

**COPY**

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

State of Illinois, Department of Transportation,

Petitioner,

vs.

Illinois Central Railroad Company,

Respondent.

Petition for authorization to replace the grade separation structure carrying Illinois Route 17 (Court Street) over Illinois Central Railroad Company'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.

RECEIVED  
FEB 19 2003

Illinois Commerce Commission  
RAIL SAFETY SECTION

T02-0090

**RESPONSE TO ILLINOIS DEPARTMENT OF TRANSPORTATION'S ("IDOT")  
MOTION TO REOPEN THE RECORD AND FOR LEAVE TO FILE LATE TESTIMONY**

NOW COMES Respondent Illinois Central Railroad Company ("IC"), by and through its attorney, Michael J. Barron, Jr., for its Response to IDOT's Motion to Reopen the Record and for Leave to File Late Testimony, and states as follows:

1. IC has no objection to the relief requested by IDOT set forth in the motion of Stacey Hollo dated February 5, 2003.
2. IC states that all the assertions stated in its November 27, 2002, Verified Petition to Reconsider and/or Clarify Order are still correct.
3. IC believes that any relief granted to IDOT pursuant to its pending motion should not impact or change the relief given by the Commission to IC in its order of January 8, 2002 in this Docket.

WHEREFORE, Illinois Central Railroad Company respectfully requests:

- a) That the Illinois Commerce Commission grant the relief sought by the Illinois Department of Transportation in its pending motion without

**DOCKETED**

changing the relief given by the Commission to Illinois Central Railroad Company in its order of January 8, 2003 in the Docket; and

- b) That the Illinois Commerce Commission grant further relief that it deems just and equitable.

Dated at Chicago, Illinois this 14th day  
of February, 2003.

Respectfully submitted,

ILLINOIS CENTRAL RAILROAD COMPANY

By 

Michael J. Barron, Jr.  
Counsel for Illinois Central Railroad Company  
Canadian National/Illinois Central  
455 North Cityfront Plaza Drive  
Chicago, IL 60611-5317  
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NOTICE OF FILING

The Honorable June Tate  
Illinois Commerce Commission  
Suite C-800  
160 North LaSalle Street  
Chicago, IL 60601-3104

Joe VonDeBur  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Stacey C. Hollo  
Counsel for Illinois Dept. of Transportation  
2300 S. Dirksen Pkwy, Room 311  
Springfield, IL 62764

PLEASE TAKE NOTICE that I have this 14th day of February, 2003, mailed for filing with the Illinois Commerce Commission, Illinois Central Railroad Company's Response to the Illinois Department of Transportation's Motion to Reopen the Record for Leave to File Late Testimony in the above captioned matter, a copy of which is hereby served upon you.

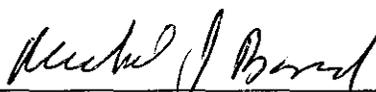
ILLINOIS CENTRAL RAILROAD COMPANY

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**CERTIFICATE OF SERVICE**

I, MICHAEL J. BARRON, JR., an attorney, certify that I served the foregoing Response to the Illinois Department of Transportation's Motion to Reopen the Record for Leave to File Late Testimony upon the respondents made party to this proceeding by enclosing copies of the foregoing in envelopes addressed to those parties as set forth below, postage prepaid, and depositing the envelopes in the United States mail at 455 North Cityfront Plaza Drive, Chicago, IL on the 14th day of February, 2003.



Michael J. Barron, Jr.

The Honorable June Tate  
Illinois Commerce Commission  
Suite C-800  
160 North LaSalle Street  
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