BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(TRANSPORTATION)
Springfield, Illinois
Wednesday, December 19, 2012
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

MS. LULA M. FORD, Commissioner
(Via audiovisual conference)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner
(Via audiovisual conference)

MR. JOHN T. COGAN, Commissioner

MS. ANN McCABE, Commissioner

L.A. COURT REPORTERS, LLC.
BY: Lori Ann Asauskas
CSR: #084-002890
CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Springfield are Commissioner Colgan and Commissioner McGabe. With us in Chicago are Commissioner Ford and Commissioner O'Connell-Diaz. I'm Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title 2 of the Administrative Code, this is the time we will 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.

We will start today with the transportation agenda and we will begin with the approval of minutes from our November 8th Bench Session. I understand amendments have been
forwarded. Is there a motion to amend the minutes?

COMMISSIONER McCabe: So moved.

CHAIRMAN Scott: Is there a second?

COMMISSIONER O'Connell-Diaz: Second.

CHAIRMAN Scott: It has been moved and seconded. All in favor say aye?

COMMISSIONERS: Aye.

CHAIRMAN Scott: Any opposed?

(No response.)

CHAIRMAN Scott: The vote is five to nothing and the amendments to the minutes are adopted. Is there a motion to approve the minutes as amended?

COMMISSIONER Colgan: So moved.

CHAIRMAN Scott: Is there a second?

COMMISSIONER McCabe: Second.

CHAIRMAN Scott: It has been moved and seconded. All in favor say aye?

COMMISSIONERS: Aye.

CHAIRMAN Scott: Any opposed?

(No response.)

CHAIRMAN Scott: The vote is five to nothing
and the minutes for our November 8th Bench Session as
amended are approved.

Up next is the approval of minutes
from our November 28th Bench Session. I understand
amendments have been forwarded. Is there a motion to
amend the minutes?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: It has been moved and
seconded. All in favor say aye?

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing
and the amendments to the minutes are adopted. Is
there a motion to approve the minutes as amended?

COMMISSIONER McCABE: So moved.

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It has been moved and
seconded. All in favor say aye?

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the minutes for our November 28th Bench Session as amended are approved.

Now, onto the railroad portion of today's agenda, Item RR-1 is Docket No. T12-0134. This is an eminent domain petition by the Illinois Department of Transportation seeking easements for a highway improvement project in Kane County. ALJ Kirkland-Montaque recommends entry of an Order granting the petition.

Is there any discussion?

(No response.)

Is there a motion to enter the Order?

COMMISSIONER McCabe: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER Colgan: Second.

CHAIRMAN SCOTT: It has been moved and
seconded. All in favor say aye?

    COMMISSIONERS: Aye.

.    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.

    Item RR-2 is Docket No. T12-0164.

This is a stipulated agreement regarding public safety improvements at a highway-rail grade crossing in Will County. Staff recommends entry of an Order approving the stipulated agreement.

    Is there any discussion?

    (No Response.)

    Are there any objections?

    (No Response.)

    Hearing none, the Order is entered.

    Items RR-3 through RR-5 can be taken together. These items concern stipulated agreements for public safety improvements of highway-rail grade crossings across Illinois. In
each case, Staff recommends entry of a Supplemental Order allowing change in the project's scope or authorizing additional funding for the project's completion.

Are there any discussions?

Commissioner McCabe?

COMMISSIONER McCabe: I had some questions on RR-3 and the automated horn zone in Mundelein, just how that experience was, if it was a pilot, any warnings, and --

MR. BLAIR: Okay. John Blair, railroad section appearing on behalf of Mike Stead, who is home with the flu today.

Essentially, what occurred prior to 1995 is when the FRA actually put out regulations with regards to train horn quiet zones where towns could -- if they did this and that, they could -- improvements at a crossing, they could apply to the FRA and the FRA would bless the corridor as a quiet zone and that would be submitted to the railroad and the railroad cease from blowing their train horns through at that segment of the track. But before
those regs came out in the early 2000s, there were no regulations. And so one of the things that were looked at was instead of eliminating the train horn noise, reducing the train horn noise, and that's what the automated horn system was. Basically, it's two speakers at a grade crossing that simulate a horn sound. When the signals activate, they would sound like a train horn, but it would be directed down the roadway versus as the train approaches, it's coming from the track and impacts numerous homes.

You know, once the -- there was momentum early in the early 2000s where this looked like it might be something that towns would be interested in installing at their crossing, but once the train horn quiet zone rules came out, it's kind of fallen out of favor and -- because towns want complete silence, not reduced train horn noise.

And so what this -- what Mundelein did was they applied for a complete quiet zone with the FRA and they were given that with the conditions
that these automated horns be removed. So what this
Order does is it cleans up the prior Commission
Order, which directed the horns be installed and
allows for their removal.

COMMISSIONER McCabe: And once the
municipality has federal authority, we're out of it?

MR. Blair: Yes.

COMMISSIONER McCabe: Okay. And one of the
reasons this caught my eye was some recent articles
on train whistles and safety and I just thought it
would be great to get a short update on recent
incidents.

MR. Blair: Well, yeah. I think the general
picture is good. There's a trend -- and I can give
you a copy of this. The trend is, as you will see
from over the last 20 years, it has been down. In
1990, we had 320 collisions. In 2000, we had 195
highway-rail grade collisions. In 2010, we had 114.
And the projected number right now for 2012 is about
80 collisions, which will be a record for Illinois.
So if you're looking at the overall trend, it's
excellent. If you're looking at specific incidents,
they're all bad. You know, there's no good accident.

COMMISSIONER McCabe: Okay. Thank you.

We'll get this to the other Commissioners.

MR. BLAIR: Okay.

COMMISSIONER O'Connell-Diaz: Mr. Blair, if we could get a copy of whatever you tendered to --

MR. BLAIR: Sure.

COMMISSIONER O'Connell-Diaz: -- Commissioner McCabe. Additionally, I mean, what's happened here is the village has implemented these safety measures, which, in fact, will alleviate -- will actually improve the safety measures at those locations and in return for that, they get the quiet zone; is that fair?

MR. BLAIR: More or less. What the FRA -- through their regulations, they've got what's called a quiet zone calculator and you don't have to make improvements at every crossing to meet the threshold for them to allow the quiet zone. So in this case, the improvements were installing medians to help motorists from driving around lowered gates, but they weren't -- the improvements weren't installed
at every crossing because based on the FRA's formula, they didn't have to and so they didn't.

. COMMISSIONER FORD: Right.

COMMISSIONER O'CONNELL-DIAZ: I mean, it's so critical that at these locations in our town that -- where we have a lot of pedestrians, we have -- you know, no one likes a train whistle out their back door, but when it's a question of somebody going across the track or a human being walking, a car, the horn whistle is an inconvenience at best. So with the appropriate measures taken by municipalities to address this, it's good to see that they can actually take control over whether, in fact, there is a horn blaring in their locale.

MR. BLAIR: Yet there's two things to add. One is there still remains at each crossing an audible bell, a pedestrian bell --

COMMISSIONER O'CONNELL-DIAZ: Right.

MR. BLAIR: -- or bells. So there is an audible warning that still remains at each crossing as a train approaches. The second thing is the engineer is on the train. Just because it's a quiet
zone, if he sees there's an issue, he'll blow the horn. He's not prevented from blowing the horn if he thinks there's a need to do so.

COMMISSIONER O'CONNELL-DIAZ: Right. Well, for someone that takes the train on a daily basis and I watch that bell go -- hear the bell go off, sometimes hear the train engineer in fright as someone runs across the train tracks is -- I mean, it's an astounding thing to watch. In some of our municipalities, they have sent their police force out to ticket people, which is the appropriate thing to happen, and, in fact, they're not allowed to board the train.

But, you know, all it takes is one slip and fall in front of the train that can't stop and so being ever vigilant without these safety measures is what we should be doing and obviously, the federal government is doing, with regard to these measures that we're implementing. So I appreciate your report and thank you Commissioner McCabe for bringing this discussion to level.

COMMISSIONER McCabe: Okay.
CHAIRMAN SCOTT: Anything else? Thank you, Mr. Blair. I appreciate it.

We're on RR-3 through RR-5. Is there any further discussion?

(No response.)

Are there any objections to entering the orders?

(No response.)

Hearing none, the supplemental orders are entered.

Item RR-6 is Docket No. T91-0040.

This is a petition to authorize the construction of a new highway-rail grade separation structure in Sangamon County. ALJ Kirkland-Montaque recommends entry of a Fifth Supplemental Order authorizing a change in the project’s scope.

Is there any discussion?

(No response.)

Are there any objections to entering the orders?

(No response.)

Hearing none, the Supplemental
Order is entered.

Moving on to motor carriers, Item MC-1 is Vitesse Moving & Transfer's application for household goods property motor carrier authority under the Illinois Commercial Transportation Law. ALJ Duggan recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.

Items MC-2 and MC-3 can be taken together. These items are applications for commercial relocator licenses and in each case, ALJ Kirkland-Montaque recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

Are there any objections to entering the orders?

(No response.)
Hearing none, the Orders are entered.

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

MR. MATRISCH: No, Chairman. Thank you.

CHAIRMAN SCOTT: Thank you, sir. Hearing none, that concludes today's transportation agenda.