BEFORE THE
ILLINOIS COMMERCE COMMISSION

TRANSPORTATION BENCH SESSION

Chicago, Illinois
October 6, 2010

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

MR. MANUEL FLORES, Acting Chairman

MS. LULA M. FORD, Commissioner (telephonically)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner

MR. SHERMAN J. ELLIOTT, Commissioner (via videoconference)

MR. JOHN T. COLGAN, Acting Commissioner (via videoconference)

SULLIVAN REPORTING COMPANY, by.
Auhdikiam Carney, CSR
License No. 084-004658
ACTING CHAIRMAN FLORES: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled bench session of the Illinois Commerce Commission. With me in Chicago is Commissioner O'Connell-Diaz. Joining us in Springfield are Commissioners Elliott and Colgan, I am Acting Chairman Flores.

We have a quorum.

I believe Commissioner Ford is available by phone in Chicago.

Are you there Commissioner Ford?

COMMISSIONER FORD: (No response.)

ACTING CHAIRMAN FLORES: The phone is not on. We're going to hold briefly to get Commissioner Ford on the phone.

COMMISSIONER FORD: Good morning.

ACTING CHAIRMAN FLORES: All right. So for the Commission rules, we must vote to allow Commissioner Ford to participate by phone.

I'm going to make a motion to allow Commissioner Ford to participate by phone.

Is there a second?
COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: Its been moved a seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 4-0 to allow Commissioner Ford to participate by phone.

Before moving into the agenda,

according to Section 1700.10 of the Illinois Administrative Code, this is the time that we allow for 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 bench session. According to the Chief Clerk's Office, we have no requests to speak at today's bench session.

Starting with the Transportation agenda, we have minutes to approve from the September 9th bench session.

Is there a motion to approve the
minutes?

COMMISSIONER O'CONNELL-DIAZ: So moved.

ACTING CHAIRMAN FLORES: I will second it.

Its been moved a seconded.

All in favor I "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 approving the minutes for September 9th.

Moving to the railroad portion of today's agenda.

Item RR-1 is Docket No. T10-0140 and it concerns a Stipulated Agreement for public safety improvements at highway-rail grade crossings in Perry County. Staff recommends entering an Order approving the Stipulated Agreement.

Is there a motion to enter the Order?

COMMISSIONER O'CONNELL-DIAZ: So moved.

ACTING CHAIRMAN FLORES: I will second it.

Its been moved and seconded.

All in favor say "aye."
(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0. The Order is entered and the Stipulated Agreement is approved. We will use this 5-0 vote for the remainder of the Transportation agenda unless otherwise noted.

Item RR-2 is Docket No. T03-0089.

This item concerns public safety improvements at highway-rail grade crossings in Cook County. Before us today is a Third Supplemental Order in this case. This Supplemental Order concludes the demonstration period associated with the project and requires the company to be responsible for administering the maintenance of the vehicle detection component of the four-quadrant gate warning systems at the crossings. ALJ Duggan recommends entry of this Third Supplemental Order.

Is there any discussion?

(No response.)

Any objections?

(No response.)
Hearing none, the Third Supplemental Order is entered.

Item RR-3 is Docket No T07-0112. This concerns a Stipulated Agreement for public safety improvements at a highway-rail grade crossing in Montgomery County. Before us today is a Fourth Supplemental Order allowing for additional time for the projects completion and Staff recommends that we enter it this Fourth Supplemental Order.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Fourth Supplemental Order is entered.

Moving now to the Motor Carriers portion of today's agenda.

Items MC-1 and MC-2 can be taken together. These items concern Complaints filed by the ICC against Darnell J. Blalark and Zoom Brothers Incorporated regarding operating as an intrastate for-hire motor carrier property without a valid
public carrier certificate. In both cases Staff has brought a Motion for Default judgment with respect to the Complaint and ALJ Kirkland-Montaque recommends entering Orders granting those Motions.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Orders are entered and the Motions for Default Judgment are granted.

Item Mc-3 concerns Raphael Hernandez's Application for a Dispatcher's Employment Permit. In this case the applicant's original sponsor and employer no longer supports the application. ALJ Kirkland-Montaque recommends entering an Order denying the application without prejudice on these grounds.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered and
the application is denied.

Item MC-4 concerns an application by A-1 Towing Emergency Road Service for renewal of its Commercial Relocation Towing License pursuant to Section 401 of the Illinois Commercial Relocation Trespassing Vehicles Law. Staff recommends entry of an Order granting the company's renewal application.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Order is entered and the license renewal is granted.

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

MR. MATRISCH: Nothing further today, Chairman.

Thank you.

ACTING CHAIRMAN FLORES: Very well. That concludes -- yes, ma'am.

COMMISSIONER O'CONNELL-DIAZ: I just thought this, but I just wanted to let everyone know that last week I was pleased to be invited to participate
in the DuPage Rail Safety Conference that was out in Oak Brook. It's a yearly event and I was there with our Rail Safety folks, and just I would like to report to the Commission that -- I don't know the numbers, but it was certainty a very well attended conference of municipal police, fire, safety officials from across our state as well as Metra officials.

Without a doubt our Rail Safety Section was just afforded the accolades that they deserve and that they work really hard with regard to our peers programs, Operation Lifesaver, the work like we do every week with the orders that we enter, closing crossings that make travel on our highways and byways unsafe and with the hope of making it safer.

But it was just a great thing to be out there with the people from our Rail Division and to see the high esteem that this Commission and the work that we do is held by those not at the Commission. We always hear the negative things, usually in the press, on a daily basis about the
Commission; but these are positive things they're doing everyday to save lives across our state and, in fact, they are a model that is used throughout the nation with the different programs we have that have been started at the Commission.

So we have much to be proud of and we all get a little pat on the back because everyone has a part in the process. But it is our Rail Safety Section that really takes it to that higher level. So I just wanted to share that with everyone and thank our Rail Safety Section again.

ACTING CHAIRMAN FLORES: Thank you, Commissioner. And we also appreciate your participation and your work as the Chair of the Transportation Rail Policy Committee on behalf of the Commission. So I want to thank you for your participation as well and giving us the updates on the good work that our transportation and our rail folks are doing here at the ICC. Thank you.

Mr. Matrisch, thank you for your outstanding work. Keep that team fired up so that we can continue to receive good reports like the one we
just received from Commissioner O'Connell-Diaz. And that concludes today's transportation agenda.