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BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(TRANSPORTATION)

Wednesday, June 11, 2014
Chicago, Illinois

Met, pursuant to notice, at 10:30 a.m. at
160 North LaSalle Street, 8th Floor, Chicago, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MR. JOHN T. COLGAN, Commissioner
- MS. ANN McCABE, Commissioner
- MR. MIGUEL DEL VALLE, Commissioner
- MS. SHERINA E. MAYE, Commissioner

MIDWEST LITIGATION SERVICES, by,
KRISTI LANDOLINA,
Certified shorthand reporter
Illinois CSR No. 084-004611

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

8 Before moving into the agenda it's my
9 understanding that Commissioner Maye would like to
10 introduce her legal intern. Commissioner Maye.

11 COMMISSIONER MAYE: Thank you, Commissioner Colgan.
12 I would like to welcome Annie McCann (phonetic) to the
13 Commission. Annie will be working as my legal and
14 policy intern this summer. She will be in her third
15 year of law school at Notre Dame as well as possibly
16 becoming a double donor and she also received her
17 bachelor of arts magna cum laude in American studies and
18 international peace studies. Please join me welcoming
19 Annie McCann to the Commission.

20 COMMISSIONER COLGAN: Welcome Annie. Go Irish.
21 Moving now to the Transportation Agenda. We'll begin
22 with the approval of minutes from our May 7th Bench
23 Session.

24 Is there a motion to approve the minutes.

25 COMMISSIONER MAYE: So moved.

1 COMMISSIONER McCABE: Second.

2 COMMISSIONER COLGAN: It's been moved and seconded.

3 Commissioner McCabe Seconded the motion. All in favor
4 say aye.

5 (Ayes heard.)

6 COMMISSIONER COLGAN: Any opposed?

7 (No response.)

8 COMMISSIONER COLGAN: The vote is five to zero.

9 The minutes of the May 7th Bench Session are approved.

10 Moving to the railroad agenda. Item RR-1 is
11 Docket No. T13-0110. This is IDOT's petition for
12 eminent domain authority over certain property in Carroll
13 County. ALJ Kirkland-Montague recommends entering an
14 Order granting the requested relief.

15 Is there any discussion?

16 (No response.)

17 COMMISSIONER COLGAN: Are there any objections?

18 (No response.)

19 COMMISSIONER COLGAN: Is there a motion to enter
20 the Order?

21 COMMISSIONER MAYE: So moved.

22 COMMISSIONER McCABE: Second.

23 COMMISSIONER COLGAN: Moved by Commissioner Maye,
24 seconded by Commissioner McCabe. It's been moved and
25 seconded. All in favor say aye.

1 (Ayes heard.)

2 COMMISSIONER COLGAN: Any opposed?

3 (No response.)

4 COMMISSIONER COLGAN: The vote is five to zero and
5 the Order is entered.

6 We'll use this five-to-zero vote for the
7 remainder of today's Transportation Agenda unless
8 otherwise noted.

9 Items RR-2 and RR-3 can be taken together.
10 These items are petitions by the City of Lincoln
11 requesting authority to construct a pedestrian sidewalk
12 across an at-grade crossing in Logan County. In both
13 cases ALJ Duggan recommends entry of an Order granting
14 the requested relief.

15 Is there any discussion?

16 (No response.)

17 COMMISSIONER COLGAN: Are there any objections?

18 (No response.)

19 COMMISSIONER COLGAN: Hearing none, the Orders are
20 entered.

21 Item RR-4 is Docket No. T13-0121. This is the
22 Village of Williamsville's petition for authorization
23 and funding to construct a safety improvement project at
24 a highway rail-grade crossing in Sangamon County. ALJ
25 Duggan recommends the entry of the Order granting the

1 requested relief.

2 Is there any discussion?

3 (No response.)

4 COMMISSIONER COLGAN: Any objections?

5 (No response.)

6 COMMISSIONER COLGAN: Hearing none, the Order is
7 entered.

8 Item RR-5 is Docket No. T14-0010. This is the
9 City of McHenry's petition requesting authority to
10 construct multiuse pedestrian path an at-grade crossing
11 at McHenry County. The Commission previously entered an
12 Order granting this authority, which contained an
13 incorrect AAR/DOT number. ALJ Duggan recommends
14 entering of an Order correcting that.

15 Is there any discussion?

16 (No response.)

17 COMMISSIONER COLGAN: Are there any objections?

18 (No response.)

19 COMMISSIONER COLGAN: Hearing none, the corrected
20 Order is entered.

21 Item RR-6 and RR-7 can be taken together.
22 These items are petitions for authorization to construct
23 safety improvement projects at highway rail-grade
24 crossing in DuPage and Cook Counties. In both cases ALJ
25 Kirkland-Montague recommends entering an Order granting

1 the requested relief.

2 Is there any discussion?

3 (No response.)

4 COMMISSIONER COLGAN: Are there any objections?

5 (No response.)

6 COMMISSIONER COLGAN: Hearing none, the Orders are
7 entered.

8 Item RR-8 through RR-14 can be taken together.
9 These items are stipulated agreements seeking
10 authorization for safety improvement projects at highway
11 rail-grade crossings in various counties across
12 Illinois. In each case our transportation counsel
13 recommends entry of an Order or supplemental Order
14 approving the stipulated agreement or amended stipulated
15 agreement.

16 Is there any discussion?

17 (No response.)

18 COMMISSIONER COLGAN: Are there any objections?

19 (No response.)

20 COMMISSIONER COLGAN: Hearing none, the orders are
21 entered.

22 Items MC-1 through MC-8 can be taken together.
23 These items are stipulated settlement agreements
24 concerning alleged violations of the Illinois Commercial
25 Transportation Law. In each case transportation counsel

1 recommends entry of an Order accepting the stipulated
2 settlement agreement.

3 Is there any discussion?

4 (No response.)

5 COMMISSIONER COLGAN: Any objections?

6 (No response.)

7 COMMISSIONER COLGAN: Hearing none, the orders are
8 entered.

9 Item MC-9 is Docket No. 187592 MC this is
10 Moovers Chicago's application for a certificate of
11 public convenience and necessity under the provisions of
12 the Illinois Commercial Transportation Law. ALJ
13 Kirkland-Montague recommends entering an Order granting
14 the requested relief.

15 Is there any discussion?

16 (No response.)

17 COMMISSIONER COLGAN: Are there any objections?

18 (No response.)

19 COMMISSIONER COLGAN: Hearing none, the Order is
20 entered.

21 Item MC-10 is Docket No. 92 RTV-R Sub 15
22 100139 MC. This is Protective Parking Service's
23 application for renewal of a commercial relocation
24 towing license pursuant to the provisions of
25 Section 18a-401 of the Illinois Commercial Relocation of

1 Trespassing Vehicle Law. Our transportation counsel
2 recommends entry of an Order denying the request and
3 setting the matter for hearing.

4 I understand Commissioner del Valle would like
5 to propose edits to the Order. Commissioner.

6 COMMISSIONER DEL VALLE: Thank you, Mr. Chairman.
7 I have proposed edits to the first and second pages of
8 the Order. My edits do not change the conclusion of the
9 Order. These edits include language from the
10 Commission's regulations and seek to ensure that the
11 scope of the hearing initiated by the Order is now
12 limited to compliance issues exclusively addressed in
13 the Order. Compliance hearing should also consider
14 other facts such as, to the extent practical, the number
15 of citations, amount of penalties issued and paid, the
16 nature and types of violations cited. I move for the
17 adoption of these edits.

18 CHAIRMAN SCOTT: Second.

19 COMMISSIONER COLGAN: It's been moved by
20 Commissioner del Valle and seconded by Chairman Scott.

21 Is there any further discussion?

22 (No response.)

23 COMMISSIONER COLGAN: It's been moved and seconded
24 to approve the edits proposed by Commissioner del Valle.

25 All in favor say aye.

1 (Ayes heard.)

2 COMMISSIONER COLGAN: Any opposed?

3 (No response.)

4 COMMISSIONER COLGAN: The vote is five to zero and
5 the edits are adopted. Is there a motion to enter the
6 Order as amended?

7 COMMISSIONER McCABE: So moved.

8 COMMISSIONER MAYE: Second.

9 COMMISSIONER COLGAN: It's been moved and seconded
10 to approve the Order as amended.

11 All in favor say aye.

12 (Ayes heard.)

13 COMMISSIONER COLGAN: Any opposed?

14 (No response.)

15 COMMISSIONER COLGAN: Hearing none, the Order as
16 amended is entered.

17 Item No. MC-11 is Docket No. 260 RTV-R Sub 1
18 142720 MC. This is Atasco's application for renewal of
19 a Commercial Relocation Towing License pursuant to the
20 provisions of Section 18a-401 of the Illinois Commercial
21 Relocation of Trespassing Vehicles Law. Our
22 transportation counsel recommends entry of an Order
23 granting the requested relief.

24 Is there any discussion?

25 (No response.)

1 COMMISSIONER COLGAN: Any objections?

2 (No response.)

3 COMMISSIONER COLGAN: Hearing none, the Order is
4 entered.

5 Item MC-12 is Docket No. 267 RTV-R 183814 MC.
6 This is Experience Towing's application for Commercial
7 Vehicle Relocation Towing License pursuant to the
8 Illinois Commercial Relocation of Trespassing Vehicles
9 Law. ALJ Duggan recommends entry of an Order granting
10 the application.

11 Is there any discussion?

12 (No response.)

13 COMMISSIONER COLGAN: Any objections?

14 (No response.)

15 COMMISSIONER COLGAN: Hearing none, the Order is
16 entered.

17 Item MC-13 is Docket No. 2945 RTV-0 Sub 3
18 81440 MC. This is Elfego Reyes' application for renewal
19 of his operator's employment permit under Chapter 625
20 Illinois Code 5/18a-405 of the Illinois Commercial
21 Relocation of Trespassing Vehicles Law. ALJ Duggan
22 recommends entry of an Order granting the requested
23 relief.

24 I understand Commissioner del Valle would like
25 to propose edits to this Order.

1 Commissioner del Valle.

2 COMMISSIONER DEL VALLE: Thank you, Mr. Chairman.

3 I want to thank Commissioner Maye's office for their
4 input on this edit. These edits can be found on pages 2
5 through 4 and do not change the outcome of the Order.

6 On pages 2 and 3 my edits in part make
7 references to a discussion of an arrest. The law
8 requires the Commission to consider in its fitness
9 determination convictions and not arrests.

10 While we agree with the ALJ's proposed order
11 on the fitness finding, our edits on page 4 clarify the
12 analysis of fitness is not based on whether or not
13 conduct occurred within the scope of the applicant's
14 work as a relocation towing operator. We also note that
15 the applicant states he is in compliance with all of the
16 requirements of his parole.

17 With that I motion for the adoption of these
18 edits.

19 COMMISSIONER COLGAN: It's been moved by
20 Commissioner del Valle and seconded by Commissioner
21 Maye.

22 Is there any further discussion?

23 (No response.)

24 COMMISSIONER COLGAN: It's been moved and seconded
25 to approve the edits proposed by Commissioner del Valle.

1 All in favor say aye.

2 (Ayes heard.)

3 COMMISSIONER COLGAN: Any opposed?

4 (No response.)

5 COMMISSIONER COLGAN: The vote is five to zero and
6 the edits are adopted.

7 Is there a motion to enter the Order as
8 amended?

9 COMMISSIONER MAYE: So moved.

10 COMMISSIONER McCABE: Second.

11 COMMISSIONER COLGAN: Moved by Commissioner Maye,
12 seconded by Commissioner McCabe. It's been moved and
13 seconded to enter the Order as amended.

14 All in favor say aye.

15 (Ayes heard.)

16 COMMISSIONER COLGAN: Any opposed?

17 (No response.)

18 COMMISSIONER COLGAN: Hearing none, the Order as
19 amended is entered.

20 COMMISSIONER COLGAN: Item MC-14, Docket
21 No. RTV-A-54. This is Rendered Services, SMJ Towing,
22 North Shore Towing, Joie Enterprises and Rokaitis
23 Industries' petition for an increase in the relocation
24 towing and storage rate. ALJ Kirkland-Montague
25 recommends entry of an Order granting the petitions as

1 amended at hearing.

2 Is there any discussion?

3 (No response.)

4 COMMISSIONER COLGAN: Any objections?

5 (No response.)

6 COMMISSIONER COLGAN: Hearing none, the Order is
7 entered.

8 We have two administrative items up on -- for
9 consideration today. Item AM-1 and AM-2 can be taken
10 together. These items are citations with respect to
11 Chicago Terminal Railway and OmniTRAX Incorporated
12 managed railways and their failure to maintain various
13 highway rail-grade crossing services in accordance with
14 92 Illinois Administrative Code Part 1535.203. In both
15 cases our transportation staff recommends entering of
16 citation orders.

17 Is there any discussion?

18 (No response.)

19 COMMISSIONER COLGAN: Any objections?

20 (No response.)

21 COMMISSIONER COLGAN: Hearing none, the Orders are
22 entered.

23 Judge Kirkland-Montaque, is there any further
24 transportation business to come before the Commission
25 today?

1 JUDGE Kirkland-Montague: No, Commissioner Colgan.

2 COMMISSIONER COLGAN: Hearing none, that concludes
3 today's Transportation Agenda.

4 END OF TRANSPORTATION AGENDA

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

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4 Kristi Landolina, being first duly sworn, on
5 oath says that she is a Certified Shorthand Reporter and
6 Registered Professional Reporter doing business in the
7 City of Chicago, County of Cook and the State of
8 Illinois;

9 That she reported in shorthand the proceedings
10 had at the foregoing meeting;

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

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KRISTI LANDOLINA, CSR, RPR

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20 CSR No. 084-004611

21

22 SUBSCRIBED AND SWORN TO
23 before me this 16th day of
24 June, A.D., 2014.

25

24

NOTARY PUBLIC

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