

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Village of Elwood, Will County, Illinois, :  
 :  
 Petitioner, : T01-0064  
 :  
 v. :  
 :  
 Union Pacific Railroad Company and State of :  
 Illinois, Department of Transportation, :  
 :  
 Respondents. :  
 :

**WAIVER OF PROHIBITION OF EX PARTE COMMUNICATIONS**

Now comes Intervenor CenterPoint Intermodal LLC, through its attorney, Michael J. Scotti III, 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 Illinois Department of Transportation and Illinois Commerce Commission railroad safety staff 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.

Dated: July 9, 2014

Respectfully submitted,

CENTERPOINT INTERMODAL LLC,  
Intervenor

By: /s/ Michael J. Scotti, III

Michael J. Scotti, III  
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**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Village of Elwood, Will County, Illinois,	)	
Petitioner	)	
	)	
v.	)	No. 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 OF CENTERPOINT INTERMODAL LLC'S  
WAIVER OF PROHIBITION OF EX PARTE COMMUNICATIONS**

TO: All Counsel of Record – See attached service list

PLEASE TAKE NOTICE THAT on July 9, 2014, we caused to be filed with the Illinois Commerce Commission this Notice of Filing of Intervenor CenterPoint Intermodal LLC's Waiver of Prohibition of Ex Parte Communications, along with an accompanying Certificate of Service, copies of which are hereby served upon you.

DATED: July 9, 2014

By: /s/ Michael J. Scotti, III

Michael J. Scotti, III  
Eric B. Powers  
FREEBORN & PETERS LLP  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606

*Attorneys for Intervenor CenterPoint Intermodal  
LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **CenterPoint Intermodal LLC's Notice of Filing of Waiver of Prohibition of Ex Parte Communications** was served upon all counsel of record listed on the attached Service List via email this 9th day of July, 2014.

/s/ Michael J. Scotti, III

Dated: July 9, 2014

**SERVICE LIST**

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