

COPY

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1152**

T06-0013

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the BNSF Railway Company ("Company" or "BNSF"), the Akron Township Road District ("Road District"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through Informal correspondence that inquiry should be made into the matter of the voluntary closure of the TR 282/Anderson Road highway-rail grade crossing of the BNSF Railway Company's tracks, located near Edelstein, Peoria County, Illinois, designated as crossing AAR/DOT #004 593H; railroad milepost 139.43-ATSFM); and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject 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 this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon 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, 625 ILCS 5/18(c)-7401, 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 traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") 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 following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Vacation of the TR 282/Anderson Road roadway adjacent to the TR 282/Anderson Road highway-rail grade crossing of the Company's track by Akron Township Road District.

DOCKETED

- (b) Installation of temporary Type-III barricades conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices by BNSF.
- (c) Removal of the existing grade crossing surface, warning signs and highway approaches at the existing TR 282/Anderson Road highway-rail grade crossing by the BNSF.
- (d) Installation of permanent barricades conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices by BNSF.
- (e) Payment as detailed *infra* from the GCPF to the Road District for voluntary closure of the TR 282/Anderson Road highway-rail grade crossing, by IDOT.

Section 3 The Road District shall pass a local ordinance vacating TR 282/Anderson Road adjacent to the TR 282/Anderson Road crossing, with a stipulation that final vacation of the roadway shall not take place until after a Commission Order has been issued authorizing an incentive payment from the GCPF for closure for the TR 282/Anderson Road highway-rail grade crossing. Following passage of the local vacation ordinance, the Company shall erect temporary barricades to prevent vehicular access to the TR 282/Anderson Road crossing. The temporary barricades shall be erected by the Company within three (3) business days from the date the vacation ordinance is passed by the Road District. The Company will be responsible for all costs to erect and maintain the temporary barricades.

Section 4 The Company shall upon Order, according to the requirements contained therein, remove the crossing surface, warning devices and highway approaches at the TR 282/Anderson Road highway-rail grade crossing. The work shall be completed within thirty (30) days after the Company receives a copy of the Order. BNSF shall provide all parties with notice that the work has been complete within five (5) days of completion. Notification may be by regular mail, electronic mail, facsimile, or phone. The Company will be responsible for all costs to remove the crossing surface and crossbucks at the TR 282/Anderson Road highway-rail grade crossing.

The Company shall, upon Order, according to the requirements contained therein, install permanent barricades on both sides of the TR 282/Anderson Road highway-rail grade crossing at the Company's right of way ("ROW") limits. The work shall be completed within thirty (30) days after the Road District receives a copy of the Order. The Company shall provide all parties with notice that the work has been complete within five (5) days of completion. Notification may be by regular mail, electronic mail, facsimile, or phone. The Road District will be responsible for all costs to maintain the permanent barricades.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	ROAD DISTRICT	COMPANY	IDOT
Vacate TR 282/ Anderson Road by Local Ordinance; Erect Temporary Barricades at the TR 282/Anderson Road crossing.	No Estimate Required	\$0	100%	\$0 ²	\$0
Remove Existing Surface, XBuck Signs, and Hwy. Approaches at the TR 282/Anderson Road Crossing.	No Estimate Required	\$0	\$0	100% ³	\$0
Install Permanent Barricades at the TR 282/Anderson Road Crossing.	No Estimate Required	\$0	100% ⁵	\$0 ⁴	\$0
Provide GCPF Incentive Payment for Voluntary Closure of the TR 282/Anderson Road Crossing.	\$50,000	(100%) \$50,000 ¹	\$0	\$0	\$0 ⁶
Provide Matching Federal (TEA-21) Closure Incentive Payment for Voluntary Closure of the TR 282/Anderson Road Crossing	\$7,500	\$0	\$0	\$0	(100%) \$7,500 ⁷
Provide Closure Incentive Payment for Voluntary Closure of the TR 282/Anderson Road Crossing	\$50,000	\$0	\$0	\$50,000	\$0
TOTALS	\$107,500	\$50,000	\$-----	\$50,000	\$7,500

[Totals do not reflect costs where no estimates were required.]

Notes:

- ¹ Total GCPF assistance not to exceed \$50,000.
- ² The Company shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the TR 282/Anderson Road highway-rail grade crossing.
- ³ The Company shall be responsible for all costs associated with the removal of the existing crossing surface, crossbuck warning signs and highway approaches at the TR 282/Anderson Road grade crossing.
- ⁴ The Company shall be responsible for all costs associated with installation of the permanent barricades.
- ⁵ The Road District shall be responsible for all costs associated with maintaining the permanent barricades.
- ⁶ The Department shall issue a payment of \$50,000 from the GCPF to the Road District within sixty (60) days from the date of a Commission Order.
- ⁷ Upon closure of the TR-282/Anderson Road crossing the Road District shall submit a request to the Department for the \$7,500 federal voluntary crossing closure incentive payment; the Department shall issue the payment within 60 days of the date of a Commission Order issued subsequent to execution of this Agreement (see Section 7 of the Agreement).

Section 7 The Road District is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit B. The Road District shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 8 Special Provisions: The Road District shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the TR 282/Anderson Road roadway has been approved for vacation. The Road District shall submit the vacation ordinance to all parties at the same time as the Execution Page of this Agreement is submitted to the Commission.

Within sixty (60) days from receipt of the Commission Order, the Department shall issue a payment of \$50,000 from the GCPF to the Road District for voluntary closure of the TR 282/Anderson Road crossing. The Department shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone. The Road District may use the GCPF payment for any purpose that meets IDOT's requirements for permissible uses of Motor Fuel Tax Funds.

Upon closure of the TR 282/Anderson Road crossing, the Company shall make a payment in the amount of \$50,000 to the Road District.

The Illinois Department of Transportation shall utilize \$7,500 in federal funds to match the Company's incentive payment to the Road District. Eligibility for the Department's \$7,500 payment to the Road District is based on the requirement that the authorization of the \$7,500 by the Federal Highway Administration (FHWA) shall be approved prior to the actual closure of the TR 282/Anderson Road crossing. If closure of the crossing takes place prior to federal authorization, the Department will not participate in, nor will it be responsible for the \$7,500 funding as proposed. The Department shall notify the Commission, the Road District and the Company of the FHWA approval or disapproval, within thirty (30) days of the execution of an Order approving this agreement. Notification may be by regular mail, electronic mail, or facsimile. The \$7,500 payment by the Department shall be used by the Road District for a roadway safety related expense.

Upon receipt of the Commission Order, the Company shall remove the crossing surface, crossbucks and highway approaches at the TR 282/Anderson Road highway-rail grade crossing, and install permanent barricades at the Company's ROW line. The permanent barricades shall conform to the requirements of 92 Ill. Adm. Code 1535.701, and the Manual on Uniform Traffic Control Devices. The Road District shall install the appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. All barricades and warning signs are to be maintained by the Road District.

The Road District and the Company shall each complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits C (Road District) and C1 (Company), along with this executed Agreement.

The Road District and the Company shall, upon completion of the work required of each party according to the requirements of an Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits C and C1. The Project Status Report shall include the Commission Order's 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 the Road District or Company Project Manager.

Upon closure of the TR 282/Anderson Road crossing, and subject to the conditions and requirements set forth in this Agreement, the Road District shall submit its request for the \$7,500 federal voluntary crossing closure incentive payment to the Department's Region 3, District 4 Office at the following address: Joseph Crowe, Region Engineer, Attn: L. Scot Lasalle, Engineer of Local Roads and Streets, 401 Main Street, Peoria, Illinois 61602. The request for payment shall include the location and ICC Order number, as well as the following information: **Section 06-01116-00-SP; Project # RRP-143(42); Job # C-94-149-06.**

Upon receipt of the request for payment for the \$7,500 incentive payment from the Road District, IDOT's Region 3, District 4 Bureau of Local Roads and Streets shall prepare an invoice to be submitted to the Fiscal Control Unit in the Central Bureau of Local Roads and Streets for payment to the City. Payment shall be issued within 60 days of a Commission Order issued subsequent to execution of this Agreement (see cost division notes).

SECTION 9 Billing: For all work specified in Section 2 of this Agreement and authorized by an Order of the Commission, The Company and Road District shall provide sufficient documentation for all bills. The minimum documentation requirements are:

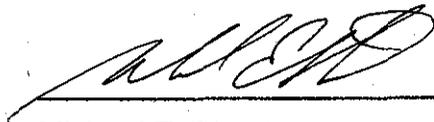
- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad/road district account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad/road district account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad/road district account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice should include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice should be marked as a Progressive or a Final Invoice.

- i) Reference Numbers - Each invoice should include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice should show the location, with the street name and AAR/DOT crossing inventory number.

Section 10 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 on their respective Execution Pages, attached hereto.

Executed by the Commission this 3rd day of February 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1152 concerning the voluntary closure of the TR-282 [Anderson Road] (AAR/DOT 004-593H; milepost 139.43-ATSFM) highway-rail grade crossing of the BNSF Railway Company's tracks, located near Edelstein, Peoria County, Illinois.

Executed by the AKRON this 14th day of February 2006.
(Township)

AKRON TOWNSHIP ROAD DISTRICT

By: Floyd Stremator
Supervisor

RECEIVED
FEB 17 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

[Signature]
Road Commissioner

Illinois Commerce Commission Stipulated Agreement No. 1152 concerning the voluntary closure of the TR-282 [Anderson Road] (AAR/DOT 004593H; milepost 139.43-ATSFM) highway-rail grade crossing of the BNSF Railway Company's tracks, located near Edelstein, Peoria County, Illinois.

Executed by the Company this 14th day of March 2006.

BNSF RAILWAY COMPANY

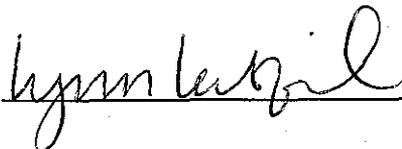
By: 

RECEIVED

MAR 16 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:



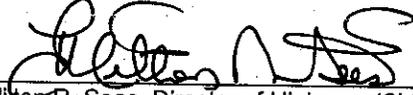
Illinois Commerce Commission Stipulated Agreement No. 1152 concerning the voluntary closure of the TR-282 [Anderson Road] (AAR/DOT 004593H; milepost 139.43-ATSFM) highway-rail grade crossing of the BNSF Railway Company's tracks, located near Edelstein, Peoria County, Illinois.

Executed by the Department this 16th day of March 2006.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:


Milton R. Sees, Director of Highways/Chief Engineer

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	004593H, 139.43-ATSFM
STREET, CITY, COUNTY	TR-282 [Anderson Road] near Edelstein, Peoria County
JURISDICTION (RDWY)	Akron Township
LOCATION	Rural, Commercial/Residential
STREET SURFACE	14' Oil/Chip, Fair 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
Main	FDT	24'	Fair
Main	FDT	24'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	25 Vehicles Per Day @ 55 MPH (unposted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, All possible
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	62 Per day @ 70 MPH, Day & Night? Yes
PASSENGER TRAFFIC	None
WARNING DEVICES	New MUTCD Crossbucks.

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	70	MPH
Roadway Speed	55	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 eliminate the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: EAST/NORTH			DIRECTION: WEST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)

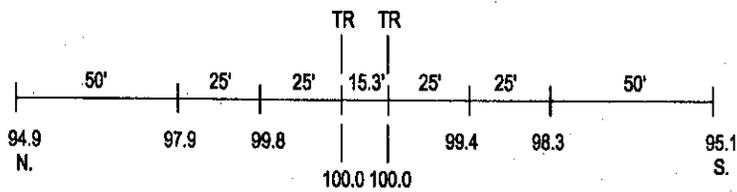
Distance measured from outermost rail.

COMMENTS:

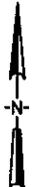
Page three will be the Location Sketch (Aerial Photo) of the crossing.



4 | PEORIA | 004553.H | 004553.H.DWG 03/05/01 10:57 PM



ROAD PROFILE



SCALE IN FEET



③ Photo Location

Crossing #:	004593H
Location:	Peoria Co., City of Edelstein (N)
Lat/Long:	40°56'00" / 89°39'29"
Railroad:	BNSF
Street:	Anderson Road
Railroad Milepost:	139.43
Crossing Protection:	Signs

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

RECEIVED

FEB 17 2006

PROJECT STATUS REPORT

Illinois Commerce Commission
RAIL SAFETY SECTION

TYPE: (CHECK ONE)

PROGRESS	<input checked="" type="checkbox"/>
COMPLETION ¹	<input type="checkbox"/>

DATE	Feb 14, 2006
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PROJECT INFORMATION:

Reporting Party:	Akron Township Road District
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	
Street, (in/near) City, County:	Anderson Road/BNSF crossing, Edlestein IL 61526
Railroad Company:	BNSF

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	FLOYD STREITMATTER	DARYL KOEHLER
Title:	Supervisor	Highway Comm.
Representing:	AKRON TOWNSHIP	AKRON TWP.
Street Address:	19125 N RT 91 RD	16917 N Rice Rd
City, State, Zip:	Princeville, IL 61559	Princeville IL 61559
Office Phone:	309-243-7344	309-243-5932
Office Fax:		
Cellular Phone:	309-360-3978	309-231-5932
E-Mail Address:		

²Project Manager information to be submitted by the Akron Township Road District.

DESCRIPTION OF IMPROVEMENTS ORDERED:

Close, abolish and install barricades.

STATUS OF WORK: (use additional blank sheet, if necessary)

Akron Township Highway Commission has installed the temporary barricades.

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION ¹	<input type="checkbox"/>

DATE	<input type="text"/>
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PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	
Street, (in/near) City, County:	
Railroad Company:	

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Mark Leemon
Title:	MGR- Public Projects
Representing:	BNSF
Street Address:	40-44th Ave N.E.
City, State, Zip:	Minneapolis MN 55422
Office Phone:	763-782-3468
Office Fax:	
Cellular Phone:	
E-Mail Address:	

²Project Manager information to be submitted by the BNSF Railway Company

DESCRIPTION OF IMPROVEMENTS ORDERED:

Close, abolish and install barricades.

STATUS OF WORK: (use additional blank sheet, if necessary)

Closure

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

If you have questions contact:

Henry Humphries, Railroad Safety Specialist
Phone: 217/785-8423
Email: humphri@icc.illinois.gov

A **Form 3 Petition** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.state.il.us/hg/library.aspx?key=Railroad%20Safety>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	And	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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AGREEMENT FOR
RAILROAD HIGHWAY GRADE CROSSING CLOSURE OF
TR 282 (USDOT #004593H, LS 7000, MP 139.43),
CHICAGO DIVISION, CHILLICOTHE SUBDIVISION,
AKRON TOWNSHIP, PEORIA COUNTY, ILLINOIS

THIS AGREEMENT, made and entered into by and between BNSF RAILWAY COMPANY, hereinafter referred to as the "Railroad", and the TOWNSHIP OF AKRON, ILLINOIS, hereinafter referred to as the "Township".

WITNESSETH:

WHEREAS, elimination of grade crossings by closing of roads includes the abandonment and permanent vacating of roadway right-of-ways across the railroad right-of-way and at a minimum of 45-feet south of and 115-feet north of the existing southerly track of the Company as measured along the centerline of TR 282; and

WHEREAS, the Railroad agrees to pay the Township the lump-sum of Fifty Thousand Dollars and no cents (\$50,000.00) as incentive to improve highway-rail grade crossing safety by eliminating the TR 282 (USDOT #004593H, LS 7000, MP 139.43) grade crossing; and

WHEREAS, the Company will provide and install temporary and permanent barricades at the TR 282 (USDOT #004593H, LS 7000, MP 139.43) grade crossing, to be located off the Railroad's right-of-way and at a minimum of 45-feet south of and 115-feet north of the existing southerly track of the Company as measured along the centerline of TR 282; and

WHEREAS, the Township will own and maintain the permanent barricades at the TR 282 (USDOT #004593H, LS 7000, MP 139.43) grade crossing; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, the goodness and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

SECTION 1: The Township shall submit to the railroad a completed and signed Township Closure Ordinance form, as shown in the attached Exhibit A, and shall execute this agreement after said submittal.

SECTION 2: The Company shall install, at a location off of Railroad right-of-way and property, temporary barricades across the entire width of the roadway at the TR 282 (USDOT #004593H, LS 7000, MP 139.43) grade crossing within five (5) days from the date of the Company's execution of this agreement and such barricades will remain until the permanent barricades are installed.

SECTION 3: The Township shall submit an application for the closure of the TR 282 (USDOT #004593H, LS 7000, MP 139.43) grade crossing to the Illinois Commerce Commission within fifteen (15) days from the date of the Township's execution of this agreement.

SECTION 4: The Township shall permanently close and vacate the TR 282 (USDOT #004593H, LS 7000, MP 139.43) grade crossing, and easements across the Railroad's property within thirty (30) days from the date of the Illinois Commerce Commission Order.

SECTION 5: The Company shall install permanent barricades, at a location north of the proposed connection track and south of the existing southerly track of the Company, within thirty (30) days from the date of the Illinois Commerce Commission Order.

SECTION 6: The Township will submit a written statement to the Railroad confirming actions taken by the Township per Section 4 above, and will submit this statement to the Railroad by no later than sixty (30) days from the date of the Illinois Commerce Commission Order.

SECTION 7: The Company agrees to remove the railroad crossing surface and warning devices and remove the approaches within the railroad right of way and at a minimum of 45-feet south of and 115-feet north of the existing southerly track of the Company as measured along the centerline of TR 282 at the TR 282 (USDOT #004593H, LS 7000, MP 139.43) grade crossing.

SECTION 8: The Company hereby agrees to pay the Township the lump-sum of Fifty Thousand Dollars and no cents (\$50,000.00) upon the Township completing items set forth in Sections 1, 3 4 and 6 above.

SECTION 9: The Township agrees to own and maintain all said permanent barricades.

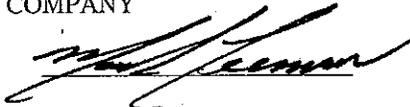
SECTION 10: The Township agrees, by the above consideration received that the TR 282 (USDOT #004593H, LS 7000, MP 139.43) grade crossing will remain closed and will not be re-opened by the Township.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as the dates below indicated.

EXECUTED by the Railroad this 27th day of JANUARY, 2006

BNSF RAILWAY COMPANY

By: Signature:



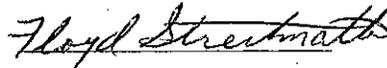
Printed Name: Mark Leemon

Title: Manager, Public Projects

EXECUTED by the Township this 10th day of Jan, 2006

TOWNSHIP OF AKRON, ILLINOIS

By: Signature:



Printed Name: FLOYD STREITMATTER

Title: SUPERVISOR

TOWNSHIP CLOSURE ORDINANCE

TOWNSHIP OF AKRON, ILLINOIS

PEORIA COUNTY, ILLINOIS

ORDINANCE NO. 1

AN ORDINANCE CALLING FOR THE CLOSING OF A RAILROAD CROSSING
LOCATED ON TR 282 (USDOT #004593H, LS 7000, MP139.43)
IN THE TOWNSHIP OF AKRON, PEORIA COUNTY, ILLINOIS

WHEREAS, BNSF Railway Company and the Township of AKRON, Illinois, have joined together to consolidate redundant and unnecessary street/railroad crossings; and

WHEREAS, the Township of AKRON, Illinois, met in regular session on Jan 10th, 2006 and there discussed and approved the railroad crossing closures at TR 282 in the Township of AKRON, Illinois;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE TOWNSHIP OF AKRON, ILLINOIS, that the TR 282 (USDOT #004593H, LS 7000, MP139.43) crossing be permanently closed to vehicular traffic and vacated at the time the Company places appropriate end-of-road treatment on both of the roadway approaches.

Passed and approved this 10th DAY OF Jan, 2006

DARRE Kackler

(Printed Name) – Highway Commissioner

[Signature]
(Signature) – Highway Commissioner

ATTEST:

<u>Floyd Streetmiller</u>	<u>Supervisor</u>
<u>Kenneth R. Dehug</u>	TRUSTEE
<u>Andrew Streetmiller</u>	TRUSTEE
<u>James E. Kuntz</u>	TRUSTEE
<u>Nathan A. Marten</u>	TRUSTEE
<u>Sam Marten</u>	CLERK

EXHIBIT A