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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
) No. T13-0059
INLAND LOGISTICS PORT COAL CITY,)
LLC, an Illinois LLC,)
Petitioner,)
-vs-)
VILLAGE OF COAL CITY, ILLINOIS;)
GRUNDY COUNTY HIGHWAY DEPARTMENT;)
UNION PACIFIC RAILROAD,)
Respondents.)
)
Petition for an Order authorizing)
the construction of a new at grade)
rail crossing of Broadway Road,)
County Highway V36, in Coal City,)
Grundy County, Illinois)

Chicago, Illinois
September 24, 2013

Met, pursuant to adjournment, at 1:33 P.M.

BEFORE:

MS. LATRICE KIRKLAND MONTAQUE
Administrative Law Judge

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APPEARANCES:

CORTINA, MUELLER & FROBISH P.C.
124 West Washington Street
Morris, Illinois 60450
BY: MR. FRANK J. CORTINA, JR.
(815)942-0635
cortinamueller@comcast.net
 Appeared on behalf of the
 Petitioner;

UNION PACIFIC RAILROAD COMPANY
101 North Wacker Drive
Suite 1920
Chicago, Illinois 60606
BY: MR. MACK HARRICE SHUMATE, JR.
(312)777-2055
mackshumate@up.com

 Appeared on behalf of Union Pacific
 Railroad;

ILLINOIS COMMERCE COMMISSION
527 East Capitol Avenue
Springfield, Illinois 62701
BY: MR. JOHN SALADINO (via video conference)
(217)782-7295

 Appeared on behalf of the Rail Safety
 Section.

Also Present:

MR. CHRISTOPHER MCGRATH, Petitioner
800 West 79th Street
Willowbrook, Illinois 60527

MR. CRAIG CASSEM (via video conference),
Grundy County Highway Department
245 North Illinois Route 47
Morris, Illinois 60450

MR. JOHN VENICE, Union Pacific Railroad
101 North Wacker Drive
Suite 1920

1 JUDGE MONTAQUE: Go on the record.

2 And by the power vested in me by the State
3 of Illinois and the Illinois Commerce Commission, I
4 now call Docket No. T13-0059 for hearing. This is
5 in the matter of Inland Logistics Port Coal City,
6 LLC, Petitioner, versus the Village of Coal City,
7 Illinois, Grundy County Highway Department, and the
8 Union Pacific Railroad as Respondents; and we are
9 here on a petition for an order authorizing the
10 construction of a new at-grade rail crossing of
11 Broadway Road on County Highway V36 in Coal City,
12 Grundy County, Illinois.

13 Let's take appearances, and we'll start
14 with petitioners. Your name and address for the
15 record.

16 MR. MCGRATH: Chris McGrath, 903 Parkside
17 Road, Naperville, Illinois 60540, Petitioner.

18 JUDGE MONTAQUE: Okay.

19 And, Counsel?

20 MR. CORTINA: Frank Cortina,
21 C-o-r-t-i-n-a, 124 West Washington, Morris, Illinois
22 60450.

1 JUDGE MONTAQUE: Okay.

2 And then the highway engineer; is that
3 right?

4 MR. CASSEM: Yeah. Craig Cassem. Our
5 address is 245 North Illinois Route 47 in Morris,
6 Illinois 60450.

7 JUDGE MONTAQUE: Okay.

8 And Staff.

9 MR. SALADINO: Yeah, thank you, your
10 Honor.

11 Representing the Staff and the Commission,
12 John Saladino, S-a-l-a-d-i-n-o, 527 East Capital
13 Avenue, Springfield, Illinois 62701; and the phone
14 number is area code (217)785-8423.

15 JUDGE MONTAQUE: Mr. Shumate.

16 MR. SHUMATE: Thank you. My name is Mack
17 H. Shumate, Jr., S-h-u-m-a-t-e. I'm an attorney for
18 the Union Pacific Railroad Company, a respondent in
19 this matter. Our offices are at 101 North Wacker
20 Drive, Suite 1920, Chicago, Illinois 60606.
21 Telephone number: Area code (312)777-2055.

22 MR. VENICE: My name is John Venice. Last

1 name is spelled V-e-n-i-c-e. I'm a manager of
2 special projects for the Union Pacific Railroad
3 Company. My office is at 101 North Wacker Drive,
4 Suite 1920 in Chicago; Phone No. (312)777-2043.

5 JUDGE MONTAQUE: Okay. So this petition
6 was filed by Inland Logistics. So I will give you
7 the floor, the Petitioner the floor to present the
8 petition. I don't know if you all have come to an
9 agreement already or what's the status of things.

10 MR. SHUMATE: Well, I can open a little
11 bit, your Honor. This is an industrial park, and
12 the crossing that's involved is -- while it's a
13 public crossing and while the Union Pacific Railroad
14 will operate on the tracks and over the crossing,
15 it's not on Union Pacific property; it's on property
16 for the development. And so the crossing will be,
17 as we understand it, will be constructed and
18 maintained by the Inland Logistics Port Coal City,
19 LLC, or its nominee; and that is our understanding
20 of the project. We will not construct it; we will
21 not maintain it; but we will operate over it.

22 JUDGE MONTAQUE: Okay.

1 MR. SHUMATE: And we have no objection to
2 it at all.

3 JUDGE MONTAQUE: Okay. All right. So --

4 MR. SHUMATE: We support the project.

5 JUDGE MONTAQUE: Okay, that's good.

6 So why don't you describe for the record
7 the project and what it entails.

8 MR. CORTINA: What the project entails and
9 the crossing that's before this board is basically
10 to service a approximately 300-acre industrial park.
11 It runs off a -- what's called the P-CO subline of
12 the UP Pacific, which is at least 3 miles long
13 coming off their main line so there's adequate
14 stacking ability for the trains to come into the
15 park. It will be a quiet zone crossing that we are
16 constructing pursuant to our agreement with the
17 local village authorities.

18 And basically it allows this development
19 of a rail-served industrial park on the south end of
20 the Village of Coal City, and we have all agreements
21 in place with the village and with the UP in respect
22 to the track usage agreement and the operations.

1 JUDGE MONTAQUE: And just to clarify,
2 Petitioner is funding the entire project?

3 MR. CORTINA: That's correct.

4 JUDGE MONTAQUE: What types of warning
5 devices are you recommending?

6 MR. SHUMATE: It will be a fully signaled
7 with a median to allow for quiet zone crossings.

8 JUDGE MONTAQUE: Okay.

9 MR. SHUMATE: Fully signaled, gated.

10 JUDGE MONTAQUE: Four quadrants. Is it on
11 each side of the --

12 MR. MCGRATH: There will be two, two
13 gates. It's a perpendicular crossing of Broadway by
14 the rail. So there would be --

15 MR. CORTINA: It's a two-lane highway.

16 MR. MCGRATH: Broadway runs a north-south
17 direction, so there would be gates and lights in the
18 southbound lane, gates and lights on the northbound
19 lane to provide the protection. As Mr. Cortina
20 stated, working in conjunction with the village, it
21 will be design -- it has been designed and to be
22 constructed as a quiet zone which has emergency

1 runoff areas built into the middle -- into the
2 median of the crossing.

3 JUDGE MONTAQUE: What's the anticipated
4 train usage? Maybe, Mr. Shumate, you can help us
5 there.

6 MR. SHUMATE: Pardon?

7 JUDGE MONTAQUE: The traffic for the
8 train.

9 MR. SHUMATE: I'll let John answer that.

10 MR. VENICE: Sure. Typically on a
11 industrial park of this nature it's served by what's
12 called a local train who would go into the
13 industrial park, do switch, and then come back out
14 onto the main line. Typically these industrial
15 parks are served by one train a day depending on
16 business levels.

17 MR. CORTINA: We would hope to get to that
18 level.

19 JUDGE MONTAQUE: Is there a lot of -- oh,
20 I see here. The vehicular traffic is approximately
21 1900 vehicles, according to the petition; is that
22 correct?

1 MR. SHUMATE: Uh-huh.

2 MR. CORTINA: That's correct.

3 The unique nature of where the crossing is
4 located is it's right on the border of a school
5 district. So there would be no bus traffic ever
6 having to cross this train crossing.

7 JUDGE MONTAQUE: Okay. I see.

8 Mr. Saladino, do you have any questions?

9 MR. SALADINO: Yes, your Honor. I have
10 several questions. Thank you.

11 The roadway speed, what's the miles per
12 hour posted speed limit?

13 I'm sorry, my request is for Mr. McGrath.

14 MR. MCGRATH: That's a really good
15 question. I believe it's -- I think it's a
16 45-mile-an-hour zone. I'd kind of defer to Craig.
17 He's the county highway engineer.

18 MR. CASSEM: It's 55 miles an hour.

19 MR. MCGRATH: Is it? Okay.

20 MR. CASSEM: Yeah.

21 MR. SALADINO: And you said you're
22 proposing automatic flashing light signals and

1 gates?

2 MR. MCGRATH: Correct.

3 MR. SALADINO: Will you -- are you aware
4 of the need for a Form 3 to be submitted to the
5 Commerce Commission for approval that basically is
6 the design of the signals and have an approval from
7 the Commission before you begin installation of the
8 signals?

9 MR. MCGRATH: I'm not aware of that, but I
10 am now.

11 MR. SALADINO: We'll make sure that
12 there's something in the order to have that done.

13 What's the alignment of the roadway with
14 the proposed track?

15 MR. MCGRATH: The alignment is, for all
16 intents and purposes, perpendicular.

17 MR. SALADINO: And it appears I think the
18 northern-most track is in somewhat of a curve. Is
19 there going to be a superelevation of that track, or
20 will the rails be at the same elevation?

21 MR. MCGRATH: The rails are at the same
22 elevation. There is no superelevation at that

1 point.

2 MR. SALADINO: Very good.

3 Who will be responsible for maintaining
4 the lights and gates?

5 MR. MCGRATH: That is the project, ILPCC.
6 They will be the owner of the track and be
7 responsible for the maintenance.

8 MR. SALADINO: And as far as the surface
9 on the roadway, what type of surface are you
10 proposing?

11 MR. MCGRATH: There will be a panelized
12 crossing consistent with the UP typical grade
13 crossing details.

14 MR. SALADINO: Will it be concrete panels?

15 MR. MCGRATH: Yes, concrete panels.

16 MR. SALADINO: Do you know if there will
17 be any underlayment underneath the ties?

18 MR. MCGRATH: Yes. Because it will all be
19 constructed from new.

20 MR. SALADINO: Okay. Thank you.

21 And who will maintain the crossing surface
22 in the future?

1 MR. MCGRATH: The actual physical grade
2 crossing is maintained by ILPCC as part of the rail
3 maintenance.

4 MR. SALADINO: Okay. Are you aware of any
5 emergency vehicles that would have to use this
6 crossing?

7 MR. MCGRATH: No. One of the unique
8 benefits of this particular location is it is at the
9 boundary between not only the school districts but
10 also the fire districts. So there is no emergency
11 vehicular traffic that would cross this crossing
12 because it's right at the boundary line between two
13 separate zones.

14 MR. SALADINO: Very good. Thank you.

15 Is there truck traffic on this county
16 highway? Is truck traffic allowed?

17 MR. MCGRATH: Truck traffic is allowed.
18 There is periodic truck traffic.

19 MR. SALADINO: Do you know if hazardous
20 materials are allowed on this route?

21 MR. MCGRATH: I would have to defer to
22 Mr. Cassem. I don't know.

1 MR. CASSEM: They're allowed.

2 MR. SALADINO: The answer is yes?

3 MR. CASSEM: Yes.

4 MR. SALADINO: As far as this project, the
5 Inland Logistics is going to be paying a hundred
6 percent for all of the improvements; is that
7 correct?

8 MR. MCGRATH: Correct.

9 MR. SALADINO: Do you have an estimate on
10 how much it's going to cost, the entire project?

11 MR. MCGRATH: The entire project is
12 nominally a \$1.8 million project for all the rail,
13 which the grade crossing is part of that overall
14 project cost.

15 MR. SALADINO: Okay. And do you have a
16 time frame in which you'd like to have this
17 completed?

18 MR. MCGRATH: We're anticipating
19 construction to start in about six weeks and to be
20 completed, depending upon weather, could be as early
21 as the end of the year.

22 MR. SALADINO: And I presume that funding

1 is in place? You're not waiting for funds? You've
2 already got the funds?

3 MR. MCGRATH: We are just finalizing
4 documentation right now and signatures, and we have
5 got some permit things that have to be acquired. So
6 that's why it will take about six weeks.

7 MR. SALADINO: Okay. Your Honor. I think
8 I only have one more question, and that's for
9 Mr. Venice. That would be -- I would like to know
10 what the speed of the trains would be going into
11 this park.

12 MR. VENICE: Sure. John, it will be a
13 maximum of 10 miles an hour on this track here.

14 MR. SALADINO: Your Honor, that's all the
15 questions I have. Thank you.

16 JUDGE MONTAQUE: Okay. Mr. Shumate, do
17 you have any questions for the petitioners?

18 MR. SHUMATE: No, not at all.

19 JUDGE MONTAQUE: Mr. Cassan, did I say --

20 MR. CORTINA: Cassem.

21 MR. CASSEM: Cassem.

22 JUDGE MONTAQUE: Sorry about that.

1 Do you have any questions about the
2 project for the petitioners?

3 MR. CASSEM: I do.

4 Was it going to be two sets of tracks
5 across the road?

6 MR. MCGRATH: Correct.

7 MR. CASSEM: Okay. Now, I haven't seen
8 final plans of the crossing, so that's one thing I
9 want to make sure I get a chance to see and approve
10 before we issue a permit. I talked to Jason. We
11 spoke about that a couple weeks ago.

12 MR. MCGRATH: Not a problem.

13 MR. CASSEM: We also mentioned getting a
14 maintenance agreement together so there's a document
15 stating, you know, who was maintaining it and how
16 long you get to make repairs and things of that
17 nature. So we need to get a maintenance agreement
18 together.

19 MR. MCGRATH: Okay.

20 MR. CASSEM: One thing I wasn't sure of is
21 if we could -- with the quiet crossing, if you can
22 design a quiet crossing for 55 miles an hour. I

1 wasn't sure if curbs were installed for a quiet
2 crossing. I wasn't sure how that worked. I just
3 don't have enough information on that. So we wanted
4 to maintain 55 miles an hour through here, if we
5 can. So that is one question I had, to make sure
6 it's 55 miles an hour, not have to drop to 45.

7 MR. MCGRATH: Okay.

8 MR. CASSEM: And I want a detour route
9 during construction. We talked about that a couple
10 weeks ago.

11 MR. MCGRATH: My understanding is that the
12 engineers have already looked at that. They'll put
13 together a detour plan during the period of
14 construction.

15 MR. CASSEM: Right. Right.

16 I think that's all my questions.

17 JUDGE MONTAQUE: All right. So does the
18 County have any objection to the project as proposed
19 by petitioners?

20 MR. CASSEM: We do not have objections as
21 long as the things I've listed are satisfied.

22 JUDGE MONTAQUE: Okay. Staff, can you

1 give us Staff's position?

2 MR. SALADINO: Yeah, thank you, your
3 Honor.

4 Staff has no objections. I've reviewed
5 the plans, or the exhibits, submitted with the
6 petition; and they meet the criteria that the
7 Commission has established. I believe that in the
8 interest of the public and economic development that
9 the Commission should approve this petition, and we
10 feel confident that the automatic flashing light
11 signals and gates will maintain a safe crossing.

12 That's all, your Honor.

13 JUDGE MONTAQUE: Okay. Thank you.

14 Is there anything else that you want to --

15 MR. CORTINA: Nothing further, your Honor.

16 JUDGE MONTAQUE: Okay. Well, I guess we
17 can mark the record heard and taken. Everyone seems
18 to be on the same page.

19 And what I'll ask is that you work with
20 Mr. Saladino to draft an agreed order and get that
21 to me. You know, all the parties would -- I would
22 invite to have all the parties take a look at it so

1 that it is an agreed order. Present it to me, and
2 then I'll get it to the bench session for the
3 commissioners.

4 So I think that's it. We'll mark it heard
5 and taken.

6 (WHEREUPON, at 1:50 P.M. the
7 proceedings were concluded.)

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CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

I, RHONDA K. WEILAND, a Certified
Shorthand Reporter of the State of Illinois, CSR
License No. 084-004438, do hereby certify that I
stenographically reported the proceedings had at the
hearing, as aforesaid, and that the foregoing
transcript is a true and accurate record of the
proceedings had therein.

IN WITNESS WHEREOF, I do set my hand at
Chicago, Illinois, this 3rd day of October, 2013.

Certified Shorthand Reporter
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