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BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(TRANSPORTATION)
Springfield, Illinois
Wednesday, December 19, 2012
Met, Pursuant to notice, at 10:30 a.m.
in the Audiovisual Conference Room, Second Floor,
Leland Building, 527 East Capitol Avenue,
Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner
(Via audiovisual conference)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner
(Via audiovisual conference)

MR. JOHN T. COGAN, Commissioner

MS. ANN McCABE, Commissioner

L.A. COURT REPORTERS, LLC.
BY: Lori Ann Asauskas
CSR: #084-002890

1 P R O C E E D I N G S

2 CHAIRMAN SCOTT: Pursuant to the provisions
3 of the Open Meetings Act, I now convene a regularly
4 scheduled Bench Session of the Illinois Commerce
5 Commission. With me in Springfield are Commissioner
6 Colgan and Commissioner McGabe. With us in Chicago
7 are Commissioner Ford and Commissioner
8 O'Connell-Diaz. I'm Chairman Scott. We have a
9 quorum.

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

19 We will start today with the
20 transportation agenda and we will begin with the
21 approval of minutes from our November 8th Bench
22 Session. I understand amendments have been

1 forwarded. Is there a motion to amend the minutes?

2 COMMISSIONER McCABE: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 COMMISSIONER O'CONNELL-DIAZ: Second.

5 CHAIRMAN SCOTT: It has been moved and
6 seconded. All in favor say aye?

7 COMMISSIONERS: Aye.

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 CHAIRMAN SCOTT: The vote is five
11 to nothing and the amendments to the minutes are
12 adopted. Is there a motion to approve the minutes
13 as amended?

14 COMMISSIONER COLGAN: So moved.

15 CHAIRMAN SCOTT: Is there a second?

16 COMMISSIONER McCABE: Second.

17 CHAIRMAN SCOTT: It has been moved and
18 seconded. All in favor say aye?

19 COMMISSIONERS: Aye.

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 CHAIRMAN SCOTT: The vote is five to nothing

1 and the minutes for our November 8th Bench Session as
2 amended are approved.

3 Up next is the approval of minutes
4 from our November 28th Bench Session. I understand
5 amendments have been forwarded. Is there a motion to
6 amend the minutes?

7 COMMISSIONER COLGAN: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 COMMISSIONER McCABE: Second.

10 CHAIRMAN SCOTT: It has been moved and
11 seconded. All in favor say aye?

12 COMMISSIONERS: Aye.

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

15 CHAIRMAN SCOTT: The vote is five to nothing
16 and the amendments to the minutes are adopted. Is
17 there a motion to approve the minutes as amended?

18 COMMISSIONER McCABE: So moved.

19 COMMISSIONER O'CONNELL-DIAZ: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 COMMISSIONER O'CONNELL-DIAZ: Second.

22 CHAIRMAN SCOTT: It has been moved and

1 seconded. All in favor say aye?

2 COMMISSIONERS: Aye.

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 CHAIRMAN SCOTT: The vote is five to nothing
6 and the minutes for our November 28th Bench Session
7 as amended are approved.

8 Now, onto the railroad portion of
9 today's agenda, Item RR-1 is Docket No. T12-0134.
10 This is an eminent domain petition by the Illinois
11 Department of Transportation seeking easements for
12 a highway improvement project in Kane County. ALJ
13 Kirkland-Montague recommends entry of an Order
14 granting the petition.

15 Is there any discussion?

16 (No response.)

17 Is there a motion to enter the
18 Order?

19 COMMISSIONER McCABE: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 COMMISSIONER COLGAN: Second.

22 CHAIRMAN SCOTT: It has been moved and

1 seconded. All in favor say aye?

2 COMMISSIONERS: Aye.

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 CHAIRMAN SCOTT: The vote is five to nothing
6 and the Order is entered. We will use this five to
7 nothing vote for the remainder of today's
8 transportation agenda unless otherwise noted.

9 Item RR-2 is Docket No. T12-0164.

10 This is a stipulated agreement regarding public
11 safety improvements at a highway-rail grade crossing
12 in Will County. Staff recommends entry of an Order
13 approving the stipulated agreement.

14 Is there any discussion?

15 (No Response.)

16 Are there any objections?

17 (No Response.)

18 Hearing none, the Order is entered.

19 Items RR-3 through RR-5 can be

20 taken together. These items concern stipulated

21 agreements for public safety improvements of

22 highway-rail grade crossings across Illinois. In

1 each case, Staff recommends entry of a Supplemental
2 Order allowing change in the project's scope or
3 authorizing additional funding for the project's
4 completion.

5 Are there any discussions?
6 Commissioner McCabe?

7 COMMISSIONER McCABE: I had some questions
8 on RR-3 and the automated horn zone in Mundelein,
9 just how that experience was, if it was a pilot, any
10 warnings, and --

11 MR. BLAIR: Okay. John Blair, railroad
12 section appearing on behalf of Mike Stead, who is
13 home with the flu today.

14 Essentially, what occurred prior to
15 1995 is when the FRA actually put out regulations
16 with regards to train horn quiet zones where towns
17 could -- if they did this and that, they could --
18 improvements at a crossing, they could apply to the
19 FRA and the FRA would bless the corridor as a quiet
20 zone and that would be submitted to the railroad and
21 the railroad cease from blowing their train horns
22 through at that segment of the track. But before

1 those regs came out in the early 2000s, there were
2 no regulations.

3 And so one of the things that were
4 looked at was instead of eliminating the train horn
5 noise, reducing the train horn noise, and that's what
6 the automated horn system was. Basically, it's two
7 speakers at a grade crossing that simulate a horn
8 sound. When the signals activate, they would sound
9 like a train horn, but it would be directed down the
10 roadway versus as the train approaches, it's coming
11 from the track and impacts numerous homes.

12 You know, once the -- there was
13 momentum early in the early 2000s where this looked
14 like it might be something that towns would be
15 interested in installing at their crossing, but
16 once the train horn quiet zone rules came out,
17 it's kind of fallen out of favor and -- because
18 towns want complete silence, not reduced train
19 horn noise.

20 And so what this -- what Mundelein
21 did was they applied for a complete quiet zone with
22 the FRA and they were given that with the conditions

1 that these automated horns be removed. So what this
2 Order does is it cleans up the prior Commission
3 Order, which directed the horns be installed and
4 allows for their removal.

5 COMMISSIONER McCABE: And once the
6 municipality has federal authority, we're out of it?

7 MR. BLAIR: Yes.

8 COMMISSIONER McCABE: Okay. And one of the
9 reasons this caught my eye was some recent articles
10 on train whistles and safety and I just thought it
11 would be great to get a short update on recent
12 incidents.

13 MR. BLAIR: Well, yeah. I think the general
14 picture is good. There's a trend -- and I can give
15 you a copy of this. The trend is, as you will see
16 from over the last 20 years, it has been down. In
17 1990, we had 320 collisions. In 2000, we had 195
18 highway-rail grade collisions. In 2010, we had 114.
19 And the projected number right now for 2012 is about
20 80 collisions, which will be a record for Illinois.
21 So if you're looking at the overall trend, it's
22 excellent. If you're looking at specific incidents,

1 they're all bad. You know, there's no good accident.

2 COMMISSIONER McCABE: Okay. Thank you.

3 We'll get this to the other Commissioners.

4 MR. BLAIR: Okay.

5 COMMISSIONER O'CONNELL-DIAZ: Mr. Blair, if
6 we could get a copy of whatever you tendered to --

7 MR. BLAIR: Sure.

8 COMMISSIONER O'CONNELL-DIAZ: -- Commissioner
9 McCabe. Additionally, I mean, what's happened here
10 is the village has implemented these safety measures,
11 which, in fact, will alleviate -- will actually
12 improve the safety measures at those locations and
13 in return for that, they get the quiet zone; is that
14 fair?

15 MR. BLAIR: More or less. What the FRA --
16 through their regulations, they've got what's called
17 a quiet zone calculator and you don't have to make
18 improvements at every crossing to meet the threshold
19 for them to allow the quiet zone. So in this case,
20 the improvements were installing medians to help
21 motorists from driving around lowered gates, but
22 they weren't -- the improvements weren't installed

1 at every crossing because based on the FRA's formula,
2 they didn't have to and so they didn't.

3 COMMISSIONER FORD: Right.

4 COMMISSIONER O'CONNELL-DIAZ: I mean, it's so
5 critical that at these locations in our town that --
6 where we have a lot of pedestrians, we have -- you
7 know, no one likes a train whistle out their back
8 door, but when it's a question of somebody going
9 across the track or a human being walking, a car, the
10 horn whistle is an inconvenience at best. So with
11 the appropriate measures taken by municipalities to
12 address this, it's good to see that they can actually
13 take control over whether, in fact, there is a horn
14 blaring in their locale.

15 MR. BLAIR: Yet there's two things to add.
16 One is there still remains at each crossing an
17 audible bell, a pedestrian bell --

18 COMMISSIONER O'CONNELL-DIAZ: Right.

19 MR. BLAIR: -- or bells. So there is an
20 audible warning that still remains at each crossing
21 as a train approaches. The second thing is the
22 engineer is on the train. Just because it's a quiet

1 zone, if he sees there's an issue, he'll blow the
2 horn. He's not prevented from blowing the horn if
3 he thinks there's a need to do so.

4 COMMISSIONER O'CONNELL-DIAZ: Right. Well,
5 for someone that takes the train on a daily basis
6 and I watch that bell go -- hear the bell go off,
7 sometimes hear the train engineer in fright as
8 someone runs across the train tracks is -- I mean,
9 it's an astounding thing to watch. In some of our
10 municipalities, they have sent their police force
11 out to ticket people, which is the appropriate thing
12 to happen, and, in fact, they're not allowed to board
13 the train.

14 But, you know, all it takes is one
15 slip and fall in front of the train that can't stop
16 and so being ever vigilant without these safety
17 measures is what we should be doing and obviously,
18 the federal government is doing, with regard to these
19 measures that we're implementing. So I appreciate
20 your report and thank you Commissioner McCabe for
21 bringing this discussion to level.

22 COMMISSIONER McCABE: Okay.

1 CHAIRMAN SCOTT: Anything else? Thank you,
2 Mr. Blair. I appreciate it.

3 We're on RR-3 through RR-5. Is
4 there any further discussion?

5 (No response.)

6 Are there any objections to
7 entering the orders?

8 (No response.)

9 Hearing none, the supplemental
10 orders are entered.

11 Item RR-6 is Docket No. T91-0040.
12 This is a petition to authorize the construction
13 of a new highway-rail grade separation structure in
14 Sangamon County. ALJ Kirkland-Montague recommends
15 entry of a Fifth Supplemental Order authorizing a
16 change in the project's scope.

17 Is there any discussion?

18 (No response.)

19 Are there any objections to
20 entering the orders?

21 (No response.)

22 Hearing none, the Supplemental

1 Order is entered.

2 Moving on to motor carriers, Item
3 MC-1 is Vitesse Moving & Transfer's application for
4 household goods property motor carrier authority
5 under the Illinois Commercial Transportation Law.
6 ALJ Duggan recommends entry of an Order granting the
7 application.

8 Is there any discussion?

9 (No response.)

10 Are there any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Items MC-2 and MC-3 can be taken
14 together. These items are applications for
15 commercial relocater licenses and in each case,
16 ALJ Kirkland-Montague recommends entry of an Order
17 granting the application.

18 Is there any discussion?

19 (No response.)

20 Are there any objections to
21 entering the orders?

22 (No response.)

