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Met, pursuant to adjournment, at
10 o'clock a.m.

BEFORE:

MS. LATRICE KIRKLAND-MONTAQUE,
Administrative Law Judge

APPEARANCES:

MS. ESTHER SEITZ (via telephone)
appearing for Will County

MR. LAWRENCE PARRISH
69 West Washington
Chicago, Illinois
appearing for IDOT

MR. BRIAN VERCRUYSSSE
527 East Capitol Avenue
Springfield, Illinois
appearing for staff of the
Illinois Commerce Commission

MR. MACK SHUMATE
101 North Wacker Drive
Suite 1920
Chicago, Illinois
appearing for Union Pacific
Railway Company

MR. PAUL STREICHER
70 West Madison Street
Chicago, Illinois
appearing for CSX Transportation, Inc.

1 APPEARANCES (continued):

2 MR. DOUGLAS FELDER
20 South Clark Street
3 Chicago, Illinois
appearing for the Illinois Department
4 of Transportation

5 FREEBORN & PETERS, LLP, by
MR. MICHAEL SCOTTI
6 311 South Wacker Drive
Suite 300
7 Chicago, Illinois
appearing for Centerpoint
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20 SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
21 LICENSE NO. 084-002170

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1 JUDGE KIRKLAND-MONTAQUE: Why don't we get
2 started. We are going on the record. Okay.

3 By the power vested in me by the State
4 of Illinois and the Illinois Commerce Commission, I
5 now call Docket No. T01-0064 for hearing.

6 This is in the matter of the Village
7 of Elwood, Will County, Petitioner, versus the Union
8 Pacific Railroad Company and State of Illinois,
9 Department of Transportation and, as intervenors, we
10 have the Centerpoint Intermodal as well as Will
11 County, Illinois.

12 May I have appearances, please, and
13 you can just state your name and who you represent
14 since we have a lengthy record already on this case.

15 So, Mr. Parrish, you can start.

16 MR. PARRISH: Good morning, your Honor. Lawrence
17 Parrish on behalf of the Illinois Department of
18 Transportation.

19 MR. FELDER: Good morning. Doug Felder also on
20 behalf of the Department of Transportation.

21 MR. VERCRUYSSSE: Good morning, your Honor. Brian
22 Vercruysse representing the staff of the Illinois

1 Commerce Commission.

2 MR. SCOTTI: Michael Scotti here on behalf of
3 Centerpoint Properties.

4 MR. SHUMATE: Good morning, your Honor.
5 Matt Shumate on behalf of the Union Pacific Railroad
6 Company.

7 MR. STREICHER: Good morning, Judge. My name is
8 Paul Streicher, S-T-R-E-I-C-H-E-R, and I represent
9 the Village of Elmwood.

10 JUDGE KIRKLAND: Okay. And in Springfield.

11 MS. SEITZ: Hi. Good morning, your Honor. My
12 name is Esther Seitz, and I'm here on behalf of Will
13 County.

14 JUDGE KIRKLAND-MONTAQUE: Thank you so much. So
15 today I called the hearing because the Department of
16 Transportation filed a motion -- I'm sorry --
17 petition to permanently close the Strawn Road
18 crossing. But before we get started there, let me
19 just handle one housekeeping matter, and that is
20 Jennifer Anderson had filed a motion to withdraw
21 as counsel. You may not be aware but Jennifer
22 Anderson is no longer with the Commission so that

1 obviously prompted the filing of that motion, so I
2 just want to go on the record and grant that motion
3 filed by Ms. Anderson to withdraw as counsel. All
4 right. So that's handled.

5 Now I'll give the floor to Mr. Parrish
6 to present the petition. Okay. Go ahead,
7 Mr. Parrish.

8 MR. PARRISH: Good morning, your Honor. Thank
9 you. This is the Department of Transportation's
10 petition to permanently close the Strawn Road
11 crossing.

12 There have been preliminary
13 discussions just this morning between the parties
14 involved and we have looked at the various boundary
15 maps. It looks as though some progress has been
16 made on that and there may be a basis for at least
17 some agreement regarding the issues presented in the
18 petition.

19 And, additionally, regarding the
20 petition, we have not had the opportunity to do our
21 publication notice, as required by statute, so we
22 would be looking for a date during which time we

1 could engage in further negotiations with a view
2 towards resolving the issues presented herein.

3 JUDGE KIRKLAND: Okay. And I would agree that
4 you would need that time to publish, and if within
5 that time frame if you could come to some agreement,
6 I don't know. By agreement, do you mean by having
7 the road authority vacate the crossing or what
8 what's being discussed if I could ask.

9 MR. PARRISH: Exactly what the responsibility of
10 what each party would be regarding the costs
11 involved and any modifications pursuant to the
12 closing.

13 JUDGE KIRKLAND: Okay. All right. All right.
14 Does anyone else have anything to add to
15 Mr. Parrish's summary?

16 MR. SHUMATE: I'll go on record, on behalf of the
17 Union Pacific Railroad, that we support the
18 permanent closure of the crossing and we did file
19 that.

20 JUDGE KIRKLAND: Okay. And I did see other
21 filings to that effect.

22 Mr. Streicher.

1 MR. STREICHER: Good morning, Judge. Paul
2 Streicher on behalf of the village, I did file a
3 response to the petition as well and it does not
4 object to the closing of the crossing -- permanent
5 closing, but it does reserve any and all rights to
6 the village relating to any other relief sought by
7 IDOT and I assume that that would be the subject of
8 further discussion.

9 JUDGE KIRKLAND: Okay. All right.

10 MS. SEITZ: Your Honor, we filed the same kind of
11 response. We don't object to the closure, but we
12 are reserving all rights -- other rights at the
13 moment.

14 JUDGE KIRKLAND: Okay. Good enough. Well, I
15 think another date is in order to give you time to
16 publish, pursuant to the statute, and, in the
17 meantime, whatever issues you need to agree on or
18 resolve, hopefully they can be resolved within that
19 time period as well.

20 So in terms of another date, you are
21 thinking --

22 MR. PARRISH: Yes, your Honor. Is it possible

1 right after like after the holidays, beginning of
2 December?

3 JUDGE KIRKLAND: We can go off the record for a
4 second. (Off the record.)

5 Let's go back on the record.

6 This matter will be continued to
7 Wednesday, December 14th, at 11 a.m., here in
8 Chicago, and I will try to secure the video
9 conference room in case there's participants out in
10 Springfield, and before that hearing date, I would I
11 ask IDOT to publish in the newspaper notice of this
12 petition to close the crossing pursuant to the
13 Commissions regulations and rules, and I'll provide
14 that information to you in the notice that goes out
15 subsequent to this hearing notice.

16 So is there anything else that we need
17 to discuss today, Mr. Shumate?

18 MR. SHUMATE: Yes, Judge. I think it would be
19 more appropriate off the record.

20 JUDGE KIRKLAND: Is everyone satisfied we are
21 done for today? We have got a new date of December
22 14th, so this matter will be continued until then.

1 Thank you. We are done.

2 (Whereupon, the above
3 matter was adjourned,
4 to be continued to
5 December 14, 2016 at
6 11 o'clock a.m.)

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