



DALEY & MOHAN
a professional corporation

Robert J. Prendergast

Direct: 312-422-0799
rprendergast@daleymohan.com

Via facsimile no. (217) 785-7404

October 18, 2007

Mr. Henry Humphries
Illinois Commerce Commission
527 East Capitol Avenue
6th Floor
Springfield, IL 62701

RECEIVED

OCT 18 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

Re: IDOT v. BNSF Railway Company
ICC Case Nos. T07-0055 and T07-0059

Dear Mr. Humphries:

The following are BNSF's recommendations regarding the Proposed Orders in the above matters:

T07-0055

1. BNSF has no objection to eliminating Paragraphs 9-13 under "FINDINGS AND ORDERING PARAGRAPHS".
2. BNSF has no objection to eliminating ordering paragraphs 3-6.
3. BNSF has no objection to Stan Morris' suggestion re the second ordering paragraph.
4. BNSF suggests the following wording for Finding (8): The Petitioner should be granted authority to exercise its power of eminent domain to acquire a temporary easement in Parcel 6174103TE for the purpose of removal and reconstruction of the double box culvert.
5. BNSF suggests adding to the first ordering paragraph: "for the purpose of removal and reconstruction of the culvert noted above".

T07-0059

1. BNSF has no objection to eliminating Paragraphs 8-12 under "FINDINGS AND ORDERING PARAGRAPHS".
2. BNSF has no objection to eliminating ordering paragraphs 2-5.
3. BNSF suggests adding to Finding (7): "to remove and replace the bridge beam deck over Mauvaise Terre Creek on Illinois Route 78, and for future access for maintenance purposes."

150 North Wacker Drive, Suite 1550, Chicago, IL 60606
T: 312-422-9999 · F: 312-201-9368 · www.daleymohan.com

DOCKETED

OCT 18 2007

AM DJ

Mr. Henry Humphries
October 18, 2007
Page 2

4. BNSF suggests as follows for the first ordering paragraph: **IT IS, THEREFORE, ORDERED** that the approval of the Commission is hereby granted to the Department of Transportation of the State of Illinois, for the purpose of exercising its power of eminent domain to acquire a permanent easement in Parcel No. 6037113 legally described in Appendix "A" attached hereto, for the purpose of removing and replacing the bridge beam deck over Mauvaise Terre Creek on Illinois Route 78, and for future access for maintenance purposes, and subject to maintaining the current height of the bridge and roadway structure."

Please feel free to contact me with any questions or comments.

Very truly yours,



Robert J. Prendergast

cc: Mr. Stan Morris (via email)
