

STATE OF ILLINOIS



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

Michael E. Stead

Rail Safety Program Administrator

(Filed in E-Docket and e-mailed to Judge Kirkland-Montaque and per Certificate)

March 22, 2011

Latrice Kirkland-Montaque
Chief Administrative Law Judge
Review and Examination
Illinois Commerce Commission
160 N. LaSalle Street
Chicago, IL 60601

RE: T11-0008 and T11-0009

Dear Judge Kirkland-Montaque:

The attached Agreed Order, the terms of which are acceptable to all parties was filed on e-Docket today. The filing also includes the comments and concurrence documentation from the parties, including a letter from the CP Railway that was provided to Staff on March 18, 2011. All comments have been incorporated into the Agreed Order as filed.

A Word copy of the Agreed Order is also provided for your use.

If you have any questions, or require additional information, please contact me at (312) 636-7760 or bvercruy@icc.illinois.gov.

Very truly yours,

A handwritten signature in cursive script that reads "Brian Vercruysse".

Brian Vercruysse
Senior Rail Safety Specialist

BV

Certificate of Service

I, Brian Vercruysse, Senior Rail Safety Specialist for the Illinois Commerce Commission, hereby certify that the AGREED ORDER for T11-0008 and T11-0009 was docketed on March 22, 2011, in e-Docket and e-mailed to the parties listed below.

Gloria Camarena
Assistant Chief Counsel
Illinois Department of Transportation
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Chicago, IL 60606
mackshumate@up.com

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

State of Illinois, Department of Transportation, and City of Chicago	:	
Petitioners,	:	
v.	:	T11-0008
Union Pacific Railroad Company	:	
Respondent.	:	
Petition for authorization to relocate the Union Pacific Railroad over Illinois Route 19 (Irving Park Road) grade separation in the City of Chicago, Cook County, designated as AAR/DOT # 174 051R, Railroad Milepost 5.46, from approximately 1.2 Miles east of York Road to approximately 400 feet east of York Road.	:	Consolidated With
State of Illinois, Department of Transportation, Petitioner,	:	
v.	:	T11-0009
Canadian Pacific Railway Company	:	
Respondent.	:	
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 #372 159V, Railroad Milepost 0.45) in the City of Chicago, Cook County, approximately 50 feet east of York Road.	:	

DRAFT AGREED ORDER

By the Commission:

On January 20, 2011, the Illinois Department of Transportation (Department) and the City of Chicago (City) filed the above-captioned verified Petition with the Illinois Commerce Commission (Commission) naming as Respondent the Union Pacific Railroad Company (UP) seeking authority to relocate the bridge that carries UP's tracks

over Illinois Route 19/Irving Park Road (IL 19), designated as AAR/DOT #174 051R, railroad milepost 5.46, in the City of Chicago. Also on January 20, 2011, the Department filed a verified Petition naming as Respondent the Canadian Pacific Railway Company (CP), seeking authority to replace the existing IL 19 highway-rail grade crossing (AAR/DOT #372 159V, railroad milepost 0.45) of CP's tracks with a new bridge to carry CP's tracks over IL 19 also in the City of Chicago.

Included with both Petitions were plans and schedules depicting the various stages of work and final improvements. No party contested these plans or the requests of the Petitions.

PROCEDURAL HISTORY

Prior to filing, the Department and City's Petitions were completed in coordination with the UP, CP, and Staff of the Commission's Transportation Bureau, Railroad Section (Staff).

On February 10, 2011, Staff filed a Motion to Consolidate the actions and request that a single hearing be held to discuss the projects that overlap in work items, project limits, and schedule.

Pursuant to notice, the matter came on for hearing before a duly authorized Administrative Law Judge (ALJ) of the Commission at the Commission's Chicago office on February 23, 2011. Petitioners were represented by counsel. Respondent UP was represented by counsel. An appearance was also entered by Brian Vercruysse, Senior Railroad Safety Specialist for Staff. The CP did not appear at the hearing, but provided general comments to Staff to include in the record. The Motion to Consolidate was granted prior to the hearing, and at the conclusion of the hearing the record was marked "Heard and Taken."

Subsequent to the February 23, 2011 hearing, on March 22, 2011, Staff filed an Agreed Order, the terms of which have been agreed to by all the parties, including the CP. The CP's concurrence letter to the Agreed Order and petition was also filed on March 22, 2011.

PETITIONERS DEPARTMENT AND CITY POSITION

At the hearing held on February 23, 2011, the Department and City provided testimony regarding both structures to augment the detailed information provided in each Petition.

UP Bridge over IL 19 (AAR/DOT # 174 051R, MP 5.46)

As part of its business the UP operates trains over a double mainline railroad track (the "Milwaukee Subdivision Track"), which provides for north/south freight

movements via a curved alignment along the west side of O'Hare International Airport. Within this segment along the southern boundary of the airport is the existing rail bridge over IL 19 within the corporate boundary of the City, Cook County, Illinois (the Existing Grade Separation).

The City and UP have entered into an agreement for the relocation of the Milwaukee Subdivision Track that would allow the assemblage and development of certain City owned lands acquired and improved for the project known as the O'Hare Modernization Program (OMP).

The Department, City, and UP have agreed upon a design for the relocation of the Existing Grade Separation to a location approximately 400 feet east of York Road (Relocated Grade Separation) as depicted in the plans included with the Petition. As identified in the plans, the Relocated Grade Separation will also be in close proximity to the existing IL 19 highway-rail grade crossing of CP's tracks.

There will be approximately twenty-five (25) through freight train movements per day, over the Relocated Grade Separation with a maximum speed of 50 MPH on two mainline tracks. The average daily traffic (ADT) using IL 19 under the Relocated Grade Separation is approximately 32,600 vehicles per day, of which approximately 10% are trucks.

The Relocated Grade Separation will be constructed by the City via a permit issued by the Department. Preliminary work is underway off of the IL 19 right-of-way, and overall construction will begin in April of 2011. The Relocated Grade Separation is expected to be complete by December 1, 2011. However, rail traffic will continue to utilize the existing UP alignment and Existing Grade Separation until the Milwaukee Subdivision Track is fully relocated in accordance with the OMP. It is anticipated that the Milwaukee Subdivision Track will be fully relocated by October 1, 2012. Regardless of the completion date of the CP Bridge, as hereinafter defined, UP may relocate its operations to the Final Alignment under and in accordance with the Project Agreement, as hereinafter defined, if permitted under said Project Agreement.

The City, through the OMP, will be responsible for the construction costs associated with the project, which are estimated at \$19,590,757. Upon completion of the project, the Department will be responsible for the continued maintenance of IL 19. UP will be responsible for the maintenance of the Relocated Grade Separation.

The Relocated Grade Separation will be completed so as to avoid impacts to the nearby IL 19 grade crossing of CP's tracks and the proposed bridge that will carry CP's tracks over IL 19. To further discuss this and other project aspects, the City provided the testimony of Martin Ross. Mr. Ross is a civil engineer with TranSystems, which is under contract with the City for the OMP. Through the testimony of Mr. Ross, the City offered, and the ALJ admitted into evidence, City of Chicago Exhibit 2. Mr. Ross identified the location of the existing IL 19 grade crossing of CP's tracks, and noted that this crossing served as the western project limit for the UP Relocated Grade Separation.

The existing surface and automatic warning devices at the existing IL 19 crossing of CP's tracks will not be impacted by the City's project. The warning devices at the IL 19 crossing of CP's tracks, however, are interconnected with the traffic signals at the IL 19 intersection with York Road, and vehicle detector loops on the east side of the crossing will need to be replaced with the proposed paving work. To minimize the possibility of eastbound traffic queuing onto the IL 19 crossing of CP's tracks, Mr. Ross discussed how the construction activities for the bridge would take place from the north side of IL 19.

Mr. Ross further testified that the City has awarded the construction contract for the bridge, and that work on the abutments has commenced outside of the IL 19 right-of-way. Also, coordination with IDOT regarding the proposed bridge to carry CP's tracks over IL 19 has been extensive and will continue throughout construction of the UP Relocated Grade Separation.

CP Bridge over IL 19 (AAR/DOT # 372 159V, MP 0.45)

As part of its business, the CP operates trains over a double mainline railroad track on its Elgin Subdivision, which crosses IL 19 approximately 50 feet east of York Road near the southwest corner of O'Hare International Airport.

The Department seeks authority to construct a bridge to carry CP's tracks over IL 19 in accordance with the design plans included in its Petition. Upon completion of the structure, the existing at-grade crossing will be removed. The Department and CP have agreed upon a design for the new structure, which will be in close proximity to the UP's Relocated Grade Separation.

There are approximately twenty-eight (28) through freight train movements per day, on the CP Rail Line, traveling at a maximum speed of 25 MPH. The average daily traffic (ADT) using IL 19 in the project area is approximately 32,600 vehicles per day, of which approximately 10% are trucks.

IL 19 will remain open during the construction of the subway. To avoid interruptions to the CP's operations, rail traffic will be shifted to the new rail alignment with a temporary roadway profile under the bridge providing 12.5 feet minimum vertical clearance for vehicles on IL 19. The Department will install low clearance signs in accordance with 92 Ill. Adm. Code 1535.606. Further, the Department will install advance notification signs on IL 19 and York Road.

Any needed modifications to the IL 19 and York Road traffic signals will be coordinated with Commission Staff to mitigate impacts to the existing traffic signal interconnect with the CP's crossing warning devices.

The Department will be responsible for the construction costs associated with the project, which is estimated at \$54,000,000. The project is a part of the CREATE

Program (Chicago Region Environmental and Transportation Efficiency Program), a partnership of railroads, local, state and federal governments designed to modernize and upgrade Illinois' railroad infrastructure to increase efficiency, improve safety and meet the growing needs of the nation's transportation hub.

Upon completion of the project, the Department will be responsible for the continued maintenance of IL 19. The Department will be responsible for the maintenance of the new structure with the exception of railroad tracks, ballast, and all other railroad appurtenances. The Department and CP will complete a detailed Construction and Maintenance Agreement to address specific items including maintenance of the retaining walls, graffiti removal, and other provisions.

To discuss the staging and schedule in greater detail, Andy Rabadi, Railroad Engineer for the Department provided testimony regarding the need for a truck detour route during a stage of construction. During a three (3) month period trucks will be detoured when the clearance under the bridge is 12.5 feet. In addition to changeable message signs and large stationary signs, the Department's contractor will be required to have truck spotters/flaggers while workers are installing the bridge beams and other superstructure components. A copy of the truck detour plan will be provided to Staff for review.

Mr. Rabadi further testified that modifications to the IL 19 grade crossing of CP's tracks will be necessary to allow for the various construction phases. This will consist of widening the crossing surface, and making multiple changes to the layout of the warning devices and traffic signals at York Road.

Mr. Rabadi also testified that the new bridge to carry CP's tracks over IL 19 will be constructed by the Department. Preliminary grading work off of the IL 19 right-of-way is now scheduled within an advance contract for June of 2011. The main project will then begin approximately in September of 2011, with overall completion by December 31, 2012. This completion date however is dependent upon a land swap agreement that must be finalized between the City, Department, and CP. For this reason, the Department requests a completion date of December 31, 2013.

The Department also provided the testimony of Michael Kelly, Project Engineer for HDR, Inc.; the consultant firm for the bridge project. Mr. Kelly reiterated the coordination efforts that have been undertaken with the proposed CP/CREATE project and the UP/OMP bridge project. While there will be overlap in the project limits, each party has tried to minimize any duplicate work given the varying schedules. Lastly, Mr. Kelly testified that when complete the CP and UP bridges over IL 19 will be approximately 200 feet apart. The CP bridge will have a center pier, while the UP bridge will span the entire width of IL 19. With the width of median available, there will be no need to shift the traffic lanes to accommodate the differing designs.

RESPONDENT UP POSITION

The UP has no objection to the Department and City's Petition for the UP Relocated Grade Separation. The UP provided the testimony of John Venice, Public and Industry Projects Manager for the UP. Mr. Venice confirmed that the UP had executed an overall project agreement for the OMP in 2007, and that as part of the agreement, the UP would be responsible for the maintenance of the Relocated Grade Separation. Mr. Venice also confirmed the current and future train operations as provided in the Department and City's Petition.

RESPONDENT CP POSITION

The CP has no objection to the Department's Petitions, and will continue to participate in the development of the Construction and Maintenance Agreement for the new CP/Illinois Route 19 subway. In the event that the Department and CP are unable to negotiate and execute the forthcoming Construction and Maintenance Agreement, then upon written motion by any party, this matter shall be set for evidentiary hearing before the Chief Administrative Law Judge to resolve any outstanding issues.

For the new bridge that will carry its tracks over IL 19, the CP requests that a separate rail staging meeting be conducted after the pre-construction meeting (with the Department, their contractor, and ICC Staff) to plan for the necessary modifications to the IL 19 grade crossing of its tracks during the various project stages.

STAFF POSITION

Staff has no objection to the Petitions. During construction, Staff will require that all stages that modify traffic flow or traffic signal indications through the IL 19 grade crossing of CP's tracks must be coordinated with Staff prior to implementing. Prior to revising the warning devices, the CP should file a Form 3 of 92 Ill. Adm. Code 1535 showing details of the automatic warning devices, and shall receive approval by resolution of the Commission before modifying the devices.

Further, any proposed construction or staging activity in the vicinity of the IL 19 grade crossing of CP's tracks must adhere to the guidelines set forth in the 2009 Manual on Uniform Traffic Control Devices (MUTCD) under Section 6G.18: Work in the Vicinity of Highway-Rail Grade Crossings, which states:

"When grade crossings exist either within or in the vicinity of a TTC zone, lane restrictions, flagging, or other operations shall not create conditions where vehicles can be queued across the railroad tracks. If the queuing of vehicles across the tracks cannot be avoided, a uniformed law enforcement officer or flagger shall be provided at the crossing to prevent vehicles from stopping on the tracks, even if automatic warning devices are in place."

Similar provisions are set forth in MUTCD, "Part 8: Traffic Control For Railroad and Light Rail Transit Grade Crossings, Section 8A.08: Temporary Traffic Control Zones." This language must be included in the plans and specifications for both projects.

COMMISSION FINDINGS AND CONCLUSIONS

The Commission, having reviewed the entire record, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The Petitioner, Illinois Department of Transportation is a Department of the State of Illinois which exists by virtue of the laws of the State of Illinois;
- (3) The Petitioner, City of Chicago, is a political subdivision of the State of Illinois;
- (4) Respondents, Union Pacific Railroad Company and Canadian Pacific Railway Company are rail carriers engaged in the transportation of either or both property and passengers for hire in the State of Illinois, as defined by the ICTL, 625 ILCS5/18/c-1 104(30);
- (5) The recitals of fact and conclusions of law contained in the prefatory portion of this order are supported by the record and are hereby adopted as findings of fact and conclusions of law;
- (6) It is in the interest of public safety and convenience that the Illinois Department of Transportation and the City of Chicago, in accordance with the design plans included in its Petition, dated January 20, 2011, construct a new bridge to carry the Union Pacific Railroad Company's tracks over Illinois Route 19 (AAR/DOT #174 051R, railroad milepost 5.46) in the City of Chicago, Cook County, Illinois;
- (7) It is in the interest of public safety and convenience that the Illinois Department of Transportation, in accordance with the design plans included in its Petition, dated January 20, 2011, construct a new bridge to carry the Canadian Pacific Railway Company's tracks over Illinois Route 19 (AAR/DOT #372 159V, railroad milepost 0.45) in the City of Chicago, Cook County, Illinois;
- (8) The City of Chicago and the Union Pacific Railroad have executed an overall project agreement. Pursuant to the project agreement, among other things, the City is responsible for the construction costs associated with the new UP railroad bridge over Illinois Route 19 and the

Union Pacific Railroad is responsible for the maintenance of the new UP railroad bridge. The Illinois Department of Transportation should be responsible for continued maintenance of Illinois Route 19;

- (9) The Illinois Department of Transportation should be responsible for the construction costs associated with the new CP railroad bridge over Illinois Route 19. Upon completion of the project, the Department should be responsible for the continued maintenance of Illinois Route 19. The Department will be responsible for the maintenance of the new structure with the exception of railroad tracks, ballast, and all other railroad appurtenances. The Department and CP will complete a detailed Construction and Maintenance Agreement to address specific items including maintenance of the retaining walls, graffiti removal, and other provisions;
- (10) All work herein should be completed so as to minimize the possibility of traffic queuing onto the Illinois Route 19 highway-rail grade crossing of CP's tracks. The language provided in the 2009 Manual on Uniform Traffic Control Devices (MUTCD) under Section 6G.18: Work in the Vicinity of Highway- Rail Grade Crossings, should be included within the plans and specifications for each bridge project;
- (11) Any construction stages that modify traffic flow or traffic signal indications through the Illinois Route 19 grade crossing of CP's tracks should be coordinated with Staff prior to implementing. Prior to revisions to the warning devices, the CP should file a Form 3 of 92 Ill. Adm. Code 1535 showing details of the automatic warning devices, and shall receive approval by resolution of the Commission before modifying the devices;
- (12) The new UP railroad bridge over Illinois Route 19 should be completed by December 31, 2011, with overall project completion and rail operations shifted to the Milwaukee Subdivision final alignment by December 31, 2012;
- (13) The new CP railroad bridge over Illinois Route 19 should be completed by December 31, 2013;
- (14) Chapter 625 ILCS 5/18c-1701 and 5/18c-1704 of the Law require each "person" as defined by 5/18c-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;

- (15) 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;
- (16) 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 on Petitions for Supplemental Orders;
- (17) 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;
- (18) 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 by the Illinois Commerce Commission that the Petitioners, the Illinois Department of Transportation and City of Chicago are authorized to construct a new bridge to carry the Union Pacific Railroad Company's tracks over Illinois Route 19 in accordance with the plans incorporated into the Department's and City's Petition. All work shall be completed by the respective parties in accordance with Findings Five (5) through Eighteen (18) above.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Petitioner, the Illinois Department of Transportation is authorized to construct a new bridge to carry the Canadian Pacific Railway Company's tracks over Illinois Route 19 in accordance with the plans incorporated into the Department's Petition. All work shall be completed by the respective parties in accordance with Findings Five (5) through Eighteen (18) above.

IT IS FURTHER ORDERED that the Illinois Department of Transportation, shall at six (6) month intervals from the date of this Order until the Project has been completed, submit written reports to the Director of Processing, Transportation Division

of the Commission stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the Project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and project manager information (name, title, mailing address, telephone number, and facsimile number) of the employee responsible for management of the Project.

IT IS FURTHER ORDERED that the Illinois Department of Transportation shall file written notice with the Director of Processing of the date this project is completed. This notice shall be filed within five days after the completion date.

IT IS FURTHER ORDERED that the Illinois Department of Transportation, in coordination with the Union Pacific Railroad Company and Canadian Pacific Railway Company, shall file with the Transportation Bureau's Director of Processing and Information within five (5) days after the completion of the work required under this Order, a United States Department of Transportation Inventory Form (#6180.71) for each structure.

IT IS FURTHER ORDERED that the Commission shall retain jurisdiction for the purpose of issuing any supplemental order or orders as it may deem necessary.

IT IS FURTHER ORDERED that in accordance with Chapter 625 ILCS 5/18c-2201 and 5/18c-2206 of the Illinois Commercial Transportation Law, this is a final Order subject to the Administrative Review Law.

By Order of the Commission this _____ day of April 2011.

DOUGLAS P. SCOTT
ACTING CHAIRMAN

Vercruysse, Brian

From: Pace, Jack [jack.pace@cityofchicago.org]
Sent: Monday, February 28, 2011 1:13 PM
To: Vercruysse, Brian; Camarena, Gloria M; MACKSHUMATE@UP.COM; John McDonough; Jim Krieger; curt_whelan@cpr.ca
Cc: Rabadi, Andy E; JNVENICE@up.com; Peter Josefchak; Neil Parikh
Subject: RE: 022211_Draft Agreed Order_T11-0008 and T11-0009_IL 19 Bridges_CP and UP.doc

All:

The City of Chicago is in concurrence with the draft agreed order, subject to the following comments.

(1) On page 3 of the draft agreed order, in the last paragraph that carries over to the next page, insert the following as the 4th sentence:

"Through the testimony of Mr. Ross, the City offered, and the ALJ admitted into evidence, City of Chicago Exhibit 2."

(2) On page 7 of the draft agreed order, Finding and Conclusion (8) should be deleted in its entirety and the following inserted:

"The City of Chicago and the Union Pacific Railroad have executed an overall project agreement. Pursuant to the project agreement, among other things, the City is responsible for the construction costs associated with the new UP railroad bridge over Illinois Route 19 and the Union Pacific Railroad is responsible for the maintenance of the new UP railroad bridge. The Illinois Department of Transportation should be responsible for continued maintenance of Illinois Route 19."

Jack Pace

From: Vercruysse, Brian [bvercruy@icc.illinois.gov]
Sent: Friday, February 25, 2011 11:57 AM
To: Camarena, Gloria M; Pace, Jack; MACKSHUMATE@UP.COM; John McDonough; Jim Krieger; curt_whelan@cpr.ca
Cc: Rabadi, Andy E; JNVENICE@up.com; Peter Josefchak; Neil Parikh
Subject: RE: 022211_Draft Agreed Order_T11-0008 and T11-0009_IL 19 Bridges_CP and UP.doc

Good morning,

Please find attached the revised draft Agreed Order, which provides edits and additions to account for the hearing testimony. I will clean-up the Findings and margins after any comments are provided.

Please provide your comments and/or a concurrence e-mail.

Jim & Curt – the ALJ requested that the CP provide a letter or filing providing your position relative to the Agreed Order and overall project. I can file this letter with the overall order filing if you like.

Thanks to everyone,
Brian

Brian Vercruysse
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
M 312-636-7760
bvercruy@icc.illinois.gov

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail (or the person responsible for delivering this document to the intended recipient), you are hereby notified that any dissemination, distribution, printing or copying of this e-mail, and any attachment thereto, is strictly prohibited. If you have received this e-mail in error, please respond to the individual sending the message, and permanently delete the original and any copy of any e-mail and printout thereof.

Vercruysse, Brian

From: Mack H. Shumate [MACKSHUMATE@UP.COM]
Sent: Tuesday, March 01, 2011 1:57 PM
To: Vercruysse, Brian
Cc: Rabadi, Andy E; curt_whelan@cpr.ca; Camarena, Gloria M; Pace, Jack; Jim Krieger; John McDonough; JNVENICE@up.com; Neil Parikh; Peter Josefchak; Mike W. Payette
Subject: Re: 022211_Draft Agreed Order_T11-0008 and T11-0009_IL 19 Bridges_CP and UP.doc
Attachments: pic28253.gif; 022211_Draft Agreed Order_T11-0008 and T11-0009_IL 19 Bridges_CP and UP.doc

I concur with the changes requested by the City of Chicago. I ask that the following sentence be added at the end of the 4th complete paragraph on page 3 of the Draft Agreed Order, "Regardless of the completion date of the CP Bridge, as hereinafter defined, UP may relocate its operations to the Final Alignment under and in accordance with the Project Agreement, as hereinafter defined, if permitted under said Project Agreement." Otherwise, the Draft Agreed Order is acceptable to the Union Pacific Railroad Company.

PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT

Mack H. Shumate, Jr.
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Union Pacific Railroad Company
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OFFICE (312) 777-2055 FAX (312) 777-2065
mackshumate@up.com

▼ "Vercruysse, Brian" <bvercruy@icc.illinois.gov>

"Vercruysse, Brian"
<bvercruy@icc.illinois.gov>

02/22/2011 01:05 PM

To "Camarena, Gloria M" <Gloria.Camarena@illinois.gov>, "Pace, Jack" <jack.pace@cityofchicago.org>, "MACKSHUMATE@UP.COM" <MACKSHUMATE@UP.COM>, John McDonough <jmcdonough@cityofchicago.org>, Jim Krieger <Jim_Krieger@cpr.ca>, "curt_whelan@cpr.ca" <curt_whelan@cpr.ca>

cc "Rabadi, Andy E" <Andy.Rabadi@illinois.gov>, "JNVENICE@up.com" <JNVENICE@up.com>, Peter Josefchak <peter.josefchak@cityofchicago.org>, Neil Parikh <Neil.Parikh@cityofchicago.org>

Subject 022211_Draft Agreed Order_T11-0008 and T11-0009_IL 19 Bridges_CP and UP.doc

Good afternoon:

In advance of tomorrow's hearing at 10:00am, please see the attached Draft Agreed Order. It provides a template for the hearing, and where testimony will augment the petitions.

Thank you,
Brian

Brian Vercruysse
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
M 312-636-7760
bvercruy@icc.illinois.gov

(See attached file: 022211_Draft Agreed Order_T11-0008 and T11-0009_IL 19 Bridges_CP and UP.doc)

**

This message and any attachments contain information from Union Pacific which may be confidential and/or privileged. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the

Vercruysse, Brian

From: Camarena, Gloria M [Gloria.Camarena@illinois.gov]
Sent: Wednesday, March 16, 2011 1:07 PM
To: Vercruysse, Brian
Cc: Camarena, Gloria M
Subject: RE: 022211_Draft Agreed Order_T11-0008 and T11-0009_IL 19 Bridges_CP and UP.doc

Brian,

Just want to make sure we responded. The draft agreed order looks good. Thank you for all of your help with this.

From: Vercruysse, Brian [<mailto:bvercruy@icc.illinois.gov>]
Sent: Friday, February 25, 2011 11:58 AM
To: Camarena, Gloria M; Pace, Jack; MACKSHUMATE@UP.COM; John McDonough; Jim Krieger; curt_whehan@cpr.ca
Cc: Rabadi, Andy E; JNVENICE@up.com; Peter Josefchak; Neil Parikh
Subject: RE: 022211_Draft Agreed Order_T11-0008 and T11-0009_IL 19 Bridges_CP and UP.doc

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Please provide your comments and/or a concurrence e-mail.

Jim & Curt – the ALJ requested that the CP provide a letter or filing providing your position relative to the Agreed Order and overall project. I can file this letter with the overall order filing if you like.

Thanks to everyone,
Brian

Brian Vercruysse
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
M 312-636-7760
bvercruy@icc.illinois.gov



**CANADIAN
PACIFIC
RAILWAY**

Engineering Services

Suite 635
501 Marquette Avenue South
Minneapolis Minnesota 55402

Fax (612) 904-6010

March 18, 2011

Brian Vercruysse
Senior Railroad Safety Specialist
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

RE: Draft Agreed Order
T11-0008 and T11-0009
Illinois Route 19 (Irving Park Road)
Mile Post 0.45 - DOT #372159V
City of Chicago, Cook County, IL

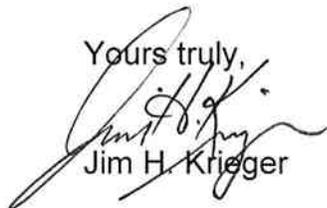
Dear Mr. Vercruysse:

This letter is to advise that Soo Line Railroad Company d/b/a Canadian Pacific (CP) will not have a CP representative present at Illinois Commerce Commission Hearing schedule in Chicago for Agreed Order T11-0008 and T11-0009. CP requests that you enter this letter, dated March 18, 2011 as an exhibit to the Commissions Administrative Law Judge presiding over this hearing.

CP has been working with the Illinois Department of Transportation (IL-DOT) and have agreed upon a design for new structure to carry CP's double main line track over IL 19. The IL-DOT and CP will continue to develop the Construction and Maintenance Agreement required to cover this new structure.

CP has reviewed the Draft Agreed Order and has no objections to the Order or to the IL-DOT petitions to the construction of the IL 19 grade separation structure and removal of the existing IL 19 at grade crossing.

Yours truly,



Jim H. Krieger

Engineering Services - Manager Public Works
Canadian Pacific Railway
501 Marquette Avenue So. - Suite 1510
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