

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Village of Elwood, Will County, Illinois,)	
)	
Petitioner)	
)	
v.)	T01-0064
)	
Union Pacific Railroad Company and State of Illinois, Department of Transportation,)	
)	
Respondents)	
)	
Petition for an Order of the Illinois Commerce Commission authorizing the establishment of a new grade crossing at East Access Road with the track of Union Pacific Railroad Company, in the Village of Elwood, Will County, Illinois, directing thereon the installation of automatic protection devices and construction of the crossing proper and dividing the cost among the parties, and directing the closure of the existing grade crossing at Chicago Avenue with the track of Union Pacific Railroad in the Village of Elwood, Will County, Illinois.)	

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on June 19, 2014, I filed by e-file Union Pacific Railroad Company's Notice of Filing and Waiver of Prohibition of Ex Parte Communications with the Illinois Commerce Commission regarding the captioned matter.



Mack H. Shumate, Jr., #2595532
Attorney for Respondent
Union Pacific Railroad Company
101 N. Wacker Drive, Suite 1920
Chicago, Illinois 60606
Tel: 312.777.2055
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mackshumate@up.com

CERTIFICATE OF SERVICE

I, Mack H. Shumate, Jr., an attorney, hereby certify that on the 19th day of June, 2014, I caused the foregoing Notice of Filing of a Waiver of Prohibition of Ex Parte Communications in the above captioned matter to be served on attorneys/parties of record by e-filing the same with the Illinois Commerce Commission and by forwarding the same to the following at the email addresses listed below, before 5:00 p.m.

William E. Offerman (via e-mail) President Village of Elwood 401 E. Mississippi Avenue Elwood, IL 60421 Billch601@krausonline.com	Lawrence D. Parrish (via e-mail) Office of the Chief Counsel Illinois Dept. of Transportation James R. Thompson Center, Suite 6-600 100 W. Randolph Chicago, Illinois 60601 (312)793-5737 Lawrence.parrish@illinois.gov
Jennifer Kuntz (via email) Office of Chief Counsel Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764 jennifer.kuntz@illinois.gov	Omer Osman (via e-mail) Director of Highways Illinois Department of Transportation ATTN: Jason Johnson, Room 205 2300 S. Dirksen Parkway Springfield, IL 62764 jason.johnson@illinois.gov
Brian A. Vercruyse, Rail Safety Specialist Railroad Section Illinois Commerce Commission 527 East Capitol Avenue Springfield, IL 62701 bvercruy@icc.illinois.gov	Jennifer Anderson Transportation Counsel Illinois Commerce Commission 160 N. LaSalle Street, Suite C-800 Chicago, IL 60601 janderso@icc.illinois.gov
David Schmidt MacCabe & McGuire, P.C. 77 W. Wacker Drive, Suite 3333 Chicago, IL 60601 dschmidt@maccabe-mcguire.com	Michael Scotti Eric Powers Freeborn & Peters LLP 311 S. Wacker Drive, Suite 3000 Chicago, IL 60606 mscotti@freeborn.com epowers@freeborn.com



Mack H. Shumate, Jr.

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**UNION PACIFIC RAILROAD COMPANY'S
WAIVER OF PROHIBITION OF EX PARTE COMMUNICATIONS**

NOW COMES Union Pacific Railroad Company, by and through its counsel, Mack H. Shumate, Jr., and pursuant to Section 200.710(a) of the Illinois Commerce Commission's Rules of Practice, 83 Ill. Adm. Code 200.710(a), hereby waives the prohibition of Ex Parte Communications as follows: communications will be permitted between engineering representatives and independent contractors working on behalf of the Union Pacific Railroad Company with respect to signal design to discuss the current status of and future modifications regarding timing issues related to grade crossing warning devices at crossing number 922 023D outside the presence of the attorneys for the respective parties to Docket T01-0064.

The Staff of the Illinois Commerce Commission shall memorialize all communications made or received subject to this waiver in writing and serve the memorializations upon all parties to T01-0064. The Staff of the Illinois Commerce Commission shall not be obligated to file notices of Ex Parte Communication in the public record of T01-0064 with respect to

communication within the scope of this waiver.

A handwritten signature in black ink that reads "Mack H. Shumate, Jr." The signature is written in a cursive style with a horizontal line underneath the name.

Mack H. Shumate, Jr.

Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, IL 60606
312/777-2055
877/213-4433 (Facsimile)
mackshumate@up.com

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Mack H. Shumate, Jr.