BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION)

Springfield, Illinois
Wednesday, September 18, 2013

Met, pursuant to notice, at 10:30 a.m., in
the Audiovisual Conference Room, Second Floor, Leland
Building, 527 East Capitol Avenue, Springfield,
Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman
(Via phone)

MR. JOHN T. COLGAN, Commissioner

MS. ANN McCABE, Commissioner

MR. MIGUEL DEL VALLE, Acting Commissioner
(Via video)

MR. SHERINA E. MAYE, Acting Commissioner

MIDWEST LITIGATION SERVICES, by
Angela C. Turner, Reporter
CSR #084-004122
PROCEEDINGS

COMMISSIONER COLGAN: Pursuant to the
provisions of the Open Meetings Act, I now convene a
regularly scheduled Bench Session of the Illinois
Commerce Commission. With us in Chicago is Acting
Commissioner del Valle. With me in Springfield are
Commissioner McCabe and Acting Commissioner Maye. I
am Commissioner Colgan, and we have a quorum.

We should also have Chairman Scott on the
phone.

Chairman Scott, are you there?

CHAIRMAN SCOTT: I am here. Good morning.

COMMISSIONER COLGAN: Good morning.

Under the Commission rules, we will have to
vote to allow Chairman Scott to participate on the
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 of the motion say aye.

(Chorus of ayes.)
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.

Before moving into the agenda, according to Section 1700.10 of Title II 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 now to Transportation Agenda, we will begin with the approval of minutes from our August 14 Bench Session.

Is there a motion to approve the minutes?

ACTING COMMISSIONER MAYE: So moved.

COMMISSIONER MCCABE: Second.

COMMISSIONER COLGAN: There's a motion and a second.

All in favor say aye.

(Chorus of ayes.)
COMMISSIONER COLGAN: Any opposed?

(No response.)

COMMISSIONER COLGAN: The vote is five to zero, and the minutes for our August 14th Bench Session are approved.

Now, on to the railroad portion of today's agenda. Item RR-1 is Docket Number T13-0038. This is IDOT's petition for a safety improvement project at the public highway at-grade crossing in Kane County. ALJ Kirkland-Montaque recommends entry of an Order granting the position.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

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

COMMISSIONER McCabe: So moved.

COMMISSIONER COLGAN: Is there a second?

ACTING COMMISSIONER MAYE: Seconded.

COMMISSIONER COLGAN: It's been moved and seconded.

All in favor say aye.

(Chorus of ayes.)
COMMISSIONER COLGAN: Any opposed?

(No response.)

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

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

Item RR-2 is Docket Number T13-0055. This is BNSF Railway, the City of Chicago, City of Yorkville, County of Kendall, and IDOT's Stipulated Agreement seeking authorization for safety improvement projects at highway-rail grade crossings in Illinois.

Although the Commission previously authorized an improvement at one location, that improvement was completed prior to the first Commission's Order. BNSF has filed a petition for a Supplemental Order to authorize improvement at a substitute crossing. Staff recommends entry of a Supplemental Order granting the requested relief.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)
COMMISSIONER COLGAN: Hearing none, the
Supplemental Order is entered.

Item RR-3 through RR-6 can be taken
together. These items are Stipulated Agreements
seeking authorization for safety improvement projects
at highway-rail grade crossings in Illinois. In each
case, Staff recommends entry of an Order granting
each party's requested relief.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the
Orders are entered.

Item RR-7 is Docket Number T10-0017
Supplemental. This is the City of Chicago's petition
for authorization in funding to construct
improvements at highway-grade separation in Cook
County. The City has filed a petition for a
Supplemental Order requesting additional time to
complete the project. ALJ Kirkland-Montaque
recommends entry of a Supplemental Order and granting
the petition.

Is there any discussion?
(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

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

Items RR-8 through RR-11 can be taken
together. These are Stipulated Agreements seeking
authorization for safety improvement projects at
highway-rail grade crossings in Illinois. In each
case, a Petition for a Supplemental Order requesting
additional time or funding for the projects has been
filed. In each case, Staff recommends entry of a
Supplemental Order granting the requested relief.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the
Supplemental Orders are entered.

On to Motor Carriers. Item MC-1 is Docket
Number 11-1464, 174528 MC. This is a Stipulated
Settlement Agreement concerning Alondra Movers Inc.,
alleged violations of the Illinois Commercial
Transportation Law. Our transportation counsel
recommends entry of an Order accepting the Settlement Agreement.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the

Order is entered.

Item MC-2 is Docket Number 66 RTV-4, 71684 MC. This is S & S Towing's application for a Commercial Relocation Towing License pursuant to Section 18-400 of the Illinois Commercial Relocation of Trespassing Vehicles Law. ALJ Kirkland-Montaque recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Are there any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the

Order is entered.

Moving on to Collateral Recovery. Item CR-1 is Docket Number 183777 MC. This is Sean Marshall's
application for a Class E Recovery Permit pursuant to Section 45 of the Collateral Recovery Act. ALJ Kirkland-Montaque recommends entry of an Order denying the application.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

We have one administrative item for consideration today. Item AM-1 concerns our 2013 Transportation Regulatory Fund Annual Report, which will be submitted to the Governor and the General Assembly. Our Transportation Bureau Chief recommends that the Commission accept this report.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the report is accepted.

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

MR. MATRISCH: No, Commissioner. Thank you.

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

(The Public Utilities portion of the proceedings was held at this time and is contained in a separate transcript.)
CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

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License No. 084-004122