

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company, Toledo, Peoria & Western Railway, City of Gilman, and the State of Illinois, Department of Transportation :
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Stipulated Agreement regarding improving public safety at the B/Dent Street (B Street), 3rd Street, 6th Street, highway-rail grade crossings of the Illinois Central Railroad Company track in and the 2nd Street highway-rail grade crossing of the Illinois Central Railroad Company and the Toledo, Peoria & Western Railway tracks in the City of Gilman, Iroquois County, designated as crossings AAR/DOT #288989V, railroad milepost 81.24-M; AAR/DOT #288986A, railroad milepost 80.90-M; AAR/DOT #288985T, railroad milepost 80.63; and AAR/DOT #288987G, railroad milepost 81.00-M, respectively. : T14-0001
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NOTICE OF FILING

TO ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that a STAFF RESPONSE TO SUPPLEMENTAL PETITION in the above entitled matter has been filed with the Illinois Commerce Commission this 31st day of October, 2016. In addition, a copy of the aforementioned response has been sent to all parties of record.

Joseph J. Von De Bur
Railroad Safety Specialist
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
Telephone (217) 557-1286
jvondebu@icc.illinois.gov

A copy of this request was sent to the following parties:

<p>Michael Barron, Attorney Fletcher & Sippel LLC 29 N. Wacker Dr., Ste. 920 Chicago, IL 60606-2832 mbarron@fletcher-sippel.com</p>	<p>Thomas J. Healey, Counsel - Regulatory Illinois Central Railroad 17641 S. Ashland Avenue Homewood, IL 60430 tom.healey@cn.ca</p>
<p>Paul A. Chojenski CN/Illinois Central Railroad Company 17641 S. Ashland Ave. Homewood, IL 60430 paul.chojenski@cn.ca</p>	<p>Priscilla Tobias, Director of Program Development - IDOT ATTN: Maureen Kastle 2300 S. Dirksen Parkway, Room 205 Springfield, IL 62764 maureen.kastl@illinois.gov</p>
<p>Julie Eddy Toledo, Peoria & Western Railway 1990 E. Washington Street East Peoria, IL 61611-2961 jeddy@gwrr.com</p>	<p>Jennifer R. Kuntz, Assistant Chief Counsel Illinois Department of Transportation 2300 South Dirksen Parkway, Room 313 Springfield, IL 62764 jennifer.kuntz@illinois.gov</p>
<p>Rick Theesfeld, Mayor City of Gilman 215 North Central Street Gilman, IL 60938 cityofgilman_04@sbcglobal.net</p>	<p>Brent Weatherford Assistant Chief Engineer Illinois and Midland Railroad 4440 Ash Grove Drive, Suite A Springfield, IL 62711 bweatherford@gwrr.com</p>

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**STAFF RESPONSE TO PETITION TO REOPEN
AND ISSUE SUPPLEMENTAL ORDER**

Staff has reviewed the Illinois Central Railroad Company’s (Company) Supplemental Petition and offers the following:

1. Staff concurs with claims 1, 2, and 3 of the Supplemental Petition.
2. Staff has found that, due to the location and complexity of the project, the design of the installations had to be changed multiple times during the review phase of the project, resulting in addition costs. The dynamics of the weather and train traffic also added to the actual cost of the project.
3. Staff has reviewed all the Company invoices and has summarized the actual and eligible costs in Staff Exhibit 1, attached and incorporated herein.
4. Findings from Staff Exhibit 1 show actual costs eligible for additional Grade Crossing Protection Fund reimbursement of \$690,476.66.
5. None of the other parties should contribute to, nor have they objected to, any of the additional costs.

WHEREFORE, Commission Staff recommends the amount of Grade Crossing Protection Fund assistance be increased by \$690,476.66, to pay the portion of the actual cost of the project eligible for Grade Crossing Protection Fund reimbursement.

Respectfully submitted,
ILLINOIS COMMERCE COMMISSION

Joseph J. Von De Bur
Railroad Safety Specialist
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
Telephone (217) 557-1286
October 31, 2016

STREET	XING	BILL DATE	CN INVOICE #	DESCRIPTION	VENDOR	TOTAL ACTUAL COST	BILLED	PAID	TOTAL PAID TO DATE	BILLED, NOT PAID
2nd	288987G	6/5/2014	91053924	Progress 1	IC RR	\$ 1,829.63	\$ 914.82	\$ 914.82	\$ 914.82	\$ -
2nd	288987G	11/25/2014	91093888	Progress 2	IC RR	\$ 151,569.37	\$ 75,784.69	\$ 75,784.69	\$ 76,699.51	\$ -
2nd	288987G	2/6/2015	91112170	Progress 3	IC RR	\$ 19,165.35	\$ 9,582.85	\$ 9,582.85	\$ 86,282.36	\$ -
2nd	288987G	10/30/2015	91174505	Progress 4	IC RR	\$ 406,926.95	\$ 203,467.01		\$ 86,282.36	\$ 203,467.01
2nd	288987G	12/24/2015	91185883	Progress 5	IC RR	\$ 26,771.07	\$ 13,385.58		\$ 86,282.36	\$ 13,385.58
2nd	288987G	6/2/2016	91223838	Progress 6	IC RR	\$ 3,424.99	\$ 1,712.49		\$ 86,282.36	\$ 1,712.49
3rd	288986A	8/18/2014	91069223	Progress 1	IC RR	\$ 2,526.64	\$ 1,263.32	\$ 1,263.32	\$ 1,263.32	\$ -
3rd	288986A	5/7/2015	91133290	Progress 2	IC RR	\$ 82,224.94	\$ 41,113.11	\$ 41,113.11	\$ 42,376.43	\$ -
3rd	288986A	6/18/2015	91142256	Progress 3	IC RR	\$ 169,670.79	\$ 84,836.71	\$ 84,836.71	\$ 127,213.14	\$ -
3rd	288986A	10/27/2015	91171907	Progress 4	IC RR	\$ 239,712.69	\$ 119,856.51		\$ 127,213.14	\$ 119,856.51
3rd	288986A	11/3/2015	91185750	Progress 5	IC RR	\$ 3,816.51	\$ 1,908.26		\$ 127,213.14	\$ 1,908.26
3rd	288986A	2/29/2016	91200664	Progress 6	IC RR	\$ 14,683.46	\$ 7,341.72		\$ 127,213.14	\$ 7,341.72
3rd	288986A	3/15/2016	98005478	CREDIT	IC RR	\$ (12,723.75)	\$ (6,361.88)		\$ 127,213.14	\$ (6,361.88)
3rd	288986A	6/30/2016	91224507	Prog 7/CREDIT	IC RR	\$ (1,824.47)	\$ (912.24)		\$ 127,213.14	\$ (912.24)
6th	288985T	8/18/2014	91069226	Progress 1	IC RR	\$ 1,916.75	\$ 958.38	\$ 958.38	\$ 958.38	\$ -
6th	288985T	6/18/2015	91142255	Progress 2	IC RR	\$ 42,506.80	\$ 21,253.43	\$ 21,253.43	\$ 22,211.81	\$ -
6th	288985T	8/24/2015	91157069	Progress 3	IC RR	\$ 274,744.82	\$ 137,374.67	\$ 137,374.67	\$ 159,586.48	\$ -
6th	288985T	9/28/2015	91166396	Progress 4	IC RR	\$ 218,200.69	\$ 109,100.47	\$ 109,100.47	\$ 268,686.95	\$ -
6th	288985T	3/2/2016	91201678	Progress 6	IC RR	\$ 31,672.35	\$ 16,336.26		\$ 268,686.95	\$ 16,336.26
6th	288985T	3/10/2016	91202954	Progress 5	IC RR	\$ 3,477.76	\$ 1,738.92		\$ 268,686.95	\$ 1,738.92
6th	288985T	6/3/2016	91223953	Progress 7	IC RR	\$ 4,614.82	\$ 2,307.43		\$ 268,686.95	\$ 2,307.43
Dent	288989V	8/18/2014	91069224	Progress 1	IC RR	\$ 11,054.12	\$ 9,948.71	\$ 9,948.71	\$ 9,948.71	\$ -
Dent	288989V	11/25/2014	91093881	Progress 2	IC RR	\$ 66,800.51	\$ 60,120.46	\$ 60,120.46	\$ 70,069.17	\$ -
Dent	288989V	2/6/2015	91112169	Progress 3	IC RR	\$ 97,988.47	\$ 88,189.66	\$ 88,189.66	\$ 158,258.83	\$ -
Dent	288989V	6/19/2015	91142413	Progress 4	IC RR	\$ 763,211.95	\$ 686,894.72	\$ 686,894.72	\$ 845,153.55	\$ -
Dent	288989V	9/29/2015	91166841	Progress 5	IC RR	\$ 913,922.21	\$ 822,531.87	\$ 521,024.00	\$ 1,366,177.55	\$ 301,507.87
Dent	288989V	3/10/2016	91202955	Progress 6	IC RR	\$ 144,892.23	\$ 130,403.45		\$ 1,366,177.55	\$ 130,403.45
Dent	288989V	3/15/2016	98005479	CREDIT	IC RR	\$ (7,725.44)	\$ (6,952.90)		\$ 1,366,177.55	\$ (6,952.90)
Dent	288989V	3/15/2016	98005482	CREDIT	IC RR	\$ (17,517.99)	\$ (15,766.19)		\$ 1,366,177.55	\$ (15,766.19)
Dent	288989V	6/2/2016	91223795	Prog 7/CREDIT	IC RR	\$ (110,295.91)	\$ (99,266.31)		\$ 1,366,177.55	\$ (99,266.31)
Dent	288989V	6/14/2016	91225671	Progress 8	IC RR	\$ 22,539.38	\$ 20,285.44		\$ 1,366,177.55	\$ 20,285.44
TOTALS =						\$ 3,569,777.69	\$ 2,539,351.42	\$ 1,848,360.00	\$ 1,848,360.00	\$ 690,991.42

	PAID	ORDERED	PAID - ORDERED
Total Paid @ 2nd, 3rd, 6th =	\$ 482,182.45	\$ 614,280.00	\$ (132,097.55)
Total Paid @ Dent =	\$ 1,366,177.55	\$ 1,234,080.00	\$ 132,097.55
TOTALS =	\$ 1,848,360.00	\$ 1,848,360.00	

LOC	ORIGINAL ESTIMATE	ORIGINAL GCPF	ACTUAL COST (PER INVOICES)	GCPF%	GCPF ELIGIBLE ACTUAL COST	BILLED	PAID	ELIGIBLE - PAID
2nd St	\$ 409,520.00	\$ 204,760.00	\$ 609,687.36	50%	\$ 304,843.68	\$ 304,847.44	\$ 86,282.36	\$ 218,561.32
3rd St	\$ 409,520.00	\$ 204,760.00	\$ 498,086.81	50%	\$ 249,043.41	\$ 249,045.51	\$ 127,213.14	\$ 121,830.27
6th St	\$ 409,520.00	\$ 204,760.00	\$ 577,133.99	50%	\$ 288,567.00	\$ 289,069.56	\$ 268,686.95	\$ 19,880.05
Dent/B St	\$ 1,371,200.00	\$ 1,234,080.00	\$ 1,884,869.53	90%	\$ 1,696,382.58	\$ 1,696,388.91	\$ 1,366,177.55	\$ 330,205.03
Totals =	\$ 2,599,760.00	\$ 1,848,360.00	\$ 3,569,777.69		\$ 2,538,836.66	\$ 2,539,351.42	\$ 1,848,360.00	\$ 690,476.66

Increase (Actual - Estimate) = \$ 970,017.69

Supplemental Petition Request = \$ 690,991.00

Eligible - Request = \$ (514.34)

Eligible - Billed = \$ (514.76)