



Sen. James F. Clayborne, Jr.

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09600SB3343sam001

LRB096 19284 MJR 37942 a

1 AMENDMENT TO SENATE BILL 3343

2 AMENDMENT NO. _____. Amend Senate Bill 3343 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 15-401 as follows:

6 (220 ILCS 5/15-401)
7 Sec. 15-401. Licensing.

8 (a) No person shall operate as a common carrier by pipeline
9 unless the person possesses a certificate in good standing
10 authorizing it to operate as a common carrier by pipeline. No
11 person shall begin or continue construction of a pipeline or
12 other facility, other than the repair or replacement of an
13 existing pipeline or facility, for use in operations as a
14 common carrier by pipeline unless the person possesses a
15 certificate in good standing.

16 (b) Requirements for issuance. The Commission, after a

1 hearing, shall grant an application for a certificate
2 authorizing operations as a common carrier by pipeline, in
3 whole or in part, to the extent that it finds that the
4 application was properly filed; a public need for the service
5 exists; the applicant is fit, willing, and able to provide the
6 service in compliance with this Act, Commission regulations,
7 and orders; and the public convenience and necessity requires
8 issuance of the certificate.

9 In its determination of public convenience and necessity
10 for a proposed pipeline or facility designed or intended to
11 transport crude oil and any alternate locations for such
12 proposed pipeline or facility, the Commission shall consider,
13 but not be limited to, the following:

14 (1) any evidence presented by the Illinois
15 Environmental Protection Agency regarding the
16 environmental impact of the proposed pipeline or other
17 facility;

18 (2) any evidence presented by the Illinois Department
19 of Transportation regarding the impact of the proposed
20 pipeline or facility on traffic safety, road construction,
21 or other transportation issues;

22 (3) any evidence presented by the Department of Natural
23 Resources regarding the impact of the proposed pipeline or
24 facility on any conservation areas, forest preserves,
25 wildlife preserves, wetlands, or any other natural
26 resource;

1 (4) any evidence of the effect of the pipeline upon the
2 economy, infrastructure, and public safety presented by
3 local governmental units that will be affected by the
4 proposed pipeline or facility;

5 (5) any evidence of the effect of the pipeline upon
6 property values presented by property owners who will be
7 affected by the proposed pipeline or facility, provided,
8 however that the Commission need not hear evidence as to
9 the actual valuation of property such as that as would be
10 presented to and determined by the courts under the Eminent
11 Domain Act;

12 (6) any evidence presented by the Department of
13 Commerce and Economic Opportunity regarding the current
14 and future economic effect of the proposed pipeline or
15 facility including, but not limited to, property values,
16 employment rates, and residential and business
17 development; and

18 (7) any evidence presented by any other State agency
19 that participates in the proceeding-

20 In its written order, the Commission shall address all of
21 the evidence presented, and if the order is contrary to any of
22 the evidence, the Commission shall state the reasons for its
23 determination with regard to that evidence. The provisions of
24 this amendatory Act of 1996 apply to any certificate granted or
25 denied after the effective date of this amendatory Act of 1996.

26 (c) Duties and obligations of common carriers by pipeline.

1 Each common carrier by pipeline shall provide adequate service
2 to the public at reasonable rates and without discrimination.
3 (Source: P.A. 94-793, eff. 5-19-06.)

4 Section 99. Effective date. This Act takes effect July 1,
5 2010."