

Memorandum

RECEIVED  
MAR 18 2004  
Illinois Commerce Commission  
RAIL SAFETY SECTION

To: Chief Clerk  
From: Phillip A. Casey  
Chief Ethics Officer  
Date: March 17, 2004  
Re: Two Ex Parte Reports, non-interested party

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Herewith please find two ex parte reports (with attachments) prepared by ALJ Tate. Please make the reports apart of the record in Docket T03-0015.

*PAK*

**DOCKETED**

sc/st

MEMORIALIZATION OF EX PARTE  
COMMUNICATION FROM INTERESTED PARTY

[Form 23; 12-03]

ICC Docket Number, or Docket Number or Case Number from Other Jurisdiction  
(please be specific):

Docket T03-0015

Subject of the Communication:

United Transportation Union's petition for walkway rules.

Name of Commission Officer or Employee Making Report :

June B. Tate

Job Title:

Administrative Law Judge V

Date of Communication:

On or about January 22, 2004.

Location of Parties to Communication:

Chicago, IL

Mode of Communication (for example: in person, telephone, fax, email, mail):

Mail

Nature and Substance of All Oral Communications:

None.

Responses Made to Written or Oral Communications:

Please check one:

Attached are copies of all written items received – (optional).

No written communications were received.

Written communications were received but are not attached.

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RAIL SAFETY SECTION

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COMMUNICATION FROM INTERESTED PARTY

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Please check one:

Attached are copies of written responses – (optional).

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Written responses were received but are not attached.

Person Communicating to You:

State Representative – 112th District

Name of Person Communicating to You:

Jay C. Hoffman

Job Title of Person Communicating to You:

Illinois State Senator

Entity Represented by the Person:

People of the State of Illinois

State What Action, If Any, the Person Requested or Recommended:

Adoption of United Transportation Union's petition for walkway rules.

Include Any Other Information You Deem Pertinent:

None

Under Section 5-50(b-5) of the State Officials and Employees Ethics Act, the information required by this form shall promptly be memorialized and made a part of the record.

DISTRICT OFFICE:  
126 VANDALIA, SUITE 1  
COLLINSVILLE, ILLINOIS 62234  
618/345-2176  
hoffman@legis.state.il.us

1310 NIEDRINGHAUS  
GRANITE CITY, IL 62040  
618/877-9098  
(BY APPOINTMENT)

CAPITOL ADDRESS:  
263-S STRATTON BUILDING  
SPRINGFIELD, ILLINOIS 62706  
217/782-8018



**JAY C. HOFFMAN**  
STATE REPRESENTATIVE • 112TH DISTRICT

MAJORITY FLOOR LEADER

COMMITTEES:

TRANSPORTATION-CHAIRMAN

JUDICIARY 1-CIVIL LAW

LABOR

RECEIVED  
MAR 18 2004  
Illinois Commerce Commission  
RAIL SAFETY SECTION

January 20, 2004

Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62708

RE: Docket # T03-0015

Ladies and Gentlemen:

This office is aware of the current rulemaking (Docket #T03-0015) pending before the Commission regarding the United Transportation union (UTU) request for regulations for walkway standards in the railroad industry. It is my understanding that the Administrative Law Judge has recently proposed that no part of the proposed rulemaking be adopted.

However, it is also my understanding that the professional railroad staff of the Commission – those with the expertise in railroad matters – has filed an exception to the ALJ proposed order and has documented why the regulation should be fully adopted.

I am further aware that only two of the more than two dozen railroads in Illinois have opposed the petition, while three of the four US Class One railroads have formally agreed to the proposed standards.

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LABOR

**JAY C. HOFFMAN**  
STATE REPRESENTATIVE • 112TH DISTRICT

As an example of the need for such a rule is that on January 14, 2004 a railroad worker was killed in Kankakee, Illinois performing his duties along a walkway between tracks in a Norfolk Southern switching yard along the switching lead near track 14 where unsafe walkway conditions had previously been reported. This death has increased the urgency for a comprehensive railroad walkway regulation.

I urge the Commission to adopt the United Transportation Union's petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay C. Hoffman".

Jay C. Hoffman

CC: Hon. June B. Tate (ICC, 160 N. LaSalle Street, Suite C-800, Chicago, IL 60601)

JCH/cjn

MEMORIALIZATION OF EX PARTE  
COMMUNICATION FROM INTERESTED PARTY

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ICC Docket Number, or Docket Number or Case Number from Other Jurisdiction  
(please be specific):

Docket T03-0015

RECEIVED  
MAR 18 2004

Subject of the Communication:

United Transportation Union's petition for walkway rules.

Illinois Commerce Commission  
RAIL SAFETY SECTION

Name of Commission Officer or Employee Making Report :

June B. Tate

Job Title:

Administrative Law Judge V

Date of Communication:

On or about January 24, 2004

Location of Parties to Communication:

Chicago IL

Mode of Communication (for example: in person, telephone, fax, email, mail):

mail

Nature and Substance of All Oral Communications:

None

Responses Made to Written or Oral Communications:

Please check one:

Attached are copies of all written items received – (optional).

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MEMORIALIZATION OF EX PARTE  
COMMUNICATION FROM INTERESTED PARTY

[Form 23; 12-03]

Please check one:

- Attached are copies of written responses – (optional).
- No written responses were made.
- Written responses were received but are not attached.

Person Communicating to You:

Majority Caucus Whip - State Senator, Illinois - 46th Legislative District

Name of Person Communicating to You:

George P. Shadid

Job Title of Person Communicating to You:

Illinois State Senator

Entity Represented by the Person:

People of the State of Illinois

State What Action, If Any, the Person Requested or Recommended:

Adoption of United Transportation Union's petition for walkway rules.

Include Any Other Information You Deem Pertinent:

None

Under Section 5-50(b-5) of the State Officials and Employees Ethics Act, the information required by this form shall promptly be memorialized and made a part of the record.

ILLINOIS STATE SENATE

●CAPITOL OFFICE:  
127 STATE CAPITOL BUILDING  
SPRINGFIELD, ILLINOIS 62706  
PHONE: 217/782-8250  
FAX: 217/782-2331

●DISTRICT OFFICE:  
410 COURT STREET  
PEKIN, ILLINOIS 61554  
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309/673-8404  
FAX: 309/353-1819



**GEORGE P. SHADID**

MAJORITY CAUCUS WHIP

STATE SENATOR - 46<sup>th</sup> LEGISLATIVE DISTRICT

CHAIRMAN:  
- TRANSPORTATION COMMITTEE

MEMBER:  
- EXECUTIVE COMMITTEE  
- EXECUTIVE APPOINTMENTS  
COMMITTEE  
- INSURANCE & PENSIONS  
COMMITTEE

January 23, 2004

Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62708

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MAR 18 2004  
Illinois Commerce Commission  
RAIL SAFETY SECTION

Ladies and Gentlemen of the Commission:

RE: Docket # T03-0015

As Chairman of the Senate Transportation Committee, I am writing in support of the United Transportation Union's petition for a rulemaking to establish regulations for walkway standards in the railroad industry (Docket # T03-0015).

I am concerned that there is no consistent and enforceable standard for railroad walkways in Illinois, as there is in other states. I understand that recently a railroad worker in Illinois was killed while working between tracks where unsafe walkway conditions had been previously reported to the railroad. This death seems to mark the very reason why Illinois should follow other states and adopt a comprehensive railroad walkway regulation.

As I understand, Administrative Law Judge June Tate has recommended that the Commission deny the petition. However, the railroad staff of the Commission, those most experienced with railroad operations, subsequently has filed a brief indicating why the petition is both necessary and appropriate.

It appears that opposition from the railroad industry is very limited to a select few—only two railroads out of more than twenty-five take exception—and three of the nation's four major railroads have negotiated in agreement on the rule.

Given the overall sense of agreement between the industry and UTU and the apparent safety need, I urge the Commission to honor the brief filed by Commission staff and adopt the United Transportation Union's petition for walkway rules.

Sincerely,

  
George P. Shadid  
State Senator  
46th District

✓ CC: Hon. June Tate, ALJ-ICC