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April 23, 2024

Jose Rios
Region 1 Engineer
Illinois Department of Transportation – Region 1/District 1
201 West Center Court
Schaumburg, Illinois 60196-1096

Re: Third Coast Intermodal Hub – City of Joliet (District Permit #1-T-23-0352)

Mr. Rios,

I am writing on behalf of the City of Joliet regarding the Third Coast Intermodal Hub project (the “Project”), which is operating under District Permit #1-T-23-0352 (the “Permit”). My understanding is that representatives of the developer of the Project, East Gate – Logistics Park Chicago, LLC (“East Gate”), have contacted your office with respect to a modification of the Permit. I am writing to request IDOT’s cooperation in advancing the approval of the modifications of the Permit (as outlined below). As further described below, the Project faces an emergency as it has been deprived of truck access and requires immediate resolution of matter, and the City requests IDOT’s support of this effort.

As you may recall, the Project is intended under the Permit to maintain truck access via Millsdale Road to the North of the Project, which will direct truck traffic away from IL 53. The restriction on truck access to IL 53 was further recited in the plat for the Project, which was executed by the City and IDOT. Consistent with the Plat and the applicable annexation agreement, a temporary access point from the Project to Millsdale Road has been constructed to serve the three (3) existing buildings located within the Project, which will ultimately be replaced by a permanent bridge extending across the Union Pacific railroad to Millsdale Road. Future phases of the Project are intended to be serviced by a bridge constructed over IL 53 to similarly provide access to Millsdale Road via the Union Pacific bridge.

On March 20, a temporary restraining order was issued in a lawsuit involving the City and another developer owning property in the vicinity of the Project. The temporary restraining order requires the City to prohibit truck access from the Project to Millsdale Road via the temporary access point. This lawsuit remains at an early stage of litigation, and the temporary restraining order will remain in place pending further action by the court. The City is confident that it will ultimately prevail in this matter and that any restriction on the use of the Millsdale Road access will be lifted.

The challenge presented by this temporary restraining order is that, absent further action by the City and IDOT, the three (3) buildings that have already been constructed within the Project will be without truck access. The City’s opinion is that East Gate (and its tenants which are already operational in the Project) cannot legally be deprived of vehicular access.

With that in mind, the City requests that IDOT modify the Permit as follows:

1. Modify the Permit on an emergency basis to temporarily permit full vehicular access to IL 53 (including trucks) pending further action by the Court;
2. The emergency access to IL 53 would be limited as follows:
 - a. The access would remain in place only until such time as access from the Project to Millsdale Road is restored, either through the successful resolution of the litigation, construction of the bridge planned to cross the Union Pacific rail from the Project, or otherwise;
 - b. The modification of the Permit would allow this emergency access only for the three (3) buildings that have already been constructed in the Project, with a restriction that no further buildings be constructed within the Project until such time as access to Millsdale Road is restored; and
 - c. Additional traffic controls should be considered as determined by IDOT, such as signalization or officer-provided traffic control. In the event that signalization would be required as part of the Permit modification, our recommendation would be that officer-provided traffic control be permitted in the interim to allow for an expedited resolution, which East Gate has agreed to fund;
3. Since the plat for the Project currently limits truck access to IL 53 (which is the ultimate intent once access to Millsdale Road is restored), the plat would remain in place as supplemented by the access granted under the proposed modifications to the Permit; and
4. Once access from the Project to Millsdale Road is restored, access will revert to what is contemplated by the plat, meaning that further truck access to IL 53 would again be restricted.

We understand that East Gate's representatives will be working with IDOT on all technical aspects of this request, and the City will support those efforts as needed. Please do not hesitate to contact me with any questions.

Sincerely,



H. Elizabeth Beatty
City Manager
City of Joliet