

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT NO. 1092

T04-0046

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), The Burlington Northern and Santa Fe Railway Company ("COMPANY"), Walnut Grove Township Road District ("ROAD DISTRICT"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the TR-15 highway-rail grade crossing of the Company's tracks located near Altona, Knox County Illinois, designated as crossing AAR/DOT 079 768S, milepost 143.60-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) The Company should install new automatic flashing light signals and gates, controlled by constant warning time circuitry.
- b) The Company should repair the existing crossing surfaces to comply with 92 Illinois Administrative Code 1535.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B. The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be (120) days and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the warning device improvement listed in Section 2(a) is estimated to be \$173,069. The Grade Crossing Protection Fund should pay 90% of the actual installation cost, not to exceed \$155,762. The Company should pay any remaining installation costs, as well as all future operating and maintenance costs.
- (b) The cost for the crossing surface improvements listed in Section 2(b) should be paid 100% by the Company, as well as all future maintenance costs.

Section 6 Special Provisions: The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of Company employee responsible for management of the project.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Public Act 93-0604 (effective November 21, 2003), which amends 18c-7401 (Safety Requirements for Track, Facilities, and Equipment) of the Illinois Commercial Transportation Law, requires installation of temporary STOP signs whenever the Commission authorizes the installation of automatic flashing light signals or automatic flashing light signals and gates at public highway-rail grade crossings. The temporary STOP signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the cost of the installation and subsequent maintenance of any required temporary STOP signs.

625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects the parties to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises the parties that any failure to comply may result in the assessment of such sanctions.

Any person making a Request For Extension Of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

Any person requesting an extension of time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions For Supplemental Orders.

Requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request For Extension Of Time or a Petition For Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered

time.

The Commission or its Administrative Law Judge reserves the right to deny Petitions For Supplemental Order and Requests For Extension Of Time, if the reason(s) supporting the request is insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 30th day of **March**, 2004.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1092 concerning improvements at the TR-15 highway-rail grade crossing of the Burlington Northern and Santa Fe Railway Company tracks, near Altona, Knox County, Illinois, designated as crossing AAR/DOT # 079 768S, Milepost 143.60-A.

Executed, by the Walnut Grove Township Road District this 15 day of April 2004.

WALNUT GROVE TOWNSHIP
ROAD DISTRICT

By: Jim Clifford

RECEIVED
APR 16 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

Reeth Ann Andrews

Illinois Commerce Commission Stipulated Agreement No. 1092 concerning improvements at the TR-15 highway-rail grade crossing of The Burlington Northern and Santa Fe Railway Company tracks, near Altona, Knox County, Illinois, designated as crossing AAR/DOT # 079 768S, Milepost 143.60-A.

Executed by The Burlington Northern and Santa Fe Railway Company this 15TH day of April 2004.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: Cheryl Smith

APPROVED AS TO FORM 4/12/04
Walter
Burlington Northern Santa Fe Law Department

Attest:

J. Allen Zuber

Illinois Commerce Commission Stipulated Agreement No. 1092 concerning improvements at the TR-15 highway-rail grade crossing of The Burlington Northern and Santa Fe Railway Company tracks, near Altona, Knox County, Illinois, designated as crossing AAR/DOT # 079 768S, Milepost 143.60-A.

Executed by the Illinois Department of Transportation this 4th day of May 2004.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Moder *epd*
Director of Highways

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	079 768S, 143.60-A
STREET, CITY, COUNTY	TR-15, near Altona, Knox County
JURISDICTION (RDWY)	Galesburg Township
LOCATION	Rural, Commercial/Residential
STREET SURFACE	Gravel, 20', Condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
N Main	Concrete	40'	Fair ¹
S Main	FDT	40'	Fair ¹

¹Crossing surface repairs required to meet 92 IAC 1535.

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	1700E – (72')
TRAFFIC CONTROL	None
ADT & SPEED	50 Vehicles Per Day @ 55 MPH
TRAFFIC TYPE	School Buses, Hazardous Materials, (all possible)
ADVANCE WARNING	Yes
PAVEMENT MARKING	NO

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	22 Per day @ 65 MPH, Day & Night? Yes
PASSENGER TRAFFIC	6 per day @ 79 MPH
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	55 (unposted)	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	573	FEET
Along Tracks	938	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,973	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	OK ¹		100' ¹	Dirt berm ²
NW	OK ¹		OK ¹	
SE	OK ¹		0 ¹	House, barn garage
SW	OK ¹		OK ¹	

Notes: ¹ The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

² Less than 50' if mature crops are in the adjacent farm field.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	.3	1.2	25	.2	.8
50	.9	3.6	50	.4	1.6

Distance measured from outermost rail.

COMMENTS:

For expediency, staff recommends the Grade Crossing Protection Fund (GCPF) and the Burlington Northern Santa Fe Railway Company (BNSF) each pay a portion of Bell Plain Township Road District's portion of the cost to install new automatic warning devices. Staff recommends the GCPF pay 90% of the installation costs with the BNSF paying all remaining installation costs, as well as all future operating and maintenance costs.

See Page 3 for Location Sketch (Aerial Photo) of the crossing.

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION :	ALTONA	LINE SEGMENT :	1	AFE NUMBER :	
PLANITEM NUMBER :	PSI0797688	MILEPOST :	0143.63	RFA NUMBER :	
PROPERTY OF :	BNSF RAILWAY COMPANY	DIVISION :	CH	CPAR NUMBER :	
OPERATED BY :	BNSF RAILWAY COMPANY	SUBDIVISION :	MENDOTA	BUDGET YEAR :	2004
JOINT FACILITY :	STATE OF ILLINOIS	TRACK TYPE :	2	BUDGET CLASS :	10
% BILLABLE (+/-) :	090.01	TAX STATE :	IL COUNTY: KNOX	REPORTING OFFICE :	456
REQZSTER ID :	Q420 - C D SCHOONOVER	MATL DATE :		SPONSOR :	VP ENGIN
PROJECT TYPE :	PIP	LOCATION CODE :	381317	DEPT CODE :	MOWGH
DOT NUMBER :	0797688			DERALMENT CODE :	

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL NEW GATES, FLASHERS W/ LED LIGHTS & BUNGALOW W/ CONSTANT WARNING CIRCUITRY AT (TR-15 DOT 079 768 S) NEAR ALTONA, IL L/S 0001 MP 143.63 CHICAGO DIV, MENDOTA SUBDIV.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.
THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.
CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.
THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING APPROXIMATELY 90% WITH BNSF FUNDING APPROXIMATELY 10% OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	6,545	0	0	0	58,909	65,454
MATERIAL COSTS	7,697	0	0	0	69,276	76,973
OTHER COSTS	3,065	0	0	0	27,577	30,642
TOTALS	17,307	0	0	0	155,762	173,069

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI0797688 - 1--2S
COSTING DATE : 03/16/2004

PRINTED ON : 03/16/2004
ESTIMATED BY : POOR
PRINTED BY : POOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR - CAP	840.00	0.0 MH	17,882			
* LABOR SUBTOTAL							17,882	0	0	0
1120	313	400	9911	BATTERY	1.0	EA N	5,033			
1120	313	400	9911	BUNGALOW 6X6	1.0	EA N	5,450			
1120	313	400	9911	BUNGALOW MATERIAL	1.0	LS N	5,396			
1120	313	400	9911	CABLE	1.0	EA N	2,227			
1120	313	400	9911	CHARGERS	1.0	LS N	899			
1120	313	400	9911	CONSTANT WARNING 2TKBI-DI	1.0	EA N	18,620			
1120	313	400	9911	FIELD MATERIAL	1.0	LS N	4,460			
1120	313	400	9911	FOUNDATION	2.0	EA N	870			
1120	313	400	9911	GATE KEEPER	2.0	EA N	3,550			
1120	313	400	9911	GATE MECH. MODEL 95 COMPLETE	2.0	EA N	10,062			
1120	313	400	9911	LAMP RESISTOR PANEL	1.0	EA N	735			
1120	313	400	9911	LED GATE KIT	2.0	EA N	732			
1120	313	400	9911	LED LIGHT 12" RETRO-FIT	12.0	EA N	3,048			
1120	313	400	9911	LIGHT OUT DETECTOR	1.0	EA N	659			
1120	313	400	9911	MISC. MATERIAL	1.0	EA N	1,500			
1120	313	400	9911	RECORDER	1.0	EA N	2,145			
1120	313	400	9911	RTU-6, CELLULAR MONITOR	1.0	EA N	2,060			
1120	313	400	9911	SHUNT, NBS	4.0	EA N	1,196			
1120	313	400	9911	TWO-WAY SIDELIGHT ASSY	1.0	EA N	1,060			
* MATERIAL SUBTOTAL							69,702	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	790	400	9911	FILL DIRT	100.0	CY N	2,500			
1120	790	400	9911	SURFACE ROCK	25.0	CY N	625			
* OTHER SUBTOTAL							9,125	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			14,425			
				EQUIPMENT EXPENSES			4,490			
				DA LABOR OVERHEADS			16,090			
				INSURANCE EXPENSES			2,819			
				USE TAX			4,566			
				OFFLINE TRANSPORTATION			869			
* GANG TOTAL							139,968	0	0	0
8		400	9911	SIGNAL SHOP LABOR - CAP	80.00	0.0 MH	1,764			
* LABOR SUBTOTAL							1,764	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			1,423			
				EQUIPMENT EXPENSES			442			
				DA LABOR OVERHEADS			1,587			
				INSURANCE EXPENSES			278			
* GANG TOTAL							5,494	0	0	0
8		411	9911	ELECTRICAL LABOR F/POWER TRANS SYS	54.00	0.0 MH	1,209			
* LABOR SUBTOTAL							1,209	0	0	0
1120	319	410		MATERIAL FOR ELECTRICAL	1.0	EA	1,500			
* MATERIAL SUBTOTAL							1,500	0	0	0
1120	410	400	9911	AC POWER SERVICE	1.0	EA	5,000			
* OTHER SUBTOTAL							5,000	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			975			
				EQUIPMENT EXPENSES			303			
				DA LABOR OVERHEADS			1,087			
				INSURANCE EXPENSES			190			
				MATERIAL HANDLING			75			
				USE TAX			98			
				OFFLINE TRANSPORTATION			18			

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT	U/M	CASH	NONCASH	OPER	REMOVAL

* GANG TOTAL				ELECGANG-1M - ELECTRICAL GANG, 1 MAN				10,455	0	0	0

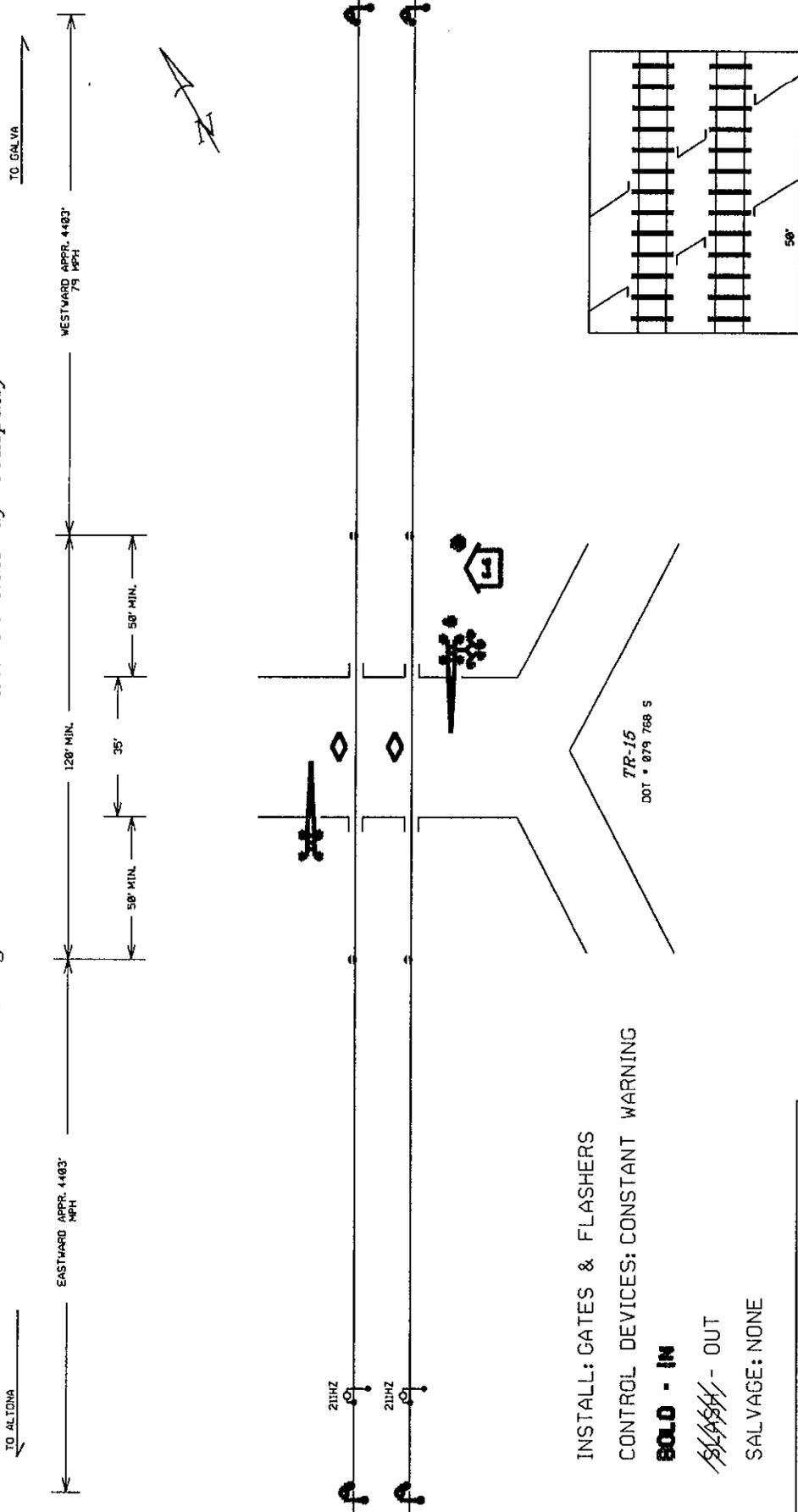
8		343		PLACE SIGNS	8.00		0.0 MH	158			
* LABOR SUBTOTAL								158	0	0	0
1120	308	200		STOP SIGN W/ POST	2.0		EA	130			
* MATERIAL SUBTOTAL								130	0	0	0
* ADDITIVES											
				PAYROLL ASSOCIATED COSTS				127			
				EQUIPMENT EXPENSES				39			
				DA LABOR OVERHEADS				142			
				INSURANCE EXPENSES				24			
				MATERIAL HANDLING				6			
				USE TAX				8			
				OFFLINE TRANSPORTATION				1			
* GANG TOTAL								635	0	0	0

PROJECT SUBTOTAL								156,552	0	0	0
CONTINGENCIES								15,655	0	0	0
BILL PREPARATION FEE								862	0	0	0
PROJECT GROSS COST								173,069	0	0	0
LESS COST PAID BY OTHERS								155,762	0	0	0
PROJECT NET COST								17,307	0	0	0

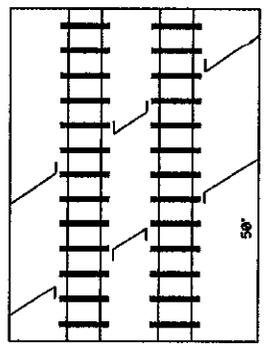
OTHER				

AC POWER SERVICE	1.00	EA		5,000
CONTRACT ENGR.	1.00	EA N		6,000
FILL DIRT	100.00	CY N		2,500
SURFACE ROCK	25.00	CY N		625
TOTAL OTHER ITEMS COST				-----
			14,125	14,125
PROJECT SUBTOTAL				-----
				156,552
CONTINGENCIES				15,655
BILL PREPARATION FEE				862
GROSS PROJECT COST				-----
				173,069
LESS COST PAID BY BNSF				17,307
TOTAL BILLABLE COST				-----
				155,762
				=====

The Burlington Northern & Santa Fe Railway Company



INSTALL: GATES & FLASHERS
 CONTROL DEVICES: CONSTANT WARNING
BOLD - IN
~~FLASH~~ - OUT
 SALVAGE: NONE



- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- BIDIRECTIONAL CROSSING CONTROL
- UNIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placement:
 Clearance to C.L. Track = Min. 12', Max. 20'
 Edge of Road to C.L. Foundation:
 Min. 4'1" with curb,
 Min. 8'1" without curb,
 Max. 12'
 House Clearance:
 25' Min. to C.L. of Track
 30' Min. to Edge of Road
 Front Lights:
 LED
 Back and Side Lights: LED
 Cantilever Jury Mast: LED

BNSF RAILWAY CO.
 ALTON, IL
 TR-15
 LS: 00001
 M.P. 143.63
 DOT # 079 768 S
 DIVISION CHICAGO
 SUBDIVISION MENDOTA
 KANSAS CITY
 ND SCALE
 DATE: 3/16/04
 FILE: 0001143-63.dgn
 MJ/TLP