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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
STATE OF ILLINOIS,)
DEPARTMENT OF TRANSPORTATION,)
)
Petitioner)
)
v.)
)
CANADIAN PACIFIC RAILWAY)
COMPANY,)
)
Respondent.)

No. T11-0009

Petition for authorization to)
replace the existing Illinois)
Route 19 (Irving Park Road))
at-grade crossing with the)
Canadian Pacific Railway)
Company's tracks, with a bridge)
carrying the tracks over Illinois)
Route 19 (Irving Park Road). The)
crossing is designated as AAR/DOT)
No. 372 159V, Railroad Milepost 0.45)
in the City of Chicago, Cook County,)
approximately 50 feet east of)
York Road.)

Chicago, Illinois

February 23, 2011

Met, pursuant to notice, at

10 o'clock a.m.

BEFORE:

MS. LATRICE KIRKLAND-MONTAQUE,
Administrative Law Judge

1 APPEARANCES:

2 MS. GLORIA M. CAMARENA
3 100 West Randolph, Suite 6600
4 Chicago, Illinois
5 appearing for the Illinois
6 Department of Transportation

7 MR. BRIAN VERACRUYSEE
8 527 East Capitol Avenue
9 Springfield, Illinois 62701
10 appearing for staff of the
11 Illinois Commerce Commission

12 MR. JACK PACE
13 30 North La Salle Street
14 Chicago, Illinois
15 appearing for City of Chicago
16 Department of Law.

17 MR. MACK SHUMATE
18 101 North Wacker Drive, Suite 1920
19 Chicago, Illinois
20 appearing for Union Pacific
21 Railroad

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I N D E X

WITNESSES DIRECT CROSS REDIRECT RECROSS EXMNR.

MARTIN					
ROSS	10	24			
		31	34		37
				38	
		39			
JOHN NICHOLAS					
VENICE	41	45			
ANDY					
RABADI	50	57			
		62			
MICHAEL					
KELLY	65	67			
		71			
MARTIN					
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VENICE	74				

E X H I B I T S

STATE OF FOR IDENTIFICATION IN EVIDENCE.
ILLINOIS

Nos. 1	12		
2	36		37

1 JUDGE KIRKLAND-MONTAQUE: By the power vested in
2 me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket No. T11-0008
4 and T11-0009 for hearing.

5 These matters have been consolidated
6 with T11-0008 in the State of Illinois, Department
7 of Transportation, and the City of Chicago as
8 Petitioners vs. The Union Pacific Railroad Company,
9 and that petition is regarding a request for
10 authorization to relocate the Union Pacific Railroad
11 over Illinois Route 19 -- excuse me -- which is
12 Irving Park Road grade separation in the City of
13 Chicago from approximately 1.2 miles east of York
14 Road to approximately 400 feet east of York Road.

15 And the second petition, T11-0009, is
16 the Illinois Department of Transportation as
17 petitioner vs. The Canadian Pacific Railroad Company
18 and their request is for authorization to replace
19 the existing Illinois Route 19 Irving Park Road
20 at grade crossing with the Canadian Pacific Railroad
21 Company's tracks with a bridge carrying the tracks
22 over -- I'm sorry -- over Irving Park Road.

1 And with that, why don't we get our
2 appearances, starting with IDOT.

3 MS. CAMARENA: Good morning, your Honor. Gloria
4 M. Camarena, C-a-m-a-r-e-n-a. I'm here on behalf of
5 The Illinois Department of Transportation. Our
6 office is 100 West Randolph, Suite 6600. My office
7 number is 312-793-2965.

8 JUDGE KIRKLAND-MONTAQUE: Okay. Why don't we
9 just go down to the next --

10 MR. VERACRUYSSEE: Illinois Commerce Commission,
11 Brian Veracryusse, V-e-r-a-c-r-u-y-s-e-e, address
12 527 East Capitol Avenue, Springfield, Illinois,
13 62701. Thank you.

14 MR. PACE: On behalf of the City of Chicago, Jack
15 Pace. My last name is spelled P-a-c-e, senior
16 counsel, City of Chicago, Department of Law, 30
17 North La Salle Street, Suite 1400, Chicago,
18 Illinois, 60602, Phone No. 312-744-6997.

19 MR. SHUMATE: On behalf of the Union Pacific
20 Railroad Company, my name is Mack Shumate,
21 S-h-u-m-a-t-e. I'm an attorney for the Union
22 Pacific Railroad. Our offices are located at

1 101 North Wacker Drive, Suite 1920, Chicago,
2 Illinois, 60606.

3 JUDGE KIRKLAND-MONTAQUE: Do we have any other
4 attorneys here represented or staff?

5 (No response.)

6 Okay. I assume you are having
7 witnesses presenting testimony today.

8 MR. PACE: Yes, your Honor. First the
9 motion --

10 JUDGE KIRKLAND-MONTAQUE: The motion to
11 consolidate?

12 MR. PACE: Yes.

13 JUDGE KIRKLAND-MONTAQUE: I actually granted that
14 via notice. Apparently it hasn't gotten to e-docket
15 yet. I will, for the record, state that I have
16 granted that motion to consolidate the matters.

17 I understand, Mr. Veracrucysse complained
18 that you all had not gotten a copy of that notice.

19 MS. CAMARENA: Thank you.

20 MR. SHUMATE: Your Honor, for purposes of the
21 record, the Union Pacific Railroad has no objection
22 to consolidation of the matter.

1 MR. PACE: On behalf of the City of Chicago, we
2 have no objection. We have been in discussions with
3 the Illinois Commerce Commission staff and IDOT for
4 many months discussing the coordination of the two
5 projects, and we agree coordination is necessary. I
6 just wanted to add that the City of Chicago probably
7 will be going first and with a conclusion date by
8 the end of this year.

9 JUDGE KIRKLAND-MONTAQUE: Okay. I'm sorry. Did
10 I miss -- was there a representative from Canadian
11 Pacific?

12 MR. VERACRUYSSE: Your Honor, if I might, for the
13 record, I spoke with their public projects manager
14 yesterday and Canadian Pacific has a shortage of
15 staff. They're currently looking for a project
16 manager in the area. One of the specific tasks will
17 be the coordination of the projects that you'll hear
18 today.

19 The Canadian Pacific has provided
20 language for an agreed order that we have drafted
21 amongst the parties and we have been working on.
22 They have also been part of the process to develop

1 the petition. They were provided a draft of that
2 also to get an understanding.

3 We will ask that they file a letter of
4 concurrence with the agreed order so that that would
5 fill the record, and if that pleases you, otherwise,
6 they have noted, because of staffing and his need to
7 be in Milwaukee for other hearings that were
8 scheduled first, he wasn't able to make it here.

9 JUDGE KIRKLAND-MONTAQUE: Okay. Just as long as
10 we get their position on the record via a filing,
11 that would be all we need.

12 MR. VERACRUYSSE: Excellent. Thank you, your
13 Honor.

14 JUDGE KIRKLAND-MONTAQUE: Okay. So with that,
15 we have no objections to the motion to consolidate.
16 And as I stated, I will grant that motion.
17 Obviously, we're all here.

18 And so how should we proceed today? Do
19 you have a game plan in how you want to present
20 things today?

21 MR. PACE: Yes, your Honor. City of Chicago will
22 go first, and we'll start with Petition T11-0008.

1 MR. SHUMATE: Your Honor, we will have one
2 witness on behalf of the Union Pacific Railroad, and
3 I believe the petitioners have some. If you want to
4 swear them in or how ever you want to handle it.

5 JUDGE KIRKLAND-MONTAQUE: Okay. Anyone who's
6 testifying -- I'm sorry. Go ahead.

7 MR. PACE: The City of Chicago has three people
8 here. One will be the primary witness. I recommend
9 that we swear in both, the other two individuals in
10 case there are additional questions that they're,
11 you know, better able to answer.

12 JUDGE KIRKLAND-MONTAQUE: I understand. Thank
13 you.

14 So all people who may testify today,
15 raise your -- stand up please and raise your right
16 hand.

17 (Witnesses sworn.)

18 You may all be seated. And why don't
19 we have our witnesses come take a seat up here to be
20 examined.

21 MR. VERACRUYSSSE: Your Honor, if you would like
22 the full game plan, so you'll know, it will be the

1 City of Chicago going first to discuss the UP,
2 T11-0008, Mr. Pace's witnesses first, and then we
3 feel that the UP with their witness would probably
4 make the most sense, and then IDOT can finish with
5 their witnesses and shift to the CP structure that
6 is located in close proximity.

7 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.

8 MR. VERACRUYSSSE: Thank you.

9 JUDGE KIRKLAND-MONTAQUE: You may proceed.

10 MR. PACE: Thank you, your Honor.

11 MARTIN ROSS,
12 called as a witness herein, having been first duly
13 sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY

16 MR. PACE:

17 Q. Please state your name for the record and
18 spell your last name.

19 A. Martin Ross, R-o-s-s.

20 Q. Mr. Ross, are you here today to testify on
21 behalf of the City of Chicago --

22 A. Correct.

1 Q. -- regarding its petition that it filed with
2 the State of Illinois, Department of Transportation,
3 that's docketed as T11-0008?

4 A. Yes.

5 Q. Mr. Ross, can you tell us who you work for,
6 your title, and your role in this project?

7 A. I am a civil engineer with a master's and
8 bachelor's from the University of Illinois with
9 approximately 25 years of experience.

10 I work for Trans Systems Corporation
11 at 1475 East Woodfield Road in Schaumburg.
12 Trans Systems is under contract to the City of
13 Chicago O'Hare Modernization Program for the design
14 of the Union Pacific Rail Relocation Project for the
15 O'Hare expansion.

16 Q. And, Mr. Ross, I see that you have placed on
17 the easel an aerial photograph of the entire
18 southern southwest portion of the airport, and on
19 that is several color-coded lines depicting
20 different railroad pathways, and so forth.

21 MR. PACE: Could you -- and I think what we'll do
22 is, your Honor, I'll identify this as City of

1 Chicago Exhibit 1 just for identification purposes,
2 and if, your Honor, you know, chooses not to have
3 that be part of the record, we do have that I
4 believe on a disk that could be filed into the
5 record.

6 (Whereupon, City of
7 Chicago Exhibit No. 1
8 was marked for
9 identification.)

10 MR. PACE: Q. And, Mr. Ross, can I ask you
11 to -- that will be City of Chicago Exhibit 1. Maybe
12 we could move this a little bit closer to the judge
13 and if you could stand up and --

14 JUDGE KIRKLAND-MONTAQUE: That's fine.

15 MR. PACE: My eyes are pretty bad.

16 MR. PACE: Q. First of all, before we get into
17 the specifics of the photograph, can you please
18 state the primary rationale for the railroad work
19 that's the subject of the petition?

20 A. The whole purpose of this project is it's
21 part of the O'Hare Modernization Program that's been
22 going on for the past ten years that the city has

1 embarked on.

2 One of the primary features is adding
3 additional runways on the south air field area.
4 What we are looking at in the overall exhibit is the
5 southwest corner of O'Hare.

6 At the top part of the exhibit, you can
7 see the existing terminals, and the ultimate plan
8 for O'Hare is to have three parallel runways at the
9 south end, and you can see them in white and blue
10 right over here (indicating). You have 10L to the
11 north, you have 10 center, and you have 10 right at
12 the very bottom half (indicating).

13 One of the biggest problems with this --
14 with the runway expansion was the existing Union
15 Pacific line was in the way of construction of the
16 runways.

17 The existing Union Pacific line is
18 currently -- is shown in the red maroon line coming
19 in down here (indicating), and so the existing rail
20 physically impact -- physically interfered with the
21 runway extensions through here (indicating) and the
22 runway expansion.

1 So the whole point of this project is to
2 relocate the Union Pacific from its current location
3 out away -- to get out of the way of the O'Hare
4 expansion. And the proposed line for the Union
5 Pacific is shown in yellow coming in through here
6 (indicating) and coming along the southwest side of
7 that air field (indicating).

8 Q. And, Mr. Ross, can you point out existing
9 Irving Park Road and where the current UP bridge is
10 that goes over Irving Park Road?

11 A. Existing Irving Park Road runs along the
12 south side of the airport. It's shown on the map
13 right along here (indicating) and comes in and
14 extends and goes generally in an east/west
15 direction.

16 For your reference, York Road runs
17 along the west side of the airport in a north/south
18 direction over here (indicating).

19 The existing grade separation for the
20 Union Pacific that we're here today to discuss is
21 currently at the intersection of the orange line and
22 Irving Park Road and it also intersects this future

1 runway in through there (indicating). So that's the
2 grade separation we're petitioning to relocate.

3 Q. And where would the new bridge that we plan
4 to build occur on the map there?

5 A. Currently the existing bridge is about 1.2
6 miles away from York Road, so that's about 1.2
7 miles. We are going to relocate the grade
8 separation onto the yellow alignment and so it's
9 going to be -- it's going to be relocated from
10 1.2 miles east of York Road to about 400 feet east
11 of York Road shown at the intersection of orange and
12 yellow lines.

13 MR. PACE: Your Honor, before I proceed, did you
14 have any other questions specifically on this aerial
15 photograph that I can clarify at this point?

16 JUDGE KIRKLAND-MONTAQUE: No.

17 MR. PACE: Q. Bring this back just a little bit.
18 Mr. Ross, was it your company that was responsible
19 for the design of the relocated bridge?

20 A. Yes.

21 Q. Could you describe the current bridge
22 formation, how many tracks go over it, the vertical

1 clearance, and so on, and then describe the new
2 bridge.

3 A. Yes. The existing grade separation carries
4 two Union Pacific main line rails over Irving Park
5 Road. Irving Park Road carries two thru lines in
6 each direction and a 28-foot median. The bridge
7 type is a single span thru plate girder. It was
8 built during the late 1950s, so it's about 50-years
9 old right now.

10 Did you ask about the proposed
11 structure, too?

12 Q. Are you aware of the current vertical
13 clearance of the current bridge?

14 A. The current vertical clearance at the
15 existing grade separation is 14 foot, 3 inches.

16 Q. Thank you.

17 Mr. Ross, can you now describe the new
18 bridge?

19 A. The relocated bridge separation will be
20 quite similar to the existing grade separation. It
21 will carry two thru -- two main line tracks over
22 Irving Park Road. The new bridge is a single-span

1 thru plate girder approximately 137 feet long. It
2 will accommodate two thru lanes on Irving Park Road
3 along with a future right turn lane that's needed
4 for some IDOT future western bypass plans that they
5 have, and it also accommodates a 28-foot median
6 through there.

7 Q. So when the project is completed, the
8 vertical clearance over the UP bridge will increase,
9 correct?

10 A. Yes. The vertical clearance -- when the
11 city is done with construction of their project, the
12 vertical clearance will be 14 feet, 9 inch.

13 When IDOT gets done with the grade
14 separation of the CP, that vertical clearance is
15 going to increase further to 16 foot, 3 inches.

16 Q. Mr. Ross, has the City of Chicago entered
17 into a project agreement with the UP?

18 A. Yes.

19 Q. And can you please describe the main points
20 of that project agreement that have been executed
21 already?

22 A. The project agreement between the city and

1 Union Pacific is basically an agreement saying that
2 the city will relocate their main line tracks per
3 the plan that was presented. The city is generally
4 picking up all the costs and it sets out all the
5 parameters that have to do with that relocation.

6 Q. And that includes coordination with the
7 railroad?

8 A. Yes.

9 Q. Reimbursement of its costs?

10 A. Yes.

11 Q. And what is the total cost of this
12 relocation project?

13 A. The total cost of the relocation project is
14 somewhere in the neighborhood \$120 million.

15 Q. Okay. And now that is the cost of the new
16 bridge?

17 A. No. That is the cost of completely
18 relocating the Union Pacific from the orange line
19 from its existing location to the yellow line. The
20 bridge itself is part of a series of contracts. So
21 the bridge itself is a small portion of that cost
22 somewhere in the neighborhood of 13 or \$14 million.

1 Q. And what is the funding source for the cost
2 of the project?

3 A. I mean, I don't know the specifics.

4 Q. But it's being paid for by the O'Hare
5 Modernization Program?

6 A. Yes.

7 Q. And at the conclusion of the relocation of
8 the bridge, who will own the bridge and who will be
9 responsible for the maintenance of the bridge?

10 A. The bridge will be owned and maintained by
11 the Union Pacific Railroad.

12 Q. I would like to now just explore some of the
13 staging process and time line for the project in
14 terms of our project and also the coordination of
15 the other project which is the subject matter of
16 this consolidated hearing.

17 A. Yes. It's a fairly complicated staging
18 process, involves two basic construction contracts,
19 one by the City of Chicago, the O'Hare Modernization
20 Program. The second project is being led by the
21 Illinois Department of Transportation. The first
22 project is what I'm testifying about is for the

1 grade separation of the Union Pacific over Irving
2 Park Road.

3 What has to happen with that project is
4 we -- can I get up again?

5 JUDGE KIRKLAND-MONTAQUE: Sure.

6 THE WITNESS: We have to -- we're building the
7 grade separation over Irving Park Road. The
8 existing abutments north and south of Irving Park
9 Road can basically be built without any impacts to
10 existing traffic along Irving Park Road. There's no
11 impacts to the Union Pacific rail line during this
12 project either, because they're operating on their
13 existing tracks to the north.

14 One of the things that needs to happen
15 on this is, because of the future grades of the
16 Union Pacific Railroad when we get done with the
17 project, in order to get our clearance that we need,
18 that 14 foot, 3 inches, we have to lower Irving Park
19 Road on a temporary basis.

20 So our project is really doing two
21 things: One, it's building a bridge and the
22 abutments on either side, and then the second part

1 of that is lowering Irving Park Road so we can get
2 our required vertical clearance, then, finally,
3 after Irving Park Road is done, then the bridge
4 super structure of the top of the bridge will be put
5 in place, and we'll basically be done with the
6 construction of the bridge.

7 Q. And can you describe the efforts that we are
8 going to undertake to coordinate our project with
9 the IDOT project with the CP?

10 A. Yes. The CP project the -- of course, we'll
11 take the Canadian Pacific over Irving Park Road
12 similar to what we are doing with the Union Pacific
13 Railroad.

14 We have coordinated with IDOT
15 extensively on the project, both in terms of staging
16 and maintaining traffic and safety along Irving Park
17 Road and in terms of making sure that all of the
18 IDOT requirements are met for the grade separation.

19 In terms of construction, there's a
20 stage construction approach to this. Our -- the
21 city construction contract is currently under
22 process right now.

1 What we are expecting is that Irving
2 Park Road will be lowered by our contractor this
3 spring. The bridge will be completed and basically
4 be sitting there by December of 2011, and then
5 because of some fairly complicated staging that has
6 to occur elsewhere on the -- elsewhere on the rail
7 relocation, the Union Pacific Railroad won't
8 relocate to that new bridge for approximately one
9 year after that until about December of 2012.

10 Q. Notwithstanding that the operations of the
11 UP will not move over about a year after
12 construction, would you describe why it's important
13 that the relocation occur right now, this year?

14 A. This is all part -- even though it's a year
15 between the bridge construction and the actual
16 commissioning of the rail on the new tracks, there
17 are just a series of construction events that have
18 to go in place prior to that.

19 One of the main things is after this
20 bridge is completed, they have to finish all the
21 embankment work on either side of it. There's some
22 retaining walls down here (indicating) along the

1 Metra lines that need to be completed -- and I'm
2 trying to think of what else -- along with some
3 embankment work down in here (indicating), so
4 basically about a year between the finish of the
5 bridge and the rail commissioning.

6 Q. Thank you, Mr. Ross.

7 And, to your knowledge, has the city
8 ordered a contract for construction of the bridge?

9 A. Yes.

10 Q. And who is that contract awarded to?

11 A. The contract is awarded to F. H. Passion.

12 Q. So, as soon as we receive a Commission order
13 in this proceeding, the construction will commence?

14 A. Yes. The construction of the abutments,
15 which are outside of the IDOT right-of-way, have
16 commenced already, and then the Illinois Department
17 of Transportation still has to issue a permit for
18 the work along Irving Park Road, and then the rest
19 of the bridge construction can commence.

20 Q. Mr. Ross, is there anything else you would
21 like to add that you think the Commission would
22 benefit from in terms of this project?

1 A. The only thing I would like to add is that
2 there has been extensive coordination with the
3 Illinois Department of Transportation. They have --
4 they have agreed to, you know, the scope of the work
5 and how we are staging this project in relationship
6 to their improvements at York Road and the CP grade
7 separation.

8 Q. Thank you, Mr. Ross.

9 MR. PACE: I make Mr. Ross available for any
10 cross-examination.

11 JUDGE KIRKLAND-MONTAQUE: Okay. You can have a
12 seat, Mr. Ross. There may be questions from
13 Mr. Shumate.

14 MR. SHUMATE: Thank you, your Honor.

15 CROSS EXAMINATION

16 BY

17 MR. SHUMATE:

18 Q. I have a couple of clarification questions
19 for purposes of the record. On the print here,
20 which is marked as the City's Exhibit No. 1, the red
21 line has been referenced as the existing -- excuse
22 me -- as the existing alignment for the railroad --

1 A. Yes.

2 Q. -- where it was before -- I'm asking this
3 question -- where the railroad was operating before
4 this project began.

5 A. Correct.

6 Q. Now there's a blue line on here, which was
7 not talked about, I don't believe. Is that an
8 interim alignment that the Union Pacific is
9 currently operating on to your knowledge?

10 A. Yes. Blue alignment is an interim alignment
11 that the city elected to place the Union Pacific
12 Railroad on in order to keep construction over
13 runways and the program progressing.

14 Q. Okay. And do you know whether or not that
15 permitted construction of a couple of runways to
16 proceed?

17 A. The whole reason behind relocating the Union
18 Pacific to the interim alignment or the blue line
19 shown on Exhibit 1 is to allow construction of
20 runway 10C which intersects the original orange
21 line -- maroon line in there.

22 Q. So on the exhibit this would be the runway

1 that's --

2 A. Yes.

3 Q. -- in the middle of the page?

4 A. Correct. So this runway was not there
5 before. So, in order for construction to progress
6 on 10C, the city elected to take the existing Union
7 Pacific line, relocate it to the blue line, so this
8 construction can begin. So currently the Union
9 Pacific is operating on the blue line.

10 Q. So is this runway now in operation at
11 O'Hare?

12 A. No. No. There's still construction going
13 on.

14 Q. Then there's the yellow line, and I'm going
15 to refer to that as the final alignment, and that's
16 the alignment that Union Pacific will eventually be
17 on?

18 A. Correct.

19 Q. For purposes of the record, the references
20 under the project agreement would be the existing
21 alignment, is that correct --

22 A. Correct.

1 Q. -- for the red line, interim alignment for
2 the blue --

3 A. Correct.

4 Q. -- and final alignment for the yellow?

5 A. Correct.

6 Q. Then with regard to today's hearing, we are
7 talking about a grade separation will be required to
8 be installed for the utilization of the final
9 alignment?

10 A. Correct.

11 Q. And, to your knowledge, is there another
12 grade separation on the final alignment that's
13 referred to as the Franklin Park or bridge --

14 A. Yes.

15 Q. -- at Franklin Avenue?

16 A. Yes. There's a total of four grade
17 separations on the project. Two of them go over
18 road- -- two of them go over roadways, the one to
19 the north of Irving Park Road and the one at the
20 south end of the final alignment. The Union Pacific
21 goes over Franklin Avenue in there, and that's the
22 other railroad grade separation on the project.

1 Q. Can you show the administrative law judge
2 here the location of the Franklin Avenue bridge?

3 A. Yes. Down at the very south end of the
4 project, Franklin Avenue, which is also called Green
5 Street in the area, parallels Irving Park Road to
6 the south of there, and currently -- or currently
7 there's an existing grade separation of the Union
8 Pacific over Franklin Avenue. Because of -- of
9 clearance considerations and construction
10 considerations, the existing grade separation of
11 Franklin Avenue will be replaced as part of this
12 project.

13 Q. So the bridge, which is -- or the grade
14 separation, which is the subject of today's hearing,
15 is just one of several grade separations that are
16 required to complete the entire O'Hare Modernization
17 Program?

18 A. Correct.

19 Q. Thank you. I don't know if you -- have you
20 seen this draft agreed order --

21 A. Yes.

22 Q. -- at all?

1 grade separation be?

2 A. The relocated grade separation will be
3 located about 400 feet east of York Road at the
4 intersection of the yellow line and the orange line.

5 Q. And that's referred to in the draft agreed
6 order as the relocated grade separation?

7 A. Correct.

8 Q. Are you familiar with a public at grade
9 crossing within the entire project that's referred
10 to as "Division Street?"

11 A. Yes.

12 Q. To your knowledge, will that be able to be
13 totally removed as a result of the entire project?

14 A. Yes. The grade or the grade crossing at
15 Division will be removed.

16 Q. And I refer to it as Division Street. Is
17 that the Division Street that most people know of in
18 the City of Chicago or is that a different Division
19 Street?

20 A. That's a different Division Street.

21 Q. And it's within the O'Hare complex?

22 A. Within the O'Hare complex.

1 Q. But it is a City of Chicago road? Do you
2 know that?

3 A. Yes.

4 MR. SHUMATE: Thank you very much.

5 JUDGE KIRKLAND-MONTAQUE: Okay. Wait a minute.

6 We are not done yet. Sorry.

7 Mr. Veracruzysse, do you have questions
8 for the witness?

9 MR. VERACRUYSSE: Yes, I do. Thank you, your
10 Honor.

11 CROSS EXAMINATION

12 BY

13 MR. VERACRUYSSE:

14 Q. Mr. Ross, sticking with the at grade
15 crossings, can you explain your western limit in its
16 proximity to the CP rail crossing?

17 A. Yes. Our western limit, the proposed grade
18 separation is about 400 feet from the intersection
19 of Irving Park Road and York Road.

20 The improvements on Irving Park Road
21 are limited because we are -- we are not touching
22 the existing grade crossing of the Canadian Pacific,

1 which is located about 50 feet west of York Road.

2 So the improvement limits for our project begin
3 immediately west of the existing grade crossing of
4 the CP.

5 Q. Would it have any impact to the existing at
6 grade crossing of the Canadian Pacific Railway?

7 A. No impacts to the crossing itself. There
8 are loop detectors that are located in the pavement
9 of Irving Park Road that control the signals at York
10 and Irving. Those will be because of some temporary
11 pavement considerations and some maintenance of
12 traffic considerations. Those will be removed and
13 replaced during construction.

14 Q. So the loops for the traffic signals will
15 just need a modification?

16 A. No.

17 Q. Nothing is planned for warning devices at
18 the CP crossing?

19 A. Correct.

20 Q. In terms of your staging and trying to avoid
21 traffic backing up onto the CP at grade crossing,
22 can you explain what provisions you have in place

1 with your contract?

2 A. Yes, I can. We are currently -- Irving Park
3 Road is two lanes in each direction at this
4 location. We are maintaining the basic two lanes in
5 each direction during construction.

6 One of the things we -- one of the
7 engineering designs that we considered during the
8 construction is we wanted to make sure that any
9 impacts to our construction didn't cause any backups
10 onto the CP tracks and that the concern with that
11 would be mainly in the eastbound direction on Irving
12 Park Road, because all our construction is towards
13 the west, and so one of the provisions we have in
14 the contract and that we are monitoring very closely
15 is any staging or any construction activities that
16 could impact the eastbound traffic on Irving Park
17 Road just cannot happen. So any stage activities --
18 any access to the site is going to occur along the
19 westbound lanes.

20 So if the contractor has to
21 temporarily, you know, block any lanes on Irving
22 Park for whatever reason, they would be in the

1 westbound lanes and the backup would occur prior to
2 the grade separation.

3 Q. Thank you, Mr. Ross.

4 MR. VERACRUYSSE: Your Honor, I have no further
5 questions. Thank you.

6 JUDGE KIRKLAND-MONTAQUE: Okay. Mr. Pace, do you
7 have any redirect?

8 MR. PACE: Your Honor, I just wanted to identify
9 a couple of exhibits for the record.

10 REDIRECT EXAMINATION

11 BY

12 MR. PACE:

13 Q. Mr. Ross, you have been referring to what's
14 been identified as City of Chicago Exhibit 1. And
15 did you bring today an electronic disk that contains
16 basically what's been identified as City's Exhibit
17 No. 1.

18 A. Yes.

19 Q. And can you describe -- I believe you have a
20 list of other documents that are on this disk.

21 A. Yes. On the disk there's a text file that
22 describes the documents, but the documents that are

1 placed in the disk are the overall Exhibit 1. We
2 have a set of construction plans for the city's
3 grade separation over Irving Park Road, and then we
4 have some miscellaneous site photos of the existing
5 bridge and the proposed location for the grade
6 separation.

7 Q. And you refer to the construction plans.
8 These are plans that have already been approved by
9 who?

10 A. The plans have been approved by the City of
11 Chicago.

12 Q. And have they been reviewed by the
13 railroad --

14 A. Yes. Yes.

15 Q. -- and approved?

16 And the design plans are also on the
17 disk?

18 A. Yes, the design plans are on the disk.

19 Q. And those are consistent with the design
20 plans that are attached to the petition?

21 A. Yes. The petition contains -- just the
22 entire set of construction plans is a few hundred

1 pages, so the petition contains just portions of
2 those design plans.

3 Q. Mr. Ross, do you have the disk with you?

4 A. Yes.

5 Q. And you have three copies of the disk?

6 A. Yes.

7 MR. PACE: I would like to identify that disk as
8 City of Chicago Exhibit 2 and move for its admission
9 into the record, your Honor.

10 JUDGE KIRKLAND-MONTAQUE: Any objection?

11 MR. SHUMATE: No, your Honor.

12 MR. VERACRUYSSE: No objection from staff, your
13 Honor.

14 JUDGE KIRKLAND-MONTAQUE: City of Chicago Exhibit
15 2 will be admitted.

16 (Whereupon, City of
17 Chicago Exhibit No. 2
18 was previously marked
19 for identification.)

20

21

22

1 (Whereupon, City of
2 Chicago Exhibit No. 2
3 was received in
4 evidence.)

5 MR. PACE: Q. These are the photographs that are
6 on City of Chicago Exhibit 2.

7 MR. PACE: Off the record for a second. There's
8 a copy for you.

9 MR. VERACRUYSSE: Thank you very much.

10 JUDGE KIRKLAND-MONTAQUE: Thank you.

11 MR. PACE: I have no additional redirect, your
12 Honor.

13 EXAMINATION

14 BY

15 JUDGE KIRKLAND-MONTAQUE:

16 Q. Okay. I just had one question. I just want
17 to make sure I understood what you are saying.

18 Regarding the vertical clearance of the
19 relocated bridge, did you say that ultimately or
20 initially it will be 14 feet, 3 inches?

21 A. Let me correct myself. I think I did say
22 that. Initially it will be 14 feet, 9 inches.

1 Q. And then did you say that after the second
2 phase it would be increased to 16?

3 A. Yes. After IDOT is done with their grade
4 separation of the CP, it will be increased to 16
5 foot, 3 inches.

6 JUDGE KIRKLAND-MONTAQUE: Okay. I just want to
7 make sure.

8 Anything, Mr. Shumate?

9 MR. SHUMATE: Yes. One clarification question.

10 RECROSS EXAMINATION

11 BY

12 MR. SHUMATE:

13 Q. Then when both the CP bridge is completed
14 and the -- I'll call it the Union Pacific bridge is
15 completed, the vertical clearance for both
16 structures will be substantially equivalent?

17 A. I'm not sure what the grade separation --
18 what the vertical clearance at the CP will be.

19 Q. What will be the final grade -- the
20 clearance for the UP bridge?

21 A. The clearance for the UP bridge will be
22 16 foot, 3 inches.

1 Q. And that's after the road work is done
2 underneath?

3 A. Yes.

4 Q. So the road, I take it then, will be lowered
5 to where it is now?

6 A. Yes. Yes.

7 JUDGE KIRKLAND-MONTAQUE: Anything further for
8 this witness?

9 MS. CAMARENA: Your Honor, IDOT just has a
10 clarification.

11 CROSS EXAMINATION

12 BY

13 MS. CAMARENA:

14 Q. I know you mentioned the city would be
15 responsible for the cost of the bridge and the
16 maintenance, correct?

17 A. No. The city is responsible for the cost of
18 the bridge, and then Union Pacific is assuming
19 maintenance.

20 Q. Okay. I just needed clarification.

21 And then the Department of
22 Transportation will be just responsible for Irving

1 Park Road, correct?

2 A. Correct.

3 JUDGE KIRKLAND-MONTAQUE: Okay. Is there
4 anything further, Mr. Pace?

5 MR. PACE: Well, your Honor, the witness did
6 refer to the project -- agreement that's been
7 executed with UP. I was not planning on introducing
8 it as an exhibit. I was just wondering if that's
9 acceptable so long as it's fully executed and agreed
10 by the parties.

11 JUDGE KIRKLAND-MONTAQUE: No, I don't think you
12 have to admit it as an exhibit. So long if you
13 reference it in the draft and it's an agreed and
14 executed document, I don't think you need it.

15 MR. PACE: Thank you, your Honor.

16 JUDGE KIRKLAND-MONTAQUE: Okay. So that's it.
17 Thank you, Mr. Ross.

18 THE WITNESS: Thank you.

19 MS. CAMARENA: We will get a copy of the executed
20 agreement?

21 MR. VERACRUYSSE: I would assume you would have
22 it.

1 MR. PACE: I would assume, yes.

2 JUDGE KIRKLAND-MONTAQUE: Mr. Shumate, did you
3 want to present a witness on this project?

4 MR. PACE: Yes.

5 MR. SHUMATE: Yes. I would like to call John
6 Venice if I could, please.

7 JOHN NICHOLAS VENICE,
8 called as a witness herein, having been first
9 previously sworn, was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY

13 MR. SHUMATE:

14 Q. Would you state your name for the record,
15 please.

16 A. John Nicholas Venice.

17 Q. And spell your last name.

18 A. V-e-n-i-c-e.

19 Q. Mr. Venice, by whom are you currently
20 employed?

21 A. Union Pacific Railroad.

22 Q. And in which department?

1 A. Engineering department.

2 Q. And how long have you worked for Union
3 Pacific Railroad or its predecessor?

4 A. Just over 12 years.

5 Q. And are you generally familiar with the
6 O'Hare Modernization Program?

7 A. Yes.

8 Q. And have you worked on this project --

9 A. Yes, I have.

10 Q. -- with the railroad?

11 A. Yes, I have.

12 Q. And have you had an opportunity to ever
13 physically go to the site where the existing bridge
14 and the relocated bridge are?

15 A. Yes, I have been there.

16 Q. Okay. I made a reference earlier to the
17 Division Street at grade crossing. Is that part of
18 this entire project?

19 A. Yes. The existing Division Street at grade
20 crossing is on the interim alignment right now.

21 Q. When the -- well, strike that.

22 It's on the interim alignment, correct,

1 now?

2 A. Yes.

3 Q. To your knowledge, is there any utilization
4 of Division Street as an at grade crossing today?

5 A. To my knowledge, no. There is no
6 utilization of the existing Division Street
7 crossing.

8 Q. So is it being used by the public at all to
9 your knowledge?

10 A. No, it is not. In fact, last time I was
11 there, the crossing was inaccessible.

12 Q. Inaccessible by the public?

13 A. Yes.

14 Q. And, to your knowledge, Division Street is a
15 public road in the City of Chicago?

16 A. That's correct, yes.

17 Q. And, to your knowledge, do any contractors
18 foresee using that particular crossing to your
19 knowledge?

20 A. No, sir, they're not to my knowledge.

21 Q. Okay. Have you had any discussions with
22 anybody working for the City of Chicago or the OMP

1 Program with regard to the removal of this
2 particular at grade crossing?

3 A. Yes. I suggested it would probably be a
4 good idea to remove it probably just last week.

5 Q. Okay. Is the Union Pacific in favor of
6 removing that particular at grade crossing if it is
7 ordered to be removed by the Illinois Commerce
8 Commission?

9 A. Yes.

10 Q. I need to confirm that the ownership of the
11 relocated Irving Park Road bridge, which is the
12 subject of today's hearing, that will -- that bridge
13 after it's completed will be owned by the Union
14 Pacific Railroad?

15 A. Yes, it will.

16 Q. And it will be maintained by the Union
17 Pacific Railroad?

18 A. Yes. Correct.

19 Q. Is there anything I failed to ask you that
20 you believe would be helpful to the hearing officer
21 in this case?

22 A. No, sir.

1 MR. SHUMATE: Okay. No further questions.

2 JUDGE KIRKLAND-MONTAQUE: Are there any
3 cross-examination of this witness? Any questions,
4 Mr. Pace?

5 MR. PACE: No questions.

6 JUDGE KIRKLAND-MONTAQUE: Mr. Veracruyse?

7 MR. VERACRUYSE: Your Honor, I just have a few
8 clarification points.

9 CROSS EXAMINATION

10 BY

11 MR. VERACRUYSE:

12 Q. Mr. Venice, in the petition it was noted
13 that approximately 25 trains per day will utilize
14 the freight corridor on the Milwaukee subdivision;
15 is that correct?

16 A. Assuming business stays at current levels,
17 we hope it does, yes.

18 Q. That's fine. Do you have a speed that you
19 anticipate will be run through this corridor?

20 A. Yes. Timetable speed will be 50 miles an
21 hour when it's completed.

22 MR. VERACRUYSE: Thank you very much.

1 Thank you, your Honor.

2 JUDGE KIRKLAND-MONTAQUE: Okay. Anything further
3 for this witness?

4 (No verbal response.)

5 No? Okay. You may be excused.

6 THE WITNESS: Thank you.

7 JUDGE KIRKLAND-MONTAQUE: I'm sorry.

8 MS. CAMARENA: Your Honor, we have a question.

9 JUDGE KIRKLAND-MONTAQUE: Could you state your
10 name, please.

11 MR. RABADI: Okay. Andy Rabadi. I'm the
12 railroad engineer with the Illinois Department of
13 Transportation.

14 JUDGE KIRKLAND-MONTAQUE: You can.

15 MR. RABADI: Just one question, your Honor.

16 Has the UP received a lump sum figure
17 from the city for the future and perpetual
18 maintenance of the bridge?

19 JUDGE KIRKLAND-MONTAQUE: Is that for the
20 witness?

21 MR. RABADI: Yes.

22 THE WITNESS: Yes. We will receive a lump sum

1 payment when the transaction closes and we are
2 running on the final alignment. After we accept
3 what they are building for us, we'll receive a lump
4 sum payment for maintenance.

5 MR. RABADI: Is that number stated in the
6 executed agreement?

7 THE WITNESS: That number is in the project
8 agreement which the Union Pacific executed with the
9 O'Hare Modernization Program in July of 2007.

10 MR. RABADI: Thank you.

11 JUDGE KIRKLAND-MONTAQUE: Okay. Anything
12 further, Mr. Shumate?

13 MR. SHUMATE: No further questions, your Honor.

14 JUDGE KIRKLAND-MONTAQUE: Okay. You may be
15 excused.

16 Is there anything further on this
17 project, Mr. Pace?

18 MR. PACE: Not from the City of Chicago, your
19 Honor.

20 JUDGE KIRKLAND-MONTAQUE: Staff?

21 MR. VERACRUYSSSE: Nothing, your Honor. Thank
22 you.

1 MS. CAMARENA: No.

2 JUDGE KIRKLAND-MONTAQUE: Okay. Well, is that
3 all the evidence then we are going to hear on this
4 particular project, T11-0008?

5 MR. PACE: Yes, your Honor.

6 JUDGE KIRKLAND-MONTAQUE: And so what -- tell me
7 what's the plan of action after this. You'll
8 prepare a draft order on this matter with the -- go
9 ahead.

10 MR. VERACRUYSSSE: There might be some overlap in
11 the testimony, because IDOT now that they'll discuss
12 the CP structure, their lowering of the profile in
13 Illinois 19 that then impacts or lowers the profile
14 under the UP structure to the 16 feet that Mr. Ross
15 had identified.

16 So I believe IDOT has a witness who
17 will discuss a little bit more of the interaction of
18 the two projects, so you might hear some overlap
19 there. Otherwise, yesterday staff had prepared a
20 draft agreed order that was sent to all the parties
21 just as kind of a template for today.

22 We will, after the hearing, review it

1 together, fill in any details with the testimony
2 that's been heard today, and then hopefully be in a
3 position to file it as soon as possible. So that is
4 the intent, and that will also go to the CP as first
5 noted.

6 Thank you, your Honor.

7 JUDGE KIRKLAND-MONTAQUE: I'll give the floor to
8 IDOT.

9 MS. CAMARENA: Okay. Your Honor, we would like
10 to go ahead and have Andy be sworn in.

11 JUDGE KIRKLAND-MONTAQUE: You can have a seat
12 here, Mr. Rabadi.

13 MS. CAMARENA: Your Honor, as Brian had stated,
14 the department is seeking authority to construct a
15 bridge carrying the CP over Route 19, otherwise
16 known as Irving Park Road as well.

17 Upon completion of the structure, the
18 existing at grade crossing will be removed, and, as
19 you may be aware, the department and CP have also
20 agreed upon the design for the structure and will
21 also, as Brian mentioned, will be in close proximity
22 to the UP relocated grade structure, so there will

1 be some repetitiveness.

2 ANDY RABADI,
3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY

7 MS. CAMARENA:

8 Q. Andy, could you please give us some
9 information regarding the 12.5 vertical clearance of
10 the structure?

11 A. Yes. During one of the stages --
12 construction stages, as part of our project, once
13 the beams for the proposed bridge are erected over
14 the existing Illinois 19, the minimum vertical
15 clearance will be at a substandard clearance, and
16 that clearance will be around 12 feet, 5 inches.

17 The duration for this minimum vertical
18 clearance during one of the stages will be about
19 three months at which the construction of that stage
20 will be, you know, under construction.

21 The IDOT has taken provisions in the
22 plans to provide advanced warning signs to warn

1 vehicles or trucks actually of this substandard
2 clearance.

3 Q. Andy, how many of those advanced notice
4 warnings will there be?

5 A. The plans show -- if you will bear with me
6 for one second. IDOT will -- first of all, IDOT
7 will have actually a specified detour for the trucks
8 for the duration of the Stage 1-A where the
9 substandard clearance is in effect.

10 Q. And what will that detour be?

11 A. Trucks that are traveling westbound on
12 Irving Park Road Illinois 19 will be detoured
13 northbound on Mannheim Road onto Higgins Road to
14 Touhy Avenue, still going westbound to York Road,
15 then York Road southbound on York Road back to
16 Irving Park Road.

17 So the detour will basically take the
18 trucks on Mannheim Road north, Tuohy Avenue west to
19 York Road, then York Road south back to Illinois 19,
20 and for the trucks going eastbound on Irving Park
21 Road, the reverse detour will be in effect.

22 To answer your question, counsel, we

1 have 16 -- a total of 16 stationary signs. These
2 signs are rather large. They're 4 1/2-feet wide by
3 13-feet long. These are stationary signs that will
4 be placed on Irving Park Road, on Mannheim Road, on
5 York Road, and on the expressways 294 and I-290 to
6 notify trucks of the substandard clearance.

7 The sign will read "No trucks allowed
8 on Irving Park Road between York and O'Hare Cargo
9 Area Road." There's a little road called "O'Hare
10 Cargo Area." It's a little bit east of York Road
11 and that road is basically used for the -- for
12 O'Hare cargo traffic.

13 And, in addition to these signs, we --
14 IDOT is proposing to install five changeable message
15 signs in the vicinity of the intersection to also
16 notify truck traffic of the substandard clearance.

17 And, in addition to that, during one of
18 the stages when we are erecting the beams over the
19 roadway, in the plans it also shows a note that the
20 contractor shall hire two flaggers, one on each side
21 of the structure, to make sure that no trucks are
22 going through under the bridge.

1 Q. Andy, can you give us a little bit of a
2 clarification of the scheduling for this project and
3 anticipated start and possibly finish dates if
4 possible?

5 A. Yes. IDOT right now has two projects. One
6 is called the "Advanced Contract." This advanced
7 contract is right now placed on the June 2011
8 letting. The advanced contract is basically to
9 allow IDOT or allow IDOT contractors to build the
10 embankment south of Irving Park Road to provide, you
11 know, the grade necessary to put the realigned CP
12 rail tracks on that embankment to allow the tracks
13 to basically go over -- span over Irving Park once
14 the grade -- once the structure is built.

15 So this advanced contract is basically
16 is dirt work for preparing the embankment ahead of
17 time. This is done to expedite the project.

18 The main contract, however, is right
19 now scheduled on the August 2011 letting. This
20 contract -- this letting is actually subject to land
21 acquisition. There is a very complex land
22 acquisition that's being in the works between the

1 City of Chicago, IDOT, and eventually the Canadian
2 Pacific Railway.

3 Q. And with this land acquisition, is there a
4 probable chance then that the expected start as well
5 as end date of the project may be delayed?

6 A. Yes. It's a very complex land acquisition.
7 There are many, many properties that the city has
8 acquired, and these properties will -- some of them
9 will be dedicated to IDOT, and then IDOT will in
10 turn dedicate some of that right-of-way to the
11 Canadian Pacific Railway.

12 Q. And, Andy, then when will the main project
13 be scheduled to go?

14 A. If the project is let on the August letting,
15 we anticipate that the construction will start
16 probably September or October of 2011.

17 Q. And the completion then would be expected if
18 all goes well?

19 A. By the end of 2012.

20 Q. And then, Andy, can you please tell us who
21 would be responsible for the construction costs
22 associated with this project?

1 A. The funding for this project is through the
2 Create Program. Just for clarification, Create
3 stands for Chicago Regional Environmental and
4 Transportation Efficiency Program.

5 I know that there have been some dollar
6 amounts earmarked for this project, and I believe
7 the funding is there.

8 Q. And upon completion of the project, the
9 department will be responsible for the continued
10 maintenance of Illinois 19?

11 A. Correct.

12 Q. And then the department and CP will then
13 will have specific terms in regard to the
14 maintenance?

15 A. Because this is an IDOT-initiated project,
16 our policies and guidelines basically say that if
17 there's an existing at grade crossing and we grade
18 separated, IDOT will own and maintain the railroad
19 structure with the exception of tracks, and
20 ballasts, and railroad facilities.

21 So, yes, IDOT will maintain the
22 structure. However, we are still in the

1 negotiations with the CP rail for the maintenance of
2 the retaining walls that would be holding up the
3 embankment north and south of Irving Park Road.

4 MS. CAMARENA: And we expect, your Honor, to
5 hopefully have a fully executed agreement for that
6 construction maintenance, and that will also then be
7 submitted to the ICC once it's coordinated with the
8 Canadian Pacific.

9 MS. CAMARENA: Q. Is there anything else, Andy,
10 that I may have left out that you would like to
11 clarify for the administrative law judge?

12 A. You know, there's -- where the CP tracks
13 cross the Metra tracks on the south side there,
14 there is an interlock called B17 Interlock. This is
15 where the CP tracks cross over the Metra tracks. So
16 there will be also quite a bit of coordination with
17 Metra to upgrade some of the crossovers between the
18 CP tracks and the Metra tracks, and there will be
19 also some track -- Metra track realignment and some
20 signal work.

21 So we will be also executing an
22 agreement Metra to reimburse them for their cost.

1 Q. And will the coordination of that part of it
2 will also coincide with the dates you have just
3 given us for letting and expected completion?

4 A. We hope so.

5 MS. CAMARENA: That is it, unless you have any
6 questions, your Honor.

7 JUDGE KIRKLAND-MONTAQUE: Any questions for this
8 witness from the other parties? Mr. Veracruiyse?

9 MR. VERACRUYSSSE: Yes, your Honor.

10 CROSS EXAMINATION

11 BY

12 MR. VERACRUYSSSE:

13 Q. Thank you, Mr. Rabadi.

14 Following similar cross-examination,
15 can you identify the location of the existing at
16 grade crossing in relation to the new structure for
17 the CP? Go from west to east and how it lines up,
18 please.

19 A. Yes. The existing at grade crossing is
20 about, I would say, 30 feet east of the intersection
21 of York Road and Irving Park Road, and the CP tracks
22 will be realigned to the east, and the proposed CP

1 structure over CP will be approximately 80 feet east
2 of the intersection, and the proposed UP tracks --
3 UP structure is approximately 200 feet east of the
4 proposed CP structure.

5 Q. In terms of the at grade crossing with the
6 CP and Illinois Route 19, can you give an
7 understanding of the work that's necessary at the
8 crossing itself during construction in the different
9 phases, please?

10 A. There will be seven stages for Irving Park
11 Road during construction. In the pre-stage, Irving
12 Park or -- yes, Irving Park Road will be widened to
13 the north and to the south, and a temporary pavement
14 will be placed there to shift basically the traffic
15 from the existing alignment from the existing Irving
16 Park Road onto the temporary pavement. This would
17 allow us to build the pier -- the center pier in the
18 middle of Irving Park. And also during this stage,
19 the abutments for the CP -- proposed CP bridge will
20 also be built.

21 During Stage 1, the Irving Park traffic
22 will be shifted to the temporary pavement, and after

1 that is Stage 1-A. During Stage 1-A, the bridge
2 super structure will be erected, which means that
3 the beams going over Irving Park will be erected
4 there, and that's when the existing -- the proposed
5 minimum vertical clearance substandard clearance
6 will be in effect during Stage 1-A.

7 Q. Okay. The staging plans were included with
8 the petition; is that correct?

9 A. I believe so.

10 Q. Specific to the at grade crossing will it
11 need to be widened? Will the CP have to perform
12 work during these different stages?

13 A. Yes. During Stage 1, to accommodate the
14 roadway widening, the temporary pavement there that
15 we are placing on Irving Park Road, the existing at
16 grade crossing -- crossing surface will be also
17 widened, and that work will be done by the CP
18 forces, and that would also necessitate the
19 relocation of the existing at grade -- the railroad
20 warning devices.

21 Q. The warning devices and then the traffic
22 signals also for the intersection of York and Irving

1 Park Road will need to be modified according to your
2 stages also?

3 A. That's correct. Right now the existing
4 railroad warning devices are interconnected with the
5 traffic signals at that intersection. And during
6 each stage, while the at grade crossing is in
7 existence, the temporary traffic signals will also
8 be interconnected with the railroad warning devices
9 as well.

10 Q. During your testimony, we heard as far as
11 the truck detour route and trying to insure that a
12 truck doesn't go through during that three-month
13 period when they're 12 foot, 5 inches.

14 What else is being contemplated for
15 minimizing traffic backups onto the at grade
16 crossing with the CP? Do you have that information?

17 A. In addition to all of the advanced warning
18 signs that we are going to be placing there, IDOT
19 will include in our plans special provisions. In
20 accordance with the guidance, based on the MUTCD, we
21 will have a roadway flagger present at the crossing
22 to make sure that trucks that don't heed to the

1 warning sign devices will be stopped.

2 Q. Thank you. In terms of the projects
3 scheduled, just for clarification, if all goes well
4 with your land swaps and complex land agreements,
5 you noted completion of the bridge at the end of
6 2012; is that correct?

7 A. Yes.

8 Q. Will there be further work then at the
9 intersection of York and Illinois 19 that will take
10 place after that?

11 A. Well, we are hoping that the entire project
12 is completed by then.

13 Q. Okay.

14 A. But this is -- again, this is a very
15 complicated project. The whole intersection of
16 Irving Park and York Road is lowered by about two
17 feet --

18 Q. Right.

19 A. -- in addition to raising the CP tracks to
20 provide about 16 feet proposed vertical clearance
21 once the bridge is finalized and constructed.

22 MR. VERACRUYSSSE: Thank you, Mr. Rabadi.

1 No further questions, your Honor.

2 JUDGE KIRKLAND-MONTAQUE: Questions from anyone
3 else?

4 MR. PACE: No questions, your Honor.

5 MR. SHUMATE: Yes.

6 CROSS EXAMINATION

7 BY

8 MR. SHUMATE:

9 Q. Just a couple of clarification questions,
10 Mr. Rabadi. First, at the conclusion of the project
11 for the CP bridge and the related project that's
12 consolidated with the Union Pacific bridge that the
13 City of Chicago is building, will there be the same
14 clearance or approximately the same clearance at
15 both bridge locations for traffic going underneath
16 these railroad bridges?

17 A. The proposed vertical clearance under the CP
18 bridge is 16 feet, zero inches.

19 Q. So it would be approximately the same --

20 A. Approximately the same.

21 Q. -- for both structures?

22 A. Correct.

1 Q. Do you know when the scheduled completion
2 date or what the scheduled completion date is for
3 the CP bridge?

4 A. As it relates to the final completion date
5 of the whole project?

6 Q. Yes, sir.

7 MS. CAMARENA: Your Honor --

8 THE WITNESS: I'm not real sure.

9 MS. CAMARENA: Your Honor, I'm sorry to
10 interrupt. We also have here another -- an expert
11 witness that we would like to call that would be
12 able to address more of the technical --

13 MR. SHUMATE: Let's see. Then there's one other
14 question. If your expert is the one who should
15 answer this, then I'll ask him.

16 MR. SHUMATE: Q. This is an overall program.
17 The Union Pacific has moved its alignment from the
18 existing alignment to the interim alignment, and
19 then eventually it will go to what's been marked as
20 City of Chicago Exhibit A to the yellow alignment.

21 The Union Pacific can't do that until
22 all the bridges on the Union Pacific system are

1 completed. That does not include the CP bridge.

2 To your knowledge, if the City of
3 Chicago has completed all of its work and the
4 interim alignment is open and ready to be utilized,
5 if the CP bridge is not completed, will the UP be
6 able to close the project agreement with the City of
7 Chicago and move its operation from the interim
8 alignment to the final alignment?

9 A. I believe so. I don't think our project
10 impacts the UP project.

11 Q. Thank you.

12 JUDGE KIRKLAND-MONTAQUE: Anything further?

13 MR. VERACRUYSSE: Nothing, your Honor, from
14 staff.

15 JUDGE KIRKLAND-MONTAQUE: You may be excused.

16 MS. CAMARENA: Your Honor, at this time we would
17 like to call Mr. Kelly.

18 MICHAEL KELLY,
19 called as a witness herein, having been first duly
20 sworn, was examined and testified as follows:

21

22

1 DIRECT EXAMINATION

2 BY

3 MS. CAMARENA:

4 Q. Could you please state your name and your
5 title, please, for us.

6 A. Michael Kelly, project engineer with HDR
7 Engineering. HDR is a consultant to the Illinois
8 Department of Transportation for designing Illinois
9 19 at the York Road project including the grade
10 separation of the Canadian Pacific over Illinois 19.

11 Q. Mr. Kelly, can you tell us what your role is
12 in this project?

13 A. I am the project engineer for HDR for the
14 project.

15 Q. Let's see. Can you please give us some
16 clarification on the vertical clearance?

17 A. The temporary vertical clearance is for the
18 Canadian Pacific over Illinois 19 is 12 feet,
19 6 inches, just to clarify that.

20 Q. So it's not going to be 12 --

21 A. 12, 5.

22 Q. 12, 5?

1 A. 12 foot, 5 inches.

2 Q. Okay.

3 A. I think there was some confusion, just
4 12-1/2 feet but 12 feet, 6 inches.

5 Q. Is there anything that you would like to go
6 ahead and explain that we may have missed out or
7 that need some clarification in regard to the
8 project's technical aspects of it?

9 A. On Irving Park Road east of the intersection
10 of York Road there's approximately about a 600-foot
11 overlap between the OMP project and IDOT's project
12 for the Illinois 19 York Road intersection, so
13 there's -- let's see.

14 Also, the Canadian Pacific bridge is
15 about 200 feet -- or the proposed Canadian Pacific
16 bridge will be 200 feet to the west of the proposed
17 Union Pacific bridge over Irving Park.

18 MS. CAMARENA: I think that's all I have for now,
19 your Honor. I don't know if staff --

20 JUDGE KIRKLAND-MONTAQUE: Mr. Veracrussse.

21 MR. VERACRUYSSSE: Yes, your Honor.

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CROSS EXAMINATION

BY

MR. VERACRUYSSSE:

Q. In terms of your coordination with the consultant for the O'Hare Modernization Project, can you go through some of your latest discussions relative to the staging and I guess the final product?

A. We have been coordinating with OMP regarding the final profile of Illinois 19 both under Canadian Pacific Railroad and the Union Pacific Railroad crossings.

In terms of the staging, our pre-stage, according to the current design plans, is anticipated to take about one month of duration, and then Stage 1 itself is anticipated to take roughly six months.

The Stage 1-A condition will be approximately four months in duration, so from the pre-stage to the end of Stage 1-A would be approximately a year in duration.

That being the case, in the 1-A

1 condition, assuming that the -- that OMP's work and
2 Irving Park work is done at the end of this year,
3 basically the final condition when we start work on
4 Stage 1 for the temporary clearance.

5 Q. But, as far as the OMP work, they will
6 re-establish Illinois Route 19 in its current
7 location but with a lower profile through their
8 structure?

9 A. Correct.

10 Q. Right?

11 A. And then for our temporary profile that's
12 needed in Stage 1-A to provide the 12-foot, 6
13 clearance, we would have to cut their profile
14 approximately 2, 2 1/2 feet to get to the clearance
15 that's needed under the proposed CP bridge, and then
16 the way the current design plans are we would be
17 tying in just to the west of the proposed UP bridge.

18 Q. Because of these time frames and then the
19 modifications of the profile, there was no way to
20 consolidate between the two projects to save any
21 portion of this pavement or any sort of rework that
22 would happen. New pavements are going to be put in

1 by O'Hare in 2011, and then potentially the CP
2 project and Create Project will be taking that out
3 right away in 2012. Is that a fair statement?

4 A. From the plans that I have seen and that we
5 have been coordinating with OMP, their
6 reconstruction -- basically their full PCC (sic)
7 pavement stops roughly about 600 feet to the east of
8 the York Road intersection. And then from there,
9 it's basically widening and resurfacing. So the
10 area that would be underneath the UP and the CP is
11 widened and resurfaced. So that would be what we
12 would be turning out, not the full depth PCC.

13 Q. So you are minimizing any potential for
14 waste?

15 A. Right. Right.

16 Q. In terms of the structure itself, I believe
17 Mr. Rabadi had testified to a center pier.

18 A. Correct.

19 Q. Can you explain the differences between the
20 two structures as they stand, please?

21 A. Yes. The structure referred to as "the
22 Union Pacific" was referred to as a one-span

1 structure. That would mean with our center pier,
2 ours would be a two-span structure.

3 Let's see. In terms of the length --
4 bear with me. I just need to look up the actual
5 length of the structure.

6 (a brief pause.)

7 Let's see. The structure would be
8 overall a hundred and -- almost 168-feet long. One
9 span would be almost 75-feet long and the second
10 span would be 93-feet long.

11 Q. Within the center pier is there protection
12 provided or is the median of a sufficient width?
13 Can you explain?

14 A. The median that is being provided is a
15 sufficient width to protect the pier. Also, we are
16 providing barrier curb on the medium to prevent
17 vehicles from striking the pier.

18 Q. Between then for motorists traveling on
19 Illinois Route 19, they're not going to see any
20 shift between the structures? The curb line will be
21 straight? There's no kink or reduction in width as
22 you come to the new CP structure, correct?

1 A. Correct.

2 Q. Thank you.

3 MR. VERACRUYSSE: Your Honor, I have no further
4 questions.

5 Thank you, Mr. Kelly.

6 JUDGE KIRKLAND-MONTAQUE: Any other questions for
7 this witness?

8 MR. PACE: No questions, your Honor.

9 MR. SHUMATE: I just have one question.

10 CROSS EXAMINATION

11 BY

12 MR. SHUMATE:

13 Q. On the IDOT structure for the Create Project
14 for CP, do you know whether or not that plan
15 contemplates utilizing any sacrificial beams for
16 warnings?

17 A. To my knowledge, I know there have
18 been -- I know there's been discussions with the CP
19 regarding that.

20 Q. Are you aware of whether or not the Union
21 Pacific bridge will have sacrificial beams and
22 placements --

1 A. I'm not aware, to my knowledge.

2 MR. SHUMATE: No further questions.

3 JUDGE KIRKLAND-MONTAQUE: Nothing further?

4 (No verbal response.)

5 Okay. You may be excused.

6 MR. VERACRUYSSE: The sacrificial beam

7 question --

8 JUDGE KIRKLAND-MONTAQUE: Is there someone who

9 could answer that?

10 MR. PACE: I would like to recall Martin Ross

11 just for that question.

12 MARTIN ROSS,

13 called as a witness herein, having been previously

14 duly sworn, resumed the stand and testified further

15 as follows:

16 FURTHER DIRECT EXAMINATION

17 BY

18 MR. PACE:

19 Q. On that bridge that will be built by the

20 City of Chicago, will that have a sacrificial beam

21 on it?

22 A. Yes, it will.

1 Q. Do you know whether or not when it's
2 contemplated for CP?

3 A. I don't know.

4 MR. PACE: Your Honor, for purposes of the
5 record, let me ask Mr. Ross can you explain the
6 purpose of a sacrificial beam?

7 THE WITNESS: The sacrificial beam serves as a
8 first impediment to a truck or other vehicle
9 striking the bridge so that it will hit that beam
10 first and avoid any impact to the bridge -- to the
11 structure of that is actually carrying the railroad,
12 so it will avoid impact to the main structure
13 itself.

14 MR. PACE: Q. So one of the purposes of a
15 sacrificial beam would be to protect the bridge
16 itself?

17 A. Correct.

18 Q. And also the potential for not knocking the
19 bridge and the tracks out of alignment so the train
20 went over it would be a less chance of derailling?

21 A. Yes.

22 MR. PACE: Thank you.

1 JUDGE KIRKLAND-MONTAQUE: Anything further from
2 anyone?

3 MR. SHUMATE: Yes, Your Honor. I have one
4 clarification for the record here, and that is I
5 would like to ask another question of John Venice if
6 I can.

7 JUDGE KIRKLAND-MONTAQUE: You may.

8 JOHN NICHOLAS VENICE,
9 called as a witness herein, having been first duly
10 sworn, was examined and testified as follows:

11 FURTHER DIRECT EXAMINATION

12 BY

13 MR. SHUMATE:

14 Q. Mr. Venice, we have had two experts testify
15 with engineering firms at today's consolidated
16 hearing, one Mr. Martin Ross, who's with Trans
17 System Corp., and the other -- I forgot your
18 name --

19 MR. KELLY: Michael Kelly with HDR.

20 MR. SHUMATE: Q -- Michael Kelly with HDR.

21 To your knowledge, has the Union Pacific
22 used either or both of these firms for its

1 engineering work as outside consultants from time to
2 time?

3 A. That's a possibility. We may have used those
4 firms in other areas for other projects.

5 Q. Have we ever used HDR to your knowledge?

6 A. No, I cannot say that we have.

7 Q. And how about Trans Systems?

8 A. I believe we have used Trans Systems in
9 other areas. They're a fairly big firm.

10 Q. Okay. Okay. To your knowledge, have either
11 of these firms been hired by the Union Pacific
12 Railroad with regard to the O'Hare project?

13 A. To my knowledge, no.

14 MR. SHUMATE: We have used these firms in the
15 past, and I just want to make sure it's clear on the
16 record we did not use them for this project.

17 JUDGE KIRKLAND-MONTAQUE: Thank you.

18 Mr. Veracrucysse, did you have something?

19 MR. VERACRUYSSSE: Yes, your Honor, if I might put
20 staff's position on the record.

21 JUDGE KIRKLAND-MONTAQUE: Please.

22 MR. VERACRUYSSSE: Thank you.

1 Staff has no objection to the petitions
2 or the relief sought today by either party. During
3 construction, staff will require that all stages
4 where we modify traffic flow, traffic signals or
5 warning devices through the Canadian Pacific at
6 grade crossing with Illinois Route 19, those plans
7 must be submitted to staff and the Commission for
8 approval prior to implementation.

9 We will be involved in the up front
10 coordination and construction when Illinois Route 19
11 is modified and then when any of these stage changes
12 happen to the existing at grade crossing.

13 As we noted through the hearing, we are
14 concerned as far as traffic potentially backing up
15 on to that existing at grade crossing.

16 We will request and include in the agreed
17 order specific language from the manual on uniform
18 traffic control devices that addresses work in the
19 vicinity of a rail crossing.

20 And then aside from that, we'll be
21 present for the pre-construction meetings, and then
22 the CP in our discussions they had requested a

1 separate rail staging meeting be held with the IDOT
2 Create Project.

3 Once the contractor is known and awarded,
4 there will be a pre-construction meeting. After
5 that pre-construction meeting, the CP would like to
6 have a separate meeting to determine exactly what
7 stages they will be required to modify the crossing
8 and how long and what duration.

9 So those are the positions. We will
10 finalize the agreed order that we've referenced
11 earlier in the proceeding today and work with the
12 parties to provide concurrences and a filing from
13 the CP.

14 JUDGE KIRKLAND-MONTAQUE: Thank you.

15 MR. VERACRUYSSSE: Thank you.

16 JUDGE KIRKLAND-MONTAQUE: Anything further from
17 anyone else?

18 MR. SHUMATE: No, your Honor.

19 MR. PACE: No, your Honor.

20 MS. CAMARENA: No.

21 JUDGE KIRKLAND-MONTAQUE: In the draft order I am
22 trying to imagine what it would like look. Will

1 there be separate completion dates for both projects
2 do you think?

3 MR. VERACRUYSSE: Right now, because of the
4 operations, the land swap and the complex agreement
5 that IDOT has with the CP and the city, that might
6 push the completion date out, as my understanding,
7 past the December 31, 2012, so we may put two
8 separate completion dates. Otherwise, for the
9 O'Hare Modernization Project, we were putting a
10 completion date that actually aligns with the shift
11 of rail operations. Otherwise, it's really not
12 complete until the rail shifts in staff's view.

13 JUDGE KIRKLAND-MONTAQUE: I see.

14 MR. VERACRUYSSE: It might be two different
15 ones -- I'm sorry -- to make it easier.

16 JUDGE KIRKLAND-MONTAQUE: Okay. If that is all,
17 then we can mark this heard and taken and I'll look
18 forward to getting the draft order, and as long as
19 we have all the parties' views on record,
20 specifically the Canadian Pacific, we can go from
21 there.

22 MR. VERACRUYSSE: Thank you, your Honor.

1 JUDGE KIRKLAND-MONTAQUE: All right. Thank you
2 all. We are done.

3 MS. CAMARENA: Thank you.

4 MR. PACE: Thank you, your Honor.

5 HEARD AND TAKEN.

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