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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS COMMERCE COMMISSION
RAIL SAFETY SECTION

**Petition for authorization to release Phase 2)
Funds for the reconstruction of Brookmont)
Blvd. underpass of the Canadian National)
Railroad in the City of Kankakee, County of)
Kankakee and State of Illinois)**

No. *T10-0032*

PETITION

The City of Kankakee ("City"), by its attorney, Christopher Bohlen, Corporation Counsel, hereby petitions the Illinois Commerce Commission ("Commission") for authority to release funds for the Brookmont Boulevard underpass, in the City of Kankakee, County of Kankakee, and State of Illinois, and for funding from the Grade Crossing Protection Fund.

In support of the petition, the City states as follows:

1. The Commission has jurisdiction of the subject matter of this petition and of the petitioner pursuant to Chapter 18 of the Illinois Commercial Transportation Law. 625 ILCS 5/18c-7401.
2. Brookmont Boulevard is a minor arterial in the City of Kankakee which runs in an East and West direction and at this location, is a primary mover of vehicular and pedestrian traffic.
3. Brookmont Boulevard passes under seven (7) sets of railroad tracks of Canadian National Railroad.
4. The City desires to reconstruct the Brookmont Boulevard underpass and hereby seeks authorization from the Commission for Phase 2 Engineer Funding for this reconstruction

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project. A drawing of the proposed reconstruction plan has been prepared by H.W. Lochner, Inc. consulting engineers, and is attached as Exhibit A (the "Project").

5. The Brookmont Boulevard underpass originally constructed in 1926 is a four span structure, approximately 59 feet between abutments. The reconstruction of the Brookmont Boulevard underpass will consist of the removal of the existing structure and replacing it with single span continuous structure approximately 122 feet in length.

6. The estimated costs of this Project is approximately \$19,100,000.00. The City is seeking Phase 2 Engineering Funds for this reconstruction project from the Grade Crossing Protection Fund (GCPF) in the amount of 650,000.00.

7. The existing minimum vertical clearance of the seven sets of tracks is 12 feet. The proposed vertical clearance of the reconstructed Brookmont Boulevard underpass from bottom of I-Beam to top of rail will have a vertical clearance of 14 feet 9 inches.

8. Prior to the filing of this Petition, the City has had discussions with Canadian National Railroad regarding said Project but has not reached a specific agreement but has received a letter of intent to cooperate with said project. (See Exhibit B attached). IDOT and the Staff of the Illinois Commerce Commission are fully aware of this Project.

9. The City should be able to complete the Phase 2 Engineer project within 12 months of the date of the Commission Order.

10. The city requests that the Illinois Department of Transportation be made a party to this case.

WHEREFORE, the City of Kankakee prays that the Illinois Commerce Commission enter an Order approving Phase 2 Engineering Funds for this project and grant said funding from the GCPF in the amount of \$650,000.00.

Respectfully submitted,
City of Kankakee

By:

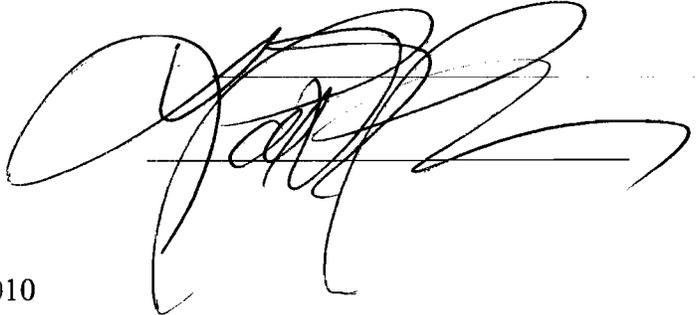


L. Patrick Power, Assistant City Attorney
City of Kankakee

L. Patrick Power
Assistant City Attorney
City of Kankakee
304 S. Indiana Ave.
Kankakee, IL 60901
815-936-3618

STATE OF ILLINOIS)
) ss
COUNTY OF KANKAKEE)

The undersigned, being first duly sworn on oath states and deposes that he has read the Petition to the Illinois Commerce Commission by him subscribed, that he knows the contents thereof and that the same are true to the best of his information and knowledge.



SUBSCRIBED and SWORN to me this
3rd day of March, 2010

Kristine Schmetz
Notary

Prepared by:
L. Patrick Power #2244357
Assistant City Attorney
City of Kankakee
304 S. Indiana Ave.
Kankakee, IL 60901
815-936-3618

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Petition for authorization to release Phase 2)
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Railroad in the City of Kankakee, County of)
Kankakee and State of Illinois)

AMENDED NOTICE OF FILING

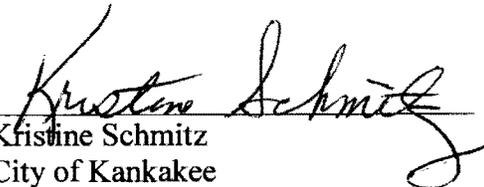
TO: See attached Service List

PLEASE TAKE NOTICE THAT ON THIS date I caused to be mailed to the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, by Regular U.S. Mail, the original and three (3) copies of the City of Kankakee's Petition.

CERTIFICATE OF SERVICE

I, Kristine Schmitz, an agent for the City of Kankakee, hereby certify that a copy of the foregoing City of Kankakee's Petition was served upon the party or parties listed on the attached service list by regular U. S. Mail, from the City of Kankakee, Administration Building, 300 S. Indiana Avenue, Kankakee, IL 60901, in accordance with the Rules of Practice of the Illinois Commerce Commission.

Dated: March 3, 2010



Kristine Schmitz
City of Kankakee
304 S. Indiana Ave.
Kankakee, IL 60901
815-936-3618

AMENDED SERVICE LIST

Mike Stead
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Illinois Central Railroad Co.
Attn: Tom Healey, Attorney
17550 S. Ashland Ave.
Homewood, IL 60430

George F. Ryan
Illinois Department of Transportation
Region 2 Engineer
700 E. Norris Drive
Ottawa, IL 61350

Milton R. Sees, Secretary
Illinois Department of Transportation
2300 Dirksen Parkway
Springfield, IL 62764

Ellen Schanzle-Haskins
Chief Counsel
Illinois Department of Transportation
2300 Dirksen Parkway
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John M. Henriksen
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17641 South Ashland Avenue
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H. W. LOCHNER

November 18, 2009

Mr. Kevin Kassay, P.E.
Project Manager
H.W. Lochner, Inc
20 North Wacker Drive, Suite 1200
Chicago, IL 60606

RE: Kankakee Brookmont Boulevard

Dear Mr. Kassay,

Thank you for taking the time to discuss the City of Kankakee's desire to widen the roadway under our tracks and right of way at Brookmont Boulevard. We have completed our review of the drawings you submitted and concluded that, although there are still many questions to be answered, we can acknowledge that this project should move forward utilizing a six bay structure. The CN does reserve the right to require an eight-bay structure before approving this project for construction. We will be happy to cooperate with you in every way we can in the interim.

Sincerely,

