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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

EVANSVILLE WESTERN RAILWAY INC., )  
 )  
Petitioner, )

vs ) No. T13-0043

HAWTHORNE TOWNSHIP, WHITE COUNTY, )  
ILLINOIS; WHITE COUNTY, ILLINOIS, )  
 )  
Respondents. )

PETITION FOR AN ORDER AUTHORIZING )  
THE CONSTRUCTION OF A SIDING TRACK )  
AT THE EXISTING AT-GRADE CROSSING )  
OF TR 205 (ALSO KNOWN AS CR )  
1400N - DOT# 346361M) IN HAWTHORNE )  
TOWNSHIP, WHITE COUNTY, ILLINOIS. )

Chicago, Illinois  
May 22, 2013

Met, pursuant to adjournment, at 11:45 a.m.,  
in Conference Room N-801, 160 North LaSalle Street,  
Chicago, Illinois.

BEFORE:  
MS. LATRICE KIRKLAND-MONTAQUE,  
Administrative Law Judge

1 APPEARANCES:

2

3 BARRETT TWOMEY BROOM HUGHES & HOKE, LLP,  
4 (P.O. Box 3747,  
5 100 N. Illinois Avenue,  
6 Carbondale, Illinois 62902-3747,  
7 (618) 457-0437), by:  
8 MR. WILLIAM L. BROOM, III,  
9 wmlbroom@aol.com,  
10 for the Petitioner,  
11 Evansville Western Railway, Inc.;

7

8 ILLINOIS COMMERCE COMMISSION,  
9 (527 East Capitol Avenue,  
10 Springfield, Illinois 62701,  
11 (217) 785-8420), by:  
12 MR. AARON TOLIVER,  
13 atoliver@icc.illinois.gov,  
14 for the Staff.

11

Also Present:

12

13 EVANSVILLE WESTERN RAILWAY, INC.,  
14 (818 West 2nd Street,  
15 Mount Vernon, Indiana 47620,  
16 (812) 838-5810), by:  
17 MR. ROBERT A. BUCHANAN,  
18 rabuchanan@evwr.com,  
19 MR. BRIAN RAY, White County Highway Engineer,  
20 (P.O. Box 398,  
21 1103 East Main Street,  
22 Carmi, Illinois 62821,  
wcounty@frontier.com,

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I N D E X

Witnesses	DX	CX	RX	RCX	Examiner
Buchanan	6	23	29	30	

E X H I B I T S

Number	For Identification	In Evidence
A	11	20
B	14	20
C	15	20
D, E, and F	16	20

1 JUDGE KIRKLAND-MONTAQUE: By the power  
2 vested in me by the State of Illinois and the  
3 Illinois Commerce Commission, I now call Docket  
4 No. T13-0043. This is in the matter of the  
5 Evansville Western Railway, Inc., petitioner, versus  
6 Hawthorne Township, White County, Illinois -- well,  
7 Hawthorne Township in White County, Illinois.

8 May I have appearances, please? Let's  
9 start with the railway.

10 MR. BROOM: Yes, your Honor. My name is  
11 William Broom, Barrett, Twomey, Broom, Hughes & Hoke,  
12 100 North Illinois Avenue, Carbondale, Illinois. I  
13 appear as the attorney for the petitioner. With me  
14 today is Robert A. Buchanan, vice-president and  
15 general manager of the Evansville Western Railway,  
16 Inc.

17 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.

18 And staff? I'm sorry, Hawthorne  
19 Township?

20 MR. RAY: Yes, your Honor. My name is Brian  
21 Ray. I'm the county engineer for White County. I'm  
22 probably representing both Hawthorne Township and

1 White County.

2 JUDGE KIRKLAND-MONTAQUE: Okay.

3 And what's your position with the --

4 MR. RAY: County engineer.

5 JUDGE KIRKLAND-MONTAQUE: And can you spell

6 your name, Brian?

7 MR. RAY: B-r-i-a-n, R-a-y.

8 JUDGE KIRKLAND-MONTAQUE: Brian Ray?

9 MR. RAY: Yes.

10 JUDGE KIRKLAND-MONTAQUE: Okay. And then

11 staff?

12 MR. TOLIVER: Aaron Toliver, A-a-r-o-n,  
13 T-o-l-i-v-e-r. That's T as in Tom. Staff of the  
14 commission's rail safety section, 527 East Capitol  
15 Avenue, Springfield, Illinois, 62701. And my phone  
16 number is 78 -- (217) 785-8420.

17 JUDGE KIRKLAND-MONTAQUE: Thank you.

18 Mr. Broom, you say you have one  
19 witness you will be presenting today?

20 MR. BROOM: Yes.

21 JUDGE KIRKLAND-MONTAQUE: Could you have your  
22 witness stand and raise his right hand?

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(The witness was duly sworn.)

JUDGE KIRKLAND-MONTAQUE: Okay.

You may be seated. And then I will give the floor to you, Mr. Broom, to present the petition.

ROBERT A. BUCHANAN,  
called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. BROOM:

Q. If it please the court, please state your full name.

A. Robert Allen Buchanan.

Q. And where is your office?

A. It is at 818 West 2nd Street, Mount Vernon,

1 Indiana, 47620.

2 Q. And what offices do you hold with the  
3 Evansville Western Railway?

4 A. I am the vice-president and general  
5 manager.

6 Q. And what are your duties and  
7 responsibilities, just generally?

8 A. I oversee the operations of the railroad.

9 Q. Mr. Buchanan, how long have you been in  
10 railroading?

11 A. Thirty-eight years.

12 Q. And just briefly, would you explain to the  
13 administrative law judge what your past work history  
14 has been?

15 A. Okay.

16 I started out as a laborer on the  
17 railroad. And I have been a road master, I have been  
18 a chief engineer, and now have been a general  
19 manager.

20 Q. Where is the Evansville Western's principal  
21 office?

22 A. It's at 818 West 2nd Street in Mount

1 Vernon, Indiana.

2 Q. And does the Evansville Western have a rail  
3 line in Illinois?

4 A. Yes.

5 Q. And where is that line?

6 A. It runs from the Wabash River all the way  
7 to Okawville, Illinois.

8 Q. And how long is that?

9 A. It is a hundred miles, approximately.

10 Q. And does the Evansville Western serve any  
11 particular industry?

12 A. Yes.

13 Q. And what are those?

14 A. We have a plastics plant that they make  
15 plastics. We have a shingle plant, GAF shingle plant  
16 that makes shingles. We have a co-op that refines  
17 fuel. We have several elevators in the Illinois area  
18 that we serve. We have a connection with the NS,  
19 that we interchange with the NS, the UP, and the B&N.  
20 And we have two coal mines that's on our railroad  
21 right now. And then we also have a connection to the  
22 CSX.

1 Q. Do you have any connections with any rail  
2 barge transloading facilities?

3 A. We do. We have two of them.

4 Q. And where are those located?

5 A. One of them is in Mount Vernon, Indiana,  
6 and one of them is in Franklin, Indiana.

7 Q. And where does the coal come from that is  
8 transloaded there?

9 A. There's some of it that comes from the  
10 Hillsboro, Illinois, area, the Carlinville area, and  
11 then there's some that's local coal that's up around  
12 McLeansboro, up around -- we get coal out of Benton,  
13 and one around Carmi.

14 Q. Now, what have you learned about the future  
15 of coal mining in your area of Southeastern Illinois?

16 A. Well, we know that -- that it shifted --  
17 the coal has shifted over to Southern Illinois now,  
18 so there's -- it has taken the place of coal other  
19 places, out west and also in the Appalachians. And  
20 we are -- they have put in a very good-sized mine  
21 over in Benton. There is one that we should be  
22 loading coal out of by October. That's a brand new

1 mine, and it's over around McLeansboro. And --

2 Q. Would it be fair to say that the fact that  
3 these new mines have opened and are mines that you  
4 can service is the reason why we're here today?

5 A. That and -- and also I left out something a  
6 while ago, that we do have an ethanol plant that we  
7 also serve, and we get trains from the B&N that go  
8 down to -- around this Franklin area, which is east  
9 of Mount Vernon, Indiana.

10 Q. How many trains per day is your line  
11 handling right now?

12 A. Probably about -- you know, it fluctuates  
13 to some degree just because we wait on other  
14 railroads, but probably about eight to ten trains a  
15 day.

16 Q. Now, with these two new mines coming into  
17 production, how many more unit train movements do you  
18 expect?

19 A. Probably about six to ten a day.

20 Q. Okay.

21 So this is -- since we have filed a  
22 petition, you have changed your outlook, and it's

1 going to be even bigger than you thought?

2 A. Yes.

3

4 (WHEREUPON, the document was  
5 marked Petitioner's  
6 Exhibit A for identification,  
7 as of 5/22/13.)

8

9 BY MR. BROOM:

10 Q. Now, directing your attention to  
11 Petitioner's Exhibit A, does this fairly and  
12 accurately portray the area around Carmi, Illinois,  
13 and the general location of the crossing improvement?

14 A. Yes. Yes, sir. It's circled there, and  
15 that's where we want to do the improvements and add a  
16 track to there.

17 Q. Now, what sort of track are you proposing  
18 to add?

19 A. It's a siding where we can meet and pass  
20 trains due to the coal and the grain coming that way.  
21 It's a place where -- you know, that we're not  
22 holding a train back somewhere. We can keep the

1 trains moving and meet and pass at this location.

2 Q. How long of a passing siding are you going  
3 to --

4 A. Approximately 10,000 feet.

5 Q. And why is it so long?

6 A. Because we're handling 150-car trains.

7 Q. Are there any other -- are there any other  
8 intersections or roads that this siding could block  
9 other than the one that's here today?

10 A. Yes, that's it.

11 Q. And why was this particular place chosen as  
12 optimal for the siding?

13 A. It's about in the middle of what we  
14 perceive the coal's coming and going because we load  
15 a lot of coal out, we bring a lot of coal in, and  
16 this is a midpoint that we feel that -- that will  
17 make an efficient railroad, where we're not blocking  
18 anything. We can keep our railroad running as  
19 efficient as possible and keep the trains moving  
20 rather than setting somewhere.

21 Q. Okay.

22 Now, specifically with respect to this

1 Township Road 205, would you describe that for us,  
2 please?

3 A. It is -- it's a road right off of a main  
4 road, Airport Road. And I believe it's got timbers  
5 in it right now, and it's -- I believe it's a chip  
6 and seal road.

7 Q. Is there very much traffic on that road?

8 A. I have not noticed.

9 Brian, maybe you can answer that  
10 question better than I can.

11 Q. Well, in the -- in our petition, we've said  
12 that based on the crossing's inventory it's 125  
13 vehicles a day?

14 A. Okay.

15 Q. Is that correct?

16 A. Yes, and that might be a little exaggerated  
17 but --

18 MR. RAY: I agree with that statement.

19 BY MR. BROOM:

20 Q. Okay.

21 Now, what sort of improvement and  
22 crossing do you intend to construct at this location?



1 (WHEREUPON, the document was  
2 marked Petitioner's  
3 Exhibit C for identification,  
4 as of 5/22/13.)  
5

6 BY MR. BROOM:

7 Q. It's on Exhibit C; is that correct?

8 A. Right.

9 Q. Let's talk about Exhibit B for a moment.

10 A. Okay.

11 Q. For the record, your Honor, Exhibit B, as  
12 was filed on the 15th of May, the official Exhibit B  
13 differs from the Exhibit B attached to the petition  
14 as a result of Mr. Toliver's suggestions. So the  
15 Exhibit B, as filed, shows changes in red.

16 And is it true, Mr. Buchanan, that you  
17 intend to build this crossing exactly as was  
18 suggested by Aaron Toliver?

19 A. Yes. Yes, I do.

20 Q. And is it true that Exhibit B fairly and  
21 accurately portrays the crossing configuration and  
22 topography with the changes suggested by the

1 commission's staff, Mr. Toliver?

2 A. Yes.

3 Q. And just to make certain, does Exhibit B  
4 fairly and accurately portray exactly what you  
5 propose to --

6 A. Put in, yes. Yes, exactly.

7 Q. And similarly, Exhibit C is precisely the  
8 type of crossing, composite crossing that you intend?

9 A. Yes.

10

11 (WHEREUPON, the documents were  
12 marked Petitioner's  
13 Exhibits D, E, and F for  
14 identification, as of 5/22/13.)

15

16 BY MR. BROOM:

17 Q. Just briefly, let's go over Exhibits D, E,  
18 and F. And would you explain what Exhibit D is to  
19 the court?

20 A. Let me find it. Here. Okay. D is a  
21 circuitry plan for -- for the flashers and a gate.

22 Q. Is this the normal and customary type of

1 flasher situation for this type of an application?

2 A. Yes. Yes.

3 Q. And similarly, since the time we filed the  
4 petition, you were able to get cost estimates?

5 A. Yes.

6 Q. And are these cost estimates appropriate  
7 under the circumstances?

8 A. Yes.

9 Q. Are these the type of cost estimates that  
10 you, in your position as the general manager of the  
11 Evansville Western Railway, would customarily and  
12 normally rely upon in making decisions?

13 A. Yes, sir.

14 Q. And you believe these numbers to be  
15 appropriate?

16 A. Yes.

17 Q. And these are precisely the type of  
18 improvements, the type of labor, the type of material  
19 that would be necessary to build the crossing that  
20 you propose to build?

21 A. Yes.

22 MR. BROOM: Your Honor, I would move that

1 Exhibits A through E -- A through F, excuse me -- be  
2 admitted into the record.

3 JUDGE KIRKLAND-MONTAQUE: Just a question with  
4 the one that was modified. Which is that, B?

5 THE WITNESS: That was C, I think. B. B, I'm  
6 sorry.

7 MR. BROOM: It's Exhibit B.

8 JUDGE KIRKLAND-MONTAQUE: Could you -- I didn't  
9 see that, the amended version. Could you file that  
10 on e-docket as amended Exhibit B?

11 MR. BROOM: I certainly can. It was -- the  
12 Exhibit B that was attached to the original  
13 petition --

14 JUDGE KIRKLAND-MONTAQUE: Ah-huh.

15 MR. BROOM: -- did not have the red suggestions  
16 by Mr. Toliver. When we filed the official exhibits,  
17 that is the Exhibit B. It was filed on the 15th of  
18 May.

19 JUDGE KIRKLAND-MONTAQUE: Okay. I thought --  
20 okay. I misunderstood.

21 MR. BROOM: And it should -- it should have red  
22 ink on it as well as black ink.

1 JUDGE KIRKLAND-MONTAQUE: Well, I only have  
2 black and white here. I think they just scan it in,  
3 so I didn't get the color. That's fine. So  
4 Petitioner's Exhibits A through -- any objection to  
5 admitting the exhibits from anybody?

6 MR. TOLIVER: No. No, your Honor. I guess --  
7 this is Aaron Toliver. I would just say, you know,  
8 the suggestions that I made were simply to show  
9 some -- on the -- on the -- what would be, I guess,  
10 the southern side or to the left on the picture,  
11 there would be a solid line that would show basically  
12 the roadway complying fully with the Illinois  
13 Administrative Code and also some minor adjustments  
14 to the location of the signal circuitry and  
15 everything that are fully within the Illinois  
16 Administrative Code's requirements. The intent was  
17 to improve visibility and ride quality.

18 JUDGE KIRKLAND-MONTAQUE: Okay. All right.  
19 Thanks for explaining that addition. So Petitioner's  
20 Exhibits A through F are admitted.

21  
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1 (WHEREUPON, the documents  
2 marked Petitioner's Exhibits A  
3 through F for identification were  
4 admitted into evidence.)  
5

6 JUDGE KIRKLAND-MONTAQUE: Okay.

7 Anything further, Mr. Broom?

8 MR. BROOM: Yes, your Honor. I'd like to have  
9 Mr. Buchanan talk about some of the economic impact  
10 of this project.

11 JUDGE KIRKLAND-MONTAQUE: Okay.

12 BY MR. BROOM:

13 Q. First of all, Mr. Buchanan, if you are not  
14 able to construct this project, what would be the  
15 effect on the Evansville Western Railway?

16 A. We are going to have to let trains set at  
17 different locations because -- waiting for one train  
18 to get to another location. Like I say, where this  
19 one is established within the middle, where we can --  
20 you know, we might have to hold the train back at  
21 Mount Vernon, Indiana -- that's actually up at  
22 McLeansboro, which is like 60 miles away. I have no

1 place in that area to pass these two trains, so it's  
2 going to bog the railroad line down if we don't do  
3 that. I mean, it -- well, that might not have been  
4 the right phrase to use. I'm an old railroader, so  
5 you've got to forgive me. But it will -- it will end  
6 up causing a lot of problems with keeping the  
7 railroad fluid and keeping trains moving.

8 Q. If, in your opinion, trains are delayed,  
9 could shippers decide to use alternative  
10 transportation for their coal?

11 A. Yes.

12 Q. And what affect would that have?

13 A. Well, I mean, it would have an effect on  
14 the Evansville Western as far as -- I mean, they  
15 would go somewhere else. And I employ about 60  
16 people right now, and I'm hiring every day. So I  
17 mean, we could lose -- I mean, if we lost the  
18 business, we would have to furlough people. I mean,  
19 employees.

20 Q. We talked about the coal mining industry as  
21 resurging in Southern Illinois.

22 If the transportation is not available

1 to move that coal, is it possible that buyers would  
2 buy coal elsewhere?

3 A. Yes. Yes.

4 Q. Is it your opinion that this additional  
5 capacity for the railway to have this siding will  
6 result in the railway being more efficient?

7 A. Yes, sir.

8 Q. Have you -- in your opinion -- well, first  
9 of all, have you looked at other options on where you  
10 could put this siding?

11 A. Yes.

12 Q. And is it your opinion that this siding  
13 location is the least intrusive to highway traffic?

14 A. It would be.

15 Q. In fact, it's fairly unusual to have a  
16 10,000 foot line and only have one crossing, isn't  
17 it?

18 A. Yes, it's very -- very unusual.

19 Q. And what is the topography in this area?

20 A. It's pretty -- it's flat.

21 Q. Okay.

22 So that would also be an optimal area

1 to do this with adequate sight distances?

2 A. Yes. Yes.

3 Q. Now, you have, of course, reviewed the  
4 petition that's filed. And just for the record, are  
5 all of the allegations contained in there true and  
6 correct except for the amendments that we have made  
7 on the number of trains that you project to have?

8 A. Yes.

9 MR. BROOM: I have nothing further, your Honor.

10 JUDGE KIRKLAND-MONTAQUE: Okay.

11 Mr. Toliver, do you have any questions  
12 for the witness?

13

14

15

CROSS EXAMINATION

16

BY MR. TOLIVER:

17

18 Q. I guess, my questions would be related to  
19 mainly the Illinois Administrative Code compliance,  
20 and does your company's plan include full compliance  
21 with all of the Illinois Administrative Code  
22 requirements and any requirements that the -- that

1 the county may have?

2 A. Yes, sir.

3 Q. Has the railroad and the county and the  
4 township, I guess, had communications on this project  
5 and fully apprised of all of the -- all of the  
6 details?

7 A. Yes. And, you know, you guys have helped  
8 where we could make sure that things were up to the  
9 standards of -- of your --

10 Q. Okay.

11 Does your plan -- I see the signal  
12 circuitry that you've identified as Exhibit -- what  
13 was that? Was that C?

14 A. Yes.

15 Q. Or D is that?

16 A. No, B.

17 MR. BROOM: D is the circuitry.

18 BY MR. TOLIVER:

19 Q. Okay.

20 The circuitry plan identified as  
21 Exhibit D, does that represent constant warning time  
22 circuitry?

1 A. Yes. Yes.

2 Q. With an event recorder?

3 A. Yes.

4 Q. Okay.

5 And there would also be a bell as well  
6 as flashing light signals and gates at this location?

7 A. Yes, sir.

8 Q. Okay.

9 As far as the -- does the -- does the  
10 railroad have any -- I don't see any indication of  
11 what type of railway surface. It looks like it may  
12 be on Exhibit B. There's an indication that the  
13 railroad intends to construct the roadway approaches  
14 up to the crossing with a bituminous surface  
15 treatment?

16 Go ahead.

17 A. That's correct.

18 Q. Will it be a chip and seal, or will it be a  
19 hot mix?

20 A. Hot mix. It will be hot mix.

21 Q. Okay.

22 So I guess I'll just put this out

1 there, that I don't see any pavement marking detail  
2 on the plan, and I was -- I was unaware -- bituminous  
3 surface treatment typically would mean a chip and  
4 seal type of surface. And since this is a hot mix  
5 surface, there probably needs to be stop bars and  
6 things in accordance with the -- with the Illinois  
7 Administrative Code also.

8 A. We will do that.

9 Q. Okay.

10 A. And it will be -- it will be blacktopped.  
11 It's easier for us to get blacktop than it is to chip  
12 and seal, so we're going to make it better than what  
13 it is today.

14 Q. Okay.

15 And, you know, as far as any  
16 agreements with the county or whatever, is all of the  
17 signage and everything that's in existence right  
18 now -- because I have not been able to make it to the  
19 site -- but are there advanced warning signs at the  
20 location that you're aware of?

21 A. I'm not aware of, and I've been by it a  
22 thousand times.

1 Q. It would be the round yellow signs and  
2 stuff like that.

3 A. Yes, and I don't know because usually that  
4 is the county's thing, and I don't -- honest to God,  
5 I don't know.

6 Q. Right. But the crossing does exist, and  
7 those things are required by the Illinois  
8 Administrative Code and the NETCD. So I guess I  
9 would just put on the record that in addition to all  
10 of the things shown on the plans that the review of  
11 the signage and any missing signage should be -- you  
12 know, should be fully replaced if there's any signs  
13 that are missing. And I guess that is -- that is a  
14 requirement for the road district. But I don't know  
15 if, you know, you guys have any --

16 A. We can work that out.

17 Q. -- have any way to work that out so --

18 A. It does have cross bucks, it does have  
19 yield signs on it now, and it does have DOT numbers  
20 on it.

21 MR. TOLIVER: All right.

22 That's all I have, your Honor.

1 JUDGE KIRKLAND-MONTAQUE: Okay.

2 Mr. Ray, do you have any questions for  
3 the witness?

4 MR. RAY: No, your Honor. It seems as though  
5 Mr. Toliver has answered all of my questions.

6 JUDGE KIRKLAND-MONTAQUE: Okay.

7 Well, then, Mr. Ray, could you give us  
8 the county's position on the petition? Does the  
9 county object to the --

10 MR. RAY: The county has no objections to this  
11 particular siding.

12 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.

13 And staff, does staff have any  
14 objection to the petition?

15 MR. TOLIVER: No, your Honor. Staff does not  
16 object to the petition.

17 JUDGE KIRKLAND-MONTAQUE: Okay.

18 Mr. Broom, do you have anything else  
19 you would like to present?

20 MR. BROOM: I forgot to point one thing out if  
21 the court please, if I could ask one more question of  
22 Mr. Buchanan.

1 JUDGE KIRKLAND-MONTAQUE: Sure.

2

3

4

REDIRECT EXAMINATION

5

BY MR. BROOM:

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7

Q. Mr. Buchanan, is it true that this crossing  
8 does not have gates, lights, and a bell at this time?

9

A. It does not.

10

Q. And this will be, therefore, a great  
11 traffic safety improvement, to have them?

12

A. Yes, sir.

13

Q. And you're going -- that's all I have your  
14 Honor.

15

JUDGE KIRKLAND-MONTAQUE: Thank you.

16

MR. BROOM: I apologize for not taking care of  
17 that earlier.

18

JUDGE KIRKLAND-MONTAQUE: I was actually  
19 looking for that in the petition.

20

Okay. Well, here. If that's all of  
21 the evidence you're going to present and --

22

MR. TOLIVER: Your Honor?

1 JUDGE KIRKLAND-MONTAQUE: Yes.

2 MR. TOLIVER: I'm sorry to interrupt, your  
3 Honor. But I do -- I do think I recall one thing  
4 that maybe we haven't established, but may I ask Mr.  
5 Buchanan?

6

7

8

RECROSS EXAMINATION

9

BY MR. TOLIVER:

10

11 Q. Are you asking for any funding from the  
12 Grade Crossing Protection Fund or any other source  
13 other than the railroad?

14 A. No, none. This is all -- the railroad with  
15 take care of this. The state will not be out funds  
16 for anything.

17

MR. TOLIVER: All right.

18

That's all I have, your Honor.

19

JUDGE KIRKLAND-MONTAQUE: Thank you.

20

21 Okay. Well, it looks like we can mark  
22 this heard and taken. And what I typically ask the  
petitioner to do, Mr. Broom, is to prepare a draft

1 order for my review that I might use to present to  
2 the commission. And in that draft order, if you  
3 could please include the points made by Mr. Toliver  
4 regarding having the proper signage as required as  
5 well as any necessary paintings on -- markings on the  
6 street that will be added, I'd appreciate that. And  
7 what I'd like you to do is -- and, also, another  
8 point is that I need the township -- I know Mr. Ray  
9 said he's representing both the township and White  
10 County, but I'd like to have a letter on e-docket  
11 from the township stating whether they have an  
12 objection or not to this petition. You can file that  
13 on e-docket. And I'd ask Mr. Broom to -- and I would  
14 imagine Mr. Toliver wouldn't mind overlooking the  
15 draft agreed order so that, you know, any points that  
16 we typically get in our orders, maybe he can provide  
17 you with a template for that to make it easier for  
18 you, if you don't mind, Mr. Toliver.

19 MR. TOLIVER: No. Absolutely no problem at  
20 all, your Honor.

21 JUDGE KIRKLAND-MONTAQUE: Okay.

22 So that's how we'll proceed. I'll

1 mark this heard and taken. So that means we're done  
2 for today, and you can work on a draft agreed order  
3 since everybody -- since there's no objection and  
4 file that and make sure I get a Word copy of it so  
5 that I can edit it as I choose. And I believe that's  
6 it.

7 Is there anything else that I might be  
8 missing, if anyone can think of anything?

9 MR. BROOM: Your Honor, timing on the draft  
10 order, I'm actually going to go on vacation in a  
11 couple of days. So I'll be back after the first of  
12 the month, and I can do this as soon as I get back if  
13 that's all right.

14 JUDGE KIRKLAND-MONTAQUE: That's fine. It's  
15 your project.

16 MR. BROOM: Well --

17 JUDGE KIRKLAND-MONTAQUE: Get it done. I mean,  
18 you know what I'm saying? There's no rush on my end  
19 so --

20 MR. BROOM: Thank you, your Honor. Thank you  
21 very much. We'll get it done very quickly.

22 JUDGE KIRKLAND-MONTAQUE: Thank you. And I'll

1 get it to the bench soon after I get it from you.

2 MR. BROOM: Okay.

3 JUDGE KIRKLAND-MONTAQUE: Okay.

4 I think that's it. We're done for  
5 today. Thank you.

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7 (END OF PROCEEDINGS.)

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