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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

TRANSPORTATION REGULAR BENCH SESSION

Chicago, Illinois  
March 10, 2010

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

BEFORE:

- MR. MANUEL FLORES, Chairman
- MS. LULA M. FORD, Commissioner
- MS. ERIN M. O'CONNELL-DIAZ, Commissioner
- MR. SHERMAN J. ELLIOTT, Commissioner
- MR. JOHN T. COLGAN, Commissioner

1           CHAIRMAN FLORES: Pursuant to the provisions of  
2 the Illinois Open Meetings Act, we now convene the  
3 regularly scheduled bench session of the Illinois  
4 Commerce Commission. With me in Chicago are  
5 Commissioners Ford, O'Connell-Diaz, Elliot and Acting  
6 Commissioner Colgan. I am Acting Chairman Flores.

7                         We have a quorum.

8                         At this time we will begin with the  
9 transportation agenda.

10                        We have minutes to approve from the  
11 February 10th, 2010, bench session.

12                        Is there a motion to approve the  
13 minutes?

14           COMMISSIONER ELLIOTT: So moved.

15           CHAIRMAN FLORES: Is there a second?

16           COMMISSIONER FORD: Second.

17           CHAIRMAN FLORES: It's been moved and seconded.

18                        All in favor say "aye."

19                        (Chorus of ayes.)

20                        Any opposed.

21                        (No response.)

22                        The vote is 5-0 approving the

1 minutes. CHAIRMAN FLORES: Now we're moving to  
2 railroads, starting with the railroad agenda. Items  
3 RR-1 through RR-6 will be taken together. These are  
4 stipulated agreements for safety improvements for  
5 railroad crossings. Staff recommends entering Orders  
6 approving the stipulated agreements.

7 Is there a motion to enter the Orders.

8 COMMISSIONER COLGAN: So moved.

9 CHAIRMAN FLORES: Is there a second?

10 COMMISSIONER ELLIOTT: Second.

11 CHAIRMAN FLORES: Its been moved and seconded.

12 All in favor say "aye."

13 (Chorus of ayes.)

14 Any opposed?

15 (No response.)

16 The vote is 5-0. The Orders are  
17 entered. We will use this 5-0 vote for the remainder  
18 of the transportation agenda unless otherwise noted.

19 Item RR-7 is Docket T09-0136. This is  
20 a petition to remove the 13th Avenue bridge structure  
21 and for closure of the crossing of the Village of  
22 Orion. Chief ALJ Kirkland-Montaque recommends

1 entering the Order approving the Petition.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Item RR-8 and RR-9 will be taken  
8 together. These are supplemental Orders granting  
9 extensions of time for parties to complete required  
10 work. Chief ALJ Kirkland-Montague and Staff  
11 respectively recommend entering the supplemental  
12 Orders.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Orders are entered.

18 Item RR-10 is Docket T08-0011 5th  
19 Supplemental. ALJ O'Brien recommends entering a 5th  
20 Supplemental Order allowing the City of Alton an  
21 extension of time until June 30th, 2010, to submit  
22 final bills for payment from the GCPF.

1                                   Is there any discussion?

2                   COMMISSIONER O'CONNELL-DIAZ:  Chairman, I have  
3   no problem with this Order.  However, I would note  
4   that originally this project was to be on a time line  
5   of years that would have brought it to 2003.  We're  
6   now in 2010 and as time goes by cost usually go up.  
7   So I hope this is the last extension of time we have  
8   from the City of Alton.

9                   CHAIRMAN FLORES:  Do we have the ALJ O'Brien  
10  here?

11                  ALJ KIRKLAND-MONTAQUE:  I don't believe he's  
12  here.

13                  CHAIRMAN FLORES:  I would like to add to that  
14  because I think you raised a very valid point,  
15  Commissioner O'Connell-Diaz, because given frankly  
16  the issues that we're dealing with, the economy and  
17  the pricing issues and the need for executing these  
18  projects in a timely fashion is a critical importance  
19  now more than ever given the state of the economy.  
20  And that -- there's just not enough revenue to be  
21  going around.

22                                   I would like to -- I would recommended

1 that we be given some status in the event as you  
2 indicated, Commissioner O'Connell-Diaz, there was a  
3 time line associated with this effort. I think it  
4 would be prudent for us to receive a further update  
5 in terms of the progress of this particular project  
6 and why its taking so long, and that I also support  
7 Commissioner O'Connell-Diaz's comments that we can't  
8 be extending this forever here. So I would like an  
9 update in terms of where we're at with the project  
10 and why it's taking this long and how can we expedite  
11 it.

12 COMMISSIONER O'CONNELL-DIAZ: Chairman, I thank  
13 you for your support on this. As I read through  
14 this, apparently we're waiting for some paperwork and  
15 there were numerous extensions of time. But I think  
16 as we look at these things -- and your point is well  
17 taken -- that as we look at these extensions, you  
18 know, obviously there has been extensions granted by  
19 this Commission --

20 COMMISSIONER FORD: The final extension date in  
21 June 30th.

22 CHAIRMAN FLORES: That may be the case, but I

1 just want to be clear that the Commission has been --  
2 I want the record to reflect that the Commission has  
3 been very considerate with regard to the number of  
4 extensions that have been granted. But that  
5 consideration should not be mistaken for an  
6 open-ended time period. So that's why I believe that  
7 admonishment at this time is necessary. And I think  
8 it would be -- I think it's important that we get  
9 this effort expedited.

10 Any other discussion on this matter?

11 COMMISSIONER ELLIOTT: No, and I would just  
12 note that it was originally filed this 1997.

13 CHAIRMAN FLORES: I can't underscore, again,  
14 how important and that -- we want an expedited track  
15 and I'm going to ask that we be provided an update  
16 within 10 days.

17 ALJ KIRKLAND-MONTAQUE: I will ask our regular  
18 staff member working on this matter to update this.

19 CHAIRMAN FLORES: Within 10 days. I'd like the  
20 record to reflect that within 10 days of today's date  
21 that we be given an update.

22 Any further discussion?

1 (No response.)

2 That concludes the railroad agenda.

3 We're going to move on to the motor  
4 carriers.

5 Item MC-1 is an application to renew a  
6 towing operator's permit. Chief ALJ  
7 Kirkland-Montague recommends entering the Order  
8 renewing the permit.

9 Is there any discussion on this  
10 matter?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered.

15 That concludes the motor carrier  
16 agenda.

17 There are three administrative  
18 matters.

19 Item AM-1 is a resolution authorizing  
20 the submission of second notice to the Joint  
21 Committee on Administrative Rules regarding the  
22 implementation of Public Act 96-0515. Mr. Matrisch



1 recommends approving the Resolution.

2 Is there any discussion on this  
3 matter?

4 (No response.)

5 Any objection?

6 (No response.)

7 Hearing none, the Resolution is  
8 entered.

9 Item AM-2 is a recommendation by Staff  
10 to approve the Fiscal Year 2011-2015 Crossing Safety  
11 Improvement Program 5-year Plan.

12 Is there any discussion?

13 (No response.)

14 Any objection?

15 (No response.)

16 Hearing none, the Plan is approved.

17 Item AM-3 is a recommendation by Staff  
18 to approve the 2009 Hazardous Material Report.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1                   Hearing none, the Report is approved.

2                   Mr. Matrisch, are there any further

3 matters to come before the Commission today?

4           MR. MATRISCH:  Nothing further, Mr, chairman.

5 Thank you.

6           CHAIRMAN FLORES:  Very well.

7                   Hearing none, that concludes the

8 transportation agenda.  Before we conclude, I do want

9 to thank Staff for their work on those reports.  I

10 know a lot of time was put into those reports and we

11 do appreciate their expertise and the work done on

12 those reports, so thank you.

13           MR. MATRISCH:  Thank you, Chairman.

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