



**ILLINOIS COMMERCE COMMISSION**

January 27, 2004

The Burlington Northern and Santa Fe Railway Company,  
Petitioner,

v.

Princeton Township, Bureau County, Illinois; Bureau County, Illinois and,  
State of Illinois, Department of Transportation,  
Respondents.

T04-0007

Petition seeking an order from the Illinois Commerce Commission authorizing the permanent closure and removal of the at grade crossing located at the intersection of the tracks of The Burlington Northern and Santa Fe Railway Company and Princeton Township Road 2300 E (TR 286), Milepost 101.19, DOT No. 079 679A; the construction of a connecting road located south of and parallel to The Burlington Northern and Santa Fe Railway Company's tracks which would serve to connect Princeton Township Road 2300 E (TR 286) and Princeton Township Road 1800 N (TR 296); with the cost of such project to be borne by the parties in accordance with law and that a substantial portion of the cost be borne by the Grade Crossing Protection Fund.

T04-0007

Page 2

Mr. Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
118 S. Clinton St., Ste. 700  
Chicago, IL 60661

Dear Mr. Sazdanoff:

Receipt is acknowledged of the original and four (4) copies of the Petition filed January 26, 2004 in the above matter.

**All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 E. Capitol Avenue, Springfield, IL 62701 or you may file electronically through E-Docket if you have an account. To apply for an account, please log on to [www.icc.state.il.us](http://www.icc.state.il.us) and apply for an E-docket account.**

Processing and Information Section

kl

cc: Mr. Victor A. Modeer, IDOT  
Mr. W. Douglas Werner, BNSF  
Ms. Cheryl Townlian, BNSF  
CT Corporation System, BNSF  
Princeton Township  
Mr. Jeffrey Peacock, Bureau County

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

THE BURLINGTON NORTHERN and )  
SANTA FE RAILWAY COMPANY, )  
Petitioner, )  
v. )  
PRINCETON TOWNSHIP, BUREAU COUNTY, )  
ILLINOIS; BUREAU COUNTY, ILLINOIS and, )  
STATE OF ILLINOIS, DEPARTMENT OF )  
TRANSPORTATION, )  
Respondents. )

RECEIVED  
JAN 26 2004

Illinois Commerce Commission  
RAIL SAFETY SECTION

Petition seeking an order from the Illinois )  
Commerce Commission authorizing the )  
permanent closure and removal of the at grade )  
crossing located at the intersection of the tracks )  
of The Burlington Northern and Santa )  
Fe Railway Company and Princeton Township )  
Road 2300 E (TR 286), Milepost 101.19, )  
DOT No. 079 679A; the construction of a )  
connecting road located south of and parallel to )  
The Burlington Northern and Santa Fe Railway )  
Company's tracks which would serve to connect )  
Princeton Township Road 2300 E (TR 286) and )  
Princeton Township Road 1800 N (TR 296); with )  
the cost of such project to be borne by the parties )  
in accordance with law and that a substantial )  
portion of the cost be borne by the Grade )  
Crossing Protection Fund. )

T04-0007

PETITION

Now comes petitioner, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates, and for its petition to the Illinois Commerce Commission states as follows:

1. BNSF is a Delaware corporation with its principal place of business in Ft. Worth, Texas and is authorized to transact business in the State of Illinois

DOCKETED

JAN 26 2004

and transacts business as a common carrier by railroad in interstate and intrastate commerce.

2. Bureau County, Illinois is a governmental entity established under the laws of the State of Illinois.
3. Princeton Township, Bureau County, Illinois is a governmental entity established under the laws of the State of Illinois.
4. BNSF operates certain trackage in a generally northeast to southwest direction through Princeton Township, Bureau County, Illinois.
5. Princeton Township Road 2300 E (TR 286) is a north-south roadway located within the geographic boundaries of Princeton Township, Bureau County, Illinois and is under the jurisdiction of Princeton Township, Illinois.
6. Princeton Township Road 1800 N (TR 296) is an east-west roadway located within the geographic boundaries of Princeton Township, Bureau County, Illinois and is under the jurisdiction of Princeton Township.
7. Princeton Township Road 2300E (TR 286) intersects with the tracks of BNSF on an approximate 90<sup>0</sup> angle creating a public at grade crossing at Milepost 101.19, DOT No. 079 679A. Said at grade crossing is equipped

with reflectorized crossbuck signs. The estimated average daily vehicular traffic passing over the subject at grade crossing is approximately 50 vehicles per day.

8. Princeton Township Road, 1800N (TR 296) traverses the trackage of BNSF on less than a 90° angle creating a public at grade crossing at Milepost 100.97, DOT No. 079 678T. Estimated average daily traffic traversing the subject at grade crossing is approximately 300 vehicles per day. Said at grade crossing is equipped with automatic flashing light signals and gates.
9. BNSF requests that the at grade crossing at Princeton Township Road 2300E, (TR 286), Milepost 101.19, DOT No. 079 679A be permanently closed, the at grade crossing and warning devices removed and the roadway barricaded as the public convenience and necessity no longer require the existence of the aforesaid at grade crossing and public safety would be enhanced with the closure of the aforesaid at grade crossing.
10. In conjunction with the closure of the at grade crossing at Princeton Township Road, 2300E (TR 286) and the tracks of BNSF at Milepost 101.19, DOT No. 079 679A, BNSF suggests that a connecting road be constructed at a location south of and parallel to BNSF's trackage which would serve to connect Princeton Township Road, 2300E (TR 286) and Princeton Township Road 1800N (TR 296) which would serve to eliminate

any inconvenience to the vehicular traveling public that may be posed by the permanent closure of the at grade crossing at the intersection of Princeton Township Road, 2300E (TR 286) and the trackage of BNSF, Milepost 101.19, DOT No. 079 679A. BNSF has conferred with Princeton Township and Bureau County concerning the at grade crossing closure and roadway improvements as described above and it is BNSF's understanding that both Princeton Township and Bureau County concur with and support the grade crossing closure and roadway improvement project as set forth herein.

11. BNSF has caused to be acquired the necessary property for construction of the connecting roadway at the acquisition cost of \$ 22,596. It is currently estimated that actual construction of the connecting roadway would cost approximately \$211,343.
12. Attached hereto, marked Exhibit A and made a part hereof is a map depicting the location of BNSF's mainline trackage, the location of the grade crossings involved and the general location of the proposed connecting road.
13. The public at grade crossing located at Princeton Township Road , 1800N, Milepost 100.97, DOT No. 079 678T is a needed thoroughfare in Princeton Township and Bureau County, with said roadway and crossing used by Statewide traffic.

14. The public safety, convenience and necessity requires that the Grade Crossing Protection Fund of the Motor Fuel Tax Law pay a substantial portion of the cost of any improvements that may be authorized by the Illinois Commerce Commission pursuant to this said petition. BNSF requests that the Grade Crossing Protection Fund of the Motor Fuel Tax Law pay 80% of the cost of the proposed improvements as may be authorized by the Illinois Commerce Commission.

Wherefore, petitioner prays that the Illinois Commerce Commission set the aforesaid matter for public hearing and enter an order authorizing the permanent closure and removal of the at grade crossing located at the intersection of Princeton Township Road 2300E (TR 286) and the tracks of BNSF, Milepost 101.19, DOT No. 079 679A and authorize the construction of a connecting road between Princeton Township Road 2300E and Princeton Township Road 1800N (TR 296) at a location south of and parallel to BNSF's trackage and right of way and dividing the cost among the parties in accordance with law and requiring that a substantial portion of the cost be borne by the Grade Crossing Protection Fund of the Motor Fuel Tax Law.

THE BURLINGTON NORTHERN AND SANTA  
FE RAILWAY COMPANY



---

Cheryl Townlian, Manager Public Projects

KENNETH J. WYSOGLAD & ASSOCIATES

  
Michael L. Sazdanoff

Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
Attorneys for Petitioner  
The Burlington Northern and Santa Fe Railway Company  
118 S. Clinton Street, Suite 700  
Chicago, Illinois 60661  
(312) 441-0333

STATE OF MISSOURI    )  
                                  ) SS  
COUNTY OF GREENE    )

**VERIFICATION**

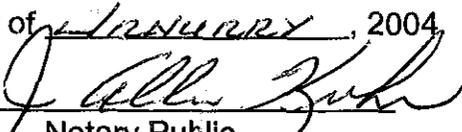
Cheryl Townlian, being duly sworn on oath, deposes and states that she is Manager, Public Projects for The Burlington Northern and Santa Fe Railway Company, petitioner herein; that she is duly authorized by said railroad company to sign, verify and file the foregoing petition and that the matters set forth in said petition re true and correct to the best of her knowledge, information and belief.

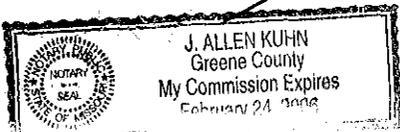
  
\_\_\_\_\_  
Cheryl Townlian

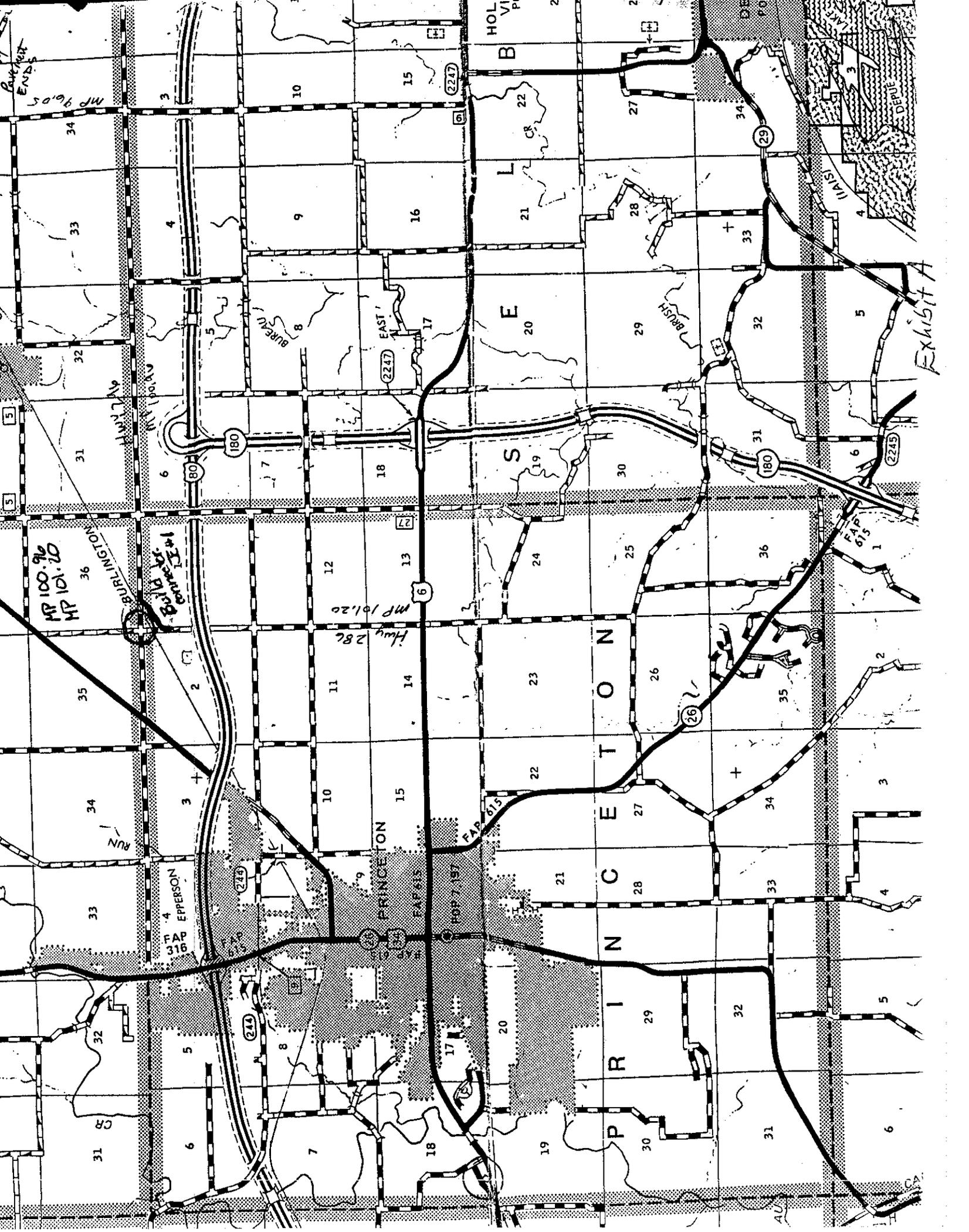
Subscribed and sworn to

before me this 12<sup>th</sup>

day of JANUARY, 2004

  
\_\_\_\_\_  
Notary Public





Part Not  
ENDS  
MP 96.05

MP 100.96  
MP 101.70

Buildg. for  
concrete

FAP 316  
4  
EPPERSON

MP 101.20  
May 286

FAP 615  
HOP 7.157

Exhibit A

PRINCETON

HOL  
VI  
PP

L  
CR

E

S

T  
O  
N

C  
E  
T  
O  
N

N

P  
R  
I

N

AU

CA

## PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 20 day of January, 2004, he caused to be served, a true and correct copy of **PETITION** upon:

Henry Humphries  
Railroad Staff  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, Illinois 62706

James L. Easterly  
Illinois Department of Transportation  
Division of Highways  
2300 S. Dirksen Pkwy, Suite 300  
Springfield, Illinois 62701

Kami Hieronymus  
County Clerk and Recorder  
Courthouse  
700 S. Main Street  
Princeton, Illinois 61356

Larry M. Vetter  
Highway Commissioner  
Princeton Township  
124 S. Pleasant Street  
Princeton, IL 61356

Jeff Peacock  
Bureau County Engineer  
595 Elm Place  
Princeton, Illinois 61356

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

