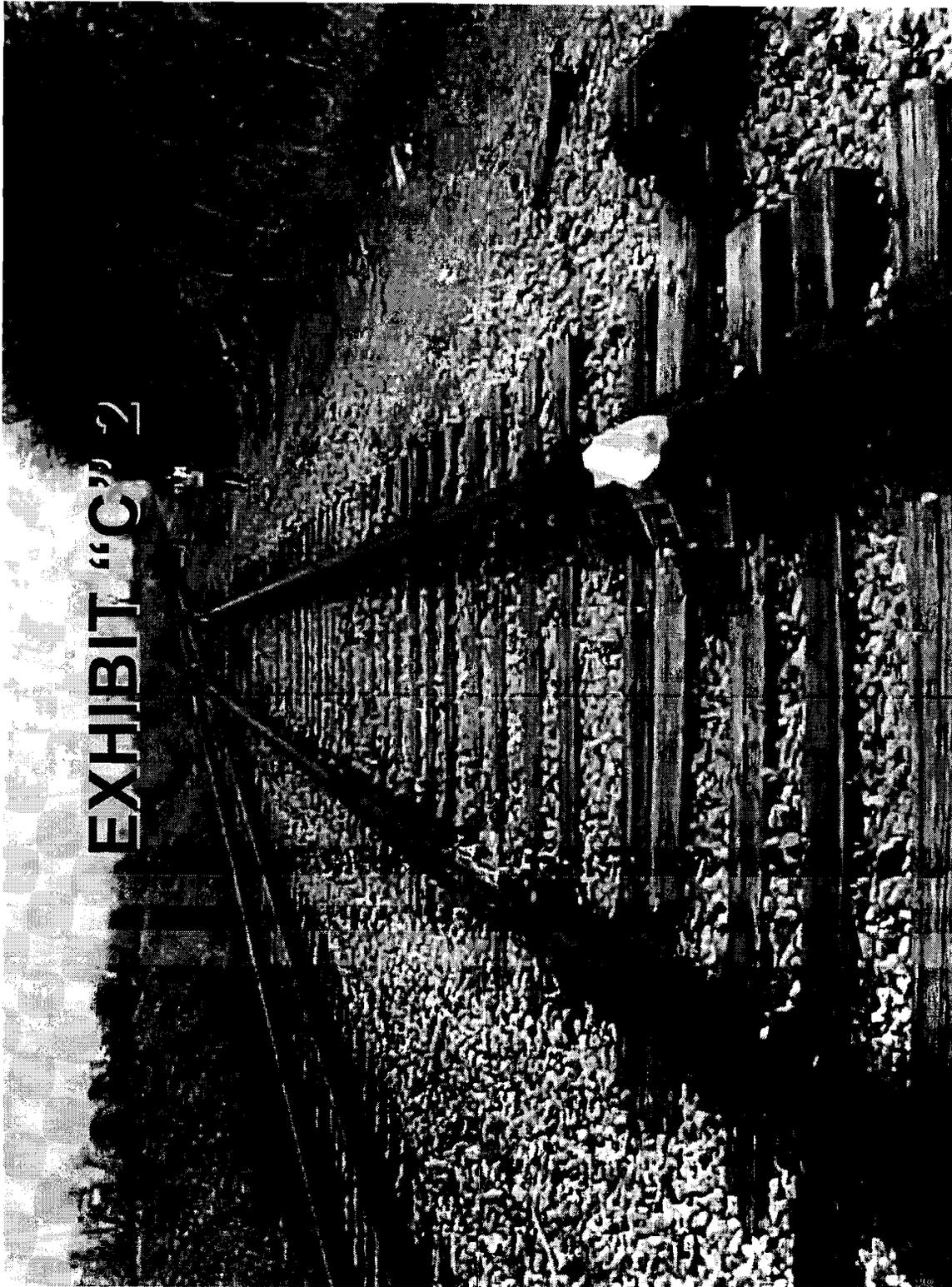
Looking West

EXHIBIT "C"



Mechanical Derail

EXHIBIT "C" 2



Mechanical Derail

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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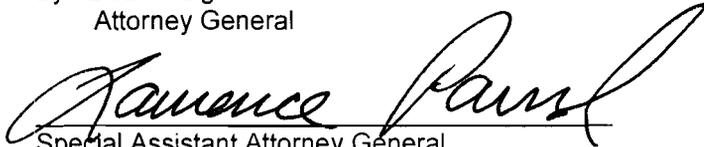
NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that we have on this 25th day of July, 2008, sent for filing with the Illinois Commerce Commission, the attached Petition in the above captioned matter a copy of which is hereby served upon you.

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan
Attorney General


Special Assistant Attorney General

Dated July 25, 2008

Illinois Department of Transportation
300 W. Adams – 2nd floor
Chicago, Illinois 60606
Telephone (312)793-5737