| 1  | BEFORE THE  |
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| 2  | ILLINOIS COMMERCE COMMISSION                                  |
| 3  |   |
| 4  | BENCH SESSION   |
| 5  | (TRANSPORTATION)  |
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| 6  |   |
| 7  | Springfield, Illinois<br>Thursday, January 20, 2011           |
| 8  |   |
| 9  | Met, pursuant to notice, at 10:30 a.m. in the                 |
| 10 | Audiovisual Teleconference Room, Second Floor, Leland         |
| 11 | Building, 527 East Capitol Avenue, Springfield,               |
| 12 | Illinois.   |
| 13 | PRESENT:  |
| 14 | MR. MANUEL FLORES, Acting Chairman                            |
| 15 | (Via teleconference)  |
| 16 | MS. LULA M. FORD, Commissioner (Via teleconference)           |
| 17 | MS. ERIN M. O'CONNELL-DIAZ, Commissioner (Via teleconference) |
| 18 |   |
| 19 | MR. SHERMAN J. ELLIOTT, Commissioner                          |
| 20 | MR. JOHN T. COLGAN, Acting Commissioner                       |
| 21 | SULLIVAN REPORTING COMPANY, by                                |
| 22 | Carla J. Boehl, Reporter CSR #084-002710                      |
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## 1 PROCEEDINGS

- 2 ACTING CHAIRMAN FLORES: Starting with the
- 3 Transportation agenda, we will begin with the
- 4 approval of minutes from the December 15 Bench
- 5 Session. I will make a motion to approve the
- 6 minutes. Is there a second?
- 7 COMMISSIONER O'CONNELL-DIAZ: Second.
- 8 ACTING CHAIRMAN FLORES: It's been moved and
- 9 seconded. All in favor say aye.
- 10 COMMISSIONERS: Aye.
- 11 ACTING CHAIRMAN FLORES: Any opposed?
- 12 (No response.)
- The vote is 5-0 approving the minutes
- 14 for December 15.
- Moving to the Railroad's agenda, Items
- 16 RR-1 through RR-3 (T10-0077, T10-0109, T10-0185) will
- 17 be taken together. These items concern petitions for
- 18 the authorization of construction and safety
- improvements at rail crossings at different locations
- 20 in Cook County. In each case Administrative Law
- Judge Kirkland-Montaque recommends entry of an Order
- 22 granting the petition in whole or in part and

- 1 authorizing the project.
- Is there a motion to -- I will make a
- 3 motion to enter the Orders. Is there a second?
- 4 COMMISSIONER O'CONNELL-DIAZ: Second.
- 5 ACTING CHAIRMAN FLORES: It's been moved and
- 6 seconded. All in favor say aye.
- 7 COMMISSIONERS: Aye.
- 8 ACTING CHAIRMAN FLORES: Any opposed?
- 9 (No response.)
- The vote is 5-0 and the Orders are
- 11 entered.
- We will use this 5-0 vote for the
- 13 remainder of the Transportation agenda unless
- 14 otherwise noted.
- 15 Items RR-4 through RR-6 (T10-0186,
- 16 T11-0001, T11-0002) can be taken together. These
- 17 items concern Stipulated Agreements regarding public
- 18 safety improvements at highway-rail grade crossings
- 19 across Illinois. In each case Staff recommends entry
- of an Order approving the Stipulated Agreement.
- Is there any discussion?
- 22 (No response.)

1 Any objections? 2 (No response.) 3 Hearing none, the Orders are entered. 4 Items RR-7 through RR-9 (T10-0079, T10-0033, T09-0048) can be taken together. 5 items also concern Stipulated Agreements regarding 6 public safety improvements at highway-rail grade 7 crossings across Illinois. In each case Staff 8 9 recommends entry of a Supplemental Order approving an 10 extension of time for the project's completion of an 11 increase in the project's cost. 12 Is there any discussion? 13 (No response.) 14 Any objections? 15 (No response.) Hearing none, the Supplemental Orders 16 17 are entered. Administrative matters that we have 18 19 today, Item AM-1 is a Citation concerning Kansas City 20 Southern Railway Company's alleged failure to maintain existing highway-rail grade crossing 21 22 surfaces to meet the minimum requirements of 92

- 1 Illinois Administrative Code Part 1535. Staff
- 2 recommends that the Commission enter a Citation Order
- 3 requiring the company to show cause as to why it
- 4 hasn't made the necessary repairs.
- 5 Is there any discussion?
- 6 COMMISSIONER O'CONNELL-DIAZ: Chairman, I just
- 7 would like to point out that our staff has been
- 8 diligently working on this since 2008 with many
- 9 letters going back and forth to the railroad
- 10 involved, and so it is appropriate for us to act in
- 11 accordance with their recommendation today.
- 12 ACTING CHAIRMAN FLORES: Thank you,
- 13 Commissioner. Any other comments?
- 14 (No response.)
- Very well. Any objections?
- 16 (No response.)
- 17 Hearing none, the Order is entered and
- 18 the Settlement Agreement is approved.
- 19 ACTING CHAIRMAN FLORES: Mr. Matrisch, is there
- 20 any further business to come before the Commission
- 21 today?
- MR. MATRISCH: Nothing further this morning,

| 1  | Mr. Chairman. Thank you.                      |
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| 2  | ACTING CHAIRMAN FLORES: Thank you very much.  |
| 3  | That concludes today's Transportation agenda. |
| 4  | TRANSPORTATION AGENDA CONCLUDED.              |
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