

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH SESSION

4 (TRANSPORTATION)

5 Chicago, Illinois

6 Wednesday, October 2nd, 2013

7
8 Met, pursuant to notice, at 10:30 a.m., at the
9 Illinois Commerce Commission, 160 North LaSalle Street,
10 Main Hearing Room, 8th Floor, Chicago, Illinois 60601.

11
12 PRESENT:

13
14 MR. DOUGLAS SCOTT, Chairman;

15 MS. ANN McCABE, Commissioner;

16 MR. JOHN T. COLGAN, Commissioner;

17 MR. MIGUEL DEL VALLE, Acting Commissioner;

18 MS. SHERINA E. MAYE, Acting Commissioner
19 (Via phone.)

20
21
22
23 MIDWEST LITIGATION SERVICES
24 Thomas A. Manno, C.S.R.
 License No. 84-1174

1 CHAIRMAN SCOTT: Everything ready in
2 Springfield?

3 A VOICE: Yes, it is, Chairman.

4 CHAIRMAN SCOTT: Very good. Thank you.

5 Pursuant to the provisions of the Open Meetings
6 Act, I now convene a regularly scheduled Bench session of
7 the Illinois Commerce Commission.

8 With me in Chicago are Commissioner Colgan,
9 Commissioner McCabe, Acting Commissioner Del Valle. I'm
10 Chairman Scott. We have a quorum.

11 We should also have Acting Commissioner Maye on
12 the phone.

13 Commissioner Maye, are you there?

14 COMMISSIONER MAYE: Good morning. I'm here.

15 CHAIRMAN SCOTT: Good morning.

16 Under the Commission's rules, we'll have to
17 vote to allow Commissioner Maye to participate by phone,
18 so I move to allow Commissioner Maye's participation by
19 phone. Is there a second?

20 COMMISSIONER COLGAN: Second.

21 CHAIRMAN SCOTT: Seconded by
22 Commissioner Colgan. It's been moved and seconded. All
23 in favor say aye.

24 (Chorus of ayes.)

1 Any opposed?

2 (No response.)

3 The vote is four to nothing, and
4 Commissioner Maye may participate in today's meeting by
5 phone.

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

14 Moving now to the Transportation agenda, we'll
15 begin with the approval of minutes from our September
16 18th bench session. I understand amendments have been
17 forwarded.

18 Is there a motion to amend the minutes?

19 COMMISSIONER McCABE: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 COMMISSIONER COLGAN: Seconded.

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

23 All in favor say aye.

24 (Chorus of ayes.)

1 Any opposed?

2 (No response.)

3 Vote is five to nothing and the amendments are
4 adopted.

5 Is there now a motion to approve the minutes as
6 amended?

7 COMMISSIONER COLGAN: So moved.

8 CHAIRMAN SCOTT: So moved. Is there a second?

9 COMMISSIONER McCABE: Second.

10 CHAIRMAN SCOTT: So moved and seconded. All in
11 favor say aye.

12 (Chorus of ayes.)

13 Any opposed?

14 (No response.)

15 The vote is five to nothing, and the minutes
16 for the September 18th bench session as amended are
17 approved.

18 Under the Railroad portion of today's agenda,
19 Item RR-1 is Docket No. T-12-0062. This is Norfolk
20 Southern Railway Company, Big Mound Township, Wayne
21 County Highway Department and IDOT's stipulated agreement
22 regarding public safety improvements at a highway-rail
23 grade crossing in Wayne County. ALJ Duggan recommends
24 entry of an order granting the requested relief.

1 Is there any discussion? Any objections?

2 Is there a motion to enter the order?

3 COMMISSIONER McCABE: So moved.

4 CHAIRMAN SCOTT: Is there a second?

5 COMMISSIONER COLGAN: Second.

6 CHAIRMAN SCOTT: All in favor say aye.

7 (Chorus of ayes.)

8 Any opposed?

9 The vote is five to nothing and the order is
10 entered. We'll use this five to nothing vote for the
11 remainder of today's transportation agenda unless
12 otherwise noted.

13 Item RR-2 is Docket No. T13-0078. This is
14 IDOT's amended petition for approval of the taking or
15 damaging of certain properties owned by Norfolk Southern
16 Railway Company in Cook County by exercising the right of
17 eminent domain.

18 Staff and Norfolk Southern support the
19 petition, and ALJ Kirkland-Montague recommends entry of
20 an order granting the amended petition.

21 Is there any discussion? Any objections?

22 Hearing none, the order is entered.

23 Items RR-3 through RR-5 can be taken together.
24 These items are stipulated agreements seeking

1 authorization for safety improvement projects at
2 highway-rail grade crossings in Illinois. In each case
3 our transportation counsel recommends entry of an order
4 granting each partie's request relief.

5 Any discussion?

6 Any objections?

7 Hearing none, the orders are entered.

8 On the Motor Carriers, Item MC-1 is a
9 stipulated agreement concerning GIL and R. Trucking's
10 alleged violation of the Illinois Commercial
11 Transportation Law. Our transportation counsel
12 recommends entry of an order accepting the stipulated
13 settlement agreement.

14 Is there any discussion? Any objection?

15 Hearing none, the order is entered.

16 We have one administrative item for
17 consideration today. Item AM-1 concerns Safeway Towing
18 and Recovery's petition for rehearing of an
19 administrative citations ruling.

20 ALJ Kirkland-Montaque recommends denial of the
21 petition.

22 Is there any discussion? Are there any
23 objections to denying the petition?

24 Hearing none, the application for rehearing is

1 denied.

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

5 MR. MATRISCH: No, Chairman. Thank you.

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

8 (WHEREUPON, the Public Utility agenda
9 was had, and is transcribed in a
10 separate transcript.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE OF REPORTER

I, Thomas A. Manno, C.S.R. and Notary Public
within and for the State of Illinois, do hereby certify
that the meeting aforementioned was held at the time and
in the place previously described, and was transcribed to
the best of my ability, and contains all of the
proceedings given at said meeting.

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

THOMAS A. MANNO, C.S.R.
License No. 84-1174