

ORIGINAL

BEFORE THE ILLINOIS COMMERCE COMMISSION
527 E. CAPITOL AVENUE
SPRINGFIELD, ILLINOIS

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Illinois Commerce Commission
RAIL SAFETY SECTION

THE DEPARTMENT OF TRANSPORTATION)
OF THE STATE OF ILLINOIS, FOR AND ON)
BEHALF OF THE PEOPLE OF THE STATE)
OF ILLINOIS,)

PETITIONER,)

v.)

Case No.: T09-0018

THE KANSAS CITY SOUTHERN RAILWAY)
COMPANY, AND THE UNION PACIFIC)
RAILROAD COMPANY,)

RESPONDENTS.)

Petition to construct FAP Route 310 (ILL Route)
255) near the Village of Godfrey, Madison County,)
Illinois and to construct two grade separation)
structures to carry ILL Route 255 over and across)
the Respondents mainline tracks at approximate)
UP milepost 251.5)

**RESPONDENT'S NOTICE OF
PRE-FILED EXHIBITS**

COMES NOW Respondent, The Kansas City Southern Railway Company, by and through counsel, and for its Notice of Pre-filed Exhibits hereby pre-files the attached exhibits in the above captioned matter:

1. Copy of e-mail from Sri Honnur, KCSR, dated December 29, 2008, to Kirk Brown, IDOT.
2. Copy of e-mail from Kirk Brown, IDOT, dated January 26, 2009, with attachment.
3. Copy of e-mail from William J. Fleis, Design Nine, Inc., dated February 13, 2009 to Kirk Brown, IDOT.
4. Copy of e-mail from counsel, dated February 13, 2009, to Kirk Brown, IDOT, with attached letter dated February 13, 2009 and cross-section engineering drawing.

DOCKETED

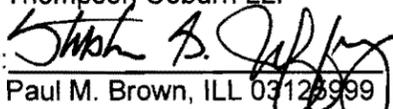
MAR - 6 2009

5. Copy of e-mail from counsel, dated March 3, 2009, to Kirk Brown, IDOT.
6. Copy of e-mail from Sylvia Schmidt, Jones Lang LaSalle Americas, dated February 25, 2009, re: Utility Crossing Application & Requirements.
7. Copy of e-mail from Chris Kalicki, Verizon Business, dated February 25, 2009, re: FAP 310 Utility Coordination Meeting.

Respectfully submitted,

Thompson Coburn LLP

By:


Paul M. Brown, ILL 03128999
Stephen G. Jeffery, ILL 06220088
One U.S. Bank Plaza
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St. Louis, Missouri 63101
(314) 552-6000
(314) 552-7000 – Fax
E-mail: sjeffery@thompsoncoburn.com

Attorneys for Respondent

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 4th day of March 2009.



Lawrence D. Parrish
Special Assistant Attorney General
Illinois Department of Transportation
300 W. Adams
Chicago, Illinois 60606

Ellen J. Schanzle-Haskins
Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway
Room 300
Springfield, Illinois 62764

Christine Reed
Director of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Room 205
Springfield, Illinois 62764

Roy Farwell
Union Pacific Railroad Company
100 N. 4th Street
Room 1500
St. Louis, Missouri 63102

William J. Fleis

From: Srikanth Honnur [SHonnur@KCSouthern.com]
Sent: Monday, December 29, 2008 4:20 PM
To: kirk.brown@illinois.gov
Cc: Glenn T. Hay; William J. Fleis; SJEFFERY@thompsoncoburn.com; David Reeves; Paul Fetterman
Subject: FW: I-255 Overpass @ Godfrey, IL Meeting w/IDOT

Kirk,
Attached please find our tentative preliminary review comments for our discussion for next week's meeting.
Thanks.

Srikanth Honnur, P.E.
Director, Track and Bridge Construction
Kansas City Southern Railway
427 West 12th Street, Kansas City, MO 64105
Ph:816-983-1138; Fax:816-983-1186; Cell:816-719-7511

From: William J. Fleis [mailto:bill@Design9.com]
Sent: Monday, December 29, 2008 1:33 PM
To: Srikanth Honnur
Subject: I-255 Overpass @ Godfrey, IL Meeting w/IDOT

Sri,

I have taken the liberty of performing a brief review of the I-255 Overpass pre-final plan set dated September 2008 at the Godfrey, IL location. My comments are listed below. Perhaps this information can be presented to IDOT prior to our meeting on January 7, 2009.

1. New/replaced drainage structures are indicated beneath the tracks. A complete hydrology/hydraulic report is to be provided regarding the drainage associated with the I-255 project and its impact on Railroad right-of-way. Report is to be based on a 100 year event.
 2. Plans indicate RCCP pipes beneath the tracks. Railroads require Class 5 concrete pipes if placed beneath their tracks.
 3. KCS no longer allows "V" ditches on their right-of-way, minimum 10' bottom ditches.
 4. Grade separation overhead structures that require use of metric units shall indicate all controlling dimensions/elevations in dual units. English units are to be shown in parenthesis.
 5. If pier protection crash walls are necessary the design of such shall comply with the requirements of AREMA Chapter 8, Part 2, Section 2.1.5.1.
- Pier footings within 25' of the nearest track centerline shall be a minimum of 6' below base of rail.
6. Temporary sheet pile shoring plans and calculations to be provided for KCS review and approval prior to any construction activities; signed and sealed by registered professional engineer licensed in State of Illinois.
 7. Railroad stationing to be provided at the overpass centerline crossing point along the track centerline; stationing to be based on known railroad station point. Overpass centerline crossing point to be tied into nearest railroad milepost.
 8. No provisions have been provided for a future KCS track and a service road to the west of the KCS track. This requires a minimum of 45' (20' + 25') from existing track centerline to near face of near pier.

3/4/2009



9. Minimum permanent vertical clearance of 23'-6" above top of rail is to be provided.
10. 3'-6" high solid barrier railing required unless splashboards are provided. Safety fencing required along both sides of each overpass structure.
11. Railroad roadbed cross sections (existing and proposed) are to be provided every 50' for a minimum of 250' either side of the overpass structure centerline.
12. Any existing utilities on Railroad right-of-way that are impacted by the new overpass must have new agreements in place for their relocation before the Agreement between the State and the railroad can be signed.
13. Lighting may be required if any railroad switching activities occur in the vicinity of the new overpass.
14. Plans should include provisions/information for erosion control to protect the railroad right-of-way during any and all construction activities.
15. Preliminary plan submittal must include a completed Overhead Submittal Checklist and a completed Overhead Grade Separation Data Sheet.
16. All submittals should be in accordance with current KCS Guidelines for the Design and Construction of Overpasses and Underpasses.

Design Nine, Inc.

Bill Fleis

3/4/2009

Jeffery, Stephen G.

From: Brown, Kirk H [Kirk.Brown@illinois.gov]
Sent: Monday, January 26, 2009 10:36 AM
To: shonnur@kcsouthern.com
Cc: MVanTiem@KCSouthern.com; Paul Fetterman; Jeffery, Stephen G.; Keirn, Jeffrey L; Bushur-Hallam, Cindy K
Subject: IL-255 Over UP, KSS Godfrey Response to KCS Design Issues
Attachments: KCS Railraod Questions.docx

Re: FAP 310 (IL 255) KCS M.P. 28.6

Section 60-15VB-1 & 2 Godfrey Subdivision

Job No. C-98-014-03

Contract No. 76634

Sri, please see the attached responses to KCS's plan comments discussed at the 1/7/09 meeting. It appears we can address all of the concerns except extra height on the parapet wall and the ability to build an additional track. Our consultant is currently making changes and adding the information to the plans.

As noted in comment 15, please forward the KCS Guidelines for Overpasses to me by this Wednesday the 28th if possible.

<<KCS Railraod Questions.docx>>

Kirk H. Brown, P.E.

Illinois Department of Transportation

Project Support Engineer

(618) 346-3197

Kirk.Brown@illinois.gov

3/4/2009



KCS Railroad Questions

1. New/replaced drainage structures are indicated beneath the tracks. A complete hydrology/hydraulic report is to be provided regarding the drainage associated with the I-255 project and its impact on Railroad right-of-way. Report is to be based on a 100 year event.

I checked with Frank. We design for the 100 year flood.

2. Plans indicate RCCP pipes beneath the tracks. Railroads require Class 5 concrete pipes if placed beneath their tracks.

The culverts will be revised to concrete. The plans, special provisions, pay items, ect. will be revised.

3. KCS no longer allows "V" ditches on their right-of-way, minimum 10' bottom ditches.

As per the meeting with the KSC Railroad on January 7, 2009 the paved V gutter is acceptable.

4. Grade separation overhead structures that require use of metric units shall indicate all controlling dimensions/elevations in dual units. English units are to be shown in parenthesis.

IDOT has added the English dimensions to the sheets.

5. If pier protection crash walls are necessary the design of such shall comply with the requirements of AREMA Chapter 8, Part 2, Section 2.1.5.1.

The structure design has been reviewed and all requirements of the AREMA are satisfied.

Pier footings within 25' of the nearest track centerline shall be a minimum of 6' below base of rail.

The top of the footings are designed 6' below the base of the rail.

6. Temporary sheet pile shoring plans and calculations to be provided for KCS review and approval prior to any construction activities; signed and sealed by registered professional engineer licensed in State of Illinois.

This comment is for the contractor building the project. Add to the note or add an additional note on page 70 stating the railroad must approve the plans.

7. Railroad stationing to be provided at the overpass centerline crossing point along the track centerline; stationing to be based on known railroad station point. Overpass centerline crossing point to be tied into nearest railroad milepost.

Add the railroad mile stationing (around 28+XXXX) to the plans. Stationing information will be added to the plans.

8. No provisions have been provided for a future KCS track and a service road to the west of the KCS track. This requires a minimum of 45' (20' + 25') from existing track centerline to near face of pier.

IDOT cannot accommodate a future track.

9. Minimum permanent vertical clearance of 23'-6" above top of rail is to be provided.

The minimum vertical clearance for the UP RR is shown on the plans and the clearance for the KCS RR will be added to sheets 32 and 68.

10. 3'-6" high solid barrier railing required unless splashboards are provided. Safety fencing required along both sides of each overpass structure.

I checked with Bureau of Bridges and Structures in Springfield on the height of the parapet. They indicated that the Department does not accommodate the additional height on RR structures statewide.

11. Railroad roadbed cross sections (existing and proposed) are to be provided every 50' for a minimum of 250' either side of the overpass structure centerline.

This is shown on the cross sections.

12. Any existing utilities on Railroad right-of-way that are impacted by the new overpass must have new agreements in place for their relocation before the Agreement between the State and the railroad can be signed.

After the meeting on January 7, 2009 additional information was received on fiber optic lines on 1/23/2009. They do fall on the KCS RR and this information will be forwarded to the Consultant for confirmation of no conflict with proposed piers.

13. Lighting may be required if any railroad switching activities occur in the vicinity of the new overpass.

This comment is not applicable after the meeting.

14. Plans should include provisions/information for erosion control to protect the railroad right-of-way during any and all construction activities.

The erosion control plans has silt fence around the cone of the structure. KCS would like to see straw bales placed along with the silt fence. The straw bales are to be placed on the cone side of the silt fence. This will be included on the plans.

15. Preliminary plan submittal must include a completed Overhead Submittal Checklist and a completed Overhead Grade Separation Data Sheet.

This information was provided by the consultant on 4/10/2003.

A .pdf copy of the KCS Guidelines for the Design and Construction of Overpasses and Underpasses will be sent to Kirk.

16. All submittals should be in accordance with current KCS Guidelines for the Design and Construction of Overpasses and Underpasses.

The UP Railroad guidelines were provided and used to develop the plans. The KCS Railroad guidelines were never provided to incorporate into the design.

Jeffery, Stephen G.

From: William J. Fleis [bill@Design9.com]
Sent: Friday, February 13, 2009 12:19 PM
To: Brown, Kirk H
Cc: Srikanth Honnur; Jeffery, Stephen G.; Paul Fetterman
Subject: RE: IL-255 Over UP, KSS Godfrey Response to KCS Design Issues, KCS File 4846

Mr. Brown,

Please advise as to when our office may receive the revised set of I-255 overpass plans reflecting the items discussed during our meeting on January 7, 2009.

Design Nine, Inc.

Bill Fleis

From: Brown, Kirk H [mailto:Kirk.Brown@illinois.gov]
Sent: Monday, January 26, 2009 10:36 AM
To: Srikanth Honnur
Cc: Mike Van Tiem; Paul Fetterman; SJEFFERY@thompsoncoburn.com; Keirn, Jeffrey L; Bushur-Hallam, Cindy K
Subject: IL-255 Over UP, KSS Godfrey Response to KCS Design Issues

Re: FAP 310 (IL 255) KCS M.P. 28.6

Section 60-15VB-1 & 2 Godfrey Subdivision

Job No. C-98-014-03

Contract No. 76634

Sri, please see the attached responses to KCS's plan comments discussed at the 1/7/09 meeting. It appears we can address all of the concerns except extra height on the parapet wall and the ability to build an additional track. Our consultant is currently making changes and adding the information to the plans.

As noted in comment 15, please forward the KCS Guidelines for Overpasses to me by this Wednesday the 28th if possible.

<<KCS Railraod Questions.docx>>

Kirk H. Brown, P.E.

Illinois Department of Transportation

Project Support Engineer

(618) 346-3197

Kirk.Brown@illinois.gov

3/4/2009



Jeffery, Stephen G.

From: Jeffery, Stephen G.
Sent: Friday, February 13, 2009 9:19 AM
To: 'Brown, Kirk H'
Cc: 'David Reeves'; Srikanth Honnur; Paul Fetterman; 'William J. Fleis'; Brown, Paul
Subject: Letter to Kirk Brown re Rte 255 Overpass Project

Attachments: Brown_Letter.pdf; 09007 - I-255 Overpass NB (2009-02-12).pdf

Kirk,

Attached please find my letter dated 2-13-2009 along with the enclosure to my letter. I am also sending you hard copies of both.

Please advise after IDOT has had the opportunity to review.

Thanks,

Steve Jeffery



Brown_Letter.pdf
(1 MB)



09007 - I-255
Overpass NB (200...

Stephen G. Jeffery
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St. Louis, MO 63101
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February 13, 2009

Stephen G. Jeffery
314-552-6229
FAX 314-552-7229
EMAIL sjeffery@
thompsoncoburn.comVIA ELECTRONIC MAIL & REGULAR MAILKirk Brown, P.E.
Project Support Engineer
Illinois Department of Transportation
1102 Eastport Plaza Drive
Collinsville, Illinois 62234

Dear Mr. Brown:

As discussed during the recent meeting between the Illinois Department of Transportation ("IDOT") and The Kansas City Southern Railway ("KCS"), the primary concern over the engineering design for the proposed Illinois Route 255 overpass is the lack of room for any future expansion that would allow for a second KCS track. While KCS certainly appreciates IDOT's willingness to accommodate most all the other KCS engineering concerns, this inability to add a second track creates a perpetual impediment to future operational growth and efficiency, and is contrary to standard KCS engineering policy in dealing with overpass projects.

In order to afford KCS the ability to add a second track at this location, the KCS engineering staff has prepared the enclosed engineering drawing.

Under this alternate proposal, the middle span length is reduced and the end span length is increased to give enough space for a retaining wall in front of the abutment. The current span configuration will not allow enough room at the end span for the second track. The battered piles supporting the abutment will intersect the retaining wall if the wall is built with the shorter end span. Another option could be to build a vertical abutment with pile cutoff points below the future track elevation. With the preferred option, no significant redesign will be required as the currently proposed abutment and pier details can still be used with a run of the mill standard concrete beam spans the designs of which already exist as state standards. The by product of using shorter spans is that a higher vertical clearance is achieved. The only re-design will be of the retaining wall which can be done with steel z-section sheeting.

Chicago

St. Louis

Southern Illinois

Washington, D.C.

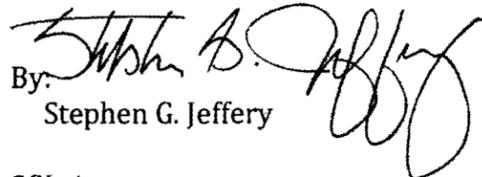
Kirk Brown, P.E.
February 13, 2009
Page Two

KCS would appreciate it if IDOT would please review this proposal and provide comments as soon as possible.

In the meantime, KCS is reviewing the agreements for both the Illinois Route 255 and Route 111 projects.

Very truly yours,

Thompson Coburn, LLP

By: 
Stephen G. Jeffery

SGJ:sj

Enclosure

cc: KCS
Design Nine

Jeffery, Stephen G.

From: Jeffery, Stephen G.
Sent: Tuesday, March 03, 2009 2:30 PM
To: 'Brown, Kirk H'
Cc: 'David Reeves'; 'Srikanth Honnur'; 'Paul Fetterman'; 'William J. Fleis'; Brown, Paul
Subject: RE: Letter to Kirk Brown re Rte 255 Overpass Project

Kirk,

I wanted to follow-up to see if IDOT has had the chance to review the revised Ill-255 overpass drawing that would afford KCSR the capability to add an additional future track.

Thanks.

Steve Jeffery

Stephen G. Jeffery
sjeffery@thompsoncoburn.com
P: 314.552.6229
F: 314.552.7229
M: 314.602.6229

Thompson Coburn LLP
One US Bank Plaza
St. Louis, MO 63101
www.thompsoncoburn.com

From: Jeffery, Stephen G.
Sent: Friday, February 13, 2009 9:19 AM
To: 'Brown, Kirk H'
Cc: 'David Reeves'; Srikanth Honnur; Paul Fetterman; 'William J. Fleis'; Brown, Paul
Subject: Letter to Kirk Brown re Rte 255 Overpass Project

Kirk,

Attached please find my letter dated 2-13-2009 along with the enclosure to my letter. I am also sending you hard copies of both.

Please advise after IDOT has had the opportunity to review.

Thanks,

Steve Jeffery

<< File: Brown_Letter.pdf >> << File: 09007 - I-255 Overpass NB (2009-02-12).pdf >>

Stephen G. Jeffery
sjeffery@thompsoncoburn.com
P: 314.552.6229
F: 314.552.7229
M: 314.602.6229

William J. Fleis

From: Schmidt, Sylvia (US) [Sylvia.Schmidt@am.jll.com]
Sent: Wednesday, February 25, 2009 2:10 PM
To: krzysztof.kalicki@verizonbusiness.com
Cc: Srikanth Honnur; William J. Fleis
Subject: FW: IL-255 Godfrey - Roodhouse sub mp 28.6
Attachments: Utility Crossing Application & Requirements - FINAL.DOC; Utility Crossing Application & Requirements - FINAL.DOC; General Shoring Requirements.pdf

Chris: Please find attached application and requirements as well as instructions below to apply for a utility crossing permit with The Kansas City Southern Railway Company. Upon receipt and final approval, a new agreement and exhibit will be forwarded to you for signature. If you have a copy of the agreement for the existing utility please forward to my attention.

Sri: I have looked for an existing agreement but not able to locate as of yet. Will continue to research and advise if one is found.

UTILITY PERMIT PROCESS INSTRUCTIONS

How to apply for a permit:

In an effort to effectively facilitate the permit process, The Kansas City Southern Railway Company (KCS) has partnered with Jones Lang LaSalle Americas, Inc. (JLL) who is committed to provide professional Real Estate Services. This is intended to provide you with all the information you should need to apply for a permit to access KCS's property through JLL.

Complete the application, print and mail with the following:

- The **\$2,000.00** (non-refundable) **processing fee**, check made payable to Jones Lang LaSalle Americas, Inc. KCS requires the processing fee be sent with the application, or it will be returned.
- **One (1) set of drawings** of the area to be occupied pursuant to Section G of the Specific Requirements (pdf documents via email is preferred)

TO: Jones Lang LaSalle Americas, Inc.
Attn.: Sylvia Schmidt - Permits Department
 3017 Lou Menk Drive, Suite 100
 Fort Worth, TX 76131-2800
Phone: (817) 230-2688
Fax: (817) 306-5521
Email: sylvia.schmidt@am.jll.com

If the information is not complete or is incorrect, it will delay the permit process.

Permit Process:

1. Once received by JLL, the application and drawings will be forwarded to the engineering firm to perform the engineering specification review and prepare the Exhibit "A" drawings for the contract and obtain KCS approval. Information provided by the applicant will be used to prepare the Exhibit "A". Therefore, please ensure that all information is accurate. An additional \$350 will be charged for each modification to Exhibit "A". **This process takes approximately (6) weeks.**
2. When the Exhibit "A" is completed, provided KCS approves the application, a Contract will be prepared and three (3) copies will be forwarded to you for original signature. If the application is not approved, the applicant will be notified in writing with reasons for disapproval.

2/25/2009

William J. Fleis

From: Kalicki, Krzysztof [krzysztof.kalicki@verizonbusiness.com]
Sent: Wednesday, February 25, 2009 3:55 PM
To: Stacey.Wolff@oatesassociates.com; William J. Fleis; james.m.burton@sprint.com;
PAULPINO@UP.COM; DJTOBIAS@up.com; Buher, Thomas E (Tom Buher)
Cc: Srikanth Honnur
Subject: FAP 310, Utility Coordination Meeting

All,

Coordination meeting for utilities relocation has been scheduled for Wednesday, March 4, 2009. The meeting will start at 11:30 am at intersection of UP railroad tracks and Pearl Street in Godfrey, IL.

Thank you,

Krzysztof (Kris) Kalicki
MCI
P.O. Box 387
7719 W 60th PL
Summit, IL 60501
Office 708-924-9110
Fax 708-458-6431

2/26/2009

