

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH SESSION
4
5 (TRANSPORTATION)

6 Springfield, Illinois

7
8 Wednesday, December 21, 2011

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

10 in the Audiovisual Conference Room, Second Floor,
11 Leland Building, 527 East Capitol Avenue,
12 Springfield, Illinois.

13 PRESENT:

14 MR. DOUGLAS P. SCOTT, Chairman

15 MS. LULA M. FORD, Commissioner
 (Via audiovisual teleconference)

16 MS. ERIN M. O'CONNELL-DIAZ, Commissioner
17 (Via audiovisual teleconference)

18 MR. SHERMAN J. ELLIOTT, Commissioner

19 MR. JOHN T. COLGAN, Acting Commissioner

20
21 SULLIVAN REPORTING COMPANY, by
 Carla J. Boehl, Reporter
22 CSR #084-002710

1 Eastern Railroad Corporation for failure to comply
2 with prior Commission Orders requiring rail crossing
3 safety improvements. Staff has filed a Motion to
4 Dismiss the citation based on compliance by the
5 company, and ALJ Duggan recommends entry of an Order
6 dismissing the citation.

7 Is there any discussion?

8 (No response.)

9 Is there a motion to enter the Order
10 dismissing the citation?

11 COMMISSIONER ELLIOTT: So moved.

12 CHAIRMAN SCOTT: Is there a second?

13 ACTING COMMISSIONER COLGAN: Second.

14 CHAIRMAN SCOTT: It's been moved and seconded.

15 All in favor say aye.

16 COMMISSIONERS: Aye.

17 CHAIRMAN SCOTT: Any opposed?

18 (No response.)

19 The vote is five to nothing; the Order
20 is entered and the citation is dismissed.

21 We will use this five to nothing vote
22 for the remainder of the Transportation agenda,

1 unless otherwise noted.

2 Item RR-2 is Docket Number T11-0140.
3 This is a petition by the Norfolk Southern Railway
4 Company seeking a variance from Title 92 Part
5 1500.270 of the Administrative Code concerning
6 clearances related to the company's railroad track
7 work in Chicago. ALJ Kirkland-Montaque recommends
8 entry of an Order granting a variance from the rule.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Order is entered.

14 Item RR-3 is Docket Number T11-0148.
15 This item concerns a Stipulated Agreement regarding
16 public safety improvements at multiple Illinois
17 Central Railroad Company crossings across central
18 Illinois. Staff recommends entry of an Order
19 approving the Stipulated Agreement.

20 Is there any discussion?

21 (No response.)

22 Any objections?

1 (No response.)

2 Hearing none, the Order is entered.

3 Items RR-4 through RR-6 (T06-0012,
4 T09-0055, T09-0056) can be taken together. These
5 items concern petitions for the authorization of
6 construction projects at Metra rail crossings in
7 Chicago. In each case ALJ Kirkland-Montaque
8 recommends entry of a Supplemental Order granting an
9 extension of time associated with the project's
10 completion.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the Supplemental Orders
16 are entered.

17 Item RR-7 is Docket Number T10-0163.
18 This concerns a Stipulated Agreement regarding public
19 safety improvements at a highway-rail grade crossing
20 in Union County. Staff recommends entry of a
21 Supplemental Order granting an extension of time for
22 the project's completion.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Supplemental Order
6 is entered.

7 On to Motor Carriers, MC-1 concerns a
8 Stipulated Settlement Agreement concerning alleged
9 violations of the Illinois Commercial Transportation
10 Law by Sergio Cabrales and SCM Trucking. Our
11 Transportation counsel recommends entry of an Order
12 approving the Settlement Agreement.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Item MC-2 is Hector & Sons'
19 application for a new household goods property motor
20 carrier authority. ALJ Duggan recommends entry of an
21 Order approving the application.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered,
5 and the application is approved.

6 Item MC-3 is Elk Grove Service and
7 Towing's application for a Commercial Relocator's
8 License. ALJ Kirkland-Montague recommends entry of
9 an Order dismissing the application without prejudice
10 for failure to prosecute.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the Order is entered,
16 and the matter is dismissed.

17 Items MC-4 and MC-5 can be taken
18 together. These are applications for the renewal of
19 a relocator's licenses, and in each case Staff
20 recommends entry of an Order granting the application
21 for renewal.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Orders are entered,
5 and the license renewals are granted.

6 We have one other item for
7 consideration at today's Transportation agenda.
8 That's the resolution honoring Odie Carpenter. These
9 are difficult moments for us as we say thanks and
10 good-bye, but we are very happy for the retirees,
11 both for Odie and for two other resolutions that we
12 will do later on in our agenda today.

13 I have a resolution that I would like
14 to read for Mr. Carpenter. And it reads:

15 "By the Commission,

16 WHEREAS, Odie Carpenter who has been in the
17 Police Section of the Illinois Commerce Commission's
18 Transportation Division since January 1998, is
19 retiring on December 30, 2011; and

20 WHEREAS, throughout his 23 years and eleven
21 months of service to the Commission Odie has
22 displayed his loyalty and conscientiousness by his

1 actions and deeds daily; and

2 WHEREAS, Odie has consistently demonstrated his
3 interest and concern for the benefit of the
4 Commission by his attitude and the quality of his
5 work;

6 WHEREAS, Odie's retirement will create a void
7 with respect to his knowledge and his ability to
8 serve the people of the state of Illinois;

9 THEREFORE BE IT RESOLVED that the Illinois
10 Commerce Commission therefore extends its deepest
11 appreciation and gratitude to Odie Carpenter for his
12 dedication and outstanding service to the Commission
13 and conveys its best wishes to him."

14 So are there any other Commissioners
15 who would like to say anything? Commissioner Ford,
16 go ahead.

17 COMMISSIONER FORD: I appreciate Odie's work
18 and I know he does a good job and I certainly know
19 that he will be missed. And I enjoyed working with
20 Odie. And certainly when he could, I did get to ride
21 in his police car, but not for a bit.

22 Thank you again, Odie, for your

1 service to the Illinois Commerce Commission.

2 MR. CARPENTER: Thank you.

3 ACTING COMMISSIONER COLGAN: I just echo what
4 Commissioner Ford just said and everything in that
5 resolution. And, Mr. Carpenter, I wish you the very
6 best for a happy retirement.

7 MR. CARPENTER: Thank you, Commissioner.

8 COMMISSIONER ELLIOTT: Here, here. Twenty some
9 years I have been hanging around this place and
10 seeing your smiling face, and yours has been a great
11 joy. It is going to be missed.

12 MR. CARPENTER: I will miss you guys as well.

13 CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?

14 COMMISSIONER O'CONNELL-DIAZ: Chief, I just
15 want to thank you so much. I always felt very safe
16 when I walked into the Commission in Springfield and
17 I saw your squad roll out there and I knew things
18 were shipshape because you were around. You are
19 indeed an example of a wonderful public servant, an
20 officer, a gentleman, and wish you the best in this
21 next chapter of your life and I am sure you will go
22 forth and do other good things. And please don't

1 forget that we are still here and come back and visit
2 us, and wish you the best.

3 MR. CARPENTER: Thank you, Commissioner.

4 CHAIRMAN SCOTT: And Commissioner Elliott
5 mentioned on the way in, he didn't mention it now,
6 but with your retirement our dress is going to go
7 down significantly because you are not here any more.

8 But, Chief, would you like to come up
9 and say a few words or stand and say a couple words?

10 MR. CARPENTER: Well, I truly will miss
11 everyone here at the Commission. I enjoyed it. I
12 got a total of 39 years in law enforcement and I
13 worked in other departments but none like the
14 Commission. You have a great group of guys that are
15 going to be here, and I will just ask that you lend
16 them the same support that you lend me and I am sure
17 everything will work out for the benefit of the
18 people of the state of Illinois.

19 Thank you.

20 CHAIRMAN SCOTT: Thank you, Chief.

21 MR. CARPENTER: Now, I truly thank Steve
22 Matrisch, my boss, a great guy. Thank you.

1 MR. MATRISCH: Thank you.

2 CHAIRMAN SCOTT: Thank you, Chief.

3 Mr. Matrisch, is there anything
4 further on the Transportation agenda to come before
5 us today?

6 MR. MATRISCH: Nothing further, Chairman.
7 Thank you.

8 CHAIRMAN SCOTT: Hearing none, that concludes
9 today's Transportation agenda. Again, Chief,
10 congratulations and good luck.

11 MR. CARPENTER: Appreciate it. Thank you.

12 CHAIRMAN SCOTT: We are going to do a picture.

13 COMMISSIONER ELLIOTT: Quick recess.

14 TRANSPORTATION AGENDA CONCLUDED

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