

Before the
SURFACE TRANSPORTATION BOARD

247516

ENTERED
Office of Proceedings
April 17, 2019
Part of
Public Record

Finance Docket No. 35087 (Sub-No. 8)

CANADIAN NATIONAL RAILWAY COMPANY AND GRAND TRUNK
CORPORATION – CONTROL – EJ&E WEST COMPANY

SECOND SUPPLEMENT TO PETITION TO REOPEN
BASED ON NEW EVIDENCE AND
MATERIALLY CHANGED CIRCUMSTANCES
PURSUANT TO THE BOARD'S
GOVERNING REGULATIONS

The Village of Barrington, Illinois (Barrington), by and through counsel, respectfully files this Supplement to its Petition to Reopen filed April 8, 2019. In its Decisions dated October 27, 2017 and April 25, 2017, the Board “recognized that a variety of other factors unrelated to the transaction, such as changes in industry, economic growth, and energy prices” may have affected the traffic volumes that the Board’s Office of Environmental Assessment (“OEA”) projected in 2008.¹ The truth of the matter is that less than two years after the Board issued its Final Decision on December 24, 2008, Elgin, Joliet & Eastern Railway Company, unbeknownst to the Board or Barrington, had already increased the projected number of freight trains that would pass through Barrington following integration of EJ&E into CN’s system. It is

¹ *October 2017 Decision*, slip op. at 10; *April 2017 Decision*, slip op. at 7.

respectfully submitted that CN's deliberate withholding of the 2010 projection of 25 trains a day has irreparably tainted the oversight proceedings and substantially prejudiced Barrington.

Illinois Commerce Commission Docket T10-0138

The increased projection of the number of trains that would pass through Barrington is set out in a petition that EJ&E, on September 8, 2010, filed with the Illinois Commerce Commission ("ICC"), which has jurisdiction over rail crossing safety. In its Petition, EJ&E sought "an order directing that an additional track and grade crossing be constructed at Shoe Factory Road (DOT 260525J) on the EJ&E in or near the Village of Hoffman Estates, Cook County, Illinois." The Petition was docketed as T10-0138, *Elgin, Joliet and Eastern Railway Company v. The County of Cook, Illinois, The Village of Hoffman Estates*.

In its petition, EJ&E stated as follows:

6. EJ&E currently operates an average of approximately seven and one-half (7.5) freight trains per day over the crossing. There is currently no passenger traffic over the crossing.

7. On December 24, 2008, the Surface Transportation Board approved the acquisition of the EJ&E by Canadian National Railway Company. As a result of this acquisition, traffic on the EJ&E main line through Cook County across Shoe Factory Road is expected to increase to approximately ***twenty-five (25) freight trains per day when the integration of the EJ&E is complete.***

8. To improve safety and efficiency of EJ&E operations and to accommodate future additional trains, EJ&E has determined that construction of an additional track, at grade, across Shoe Factory Road is

necessary to safely accommodate *the current and projected train traffic*.

9. The proposed second track across Shoe Factory Road will be used as a passing track that *will increase the length of trains that can pass each other at this location to accommodate the expected increase in train traffic*.²

On December 16, 2010, EJ&E filed an Amended Petition with the Illinois Commerce Commission. The Amended Petition added Hanover Township and Forest Preserve District of Cook County, Illinois as parties. Although the paragraph numbers were modified, the foregoing statements were repeated verbatim.

9. EJ&E currently operates an average of approximately seven and one-half (7.5) freight trains per day over the crossing. There is currently no passenger traffic over the crossing.

10. On December 24, 2008, the Surface Transportation Board approved the acquisition of the EJ&E by Canadian National Railway Company. As a result of this acquisition, traffic on the EJ&E main line through Cook County across Shoe Factory Road is expected to increase to approximately ***twenty-five (25) freight trains per day when the integration of the EJ&E is complete***.

11. To improve safety and efficiency of EJ&E operations and to accommodate future additional trains, EJ&E has determined that construction of an additional track, at grade, across Shoe Factory Road is necessary to safely accommodate *the current and projected train traffic*.

12. The proposed second track across Shoe Factory Road will be used as a passing track that *will increase the length of trains that can pass each other at*

² See Attachment F (emphases added).

*this location to accommodate the expected increase in train traffic.*³

As the recent Application filed with the Army Corps of Engineers demonstrates,⁴ all rail traffic over the Shoe Factory Road crossing will pass through Barrington, whether the trains are moving in a southerly or northerly direction.⁵ Given the timing of EJ&E's filing before the Illinois Commerce Commission, it is evident that the other factors cited by the Board that would potentially impact much later projections would not have impacted EJ&E's 2010 projections.

Impact on Oversight

It is respectfully submitted that CN's deliberate withholding of the 2010 projection of 25 trains a day has irreparably tainted the oversight proceedings and substantially prejudiced Barrington. A brief review of some of the relevant pleadings and Board decisions in this sub-docket plainly demonstrates that CN's withholding of highly relevant information concerning the expected increase in the number of trains that would pass through Barrington caused

³ See Attachment G.

⁴ See Attachment A, Petition to Reopen, filed April 8, 2019.

⁵ It must be stressed that because Barrington was not a party to the grade crossing proceeding before the ICC, the 25 trains a day projection was not reasonably available to Barrington at any time prior to April 8, 2019, when Barrington filed its Petition to Reopen. Following the filing of Barrington's petition, the Board's Office of Public Assistance suggested that a resident of Hoffman Estates seeking mitigation before the Army Corps of Engineers to contact the undersigned counsel. The materials forwarded to counsel included EJ&E's September 2010 Petition. During a conversation on the morning of April 15, the docket number assigned to the 2010 Illinois Commerce Commission petition was provided. A later review of ICC Docket No. T10-0138 revealed the Amended Petition.

the Board and the federal appellate courts to discredit Barrington's evidence that focused on observable changes in CN's operations that resulted in longer trains and the corresponding effort to not exceed 20.3 trains per day, which was the number of trains projected by CN in its October 2007 application and relied upon by the Board throughout the entire proceeding. The same is true with respect to RFPs that indicated CN was engaged in fact-finding studies that would support double-tracking near Barrington so as to improve fluidity and resilience for northbound and southbound traffic flows. As the Seventh Circuit recognized, such evidence was new evidence.

STB Docket No. FD 35630

In a related proceeding before this Board during the oversight period, CN took a further opportunity to deflect attention from its intentions by suggesting that the merger of the Wisconsin Central/EJ&E would not result in "significant operational changes." On May 23, 2012, Wisconsin Central LTD., Wisconsin Central Transportation Corporation and EJE jointly filed a Verified Notice of Exemption before the Surface Transportation Board, which was docketed as F.D. N. 35630, *Wisconsin Central LTD.—Intra-Corporate Family Merger Exemption—Elgin, Joliet and Eastern Railway Company*. Because the railroads were represented by CN corporate attorneys and the same law firm that had previously represented the EJ&E before the Illinois Commerce Commission, one cannot avoid the conclusion that all were aware of EJ&E's 2010 projections of 25 trains a day following its integration into the CN system.

At page 4 of the Verified Notice filed in FD 35630, the statement is made that the proposed merger of WCL and EJ&E “will not result in adverse changes in service levels, significant operational changes or any change in the competitive balance with carriers outside of the CN corporate family.” Moreover, it is further stated in the Verified Notice that “[t]he merger of EJ&E into WCL will not impede or in any other manner affect CN’s compliance with the monitoring and oversight conditions imposed in the *CN/EJ&E Control* proceeding.”⁶ It was also noted that the proposed merger will “help assure the fluidity of operations in and around Chicago.”⁷ The Notice was verified by Jim Vena, Senior Vice-President-Southern Region of Wisconsin Central Ltd., Wisconsin Central Corporation and Elgin, Joliet & Eastern Railway Company.

On June 22, 2012, Barrington filed Comments with the Board in which it highlighted the foregoing statements. In addition, it attached an email from Jim Kvedaras, CN’s Director, U.S. Government Affairs, addressed to Jeff Lawler and Karen Darch. In his email, Mr. Kvedaras stated that the merger “would not result in reductions in service levels or significant changes in CN operations, *including Chicago area train traffic counts projected as part of the EJ&E acquisition.*”⁸ While Barrington does not seek revocation of the Notice based on the false and misleading information it contains, it must request the Board to consider the full impact of CN’s failure to disclose.

⁶ *Id.*

⁷ *Id.* at 8.

⁸ Comments at 3

The Oversight Proceeding

As the record in the instant proceeding reflects, following the WCR/EJ&E merger, Barrington relied on CN earning statements and earnings calls that reflected the increases in the anticipated number of daily trains, as well as longer trains, to alert the Board to the ongoing significant changes in CN's operations. In response, CN, without revealing the 2010 projections, willfully discredited Barrington's evidence and projections by insisting that they were nothing but "unsupported speculation about the future."⁹

In its decisions, the Board never sought to vet or confirm Barrington's evidence. In fact, by refusing Barrington's request that it order CN to provide definitive evidence regarding the number and length of its trains, the Board compelled Barrington to rely on the Operational Reports that merely showed the number of slow moving or stopped trains that blocked intersections in Barrington for 10 minutes or more.

Because CN withheld the 2010 EJ&E train volume projections it had used in its Illinois Commerce Commission petitions, the Board, instead of examining Barrington's projections, sided with CN and stuck with OEA's original 2008 projections. This is plainly evidenced by the Board's statement in its May 15, 2015 Decision that:

"[b]ased on CN's projections and public comments, OEA determined that 2015 represented the limit of what was reasonably foreseeable with regard to projected rail traffic on the EJ&E line and that

⁹ CN Reply at 4, dated January 30, 2017

projections beyond 2015 would be speculative. See *Final Decision*, slip op. at 41; *Draft EIS* 2-27 to 2-28.¹⁰

The identical statement was repeated in the October 2017 Decision:

OEA determined in the EIS that 2015 represented the limit of what was reasonably foreseeable with regard to projected rail traffic on the EJ&E line as a result of the transaction, recognizing that forecasting time horizons that went beyond 2015 would be speculative.¹¹

Given the fact that CN, well before 2015, had already added five trains a day to its rail volume projections for an Illinois agency, OEA's 2008 projections, which were based on CN's earlier projections and public comments, were already outdated. Simply put, the Petition and the Amended Petition that EJ&E filed before the Illinois Commerce Commission in September 2010 and December 2010, clearly indicate that CN, less than two full years after the date of the Board's Final Decision, and throughout the entire oversight period, knew that the projected number of 20.3 daily trains was materially understated. Given this new evidence, the Board is requested to reopen the proceeding and, after rejecting its past reliance on CN's understated projections and public comments, find that it was materially misled by CN's failure to disclose its 2010 projections in this sub-docket.

In closing, CN's failure to disclose its 2010 projections at the beginning of the oversight period has unquestionably caused the Board to understate the actual adverse impact of the transaction on Barrington. Indeed, had the Board

¹⁰ Decision, served May 15, 2015, at 5, n.11;

¹¹ Slip op. at 10. The identical statement is made in the Board's April 26, 2017 Decision, slip op. at 5. The same reasoning is reflected in the November 8, 2012 Decision, slip op. at 3, n.11;

and Barrington had been alerted to the fact that CN, as early as September 2010, had concluded that its original projections regarding the number of trains that would be generated by the transaction had been understated, this proceeding would likely have been concluded years ago. While that result would have required CN to accept responsibility for the payment of a large share of the cost of constructing a grade separation at the U.S. Hwy. 14 crossing, the financial impact on CN and its shareholders would have been insignificant. As recent CN's earnings calls have reflected, the acquisition of the EJ&E Line around Chicago has already resulted in phenomenal financial results for CN. The same cannot be said of Barrington, which has been forced to expend a substantial amount of scarce public funds in seeking mitigation from CN.

Respectfully submitted,

/s/ Richard H. Streeter

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016
202-363-2011
rhstreeter@gmail.com

Dated: April 17, 2019

Attachment F
Petition to Reopen
FD 35087 Sub-No. 8

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, and :

Petitioner :

v. :

THE COUNTY OF COOK, ILLINOIS and :
THE VILLAGE OF HOFFMAN ESTATES :

Respondents. :

T10-_____

Petition of the Elgin, Joliet and Eastern Railway seeking an order of :
the Illinois Commerce Commission directing that an additional track :
and grade crossing be constructed at Shoe Factory Road (DOT :
260525J) on the Elgin, Joliet and Eastern Railway Company in or :
near the Village of Hoffman Estates and unincorporated Hanover :
Township, Cook County, Illinois. :

PETITION

Now comes Petitioners, Elgin, Joliet and Eastern Railway Company ("EJ&E") and petitions the Illinois Commerce Commission (the "Commission") for an order directing that an additional track and grade crossing be constructed at Shoe Factory Road (DOT 260525J) on the EJ&E in or near the Village of Hoffman Estates, Cook County, Illinois. In support of the Petition, Petitioners state as follows:

1. EJ&E is a rail carrier operating in Illinois and is a rail carrier within the meaning of the Illinois Commercial Transportation Law.

2. Hoffman Estates is a municipal corporation in and Cook County is a body politic and corporate of the State of Illinois and are subject to the jurisdiction of the Commission.

3. EJ&E owns and operates a main line of railroad running generally north-south through northwestern Cook County.

4. Shoe Factory Road is a County Highway under the jurisdiction of Cook County and is a two lane east-west roadway with a posted speed limit of 45 miles per hour. The average daily traffic (ADT) at the crossing is 7700 vehicles according to an IDOT 2006 study.

5. The current grade crossing at Shoe Factory Road is a single track crossing with advanced warning signs, crossbucks, flashing lights, gates and bells. The maximum timetable speed of trains across Shoe Factory Road is 45 miles per hour.

6. EJ&E currently operates an average of approximately seven and one-half (7.5) freight trains per day over the crossing. There is currently no passenger traffic over the crossing.

7. On December 24, 2008, the Surface Transportation Board approved the acquisition of the EJ&E by Canadian National Railway Company. As result of this acquisition, traffic on the EJ&E main line through Cook County across Shoe Factory Road is expected to increase to approximately twenty-five (25) freight trains per day when the integration of the EJ&E is complete.

8. To improve safety and efficiency of EJ&E operations and to accommodate future additional trains, EJ&E has determined that construction of an additional track, at grade, across Shoe Factory Road is necessary to safely accommodate the current and projected train traffic.

9. The proposed second track across Shoe Factory Road will be used as a passing track that will increase the length of trains that can pass each other at this location to accommodate the expected increase in train traffic. It is not expected that it will be used to store trains or cars for extended periods of time.

10. The crossing is currently designated as a Quiet Zone. As part of this project, EJ&E will construct the necessary barrier median to maintain this Quiet Zone status.

11. EJ&E proposes that it will pay for the entire cost of installing the second track and any alterations to the crossing made necessary due to the second track, including all construction costs associated with the roadway reconstruction, shoulder widening, medians and guardrails. An engineering plan for the installation of the second track is attached and incorporated herein as Exhibit A.

12. EJ&E proposes that it will pay for the installation of an automated message advance warning sign to indicate when westbound traffic along Shoe Factory Road is stopped and queued. Upon construction of the sign, EJ&E requests that Hoffman Estates be responsible for all other costs associated with the advance warning sign, including but not limited to maintenance costs and electrical energy charges, subject to any agreements between Cook County and Hoffman Estates for said advance warning sign.

13. EJ&E requests that Cook County be responsible for maintaining the roadway pavement surface, medians, shoulders and guardrail constructed as part of this improvement. Further, EJ&E requests that Cook County cause the advance warning sign and associated detection equipment to be maintained and energized and be responsible for all settings at this installation.

14. A Cook County Highway Department Permit for the project(s) shall be secured prior to the start of any work.

15. EJ&E has conferred with Cook County and Cook County indicated that it has no objections to the Commission granting the relief sought in this petition.

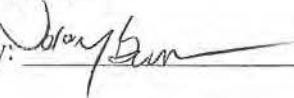
WHEREFORE, Petitioners, ELGIN, JOLIET AND EASTERN RAILWAY COMPANY respectfully request that the Commission:

- A. Set this matter for hearing with due notice to the parties;
- B. After hearing, enter an order directing: Petitioner Elgin, Joliet and Eastern Railway Company to construct an additional track as requested herein and set forth in Exhibit A, and allocate the cost and expense thereof as requested herein; and
- C. Provide such other and further relief as the Commission deems just and appropriate.

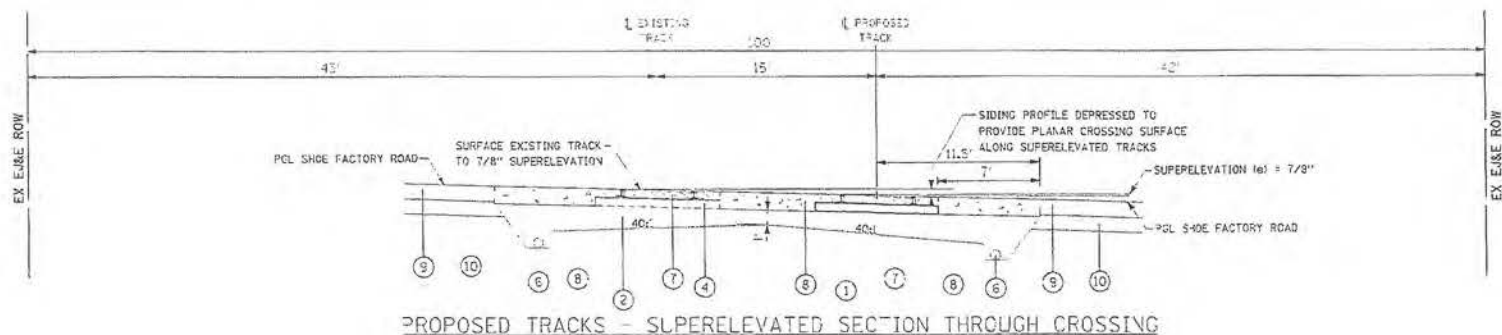
Dated this 8th day of September, 2010.

Respectfully submitted,

Elgin, Joliet and Eastern Railway Company
Petitioner

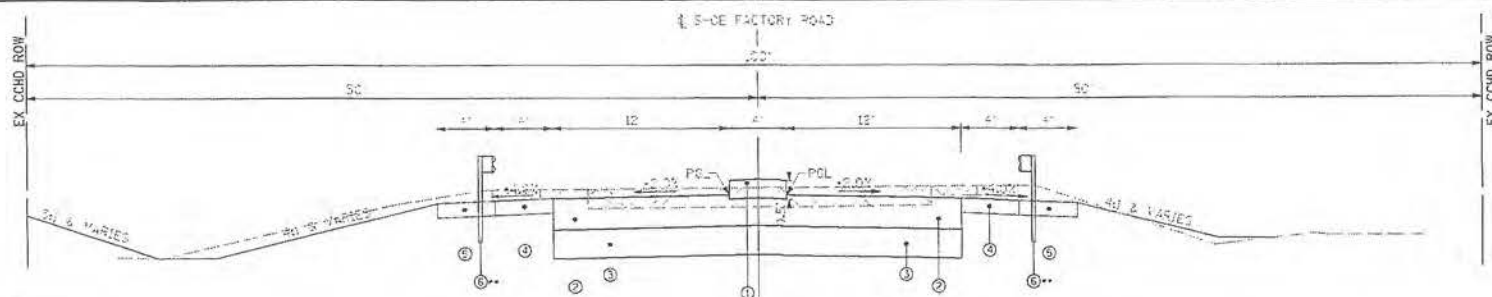
By:  _____

Attorney for Elgin, Joliet and Eastern
Railway Company



PROPOSED LEGEND

- | | | |
|--|--|--|
| <p>① NEW TRACK:
MAIN LINE = 136LB RAIL AND 7" x 9" x 8'-6" WOODEN TIE</p> <p>② BALLAST = CN MAIN LINE BALLAST (< 3")</p> <p>③ SJB-BALLAST = CAS OR EQUIVALENT</p> | <p>④ EXISTING TRACK TO BE ADJUSTED (SEE PLAN & PROFILE FOR LOCATIONS)</p> <p>⑤ RETAINING WALL</p> <p>⑥ SUB-SURFACE DRAIN</p> | <p>⑦ RUBBER CROSSING MATS</p> <p>⑧ 13 1/2" ASPHALT-12" B.A.M. & 1 1/2" SURFACE COURSE</p> <p>⑨ HOT-MIX ASPHALT PAVEMENT, 13"</p> <p>⑩ 12" AGGREGATE SUBGRADE</p> |
|--|--|--|



PROPOSED LEGEND

- ① CONCRETE MEDIAN TYPE 6
- ② HOT-MIX ASPHALT PAVEMENT, 13"
- ③ 12" AGGREGATE SUBGRADE
- ④ HOT-MIX ASPHALT SHOULDERS, 8"
- ⑤ AGGREGATE SHOULDERS, TYPE A, 6"
- ⑥ STEEL PLATE BEAM GUARDRAIL
- PAVEMENT REMOVAL

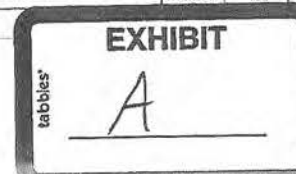
PROPOSED TYPICAL SECTION - SHOE FACTORY ROAD

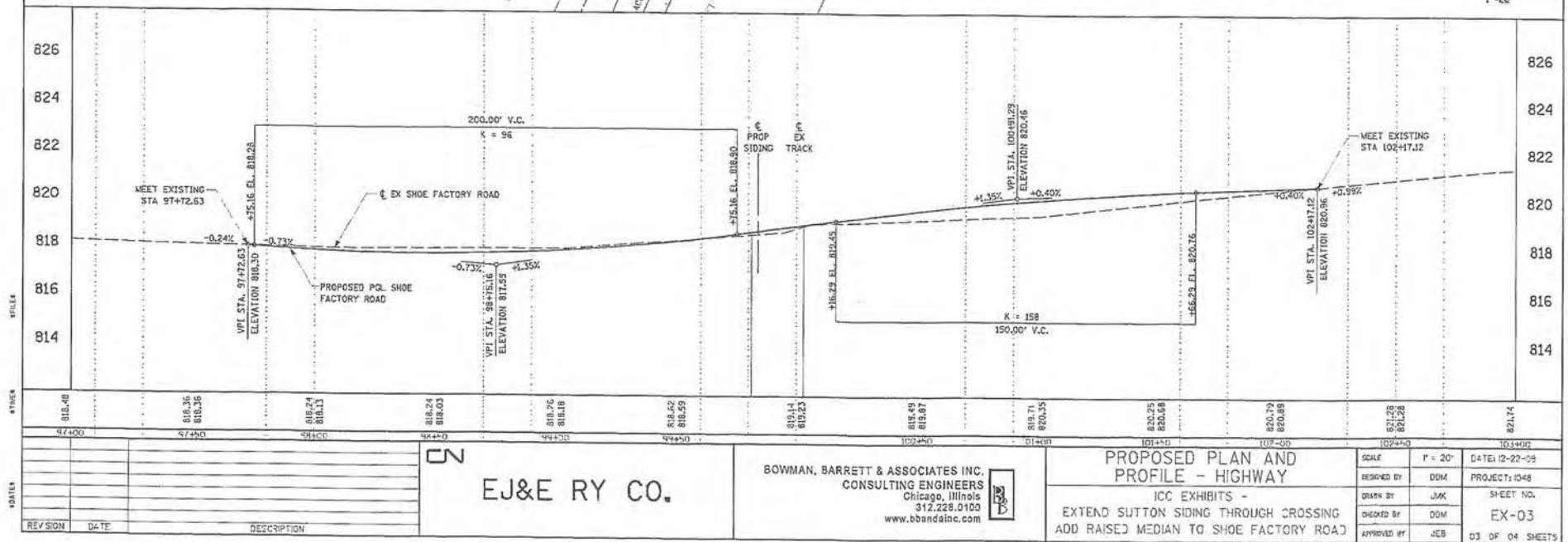
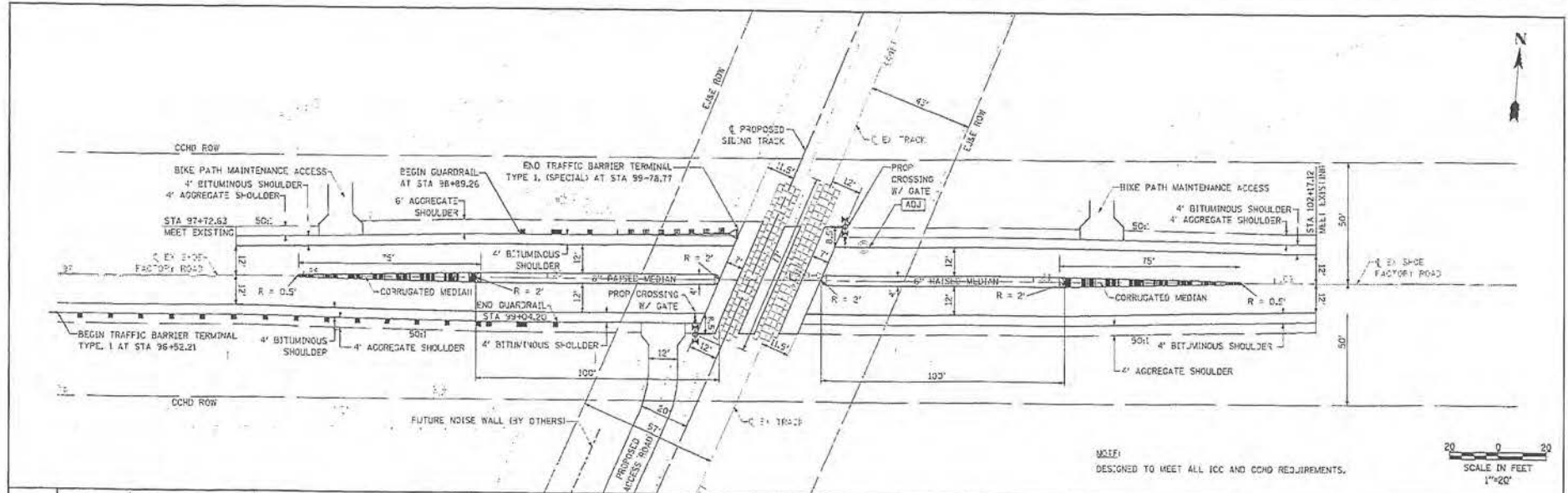
- WARP PAVEMENT CROSS SLOPES TO MATCH TRACK PROFILE FROM
STA 99+77.15 TO STA 99+20.25 AND FROM STA 100+06.51 TO STA 100+75.60
- SEE ROADWAY PLAN AND PROFILE FOR LIMITS

NOTE: DESIGNED TO MEET ALL ICC AND CHHD REQUIREMENTS

		CN	EJ&E RY CO.	BOWMAN, BARRETT & ASSOCIATES INC. CONSULTING ENGINEERS Chicago, Illinois 312.228.0100 www.bbainc.com		TYPICAL SECTIONS			SCALE	NA	DATE: 12-22-09
						DESIGNED BY	DDM	PROJECT: 1048			
						DRAWN BY	JAK	SHEET NO.			
						CHECKED BY	DDM	EX-01			
						APPROVED BY	JEB	01 OF 04 SHEETS			
REVISION	DATE	DESCRIPTION									

ICC EXHIBITS -
EXTEND SUTTON SIDING THROUGH CROSSING
ADD RAISED MEDIAN TO SHOE FACTORY ROAD





STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

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Petitioner :

v. :

THE COUNTY OF COOK, ILLINOIS and :

THE VILLAGE OF HOFFMAN ESTATES :

Respondents. :

T10-_____

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and grade crossing be constructed at Shoe Factory Road (DOT
260525J) on the Elgin, Joliet and Eastern Railway Company in or
near the Village of Hoffman Estates and unincorporated Hanover
Township, Cook County, Illinois.

NOTICE OF FILING

Rupert F. Graham, Jr.
Superintendent
Cook County Highway Department
69 W. Washington Rm # 2300
Chicago, IL 60602

James H. Norris
Village Manager
Village of Hoffman Estates
1900 Hassell Road
Hoffman Estates, IL 60169

Rodney Bettenhausen
Advance Planning & Agreements Div.
Cook County Highway Department
69 W. Washington Street, Rm. 2340
Chicago, IL 60602

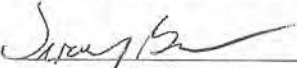
Arthur L. Janura, Jr.
Corporation Counsel
Village of Hoffman Estates
1900 Hassell Road
Hoffman Estates, IL 60169

Sam Santangelo
Highway Forman
Hanover Township
250 South Illinois Route 59
Bartlett, IL 60103

James C. Barr
Administrator
Hanover Township
250 South Illinois Route 59
Bartlett, IL 60103

PLEASE TAKE NOTICE that we have on this 8th day of September 2010, sent for filing with the Illinois Commerce Commission, the attached Petition in the above captioned matter, a copy of which is hereby served on you.

Elgin, Joliet and Eastern Railway Company

By: 

Jeremy M. Berman
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606-2832
Phone: (312) 252-1500
Facsimile: (312) 252-2400

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing instruments were served upon the address listed below via U.S. Mail this 8th day of September 2010.

Rupert F. Graham, Jr.
Superintendent
Cook County Highway Department
69 W. Washington Rm # 2300
Chicago, IL 60602

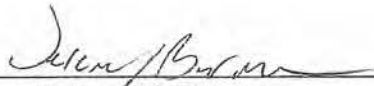
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Attachment G
Petition to Reopen
FD 35087 Sub-No. 8

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, and :

Petitioner :

v. :

THE COUNTY OF COOK, ILLINOIS, THE VILLAGE OF :
HOFFMAN ESTATES, HANOVER TOWNSHIP AND FOREST :
PRESERVE DISTRICT OF COOK COUNTY, ILLINOIS :

T10-0138

Respondents. :

Petition of the Elgin, Joliet and Eastern Railway seeking an order of :
the Illinois Commerce Commission directing that an additional track :
and grade crossing be constructed at Shoe Factory Road (DOT :
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near the Village of Hoffman Estates and unincorporated Hanover :
Township, Cook County, Illinois. :

AMENDED PETITION

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1. EJ&E is a rail carrier operating in Illinois and is a rail carrier within the meaning of the Illinois Commercial Transportation Law.
2. Cook County is a political subdivision within the State of Illinois and is subject to the jurisdiction of the Commission.

3. Hoffman Estates is a municipal corporation in and Cook County is a body politic and corporate of the State of Illinois and is subject to the jurisdiction of the Commission.

4. Hanover Township is a political subdivision within the State of Illinois and is subject to the jurisdiction of the Commission. Hanover Township is located in the Northwest quadrant of the Shoe Factory Road crossing.

5. The Cook County Forest Preserve District ("Forest Preserve") is a political subdivision within the State of Illinois and is subject to the jurisdiction of the Commission. The Forest Preserve owns land in the Northeast and Southeast quadrants of the Shoe Factory Road crossing.

6. EJ&E owns and operates a main line of railroad running generally north-south through northwestern Cook County.

7. Shoe Factory Road is a County Highway under the jurisdiction of Cook County and is a two lane east-west roadway with a posted speed limit of 45 miles per hour. The average daily traffic (ADT) at the crossing is 7700 vehicles according to an IDOT 2006 study.

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17. A Cook County Highway Department Permit for the project(s) shall be secured prior to the start of any work.

18. EJ&E has conferred with Cook County and Cook County indicated that it has no objections to the Commission granting the relief sought in this petition.

WHEREFORE, Petitioners, ELGIN, JOLIET AND EASTERN RAILWAY COMPANY respectfully request that the Commission:

- A. Set this matter for hearing with due notice to the parties;
- B. After hearing, enter an order directing: Petitioner Elgin, Joliet and Eastern Railway Company to construct an additional track as requested herein and set forth in Exhibit A, and allocate the cost and expense thereof as requested herein; and
- C. Provide such other and further relief as the Commission deems just and appropriate.

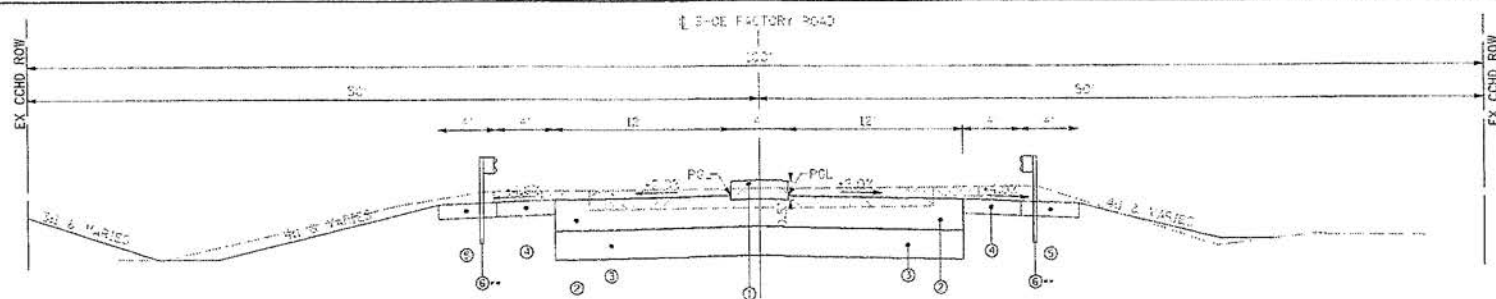
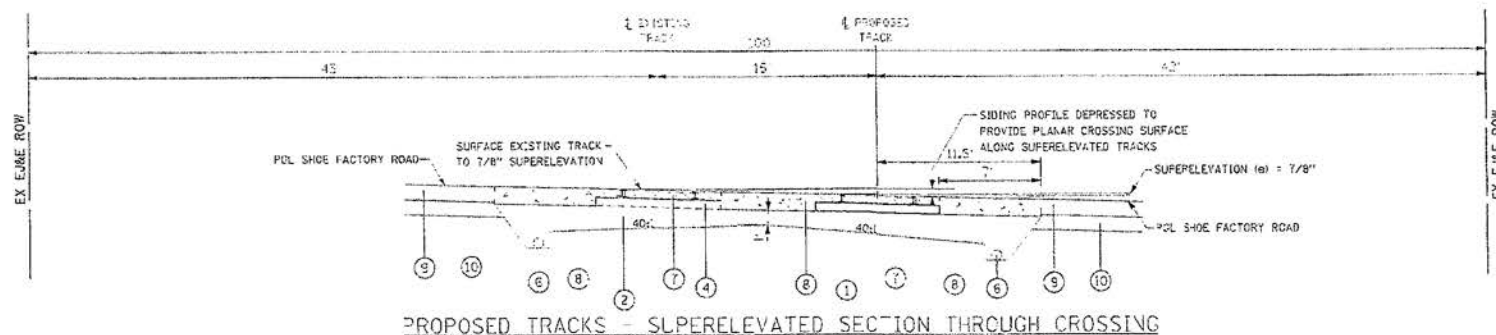
Dated this 16th day of December, 2010.

Respectfully submitted,

Elgin, Joliet and Eastern Railway Company
Petitioner

By: 

Attorney for Elgin, Joliet and Eastern
Railway Company

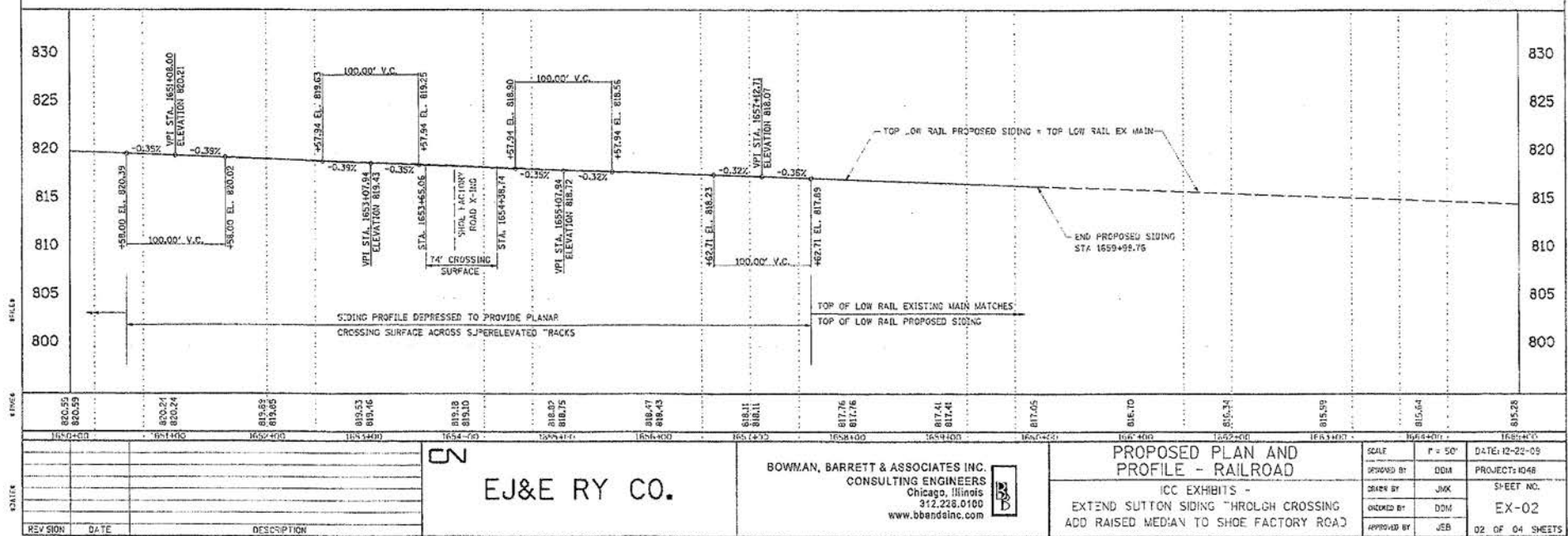
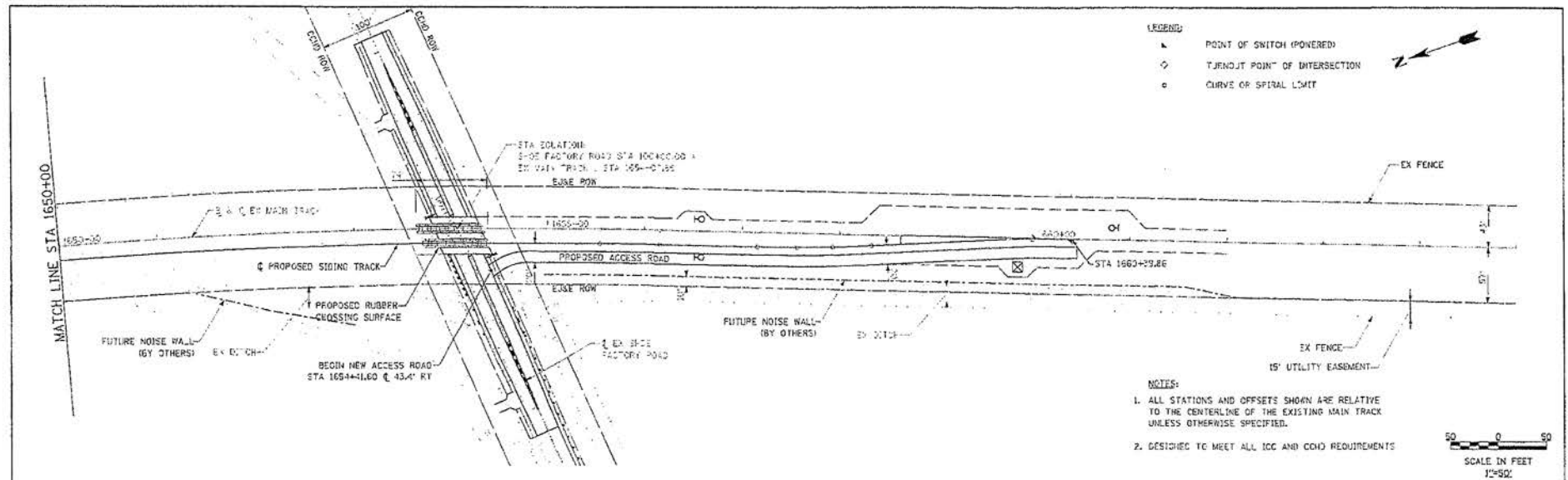


PROPOSED TYPICAL SECTION - SHOE FACTORY ROAD

NOTE: DESIGNED TO MEET ALL ICC AND CMHD REQUIREMENTS

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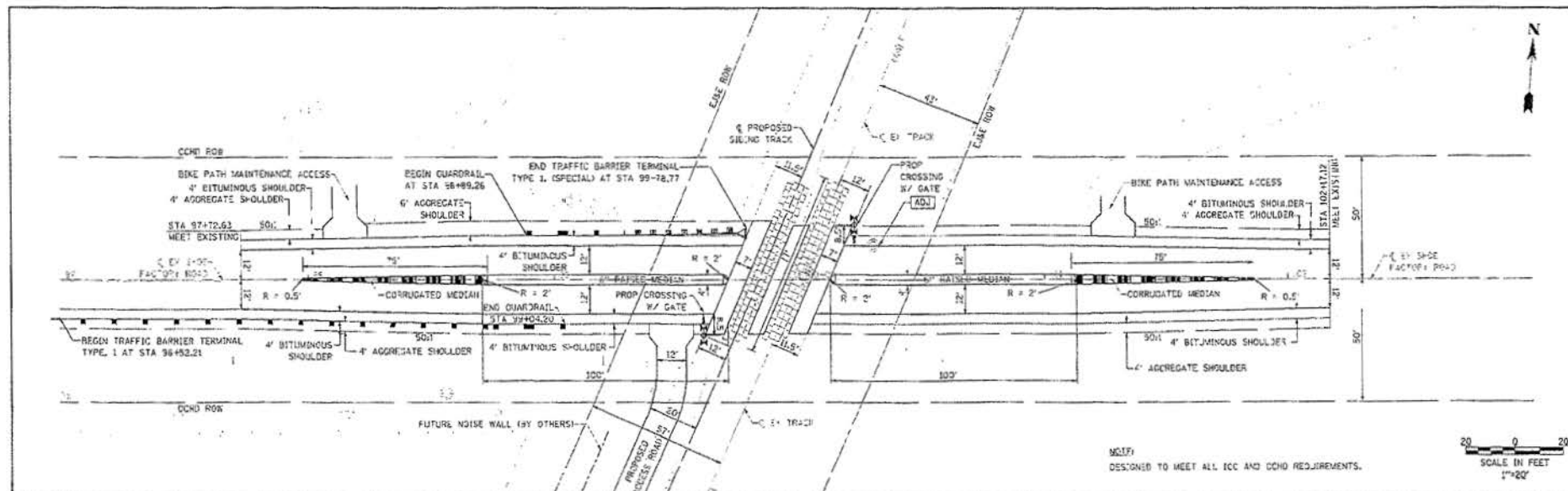
EXHIBIT



EJ&E RY CO.

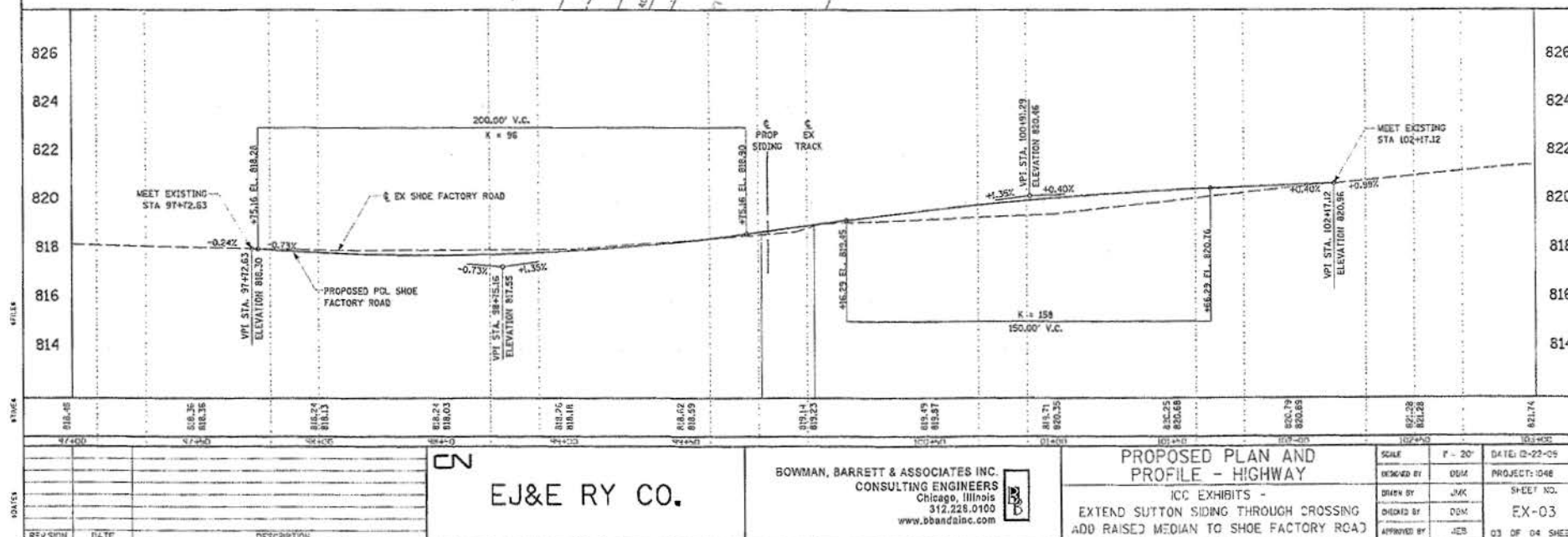
BOWMAN, BARRETT & ASSOCIATES INC.
CONSULTING ENGINEERS
Chicago, Illinois
312.228.0100
www.bbainc.com





NOTES:
DESIGNER TO MEET ALL ICC AND CDD REQUIREMENTS.

SCALE IN FEET
1"=20'



PROPOSED PLAN AND PROFILE - HIGHWAY

ICC EXHIBITS -
EXTEND SUTTON SIDING THROUGH CROSSING
ADD RAISED MEDIAN TO SHOE FACTORY ROAD

SCALE	P - 20'	DATE: 12-22-09
DRAWN BY	DM	PROJECT: 1046
CHECKED BY	JMK	SHEET NO.
APPROVED BY	JEB	EX-03
		03 OF 04 SHEETS

EJ&E RY CO.

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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, and :

Petitioner :

v. :

THE COUNTY OF COOK, ILLINOIS, THE VILLAGE OF :
HOFFMAN ESTATES, HANOVER TOWNSHIP AND FOREST :
PRESERVE DISTRICT OF COOK COUNTY, ILLINOIS :

T10-0138

Respondents. :

Petition of the Elgin, Joliet and Eastern Railway seeking an order of :
the Illinois Commerce Commission directing that an additional track :
and grade crossing be constructed at Shoe Factory Road (DOT :
260525J) on the Elgin, Joliet and Eastern Railway Company in or :
near the Village of Hoffman Estates and unincorporated Hanover :
Township, Cook County, Illinois. :

NOTICE OF FILING

Rupert F. Graham, Jr.
Superintendent
Cook County Highway Department
69 W. Washington Rm # 2300
Chicago, IL 60602

Rodney Bettenhausen
Advance Planning & Agreements Div.
Cook County Highway Department
69 W. Washington Street, Rm. 2340
Chicago, IL 60602

Sam Santangelo
Highway Forman
Hanover Township
250 South Illinois Route 59
Bartlett, IL 60103

Dennis White
Chief Attorney
Forest Preserve District of Cook County
69 W. Washington St., Suite 2010
Chicago, IL 60602

James H. Norris
Village Manager
Village of Hoffman Estates
1900 Hassell Road
Hoffman Estates, IL 60169

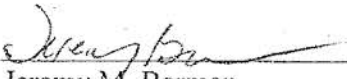
Arthur L. Janura, Jr.
Corporation Counsel
Village of Hoffman Estates
1900 Hassell Road
Hoffman Estates, IL 60169

James C. Barr
Administrator
Hanover Township
250 South Illinois Route 59
Bartlett, IL 60103

Arnold Randall
General
Superintendent
Forest Preserve District of Cook County
536 North Harlem Avenue
River Forest, IL 60305

PLEASE TAKE NOTICE that we have on this 16th day of December 2010, sent for filing with the Illinois Commerce Commission, the attached Petition in the above captioned matter, a copy of which is hereby served on you.

Elgin, Joliet and Eastern Railway Company

By: 
Jeremy M. Berman
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606-2832
Phone: (312) 252-1500
Facsimile: (312) 252-2400

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing instruments were served upon the address listed below via U.S. Mail this 16th day of December 2010.

Rupert F. Graham, Jr.
Superintendent
Cook County Highway Department
69 W. Washington Rm # 2300
Chicago, IL 60602

James H. Norris
Village Manager
Village of Hoffman Estates
1900 Hassell Road
Hoffman Estates, IL 60169

Rodney Bettenhausen
Advance Planning & Agreements Div.
Cook County Highway Department
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Chicago, IL 60602

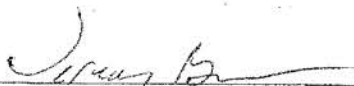
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Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
Phone: (312) 252-1500
Facsimile: (312) 252-2400
E-mail: jberman@fletcher-sippel.com

CERTIFICATE OF SERVICE

I, Suzanne Devane, certify that I have this 17th day of April, 2019, served a true copy of the Second Supplement to Petition to Reopen Based on New Evidence and Materially Changed Circumstances pursuant to the Board's Governing Regulations filed by the Village of Barrington, IL, by e-mail, upon all parties of record.

/s/ Suzanne Devane

Suzanne Devane