BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION)

Chicago, Illinois
Wednesday March 9, 2011

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

PRESENT:

DOUGLAS SCOTT, Acting Chairman
LULA M. FORD, Commissioner
ERIN M. O'CONNELL-DIAZ, Commissioner
SHERMAN J. ELLIOTT, Commissioner
JOHN T. COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
Alisa A. Sawka, CSR
ACTING CHAIRMAN SCOTT: Good morning.

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 Commissioners Ford, O'Connell-Diaz, Elliott and Acting Commissioner Colgan, and I'm Acting Chairman Scott. We have a quorum.

Before moving into the agenda,

according to Section 1700.10 of the Illinois Administrative Code, this is the time we allow the 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 Transportation Agenda we will begin approval of minutes from the January 20th Bench Session.
Is there a motion to approve the minutes?

COMMISSIONER FORD: So moved.

ACTING CHAIRMAN SCOTT: Is there a second?

COMMISSIONER ELLIOTT: Second.

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

All in favor, say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN SCOTT: Any opposed, "nay"?

(No response.)

ACTING CHAIRMAN SCOTT: The vote is 5 to nothing approving the minutes of January 20th.

We also have approval of the minutes from the February 9th Bench Session.

Is there a motion to approve?

COMMISSIONER O'CONNELL-DIAZ: So moved.

ACTING CHAIRMAN SCOTT: Moved.

Is there a second?

COMMISSIONER ELLIOTT: Second.

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

(Chorus of ayes.)

ACTING CHAIRMAN SCOTT: Any opposed, "nay"?

(No response.)

ACTING CHAIRMAN SCOTT: The vote is 5 to nothing approving the minutes for February 9th.

Moving to Railroads. Items RR-1 through RR-9 can be taken together. These items concern stipulated agreements regarding public safety improvements at highway rail grade crossings across Illinois. In each case Staff recommends entry of an Order authorizing the project.

Is there a motion to enter the Orders?

COMMISSIONER COLGAN: So moved.

ACTING CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

COMMISSIONER ELLIOTT: Second.

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

All in favor say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN SCOTT: Any opposed, "nay"?
ACTING CHAIRMAN SCOTT: The vote is 5 to nothing and the Orders are entered.

We will use this 5 to nothing vote for the remainder of the Transportation Agenda unless otherwise noted.

Item RR-10 is Docket No. T10-0153.

This item concerns a Petition seeking authority for the construction of a highway rail grade crossing in Jefferson County. ALJ Dugan recommends the Commission enter an Order authorizing the construction.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

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

Item RR-11 is Docket No. T10-0164.

This item concerns a citation issued by the Commission in November requiring repairs by BNSF at a highway rail grade crossing. As such repairs have
now apparently been made by the company, ALJ Dugan recommends that the Commission enter an Order dismissing the citation.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the Order is entered and the citation is dismissed. Items RR-12 through RR-14 can be taken together. These items concern Petitions for construction projects and grade crossings across Illinois. In each case ALJ Kirkland-Montaque recommends that the Commission enter an Order granting the Petition and authorizing the project.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Items RR-15 and RR-16 can be taken
together. These items are Petitions by the Illinois Department of Transportation seeking approval for the taking of properties in Cook and Kane County via eminent domain. In each case, ALJ Kirkland-Montague recommends that the Commission enter an Order granting the Petition approving the exercise of eminent domain.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item RR-17 is Docket No. T09-0113. This item concerns a Petition for improvements of a highway rail crossing in Lake County. ALJ Kirkland-Montague recommends that the Commission enter a Supplemental Order granting an extension of time and require additional project improvements.

Is there any discussion?

(No response.)

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

Items RR-18 and RR-19 can be taken together. These items concern the stipulated agreements regarding public safety improvements at highway rail grade crossings in Cumberland and Wayne Counties. In each case Staff recommends entry of a Supplemental Order granting an extension of time for the projects' completion.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the Supplemental Orders are entered.

Now, on to Motor Carriers. Items MC-1 and MC-2 will be taken together. These items concern stipulated settlement agreements concerning alleged violations of the Illinois Commercial Transportation Law. In each case our Transportation Counsel recommends entry of an Order accepting the stipulated
settlement agreements.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the Orders are entered and the settlement agreements are approved.

Item MC-3 concerns an Application for the transfer of a Household Goods Carrier Certificate for McMahon Movers to L. Smith, LLC. ALJ Kirkland-Montaque recommends that the Commission enter an Order approving the application for the transfer.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the Order is entered and the certificate transfer is approved.

Item MC-4 concerns Flynns Delivery's Application for a Certificate for Household Goods,
Property and Mortgage Carrier Authority. ALJ Dugan recommends that the Commission enter an Order approving the application.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the Order is entered and the application is granted.

Items MC-5 through MC-7 will be taken together. These items concern applications for Operator's Employment Permits under the Illinois Commercial Relocation of Trespassing Vehicles Law. In each case the ALJ recommends that the Commission enter an Order dismissing the application without prejudice.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the Orders are entered and the applications are dismissed
without prejudice.

Item MC-8 is Sun Towing's application for renewal of its Commercial Relocation Towing License. Our Transportation Counsel recommends that the Commission enter an Order granting the application for renewal.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the renewal is granted.

Items MC-9 through MC-11 will be taken together. These items are applications for Commercial Relocator's Licenses. And in each case ALJ Kirkland-Montague recommends that the Commission enter an Order granting the application.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Any objections?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the
Orders are entered and the licenses are granted.

We have two administrative matters to address today. The first is AM-1 and this concerns approval of our fiscal year 2012 to 2016 5-year plan for our Crossing Safety Improvement Program. Staff recommends that the Commission vote to approve the 5-year plan and authorize submission of the plan to the Governor, the leaders of the General Assembly and the general public.

Is there any discussion?

(No response.)

ACTING CHAIRMAN SCOTT: Hearing none, the 5-year plan is approved for submission.

Item AM-2 concerns our 2010 Annual Report on Accidents and Incidents Involving Hazardous Materials on Railroads in Illinois. Staff recommends that the Commission vote to approve the Annual Report and authorize submission of the report to the Governor and the Leaders of the General Assembly.

Is there any discussion?

(No response.)

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

ACTING CHAIRMAN SCOTT: Hearing none, the 2010 Annual Hazardous Materials Report is approved for submission.

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

MR. STEAD: No, Mr. Chairman. Mr. Matrisch is gone this week. But this is Mr. Stead and the answer to your question is no.

ACTING CHAIRMAN SCOTT: Thank you. Hearing none, that concludes today's Transportation Agenda.

(Whereupon, the Public Utilities Agenda is contained in a separate transcript.)