

1 License No. 084-004588

2 PROCEEDINGS

3 ACTING CHAIRMAN SCOTT: Good morning.

4 Pursuant to the provisions of the
5 Illinois Open Meetings Act, I now convene a regularly
6 scheduled Bench Session of the Illinois Commerce
7 Commission. With me in Chicago are Commissioners
8 Ford, O'Connell-Diaz, Elliott and Acting Commissioner
9 Colgan, and I'm Acting Chairman Scott. We have a
10 quorum.

11 Before moving into the agenda,
12 according to Section 1700.10 of the Illinois
13 Administrative Code, this is the time we allow the
14 members of the public to address the Commission.
15 Members of the public wishing to address the
16 Commission must notify the Chief Clerk's Office at
17 least 24 hours prior to the Bench Session. According
18 to the Chief Clerk's Office we have no requests to
19 speak at today's Bench Session.

20 Starting with Transportation Agenda we
21 will begin approval of minutes from the January 20th
22 Bench Session.

1 Is there a motion to approve the
2 minutes?

3 COMMISSIONER FORD: So moved.

4 ACTING CHAIRMAN SCOTT: Is there a second?

5 COMMISSIONER ELLIOTT: Second.

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

8 All in favor, say "aye."

9 (Chorus of ayes.)

10 ACTING CHAIRMAN SCOTT: Any opposed, "nay"?

11 (No response.)

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

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

16 Is there a motion to approve?

17 COMMISSIONER O'CONNELL-DIAZ: So moved.

18 ACTING CHAIRMAN SCOTT: Moved.

19 Is there a second?

20 COMMISSIONER ELLIOTT: Second.

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

1 All in favor, say "aye."

2 (Chorus of ayes.)

3 ACTING CHAIRMAN SCOTT: Any opposed, "nay"?

4 (No response.)

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

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

13 Is there a motion to enter the Orders?

14 COMMISSIONER COLGAN: So moved.

15 ACTING CHAIRMAN SCOTT: Is there a second?

16 COMMISSIONER O'CONNELL-DIAZ: Second.

17 COMMISSIONER ELLIOTT: Second.

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

20 All in favor say "aye."

21 (Chorus of ayes.)

22 ACTING CHAIRMAN SCOTT: Any opposed, "nay"?

1 (No response.)

2 ACTING CHAIRMAN SCOTT: The vote is 5 to
3 nothing and the Orders are entered.

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

7 Item RR-10 is Docket No. T10-0153.
8 This item concerns a Petition seeking authority for
9 the construction of a highway rail grade crossing in
10 Jefferson County. ALJ Dugan recommends the
11 Commission enter an Order authorizing the
12 construction.

13 Is there any discussion?

14 (No response.)

15 ACTING CHAIRMAN SCOTT: Any objections?

16 (No response.)

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

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

20 This item concerns a citation issued by the
21 Commission in November requiring repairs by BNSF at a
22 highway rail grade crossing. As such repairs have

1 now apparently been made by the company, ALJ Dugan
2 recommends that the Commission enter an Order
3 dismissing the citation.

4 Is there any discussion?

5 (No response.)

6 ACTING CHAIRMAN SCOTT: Any objections?

7 (No response.)

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

16 Is there any discussion?

17 (No response.)

18 ACTING CHAIRMAN SCOTT: Any objections?

19 (No response.)

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

22 Items RR-15 and RR-16 can be taken

1 together. These items are Petitions by the Illinois
2 Department of Transportation seeking approval for the
3 taking of properties in Cook and Kane County via
4 eminent domain. In each case, ALJ Kirkland-Montaque
5 recommends that the Commission enter an Order
6 granting the Petition approving the exercise of
7 eminent domain.

8 Is there any discussion?

9 (No response.)

10 ACTING CHAIRMAN SCOTT: Any objections?

11 (No response.)

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

14 Item RR-17 is Docket No. T09-0113.

15 This item concerns a Petition for improvements of a
16 highway rail crossing in Lake County. ALJ
17 Kirkland-Montaque recommends that the Commission
18 enter a Supplemental Order granting an extension of
19 time and require additional project improvements.

20 Is there any discussion?

21 (No response.)

22 ACTING CHAIRMAN SCOTT: Any objections?

1 (No response.)

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

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

11 Is there any discussion?

12 (No response.)

13 ACTING CHAIRMAN SCOTT: Any objections?

14 (No response.)

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

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

1 settlement agreements.

2 Is there any discussion?

3 (No response.)

4 ACTING CHAIRMAN SCOTT: Any objections?

5 (No response.)

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

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

15 Is there any discussion?

16 (No response.)

17 ACTING CHAIRMAN SCOTT: Any objections?

18 (No response.)

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

21 Item MC-4 concerns Flynn's Delivery's
22 Application for a Certificate for Household Goods,

1 Property and Mortgage Carrier Authority. ALJ Dugan
2 recommends that the Commission enter an Order
3 approving the application.

4 Is there any discussion?

5 (No response.)

6 ACTING CHAIRMAN SCOTT: Any objections?

7 (No response.)

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

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

17 Is there any discussion?

18 (No response.)

19 ACTING CHAIRMAN SCOTT: Any objections?

20 (No response.)

21 ACTING CHAIRMAN SCOTT: Hearing none, the
22 Orders are entered and the applications are dismissed

1 without prejudice.

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

7 Is there any discussion?

8 (No response.)

9 ACTING CHAIRMAN SCOTT: Any objections?

10 (No response.)

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

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

18 Is there any discussion?

19 (No response.)

20 ACTING CHAIRMAN SCOTT: Any objections?

21 (No response.)

22 ACTING CHAIRMAN SCOTT: Hearing none, the

1 Orders are entered and the licenses are granted.

2 We have two administrative matters to
3 address today. The first is AM-1 and this concerns
4 approval of our fiscal year 2012 to 2016 5-year plan
5 for our Crossing Safety Improvement Program. Staff
6 recommends that the Commission vote to approve the
7 5-year plan and authorize submission of the plan to
8 the Governor, the leaders of the General Assembly and
9 the general public.

10 Is there any discussion?

11 (No response.)

12 ACTING CHAIRMAN SCOTT: Hearing none, the
13 5-year plan is approved for submission.

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

20 Is there any discussion?

21 (No response.)

22 ACTING CHAIRMAN SCOTT: Any objections?

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(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.)