BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(TRANSPORTATION)

Wednesday, June 11, 2014
Chicago, Illinois

Met, pursuant to notice, at 10:30 a.m. at
160 North LaSalle Street, 8th Floor, Chicago, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman
MR. JOHN T. COLGAN, Commissioner
MS. ANN McCabe, Commissioner
MR. MIGUEL DEL VALLE, Commissioner
MS. SHERINA E. MAYE, Commissioner

MIDWEST LITIGATION SERVICES, by,
KRISTI LANDOLINA,
Certified shorthand reporter
Illinois CSR No. 084-004611
COMMISSIONER COLGAN: Good morning. Pursuant to provisions of the Open Meetings Act, I now convene a regularly scheduled bench session for the Illinois Commerce Commission. With me in Chicago are Commissioners McCabe, Commissioner del Valle, Commissioner Maye, I'm Commissioner Colgan. And we have a quorum. We should also have Chairman Scott available on the phone.

Are you there, Chairman?

CHAIRMAN SCOTT: I am, Commissioner Colgan. Thank you.

COMMISSIONER COLGAN: We'll have to vote to allow Chairman Scott to participate by phone.

I move to allow Chairman Scott's participation by phone. Is there a second?

COMMISSIONER McCABE: Second.

COMMISSIONER COLGAN: It's been moved and seconded.

All in favor say aye.

(Ayes heard.)

COMMISSIONER COLGAN: Any opposed?

(No response.)

COMMISSIONER COLGAN: The vote is four to zero and Chairman Scott may participate in today's meeting by phone.

According to Section 170.10 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 the Commission's meetings. According to the Chief Clerk's office, we have no requests to speak at today's bench session.

Before moving into the agenda it's my understanding that Commissioner Maye would like to introduce her legal intern. Commissioner Maye.

COMMISSIONER MAYE: Thank you, Commissioner Colgan. I would like to welcome Annie McCann (phonetic) to the Commission. Annie will be working as my legal and policy intern this summer. She will be in her third year of law school at Notre Dame as well as possibly becoming a double donor and she also received her bachelor of arts magna cum laude in American studies and international peace studies. Please join me welcoming Annie McCann to the Commission.

COMMISSIONER COLGAN: Welcome Annie. Go Irish. Moving now to the Transportation Agenda. We'll begin with the approval of minutes from our May 7th Bench Session.

Is there a motion to approve the minutes.

COMMISSIONER MAYE: So moved.
COMMISSIONER McCABE: Second.

COMMISSIONER COLGAN: It's been moved and seconded.

Commissioner McCabe Seconded the motion. All in favor say aye.

(Ayes heard.)

COMMISSIONER COLGAN: Any opposed?

(No response.)

COMMISSIONER COLGAN: The vote is five to zero.

The minutes of the May 7th Bench Session are approved.

Moving to the railroad agenda. Item RR-1 is Docket No. T13-0110. This is IDOT's petition for eminent domain authority over certain property in Carroll County. ALJ Kirkland-Montaque recommends entering an Order granting the requested relief.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Are there any objections?

(No response.)

COMMISSIONER COLGAN: Is there a motion to enter the Order?

COMMISSIONER MAYE: So moved.

COMMISSIONER McCABE: Second.

COMMISSIONER COLGAN: Moved by Commissioner Maye, seconded by Commissioner McCabe. It's been moved and seconded. All in favor say aye.
(Ayes heard.)

COMMISSIONER COLGAN: Any opposed?

(No response.)

COMMISSIONER COLGAN: The vote is five to zero and the Order is entered.

We'll use this five-to-zero vote for the remainder of today's Transportation Agenda unless otherwise noted.

Items RR-2 and RR-3 can be taken together.

These items are petitions by the City of Lincoln requesting authority to construct a pedestrian sidewalk across an at-grade crossing in Logan County. In both cases ALJ Duggan recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Are there any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Orders are entered.

Item RR-4 is Docket No. T13-0121. This is the Village of Williamsville's petition for authorization and funding to construct a safety improvement project at a highway rail-grade crossing in Sangamon County. ALJ Duggan recommends the entry of the Order granting the
requested relief.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

Item RR-5 is Docket No. T14-0010. This is the City of McHenry's petition requesting authority to construct multiuse pedestrian path an at-grade crossing at McHenry County. The Commission previously entered an Order granting this authority, which contained an incorrect AAR/DOT number. ALJ Duggan recommends entering of an Order correcting that.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Are there any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the corrected Order is entered.

Item RR-6 and RR-7 can be taken together.

These items are petitions for authorization to construct safety improvement projects at highway rail-grade crossing in DuPage and Cook Counties. In both cases ALJ Kirkland-Montaque recommends entering an Order granting
the requested relief.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Are there any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Orders are entered.

Item RR-8 through RR-14 can be taken together. These items are stipulated agreements seeking authorization for safety improvement projects at highway rail-grade crossings in various counties across Illinois. In each case our transportation counsel recommends entry of an Order or supplemental Order approving the stipulated agreement or amended stipulated agreement.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Are there any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the orders are entered.

Items MC-1 through MC-8 can be taken together. These items are stipulated settlement agreements concerning alleged violations of the Illinois Commercial Transportation Law. In each case transportation counsel
recommends entry of an Order accepting the stipulated settlement agreement.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the orders are entered.

Item MC-9 is Docket No. 187592 MC this is Moovers Chicago's application for a certificate of public convenience and necessity under the provisions of the Illinois Commercial Transportation Law. ALJ Kirkland-Montaque recommends entering an Order granting the requested relief.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Are there any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

Item MC-10 is Docket No. 92 RTV-R Sub 15 100139 MC. This is Protective Parking Service's application for renewal of a commercial relocation towing license pursuant to the provisions of Section 18a-401 of the Illinois Commercial Relocation of
Trespassing Vehicle Law. Our transportation counsel recommends entry of an Order denying the request and setting the matter for hearing.

I understand Commissioner del Valle would like to propose edits to the Order. Commissioner.

COMMISSIONER DEL VALLE: Thank you, Mr. Chairman. I have proposed edits to the first and second pages of the Order. My edits do not change the conclusion of the Order. These edits include language from the Commission's regulations and seek to ensure that the scope of the hearing initiated by the Order is now limited to compliance issues exclusively addressed in the Order. Compliance hearing should also consider other facts such as, to the extent practical, the number of citations, amount of penalties issued and paid, the nature and types of violations cited. I move for the adoption of these edits.

CHAIRMAN SCOTT: Second.

COMMISSIONER COLGAN: It's been moved by Commissioner del Valle and seconded by Chairman Scott. Is there any further discussion?

(No response.)

COMMISSIONER COLGAN: It's been moved and seconded to approve the edits proposed by Commissioner del Valle. All in favor say aye.
(Ayes heard.)
COMMISSIONER COLGAN: Any opposed?
(No response.)
COMMISSIONER COLGAN: The vote is five to zero and the edits are adopted. Is there a motion to enter the Order as amended?
COMMISSIONER McCabe: So moved.
COMMISSIONER Maye: Second.
COMMISSIONER COLGAN: It's been moved and seconded to approve the Order as amended.
All in favor say aye.
(Ayes heard.)
COMMISSIONER COLGAN: Any opposed?
(No response.)
COMMISSIONER COLGAN: Hearing none, the Order as amended is entered.
Item No. MC-11 is Docket No. 260 RTV-R Sub 1 142720 MC. This is Atasco's application for renewal of a Commercial Relocation Towing License pursuant to the provisions of Section 18a-401 of the Illinois Commercial Relocation of Trespassing Vehicles Law. Our transportation counsel recommends entry of an Order granting the requested relief.
Is there any discussion?
(No response.)
COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

Item MC-12 is Docket No. 267 RTV-R 183814 MC. This is Experience Towing's application for Commercial Vehicle Relocation Towing License pursuant to the Illinois Commercial Relocation of Trespassing Vehicles Law. ALJ Duggan recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

Item MC-13 is Docket No. 2945 RTV-0 Sub 3 81440 MC. This is Elfego Reyes' application for renewal of his operator's employment permit under Chapter 625 Illinois Code 5/18a-405 of the Illinois Commercial Relocation of Trespassing Vehicles Law. ALJ Duggan recommends entry of an Order granting the requested relief.

I understand Commissioner del Valle would like to propose edits to this Order.
COMMISSIONER DEL VALLE: Thank you, Mr. Chairman. I want to thank Commissioner Maye's office for their input on this edit. These edits can be found on pages 2 through 4 and do not change the outcome of the Order. On pages 2 and 3 my edits in part make references to a discussion of an arrest. The law requires the Commission to consider in its fitness determination convictions and not arrests. While we agree with the ALJ's proposed order on the fitness finding, our edits on page 4 clarify the analysis of fitness is not based on whether or not conduct occurred within the scope of the applicant's work as a relocation towing operator. We also note that the applicant states he is in compliance with all of the requirements of his parole. With that I motion for the adoption of these edits.

COMMISSIONER COLGAN: It's been moved by Commissioner del Valle and seconded by Commissioner Maye.

Is there any further discussion?

(No response.)

COMMISSIONER COLGAN: It's been moved and seconded to approve the edits proposed by Commissioner del Valle.
All in favor say aye.

(Ayes heard.)

COMMISSIONER COLGAN: Any opposed?

(No response.)

COMMISSIONER COLGAN: The vote is five to zero and the edits are adopted.

Is there a motion to enter the Order as amended?

COMMISSIONER MAYE: So moved.

COMMISSIONER MCCABE: Second.

COMMISSIONER COLGAN: Moved by Commissioner Maye, seconded by Commissioner McCabe. It's been moved and seconded to enter the Order as amended.

All in favor say aye.

(Ayes heard.)

COMMISSIONER COLGAN: Any opposed?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order as amended is entered.

COMMISSIONER COLGAN: Item MC-14, Docket No. RTV-A-54. This is Rendered Services, SMJ Towing, North Shore Towing, Joie Enterprises and Rokaitis Industries' petition for an increase in the relocation towing and storage rate. ALJ Kirkland-Montaque recommends entry of an Order granting the petitions as
amended at hearing.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

We have two administrative items up on -- for consideration today. Item AM-1 and AM-2 can be taken together. These items are citations with respect to Chicago Terminal Railway and OmniTRAX Incorporated managed railways and their failure to maintain various highway rail-grade crossing services in accordance with 92 Illinois Administrative Code Part 1535.203. In both cases our transportation staff recommends entering of citation orders.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Orders are entered.

Judge Kirkland-Montaque, is there any further transportation business to come before the Commission today?
JUDGE Kirkland-Montaque: No, Commissioner Colgan.

COMMISSIONER COLGAN: Hearing none, that concludes today's Transportation Agenda.

END OF TRANSPORTATION AGENDA
Kristi Landolina, being first duly sworn, on oath says that she is a Certified Shorthand Reporter and Registered Professional Reporter doing business in the City of Chicago, County of Cook and the State of Illinois;

That she reported in shorthand the proceedings had at the foregoing meeting;

And that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid and contains all the proceedings had at the said meeting.

________________________________
KRI STI LANDOLINA, CSR, RPR

CSR No. 084-004611

SUBSCRIBED AND SWORN TO before me this 16th day of June, A.D., 2014.

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NOTARY PUBLIC