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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
BENCH SESSION  
(TRANSPORTATION)  
Chicago, Illinois  
Wednesday, June 5, 2013

Met, pursuant to notice, at 10:30 a.m. at 160  
North LaSalle Street, Main Hearing Room, Chicago,  
Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MR. JOHN T. COLGAN, Commissioner (by phone)
- MS. ANN McCABE, Commissioner
- MR. MIGUEL del VALLE, Acting Commissioner
- MS. SHERINA E. MAYE, Acting Commissioner

L.A. COURT REPORTERS by  
Kari Wiedenhaupt, Reporter

CSR# 084-004725

1 CHAIRMAN SCOTT: Is everything ready in  
2 Springfield.

3 JUDGE WALLACE: Yes.

4 CHAIRMAN SCOTT: Pursuant to the provisions of  
5 the Opening Meetings Act, I now convene a regularly  
6 scheduled Bench Session of the Illinois Commerce  
7 Commission. With me in Chicago is Commissioner  
8 McCabe, Acting Commissioner del Valle and Acting  
9 Commissioner Maye. I am Chairman Scott. We have a  
10 quorum. We should also have Commissioner Colgan  
11 available on the phone.

12 Are you there, Commissioner?

13 COMMISSIONER COLGAN: Yes, I am.

14 CHAIRMAN SCOTT: Very good. Under the  
15 Commission's rules, we will have to vote to allow  
16 Commissioner Colgan to participate by phone.

17 I move to allow Commissioner Colgan's  
18 participation by phone. Is there a second?

19 COMMISSIONER McCABE: Second.

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

22

1 (Chorus of ayes.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

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

7 Before moving into the agenda,  
8 according to Section 1700.10 of Title 2 of the  
9 Administrative Code, this is the time we allow  
10 members of the public to address the Commission.  
11 Members of the public wishing to address the  
12 Commission must notify the Chief Clerk's Office at  
13 least 24 hours prior to Commission meetings.  
14 According to the Chief Clerk's Office, we have no  
15 requests to speak at today's Bench Session.

16 Moving to the Transportation agenda,  
17 we will begin with the approval of the minutes from  
18 our May 15th Bench Session.

19 Is there a motion to approve the  
20 minutes?

21 ACTING COMMISSIONER MAYE: So moved.

22 CHAIRMAN SCOTT: Is there a second?

1 COMMISSIONER McCABE: Second.

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

3 All in favor, say aye.

4 (Chorus of ayes.)

5 CHAIRMAN SCOTT: Any opposed?

6 (No response.)

7 CHAIRMAN SCOTT: The vote is five to nothing,  
8 and the minutes to our May 15th Bench Session are  
9 approved.

10 Onto the Railroad portion of today's  
11 agenda. Item RR-1 is Docket No. T12-0109. This is  
12 Kane County's petition seeking authority for  
13 construction of a bridge over a railroad in Kane  
14 County. ALJ Kirkland-Montague recommends entry of an  
15 Order granting the petition.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Is there a motion to enter the  
19 Order?

20 COMMISSIONER McCABE: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 ACTING COMMISSIONER MAYE: Second.

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

2 All in favor, say aye.

3 (Chorus of ayes.)

4 CHAIRMAN SCOTT: Any opposed?

5 (No response.)

6 CHAIRMAN SCOTT: The vote is five to nothing,  
7 and the Order is entered. We will use this five to  
8 nothing vote for the remainder of today's  
9 Transportation agenda unless otherwise noted.

10 Items RR-2 through RR-6 can be taken  
11 together. These items are stipulated agreements  
12 seeking authorization for safety improvement projects  
13 at highway-rail grade crossings across Illinois. In  
14 each case, our Transportation counsel recommends  
15 entry of an Order approving the stipulated agreement.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Hearing none, the Orders are  
21 entered.

22 Item RR-7 is Docket No. T10-0048.

1 This is the City of Galesburg's petition seeking  
2 authorization to construct an overpass and to  
3 permanently close an at-grade crossing in Knox  
4 County. The City has requested that an additional  
5 sum from the Grade Crossing Protection Fund be  
6 granted to continue the construction, and ALJ  
7 Kirkland-Montague recommends entry of a Supplemental  
8 Order obligating those funds.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

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

15 Items RR-8 through RR-11 can be taken  
16 together. These items are stipulated agreements for  
17 public safety improvements at highway-rail grade  
18 crossings across Illinois. In each case the parties  
19 have requested additional funds, additional time or  
20 both to complete the projects, and in each case our  
21 Transportation counsel recommends entry of a  
22 Supplemental Order approving those requests.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN SCOTT: Any objections?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the Supplemental  
6 Orders are entered.

7 Onto Motor Carriers, Items MC-1  
8 through MC-7 can be taken together. These items are  
9 stipulated settlement agreements for alleged  
10 violations of the Illinois Commercial Transportation  
11 Law. In each case, our Transportation counsel  
12 recommends entry of an Order adopting the settlement  
13 agreement.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Orders are  
19 entered.

20 Item MC-8 is Gentle Giant Moving  
21 Company's application for household goods property  
22 motor carrier authority under the Illinois Commercial

1 Transportation Law. ALJ Kirkland-Montague recommends  
2 entry of an Order granting the application.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Order is  
8 entered.

9 Items MC-9 and MC-10 can be taken  
10 together. These are applications for renewal of  
11 authority to operate as a commercial vehicle  
12 relocater pursuant to Section 401 of the Illinois  
13 Commercial Relocation of Trespassing Vehicles Law.  
14 In both cases, our Transportation counsel recommends  
15 entry of an Order granting the request.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Hearing none, the Orders are  
21 entered.

22 Moving now to Collateral Recovery,



1 Item CR-1 is Ralph Cornell's application to serve as  
2 a reposessor under the Collateral Recovery Act. ALJ  
3 Kirkland-Montague recommends entry of an Order  
4 granting the application. This item will be held for  
5 disposition at a future Commission meeting.

6 Items CR-2 and CR-3 can be taken  
7 together. These items are applications to serve as a  
8 reposessor under the Collateral Recovery Act. In  
9 each case, ALJ Kirkland-Montague recommends entry of  
10 an Order granting the application.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Any objections?

14 (No response.)

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

17 We have one administrative item for  
18 consideration today. Item AM-1 concerns a resolution  
19 initiating a rulemaking to amend 92 Illinois  
20 Administrative Code 1480, the Collateral Recovery  
21 Act. This item will be held for disposition at a  
22 future Commission proceeding.

1                   Is there any further Transportation  
2 business to come before the Commission today?

3           MR. MATRISCH:  Nothing further from  
4 Springfield.

5           CHAIRMAN SCOTT:  Very good.  Thank you.  
6 Hearing none, that concludes today's transportation  
7 agenda.

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