

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

(Filed in E-Docket and e-mailed to Judge Jackson and cc'd)

May 23, 2007

Dean Jackson
Chief Administrative Law Judge
Review and Examination
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

RE: T06-0106

Dear Judge Jackson:

The attached Agreed Order is respectfully submitted for your approval and submittal to the Commission for the June 27, 2007 bench session. The Agreed Order was prepared by Staff after the parties executed Stipulated Agreement 1265 (also attached), which provides incentive funds for the voluntary closure of Feedlot Road.

The parties have reviewed and approved the Order as indicated in the attached e-mail correspondence from the Union Pacific Railroad and the Illinois Department of Transportation. Through communications with Mr. Bill Boyd, Union County Unit Road District, it is our understanding that the closure was discussed and found acceptable during the County's May 21, 2007, board meeting, and that a Resolution for closure will be passed during the upcoming June 4, 2007 meeting.

If you have any questions, or require additional information, please contact me at (217) 557-1285 or mstead@icc.illinois.gov, or Brian Vercruysse, Railroad Safety Specialist, at (630) 424-8750 or bvercruy@icc.illinois.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead
Rail Safety Program Administrator

cc: Bill Boyd – Union County Unit Road District
Roy Farwell – Union Pacific Railroad
Jeff Hapring - IDOT

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Union Pacific Railroad Company,	:	
Petitioner,	:	
	:	
Vs.	:	T06-0106
	:	
Union County Road District 1,	:	
Respondent.	:	
	:	
Petition for an Order authorizing closure of a grade	:	
crossing also known as Feedlot Road at the	:	
intersection of Petitioner's tracks and TR 291	:	
(DOT 445 833E).	:	

ORDER

By the Commission:

On December 14, 2006, the Union Pacific Railroad Company ("Company") filed its verified petition requesting closure of the Feedlot Road highway-rail grade crossing of the Company's tracks, located south of Reynoldsville, Union County. A hearing was then scheduled for February 1, 2007.

On January 26, 2007, Union County ("County") provided a letter to the Staff of the Commission's Rail Safety Section ("Staff") indicating the County's desire to voluntarily close the subject crossing in conjunction with the Commission's Voluntary Crossing Closure Incentive Program. On January 29, 2007, the Company filed a Motion for Continuance indicating that the parties and the Illinois Department of Transportation ("Department") would complete and execute a Stipulated Agreement for the closure under the terms of the Commission's Voluntary Crossing Closure Incentive Program. On April 20, 2007, a status hearing was held to discuss the progress of the parties in completing the Stipulated Agreement, and the evidentiary hearing was continued to May 24, 2007.

On March 8, 2007, March 15, 2007, March 23, 2007, and April 18, 2007, Staff, the County, the Department, and the Company, respectively, executed Stipulated Agreement 1265 according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law. The Stipulated Agreement, which is appended hereto, provides for voluntary closure of the Feedlot Road highway-rail grade crossing of the Company's track south of Reynoldsville, in Union County, designated as crossing AAR/DOT #445 883E, railroad milepost 110.6.

The Commission, having given due consideration to the Stipulated Agreement, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The physical characteristics of the subject highway - railroad grade crossing, rail and highway volumes and speeds are indicated on Exhibit A of the Stipulated Agreement appended hereto;
- (3) The parties agree that in the interest of public safety the items of work set forth in Section 2 of the Stipulated Agreement, appended hereto, should be performed;
- (4) The cost for the proposed improvements should be divided among the parties as set forth in Section 5 of the Stipulated Agreement, appended hereto;
- (5) It is fair and reasonable that the Secretary of the Illinois Department of Transportation, through the Grade Crossing Protection Fund of the Motor Fuel Tax Law, the County, and the Company be directed to pay their respective portions of the actual cost of the proposed closure as set forth in Section 5 of the Stipulated Agreement, appended hereto;
- (6) 625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects all parties to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises that any failure to comply may result in the assessment of such sanctions.
- (7) Any person making a Request for an Extension of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing and Information no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.
- (8) Any person making a Request for an Extension of Time that exceeds 30 days must file a Petition for Supplemental Order with the Director of Processing and Information no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions for Supplemental Orders.
- (9) Requests for Extension of Time and Petitions for Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request for Extension of Time or a Petition for Supplemental Order, the

person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered timeframe.

- (10) The Commission or its Administrative Law Judge reserves the right to deny Petitions for Supplemental Orders and Requests for Extension of Time, if the reason(s) supporting the request is (are) insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

IT IS THEREFORE ORDERED that the terms of Stipulated Agreement 1265, executed by the Staff of the Illinois Commerce Commission, the Union County Unit Road District, the Illinois Department of Transportation, and the Illinois Department of Transportation on March 8, 2007, March 15, 2007, March 23, 2007, and April 18, 2007, respectively, be, and they are hereby accepted and required to be met by all the parties.

IT IS FURTHER ORDERED that the Union County Unit Road District and the Union Pacific Railroad Company are each required and directed to proceed immediately in performing the work set forth in Section 2 of the Stipulated Agreement, appended hereto, and shall complete the work within the timeframes set forth in Sections 4 and 6.

IT IS FURTHER ORDERED that the Union County Unit Road District shall vacate Feedlot Road through Resolution and by recording the vacating documents with the Union County Recorder after a Commission Order has been issued authorizing an incentive payment from the GCPF for closure of the Feedlot Road highway-rail grade crossing. The Union County Unit Road District shall notify all parties when the vacating documents are recorded. Notification may be by regular mail, electronic mail, facsimile, or phone.

IT IS FURTHER ORDERED that within sixty (60) days from receipt of this Order, or upon notification of the recorded documents by the County, the Illinois Department of Transportation shall issue payment of \$50,000 from the Grade Crossing Protection Fund to the Union County Unit Road District for voluntary closure of the Feedlot Road highway-rail grade crossing. The Department shall notify the Company and the Director of Processing and Information, Transportation Bureau of the Commission when payment has been completed. The County may use the Grade Crossing Protection Fund payment for any purpose that meets the Department's requirements for permissible uses of Motor Fuel Tax Funds.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall within five (5) days of the completion of the work herein required, submit a completely updated United States Department of Transportation Inventory Form (#6180.71) to the Federal Railroad Administration, the Chief of Data Services at the Illinois Department of Transportation, and the Director of Processing and Information, Transportation Bureau of the Commission.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company be, and is

hereby required and directed to submit a Project Status Report, attached as Exhibit B of the Stipulated Agreement, to the Director of Processing and Information, Transportation Bureau of the Commission, stating that the work herein required of it has been completed. Said Report shall be submitted within five (5) days after the project completion date.

IT IS FURTHER ORDERED that any person making a Request for an Extension of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing and Information no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

IT IS FURTHER ORDERED that any person making a Request for an Extension of Time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing and Information no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions for Supplemental Orders.

IT IS FURTHER ORDERED that requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request for Extension of Time or a Petition for Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered timeframe.

IT IS FURTHER ORDERED that the Commission or its Administrative Law Judge reserves the right to deny Petitions for Supplemental Orders and Requests for Extension of Time, if the reason(s) supporting the request is (are) insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision subject to the Administrative Review Law.

By Order of the Commission this 27th day of June, 2007.

CHARLES E. BOX
Chairman

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1265**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Union Pacific Railroad Company ("Company"), the Union County Unit Road District ("County"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the Feedlot Road highway-rail grade crossing of the Company's track south of Reynoldsville, in Union County, Illinois, designated as crossing AAR/DOT #445 833E, railroad milepost 110.6; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Vacation of the existing Feedlot Road roadway within the Company's right of way ("ROW") limits, by the County.
- (b) Removal of the existing grade crossing surface and warning devices at the existing Feedlot Road highway-rail grade crossing, by the Company.

- (c) Removal of the Feedlot Road roadway approaches within the railroad right-of-way, and installation of a standard track cross section, by the Company.
- (d) Removal of the Feedlot Road approaches, outside the Company’s right-of-way, if necessary, by the County.
- (e) Payment as detailed *infra* from the GCPF to the County for voluntary closure of the Feedlot Road highway-rail grade crossing, by IDOT.

Section 3 The County shall vacate Feedlot Road through Resolution, with a stipulation that final vacation of the roadway not take place until after a Commission Order has been issued authorizing an incentive payment from the Grade Crossing Protection Fund for closure of the Feedlot highway-rail grade crossing.

Section 4 The Company shall, upon Order, according to the requirements contained therein, remove the crossing surface, warning devices, and roadway approaches at the Feedlot Road highway-rail grade crossing. The work shall be completed within thirty (30) days after the Company receives a copy of the Order. The Company shall provide all parties notice that the work has been completed within five (5) days of the completion. Notification may be by regular mail, electronic mail, facsimile, or phone.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	COUNTY	COMPANY	IDOT
Vacate Feedlot Road by County.	No Estimate Required	\$0	100%	\$0	\$0
Remove Existing Crossing and Warning Devices (Includes providing typical railroad cross section).	No Estimate Required	\$0	\$0	100% ²	\$0
Provide GCPF Incentive Payment for Voluntary Closure of the Feedlot Road Crossing.	\$50,000	(100%) \$50,000 ¹	\$0	\$0	\$0 ³
TOTALS	\$50,000	\$50,000	\$-----	\$-----	\$0

[Totals do not reflect costs where no estimates were provided.]

Notes:

¹ Total GCPF assistance not to exceed \$50,000.
² The Company shall be responsible for all costs associated with the removal of the existing crossing surface and warning devices.
³ The Department shall issue a payment of \$50,000 from the GCPF to the County within sixty (60) days from the date of a Commission Order.

Section 6 Special Provisions: The County shall submit a certified copy of the local vacation Resolution to all parties as evidence that the roadway has been vacated.

Within sixty (60) days from receipt of the Commission Order, the Department shall issue a

payment of \$50,000 from the GCPF to the County for voluntary closure of the Feedlot Road crossing. The Department shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone. The County may use the GCPF payment for any purpose that meets IDOT's requirements for permissible uses of Motor Fuel Tax Funds.

The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit B (Company), along with this executed Agreement.

The Company shall, upon completion of the work required of each party according to the requirements of an Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit B. The Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

SECTION 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 8th day of March 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Brian A. Vercruysse
Senior Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1265, executed by Commission Staff on March 8, 2007, concerning improvements at the Feedlot Road highway-rail grade crossing of the Union Pacific Railroad Company tracks south of Reynoldsville, Union County, Illinois, designated as crossing AAR/DOT #445 833E, milepost 110.6.

Executed by Union County this 15 day of March 2007.

UNION COUNTY

By: Bill R. Boyd P.E.
Union Co. Engineer

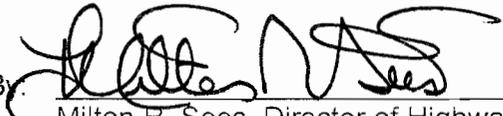
Attest:

Bobby Toler Jr.
Union County Clerk

Illinois Commerce Commission Stipulated Agreement No. 1265, executed by Commission Staff on March 8, 2007, concerning improvements at the Feedlot Road highway-rail grade crossing of the Union Pacific Railroad Company tracks south of Reynoldsville, Union County, Illinois, designated as crossing AAR/DOT #445 833E, milepost 110.6.

Executed by the Illinois Department of Transportation, this 23rd day of March 2007.

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: 
Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1265, executed by Commission Staff on March 8, 2007, concerning improvements at the Feedlot Road highway-rail grade crossing of the Union Pacific Railroad Company tracks south of Reynoldsville, Union County, Illinois, designated as crossing AAR/DOT #445 833E, milepost 110.6.

Executed by the Union Pacific Railroad Company, this 18th day of April 2007.

UNION PACIFIC RAILROAD COMPANY

By: Thomas J. Gee

AVP ENGINEERING

Attest:

C. W. Saylor

Approved as to Form

By: J. Howell

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Union Pacific Railroad Company
USDOT#, MILEPOST	#445 833E, 110.6
STREET, CITY, COUNTY	Feedlot Road, s/o Reynoldsville, Union County
JURISDICTION (RDWY)	Union County
LOCATION	Residential/Agricultural
STREET SURFACE	18' Asphalt approach then narrows with Gravel/Grass

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
1 West	Timber	18'	Satisfactory
2	Timber	18'	Satisfactory

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Not Applicable
TRAFFIC CONTROL	Not Applicable
ADT & SPEED	10 Vehicles Per Day; Speed Limit Not Posted
TRAFFIC TYPE	Passenger
ADVANCE WARNING	None
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	45 at 70 mph
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbuck with Yield Sign

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	70	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	208	FEET
Along Tracks	675	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1680	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

Roadway Speed estimated based on crossing condition.

APPROACH GRADES: See Location Sketch

DIRECTION: WEST			DIRECTION: EAST		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0		0	99.9	
25	97.9	8.4	25	98.0	7.6
50	95	11.6	50	94.6	13.6
100	94.1	1.8	100	93.7	1.8

Distance measured from outermost rail.

COMMENTS:

Union County applied for Grade Crossing Protection Fund monies for closure with incentive. ADT < 250 vehicles per day = \$50,000 incentive from GCPF.

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



**Exhibit A, Page 3
Aerial
Stipulated Agreement 1265**

**Feedlot Road at Union Pacific Railroad Company
AAR/DOT # 445 833E, Railroad Milepost 110.6
South of Reynoldsville
Union County**

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT:**

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION*	<input type="checkbox"/>

DATE	<input type="text"/>
------	----------------------

PROJECT INFORMATION:

Reporting Party:	Union Pacific Railroad Company
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	#445 833E, railroad milepost 110.6
Street, (in/near) City, County:	Feedlot Road, s/o Reynoldsville, Union County
Railroad Company:	Union Pacific Railroad Company

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Dave McKernan
Title:	Manager of Public and Industry Projects
Representing:	Union Pacific Railroad
Street Address:	100 N. Broadway, Suite 1500
City, State, Zip:	St. Louis, MO 63102
Office Phone:	314-331-0682
Office Fax:	
Cellular Phone:	
E-Mail Address:	dwmckern@up.com

²Project Manager information to be submitted by Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Crossing Removal.

STATUS OF WORK:

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Brian Vercruysse, Railroad Safety Specialist
Phone: (630) 424-8750
Email: bvercruy@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/hg/library.aspx?key=Railroad%20Safety>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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From: RPFARWEL@up.com
Sent: Thursday, May 17, 2007 4:05 PM
To: Vercruysse, Brian
Cc: DWMCKERN@up.com
Subject: Re: FW: SA 1265 Feedlot Road at UP

Attachments: 050907_Order_T06-0106_SA 1265_Feedlot Rd Union Co_UP.doc;
050807_SA1265 with Signatures_T06-0106.pdf

With the understanding that the County is progressing the vacation promptly and vacation will be accomplished by or near the date the final Oder is issued (and if not Staff will support the necessary extension for the railroad deadline) Uniion Pacific has no objection to the language of the Order.

I do not have email addresses for the other parties.

Let me know if you need more from us to progress this matter.

"Vercruysse,
Brian"
<bvercruy@icc.illinois.gov>
<RPFARWEL@up.com>
cc
05/15/2007 05:16
PM
Subject
FW: SA 1265 Feedlot Road at UP

Brian Vercruysse
Railroad Safety Specialist IV
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
630-424-8750 office
312-636-7760 mobile
bvercruy@icc.illinois.gov

From: Vercruysse, Brian
Sent: Tuesday, May 15, 2007 5:12 PM
To: 'rpfarwell@up.com'; 'Bill Boyd'; 'Harpring, Jeff L'
Cc: DWMCKERN@up.com
Subject: SA 1265 Feedlot Road at UP

Gentlemen:

The Stipulated Agreement has been executed by all parties, and I have drafted the attached Order for submittal to Judge Jackson. Per his request, he asked that each party provide a short concurrence e-mail to the Order (which basically reiterates the provisions of the agreement).

If you could please review and provide your concurrence by 5/21/07 (Monday) that should allow sufficient time to cancel the scheduled hearing on the 24 th and allow the Order to be placed on the 6/6/07 Commission Bench Session.

Thanks,
Brian

Brian Vercruysse
Railroad Safety Specialist IV
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
630-424-8750 office
312-636-7760 mobile
bvercruy@icc.illinois.gov

(See attached file: 050907_Order_T06-0106_SA 1265_Feedlot Rd Union
Co_UP.doc)(See attached file: 050807_SA1265 with Signatures_T06-0106.pdf).

If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is strictly prohibited by law. If you receive this message in error, please contact the sender immediately and delete the message and any attachments.

This message and any attachments contain information from Union Pacific which may be confidential and/or privileged.

From: Harpring, Jeff L [Jeff.Harpring@illinois.gov]

Sent: Tuesday, May 22, 2007 2:40 PM

To: Vercruysse, Brian

Subject: RE: SA 1265 Feedlot Road at UP

Brian on page three where it reads: "upon notification of the recorded documents by the County" we would typically put something like: "upon notification of the closure by the Township"... but I think we are still ok with it since it also states "within sixty(60) days from the receipt of this Order, or upon notification"

From: Vercruysse, Brian [mailto:bvercruy@icc.illinois.gov]

Sent: Tuesday, May 15, 2007 5:12 PM

To: rpfarwell@up.com; Bill Boyd; Harpring, Jeff L

Cc: DWMCKERN@up.com

Subject: SA 1265 Feedlot Road at UP

Gentlemen:

The Stipulated Agreement has been executed by all parties, and I have drafted the attached Order for submittal to Judge Jackson. Per his request, he asked that each party provide a short concurrence e-mail to the Order (which basically reiterates the provisions of the agreement).

If you could please review and provide your concurrence by 5/21/07 (Monday) that should allow sufficient time to cancel the scheduled hearing on the 24th and allow the Order to be placed on the 6/6/07 Commission Bench Session.

Thanks,
Brian

Brian Vercruysse
Railroad Safety Specialist IV
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
630-424-8750 office
312-636-7760 mobile
bvercruy@icc.illinois.gov