

**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.	)	

**SUBMISSION OF CENTERPOINT INTERMODAL LLC  
PROPOSED DRAFT INTERIM ORDER INSERT**

Now comes CENTERPOINT INTERMODAL LLC (“CenterPoint”), by its attorneys FREEBORN & PETERS LLP, hereby submits the following as a summary of its evidence and position that it requests be included in any Interim Order entered by the Illinois Commerce Commission:

**CENTERPOINT’S EVIDENCE AND POSITION**

CenterPoint’s Eric Gilbert testified that safety is part of the company’s core values and that it is aware of safety issues at Walter Strawn Drive. Evidence was provided that CenterPoint has made efforts to increase safety by reducing truck traffic at the Crossing by posting billboards encouraging the use of Interstate-55 and Arsenal Road as a primary entrance to the CenterPoint Intermodal Center and nearby industrial park, initiating efforts to obtain Will County Sherriff escorts for funeral processions, and meeting with tenants to encourage them to use I-55 and Arsenal Road. CenterPoint also has coordinated with traffic experts and the director of Lincoln Cemetery in an attempt to develop an alternate funeral procession route. The purpose of the alternate route would be to redirect processions away from the Strawn Road Crossing. The alternate route calls for some infrastructure changes to be implemented, including new traffic signals on IL-53.

CenterPoint provided testimony identifying concerns with a lack of feasible alternative routes and a need for a traffic impact study to assess regional mobility and safety prior to closing the Crossing and redirecting thousands of trucks a day for the duration of a temporary closure. Testimony was also provided that closure of the Strawn Road Crossing would have an impact on the traffic safety in the region by increasing the number of hours trucks would be on the roadways and the number of trucks needed to deliver the same amount of goods to CenterPoint's facilities. Specifically, the number of trucks will increase because Walter Strawn Drive is the only heavyweight entry point into the park for trucks weighing more than 88,000 pounds. Other trucks would be forced to travel an additional 20 to 30 miles to reach their destination within the industrial park. For every 1,000 trucks diverted from the Crossing to enter CenterPoint on Arsenal Road, that is an extra 20,000 – 30,000 miles of driving each day where trucks will be interacting with other vehicular traffic on Illinois highways in the region. Traffic Engineer Karl Fry testified that if the Strawn Road Crossing is closed, even temporarily, it would have a negative safety effect on nearby roads and the surrounding region even as safety at the Crossing is enhanced. In this case, closure of the Crossing would have a far-reaching impact on the region by diverting heavy volumes of truck traffic to other roads. Because of this impact on the region's traffic, Traffic Safety Engineer Karl Fry testified that before a closure of the Strawn Road Crossing, a regional impact study – addressing both safety and mobility – must be performed to determine the impact on total traffic safety in the region.

WHEREFORE, CenterPoint Intermodal LLC requests as follows:

- A. The Administrative Law Judge adopt CenterPoint's summary of its evidence and position to be included in the Interim Order and to make findings and orders consistent with that evidence.
- B. For such other and further relief as this Court deems just.

DATED: December 5, 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*

**SERVICE LIST**

**T01-0064**

Claire E. Anderson, Engineer  
Commuter Operations  
Union Pacific Railroad  
Two N. Riverside, Suite 1700  
Chicago, IL 60606  
[ceanders@up.com](mailto:ceanders@up.com)

Omer Osman  
Director of Highways – IDOT  
Attn: Jason Johnson  
2300 S. Dirksen Parkway  
Springfield, IL 62764  
[jason.johnson@illinois.gov](mailto:jason.johnson@illinois.gov)

Jennifer Anderson  
Office of Transportation Counsel  
Illinois Commerce Commission  
160 N. LaSalle Street, Suite C-800  
Chicago, IL 60601  
[janderso@icc.illinois.gov](mailto:janderso@icc.illinois.gov)

Lawrence D. Parrish  
Assistant Chief Counsel  
Illinois Department of Transportation  
100 W. Randolph, Suite 6-600  
Chicago, IL 60601  
[lawrence.parrish@illinois.gov](mailto:lawrence.parrish@illinois.gov)

Kevin P. Breslin  
Richmond Breslin LLP  
5215 Old Orchard Road, Suite 420  
Skokie, IL 60077  
[kbreslin@RB-LLP.com](mailto:kbreslin@RB-LLP.com)

Daniel Powers  
Transportation – Railroad  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[dpowers@icc.illinois.gov](mailto:dpowers@icc.illinois.gov)

Michael Forti, Chief Counsel  
Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield, IL 62764  
[michael.forti@illinois.gov](mailto:michael.forti@illinois.gov)

David R. Schmidt  
MacCabe & McGuire  
77 W. Wacker Drive, Suite 3333  
Chicago, IL 60601  
[dschmidt@maccabe-mcguire.com](mailto:dschmidt@maccabe-mcguire.com)

John Freise, Industry & Public Projects  
Union Pacific Railroad Company  
100 N. Broadway, Suite 1500  
St. Louis, MO 63102  
[hjfreise@up.com](mailto:hjfreise@up.com)

Mack H. Shumate Jr.  
Attorney for Union Pacific Railroad Company  
101 N. Wacker Drive, Suite 1920  
Chicago, IL 60606  
[mackshumate@up.com](mailto:mackshumate@up.com)

Bruce D. Gould  
Will County Highway Engineer  
16841 W. Laraway Road  
Joliet, IL 60433  
[bgould@willcountyillinois.com](mailto:bgould@willcountyillinois.com)

Paul D. Streicher  
Attorney for the Village of Elwood  
Rock Fusco & Connelly LLC  
321 N. Clark Street, Suite 2200  
Chicago, IL 60654  
[pstreicher@rockfuscoconnelly.com](mailto:pstreicher@rockfuscoconnelly.com)

Jennifer R. Kuntz  
Office of Chief Counsel  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 313  
Springfield, IL 62764  
[jennifer.kuntz@illinois.gov](mailto:jennifer.kuntz@illinois.gov)

Brian A. Vercruyse, Rail Safety Specialist  
Railroad Section  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[bvercruy@icc.illinois.gov](mailto:bvercruy@icc.illinois.gov)

3250274v1