

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

State of Illinois)
Department of Transportation,)
Petitioner,)

v.)

Illinois Central Railroad Company)
Respondent.)

Petition for authorization to replace the grade separation structure)
carrying IL Rt. 17 (Court Street) over IC's tracks located in the City of)
Kankakee, Kankakee County, Illinois and for a waiver of the)
clearance requirements of 92 Ill. Adm. Code Section 1500.)

Docket No. 702-0090

PETITION

The State of Illinois, Department of Transportation ("Department") by and through its attorney, James Ryan, Illinois Attorney General hereby petitions the Illinois Commerce Commission ("Commission") for authority to replace the grade separation structure ("structure") carrying IL Rt. 17 (Court Street) over the railroad tracks of the Illinois Central Railroad Company ("IC") in the City of Kankakee, Kankakee County, Illinois and for a waiver of the Commission's clearance requirements set forth in 92 Ill. Adm. Code Section 1500. In support of the Petition, the Department states as follows:

1. The Commission has jurisdiction of the subject matter of this Petition and of the parties pursuant to Chapter 18 of the Illinois Commercial Transportation Law. (625 ILCS 5/18(c)-7401)
2. The existing bridge carries IL Rt. 17 (Court Street) which is a primary thoroughfare through the City of Kankakee.
3. The structure is in need of replacement due to its deteriorating condition.
4. The Department proposes to replace the existing bridge as indicated in the submitted plans attached hereto and incorporated herein as Exhibit A.
5. As part of its proposal, the Department seeks to provide for a vertical clearance over the ICC's tracks of 22 feet 9 inches, and accordingly requests that the Commission waive its clearance requirements of 92 Ill. Admin. Code Section 1500.
6. The Department is seeking a waiver due to the following reasons:
 - A design of 23' would cause the displacement of businesses and extensive roadway reconstruction work.
 - There was strong opposition to the 23' design at public hearings.

- Undercutting along the railroad to provide 23' was also investigated; however, this alternative was decided against as costs prohibitive. More specifically, it would involve platform modifications, rock excavation, drainage, underground utilities and grade crossing adjustments along adjacent streets.

7. The Department does not intend to seek any contribution of funds for the project from the IC.

8. The IC has no objection to the proposed plans as submitted by the Department as evidenced by a written agreement executed by the parties. Said written Agreement provides for replacement of the subject grade separation structure. A copy of said Agreement is attached hereto and marked as Exhibit B for the Commission's review.

9. The Department requests that the Commission's Order incorporate the provisions of said Agreement.

10. The Department has programmed this project on the FY-2003 with a proposed letting date of January 17, 2003.

11. The Department expects to complete the replacement of the bridge by May 2004.

WHEREFORE, the State of Illinois, Department of Transportation prays that the Illinois Commerce Commission enter an Order, *without hearing*, authorizing the replacement of the grade separation structure carrying IL Rt. 17 (Court Street) over the Illinois Central Railroad Company's tracks located in Kankakee, Illinois and waiving the vertical clearance requirements of 92 Ill. Adm. Code Section 1500.

Respectfully submitted,
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Jim Ryan, Illinois Attorney General



Stacey C. Hullo *LB*
Special Assistant Attorney General

Dated September 4, 2002

Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
Telephone (217)782-3215

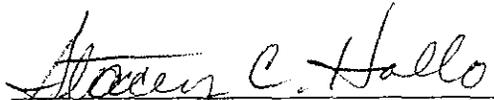
STATE OF ILLINOIS
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NOTICE OF FILING

TO: Ken Novander, IC
Katherine Carr, City Clerk
Gary Hammond, Public Works

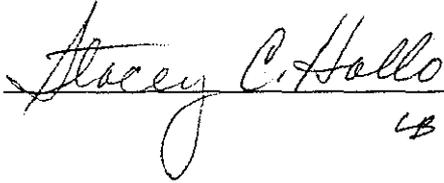
PLEASE TAKE NOTICE that I have this 4th day of September, 2002, forwarded to Mr. Kevin Sharpe, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, a Petition, a copy of each which are attached hereto and hereby served upon you.


Stacey C. Hall
Special Assistant Attorney General
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217) 782-3215

Counsel for the Illinois
Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressees listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 4th day of September, 2002:


_____ *CB*

Mr. Ken Novander
Illinois Central Railroad Co.
17641 Ashland Avenue
Homewood, IL 60430

Katherine Carr
City Clerk
385 E. Oak Street
Kankakee, IL 60901

Gary Hammond
Director of Public Works
401 W. Oak Street
Kankakee, IL 60901