

BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
BENCH SESSION  
(TRANSPORTATION)

Wednesday, July 9, 2014

Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,  
at 160 North La Salle Street, Chicago, Illinois.

PRESENT:

DOUGLAS P. SCOTT, Chairman

JOHN T. COLGAN, Commissioner

ANN MCCABE, Commissioner

SHERINA E. MAYE, Commissioner

Miguel Del Valle, Commissioner

SULLIVAN REPORTING COMPANY, by  
PATRICIA WESLEY  
CSR #084-002170

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

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

17                       Starting with the Transportation  
18 agenda, we'll begin with the approval of the minutes  
19 from our June 11th Bench Session. I understand  
20 amendments have been forwarded.

21                       Is there a motion to amend the  
22 minutes?

23           COMMISSIONER MAYE: So move.

24           CHAIRMAN SCOTT: Is there a second?

25           COMMISSIONER McCABE: Second.

26           CHAIRMAN SCOTT: Moved by Commissioner Mayes and  
27 seconded by Commissioner McCabe.

28                       All in favor, say aye.

29                       (Chorus of ayes.)

30                       Any opposed?

31                       (No response.)

32                       The vote is 5 to nothing and the  
33 minutes, as amended, are adopted.

34                       Is there now a motion to approve the  
35 minutes as amended?

36           COMMISSIONER COLGAN: So move.

37           CHAIRMAN SCOTT: Is there a second?

38           COMMISSIONER MAYE: Second.

39           CHAIRMAN SCOTT: Moved by Commissioner Colgan and  
40 seconded by Commissioner Maye.

41                       All in favor, say aye.

42                       (Chorus of ayes.)

43                       Any opposed?

1                   The vote is 5 to nothing and the  
minutes from our June 11th Bench Session, as  
2 amended, are approved.

                  Item RR-1 is Docket No.  
3 13-0099/T13-0122 (consolidated). This is IDOT's  
petition for approval of the taking or damaging of  
4 property owned by a common transportation carrier in  
Cook County by exercising the right of eminent  
5 domain and its petition to allow modification to an  
existing grade crossing at Northwest Highway and  
6 Wilke Road. ALJ Kirkland-Montague recommends entry  
of an order granting the requested relief.

7                   Is there any discussion?

                  (No response.)

8                   Is there a motion to enter the  
order?

9                   COMMISSIONER McCABE: So moved.

                  CHAIRMAN SCOTT: Is there a second?

10                  COMMISSIONER MAYE: Second.

                  CHAIRMAN SCOTT: Moved by Commissioner McCabe and  
11 seconded by Commissioner Maye.

                  All in favor, say aye.

12   (Chorus of ayes.)

                  Any opposed?

13   (No response.)

                  The vote is 5 to nothing and the order  
14 is entered. We will use this 5 to nothing vote for  
the remainder of today's Transportation agenda  
15 unless otherwise noted.

                  Item RR-2 is Docket No. T14-0035.  
16 This is the City of Urbana's petition to construct a  
pedestrian sidewalk adjacent to an existing at-grade  
17 crossing of the Norfolk Southern Railway's track in  
Champaign County. ALJ Duggan recommends entry of an  
18 order granting the requested relief.

                  Is there any discussion?

19   (No response.)

                  Any objections?

20   (No response.)

                  Hearing none, the order is entered.

21                   Item RR-3 and RR-4 can be taken  
together. These items are stipulated agreements  
22 seeking authorization for safety improvement

1 Illinois. In each case our transportation counsel  
2 recommends entry of an order granting the requested  
relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the orders are entered.

5 Item RR-5 through RR-14 can be taken  
6 together. These items are stipulated agreements  
7 seeking authorization for safety improvement  
8 projects at highway-rail grade crossings across  
9 Illinois. In each case the ALJ or our  
10 transportation counsel recommends entry of a  
11 supplemental, or second supplemental order, granting  
12 the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the orders are entered.

Item RR-15 is Docket No. T10-0048.

12 This is the City of Galesburg's petition for  
13 authority to construct an overpass and to  
14 permanently close an at-grade crossing in Iroquois  
15 County. ALJ Kirkland-Montague recommends entry of a  
16 second supplemental order granting the requested  
17 relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the order is entered.

18 Items RR-16 through RR-19 can be taken  
19 together. These items are stipulated agreements  
20 seeking authorization for safety improvement  
21 projects at highway-rail grade crossings across  
22 Illinois. In each case the ALJ, or our  
transportation counsel, recommends entry of a second  
or third supplemental order granting the requested  
relief.

Is there any discussion?

COMMISSIONER del VALLE: Yes.

1           COMMISSIONER del VALLE: Thank you, Mr. Chairman.  
2           A number of these orders, including this one,  
3           indicate that the Federal Highway Administration and  
4           the Illinois Department of Transportation around an  
5           increase to be referred to as added rates for work  
6           under the Act of January of 2010.

7           Could you explain exactly how this  
8           works? I'm interested in knowing what the impact of  
9           this will be on the fund, both short term and long  
10          term. I don't recall seeing this in prior orders.  
11          Is it something new? Are we going to see more of  
12          this in the future?

13          CHAIRMAN SCOTT: Mr. Matrisch, are you available  
14          for this?

15          MR. MATRISCH: I am, Chairman.

16          CHAIRMAN SCOTT: Very good.

17          MR. MATRISCH: First of all, this is something  
18          that -- the raising of these rates is something that  
19          the Federal Railroad Administration does from time  
20          to time. It's not done on a regular basis, but from  
21          time to time that happens. When that happens, the  
22          Highway Administration will notify IDOT that the  
23          rates have been increased. IDOT will then notify  
24          the railroad that there is a new rate in place.

25          In these instances, this particular  
26          railroad it is noteworthy that in all these orders  
27          the Commission had before today, the parent company  
28          is the Canadian National Railroad. Even though we  
29          know the orders talk about Illinois Central, and a  
30          few others, it's essentially Canadian National.

31          In this instance, the Canadian  
32          National, because of the approval of these increased  
33          rates, has decided to come back to the Commission  
34          and ask for additional money. That's kind of the  
35          background.

36          Now to answer your question on whether  
37          we will see additional orders, unfortunately, I  
38          don't know the answer to that question. It is  
39          largely going to be dependent upon whether or not  
40          this railroad, or other railroads in a similar  
41          situation, decide to petition the Commission for  
42          additional funds.

43          COMMISSIONER del VALLE: And the impact on our

1 MR. MATRISCH: Well, there will be a monetary  
2 impact certainly, but in a few of these orders, the  
3 Commission has approved a higher overall dollar  
4 amount to begin with and, in the end, not all of  
5 those dollars are necessary for the projects so that  
6 money would be obligated, and then for these  
7 petitions, they're asking for initially some of that  
8 money back.

9 It's unclear what the long-term impact  
10 on the fund is going to be, but in each of these  
11 instances, you know, it's a few thousand dollars  
12 that the railroad is asking be reallocated for a  
13 particular project.

14 COMMISSIONER del VALLE: I know it's a few  
15 thousand dollars in each case, but they add up, and  
16 that's why I wanted to know if we will see more of  
17 these, because it just means fewer projects will be  
18 funded in the long run.

19 MR. MATRISCH: I agree. And, unfortunately, we  
20 don't know the answer to that question, or I don't  
21 know the answer to that question, because, you know,  
22 largely it's dependent upon whether this railroad,  
23 or other railroads, decide to file petitions with  
24 the Commission for additional money from the fund.

25 CHAIRMAN SCOTT: Mr. Matrisch, is there any  
26 limitation on how much time they have to come back  
27 to file a petition for additional funds?

28 MR. MATRISCH: None that I'm aware of, Chairman.

29 CHAIRMAN SCOTT: Anything else?

(No response.)

30 Any other discussion?

(No response.)

31 Are there any objections to the entry  
32 of the order?

(No response.)

Hearing none, the order is granted.

33 Thank you, Mr. Matrisch.

34 MR. MATRISCH: You are welcome.

35 CHAIRMAN SCOTT: Item RR-20 is Docket No.  
36 T11-0007. This is CSX Transportation, Union Pacific  
37 Railroad Company, Mound Township Road District, and  
38 IDOT's stipulated agreement seeking authorization  
39 for a safety improvement project at a highway-rail

1 transportation counsel recommends entry of a sixth  
supplemental order granting the requested relief.

2 Is there any discussion?

(No response.)

3 Any objections?

(No response.)

4 Hearing none, the orders are entered.

5 On to Motor Carriers, Item MC-1 is  
6 Paul William Randall Marfell, d/b/a P's Packing and  
Moving's application for a Certificate of Public  
7 Convenience and Necessity under the provisions of  
the Illinois Commercial Transportation Law.

8 ALJ Kirkland-Montague recommends entry of an order  
denying the application.

9 Is there any discussion?

(No response.)

10 Is there any objections?

(No response.)

11 Hearing none, the order is entered and  
the application is denied.

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

MR. MATRISCH: No, Chairman. Thank you.

13 CHAIRMAN SCOTT: Thank you, sir.

14 Hearing none, that concludes today's  
transportation agenda.

15 (Whereupon, the above  
matter was adjourned.)

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