

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH SESSION
4 (TRANSPORTATION)

5
6 Springfield, Illinois
7 Wednesday, September 18, 2013

8
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.

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14 PRESENT:

15 MR. DOUGLAS P. SCOTT, Chairman
 (Via phone)
16 MR. JOHN T. COLGAN, Commissioner
17 MS. ANN McCABE, Commissioner
18 MR. MIGUEL DEL VALLE, Acting Commissioner
19 (Via video)
20 MR. SHERINA E. MAYE, Acting Commissioner

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22
23 MIDWEST LITIGATION SERVICES, by
 Angela C. Turner, Reporter
24 CSR #084-004122

1 PROCEEDINGS

2 COMMISSIONER COLGAN: Pursuant to the
3 provisions of the Open Meetings Act, I now convene a
4 regularly scheduled Bench Session of the Illinois
5 Commerce Commission. With us in Chicago is Acting
6 Commissioner del Valle. With me in Springfield are
7 Commissioner McCabe and Acting Commissioner Maye. I
8 am Commissioner Colgan, and we have a quorum.

9 We should also have Chairman Scott on the
10 phone.

11 Chairman Scott, are you there?

12 CHAIRMAN SCOTT: I am here. Good morning.

13 COMMISSIONER COLGAN: Good morning.

14 Under the Commission rules, we will have to
15 vote to allow Chairman Scott to participate on the
16 phone.

17 I move to allow Chairman Scott's
18 participation by phone.

19 Is there a second?

20 COMMISSIONER McCABE: Second.

21 COMMISSIONER COLGAN: It's been moved and
22 seconded.

23 All in favor of the motion say aye.

24 (Chorus of ayes.)

1 COMMISSIONER COLGAN: Any opposed?

2 (No response.)

3 COMMISSIONER COLGAN: The vote is four to
4 zero, and Chairman Scott may participate in today's
5 meeting by phone.

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

15 Moving now to Transportation Agenda, we will
16 begin with the approval of minutes from our August 14
17 Bench Session.

18 Is there a motion to approve the minutes?

19 ACTING COMMISSIONER MAYE: So moved.

20 COMMISSIONER McCABE: Second.

21 COMMISSIONER COLGAN: There's a motion and a
22 second.

23 All in favor say aye.

24 (Chorus of ayes.)

1 COMMISSIONER COLGAN: Any opposed?

2 (No response.)

3 COMMISSIONER COLGAN: The vote is five to
4 zero, and the minutes for our August 14th Bench
5 Session are approved.

6 Now, on to the railroad portion of today's
7 agenda. Item RR-1 is Docket Number T13-0038. This
8 is IDOT's petition for a safety improvement project
9 at the public highway at-grade crossing in Kane
10 County. ALJ Kirkland-Montague recommends entry of an
11 Order granting the position.

12 Is there any discussion?

13 (No response.)

14 COMMISSIONER COLGAN: Any objections?

15 (No response.)

16 COMMISSIONER COLGAN: Is there a motion to
17 enter the Order?

18 COMMISSIONER McCABE: So moved.

19 COMMISSIONER COLGAN: Is there a second?

20 ACTING COMMISSIONER MAYE: Seconded.

21 COMMISSIONER COLGAN: It's been moved and
22 seconded.

23 All in favor say aye.

24 (Chorus of ayes.)

1 COMMISSIONER COLGAN: Any opposed?

2 (No response.)

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

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

8 Item RR-2 is Docket Number T13-0055. This
9 is BNSF Railway, the City of Chicago, City of
10 Yorkville, County of Kendall, and IDOT's Stipulated
11 Agreement seeking authorization for safety
12 improvement projects at highway-rail grade crossings
13 in Illinois.

14 Although the Commission previously
15 authorized an improvement at one location, that
16 improvement was completed prior to the first
17 Commission's Order. BNSF has filed a petition for a
18 Supplemental Order to authorize improvement at a
19 substitute crossing. Staff recommends entry of a
20 Supplemental Order granting the requested relief.

21 Is there any discussion?

22 (No response.)

23 COMMISSIONER COLGAN: Any objections?

24 (No response.)

1 COMMISSIONER COLGAN: Hearing none, the
2 Supplemental Order is entered.

3 Item RR-3 through RR-6 can be taken
4 together. These items are Stipulated Agreements
5 seeking authorization for safety improvement projects
6 at highway-rail grade crossings in Illinois. In each
7 case, Staff recommends entry of an Order granting
8 each party's requested relief.

9 Is there any discussion?

10 (No response.)

11 COMMISSIONER COLGAN: Any objections?

12 (No response.)

13 COMMISSIONER COLGAN: Hearing none, the
14 Orders are entered.

15 Item RR-7 is Docket Number T10-0017
16 Supplemental. This is the City of Chicago's petition
17 for authorization in funding to construct
18 improvements at highway-grade separation in Cook
19 County. The City has filed a petition for a
20 Supplemental Order requesting additional time to
21 complete the project. ALJ Kirkland-Montague
22 recommends entry of a Supplemental Order and granting
23 the petition.

24 Is there any discussion?

1 (No response.)

2 COMMISSIONER COLGAN: Any objections?

3 (No response.)

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

6 Items RR-8 through RR-11 can be taken
7 together. These are Stipulated Agreements seeking
8 authorization for safety improvement projects at
9 highway-rail grade crossings in Illinois. In each
10 case, a Petition for a Supplemental Order requesting
11 additional time or funding for the projects has been
12 filed. In each case, Staff recommends entry of a
13 Supplemental Order granting the requested relief.

14 Is there any discussion?

15 (No response.)

16 COMMISSIONER COLGAN: Any objections?

17 (No response.)

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

20 On to Motor Carriers. Item MC-1 is Docket
21 Number 11-1464, 174528 MC. This is a Stipulated
22 Settlement Agreement concerning Alondra Movers Inc.,
23 alleged violations of the Illinois Commercial
24 Transportation Law. Our transportation counsel

1 recommends entry of an Order accepting the Settlement
2 Agreement.

3 Is there any discussion?

4 (No response.)

5 COMMISSIONER COLGAN: Any objections?

6 (No response.)

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

9 Item MC-2 is Docket Number 66 RTV-4, 71684
10 MC. This is S & S Towing's application for a
11 Commercial Relocation Towing License pursuant to
12 Section 18-400 of the Illinois Commercial Relocation
13 of Trespassing Vehicles Law. ALJ Kirkland-Montague
14 recommends entry of an Order granting the
15 application.

16 Is there any discussion?

17 (No response.)

18 COMMISSIONER COLGAN: Are there any
19 objections?

20 (No response.)

21 COMMISSIONER COLGAN: Hearing none, the
22 Order is entered.

23 Moving on to Collateral Recovery. Item CR-1
24 is Docket Number 183777 MC. This is Sean Marshall's

1 application for a Class E Recovery Permit pursuant to
2 Section 45 of the Collateral Recovery Act. ALJ
3 Kirkland-Montaque recommends entry of an Order
4 denying the application.

5 Is there any discussion?

6 (No response.)

7 COMMISSIONER COLGAN: Any objections?

8 (No response.)

9 COMMISSIONER COLGAN: Hearing none, the
10 Order is entered.

11 We have one administrative item for
12 consideration today. Item AM-1 concerns our 2013
13 Transportation Regulatory Fund Annual Report, which
14 will be submitted to the Governor and the General
15 Assembly. Our Transportation Bureau Chief recommends
16 that the Commission accept this report.

17 Is there any discussion?

18 (No response.)

19 COMMISSIONER COLGAN: Any objections?

20 (No response.)

21 COMMISSIONER COLGAN: Hearing none, the
22 report is accepted.

23 Mr. Matrisch, is there any further
24 transportation business to come before the Commission

1 today?

2 MR. MATRISCH: No, Commissioner. Thank you.

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

5 (The Public Utilities portion of
6 the proceedings was held at this
7 time and is contained in a separate
8 transcript.)

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CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

License No. 084-004122