

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS,)
ILLINOIS DEPARTMENT OF TRANSPORTATION,)
Petitioner,)
)
v.)
)
NORFOLK SOUTHERN RAILWAY COMPANY,)
Respondent,)
)
)
Petition for an Order granting authority to construct)
two grade separation structures carrying)
Relocated Interstate Route 70 (FAP Route 998))
over and across the Norfolk Southern Railway)
Company's A&E Mainline track at railroad station 612+)
16.92, Mile Post AE 4.55 and Packers Spur track at)
railroad station 706+33.00 near the Village of Fairmont)
City in St. Clair County, Illinois.)
)

**PETITION FOR APPROVAL OF NEW HIGHWAY GRADE SEPARATION STRUCTURES
(TENG'S CURVED BRIDGE)**

The State of Illinois, Illinois Department of Transportation ("Department") by and through its attorney, Lisa M. Madigan, Attorney General of the State of Illinois, by Richard A. Redmond, Special Assistant Attorney General, respectfully petitions the Illinois Commerce Commission ("Commission") for an order authorizing the construction of two grade separation structures carrying the eastbound and westbound traffic lanes, respectively, of relocated Interstate Route 70 (FAP Route 998) over and across property and tracks owned by the Norfolk Southern Railway Company ("Company") at approximately railroad station 612+16.92, Mile Post AE 4.55 (A&E Main) and railroad station 706+33.00 (Packers Spur) (the "Project Area"), near the Village of Fairmont City in St. Clair County, Illinois. In support of the Petition, the Department states as follows:

1. The Illinois Commerce Commission has jurisdiction over the parties and the subject matter herein pursuant to the Illinois Commercial Transportation Law (625 ILCS 5/18c-7401) and the Illinois Administrative Code (92 Ill. Adm. Code 1500 et seq).
2. The Company owns and operates property and tracks in the Project Area.
3. The Department is engaged in a project to construct a new bridge across the Mississippi River between St. Louis and St. Clair County, Illinois. The New Mississippi River Bridge ("NMRB") will accommodate the relocated Interstate Route 70 (FAP Route 998/999) over the river.
4. In the interest of public safety and convenience, the parties have agreed to the proposed construction of the NMRB over and across the Company's' property and tracks and the construction of access road #5a across the Company's Packers Spur as delineated in the Grade Separation Construction and Maintenance Agreement (the

"Agreement") by and between the Department and the Company. The Agreement, marked as Exhibit 1, is attached hereto and, by this reference, made a part hereof.

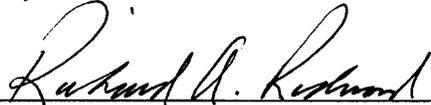
5. The Company has no objection to the proposed plans as submitted by the Department, as evidenced by the Company's execution of the Agreement. The Agreement provides for the construction of two grade separation structures carrying the eastbound and westbound traffic lanes (Structure Nos. 082-0318-EB and 082-0319-WB), respectively, of relocated Interstate Route 70 (FAP Route 998) over and across Company's property and tracks and the construction of access road #5a across the Company's Packer's Spur track at railroad station 706+33.00, near the Village of Fairmont City in St. Clair County, Illinois.
6. The parties acknowledge and agree that the Agreement attached as Exhibit 1 has not been executed by the Department as of the date of filing this Petition. The Department will supplement this Petition with a fully executed copy of the Agreement prior to the Commission's entry of the requested order. The Company's consent to this Petition is conditioned upon the Commission's receipt of the fully executed Agreement from the Department and the substitution of the fully executed Agreement in place of the attached, partially executed Agreement.

NOW, THEREFORE, PETITIONER, Illinois Department of Transportation, prays that the Illinois Commerce Commission enter an order, without hearing, in accordance with its authority, finding:

- A. That the Petition for Approval of New Highway Grade Separation Structures is granted; and
- B. That the Illinois Department of Transportation is authorized to construct two grade separation structures carrying the eastbound and westbound traffic lanes, respectively, of relocated Interstate Route 70 (FAP Route 998) over and across Company's property and tracks at approximately railroad station 612+16.92, Mile Post AE 4.55 (A&E Main) and railroad station 706+33.00 (Packers Spur), near the Village of Fairmont City in St. Clair County, Illinois, in accordance with the terms of the Agreement attached hereto and marked as Exhibit 1.

Respectfully submitted,
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan
Attorney General

By: 
Richard A. Redmond
Special Assistant Attorney General

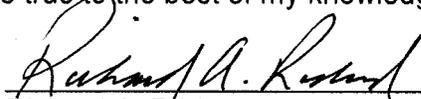
Dated: 7/21/2010

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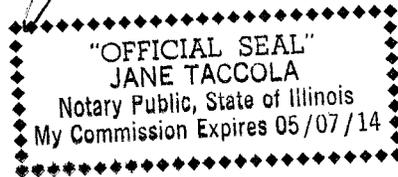
VERIFICATION

I, Richard A. Redmond, first being duly sworn, say that I have read the above petition and know what it says. The contents of the petition are true to the best of my knowledge.


Richard A. Redmond
Special Assistant Attorney General

Subscribed and sworn/affirmed to before me this 21 day of July, 2010.


Notary Public



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)

CERTIFICATE OF SERVICE

I, Richard A. Redmond, an attorney, certify that I have served a true and correct copy of the foregoing Petition upon the parties to this proceeding on this 21 day of July, 2010 at their respective addresses set forth below:

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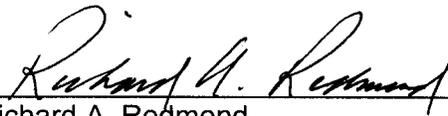
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