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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

BENCH SESSION  
  
(TRANSPORTATION)

Chicago, Illinois  
Thursday, November 4, 2010

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

PRESENT:

- MANUEL FLORES, Acting Chairman
- LULA M. FORD, Commissioner
- ERIN M. O'CONNELL-DIAZ, Commissioner
- SHERMAN J. ELLIOTT, Commissioner
- JOHN T. COLGAN, Acting Commissioner  
via teleconference

SULLIVAN REPORTING COMPANY, by  
Alisa A. Sawka, CSR  
License No. 084-004588

1 PROCEEDINGS

2 ACTING CHAIRMAN FLORES: Pursuant to the  
3 provisions of the Illinois Open Meetings Act, I now  
4 convene a regularly scheduled Bench Session of the  
5 Illinois Commerce Commission. With me in Chicago are  
6 Commissioner O'Connell-Diaz, Commissioner Ford,  
7 Commissioner Elliot and I am Acting Chairman Flores.  
8 We have a quorum.

9 Commissioner Colgan, are you there?

10 ACTING COMMISSIONER COLGAN: Yes, I am.

11 ACTING CHAIRMAN FLORES: Very well, good  
12 morning, sir.

13 ACTING COMMISSIONER COLGAN: Good morning.

14 ACTING CHAIRMAN FLORES: Commissioner Colgan's  
15 available by phone in Springfield. Per the  
16 Commission's rule, we must vote to allow Commissioner  
17 Colgan to participate by phone.

18 I will make a motion to allow  
19 Commissioner Colgan to participate by phone.

20 Is there a second?

21 COMMISSIONER ELLIOTT: Second.

22 ACTING CHAIRMAN FLORES: It's been moved and

1 seconded.

2 All in favor say "aye."

3 (Chorus of ayes.)

4 ACTING CHAIRMAN FLORES: Any opposed?

5 (No response.)

6 ACTING CHAIRMAN FLORES: The vote is 4-0, and  
7 we allow Commissioner Colgan to participate by phone  
8 in today's Bench Session.

9 Again, good morning, Commissioner.

10 ACTING COMMISSIONER COLGAN: Good morning.

11 ACTING CHAIRMAN FLORES: Before moving into the  
12 agenda according to Section 1700.10 of the Illinois  
13 Administrative Code, this is the time that we allow  
14 members of the public to address the Commission.  
15 Members of the public wishing to address the  
16 Commission must do so, must notify the Chief Clerk's  
17 Office at least 24 hours prior to the Bench Session.

18 According to the Chief Clerk's Office,  
19 we have no request to speak at today's session.

20 Starting with the transportation  
21 agenda, we have minutes to approve from the October  
22 6th Bench Session.

1 I will make a motion to approve the  
2 minutes.

3 Is there a second?

4 COMMISSIONER O'CONNELL-DIAZ: Second.

5 ACTING CHAIRMAN FLORES: It's been moved and  
6 seconded.

7 All in favor say "aye."

8 (Chorus of ayes.)

9 ACTING CHAIRMAN FLORES: Any opposed?

10 (No response.)

11 ACTING CHAIRMAN FLORES: The vote is 5-0  
12 approving the minutes for October 6.

13 Moving to the Railroad portion of  
14 today's agenda Item RR-1 is Docket No. T10-0150.  
15 This item concerns a stipulated agreement for public  
16 safety improvements at railroad crossings in McHenry  
17 County. Staff recommends entering an order approving  
18 the stipulated agreement.

19 Is there a motion to enter the Order?

20 COMMISSIONER ELLIOTT: So moved.

21 ACTING CHAIRMAN FLORES: I will second it.

22 It's been moved and seconded.

1 All in favor say "aye."

2 (Chorus of ayes.)

3 ACTING CHAIRMAN FLORES: Any opposed?

4 (No response.)

5 ACTING CHAIRMAN FLORES: The vote is 5-0. The  
6 Order is entered and the stipulated agreement is  
7 approved.

8 We will use this 5-0 vote for the  
9 remainder of the Transportation Agenda unless  
10 otherwise noted.

11 Item RR-2 is Docket No. T08-0168.  
12 This item concerns public safety improvements through  
13 sign renewals and installations at highway rail grade  
14 crossings across Illinois. Staff recommends entering  
15 a second supplemental order allowing for changes to  
16 the project and for an extension of time.

17 Is there any discussion?

18 (No response.)

19 ACTING CHAIRMAN FLORES: Any objections?

20 (No response.)

21 ACTING CHAIRMAN FLORES: Hearing none, the  
22 Second Supplemental Order is entered.

1                   Item RR-3 is Docket No. T10-0040.  
2       This item concerns a petition by Plainfield Township  
3       Road District for the relocation of a highway rail  
4       grade crossing and for other improvements.  
5       Administrative Law Judge Kirkland-Montague recommends  
6       entering an order authorizing the relocation and  
7       other requested relief.

8                   Is there any discussion?

9                                   (No response.)

10            ACTING CHAIRMAN FLORES: Any objections?

11                                   (No response.)

12            ACTING CHAIRMAN FLORES: Hearing none, the  
13       Order is entered.

14                   Item RR-4 is Docket No. T10-0099.  
15       This item concerns a petition by Illinois Central  
16       Railroad Company seeking authorization to reconstruct  
17       a bridge at a grade-separated crossing in Cook  
18       County. Administrative Law Judge Kirkland-Montague  
19       recommends entering an order authorizing the project.

20                   Is there any discussion?

21                                   (No response.)

22            ACTING CHAIRMAN FLORES: Any objections?

1 (No response.)

2 ACTING CHAIRMAN FLORES: Hearing none, the  
3 Order is entered.

4 Item RR-5 is Docket No. T08-0149.  
5 This item concerns a petition filed by the State  
6 Department of Transportation regarding safety  
7 improvements to traffic signals, signs and other  
8 warning devices at locations throughout Cook County.  
9 Administrative Law Judge Kirkland-Montague recommends  
10 entering a supplemental order on granting an  
11 extension of time for completing these improvements.

12 Is there any discussion?

13 (No response.)

14 ACTING CHAIRMAN FLORES: Any objections?

15 (No response.)

16 ACTING CHAIRMAN FLORES: Hearing none, the  
17 Supplemental Order is entered.

18 Item RR-6 Is Docket No. T06-0077.  
19 This item concerns a petition filed by the City of  
20 Rockford for the replacement of dual grade separation  
21 structures in Winnebago County. Administrative Law  
22 Judge Kirkland-Montague recommends entering a Second

1 Supplemental Order granting an extension of time for  
2 submitting billing associated with the project.

3 Is there any discussion?

4 (No response.)

5 ACTING CHAIRMAN FLORES: Any objections?

6 (No response.)

7 ACTING CHAIRMAN FLORES: Hearing none, the  
8 Second Supplemental Order is entered.

9 Moving now to the Motor Carriers  
10 portion of today's agenda.

11 Items MC-1 through MC-5 can be taken  
12 together. These items concern alleged violations of  
13 the Illinois Commercial Transportation Law. In each  
14 case our Transportation Counsel recommends entry of  
15 an order approving a stipulated settlement agreement  
16 with respect to the alleged violations.

17 Is there any discussion?

18 (No response.)

19 ACTING CHAIRMAN FLORES: Any objections?

20 (No response.)

21 ACTING CHAIRMAN FLORES: Hearing none, the  
22 Orders are entered.



1                   Item MC-6 concerns Kenneth Flowers'  
2 application for a dispatcher's employment permit.  
3 Administrative Law Judge Kirkland-Montague recommends  
4 entering an order dismissing the application without  
5 prejudice for want of prosecution.

6                   Is there any discussion?

7                                   (No response.)

8                   ACTING CHAIRMAN FLORES: Any objections?

9                                   (No response.)

10                  ACTING CHAIRMAN FLORES: Hearing none, the  
11 Application is dismissed.

12                   We have three administrative matters  
13 to deal with today. Item AM-1 concerns a citation  
14 related to BNSF Railroad Company's failure to  
15 maintain the Illinois Route 127 highway rail grade  
16 crossing service in according with the requirements  
17 of 92 Illinois Administrative Code Part 1535.203.  
18 Staff recommends entry of a citation order requiring  
19 the Company to address this matter.

20                   Is there any discussion?

21                                   (No response.)

22                  ACTING CHAIRMAN FLORES: Any objections?

1 (No response.)

2 ACTING CHAIRMAN FLORES: Hearing none, the  
3 Citation Order is entered.

4 Item AM-2 concerns a citation related  
5 to Dakota, Minnesota and Eastern Railroad  
6 Corporation's failure to maintain highway rail grade  
7 crossing surfaces in Kingston, Ogle and DeKalb  
8 Counties in accordance with the requirements of 92  
9 Illinois Administrative Code Part 1535.203. Staff  
10 recommends entry of a citation order requiring the  
11 Company to address this matter.

12 Is there any discussion?

13 (No response.)

14 ACTING CHAIRMAN FLORES: Any objections?

15 (No response.)

16 ACTING CHAIRMAN FLORES: Hearing none, the  
17 Citation Order is entered.

18 Item AM-3 concerns proposed rules for  
19 relocation towing under Chapter 92 Part 1710 of the  
20 Illinois Administrative Code. The Joint Committee on  
21 Administrative Rules has issued its certification of  
22 no objection with respect to the proposed rulemaking

1 and our Transportation Counsel recommends entering a  
2 resolution adopting the amended rules.

3 Is there any discussion?

4 (No response.)

5 ACTING CHAIRMAN FLORES: Any objections?

6 (No response.)

7 ACTING CHAIRMAN FLORES: Hearing none, the  
8 resolution is adopted.

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

11 MR. MATRISCH: Nothing further, Chairman.  
12 Thank you.

13 ACTING CHAIRMAN FLORES: Thank you so much and  
14 keep up the great work.

15 MR. MATRISCH: Thank you.

16 ACTING CHAIRMAN FLORES: So hearing none, that  
17 concludes today's transportation agenda.

18 (The Public Utilities portion of  
19 the proceedings was held at  
20 this time and is contained in a  
21 separate transcript.)

22