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BEFORE THE
ILLINOIS COMMERCE COMMISSION

WILLIAMSON COUNTY, ILLINOIS,) DOCKET NO.
Petitioner,) T08-0086
v.)
ILLINOIS DEPARTMENT OF)
TRANSPORTATION,)
Respondent.)

Petition for an Order from the)
Illinois Commerce Commission to)
reconstruct the existing overhead)
highway grade separation structure)
which carries T.R. 557 (Limb)
Branch Road)(US/DOT #068 979H)
Milepost 182.78) over BNSF Railway)
Company tracks and order allowing)
the private crossing (US/DOT #68)
978B Milepost 182.70) to be used)
temporarily by the public during)
replacement of aforementioned)
adjacent structure.)

Springfield, Illinois
Tuesday, October 26, 2010

Met, pursuant to notice, at 1:00 p.m.

BEFORE:

MR. JOSEPH O'BRIEN, Administrative Law Judge

SULLIVAN REPORTING COMPANY, by
Julie Bloome, Reporter
CSR #084-003524

1 APPEARANCES :

2 MS. BECKY RAY
Assistant State's Attorney
3 200 West Jefferson Street
Marion, Illinois 62959
4 Ph. (618) 997-5449

5 (Appearing via teleconference on
behalf of Petitioner)

6 MR. ROBERT J. PRENDERGAST
7 DALEY MOHAN GROBLE, P.C.
55 West Monroe Street, Suite 1600
8 Chicago, Illinois 60603

9 (Appearing on behalf of BNSF
Railway Company)

10 MR. JASON JOHNSON
11 Rail Safety Technician
Illinois Department of Transportation
12 2300 South Dirksen Parkway, Suite 311
Springfield, Illinois 62764

13 (Appearing on behalf of the
14 Illinois Department of
Transportation)

15 MR. JOHN SALADINO
16 Railroad Safety Specialist
Transportation Bureau
17 527 East Capitol Avenue
Springfield, Illinois 62701
18 Ph. (217) 785-8423

19 (Appearing on behalf of Staff of
20 the Illinois Commerce
Commission)

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I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

(None)

EXHIBITS

MARKED

ADMITTED

(None)

1 MS. RAY: Yes. 200 West Jefferson Street,
2 Marion, Illinois 62959. Phone number is
3 (618) 997-5449.

4 MR. PRENDERGAST: For BNSF Railway Company, my
5 name is Bob Prendergast, P-R-E-N-D-E-R-G-A-S-T, from
6 the law firm of Daley, Mohan and Groble, 55 West
7 Monroe, Suite 1600, Chicago 60603, and my phone
8 number is area code (312) 422-0799, and I am
9 expecting Mr. French Thompson to be here shortly who
10 is Manager of Public Projects for the BNSF.

11 MR. JOHNSON: Good afternoon. My name is Jason
12 Johnson and I am a Rail Safety Technician with the
13 Illinois Department of Transportation, Central Office
14 of Local Roads and Streets, and my address is 2300
15 South Dirksen Parkway, Room 204. That's Springfield,
16 Illinois. The zip is 62764, and my phone number is
17 area code (217) 557-1399.

18 MR. SALADINO: And representing Staff of the
19 Illinois Commerce Commission, John Saladino,
20 S-A-L-A-D-I-N-O, Railroad Safety Specialist with the
21 Transportation Bureau, 527 East Capitol Avenue,
22 Springfield, Illinois 62701, and my phone number is

1 (217) 785-8423.

2 JUDGE O'BRIEN: Are there any other
3 appearances? Let the record show none.

4 It's my understanding that the parties
5 still have some matters that need to be discussed
6 before we would attempt to take evidence in the
7 matter. I will at this time recess the hearing until
8 2:00 o'clock.

9 (Whereupon the hearing was in a
10 recess until 2:00 o'clock.)

11 JUDGE O'BRIEN: Back on the record then.

12 Let the record show that the parties
13 during the recess have had a discussion, and the main
14 issue that still appears to remain with regard to any
15 attempt for final disposal of this case is a
16 financial issue. The parties have basically stated
17 that there is a question concerning increased costs
18 since this project was initially proposed. The
19 County and their county engineer is going to prepare,
20 I believe, Mr. Saladino, you said within two weeks an
21 update for the railroad as to the increase in costs.

22 Is that correct, approximately two

1 weeks?

2 MR. SALADINO: That's correct.

3 JUDGE O'BRIEN: And then I believe, Mr.
4 Prendergast, your witness has stated that it would
5 take him approximately another three weeks or so to
6 try to go through all that material and talk to the
7 people at the railroad that he needs to talk to.

8 And then, Mr. Johnson, you have
9 basically stated that the amount of money that will
10 be committed for bridge work in Williamson County is
11 a known figure for the time period in which this
12 construction would take place. I believe I am
13 stating that correctly, am I not?

14 MR. JOHNSON: That's correct, Your Honor.

15 JUDGE O'BRIEN: Now, the County may decide they
16 don't want to commit 100 percent of those funds to a
17 single project. So that's kind of where we are right
18 now.

19 Mr. Saladino, you had stated earlier
20 that there may now be some limited Grade Crossing
21 Protection Funds available for this project. Is that
22 correct?

1 MR. SALADINO: That's correct, Your Honor. The
2 Commerce Commission through the railroad program,
3 Grade Crossing Protection Fund, is willing to commit
4 funds towards this project to help make sure that the
5 project comes to completion.

6 JUDGE O'BRIEN: Okay. So, as I stated
7 previously, it appears to be the issue that is still
8 remaining is the issue of funding, exactly the final
9 cost estimate, the substantiation of those figures,
10 the change in those figures from the time the project
11 was initially proposed, and then an attempt to get an
12 agreement as to all of the sources of funds that
13 would be necessary to be committed in order to make
14 the project go.

15 And so what I am going to do, I am
16 going to continue this case to December 23, at 10:00
17 a.m. in Springfield, with the understanding that none
18 of the parties would be required to actually attend
19 that day, but that I would receive an update from
20 Staff with regard to the progress that has been made
21 with regard to the status of the case at that time.

22 Anybody have anything further they

1 would like to add before we do continue the case?

2 MR. PRENDERGAST: Nothing further from the
3 BNSF, Judge.

4 MS. RAY: Nothing further from the Petitioner.

5 MR. JOHNSON: No, Your Honor, nothing from
6 IDOT.

7 JUDGE O'BRIEN: Let the record show then this
8 case is continued to December 23 at 10:00 a.m. in
9 Springfield.

10 (Whereupon the hearing in this
11 matter was continued until
12 December 23, 2010, at 10:00 a.m.
13 in Springfield, Illinois.)

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