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BEFORE THE
ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF TRANSPORTATION)
OF THE STATE OF ILLINOIS, FOR)
AND ON BEHALF OF THE PEOPLE OF)
THE STATE OF ILLINOIS,)
PETITIONER,)
V.) No. T12-0134
UNION PACIFIC RAILROAD COMPANY,)
AS SUCCESSOR TO CHICAGO &)
NORTHWESTERN TRANSPORTATION CO.,)
AS SUCCESSOR TO CHICAGO,)
MADISON & NORTHERN RAILROAD)
COMPANY; UNION PACIFIC RAILROAD)
COMPANY, WHICH ACQUIRED TITLE AS)
THE CHICAGO & NORTH WESTERN)
RAILWAY COMPANY; AND UNKNOWN)
OWNERS,)
RESPONDENTS.)

PETITION FOR APPROVAL OF THE)
TAKING OR DAMAGING OF CERTAIN)
PROPERTY OWNED BY A COMMON)
TRANSPORTATION CARRIER IN KANE)
COUNTY, ILLINOIS BY EXERCISING)
THE RIGHT OF EMINENT DOMAIN)
PARCEL NO. 1ST0244PE & TE; PARCEL)
NO. 1ST0245PE & TE; JOB NO.)
R91-083-01.)

Chicago, Illinois
November 27th, 2012

Met, pursuant to adjournment, at 1:20 p.m.

BEFORE:
Ms. Latrice Kirkland-Montague, Administrative Law
Judge

1 APPEARANCES:

DOUG FELDER

2 203 North LaSalle Street
Suite 2300,
3 Chicago, 60601.
(312) 634-3509

4 for Department of Transportation;

5 MR. BRIAN VERCRUYSSSE
160 North LaSalle Street
6 Suite C-800
Chicago, IL 60601
7 (312) 636-7760

for ICC Staff.

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9 L.A. COURT REPORTERS, by.

Kari Wiedenhaupt, CSR, License No. 084-004725

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I N D E X

		Re	Re	By	
WITNESSES:	Direct	Cross	Direct	Cross	Examiner
(None.)					

E X H I B I T S

NUMBER	MARKED FOR ID	IN EVIDENCE
(None.)		

1 JUDGE KIRKLAND-MONTAQUE: By the power vested
2 in me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket No. T12-0134
4 for hearing. This is In the Matter of the Department
5 of Transportation of the State of Illinois versus the
6 Union Pacific Railroad Company.

7 May I have appearances, please,
8 starting with IDOT?

9 MR. FELDER: Thank you, your Honor. For the
10 Department, my name is Doug Felder, F-E-L-D-E-R, 203
11 North LaSalle Street, Suite 2300, Chicago, 60602. My
12 phone number is (312) 634-3509.

13 JUDGE KIRKLAND-MONTAQUE: Mr. Vercruysse?

14 MR. VERCRUYSSSE: Thank you. Brian Vercruysse,
15 V-E-R-C-R-U-Y-S-S-E, representing the Staff of the
16 Illinois Commerce Commission. My phone number is
17 (312) 636-7760.

18 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you. I
19 see there was a filing made. Was that today or
20 yesterday?

21 MR. FELDER: I made a filing on e-Docket
22 yesterday.

1 JUDGE KIRKLAND-MONTAQUE: Okay. Do you want to
2 just give us an update?

3 MR. FELDER: Yes, sure. You may recall the
4 last time we were here, Mr. Schumate represents the
5 railroad and I appeared. We discussed the likelihood
6 of us reaching a conclusion and we would submit --
7 circulate and submit for your consideration a
8 proposed order that would approve the use of eminent
9 domain power to acquire the railroad's property. We
10 have accomplished that. I prepared an order I
11 circulated it to Mr. Vercruysse and to Mr. Schumate.
12 And Mr. Schumate and I came to agreement on the
13 content of the order, and I believe Mr. Vercruysse
14 either had no objection or also concurred. And at
15 the time I believed we were all in agreement, I filed
16 it on the e-Docket yesterday. That would have been
17 November 26th, 2012. So at this time I think I can
18 confirm that the parties have at least reached an
19 agreement as to the property that the Department is
20 seeking to acquire, and that agreement in the context
21 of this case would be that the Commerce Commission
22 grant approval for the Department to go forward with

1 eminent domain proceedings in Kane County.

2 JUDGE KIRKLAND-MONTAQUE: Okay. Mr.

3 Vercruysse?

4 MR. VERCRUYSSSE: Thank you, your Honor. Staff
5 concurs with the Department and Mr. Felder as far as
6 the use of eminent domain. The agreed order was
7 reviewed by myself further today and it's acceptable.
8 We did change a few formatting sections for you, and
9 we have also forwarded a Word copy, and we have a
10 hard copy for you here, but otherwise we have been in
11 discussions with the Union Pacific who is in
12 concurrence with the agreed order also.

13 JUDGE KIRKLAND-MONTAQUE: Okay. Well, that
14 sounds good. I did get a copy via e-mail. Thank
15 you. And what I will do then is just move to get
16 this on the next Bench Session, which I believe is
17 December 19th or so. Yes. That would be the last
18 one for the year. Okay. So since I have that, I
19 will go ahead and get that to the Commission. All
20 right. Thank you. I think that's it. We can mark
21 it heard and taken.

22 (END OF PROCEEDINGS.)