

Docket No: 10-0668
Bench Date: 06-27-12
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Michael L. Wallace, Chief Administrative Law Judge

DATE: June 7, 2012

SUBJECT: Illinois Commerce Commission
On Its Own Motion
-VS-
Bushnell, Illinois, a municipal corporation

Citation for alleged violations of federal rules incorporated by the Illinois Commerce Commission.

RECOMMENDATION: Enter Order approving stipulation.

The Commission initiated this proceeding to determine whether Bushnell failed to follow proper procedures upon receipt of a potentially hazardous situation. This incident occurred on November 25, 2009. Staff further alleged other numerous violations of the federal regulations.

The federal rules cited by the Commission are 49 C.F.R. §§192, adopted by the Commission in 83 Ill. Adm. Code Part 590.

After various status hearings on the matter, Staff and Bushnell entered into a stipulation resolving the contested issues between them, on the following terms:

- a) Bushnell shall pay a civil penalty of \$40,000;

The stipulation includes constructive measures for enhanced safety and the maximum penalty authorized by Commission rules. It does not, however, include an admission of fault by Bushnell. Nevertheless, since it provides as much corrective action and punishment as could have been achieved by litigating the case, it affords a reasonable resolution of the regulatory issues arising from a tragic event.

Accordingly, I recommend that the Commission enter the attached Order, which approves the stipulation entered into between Staff and Bushnell.

MLW/lw