

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS)	
DEPARTMENT OF TRANSPORTATION)	
)	
PETITIONER,)	
)	Docket No. T10-0027
v.)	
)	
BNSF RAILWAY COMPANY,)	
)	
RESPONDENT.)	

Petition for an order requiring the BNSF Railway Company to either replace the grade separation structure carrying IL Route 81 (FAP 611) near Lynn Center in Henry County, Structure Number 037-0126, DOT/AAR No. 065 636R or require the Railroad to reimburse the Department for the replacement of the grade separation Structure carrying Illinois Route 81 near Lynn Center in Henry County, Illinois.

**BNSF RAILWAY COMPANY’S REQUEST TO PRODUCE DOCUMENTS
TO PETITIONER**

NOW COMES Respondent, BNSF Railway Company (BNSF), by its attorneys, DALEY MOHAN GROBLE, P.C., and requests that Petitioner State of Illinois, Department of Transportation (IDOT) produce at the offices of Daley Mohan Groble, P.C., 55 West Monroe Suite 1600, Chicago, Illinois 60603, attorneys for defendant, BNSF Railway Company, for inspection and copying within twenty-eight (28) days the following (together with any transcripts, reports, memoranda or recordings, purporting to reflect but not to evaluate same):

1. Any and all agreements between the Petitioner and Respondent, and any respective predecessor agencies, departments or companies, concerning the bridge structure in question, including but not limited to the 1916, and 1928 agreements referenced in the Petition.
2. Any and all maintenance records for the bridge in question for the past 10 years.

3. Any and all repair records for the bridge in question for the past 10 years.
4. Any and all inspection records for the bridge in question for the past 10 years.
5. Any and all inventory forms of IDOT or required by other governmental agencies or departments for the bridge in question.
6. Any and all design plans for the bridge in question that was subject of the 1969 agreement between IDOT and the C.B. & Q. Railroad Company.
7. Any and all current design plans, or other current prints, plans or schematics, for the bridge in question.
8. Any and all design, construction or rehabilitation plans, prints, or schematics for the bridge in question which form the basis of the cost estimates contained in paragraph 14 of the Petition.
9. Any and all itemized estimates for the work contemplated in the cost estimates contained in paragraph 14 of the Petition.
10. Any and all correspondence between the Petitioner and Respondent, including predecessor companies and agencies/departments, concerning the inspection, repair, assessment, maintenance or condition of the bridge in question.
11. Any and all reports of IDOT personnel or contractors concerning the inspection, repair, assessment, maintenance or condition of the bridge in question.
12. Any and all documents in any way related to the application for, submission of, and grant or denial of funding for the bridge in question within the last 10 years, including but not limited to any correspondence, emails, applications, request forms, grants or denials, memoranda, commitments to funding, or reports relating to said funding.
13. Any and all documents in any way related to the application for, submission of, or

grant of funding pertinent to the 1969 agreement between the Petitioner and Respondent's predecessor and 1970 order of the ICC attached to the Petition, including but not limited to any correspondence, emails, applications, request forms, grants of funding, memoranda, commitments to funding, or reports relating to said funding.

13. Any and all documents in any way related to sources of funding available to IDOT for bridges in Illinois, including but not limited to any written protocols, policies, procedures, notices, correspondence, programs, booklets, brochures, guides, or other internal or external guidelines for said funding.

14. All internal memos, emails, or other written communications between employees of IDOT regarding funding of the bridge structure in question.

14. To the extent not requested above, the complete file of the State of Illinois, Department of Transportation, for the bridge in question.

15. Any and all documents that indicate that BNSF, or any predecessor company, agreed to replace, reconstruct or rehabilitate the bridge in question.

16. Any and all highway maps indicating either east/west or north/south routes or roadways located within 50 miles of Lynn Center.

17. Any and all highway maps or other documents indicating traffic counts within the last 5 years for either east/west or north/south routes or roadways located within 50 miles of Lynn Center.

18. Any and all documents, reports, studies, assessments, records, calculations, or other memoranda evaluating or discussing the life expectancy or deterioration rate of PPC-DB bridges.

19. Any and all documents, reports, studies, assessments, records, calculations, or other memoranda which form the basis of the statement in the April 7, 2005 correspondence from IDOT's Deputy Director of Highways (attached to Exhibit 5 of the Petition) quoted as follows: "In comparison to other structure types, PPC-DB bridges deteriorate at a relatively rapid rate."

20. Any and all documents, reports, studies, assessments, records, calculations, or other memoranda evaluating or discussing the life expectancy or deterioration rates of other bridge structures than PPC-DB bridges.

22. The statements of any witness or witnesses, whether signed or unsigned, in word to word fashion or in summarized fashion, relating to the issues of any responsibility for the bridge, the condition of the bridge, or other issues alleged in the petition.

RESPONSE:

23. All photographs, slides, motion pictures or videotapes of the bridge structure in question.

RESPONSE:

24. Identify the name, address and area of expertise of each and every expert whom the Defendant may call as an expert witness in the trial of the cause, and furnish any and all reports of said expert(s), and all documentation reviewed, considered and/or relied upon by said expert(s).

RESPONSE:

DALEY MOHAN GROBLE, P.C.

By: s/ Robert J. Prendergast
Robert J. Prendergast

Robert J. Prendergast
Kevin W. Baldwin
Raymond H. Groble III
DALEY MOHAN GROBLE, P.C.
55 W. Monroe, Suite 1600
Chicago, IL 60603
(312) 422-9999

CERTIFICATE OF SERVICE

I, Robert J. Prendergast, an attorney, hereby certify that on the **22nd day of March, 2010**, I caused the foregoing **BNSF'S REQUEST FOR PRODUCTION TO PETITIONER**, to be served on attorneys/parties of record by e-filing the same with the Illinois Commerce Commission and by forwarding the same to the following at the email or street addresses listed below, before 5:00 p.m.:

John Saladino
Railroad Section
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
jsaladino@icc.illinois.gov

Gloria Camarena
Assistant Chief Counsel—IDOT
300 West Adams
2nd Floor
Chicago, Illinois 60606
gloria.camarena@illinois.gov

s/ Robert J. Prendergast

Robert J. Prendergast