

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 REGULAR OPEN MEETING
4 (TRANSPORTATION)
5

6
7 Springfield, Illinois
8 Tuesday, April 12, 2011

9 Met, pursuant to notice, at 10:30 a.m. in
10 the Audiovisual Conference Room, Second Floor, Leland
11 Building, 527 East Capitol Avenue, Springfield,
12 Illinois.

13
14 PRESENT:

15 MR. DOUGLAS P. SCOTT, Chairman

16 MS. LULA M. FORD, Commissioner
17 (Via teleconference)

18 MS. ERIN M. O'CONNELL-DIAZ, Commissioner
19 (Via teleconference)

20 MR. SHERMAN J. ELLIOTT, Commissioner

21 MR. JOHN COLGAN, Acting Commissioner

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

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PROCEEDINGS

CHAIRMAN SCOTT: We will begin with the
Transportation agenda. Up first is our approval of
the minutes from previous Commission meetings. Our
first item is minutes from the March 9 Bench Session.
Is there a motion to approve the minutes?

ACTING COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER ELLIOTT: Second.

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

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed say nay.

(No response.)

The vote is five to nothing approving
the minutes from March 9.

Up next is the approval of minutes
from our March 23 Bench Session. Is there a motion
to approve the minutes?

ACTING COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER ELLIOTT: Second.

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

2 All in favor say aye.

3 COMMISSIONERS: Aye.

4 CHAIRMAN SCOTT: Any opposed say nay.

5 (No response.)

6 The vote is five to nothing approving
7 the minutes from March 23.

8 Moving to Railroad, Item RR-1 is
9 Docket Number T10-0004. This item concerns a
10 petition by the Illinois Department of Transportation
11 concerning the taking of temporary construction
12 easements by eminent domain. Parties have apparently
13 resolved this matter by a voluntary agreement. ALJ
14 Kirkland-Montague recommends that the Commission
15 grant the Department's Motion to Withdraw its
16 petition. Is there a motion to grant the petition to
17 withdraw.

18 ACTING COMMISSIONER COLGAN: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER ELLIOTT: Second.

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

22 All in favor say aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN SCOTT: Any opposed say nay.

3 (No response.)

4 The vote is five to nothing and the
5 Motion to Withdraw is granted.

6 We will use this five to nothing vote
7 for the remainder of the Transportation agenda,
8 unless otherwise noted.

9 Item RR-2 is Docket Number T10-0152.
10 This item concerns a petition for authority to
11 install additional tracks at highway-rail grade
12 crossings in Lake County. ALJ Kirkland-Montague
13 recommends that the Commission enter an Order
14 granting the petition.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Order is entered.

20 Item RR-3 is Docket Number T10-0155.

21 This item concerns a petition by the Village of
22 Barrington concerning the construction of a

1 pedestrian walkway and multi-use path at a
2 highway-rail grade crossing in Lake County. ALJ
3 Kirkland-Montague recommends that the Commission
4 enter an Order granting the petition.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Order is entered.

10 Item RR-4 is Docket Number T10-0165.

11 This item concerns a citation with respect to Dakota,
12 Minnesota and Eastern Railroad Corporation's failure
13 to maintain highway-rail grade crossing surfaces in
14 accordance with Title 92, Part 1535.203 of the
15 Administrative Code. ALJ Kirkland-Montague
16 recommends that the Commission enter an Order
17 requiring the Railroad to reconstruct the crossing
18 surfaces and to submit a plan showing how the Company
19 will be more responsive to complaint letters going
20 forward.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered.

4 Item RR-5 is Docket Number T11-0011.

5 This item concerns a citation with respect to Kansas
6 City Southern Railway Company also alleging a failure
7 to maintain a highway-rail grade crossing in
8 accordance with Part 1535.203. Staff has filed a
9 Motion to Dismiss the citation due to compliance with
10 the requirements, and ALJ Duggan recommends that the
11 Commission enter an Order dismissing the citation.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered and
17 the docket is dismissed.

18 Items RR-6 through RR-8 can be taken
19 together. These items concern Stipulated Agreements
20 for public safety improvements at highway-rail grade
21 crossings throughout Illinois. In each case Staff
22 recommends that the Commission enter an Order

1 approving the Stipulated Agreement.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Orders are entered.

7 Item RR-9 is Docket Number T07-0062.

8 This item concerns a citation with respect to Union
9 Pacific Railroad Company's failure to maintain
10 highway-rail grade crossing surfaces in accordance
11 with Part 1535.203. Staff has filed a motion to
12 dismiss the citation due to compliance with the
13 requirements, and ALJ Kirkland-Montague recommends
14 that the Commission enter a Supplemental Order
15 dismissing the citation.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Supplemental Order
21 is entered and the docket is dismissed.

22 Items RR-10 and RR-11 can be taken

1 together. These items concern Stipulated Agreements
2 for public safety improvements at highway-rail grade
3 crossings throughout Illinois. In each case Staff
4 recommends that we enter a Supplemental Order
5 extending the time allowed for the improvement
6 project.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Supplemental Orders
12 are entered.

13 Item RR-12 is Docket Number T10-0162.

14 This item concerns a petition by the Illinois
15 Department of Transportation concerning the taking of
16 temporary construction easements by eminent domain in
17 Will County. ALJ Kirkland-Montaque recommends that
18 the Commission enter an Order granting the petition.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Order is entered and
2 the petition is granted.

3 Item RR-13 is Docket Number T07-0101.
4 This item concerns a petition for funding from the
5 Grade Crossing Protection Fund to make vertical
6 clearance improvements underneath an elevated viaduct
7 in Chicago. ALJ Kirkland-Montaque recommends that
8 the Commission enter a Supplemental Order granting an
9 extension of time for the project.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Supplemental Order
15 is entered.

16 Item RR-14 is Docket Number T10-0036.
17 This item concerns a Stipulated Agreement regarding
18 public safety improvements at a highway-rail grade
19 crossing in Clay County. Staff recommends that the
20 Commission enter a Second Supplemental Order granting
21 an extension of time associated with the project's
22 completion.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Second Supplemental
6 Order is entered.

7 We have one Motor Carriers item on
8 today's agenda. Item MC-1 is SaraBeth Ketcham's
9 application for a Dispatcher's Employment Permit
10 under the Illinois Commercial Relocation of
11 Trespassing Vehicles Law. As the Applicant is no
12 longer employed with her sponsoring employer, ALJ
13 Kirkland-Montague recommends that the Commission
14 enter an Order dismissing the application without
15 prejudice.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Order is entered and
21 the application is dismissed.

22 Are there any further Transportation

1 matters to come before the Commission today?

2 MR. MATRISCH: Nothing more, Chairman.

3 CHAIRMAN SCOTT: Thank you.

4 MR. MATRISCH: Thank you very much.

5 TRANSPORTATION AGENDA CONCLUDED

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