BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(TRANSPORTATION)

Springfield, Illinois
Wednesday, February 24, 2010

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

PRESENT:

MR. MANUEL FLORES, Chairman

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

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

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Commissioner

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710
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 Springfield are Commissioners Elliott and Colgan. Joining via video conference from Chicago are Commissioners Ford and O'Connell-Diaz. I am Chairman Flores. We have a quorum.

Before moving into the agenda, pursuant to Section 1-700.10 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 there are no requests to speak.

The first matter that we will be addressing this morning is Transportation. Turning to the Transportation Agenda that all of you should have, we have minutes to approve from the January 21,
2010, bench session. I understand that amendments have been circulated. Is there a motion to accept the amendments to the minutes?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN FLORES: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN FLORES: Any opposed?

Very well, the vote is 5-0; the minutes are approved.

Is there a motion to approve the minutes as amended?

COMMISSIONER O'CONNELL-DIAZ: So move.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN FLORES: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN FLORES: Any opposed?

The vote is 5-0; the minutes are
approved as amended.

Now we are turning to the Railroad Section. Items RR-1 through RR-6 (T10-007, T10-0008, T10-0009, T10-0010, T10-0011, T10-0016) will be taken together. These are stipulated agreements for public safety improvements at various grade crossings around the state. Approximately $742,009 of GCPF will be used. Staff recommends entering the Orders granting the stipulated agreements.

Is there a motion to enter the Orders?

COMMISSIONER COLGAN: So move.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN FLORES: It's been moved and seconded.

Let's take the roll. Commissioner Ford?

COMMISSIONER FORD: Aye.

CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

COMMISSIONER O'CONNELL-DIAZ: Aye.

CHAIRMAN FLORES: Commissioner Elliott?

COMMISSIONER ELLIOTT: Aye.

CHAIRMAN FLORES: Commissioner Colgan?

COMMISSIONER COLGAN: Aye.
CHAIRMAN FLORES: And I, Chairman Flores, vote aye.

The vote is 5-0; the Orders are entered. We will use this 5-0 roll call vote for the remainder of the agenda unless otherwise noted.

Item RR-7 is Docket T06-0107. Union Pacific Railway Company has received permission to close an at-grade crossing at Nilwood Township. Tragically, before the work could be completed, the crossing was the scene of a fatal accident. The ALJ issued an oral stay on any further closure activities pending litigation which has since concluded. The stay is now moot and the closing of the crossing may proceed. Administrative Law Judge Kirkland-Montaque recommends denying the Supplemental Petition.

Is there any discussion? Any objections? Hearing none, the Supplemental Petition is denied.

Item RR-8 is Docket T09-0005. The Village of Thayer has petitioned for an extension of time to complete safety improvements of an at-grade crossing over tracks owned by Union Pacific Railway.
Staff recommends entering the Supplemental Order granting an extension of time.

Is there any discussion? Any objections? Hearing none, the Supplemental Order is entered.

Item RR-9 is Docket T09-0116. This is a request for $82,622 of supplemental GCPF funds to upgrade an at-grade crossing of tracks owned by BNSF Railway near Zearing, Bureau County. Staff recommends entering the Supplemental Order.

Is there any discussion? Any objections? Hearing none, the Supplemental Order is entered.

That concludes the Railroad agenda.

Moving to Motor Carriers, Item MC-1 is an application for an operator's permit. Administrative Law Judge Kirkland-Montaque recommends approving the application.

Is there any discussion? Any objections? Hearing none, the Order is entered granting the renewal.

Item MC-2 is an application for a
dispatcher's employment permit. The Administrative Law Judge Kirkland-Montague recommends approving the application.

Is there any discussion? Any objections? Hearing none, the Order is entered granting the application.

That concludes the Motor Carrier portion of today's agenda.

Administrative matters, there is one administrative matter. Item AM-1 is a rulemaking to consider modifications to Part 1710 of the Commission's regulations for relocation towing. Staff recommends entering the Order initiating the first notice period.

Is there any discussion on this matter? Hearing none, any objections? Hearing none, the Order is entered.

That concludes the Transportation agenda.

Mr. Matrisch, is there any other matter to come before the Commission.

MR. MATRISCH: Nothing further, thank you,
Chairman.

CHAIRMAN FLORES: Thank you, sir.

TRANSPORTATION AGENDA CONCLUDED