BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(TRANSPORTATION)
Wednesday, July 9, 2014
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

PRESENT:
DOUGLAS P. SCOTT, Chairman
JOHN T. COLGAN, Commissioner
ANN MCCABE, Commissioner
SHERINA E. MAYE, Commissioner
Miguel Del Valle, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR #084-002170
CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene the regularly scheduled Bench session of the Illinois Commerce Commission. With me in Chicago are Commissioner Colgan, Commissioner McCabe, Commissioner del Valle and Commissioner Maye. I am 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 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.

Starting with the Transportation agenda, we'll begin with the approval of the minutes from our June 11th Bench Session. I understand amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER MAYE: So move.
CHAIRMAN SCOTT: Is there a second?
COMMISSIONER MCCABE: Second.
CHAIRMAN SCOTT: Moved by Commissioner Mayes and seconded by Commissioner McCabe.

All in favor, say aye.
(Chorus of ayes.)

Any opposed?
(No response.)
The vote is 5 to nothing and the minutes, as amended, are adopted.
Is there now a motion to approve the minutes as amended?

COMMISSIONER COLGAN: So move.
CHAIRMAN SCOTT: Is there a second?
COMMISSIONER MAYE: Second.
CHAIRMAN SCOTT: Moved by Commissioner Colgan and seconded by Commissioner Maye.

All in favor, say aye.
(Chorus of ayes.)

Any opposed?
The vote is 5 to nothing and the minutes from our June 11th Bench Session, as amended, are approved.

Item RR-1 is Docket No. 13-0099/T13-0122 (consolidated). This is IDOT's petition for approval of the taking or damaging of property owned by a common transportation carrier in Cook County by exercising the right of eminent domain and its petition to allow modification to an existing grade crossing at Northwest Highway and Wilke Road. ALJ Kirkland-Montaque recommends entry of an order granting the requested relief.

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 Maye:  Second.
CHAIRMAN SCOTT:  Moved by Commissioner McCabe and seconded by Commissioner Maye.

All in favor, say aye.
(Chorus of ayes.)

Any opposed?
(No response.)

The vote is 5 to nothing and the order is entered. We will use this 5 to nothing vote for the remainder of today's Transportation agenda unless otherwise noted.

Item RR-2 is Docket No. T14-0035. This is the City of Urbana's petition to construct a pedestrian sidewalk adjacent to an existing at-grade crossing of the Norfolk Southern Railway's track in Champaign County. ALJ Duggan recommends entry of an order granting the requested relief.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the order is entered.

Item RR-3 and RR-4 can be taken together. These items are stipulated agreements seeking authorization for safety improvement.
Illinois. In each case our transportation counsel recommends entry of an order granting the requested relief.

Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the orders are entered.

Item RR-5 through RR-14 can be taken together. These items are stipulated agreements seeking authorization for safety improvement projects at highway-rail grade crossings across Illinois. In each case the ALJ or our transportation counsel recommends entry of a supplemental, or second supplemental order, granting the requested relief.

Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the orders are entered.

Item RR-15 is Docket No. T10-0048.

This is the City of Galesburg's petition for authority to construct an overpass and to permanently close an at-grade crossing in Iroquois County. ALJ Kirkland-Montague recommends entry of a second supplemental order granting the requested relief.

Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the order is entered.

Items RR-16 through RR-19 can be taken together. These items are stipulated agreements seeking authorization for safety improvement projects at highway-rail grade crossings across Illinois. In each case the ALJ, or our transportation counsel, recommends entry of a second or third supplemental order granting the requested relief.

Is there any discussion?

COMMISSIONER del VALLE: Yes.
COMMISSIONER del VALLE: Thank you, Mr. Chairman. A number of these orders, including this one, indicate that the Federal Highway Administration and the Illinois Department of Transportation around an increase to be referred to as added rates for work under the Act of January of 2010.

Could you explain exactly how this works? I'm interested in knowing what the impact of this will be on the fund, both short term and long term. I don't recall seeing this in prior orders. Is it something new? Are we going to see more of this in the future?

CHAIRMAN SCOTT: Mr. Matrisch, are you available for this?

MR. MATRISCH: I am, Chairman.

CHAIRMAN SCOTT: Very good.

MR. MATRISCH: First of all, this is something that -- the raising of these rates is something that the Federal Railroad Administration does from time to time. It's not done on a regular basis, but from time to time that happens. When that happens, the Highway Administration will notify IDOT that the rates have been increased. IDOT will then notify the railroad that there is a new rate in place.

In these instances, this particular railroad it is noteworthy that in all these orders the Commission had before today, the parent company is the Canadian National Railroad. Even though we know the orders talk about Illinois Central, and a few others, it's essentially Canadian National.

In this instance, the Canadian National, because of the approval of these increased rates, has decided to come back to the Commission and ask for additional money. That's kind of the background.

Now to answer your question on whether we will see additional orders, unfortunately, I don't know the answer to that question. It is largely going to be dependent upon whether or not this railroad, or other railroads in a similar situation, decide to petition the Commission for additional funds.

COMMISSIONER del VALLE: And the impact on our
MR. MATRISCH: Well, there will be a monetary impact certainly, but in a few of these orders, the Commission has approved a higher overall dollar amount to begin with and, in the end, not all of those dollars are necessary for the projects so that money would be obligated, and then for these petitions, they're asking for initially some of that money back.

It's unclear what the long-term impact on the fund is going to be, but in each of these instances, you know, it's a few thousand dollars that the railroad is asking be reallocated for a particular project.

COMMISSIONER del VALLE: I know it's a few thousand dollars in each case, but they add up, and that's why I wanted to know if we will see more of these, because it just means fewer projects will be funded in the long run.

MR. MATRISCH: I agree. And, unfortunately, we don't know the answer to that question, or I don't know the answer to that question, because, you know, largely it's dependent upon whether this railroad, or other railroads, decide to file petitions with the Commission for additional money from the fund.

CHAIRMAN SCOTT: Mr. Matrisch, is there any limitation on how much time they have to come back to file a petition for additional funds?

MR. MATRISCH: None that I'm aware of, Chairman.

CHAIRMAN SCOTT: Anything else?

(No response.)

Any other discussion?

(No response.)

Are there any objections to the entry of the order?

(No response.)

Thank you, Mr. Matrisch.

MR. MATRISCH: You are welcome.

CHAIRMAN SCOTT: Item RR-20 is Docket No. T11-0007. This is CSX Transportation, Union Pacific Railroad Company, Mound Township Road District, and IDOT's stipulated agreement seeking authorization for a safety improvement project at a highway-rail
transportation counsel recommends entry of a sixth supplemental order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the orders are entered.


ALJ Kirkland-Montaque recommends entry of an order denying the application.

Is there any discussion?

(No response.)

Is there any objections?

(No response.)

Hearing none, the order is entered and the application is denied.

Mr. Matrisch, is there any further 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.

(Whereupon, the above matter was adjourned.)
CERTIFICATE OF REPORTER

STATE OF ILLINOIS )
               ) SS:
COUNTY OF COOK    )

TITLE: BENCH SESSION (TRANSPORTATION)

I, PATRICIA WESLEY, do hereby certify that I am a court reporter contracted by SULLIVAN REPORTING COMPANY, of Chicago, Illinois; that I reported in shorthand the evidence taken and the proceedings had on the hearing on the above-entitled case on the 9th day of July A.D., 2014; that the foregoing 7 pages are a true and correct transcript of my shorthand notes so taken as aforesaid, and contains all of the proceedings directed by the Commission or other person authorized by it to conduct the said hearing to be stenographically reported.

Dated at Chicago, Illinois, this 17th day of July, A.D., 2014.

[Signature]

Reported.