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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
)  
THE DEPARTMENT OF TRANSPORTATION )  
OF THE STATE OF ILLINOIS, for )  
and on behalf of the PEOPLE OF )  
THE STATE OF ILLINOIS, )

Petitioner, )

vs ) No. T14-0114

UNION PACIFIC RAILROAD COMPANY, )  
as successor to the Chicago and )  
North Western Transportation )  
Company, and Unknown Owners, )

Respondents. )

Petition for approval of the )  
taking or damaging owned by a )  
common transportation carrier in )  
Cook County, Illinois by )  
exercising the right of eminent )  
domain of certain properties )  
Parcel Nos. 0JP0007PE & TE-A & B; )  
Job No. 90-004-12. )

Chicago, Illinois  
May 6, 2015

Met pursuant to notice at 2:00 p.m.

BEFORE:

TIMOTHY E. DUGGAN, Administrative Law Judge.

1 APPEARANCES:

2 MR. DOUGLAS FELDER  
3 30 North LaSalle Street, Suite 2400  
4 Chicago Illinois 60602  
5 Appearing on behalf of the Petitioner;

6 MR. MACK SHUMATE  
7 101 North Wacker Drive, Suite 1920  
8 Chicago, Illinois 60606  
9 Appearing on behalf of UPRR;

10 MR. BRIAN VERCRUYSSE  
11 527 East Capitol Avenue  
12 Springfield, Illinois 62701  
13 Appearing on behalf of Staff.

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SULLIVAN REPORTING COMPANY, by  
Tracy L. Overocker, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
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None.

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
IDOT Group Nos. 1A, B, C and D	4	7
IDOT No. 2	4	8

1 (Whereupon, IDOT Group  
2 Nos. 1A, B, C and D and IDOT  
3 Exhibit No. 2 were  
4 marked for identification.)

5 JUDGE DUGGAN: Pursuant to the authority vested  
6 in me by the State of Illinois and the Illinois  
7 Commerce Commerce, I now call Docket T14-0114 for  
8 hearing.

9 May I have the appearances starting  
10 with Mr. Felder.

11 MR. FELDER: Good afternoon, your Honor. For  
12 the Petitioner, Department of Transportation, my name  
13 is Doug Felder, F-e-l-d-e-r, 30 North LaSalle Street,  
14 Suite 2400, Chicago 60602. (312) 634-3509 is my  
15 phone number.

16 JUDGE DUGGAN: Mr. Shumate.

17 MR. SHUMATE: Good afternoon, your Honor. My  
18 name is Mack, M-a-c-k, Shumate, S-h-u-m-a-t-e. I'm  
19 an attorney for the Union Pacific Railroad  
20 representing one of the respondents in this matter  
21 and our offices are at 101 North Wacker Drive,  
22 Suite 1920, Chicago, Illinois 60606. Telephone

1 number, area code (312) 777-2055.

2 JUDGE DUGGAN: And Mr. Vercruysse?

3 MR. VERCRUYSSSE: Thank you, your Honor. This  
4 is Brian Vercruysse, V-, as in Victor,  
5 -e-r-c-r-u-y-s-s-e, representing the Rail Safety  
6 Section of the Illinois Commerce Commission with  
7 phone Number (312) 636-7760, address is 527 East  
8 Capitol Avenue, Springfield, Illinois 62701. Thanks,  
9 your Honor.

10 JUDGE DUGGAN: All right. So we're here today  
11 on Mr. Felder's petition on behalf of IDOT for  
12 eminent domain seeking to acquire right of way and  
13 some permanent and some temporary from Union Pacific  
14 and prior to going on the record, we have had  
15 discussions and Mr. Felder submitted me a draft order  
16 this morning. We have made some revisions to it and  
17 so I think that IDOT proposes to present the -- all  
18 its this evidence by stipulation since IDOT has no  
19 witnesses present and that will include stipulation  
20 to a document called Stipulations for Order which  
21 I've marked as IDOT Exhibit 2 which everybody has  
22 reviewed and also then by admission of both Exhibit 2

1 and Exhibits 1A, B, C and D. So is that correct so  
2 far, Mr. Felder?

3 MR. FELDER: Yes, sir.

4 JUDGE DUGGAN: So let's go ahead and start with  
5 Exhibits 1A, B, C and D.

6 1A is the description of the permanent  
7 easement sought; is that correct, Mr. Felder?

8 MR. FELDER: Yes, it is.

9 JUDGE DUGGAN: And B and C are descriptions of  
10 the temporary easement sought; correct?

11 MR. FELDER: Correct.

12 JUDGE DUGGAN: And then D, as represented in  
13 the stipulations as a plat of the highway improvement  
14 project which depicts the easements; correct?

15 A Yes, sir.

16 JUDGE DUGGAN: Okay. And you're offering them  
17 into evidence; correct?

18 MR. FELDER: I am.

19 JUDGE DUGGAN: Mr. Shumate, any objections?

20 MR. SHUMATE: No, your Honor, no objections.

21 JUDGE DUGGAN: Mr. Verduyck, any objections?

22 MR. VERCRUYSSSE: No objections from Staff, your

1 Honor.

2 JUDGE DUGGAN: All right. Then IDOT's Group  
3 Exhibit 1A, B, C and D is admitted into evidence.

4 (Whereupon, IDOT Group  
5 Exhibit Nos. 1A, B, C and D were  
6 admitted into evidence.)

7 JUDGE DUGGAN: Now, again, what's been marked  
8 as IDOT Exhibit 2 is entitled Stipulations for Order  
9 and as represented in that document, it states that  
10 the evidence was presented by stipulation with the UP  
11 and Staff to the facts, findings and conclusions as  
12 stated in this document.

13 So is that -- do you offer this  
14 stipulation, Mr. Felder?

15 MR. FELDER: I do and the Department so  
16 stipulates.

17 JUDGE DUGGAN: Very good. And, Mr. Shumate, do  
18 you stipulate to the facts, findings and conclusions  
19 stated in the document entitled Stipulations for  
20 Order marked Exhibit 2?

21 MR. SHUMATE: Yes, I do, your Honor, on behalf  
22 of the Union Pacific Railroad Company.

1           JUDGE DUGGAN:   Okay.   And, Mr. Vercruysse, the  
2   same question to you, do you stipulate?

3           MR. VERCRUYSSSE:   Yes, your Honor, Staff so  
4   stipulates.

5           JUDGE DUGGAN:   Very good.   Now, also,  
6   Mr. Felder would you introduce -- like to introduce  
7   this IDOT Exhibit 2 into evidence?

8           MR. FELDER:   Yes, sir.

9           JUDGE DUGGAN:   Any objection, Mr. Shumate?

10          MR. SHUMATE:   No, your Honor.

11          JUDGE DUGGAN:   Any objection, Mr. Vercruysse?

12          MR. VERCRUYSSSE:   No objection, your Honor.

13          JUDGE DUGGAN:   Okay.   IDOT Exhibit 2,  
14   Stipulation for Order is admitted into evidence.

15                           (Whereupon, IDOT  
16                           Exhibit No. 2 was  
17                           admitted into evidence.)

18          JUDGE DUGGAN:   Do you have anything else to  
19   present, Mr. Felder?

20          MR. FELDER:   I do not.

21          JUDGE DUGGAN:   Do you have anything else to  
22   present, Mr. Shumate?

1 MR. SHUMATE: No, your Honor.

2 JUDGE DUGGAN: Do you have anything else to  
3 present, Mr. Vercruysse?

4 MR. VERCRUYSSSE: No, your Honor.

5 JUDGE DUGGAN: Okay. And so IDOT -- the  
6 positions are correctly stated in the stipulation  
7 that Union Pacific and Staff have no objection to the  
8 Commission granting the relief requested by the  
9 amended petition; is that correct, Mr. Shumate?

10 MR. SHUMATE: Yes, your Honor.

11 JUDGE DUGGAN: And, Mr. Vercruysse?

12 MR. VERCRUYSSSE: Yes, your Honor.

13 JUDGE DUGGAN: I do have a question here, let's  
14 go off the record for a second.

15 (Discussion off the record.)

16 JUDGE DUGGAN: Off the record we had a  
17 discussion to clarify that there is an "at" symbol at  
18 certain points in this -- Exhibit 2 and, Mr. Felder,  
19 you agree that that symbol would be correctly --  
20 substituting the word "a-t" for that would be an  
21 accurate reflection of the intended representations  
22 in IDOT Exhibit 2; is that correct?

1 MR. FELDER: That's correct.

2 JUDGE DUGGAN: You agree with that,  
3 Mr. Shumate?

4 MR. SHUMATE: Yes, your Honor.

5 JUDGE DUGGAN: Mr. Vercruysse?

6 MR. VERCRUYSSSE: Yes, your Honor.

7 JUDGE DUGGAN: Thank you. Okay. Then what  
8 I'll do is revise Exhibit 2 only to state that it is  
9 the order -- and I will e-mail it to you for the  
10 format of waiving post order and we ought to do it  
11 that way. Any thoughts on that, Mr. Felder?

12 MR. FELDER: No. We would concur with that  
13 procedure.

14 JUDGE DUGGAN: Okay. Any thoughts on that,  
15 Mr. Shumate?

16 MR. SHUMATE: No objection.

17 JUDGE DUGGAN: Okay. Mr. Vercruysse?

18 MR. VERCRUYSSSE: No objection.

19 JUDGE DUGGAN: Okay. Then if there is nothing  
20 further -- anything further, we can mark the record  
21 heard and taken. Thank you very much.

22 (Heard and taken.)