



ILLINOIS COMMERCE COMMISSION

August 18, 2008

City of Mt. Carmel, Illinois,
Petitioner

v.

Norfolk Southern Corp. and Department of Transportation of the State of
Illinois,
Respondents.

T08-0114

In the matter of the petition for the Order of the Illinois Commerce Commission
authorizing the construction of a proposed grade crossing at proposed Empire
Street, an extension of existing Empire Street in the City of Mt. Carmel with the
tracks of Norfolk Southern Corp. in the County of Wabash, Illinois.

Mr. Thomas Meeks
City of Mount Carmel, Mayor
219 North Market Street
Mount Carmel, IL 62863-1698

Dear Mr. Meeks:

Receipt is acknowledged of the original Petition filed August 18, 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. Richard Daniels
Mr. Aaron Toliver
Ms. Christine Reed, IDOT
Ms. Ellen Schanzle-Haskins, IDOT
Mr. Lance T. Jones, IDOT
Mr. Thomas Ambler, NS
Mr. Richard Boyle, NS

Mr. Rick Ray, NS
Ms. Nanci Scott, NS
Mr. Thomas Price, Attorney/Mt. Carmel

STATE OF ILLINOIS

ORIGINAL

ILLINOIS COMMERCE COMMISSION

RECEIVED
AUG 18 2008

Illinois Commerce Commission
RAIL SAFETY SECTION

T08-0114

CITY OF MT CARMEL, Illinois)

Petitioner)

v.)

NORFOLK SOUTHERN CORP AND)
DEPARTMENT OF TRANSPORTATION OF)
THE STATE OF ILLINOIS,)

Respondents)

IN THE MATTER of the petition for the Order of)
the Illinois Commerce Commission authorizing the)
construction of a proposed grade crossing at)
proposed Empire Street, an extension of existing)
Empire Street in the City of Mt Carmel with the)
tracks of Norfolk Southern Corp in the County of)
Wabash, Illinois,)

TO THE ILLINOIS COMMERCE COMMISSION:

Now comes the petitioner, the City of Mt Carmel, Illinois for said petition, respectfully represents as follows:

INTRODUCTION

1. That the Respondent, Norfolk Southern Corp, hereinafter referred to as the "Company", in the operation of its facilities has certain tracks running in a general east and west direction through the petitioning City of Mt Carmel, Illinois.
2. That Petitioner proposes to construct a road connecting IL 15 with IL 1 in order to improve traffic flow between said routes, aid in economic development by providing additional public access to the future retail and commercial lots in Mt Carmel and provide additional access for emergency vehicles responding to the South part of the city.
3. That Petitioner, in order to provide such benefit to City residents also proposes to construct an at-grade crossing at the proposed Empire Street in order to improve crossing safety and traffic flow compared to existing at grade railroad crossings specifically 7th Street.
4. The Petitioner proposes to allow the closure and removal of the existing at-grade crossing at the intersection of the Norfolk Southern Railroad and 7th Street (commonly called Willow Swamp Road) located east of the proposed Empire Street crossing.

LOCATION

5. That the location of proposed Empire Street is shown on the General Location Map in Exhibit A and is located at the South of IL Route 15 (W 9th Street), North of IL Route 1, and West of Seventh (7th) Street.

DOCKETED

AUG 18 2008

6. That in doing so, Petitioner proposes to cross the tracks of the Company as shown on Exhibit B, consisting of an aerial photo, and Exhibit C containing the proposed plan and typical roadway section, all of which is appended hereto and by this reference made in this petition.
7. That the crossing will be an extension of Empire Street, which will be owned, build and maintained by the City

ALTERNATIVES

8. That the alternatives would include a railroad over/underpass. This alternative was deemed not viable as minimum vertical clearance over the rail road could not be achieved in the limited horizontal distance between IL Route 15 and the crossing.
9. That the alternative of using the 7th Street crossing for access was eliminated due to poor geometrics at both the railroad and at IL 15 and poor vertical alignment at the crossing, insufficient stacking between IL 15 and the crossing and subsequently poor sight distance at the crossing. In addition the 7th street crossing did not allow for efficient use of the developing land as it required more roadway for the same access as provided in the approved alternative.
10. That the approved alternative provides both acceptable vertical and horizontal alignment at the crossing, cleaner sight distances, better spacing of the crossings along the railroad and the most efficient roadway system to access the land to be developed. It aligns with the existing city street system specifically Empire Street north of IL Route 15.

IMPROVEMENTS AT THE CROSSING

11. That Empire Street on both sides of the crossing will upon completion of the construction as proposed by Petitioner will be maintained by and at the expense of the petitioner.
12. The tracks will be crossed in a near perpendicular direction. The angle in the SW quadrant is 80 Degrees 48 Minutes 35 Seconds.
13. That construction of said Empire Street will begin in the calendar year 2008, or soon thereafter as a thirty (30) foot wide face to face, seven (7) inch thick PCC pavement with integral curb and gutter, over thirty three (33) foot wide, twelve (12) inch deep lime modified soil as detailed on the typical section, designated as Exhibit C and the profile designated as Exhibit D attached hereto, providing a single thirteen (13) foot through traffic lane in each direction. The proposed speed limit is thirty five miles per hour (35 mph). Anticipated traffic is 2100 average daily traffic for the year 2018 as shown on the Traffic Forecast analysis in Exhibit E.
14. That the land at or near the crossing is relatively flat and there are no obstructions in any quadrant at the point of the crossing.
15. That the proposed crossing area will be free of brush and provide a clear view of an approaching train.
16. The petitioner proposes to install safety devices at the crossing, including automatic flashing light signals and gates using motion predictor circuitry, with all the necessary improvements related thereto. Funding will be through the Federal Rail/Highway Safety Program.
17. That Petitioner will provide material for said crossing surface and the Company will provide the labor.
18. That the 7th Street Crossing will be vacated by the Petitioner and removed by the Company at the completion of Empire Street.

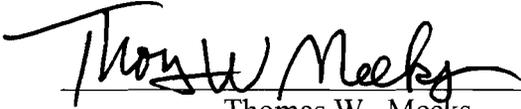
Conclusion

19. That the proposed crossing is necessary to provide a safe, public, and reasonable access to the proposed retail and commercial development by City of Mt Carmel.
20. That the proposed crossing will allow emergency response vehicles access to the IL 1 overpass and therefore access to the southeast part of Mt Carmel.

WHEREFORE, Petitioner prays that the Commission will set the aforementioned matter for hearing with Notice to the parties hereto and after such hearing, enter an Order:

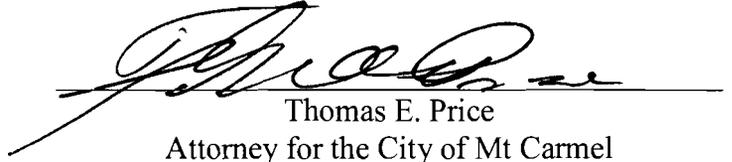
1. Authorizing the construction of the proposed grade crossing for Empire Street
2. Directing that all of the above acts be contingent upon the construction of said Empire Street

Dated in the City of Mt Carmel, Illinois this 15TH day of AUGUST, 2008



Thomas W. Meeks
Mayor, City of Mt Carmel

Thomas W. Meeks
219 Market Street
Mt Carmel, Illinois 62863



Thomas E. Price
Attorney for the City of Mt Carmel

Thomas E Price
Attorney at Law
801 W. 9th, Suite 101
P.O. Box 443
Mt Carmel Illinois 62863

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

CITY OF MT CARMEL, Illinois)

Petitioner)

v.)

NORFOLK SOUTHERN CORP AND)
DEPARTMENT OF TRANSPORTATION OF)
THE STATE OF ILLINOIS,)

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IN THE MATTER of the petition for the Order of)
the Illinois Commerce Commission authorizing the)
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proposed Empire Street, an extension of existing)
Empire Street in the City of Mt Carmel with the)
tracks of Norfolk Southern Corp in the County of)
Wabash, Illinois)

PROOF OF SERVICE:

The undersigned certifies that a copy of the foregoing **Petition to the Illinois Commerce Commission** was served by enclosing the same in a sealed envelope addressed each party at their business address as listed below and by depositing same in the United States mail in Mt Carmel, Illinois on the 15th day of AUGUST 2008, with postage fully prepaid (indicated by *) or by e-mail with certified receipt requested.

*David Lazarides
Director of Processing
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

*Thomas W. Ambler
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-2191
E-Mail: thomas.ambler@nscorp.com

*James Kazmeirczak
Senior Engineer Public Improvements
Norfolk Southern Railway Company
1200 Peachtree Street NE
Atlanta, GA 30309
E-Mail: james.kazmierczak@nscorp.com

Richard E. Boyle
Gundlach, Lee, Eggmann, Boyle and Roessler
5000 West Main St., Box 23560
Belleville, IL 62223-0560
E-Mail: r.boyle@gundlachlee.com

Illinois Department of Transportation
Attn: Nita Miller
Division of Highways, Region 4 District 7
400 W Wabash Ave
Effingham, Illinois 62401
E-Mail: nita.miller@illinois.gov

Ellen Schanzle-Haskins
Chief Counsel - IDOT
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764
E-Mail: ellen.schanzle-haskins@illinois.gov

*Neil F. Flynn
Attorney at Law
1035 South Second Street
Springfield, IL 62704
E-Mail: nflynn@nfflynnlaw.com

Richard H. Ray
Administrator
Highway Grade Crossings
Norfolk Southern Corporation
1200 Peachtree Street, NE
Atlanta, GA 30309-3579
E-Mail: rhray@nscorp.com

Christine Reed
Director of Highways - IDOT
ATTN: Jeff Harpring, Room 205
2300 South Dirksen Parkway
Springfield, IL 62764
E-Mail: jeff.harpring@illinois.gov

Nanci K. Scott
Manager, Contract Services
Norfolk Southern Railway Company
1200 Peachtree Street, NE, Suite 1245
Atlanta, GA 30309-3579
E-Mail: nkscott@nscorp.com



Robert Cusick
Neikirk Engineering, LLC
Mt. Carmel, Illinois

City of Mt. Carmel, Illinois
Empire Street Extension
Exhibits for ICC/Norfolk Southern Railroad
Proposed Railroad Crossing at Mile Post 148.8

- A) General Location Map
- B) Aerial Photo (with detail as to location of proposed railroad crossing, existing crossings, highways, railroads and proposed roadway.
- C) Typical Cross-Section of proposed roadway
- D) Plan-Profile of roadway and railroad intersection area
- E) Traffic data for proposed roadway, Route 1, Route 15 and train counts for Norfolk Southern Railroad at the proposed crossing.
- F) Letters from Neikirk Engineering to Norfolk Southern Railroad, from the Illinois Department of Transportation to the Illinois Commerce Commission and from the Illinois Commerce Commission to the Illinois Department of Transportation.
- G) Ground level photos of the proposed crossing area, of the existing private crossing and the existing Seventh Street Crossing at mile post 149.1.
- H) Contact Information

EXHIBIT B

ROUTE 15

90

EXISTING AAR# 24842Y
7th ST. CROSSING
AT MILE POST 149.1

PROPOSED UTILITY PERMIT
12" WATER MAIN AND
SANI SEWER FORCE MAIN

PROPOSED CROSSING
AT MILE POST 148.8

EXISTING PRIVATE CROSSING

100'

PROPOSED ROADWAY

CITY OF MT. CARMEL,
ILLINOIS

NORFOLK SOUTHERN RAILROAD

100'

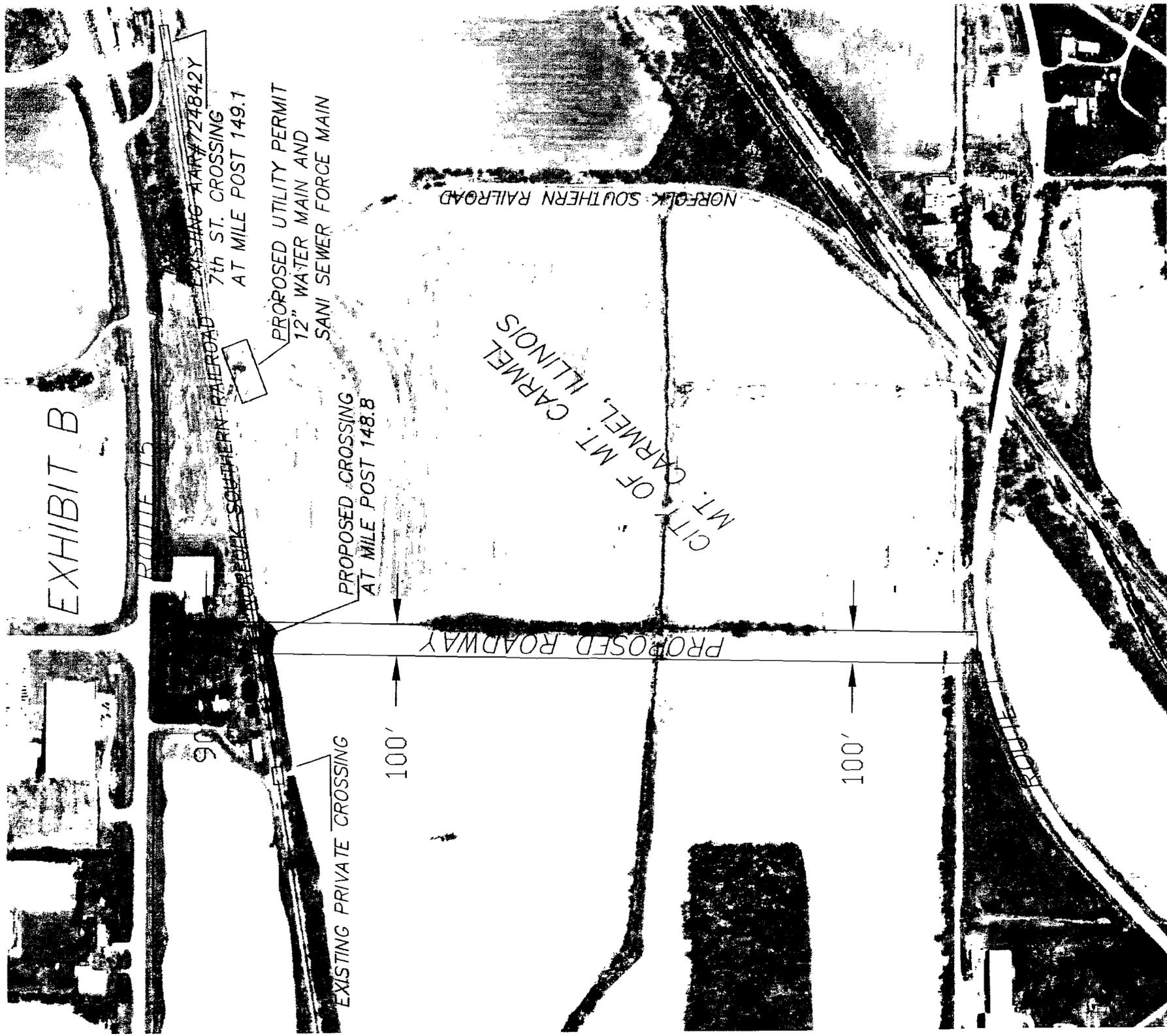


EXHIBIT C

EMPIRE STREET - MT. CARMEL, ILLINOIS
TYPICAL CROSS SECTION OF PROPOSED STREET

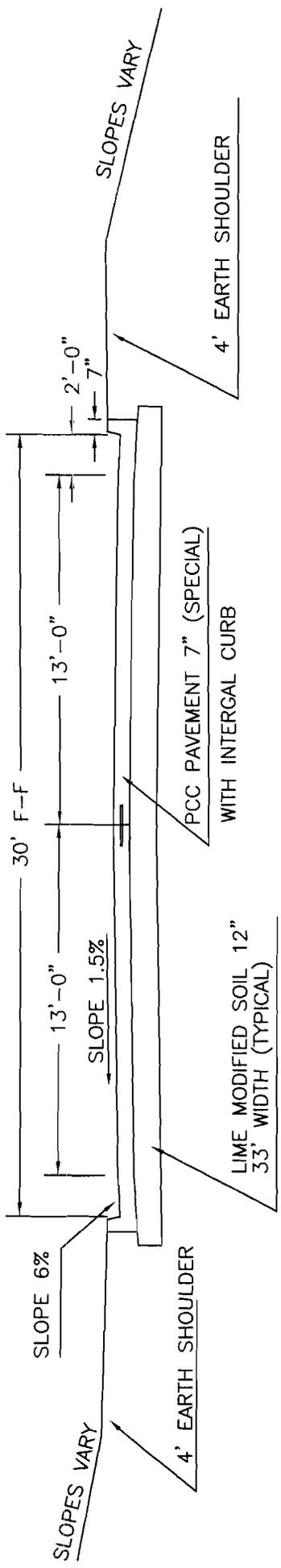


EXHIBIT E

ILLINOIS DEPARTMENT of TRANSPORTATION
TRAFFIC FORECAST ANALYSIS

TO: LOCAL ROADS & STREETS

FROM: PROGRAM DEVELOPMENT BY: RNP

DATE: 05/15/08

ROUTE: N/A SECTION: N/A
LOCATION: PROPOSED STREET from ILL 1 to ILL 15

CITY: MT. CARMEL
COUNTY: WABASH
FUNCTIONAL CLASS: N/A

NOTE: Assuming land is developed along this street.

FILE: PROPOSED ST FROM IL 1 to IL 15- 08

CAPACITY DATA			
2007 CURRENT TRAFFIC	0	DIRECTIONAL SPLIT	50.00%
2008 ADT YR of CONST	1500	TRUCKS (%ADT 20)	9.6%
2008 DHV YR of CONST	169	TRUCKS (%DHV 20)	9.6%
2028 ADT 20YR FUTURE	2700	20YR DHV	10.7
2028 DHV 20YR FUTURE	288		

PAVEMENT DESIGN DATA										
2023 (15 YEAR)			2018 (10 YEAR)			2013 (5 YEAR)			2008 (ADT YR of CONST)	
ADT	2400		ADT	2100		ADT	1800		ADT	1500
4T	2177	90.7%	4T	1910		4T	1644		4T	1375
SU	160	6.7%	SU	140		SU	120		SU	100
MU	63	2.4%	MU	50		MU	36		MU	25

STATISTICS	
GENERATED TRAFFIC	0
20YR GROWTH RATIO	1.80
HIST ANNUAL % GROWTH (COMP)	
DAILY VEHICLE GROWTH PER YEAR	60

PRESENT ADT of INTERSECTING CROSSROADS

	ROUTE	ADT	TRUCKS
1.			
2.			
3.			

ILLINOIS DEPARTMENT of TRANSPORTATION TRAFFIC FORECAST ANALYSIS

TO: LOCAL ROADS & STREETS

FROM: PROGRAM DEVELOPMENT BY: RNP

DATE: 05/15/08

ROUTE: FAP 825 SECTION: N/A
LOCATION: ILL 15 WEST of EMPIRE ST / PROPOSED STREET

CITY: MT. CARMEL
COUNTY: WABASH
FUNCTIONAL CLASS: OTHER PRINCIPAL ARTERIAL

NOTE: Assuming proposed street is built in 2008.
Assuming land is developed along proposed street and Empire St.

FILE: ILL 15 W of EMPIRE ST - 08

CAPACITY DATA			
2007 CURRENT TRAFFIC	4750	DIRECTIONAL SPLIT	50.00%
2008 ADT YR of CONST	4800	TRUCKS (%ADT 20)	8.4%
2008 DHV YR of CONST	490	TRUCKS (%DHV 20)	8.4%
2028 ADT 20YR FUTURE	6432	20YR DHV	10.5
2028 DHV 20YR FUTURE	673		

PAVEMENT DESIGN DATA										
2023 (15 YEAR)			2018 (10 YEAR)			2013 (5 YEAR)			2008 (ADT YR of CONST)	
ADT	6024		ADT	5616		ADT	5208		ADT	4800
4T	5519	91.6%	4T	5146		4T	4772		4T	4398
SU	314	5.2%	SU	293		SU	271		SU	250
MU	191	3.2%	MU	178		MU	165		MU	152

STATISTICS	
GENERATED TRAFFIC	0
20YR GROWTH RATIO	1.34
HIST ANNUAL % GROWTH (COMP)	-0.13%
DAILY VEHICLE GROWTH PER YEAR	82

PRESENT ADT of INTERSECTING CROSSROADS

	ROUTE	ADT	TRUCKS
1.			
2.			
3.			

ILLINOIS DEPARTMENT of TRANSPORTATION TRAFFIC FORECAST ANALYSIS

TO: LOCAL ROADS & STREETS

FROM: PROGRAM DEVELOPMENT BY: RNP

DATE: 05/15/08

ROUTE: FAP 825 SECTION: N/A
LOCATION: ILL 15 EAST of EMPIRE ST / PROPOSED STREET

CITY: MT. CARMEL
COUNTY: WABASH
FUNCTIONAL CLASS: OTHER PRINCIPAL ARTERIAL

NOTE: Assuming proposed street is built in 2008.
Assuming land is developed along proposed street and Empire St.

FILE: ILL 15 E of EMPIRE ST - 08

CAPACITY DATA			
2007 CURRENT TRAFFIC	4750	DIRECTIONAL SPLIT	50.00%
2008 ADT YR of CONST	4825	TRUCKS (%ADT 20)	8.6%
2008 DHV YR of CONST	491	TRUCKS (%DHV 20)	8.6%
2028 ADT 20YR FUTURE	6707	20YR DHV	10.4
2028 DHV 20YR FUTURE	697		

PAVEMENT DESIGN DATA										
2023 (15 YEAR)			2018 (10 YEAR)			2013 (5 YEAR)			2008 (ADT YR of CONST)	
ADT	6236		ADT	5766		ADT	5295		ADT	4825
4T	5700	91.4%	4T	5270		4T	4840		4T	4410
SU	343	5.5%	SU	317		SU	291		SU	265
MU	194	3.1%	MU	179		MU	165		MU	150

STATISTICS	
GENERATED TRAFFIC	0
20YR GROWTH RATIO	1.39
HIST ANNUAL % GROWTH (COMP)	-0.13%
DAILY VEHICLE GROWTH PER YEAR	94

PRESENT ADT of INTERSECTING CROSSROADS

	ROUTE	ADT	TRUCKS
1.			
2.			
3.			

ILLINOIS DEPARTMENT of TRANSPORTATION TRAFFIC FORECAST ANALYSIS

TO: LOCAL ROADS & STREETS

FROM: PROGRAM DEVELOPMENT BY: RNP

DATE: 05/15/08

ROUTE: FAP 332 SECTION: N/A
LOCATION: ILL 1 WEST of TR 133A (1030E) / PROPOSED STREET

CITY: N/A
COUNTY: WABASH
FUNCTIONAL CLASS: OTHER PRINCIPAL ARTERIAL

NOTE: Assuming proposed street is built in 2008.
Assuming land is developed along proposed street.

FILE: ILL 1 W of TR 133A - 08

CAPACITY DATA			
2007 CURRENT TRAFFIC	3150	DIRECTIONAL SPLIT	51.00%
2008 ADT YR of CONST	3200	TRUCKS (%ADT 20)	11.7%
2008 DHV YR of CONST	311	TRUCKS (%DHV 20)	11.7%
2028 ADT 20YR FUTURE	4320	20YR DHV	10.0
2028 DHV 20YR FUTURE	430		

PAVEMENT DESIGN DATA										
2023 (15 YEAR)			2018 (10 YEAR)			2013 (5 YEAR)			2008 (ADT YR of CONST)	
ADT	4040		ADT	3760		ADT	3480		ADT	3200
4T	3567	88.3%	4T	3319		4T	3072		4T	2825
SU	221	5.5%	SU	206		SU	190		SU	175
MU	253	6.3%	MU	235		MU	218		MU	200

STATISTICS	
GENERATED TRAFFIC	0
20YR GROWTH RATIO	1.35
HIST ANNUAL % GROWTH (COMP)	-2.50%
DAILY VEHICLE GROWTH PER YEAR	56

PRESENT ADT of INTERSECTING CROSSROADS

	ROUTE	ADT	TRUCKS
1.			
2.			
3.			

ILLINOIS DEPARTMENT of TRANSPORTATION TRAFFIC FORECAST ANALYSIS

TO: LOCAL ROADS & STREETS

FROM: PROGRAM DEVELOPMENT BY: RNP

DATE: 05/15/08

ROUTE: FAP 332 SECTION: N/A CITY: N/A
 LOCATION: ILL 1 EAST of TR 133A (1030E) / PROPOSED STREET COUNTY: WABASH
 FUNCTIONAL CLASS: OTHER PRINCIPAL ARTERIAL

NOTE: Assuming proposed street is built in 2008.
 Assuming land is developed along proposed street.

FILE: ILL 1 E of TR 133A - 08

CAPACITY DATA			
2007 CURRENT TRAFFIC	3150	DIRECTIONAL SPLIT	51.00%
2008 ADT YR of CONST	2655	TRUCKS (%ADT 20)	13.3%
2008 DHV YR of CONST	257	TRUCKS (%DHV 20)	13.3%
2028 ADT 20YR FUTURE	3690	20YR DHV	9.9
2028 DHV 20YR FUTURE	365		

PAVEMENT DESIGN DATA										
2023 (15 YEAR)			2018 (10 YEAR)			2013 (5 YEAR)			2008 (ADT YR of CONST)	
ADT	3432		ADT	3173		ADT	2914		ADT	2655
4T	2977	86.7%	4T	2752		4T	2528		4T	2303
SU	209	6.1%	SU	194		SU	178		SU	162
MU	246	7.2%	MU	227		MU	209		MU	190

STATISTICS	
GENERATED TRAFFIC	0
20YR GROWTH RATIO	1.39
HIST ANNUAL % GROWTH (COMP)	-2.50%
DAILY VEHICLE GROWTH PER YEAR	52

PRESENT ADT of INTERSECTING CROSSROADS

	ROUTE	ADT	TRUCKS
1.			
2.			
3.			

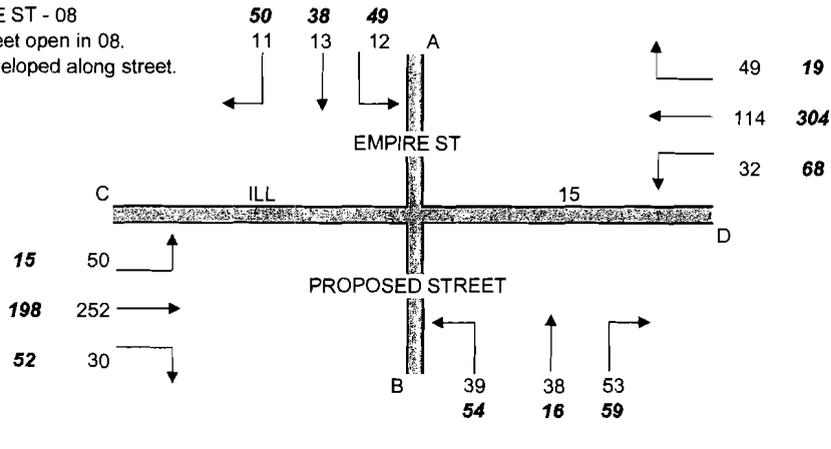
ILLINOIS DEPARTMENT of TRANSPORTATION INTERSECTION TURNING MOVEMENTS

COUNTY: WABASH
LOCATION: ILL 15 & EMPIRE STREET
FILE: T ILL 15 & EMPIRE ST - 08

CITY: MT. CARMEL

DATE: 05/15/08

NOTE: Assuming prop street open in 08.
Assuming land developed along street.



TRAFFIC LEG TURN MOVE	CONSTRUCTION YEAR DHV 2008			SPECIAL ADJUSTMENT		2028 PERCENT TRUCKS DHV		2028 GROWTH RATE		20 YEAR DHV 2028		PEAK HOUR FACTOR
	AM	NOON	PM	AM	PM	AM	PM	AM	PM	AM	PM	
AB ↓	1		20			23%	11%	13.00	0.90	13	38	
AD ↘	2		26			35%	8%	6.00	0.90	12	49	
AC ↙	1		32			28%	8%	11.00	0.55	11	50	
BA ↑	20		1			8%	25%	0.90	16.00	38	16	
BC ↖	27		35			10%	9%	0.45	0.55	39	54	
BD ↗	33		36			11%	12%	0.60	0.65	53	59	
CD →	194		152			4%	5%	0.30		252	198	
CA ↗	32		1			6%	27%	0.55	14.00	50	15	
CB ↘	19		36			13%	8%	0.60	0.45	30	52	
DC ←	88		234			10%	5%	0.30		114	304	
DB ↙	20		41			19%	10%	0.60	0.65	32	68	
DA ↖	26		2			8%	22%	0.90	8.50	49	19	

	PM APPROACH					
Total - A	82	0	82	78	173	187
Total - B	120	0	169	72	205	288
Total - C	361	0	490	189	496	673
Total - D	363	0	491	277	512	697

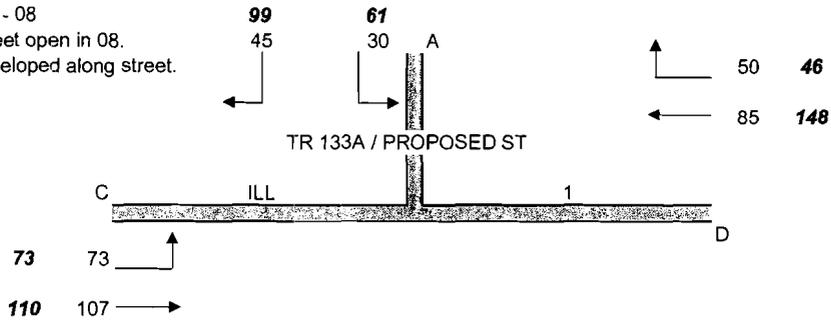
ILLINOIS DEPARTMENT of TRANSPORTATION
INTERSECTION TURNING MOVEMENTS

COUNTY: WABASH
LOCATION: ILL 1 & TR 133A (1030E)
FILE: T ILL 1 & TR 133A - 08

CITY: MT. CARMEL

DATE: 05/15/08

NOTE: Assuming prop street open in 08.
Assuming land developed along street.



20 YEAR DHV
AM PM

TRAFFIC LEG TURN MOVE	CONSTRUCTION YEAR DHV 2008			SPECIAL ADJUSTMENT		2028 PERCENT TRUCKS DHV		2028 GROWTH RATE		20 YEAR DHV 2028		PEAK HOUR FACTOR
	AM	NOON	PM	AM	PM	AM	PM	AM	PM	AM	PM	
AB ↓												
AD ↘	20		36			17%	12%	0.55	0.70	30	61	
AC ↙	27		68			18%	10%	0.65	0.45	45	99	
BA ↑												
BC ↖												
BD ↗												
CD →	79		81			7%	11%	0.35		107	110	
CA ↗	50		50			12%	15%	0.45	0.45	73	73	
CB ↘												
DC ←	64		112			17%	10%	0.33		85	148	
DB ↘												
DA ↗	30		29			10%	13%	0.70	0.60	50	46	

PM APPROACH

Total - A	126	0	183	104		198	278
Total - B	0	0	0	0		0	0
Total - C	220	0	311	132		310	430
Total - D	192	0	257	140		273	365



EXHIBIT F

306 North Market Street • Mt. Carmel, IL 62863

Phone: (618) 263-4100 • Fax: (618) 263-4302
Toll Free: (866) 512-5150

June 5, 2008

RE: City of Mt. Carmel, Illinois
Section 08-00065-02-PV
Empire Street Extension
Railroad Crossing

Attn: Mr. R. R. Wilson
Superintendent
Norfolk Southern Railroad
1735 East Condit Street
Decatur, Illinois 62521

Dear Mr. Wilson;

The City of Mt. Carmel is planning the construction of a new street (Empire Street) connecting Illinois Route 15 and Illinois Route 1 approximately ½ mile west of the city. This work will consist of the construction of a paved street with curb and gutter along with the necessary water mains, storm sewers, sanitary sewers and other items to make the area attractive for industrial or commercial development.

In order for this to happen a new railroad crossing over the Norfolk Southern Railroad at Mile Post 148.8 will need to be constructed. The city in cooperation with the railroad is willing to close the existing crossing AAR#724842Y 7th Street Crossing at Mile Post 149.1 which is a dangerous crossing with open ditches and poor alignment of the approaching roadway.

Neikirk Engineering, L.L.C., of Mt. Carmel, is currently completing fieldwork in order to complete the roadway plans. Upon completion of the new street the State of Illinois is interested in using Empire Street as a detour while they are reconstructing the present Route 1 overpass over Norfolk Southern railroad tracks. Therefore, time is somewhat of essence as this construction is being planned for the fall of 2008. Any assistance and or information that Norfolk Southern can give in regards to the procedures of acquiring a permit will be greatly appreciated.

I send this letter as a request for your consideration in granting this location for a new crossing.

If you have questions or comments please contact either Mike Neikirk or myself at your earliest convenience.

Sincerely;

A handwritten signature in cursive script that reads "Robert Cusick".

Robert Cusick

Professional Engineering • Land Surveying • Community Development Services

www.neikirkengineering.com



Illinois Department of Transportation

Division of Highways / Region 4 / District 7
400 West Wabash / Effingham, Illinois / 62401-2699
Telephone 217/342-3951

June 25, 2008

PROGRAM DEVELOPMENT

Route: ILL 1

Section No.: 103B-1

Wabash County

Contract Number: 94754

N&S RR 0.8 Mi SW of Mt Carmel

New City Street West of Mt. Carmel, South of IL 15 at Empires Street to IL Route 1.

Mr. Dick Daniels
Illinois Commerce Commission
527 East Capitol Ave.
Springfield, IL 62701

Dear Mr. Daniels:

The Illinois Department of Transportation has scheduled a bridge replacement project over the N&S Railroad for an early 2009 letting. The work at the structure necessitates a total road closure. The detour IDOT proposes on the project has over 11 miles of adverse travel.

The City of Mt. Carmel has proposed to construct a connector street between IL Route 1 and IL Route 15 just west of the structure to be replaced. Due to the length of detour mentioned above, the City of Mt. Carmel has offered the use of a city street as a shorter detour for the project. If the City of Mt. Carmel can expedite the work to meet our bridge replacement schedule, this will change the amount of adverse travel to less than 2 miles.

Due to the poor condition of the existing structure, IDOT cannot alter the letting date of the structure replacement. The Department is requesting any assistance in expediting the work needed from the Illinois Commerce Commission for the City of Mt. Carmel to construct the crossing on the Southern Railroad just south of IL Route 15.

Very truly yours,

Roger L. Driskell, P.E.
Deputy Director of Highways
Region Four Engineer

A handwritten signature in black ink, appearing to read 'Timothy S. Jackson'.

Timothy S. Jackson, P.E.
District Program Development Engineer

GJW:nmm

cc: Nita Miller
Neikirk Engineering, LLC

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

July 16, 2008

Roger L. Driskell, P.E.
Deputy Director of Highways
Region Four Engineer
Illinois Department of Transportation
400 W. Wabash
Effingham, IL 62401-2699

Dear Mr. Driskell:

This is in response to your letter dated June 25, 2008, to Dick Daniels, Rail Safety Specialist, of this office, with which you requested assistance from this to office to expedite a request from the City of Mt. Carmel to create a new highway-rail grade crossing of the Norfolk Southern Railway's (NS) track. Your letter indicated that IDOT is planning to construct a new bridge to replace the structure that carries N1250 Blvd/3rd Street over the NS's track in Mt. Carmel, and that the City's proposed new grade crossing would be a benefit to the detour route proposed by the Department.

It is my understanding that the City of Mt. Carmel is considering the construction of a new connector road (Empire St) between Illinois Route 1 (IL 1) and Illinois Route 15 (IL 15), which will require the creation of a new grade crossing of NS's track. The proposed new crossing would be located approximately 0.3 miles west of the existing Willow Swamp Rd/ West 7th Street (**AAR/DOT #724 842Y, railroad milepost 149.20-A**) of NS's track. It is my further understanding that the Willow Swamp Road crossing would be closed if the new crossing is created.

To my knowledge the City has not filed a Petition requesting permission to create the proposed new grade crossing. Following receipt of the City's Petition, this office will work with the parties to expedite the Hearing and Order process so that Commission approval of the City's request can be accomplished as quickly as possible.

I trust this information will be helpful. If you have any questions, please contact Dick Daniels, Railroad Safety Specialist, at (217) 785- or rdaniels@icc.illinois.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead
Rail Safety Program Administrator

cc: Jeff Harpring, IDOT
RAD

City of Mt. Carmel, Illinois

Empire Street Extension – Photo descriptions

Page 1 – Existing Seventh St. Crossing at Mile Post 149.1 (Norfolk Southern Railroad)



Existing Seventh St crossing at Mile Post 149.1 looking west from south approach.



Existing Seventh St. crossing at Mile Post 149.1 on south approach looking north.



Existing Seventh St. crossing at Mile Post 149.1 on north approach looking south.

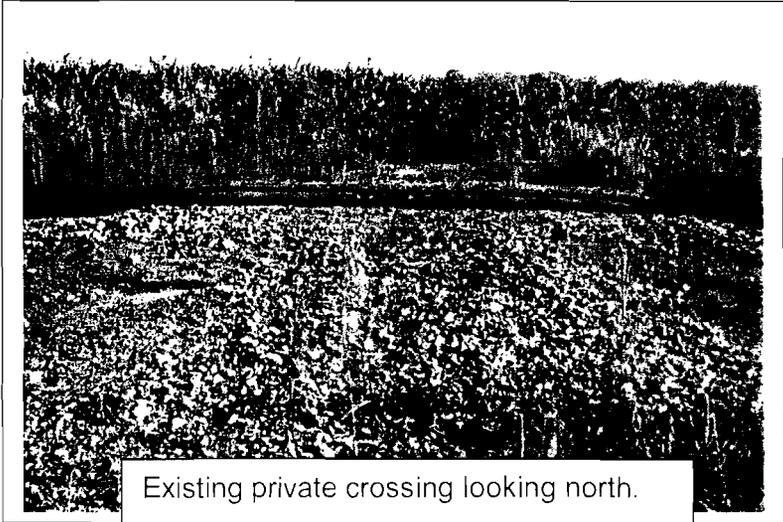


Existing Seventh St. crossing at Mile Post 149.1 looking east along track.

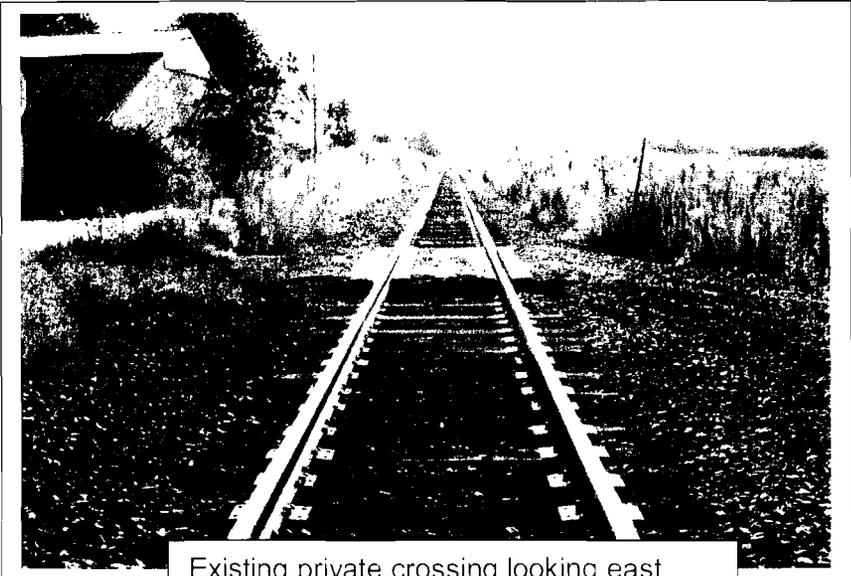
City of Mt. Carmel, Illinois
Empire Street Extension – Photo descriptions
Page 2 – Existing Private Crossing (To Haase Property)



Existing private crossing looking south.



Existing private crossing looking north.

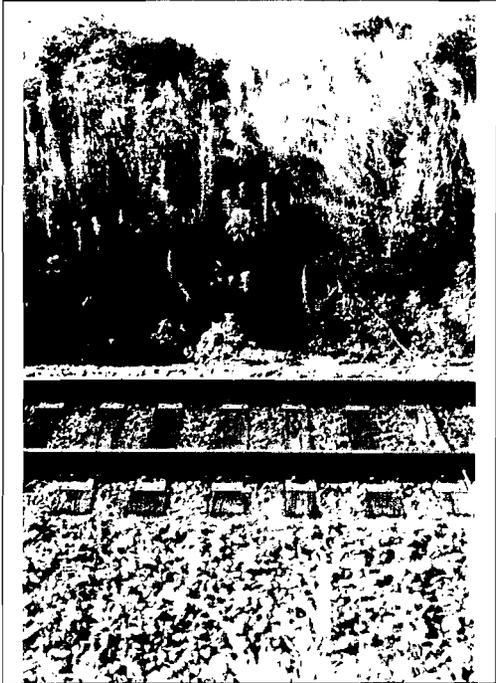


Existing private crossing looking east along tracks.

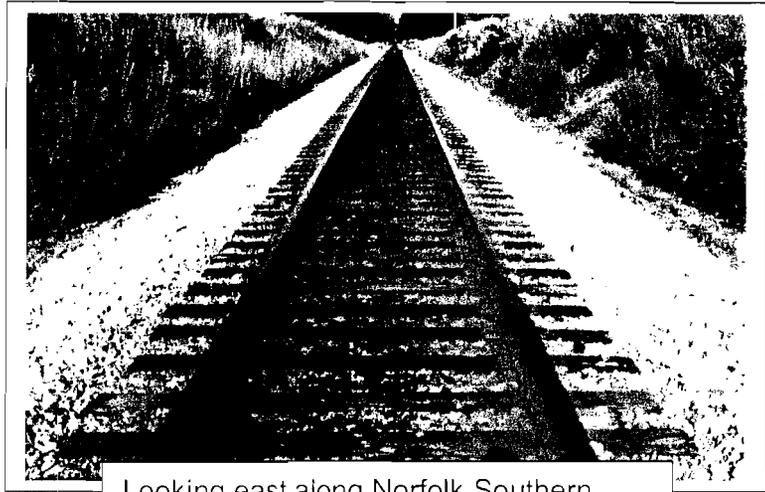
City of Mt. Carmel, Illinois

Empire Street Extension – Photo descriptions

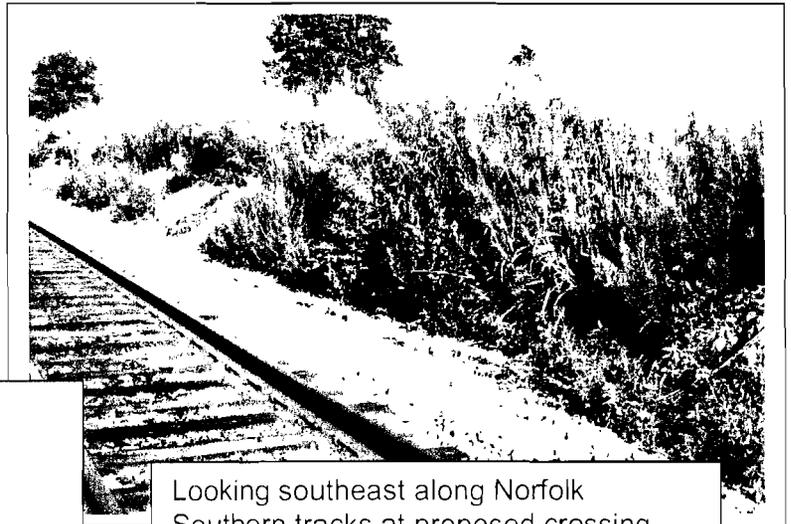
Page 3 – Area at proposed Norfolk Southern Railroad crossing (Mile Post 148.8)



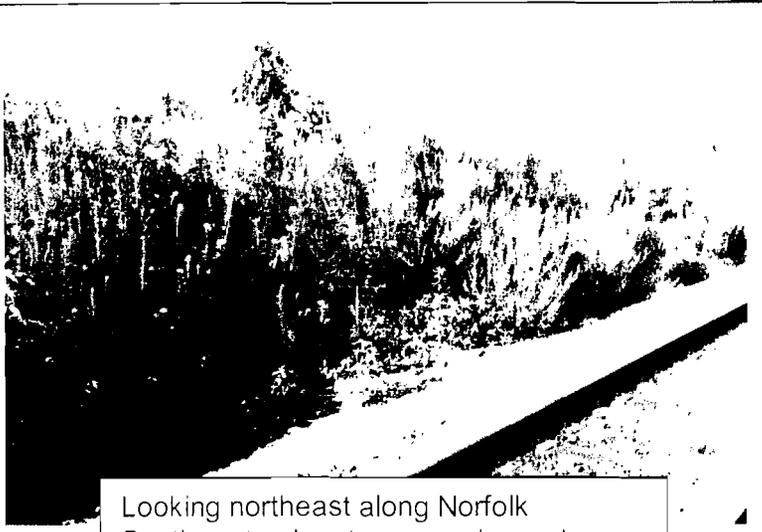
Looking north at Norfolk Southern tracks at proposed crossing



Looking east along Norfolk Southern tracks at proposed crossing.



Looking southeast along Norfolk Southern tracks at proposed crossing.



Looking northeast along Norfolk Southern tracks at proposed crossing.

EXHIBIT H

Contact List City of Mt. Carmel, Illinois Empire Street Extension

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