BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION)

Chicago, Illinois
Thursday, November 4, 2010

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

PRESENT:

MANUEL FLORES, Acting Chairman
LULA M. FORD, Commissioner
ERIN M. O'CONNELL-DIAZ, Commissioner
SHERMAN J. ELLIOTT, Commissioner
JOHN T. COLGAN, Acting Commissioner via teleconference

SULLIVAN REPORTING COMPANY, by
Alisa A. Sawka, CSR
License No. 084-004588
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 are Commissioner O'Connell-Diaz, Commissioner Ford, Commissioner Elliot and I am Acting Chairman Flores. We have a quorum. Commissioner Colgan, are you there?

ACTING COMMISSIONER COLGAN: Yes, I am.

ACTING CHAIRMAN FLORES: Very well, good morning, sir.

ACTING COMMISSIONER COLGAN: Good morning.

ACTING CHAIRMAN FLORES: Commissioner Colgan's available by phone in Springfield. Per the Commission's rule, we must vote to allow Commissioner Colgan to participate by phone. I will make a motion to allow Commissioner Colgan to participate by phone. Is there a second?

COMMISSIONER ELLIOTT: Second.

ACTING CHAIRMAN FLORES: It's been moved and
All in favor say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

ACTING CHAIRMAN FLORES: The vote is 4-0, and we allow Commissioner Colgan to participate by phone in today's Bench Session.

Again, good morning, Commissioner.

ACTING COMMISSIONER COLGAN: Good morning.

ACTING CHAIRMAN FLORES: Before moving into the agenda according to Section 1700.10 of the Illinois Administrative Code, this is the time that we allow members of the public to address the Commission. Members of the public wishing to address the Commission must do so, 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 request to speak at today's session. Starting with the transportation agenda, we have minutes to approve from the October 6th Bench Session.
I will make a motion to approve the minutes.

Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

ACTING CHAIRMAN FLORES: The vote is 5-0 approving the minutes for October 6.

Moving to the Railroad portion of today's agenda Item RR-1 is Docket No. T10-0150.

This item concerns a stipulated agreement for public safety improvements at railroad crossings in McHenry County. Staff recommends entering an order approving the stipulated agreement.

Is there a motion to enter the Order?

COMMISSIONER ELLIOTT: So moved.

ACTING CHAIRMAN FLORES: I will second it.

It's been moved and seconded.
All in favor say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

ACTING CHAIRMAN FLORES: 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. T08-0168.

This item concerns public safety improvements through sign renewals and installations at highway rail grade crossings across Illinois. Staff recommends entering a second supplemental order allowing for changes to the project and for an extension of time.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Second Supplemental Order is entered.
Item RR-3 is Docket No. T10-0040.

This item concerns a petition by Plainfield Township Road District for the relocation of a highway rail grade crossing and for other improvements. Administrative Law Judge Kirkland-Montaque recommends entering an order authorizing the relocation and other requested relief.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered.

Item RR-4 is Docket No. T10-0099.

This item concerns a petition by Illinois Central Railroad Company seeking authorization to reconstruct a bridge at a grade-separated crossing in Cook County. Administrative Law Judge Kirkland-Montaque recommends entering an order authorizing the project.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?
ACTING CHAIRMAN FLORES: Hearing none, the Order is entered.

Item RR-5 is Docket No. T08-0149. This item concerns a petition filed by the State Department of Transportation regarding safety improvements to traffic signals, signs and other warning devices at locations throughout Cook County. Administrative Law Judge Kirkland-Montague recommends entering a supplemental order on granting an extension of time for completing these improvements. Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections? (No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Supplemental Order is entered.

Item RR-6 Is Docket No. T06-0077. This item concerns a petition filed by the City of Rockford for the replacement of dual grade separation structures in Winnebago County. Administrative Law Judge Kirkland-Montague recommends entering a Second
Supplemental Order granting an extension of time for submitting billing associated with the project.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Second Supplemental Order is entered.

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

Items MC-1 through MC-5 can be taken together. These items concern alleged violations of the Illinois Commercial Transportation Law. In each case our Transportation Counsel recommends entry of an order approving a stipulated settlement agreement with respect to the alleged violations.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Orders are entered.
Item MC-6 concerns Kenneth Flowers' application for a dispatcher's employment permit. Administrative Law Judge Kirkland-Montaque recommends entering an order dismissing the application without prejudice for want of prosecution.

Is there any discussion?
(No response.)

ACTING CHAIRMAN FLORES: Any objections?
(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Application is dismissed.

We have three administrative matters to deal with today. Item AM-1 concerns a citation related to BNSF Railroad Company's failure to maintain the Illinois Route 127 highway rail grade crossing service in according with the requirements of 92 Illinois Administrative Code Part 1535.203. Staff recommends entry of a citation order requiring the Company to address this matter.

Is there any discussion?
(No response.)

ACTING CHAIRMAN FLORES: Any objections?
(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Citation Order is entered.

Item AM-2 concerns a citation related to Dakota, Minnesota and Eastern Railroad Corporation's failure to maintain highway rail grade crossing surfaces in Kingston, Ogle and DeKalb Counties in accordance with the requirements of 92 Illinois Administrative Code Part 1535.203. Staff recommends entry of a citation order requiring the Company to address this matter.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Citation Order is entered.

Item AM-3 concerns proposed rules for relocation towing under Chapter 92 Part 1710 of the Illinois Administrative Code. The Joint Committee on Administrative Rules has issued its certification of no objection with respect to the proposed rulemaking.
and our Transportation Counsel recommends entering a resolution adopting the amended rules.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the resolution is adopted.

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

MR. MATRISCH: Nothing further, Chairman.

Thank you.

ACTING CHAIRMAN FLORES: Thank you so much and keep up the great work.

MR. MATRISCH: Thank you.

ACTING CHAIRMAN FLORES: So 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.)