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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

BENCH SESSION  
(TRANSPORTATION)

Tuesday, December 4, 2013  
Chicago, Illinois

Met, pursuant to notice at 10:30 a.m. at  
Illinois Commerce Commission, 160 North LaSalle  
Street, Chicago, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MR. JOHN T. COLGAN, Commissioner
- MS. ANN McCABE, Commissioner
- MR. MIGUEL DEL VALLE, Commissioner
- MS. SHERNA E. MAYE, Commissioner
- MR. MIKE WALLACE, Commissioner  
(Via videoconference)

1 PROCEEDINGS

2 CHAIRMAN SCOTT: Is everything ready in  
3 Springfield?

4 COMMISSIONER WALLACE: Yes, it is.

5 CHAIRMAN SCOTT: Very good. Pursuant to the  
6 provisions of the Open Meetings Act, I now convene a  
7 regularly scheduled bench session of the Illinois  
8 Commerce Commission. With me in Chicago are  
9 Commissioner Colgan, Commissioner McCabe, Commissioner  
10 Del Valle, and Commissioner Maye. I'm Chairman Scott.  
11 We have a quorum.

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

20 Moving now to the Transportation agenda,  
21 we'll begin with the approval of minutes from our  
22 November 6th bench session. I understand amendments  
23 have been forwarded.

24 Is there a motion to amend the minutes?

1 COMMISSIONER COLGAN: So moved.

2 CHAIRMAN SCOTT: Moved by Commissioner  
3 Colgan.

4 Is there a second?

5 COMMISSIONER McCABE: Second.

6 CHAIRMAN SCOTT: Seconded by Commissioner  
7 McCabe.

8 It's been moved and seconded. All in favor  
9 say aye.

10 (Ayes heard.)

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 CHAIRMAN SCOTT: The vote is five to  
14 nothing, and the amendments are adopted.

15 Is there now a motion to approve the minutes  
16 as amended?

17 COMMISSIONER MAYE: So moved.

18 CHAIRMAN SCOTT: Moved by Commissioner Maye.  
19 Is there a second?

20 COMMISSIONER DEL VALLE: Second.

21 CHAIRMAN SCOTT: Seconded by Commissioner  
22 Del Valle.

23 Moved and seconded. All in favor say aye.

24 (Ayes heard.)

1                   CHAIRMAN SCOTT: Any opposed?

2                                   (No response.)

3                   CHAIRMAN SCOTT: The vote is five to  
4 nothing, and the minutes from our November 6th bench  
5 session as amended are approved.

6                   Items RR-1 and RR-2 can be taken together.  
7 These items are petitions for authorization and/or  
8 funding to construct safety improvement projects at  
9 highway rail-grade crossings in Lake and Grundy  
10 County. In both cases, ALJ Kirkland-Montaque  
11 recommends entry of an order granting the requested  
12 relief.

13                   Is there any discussion?

14                                   (No response.)

15                   CHAIRMAN SCOTT: Is there a motion to enter  
16 the orders?

17                   COMMISSIONER MAYE: So moved.

18                   CHAIRMAN SCOTT: Moved by Commissioner Maye.  
19 Is there a second?

20                   COMMISSIONER COLGAN: Second.

21                   CHAIRMAN SCOTT: Seconded by Commissioner  
22 Colgan.

23                   Moved and seconded. All in favor say aye.

24                                   (Ayes heard.)

1                   CHAIRMAN SCOTT: Any opposed?

2                                   (No response.)

3                   CHAIRMAN SCOTT: Vote is five to nothing,  
4 and the orders are entered. We will use this  
5 five-to-nothing vote for the remainder of today's  
6 transportation agenda unless otherwise noted.

7                   Item RR-3 is Docket No. T13-0115. This is  
8 BNSF Railway Company, Adams County Highway Department,  
9 Camp Point Township Road District, and IDOT's  
10 stipulated agreement seeking authorization for a  
11 safety improvement project at a highway rail-grade  
12 crossing in Adams County. Transportation staff  
13 recommends entry of an order entering the stipulated  
14 agreement.

15                   Is there any discussion?

16                                   (No response.)

17                   CHAIRMAN SCOTT: Are there any objections?

18                                   (No response.)

19                   CHAIRMAN SCOTT: Hearing none, the order is  
20 entered.

21                   Items RR-4 through RR-6 can be taken  
22 together. These items are stipulated agreements  
23 seeking authorization for safety improvement projects  
24 at highway rail-grade crossings in Illinois. In each

1 case the petitioner has filed a request for additional  
2 time to complete the project, and in each case our  
3 transportation counsel recommends entry of a  
4 supplemental order granting the requested relief.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Any objections?

8 (No response.)

9 CHAIRMAN SCOTT: Hearing none, the  
10 supplemental orders are entered.

11 Moving now to Collateral Recovery,  
12 Items CR-1 and CR-2 can be taken together. These  
13 items are applications for Class EE recovery permits  
14 pursuant to Section 45 of the Collateral Recovery Act.  
15 In each case ALJ Kirkland-Montague recommends entry of  
16 an order dismissing the proceedings without prejudice  
17 due to each petitioners' failure to appear at hearing.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Any objections?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the orders  
23 are entered, and the proceedings are dismissed.

24 Item CR-3 is Wayne Dale Benton's application

1 for a Class E recovery permit pursuant to Section 45  
2 of the Collateral Recovery Act. ALJ Kirkland-Montague  
3 recommends entry of an order dismissing the proceeding  
4 without prejudice due to the petitioner's failure to  
5 appear at hearing.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the order is  
11 entered, and the proceeding is dismissed.

12 Items CR-4 through CR-7 can be taken  
13 together. These items are applications for Class E  
14 recovery permits pursuant to Section 45 of the  
15 Collateral Recovery Act. In each case, ALJ Duggan  
16 recommends entry of an order granting the application.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the orders  
22 are entered.

23 We have one administrative item for  
24 consideration today. Item AM-1 concerns the City of

1 Urbana, the City of Champaign, and the County of  
2 Champaign's joint petition seeking authorization to  
3 construct a highway bridge in Champaign County.  
4 Intervenor Preserve Olympian Farmland has filed a  
5 petition for interlocutory review of the hearing  
6 examiner's ruling. Although this item will be held  
7 again for disposition at a future Commission  
8 proceeding, I would note that the petition concerns  
9 evidentiary issues which may impact the parties'  
10 presentation of their cases and witness testimony and  
11 cross-examination. Thus, as was the case when this  
12 item came before us previously, we urged the ALJ to  
13 stay any pending hearings until such time as the  
14 Commission has had a full opportunity to review the  
15 petition and relevant evidence and issue its decision.

16 Is there any further transportation  
17 business to come before the Commission today?

18 COMMISSIONER WALLACE: No, Chairman. Thank you.

19 CHAIRMAN SCOTT: Thank you, sir.

20 Hearing none, that concludes the  
21 transportation agenda.

22 END OF TRANSPORTATION AGENDA

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