

1                                   BEFORE THE  
2                                   ILLINOIS COMMERCE COMMISSION

3                                   BENCH SESSION  
4                                     
5                                   (TRANSPORTATION)

6                                   Springfield, Illinois

7                                     
8                                   Wednesday, March 21, 2012

9                                   Met, pursuant to notice, at 10:30 a.m.

10                                  in Hearing Room A, First Floor, Leland Building, 527

11                                  East Capitol Avenue, Springfield, Illinois.

12  
13                                  PRESENT:

14                                  MR. DOUGLAS P. SCOTT, Chairman

15                                  MS. LULA M. FORD, Commissioner

16                                  MS. ERIN M. O'CONNELL-DIAZ, Commissioner

17                                  MR. JOHN T. COLGAN, Commissioner

18                                  MS. ANN McCABE, Acting Commissioner

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21                                  SULLIVAN REPORTING COMPANY, by  
22                                  Carla J. Boehl, Reporter  
                                  CSR #084-002710

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PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Springfield are Commissioners Ford, O'Connell-Diaz, Colgan and our newest commissioner, Acting Commissioner Ann McCabe.

Commissioner, welcome to the Commission. Congratulations on your appointment. We look forward to working with you.

I am Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title II of the Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the Commission meeting. According to the Chief Clerk's Office, we have no requests to speak at today's Bench Session.

We will start today with our

1 Transportation agenda and with the approval of  
2 minutes from our February 23 Bench Session. Is there  
3 a motion to approve the minutes?

4 COMMISSIONER COLGAN: So moved.

5 CHAIRMAN SCOTT: Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

7 CHAIRMAN SCOTT: It's been moved and seconded.

8 All in favor say aye.

9 COMMISSIONERS: Aye.

10 CHAIRMAN SCOTT: Any opposed?

11 (No response.)

12 The vote is five to nothing, and the  
13 February 23 Bench Session minutes are approved.

14 Moving now to the Railroad section,  
15 Item RR-1 is Docket Number T12-0030. This item  
16 concerns a Stipulated Agreement regarding public  
17 safety improvements at a highway-rail grade crossing  
18 in Bureau County. Staff recommends entry of an Order  
19 approving the agreement.

20 Is there any discussion?

21 (No response.)

22 Is there a motion to enter the Order?

1 COMMISSIONER O'CONNELL-DIAZ: So moved.

2 CHAIRMAN SCOTT: Is there a second?

3 COMMISSIONER COLGAN: Second.

4 CHAIRMAN SCOTT: It's been moved and seconded.

5 All in favor say aye.

6 COMMISSIONERS: Aye.

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 The vote is five to nothing, and the  
10 Order is entered.

11 We will use this five to nothing vote  
12 for the remainder of the Transportation agenda,  
13 unless otherwise noted.

14 Now on to Motor Carriers. Item MC-1  
15 concerns a Stipulated Settlement Agreement regarding  
16 alleged violations of the Illinois Commercial  
17 Transportation Law by Boom Trucking. Our  
18 Transportation counsel recommends entry of an Order  
19 accepting the Settlement Agreement.

20 Is there any discussion?

21 (No response.)

22 Any objections?

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(No response.)

Hearing none, the Order is entered.

Item MC-2 concerns an application by A-1 Citywide Towing and Relocation for renewal of its Commercial Relocation Towing License. Our Transportation counsel recommends entry of an Order granting license renewal.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Moving on to Administrative matters.

Item AM-1 concerns a resolution regarding proposed rules for implementing the Federal Recovery Act. Transportation Bureau Chief Steve Matrisch recommends adopting a resolution authorizing the submission of the second notice of the proposed rules to JCAR.

Is there any discussion?

(No response.)

Any objections?

(No response.)

1                   Hearing none, the resolution is  
2 adopted.

3                   Item AM-2 concerns the approval of a  
4 Crossing Safety Improvement Program 5-Year Plan for  
5 the years 2013 through 2017. Staff recommends that  
6 the Commission approve the plan.

7                   Is there any discussion?

8                                   (No response.)

9                   Any objections?

10                                   (No response.)

11                   Hearing none, the 5-Year Plan is  
12 approved.

13                   Item AM-3 concerns the approval of the  
14 2011 Annual Report on Accidents and Incidents  
15 Involving Hazardous Materials on Railroads in  
16 Illinois. Staff recommends that the Commission  
17 approve the hazardous materials report.

18                   Is there any discussion?

19                                   (No response.)

20                   Any objections?

21                                   (No response.)

22                   Hearing none, the report is approved.

1                   Items AM-4 through AM-6 can be taken  
2 together. These items concern Petitions for  
3 Rehearing filed by intrastate motor carriers of  
4 property that have previously been found in violation  
5 of the Illinois Commercial Transportation Law's  
6 provisions regarding production of financial records.  
7 ALJ Kirkland-Montaque recommends denying the  
8 Petitions for Rehearing.

9                   Is there any discussion?

10                  ACTING COMMISSIONER McCABE: Mr. Chairman, I am  
11 going to abstain on these three.

12                  CHAIRMAN SCOTT: Any further discussion?

13   (No response.)

14   Any objections?

15   (No response.)

16   Hearing none, the Petitions for  
17 Rehearing are denied by a four to nothing vote.

18   Mr. Matrisch, is there anything  
19 further on the Transportation business to come before  
20 the Commission today?

21                  MR. MATRISCH: Nothing further, Chairman.

22 Thank you.

1           CHAIRMAN SCOTT: Thank you. Hearing none, that  
2 concludes today's Transportation agenda.

3                           TRANSPORTATION AGENDA CONCLUDED

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