

ORIGINAL

704-0048

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1090

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 Santa Fe Railway Company ("COMPANY"), the Village of Western Springs ("WESTERN SPRINGS"), the Village of LaGrange ("LAGRANGE"), the County of Cook ("COOK"), 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 Gilbert Avenue highway-rail grade crossing of The Burlington Northern Santa Fe Railway Company tracks located on the border line between the communities of the Village of Western Springs and the Village of LaGrange, Cook County, Illinois, designated as crossing **AAR/DOT 079 513V, MP 14.77-A**, and the Wolf Road, Lawn Avenue and Grand Avenue highway-rail grade crossings of the Company's tracks all located in the Village of Western Springs, Cook County, Illinois, designated as crossings **AAR/DOT 079 514C, MP 15.29-A, AAR/DOT 079 515J, MP 15.39-A and AAR/DOT 079 516R, MP 15.46-A**, respectively; 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 intersections, train movements, vehicular traffic volumes, and sight distances and other pertinent data relating to the crossings have been obtained and are shown on Exhibits A, A-1, A-2, and A-3 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

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.

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

Gilbert Avenue
(AAR/DOT 079 513V)

1. The Company should install new constant warning time circuitry to control the existing automatic flashing light signals and gates and install new LED signal inserts;

Wolf Road
(AAR/DOT 079 514C)

2. The Company should install new constant warning time circuitry to control the existing automatic flashing light signals and gates and install new LED signal inserts;

Lawn Avenue
(AAR/DOT 079 515J)

3. The Company should install new constant warning time circuitry to control the existing automatic flashing light signals and gates and install new LED signal inserts;

Grand Avenue
(AAR/DOT 079 516R)

4. The Company should install new constant warning time circuitry to control the existing automatic flashing light signals and gates and install new LED signal inserts;

Pedestrian Walkways at MP 16.37 and MP 15.60
(AAR/DOT 079 519L, and AAR/DOT 079 517X, respectively)

5. The Company should install new constant warning time circuitry to control the existing pedestrian signals

Section 3 The Company has prepared preliminary estimates of cost to accomplish the proposed improvements, which it may be required to perform. Said estimates are attached as Exhibits B, B-1, B-2, B-3, B-4 and B-5. 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 eighteen (18) 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:

IMPROVEMENT	ESTIMATED COST	GCPF	COMPANY	WESTERN SPRINGS	COUNTY	LaGRANGE
Gilbert Avenue						
Install new constant warning time circuitry and install new LED signal inserts	\$326,057	50% (\$163,028)	Remainder	0%	0%	0%
Wolf Road						
Install new constant warning time circuitry and install new LED signal inserts	\$306,979	50% (\$153,490)	Remainder	0%	0%	0%
Lawn Avenue						
Install new constant warning time circuitry and install new LED signal inserts	\$283,988	50% (\$141,994)	Remainder	0%	0%	0%
Grand Avenue						
Install new constant warning time circuitry and install new LED signal inserts;	\$329,864	50% (\$164,932)	Remainder	0%	0%	0%
Install CWT circuitry at pedestrian crossing ³ (MP 16.37)	\$356,341	50% (\$178,170)	Remainder	0%	0%	0%
Install CWT circuitry at pedestrian crossing ³ (MP 15.60)	\$294,758	50% (\$147,379)	Remainder	0%	0%	0%
TOTAL COST	\$1,897,987	\$948,993¹	\$948.994²	\$0	\$0	\$0

Notes: ¹ The total amount of assistance from the GCPF shall not exceed \$948,993.

² The Company should pay all remaining installation costs, as well as all future operating and maintenance costs.

³ Required to make the Constant Warning Time Circuitry at the roadway crossings operate properly.

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 for reimbursement 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.

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.

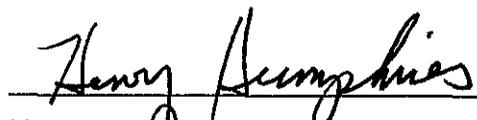
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 16th day of **March**, 2004.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1090** concerning improvements at the Gilbert Avenue highway-rail grade crossing of The Burlington Northern Santa Fe Railway Company tracks located on the border line between the communities of the Village of Western Springs and the Village of LaGrange, Cook County, Illinois, designated as crossing **AAR/DOT 079 513V, MP 14.77-A**, and the Wolf Road, Lawn Avenue and Grand Avenue highway-rail grade crossings of The Burlington Northern Santa Fe Railway Company tracks all located in the Village of Western Springs, Cook County, Illinois, designated as crossings **AAR/DOT 079514C, MP 15.29-A, AAR/DOT 079 515J MP 15.39-A and AAR/DOT 079 516R, MP 15.46-A**, respectively.

Executed by the Village of Western Springs this 29th day of March 2004.

THE VILLAGE OF WESTERN
SPRINGS

By: John W. Kranik

Attest:

Carolyn E. Sullivan

Illinois Commerce Commission Stipulated Agreement No. **1090** concerning improvements at the Gilbert Avenue highway-rail grade crossing of The Burlington Northern Santa Fe Railway Company tracks located on the border line between the communities of the Village of Western Springs and the Village of LaGrange, Cook County, Illinois, designated as crossing **AAR/DOT 079 513V, MP 14.77-A**, and the Wolf Road, Lawn Avenue and Grand Avenue highway-rail grade crossings of The Burlington Northern Santa Fe Railway Company tracks all located in the Village of Western Springs, Cook County, Illinois, designated as crossings **AAR/DOT 079514C, MP 15.29-A, AAR/DOT 079 515J MP 15.39-A and AAR/DOT 079 516R, MP 15.46-A**, respectively.

Executed by the Department this 16th day of April 2004.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modler
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1090 concerning improvements at the Gilbert Avenue highway-rail grade crossing of the Burlington Northern Santa Fe Railway Company tracks located on the border line between the communities of the Village of Western Springs and the Village of LaGrange, Cook County, Illinois, designated as crossing **AAR/DOT 079 513V, MP 14.77-A**, and the Wolf Road, Lawn Avenue and Grand Avenue highway-rail grade crossings of the Burlington Northern Santa Fe Railway Company tracks all located in the Village of Western Springs, Cook County, Illinois, designated as crossings **AAR/DOT 079514C, MP 15.29-A, AAR/DOT 079 515J MP 15.39-A and AAR/DOT 079 516R, MP 15.46-A**, respectively.

IN WITNESS, whereof the COUNTY has caused this Agreement to be executed by their respective officials on the dates as shown.

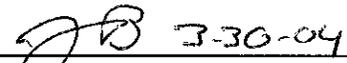
RECOMMENDED BY:



Superintendent of Highways

APPROVED AS TO FORM:

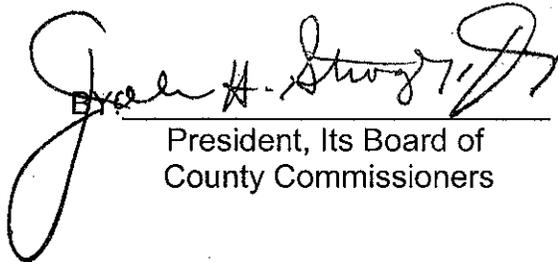
Richard A. Devine, States Attorney

BY:  3-30-04

Assistant State's Attorney

EXECUTED BY COUNTY:

This 20th day of April, 2004.



President, Its Board of
County Commissioners

ATTEST:



County Clerk

(SEAL)

APPROVED BY BOARD OF
COOK COUNTY COMMISSIONERS

APR 20 2004

COM _____

I, DAVID D. ORR, County Clerk of Cook County, in the State of Illinois, aforesaid and keeper of the records and files of said Cook County, do hereby certify that The Board of Commissioners of the County of Cook, at their regular meeting held on April 20, 2004 passed the following Resolution:

RESOLUTION

RESOLVED, that the President of the Board of Commissioners of Cook County, Illinois, on behalf of the County of Cook, is hereby authorized and directed by the Members of said Board, to execute by original signature or his authorized signature stamp, one (1) copy of an Agreement with the Illinois Commerce Commission, attached as Stipulated Agreement #1090, wherein the Burlington Northern Santa Fe Railway Company will install new constant warning time circuitry to control the existing automatic flashing light signals and gates and install new LED signal inserts for its highway-rail grade crossing at Wolf Road (County Highway W22) at no cost to the County of Cook, said Agreement attached; that by execution of the Agreement, the County of Cook concurs with the improvement; and, the Department of Highways is authorized and directed to return one (1) copy of this Resolution with Agreement to the Illinois Commerce Commission.

All of which appears from the record and files of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the SEAL of said County at my office in the City of Chicago, in said County, this 20th day of April A.D. 2004.

(SEAL)



COUNTY CLERK

APPROVED BY BOARD OF
COOK COUNTY COMMISSIONERS

APR 20 2004

COM _____

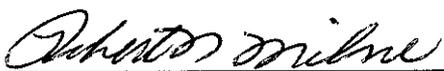
Illinois Commerce Commission Stipulated Agreement No. **1090** concerning improvements at the Gilbert Avenue highway-rail grade crossing of The Burlington Northern Santa Fe Railway Company tracks located on the border line between the communities of the Village of Western Springs and the Village of LaGrange, Cook County, Illinois, designated as crossing **AAR/DOT 079 513V, MP 14.77-A**, and the Wolf Road, Lawn Avenue and Grand Avenue highway-rail grade crossings of The Burlington Northern Santa Fe Railway Company tracks all located in the Village of Western Springs, Cook County, Illinois, designated as crossings **AAR/DOT 079514C, MP 15.29-A, AAR/DOT 079 515J MP 15.39-A and AAR/DOT 079 516R, MP 15.46-A**, respectively.

Executed by the Village of LaGrange this 3RD day of May 2004.

THE VILLAGE OF LAGRANGE

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement No. **1090** concerning improvements at the Gilbert Avenue highway-rail grade crossing of The Burlington Northern Santa Fe Railway Company tracks located on the border line between the communities of the Village of Western Springs and the Village of LaGrange, Cook County, Illinois, designated as crossing **AAR/DOT 079 513V, MP 14.77-A**, and the Wolf Road, Lawn Avenue and Grand Avenue highway-rail grade crossings of The Burlington Northern Santa Fe Railway Company tracks all located in the Village of Western Springs, Cook County, Illinois, designated as crossings **AAR/DOT 079514C, MP 15.29-A, AAR/DOT 079 515J MP 15.39-A and AAR/DOT 079 516R, MP 15.46-A**, respectively.

Executed by the Company this 7TH day of MAY 2004.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: Gregory C. Fox

APPROVED AS TO FORM 4/6/04
W. W. W.
Burlington Northern Santa Fe Law Department

Attest:

[Signature]

RECEIVED
MAY 13 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Burlington, Northern, Santa Fe
USDOT#, MILEPOST	079 513V, MP 14.77
STREET, CITY, COUNTY	Gilbert Avenue, Western Springs, Cook County
JURISDICTION (RDWY)	Local/Western Springs
LOCATION	Urban Residential
STREET SURFACE	Asphalt, 31', Good Condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
1N	Rubber	71'	Good
2	Rubber	71'	Good
3	Rubber	71'	Good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Hillgrove Ave. at 44 ft. North; Burlington Ave. at 55 ft. South
TRAFFIC CONTROL	Stop signs for three legs, free flow from tracks.
ADT & SPEED	11,200 @ 30 MPH (1% Trucks)
TRAFFIC TYPE	Passenger, School Busses, Hazardous Materials possible
ADVANCE WARNING	Yes
PAVEMENT MARKING	Yes

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	80 Per day @ 50 MPH, Day & Night
PASSENGER TRAFFIC	80 per day @ 70 MPH
WARNING DEVICES	AFLS/Gates

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed		MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway		FEET
Along Tracks		FEET
Required Clearing Sight Distance (CSD) (Along Tracks)		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	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

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

APPROACH GRADES: See Location Sketch

DIRECTION: WEST/NORTH			DIRECTION: EAST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	.6	2.4	25	.5	2.0
50	1.3	5.2	50	1.0	4.0

Distance measured from outermost rail.

COMMENTS: New Bungalow next to old.

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