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BEFORE THE
ILLINOIS COMMERCE COMMISSION
TRANSPORTATION REGULAR OPEN MEETING
Wednesday, May 25, 2022
Chicago, Illinois
Met pursuant to notice at 11:30 p.m. at 160 North
LaSalle Street, Chicago, Illinois.

PRESENT:

- CARRIE ZALEWSKI, Chairwoman
- ETHAN KIMBREL, Commissioner
- MARIA BOCANEGRA, Commissioner
- MICHAEL CARRIGAN, Commissioner
- ANN MCCABE, Commissioner

BRIDGES COURT REPORTING
BY: Quinn Dean
Electronic Reporter

1 CHAIR ZALEWSKI: Under the Open Meetings Act,
2 I call the May 25th, 2022, Regular Open Meeting to order.
3 I'm in the Chicago office with Commissioners Kimbrel,
4 Bocanegra, Carrigan, and McCabe. We have a quorum. We
5 have no requests to speak. We're moving right onto our
6 transportation agenda.

7 Under our railroad items, Items RR-1
8 through RR-8 concern public safety improvement projects
9 at railway crossings across the state. The orders
10 approved the terms of the stipulated agreements,
11 authorizing projects, construction, set projects'
12 deadlines and approved cost apportionment.

13 Are there any objections to considering
14 these items together and approving the orders?

15 (No verbal response.)

16 Hearing none, the orders are approved.

17 Under our Motor Carrier Items, Items
18 MC-1 and MC-2 concern applications for renewal of
19 commercial relocation towing licenses. The orders
20 grant the renewal, finding that the applicants
21 meet the requirements.

22 Are there any objections to considering

1 these items together and approving the orders?

2 (No verbal response.)

3 Hearing none, the orders are approved.

4 Item MC-3 concerns stipulated
5 settlement agreement for alleged violations of the
6 Illinois Commercial Transportation Law. The order
7 accepts the stipulated agreement.

8 Are there any objections to approving
9 the order?

10 (No verbal response.)

11 Hearing none, the order is approved.

12 Items MC-4 through MC-6 concern
13 applications for a common carrier certificate to
14 transport household goods in interstate commerce. The
15 orders grant these certificates, finding that the
16 applicants meet the requirements.

17 Are there any objections to considering
18 these items together and approving the orders?

19 (No verbal response.)

20 Hearing none, the orders are approved.

21 Item MC-7 concerns Protective Parking
22 Service Corporation's application for a renewal of its

1 commercial relocation towing license. The other
2 business, Item OB-1, concerns pending litigation in
3 Protective Parking Service Corp. vs. ICC, No.
4 1-20-0279, the Appellate Court of Illinois, First
5 Judicial District. We are going to take these items
6 together.

7 I'm going to provide a brief outline of
8 the date of events: On June 12th, 2017, Protected
9 Parking Service Corporation d/b/a Lincoln Towing
10 Service or Lincoln Towing filed an application for
11 renewal of its authority to operate as a commercial
12 vehicle relocater. On February 24th of 2016, prior to
13 Lincoln Towing's relocater license renewal application,
14 the Commission issued an order requiring Lincoln Towing
15 to attend a fitness hearing to make inquiry into the
16 management, conduct of business, or otherwise to
17 determine the revisions of this chapter 18a and the
18 regulations of the Commission promulgated thereunder
19 are being observed.

20 The fitness hearing was held on
21 multiple dates between May 31st of 2017 and May 21st of
22 2018. On September 12th of 2018, the Commission

1 entered an order finding that the Lincoln Towing was
2 unfit to hold a commercial vehicle relocater's license
3 and that Lincoln Towing's relocater license should be
4 revoked.

5 On September 13th of 2018, Lincoln
6 Towing filed for administrative review of the
7 Commission's order in the Circuit Court of Cook County.
8 The Commission's order was stayed pending
9 administrative review.

10 On January 15th of 2020, the Circuit
11 Court of Cook County reversed the Commission's order
12 revoking Lincoln Towing's relocater license.

13 On February 11th of 2020, the
14 Commission appealed to the Illinois Appellate Court
15 First Judicial District, the January 15th, 2020, Cook
16 County -- excuse me Circuit Court of Cook County order.
17 The appeal remains pending.

18 During this time, Lincoln Towing has
19 exhibited increasing improvement in its relocation
20 operations relative to the period at issue during the
21 fitness hearing and pending appeal, which was limited
22 to July 15th of 2015 through March 23rd of 2016.

1 Given the increasing improvement in
2 Lincoln Towing's operation, among other considerations,
3 the consent order and civil penalty agreement is
4 reasonable and provides for an appropriate resolution
5 of the pending litigation and Lincoln Towing's pending
6 relocation license renewal application. As a condition
7 of the renewal of its relocater's license, Lincoln
8 Towing agrees to the following: First, Lincoln Towing
9 shall pay a civil penalty to the Commission in the
10 amount of \$75,000.

11 Second, the consent order resolves
12 currently pending administrative citations by virtue of
13 settlements resulting in \$9392 refunds to motorists,
14 \$2300 in additional fees to the Commission and
15 dismissals.

16 Third, there will be a revocation
17 clause in place for two years whereby Lincoln Towing's
18 relocater license shall be revoked if it accumulates a
19 set number of administrative law judge findings of
20 guilty on administrative citations during any
21 consecutive 90-day period.

22 Fourth, Lincoln Towing shall take

1 certain additional special remedial actions, which
2 shall remain in full force and in effect at all times that
3 Lincoln Towing maintains an active relocators license.

4 Are there any objections to considering
5 items MC-7 and OB-1 together? Any discussion from
6 commissioners?

7 (No verbal response.)

8 Are there any objections to approving
9 the proposed order that approves the consent order and
10 civil penalty agreement, thus resolving the pending
11 litigation in the appellate court and granting the
12 renewal application?

13 (No verbal response.)

14 Hearing none, the order is approved.

15 This concludes our transportation
16 agenda.

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