





1 All in favor say "aye."

2 (Chorus of ayes.)

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 CHAIRMAN SCOTT: The vote is 4 to nothing and  
6 Commissioner O'Connell-Diaz may participate by phone.

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

16 We'll start with the Transportation  
17 Agenda and specifically the Railroad section. Items  
18 RR-1 through RR-3 can be taken together. These items  
19 are Petitions for Orders authorizing construction,  
20 improvements and modifications at railway crossings  
21 across Illinois. In each case ALJ Duggan recommends  
22 that the Commission enter an Order granting the

1       Petition and authorizing the project to move forward.

2                       Is there a motion to enter the Orders?

3               COMMISSIONER FORD:    So moved.

4               ACTING COMISSIONER COLGAN:    Moved.

5               CHAIRMAN SCOTT:    Is there a second?

6               COMMISSIONER ELLIOTT:    Second.

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

8                       All in favor say "aye."

9                                       (Chorus of ayes.)

10               CHAIRMAN SCOTT:    Any opposed?

11                                       (No response.)

12               CHAIRMAN SCOTT:    The vote is 5 to nothing and  
13       the Orders are entered.

14                       We will use this 5 to nothing vote for  
15       the remainder of the Transportation Agenda unless  
16       otherwise noted.

17                       Item RR-4 is Docket No. T08-0105.

18       This item concerns a stipulated agreement regarding  
19       public safety improvements at highway rail grade  
20       crossings in DuPage County.    BNSF has filed a  
21       Petition for an extension of time, and ALJ  
22       Kirkland-Montaque recommends entry of a Supplemental

1 Order granting an extension of time associated with  
2 the project's completion.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Supplemental  
8 Order is entered.

9 Item RR-5 is Docket No. T09-0095.

10 This item concerns a Petition by the City of Peoria  
11 seeking authorization for a road reconstruction and  
12 widening. The City has now filed a Petition  
13 requesting that the Commission vacate its original  
14 Order authorizing the project due to the abandonment  
15 of rail service associated with the crossing, and ALJ  
16 Kirkland-Montague recommends that the Commission  
17 enter a Supplemental Order vacating the Commission's  
18 original authorizing Order.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Any objections?

22 (No response.)

1           CHAIRMAN SCOTT: Hearing none, the Supplemental  
2 Order is entered.

3                       Item RR-6 is Docket No. T10-0067.  
4 This item concerns a stipulated agreement regarding  
5 public safety improvements at a highway railway grade  
6 crossing in McDonough County. The New Salem Township  
7 Road District has filed a Petition for an extension  
8 of time and Staff recommends entry of a Supplemental  
9 Order granting an extension of time associated with  
10 the project's completion.

11                       Is there any discussion?

12                                       (No response.)

13           CHAIRMAN SCOTT: Any objections?

14                                       (No response.)

15           CHAIRMAN SCOTT: Hearing none, the Supplemental  
16 Order is entered.

17                       On to Motor Carriers. Items MC-1  
18 through MC-5 can be taken together. These items each  
19 involve stipulated settlement agreements concerning  
20 alleged violations of the Illinois Commercial  
21 Transportation Law. In each case our Transportation  
22 counsel recommends entry of an Order accepting the

1 stipulated settlement agreement.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

6 CHAIRMAN SCOTT: Hearing none, the Orders are  
7 entered and the settlement agreements are approved.

8 Item MC-6 is New Town Movers'  
9 Application for a Certificate granting it household  
10 goods property motor carrier authority. ALJ Duggan  
11 recommends that the Commission enter an Order  
12 approving the company's application.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Any objections?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the Order is  
18 entered and the application is approved.

19 Item MC-7 is Charles Neal's  
20 Application for an Operator Employment Permit under  
21 the Illinois Commercial Relocation of Trespassing  
22 Vehicles Law. ALJ Kirkland-Montaque recommends entry

1 of an Order approving the application.

2 Is there discussion?

3 Is the ALJ available?

4 JUDGE KIRKLAND-MONTAQUE: Yes.

5 CHAIRMAN SCOTT: Thank you. I appreciate you  
6 being here today and wanted to bring this up before  
7 so we held it. It's a little troubling to me just  
8 because this is the job that the gentleman -- the job  
9 that he's seeking to have his application reapproved  
10 for. The problem that he had was exactly with the  
11 job that he was doing and specifically leaving the  
12 child in the -- not looking properly the first time  
13 or not being able to see properly the first -- and  
14 actually second time that he checked the backseat not  
15 noticing that a child was back there.

16 The question I have and I don't know  
17 if this was something that came up during the course  
18 of your work or not, the court case that dealt with  
19 this, was that pled? Was that tried? Do we know  
20 what the disposition was other than the eventual  
21 finding of guilty?

22 JUDGE KIRKLAND-MONTAQUE: No, the record

1 does -- that's not in record whether he pled guilty  
2 or there was a trial. That information is not in the  
3 record. The Office of Transportation Counsel did get  
4 a copy of the disposition of the matter and that's  
5 the only record that we have of the actual conviction  
6 for reckless conduct.

7 CHAIRMAN SCOTT: And if you could refresh my  
8 memory, what was the sentence that the court imposed?

9 JUDGE KIRKLAND-MONTAQUE: 12 months supervision  
10 and a \$50 fine.

11 CHAIRMAN SCOTT: And he completed his  
12 supervision?

13 JUDGE KIRKLAND-MONTAQUE: He's in the midst of  
14 that right now.

15 CHAIRMAN SCOTT: He's in the midst of his  
16 supervision right now.

17 JUDGE KIRKLAND-MONTAQUE: Right.

18 ACTING COMMISSIONER COLGAN: I think it was \$50  
19 a month -- \$50 a month fee so that would more like  
20 \$600.

21 COMMISSIONER FORD: \$600.

22 CHAIRMAN SCOTT: More like \$600. Okay.



1           CHAIRMAN SCOTT: Any objections to entry of the  
2 Order?

3   (No response.)

4           CHAIRMAN SCOTT: Hearing none, the Order is  
5 entered and Mr. Neal's application is approved.

6   Thank you, Judge. Appreciate it.

7   Items MC-8 and MC-9 can be taken  
8 together. These items are Par Towing and  
9 Professional Recovery's Application for renewal of  
10 their commercial relocation towing licenses. In each  
11 case Staff recommends entry of an Order granting the  
12 renewal application.

13   Is there any discussion?

14   (No response.)

15           CHAIRMAN SCOTT: Any objections?

16   (No response.)

17           CHAIRMAN SCOTT: Hearing none, the Orders are  
18 entered and the renewals are granted.

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

21           MR. MATRISCH: Nothing further, Chairman.

22 Thank you.

1           CHAIRMAN SCOTT: Thank you. Hearing none, that  
2 concludes today's Transportation Agenda.

3                           (Whereupon, the Public Utility  
4                           Agenda is contained in a  
5                           separate transcript.)

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