

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

BENCH SESSION  
(TRANSPORTATION)

Wednesday, March 5, 2014  
Chicago, Illinois

Met, pursuant to notice, at 10:30 a.m., in the  
Audiovisual Conference Room, Eighth Floor, State of  
Illinois Building, 160 North LaSalle Street, Chicago,  
Illinois.

APPEARANCES:

- MR. DOUGLAS P. SCOTT, Chairman
- MS. ANN MCCABE, Commissioner
- MR. MIGUEL del VALLE, Commissioner
- MS. SHERINA E. MAYE, Commissioner
- MR. JOHN T. COLGAN, Commissioner  
(via teleconference)

MIDWEST LITIGATION SERVICES, by  
MEAGAN CAHILL, CSR  
Illinois CSR No. 084-004754

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

PROCEEDINGS

CHAIRMAN SCOTT: Is everyone ready in Springfield?

JUDGE WALLACE: We are all ready.

CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled bench session of the Illinois Commerce Commission. With me in Chicago are Commissioner McCabe, Commissioner del Valle and Commissioner Maye. I am Chairman Scott. We have a quorum.

We should also have Commissioner Colgan available on the phone. Under the Commission's rules, we'll have to allow Commissioner Colgan to participate by phone. I move to allow Commissioner Colgan's participation.

Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: It's been moved and seconded. All in favor, say aye.

(Ayes heard.)

CHAIRMAN SCOTT: The vote is four to nothing, and Commissioner Colgan may participate in today's meeting by phone. Welcome, Commissioner.

Before moving into the agenda, according to Section 1700.10 or Title 2 of the Administrative Code,

1 this is the time we allow members of the public to  
2 address the Commission. Members of the public wishing  
3 to address the Commission must notify the Chief Clerk's  
4 office at least 24 hours prior to Commission meetings.  
5 According to the Chief Clerk's office, we have no  
6 requests to speak at today's bench session.

7 We have one item of note before beginning  
8 today's agenda. Commissioner Maye, we've got some  
9 special guests here with us today, and I'd like you to  
10 introduce them, if you will.

11 COMMISSIONER MAYE: Thank you, Chairman Scott. So  
12 today, March 5th, 2014 is CPS job shadow day, and we  
13 have 20 students here from Hirsch, Mather, and Richards  
14 high schools here with us, and we have a great amount of  
15 our staff; 20 staff members, that are inclusive of  
16 commissioners, ALJs, attorneys, director of consumer  
17 services, participating in this program and really  
18 giving these students an opportunity to shadow them and  
19 learn to expand upon their professional development.

20 So if I can have all the students stand right  
21 now so we can acknowledge you, please. Can we give them  
22 a round of applause.

23 (Applause.)

24 COMMISSIONER MAYE: We are so excited to have you

1 here. We hope that you get to see some of the inner  
2 workings of the Illinois Commerce Commission and develop  
3 a great bond with your mentor. And I'd like to also  
4 thank the 20 volunteers that are working with the  
5 students. This is really, really, really a great day  
6 and a great experience for these children, so thank for  
7 sharing your time.

8                   So with that said, you can be seated, and I  
9 hope you enjoy our bench session.

10                   COMMISSIONER SCOTT: Thank you very much,  
11 Commissioner Maye. Thanks for doing this, and, again,  
12 thanks to all of the mentors and students for  
13 participating. I did warn them that the bench session  
14 might not be the most scintillating hour of their week,  
15 but we will see how it goes.

16                                           (Laughter.)

17                   CHAIRMAN SCOTT: We'll start with the  
18 transportation agenda. We'll begin with the minutes  
19 from our February 5th bench session. I understand the  
20 minutes have been forwarded. Is there a motion to amend  
21 the minutes?

22                   COMMISSIONER McCABE: So moved.

23                   COMMISSIONER SCOTT: Moved by Commissioner McCabe.

24                                           Is there a second?

1 COMMISSIONER MAYE: Seconded.

2 CHAIRMAN SCOTT: Seconded by Commissioner Maye.

3 All in favor, say aye.

4 (Ayes heard.)

5 CHAIRMAN SCOTT: Any opposed?

6 (No response.)

7 CHAIRMAN SCOTT: The vote is five to zero, and the  
8 amendments are adopted.

9 Is there now a motion to approve the minutes  
10 as amended?

11 COMMISSIONER MAYE: So moved.

12 COMMISSIONER SCOTT: Moved by Commissioner Maye.

13 Is there a second?

14 COMMISSIONER McCABE: Second.

15 COMMISSIONER SCOTT: Seconded by Commissioner  
16 McCabe.

17 All in favor, say aye.

18 (Ayes heard.)

19 CHAIRMAN SCOTT: Any opposed?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing nothing, the vote is five  
22 to nothing, and the minutes from our February 5th bench  
23 session, as amended, are approved.

24 Next up is Item RR-1, Docket No. T-13-0064.

1 This is Morgan County Road District's motion to withdraw  
2 its petition for authority to construct a new grade  
3 railroad crossing over the tracks of the Kansas City  
4 Southern Railroad in Morgan County. ALJ Duggan  
5 recommends entry of an Order dismissing the petition.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Is there a motion to enter the  
9 Order?

10 COMMISSIONER del VALLE: So moved.

11 CHAIRMAN SCOTT: It's been moved by  
12 Commissioner del Valle.

13 COMMISSIONER McCABE: Second.

14 COMMISSIONER SCOTT: Seconded by Commissioner  
15 McCabe.

16 Any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: All in favor, say aye.

19 (Ayes heard.)

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 CHAIRMAN SCOTT: The vote is five to nothing, and  
23 the Order is entered. We will use this five-to-nothing  
24 vote for the remainder of today's transportation agenda,

1 unless otherwise noted.

2 Item RR-2 is Docket No. T-13-0123. This is  
3 the Illinois State Toll Highway Authority's petition for  
4 an Order authorizing widening of existing bridges, which  
5 carry the Elgin O'Hare Expressway over the Canadian  
6 Pacific Schaumburg Industrial Lead Tracks in Cook  
7 County. ALJ Kirkland-Montaque recommends entry of an  
8 Order granting the requested relief.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Order is  
14 entered.

15 Item RR-3 is Docket No. T-13-0130. This is  
16 Forest Preserve District of Cook County's petition for  
17 an Order to permit the construction and maintenance of a  
18 multi-use path on the south side of Lake-Cook Road in  
19 Cook County. ALJ Kirkland-Montaque recommends entry of  
20 an Order granting the requested relief.

21 Is there any discussion?

22 (No response.)

23 CHAIRMAN SCOTT: Any objections?

24 (No response.)

1           CHAIRMAN SCOTT: Hearing none, the Order is  
2 entered.

3                   Item RR-4 is Docket No. T-14-0017. This is a  
4 stipulated agreement regarding public safety  
5 improvements at a highway-grade rail crossing in Kane and  
6 Ogle Counties. Staff recommends entry of an Order  
7 approving the stipulated agreement.

8                   Is there any discussion?

9                                 (No response.)

10           CHAIRMAN SCOTT: Any objections?

11                                 (No response.)

12           CHAIRMAN SCOTT: Hearing none, the Order is being  
13 entered.

14                   Item RR-5 is Docket No. T-12-0005. This is  
15 the Village of Sauget's petition for permission to  
16 construct a street across an at-grade railroad track and  
17 to install passing crossing signage. The petitioner has  
18 filed a request for additional time to complete and  
19 project and ALJ Kirkland-Montague recommends entry of a  
20 supplemental Order granting the requested relief.

21                   Is there any discussion?

22                                 (No response.)

23           CHAIRMAN SCOTT: Any objection?

24                                 (No response.)



1           CHAIRMAN SCOTT: Hearing none, the supplemental  
2 Order is entered.

3           Items RR-6 and RR-7 can be taken together.  
4 These items are stipulated agreements regarding safety  
5 improvement projects at highway-rail grade crossings in  
6 Iroquois and Logan County. In both cases, the petitioner  
7 has filed a request for additional time to complete the  
8 project, and our transportation counsel recommends entry  
9 of a supplemental Order, or second supplemental Order  
10 granting the requested relief.

11           Any discussion?

12                           (No response.)

13           CHAIRMAN SCOTT: Any objections?

14                           (No response.)

15           CHAIRMAN SCOTT: Hearing none, the supplemental  
16 Orders are entered.

17           Moving on to Motor Carriers. Item MC-1 is our  
18 stipulated settlement agreement concerning alleged  
19 violations of the Illinois Commercial Transportation Law  
20 by T2 Transfer. Our transportation counsel recommends  
21 entry of an Order accepting the settlement agreement.

22           Is there any discussion?

23                           (No response.)

24           CHAIRMAN SCOTT: Any objections?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Order is  
3 entered, and the stipulated settlement agreement  
4 accepted.

5 Item MC-2 is Bailey Moving and Storage's  
6 application for a certificate of the public convenience  
7 and necessity for new household goods, property, motor  
8 carrier authority under the provisions of the Illinois  
9 Commercial Transportation Law. ALJ Duggan recommends  
10 entry of an Order granting the certificate.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Any objection?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the Order is  
16 entered.

17 Item MC-3, Illinois Towing Service's  
18 application for a commercial relocation towing license  
19 pursuant to the provisions of Section 18a-401 of the  
20 Illinois Commercial Relocation of Trespassing Vehicles  
21 Law. ALJ Kirkland-Montague recommends entry of an Order  
22 granting the permit.

23 Is there any discussion on this?

24 COMMISSIONER MAYE: Yes. I'd like to ask Judge

1 Montaque some questions, please.

2 CHAIRMAN SCOTT: Good morning, Judge.

3 JUDGE MONTAQUE: Morning.

4 COMMISSIONER MAYE: Good morning, Judge. I just  
5 wanted to ask a question. I know that I saw, at some  
6 point in time, the applicant was not registered with the  
7 ICC as a safety re-locator. I'm wondering if at any  
8 point in time or as of right now, is the applicant  
9 registered?

10 JUDGE MONTAQUE: The applicant has a valid current  
11 CV20 registration with the Illinois Commerce Commission.

12 COMMISSIONER MAYE: So there were periods of  
13 non-compliance?

14 JUDGE MONTAQUE: No. Once they realized their  
15 error, they corrected it. And they're compliant today,  
16 and they have been compliant since they realized their  
17 error.

18 COMMISSIONER MAYE: Okay. Thank you.

19 JUDGE MONTAQUE: You're welcome.

20 COMMISSIONER SCOTT: Thank you, Judge.

21 This item will be held for disposition at a  
22 future Commission proceeding.

23 We have one item of collateral recovery  
24 business today, Item CR-1 is Charles Durkin's

1 application for a Class "E" recovery permit pursuant to  
2 the Section 45 of the Collateral Recovery Act.  
3 ALJ Duggan recommends entry of an Order granting the  
4 application. This item will also be held for  
5 disposition at a future Commission proceeding.

6 Mr. Matrisch, is there any further  
7 transportation business to come before the Commission  
8 today?

9 MR. MATRISCH: No, Chairman. Thank you, very much.

10 COMMISSIONER SCOTT: Thank you, sir.

11 Hearing none, that completes today's  
12 transportation agenda.

13 END OF TRANSPORTATION AGENDA

14

15

16

17

18

19

20

21

22

23

24

1 STATE OF ILLINOIS )  
2 COUNTY OF COOK ) SS.

3

4 Meagan M. Cahill, being first duly sworn, on  
5 oath says that she is a Certified Shorthand Reporter,  
6 doing business in the City of Chicago, County of Cook  
7 and the State of Illinois;

8 That she reported in shorthand the proceedings  
9 had at the foregoing hearing;

10 And that the foregoing is a true and correct  
11 transcript of her shorthand notes so taken as aforesaid  
12 and contains all the proceedings had at the said  
13 hearing.

14

15

16

---

MEAGAN M. CAHILL, CSR,

17

CSR No. 084-004754

18

19

20

21

22

23

24