BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION)

Chicago, Illinois

Wednesday, June 5, 2013

Met, pursuant to notice, at 10:30 a.m. at 160 North LaSalle Street, Main Hearing Room, Chicago, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MR. JOHN T. COLGAN, Commissioner (by phone)

MS. ANN McCABE, Commissioner

MR. MIGUEL del VALLE, Acting Commissioner

MS. SHERINA E. MAYE, Acting Commissioner

L.A. COURT REPORTERS by

Kari Wiedenhaupt, Reporter

CSR# 084-004725

JUDGE WALLACE: Yes.

CHAIRMAN SCOTT: Pursuant to the provisions of the Opening Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Chicago is Commissioner McCabe, Acting Commissioner del Valle and Acting Commissioner Maye. I am Chairman Scott. We have a quorum. We should also have Commissioner Colgan available on the phone.

Are you there, Commissioner?

COMMISSIONER COLGAN: Yes, I am.

CHAIRMAN SCOTT: Very good. Under the Commission's rules, we will have to vote to allow Commissioner Colgan to participate by phone.

I move to allow Commissioner Colgan's participation by phone. Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: It's been moved and seconded. All in favor, say aye.
(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is four to nothing, and Commissioner Colgan may participate in today's meeting by phone.

Before moving into the agenda, according to Section 1700.10 of Title 2 of the Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to Commission meetings.

According to the Chief Clerk's Office, we have no requests to speak at today's Bench Session.

Moving to the Transportation agenda, we will begin with the approval of the minutes from our May 15th Bench Session.

Is there a motion to approve the minutes?

ACTING COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Is there a second?
COMMISSIONER McCabe: Second.

CHAIRMAN Scott: It's been moved and seconded.

All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN Scott: Any opposed?

(No response.)

CHAIRMAN Scott: The vote is five to nothing, and the minutes to our May 15th Bench Session are approved.

Onto the Railroad portion of today's agenda. Item RR-1 is Docket No. T12-0109. This is Kane County's petition seeking authority for construction of a bridge over a railroad in Kane County. ALJ Kirkland-Montaque recommends entry of an Order granting the petition.

Is there any discussion?

(No response.)

CHAIRMAN Scott: Is there a motion to enter the Order?

COMMISSIONER McCabe: So moved.

CHAIRMAN Scott: Is there a second?

ACTING COMMISSIONER Maye: Second.
CHAIRMAN SCOTT: It's been moved and seconded.

All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

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

Items RR-2 through RR-6 can be taken together. These items are stipulated agreements seeking authorization for safety improvement projects at highway-rail grade crossings across Illinois. In each case, our Transportation counsel recommends entry of an Order approving the stipulated agreement.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item RR-7 is Docket No. T10-0048.
This is the City of Galesburg's petition seeking authorization to construct an overpass and to permanently close an at-grade crossing in Knox County. The City has requested that an additional sum from the Grade Crossing Protection Fund be granted to continue the construction, and ALJ Kirkland-Montaque recommends entry of a Supplemental Order obligating those funds.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

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

Items RR-8 through RR-11 can be taken together. These items are stipulated agreements for public safety improvements at highway-rail grade crossings across Illinois. In each case the parties have requested additional funds, additional time or both to complete the projects, and in each case our Transportation counsel recommends entry of a Supplemental Order approving those requests.
Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Supplemental Orders are entered.

Onto Motor Carriers, Items MC-1 through MC-7 can be taken together. These items are stipulated settlement agreements for alleged violations of the Illinois Commercial Transportation Law. In each case, our Transportation counsel recommends entry of an Order adopting the settlement agreement.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item MC-8 is Gentle Giant Moving Company's application for household goods property motor carrier authority under the Illinois Commercial
Transportation Law. ALJ Kirkland-Montaque recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items MC-9 and MC-10 can be taken together. These are applications for renewal of authority to operate as a commercial vehicle relocator pursuant to Section 401 of the Illinois Commercial Relocation of Trespassing Vehicles Law. In both cases, our Transportation counsel recommends entry of an Order granting the request.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Moving now to Collateral Recovery,
Item CR-1 is Ralph Cornell's application to serve as a repossessor under the Collateral Recovery Act. ALJ Kirkland-Montaque recommends entry of an Order granting the application. This item will be held for disposition at a future Commission meeting.

Items CR-2 and CR-3 can be taken together. These items are applications to serve as a repossessor under the Collateral Recovery Act. In each case, ALJ Kirkland-Montaque recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

We have one administrative item for consideration today. Item AM-1 concerns a resolution initiating a rulemaking to amend 92 Illinois Administrative Code 1480, the Collateral Recovery Act. This item will be held for disposition at a future Commission proceeding.
Is there any further Transportation business to come before the Commission today?

MR. MATRISCH: Nothing further from Springfield.

CHAIRMAN SCOTT: Very good. Thank you.

Hearing none, that concludes today's transportation agenda.