

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1162

T06-0024

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"), the Pine Creek 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 application for the Grade Crossing Protection Fund Program that inquiry should be made into the matter of improving public safety at the Valentine Road [TR-100] highway-rail grade crossing of the Company's track near Polo, in Ogle County, Illinois, designated as crossing **AAR/DOT 069 836N, milepost 108.40-B**; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a diagnostic team comprised of a representative of the Company, the Department and 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 are in the interest of public safety and should be performed at the aforesaid crossing:

**DOCKETED**

- (a) The Company should install automatic flashing light signals and gates, controlled by constant warning time circuitry.
- (b) The Company should install temporary STOP signs at the Valentine Road crossing within 30 days of a Commission Order for the installation of new automatic warning devices.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit B.

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 completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

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

**- COST DIVISION TABLE -**

<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>Road District</b>	<b>COMPANY</b>
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$180,536	<b>85%</b> \$153,456 <sup>1</sup>	<b>10%</b> \$18,053	Remainder <sup>2</sup> (\$9,027)
<b>TOTALS</b>	\$180,536	\$153,456	\$18,053	\$9,027

Notes:

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$153,456; any installation costs above the estimated amount of \$180,536 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.;

<sup>2</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

<sup>3</sup> Company responsible for all future maintenance costs associated with the temporary STOP Signs.

Section 6 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 D. 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 7 Special Provisions: The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit C, along with this executed Agreement. The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit C, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket 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 Company Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau 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 twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12<sup>th</sup> month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company 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 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 account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad 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 9 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.

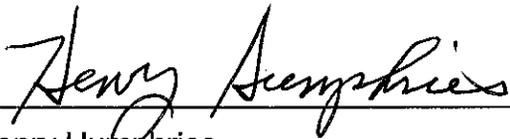
Executed by the Commission this 10th day of March, 2006.



---

Michael E. Stead  
Rail Safety Program Administrator

Attest:



---

Henry Humphries  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1162 concerning improvements at the Valentine Road [TR-100] highway-rail grade crossing of the BNSF Railway Company tracks, near Polo, Ogle County, Illinois, designated as crossing AAR/DOT # 069 836N, Milepost 108.40-B.

Executed by the Department this 24<sup>th</sup> day of March 2006.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

A handwritten signature in black ink, appearing to read "Milton R. Sees", written over a horizontal line.

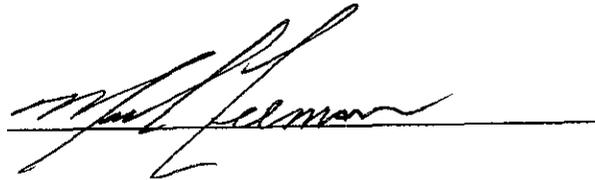
Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1162 concerning improvements at the Valentine Road [TR-100] highway-rail grade crossing of the BNSF Railway Company tracks, near Polo, Ogle County, Illinois, designated as crossing AAR/DOT # 069 836N, Milepost 108.40-B.

Executed by the Company this 10<sup>th</sup> day of April 2006.

BNSF RAILWAY COMPANY

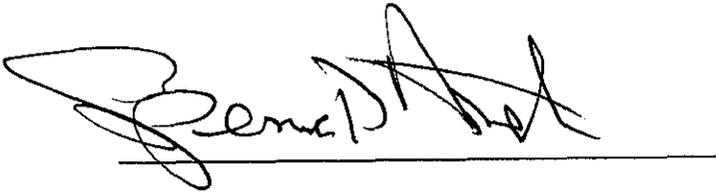
By:



RECEIVED  
APR 18 2006

Illinois Commerce Commission  
RAIL SAFETY SECTION

Attest:



Illinois Commerce Commission Stipulated Agreement No. 1162 concerning improvements at the Valentine Road [TR-100] highway-rail grade crossing of the BNSF Railway Company tracks, near Polo, Ogle County, Illinois, designated as crossing AAR/DOT # 069 836N, Milepost 108.40-B.

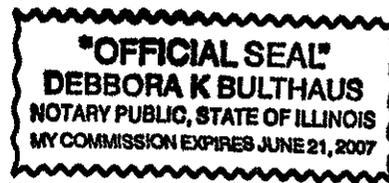
Executed by the Road District this 11th day of April 2006.

PINE CREEK TOWNSHIP ROAD  
DISTRICT

By: Jody Yount  
Jody Yount  
Pine Creek Twp. Highway Commissioner

Attest:

Debbora K Bulthaus  
4-11-06



RECEIVED  
APR 20 2006

Illinois Commerce Commission  
RAIL SAFETY SECTION

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	BNSF
<b>USDOT#, MILEPOST</b>	069 836N, 108.40-B
<b>STREET, CITY, COUNTY</b>	Valentine Road, (TR-100)
<b>JURISDICTION (RDWY)</b>	Pine Creek Twp.
<b>LOCATION</b>	Rural, Commercial/Residential
<b>STREET SURFACE</b>	19', Gravel, Fair Condition

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

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main	FDT	25'	Good
Pass	FDT	25'	Good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	None
<b>TRAFFIC CONTROL</b>	None
<b>ADT &amp; SPEED</b>	75 Vehicles Per Day @ 55 MPH (Unposted)
<b>TRAFFIC TYPE</b>	Passenger, School Buses, Hazardous Materials, All possible
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	No

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	55/60 Per day @ 60 MPH, Day & Night? Yes
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	Crossbucks

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	60	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	518	<b>FEET</b>
<b>Along Tracks</b>	647	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1,441	<b>FEET</b>

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

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	OK*		600	Trees
<b>NW</b>	OK*		*	
<b>SE</b>	OK*		*	
<b>SW</b>	OK*		*	

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

**APPROACH GRADES:** See Location Sketch

<b>DIRECTION: NORTH</b>			<b>DIRECTION: SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
Meets	92	ILL	ADM	Code	1535

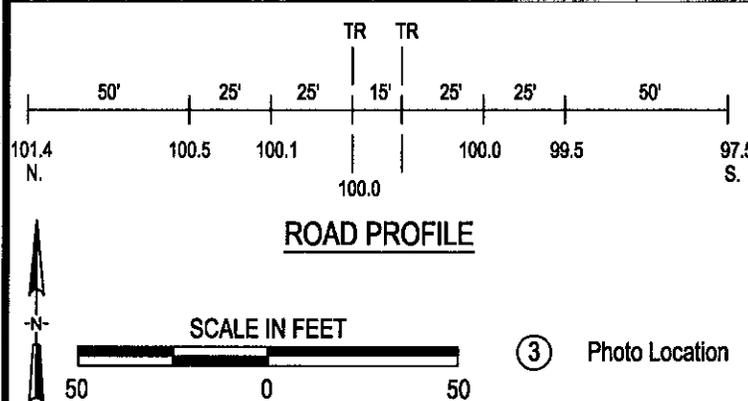
Distance measured from outermost rail.

**COMMENTS:**

All four quadrants are field. All quadrants were clear during inspection [winter]. If crops were in field, [corn] stopping distance would be restricted.



\s\ORLE\069836N\069836N.DWG 03/06/00 13:47 TFG



Crossing #:	069836N
Location:	Ogle Co., City of Polo (N)
Lat/Long:	41°59'41" / 89°30'39"
Railroad:	BNSF
Street:	Valentine Road
Railroad Milepost:	108.40
Crossing Protection:	Signs

\*\*\*\*\* MAINTAIN PROPRIETARY CONFIDENTIALITY \*\*\*\*\*

THE B. N. S. F. RAILWAY COMPANY  
FHPM ESTIMATE FOR  
ILLINOIS

LOCATION: - WEST STRATFORD                      DETAILS OF ESTIMATE                      PLAN ITEM: PSI069836N                      VERSION: 1

## PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT VALENTINE ROAD IN POLO IL. CHICAGO  
DIV., AURORA SUBDIV., L/S 0003, M.P. 108.40, DOT # 069836N

MONTHLY POWER UTILITY COST CENTER: 61690

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 95% WITH BNSF FUNDING APPROXIMATELY 5% OF THIS PROJECT.

## MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$
*****				
LABOR				
*****				
ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,277	
SIGNAL FIELD LABOR - CAP	880.00	MH	19,202	
SIGNAL SHOP LABOR - CAP	80.00	MH	1,808	
PAYROLL ASSOCIATED COSTS			17,978	
EQUIPMENT EXPENSES			5,579	
DA LABOR OVERHEADS			20,065	
INSURANCE EXPENSES			3,514	
TOTAL LABOR COST			69,423	69,423
*****				
MATERIAL				
*****				
2 TRACK SIGNS	2.00	EA N	132	
BATTERY	1.00	EA N	5,032	
BUNGALOW 6X6	1.00	EA N	7,612	
BUNGALOW MATERIAL	1.00	LS N	5,936	
CABLE	1.00	EA N	3,730	
CHARGERS	1.00	LS N	810	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING 2TKBI-DI	1.00	EA N	18,620	
DC TRACK CIRCUIT	1.00	LS N	1,500	
DUAL WIDE BAND SHUNT	10.00	EA N	3,330	
DUMMY LOAD	1.00	EA N	418	
FIELD MATERIAL	1.00	LS N	4,044	
FOUNDATION	2.00	EA N	970	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,718	
GUARD RAIL. 1/2 OVAL	2.00	EA N	908	
LAMP RESISTOR PANEL	1.00	EA N	761	
LED GATE KIT	2.00	EA N	732	
LED LIGHT COST ADJUSTMENT	8.00	EA N	1,792	
LIGHT OUT DETECTOR	1.00	EA N	706	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
MISC WIRING MATERIAL	1.00	LS N	250	
RECORDER	1.00	EA N	2,220	
RTU-6, CELLULAR MONITOR	1.00	EA N	2,060	
SHUNT, NBS	4.00	EA N	2,116	
MATERIAL HANDLING			75	
USE TAX			4,984	
OFFLINE TRANSPORTATION			944	

TOTAL MATERIAL COST		82	Page	82	234
*****					
OTHER					
*****					
AC POWER SERVICE	1.00 EA			5,000	
CONTRACT ENGR.	1.00 EA N			5,000	
FILL DIRT	40.00 CY N			1,000	
SURFACE ROCK	30.00 CY N			750	
				-----	
TOTAL OTHER ITEMS COST				11,750	11,750
				-----	
PROJECT SUBTOTAL					163,307
CONTINGENCIES					16,330
BILL PREPARATION FEE					899
					-----
GROSS PROJECT COST					180,536
LESS COST PAID BY BNSF					9,027
					-----
TOTAL BILLABLE COST					171,509
					=====

The Burlington Northern & Santa Fe Railway Company

TO OREGON

EASTWARD APPR. 3688' 68 MPH

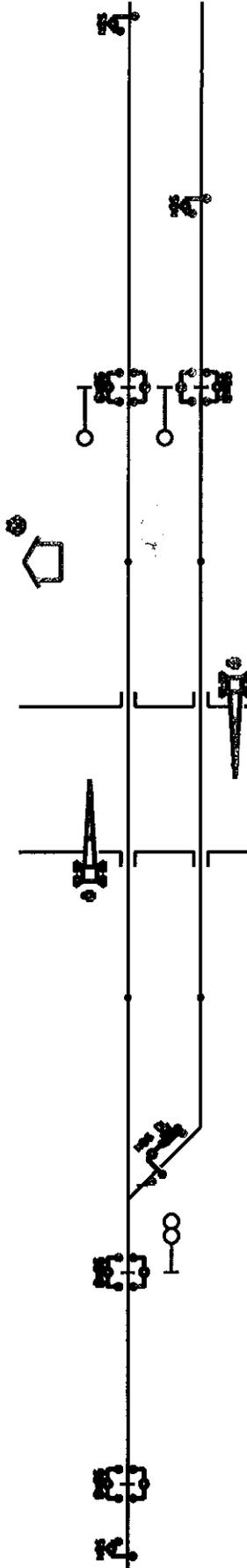
120' MIN.

58' MIN.

WESTWARD APPR. 3688' 68 MPH

58' MIN.

26'



INSTALL: GATES & FLASHERS

CONTROL DEVICES: CONSTANT WARNING

00.0 - IN

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'  
 Edge of Road to C.L. Foundations:  
 Min. 4'3" with curb,  
 Min. 8'3" without curb,  
 Max. 12'  
 House Clearance:  
 25' Min. to Near Rail  
 30' Min. to Edge of Road  
 ALL LIGHTS TO BE LED

BNSF RAILWAY CO.  
 POLO IL.  
 VALENTINE ROAD  
 LS: 0003  
 M.P. 108.40  
 DOT # 069 836 N  
 DIVISION CHICAGO  
 SUBDIVISION ILLINOISE  
 KANSAS CITY  
 NO SCALE  
 DATE: 02/24/06  
 FILE: 0003108\_40.dgn  
 DHP/SJS

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

Date 4-11-06

Agreement # 1162

The PINE CREEK Township Road District  
(Board or Council of Township Road District)

meeting on 4-11-06, Resolved to authorize Jody Gount Hwy Commissioner  
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated agreement and  
that the PINE CREEK Twp Rd Dist. is financially willing and able to  
(Township Road District)

bear the cost for the proposed improvements as may be assigned to it according  
to Section 5 of this Agreement.

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

**PROJECT STATUS REPORT**

**TYPE:** (CHECK ONE)

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

DATE	<input type="text"/>
------	----------------------

**PROJECT INFORMATION:**

Reporting Party:	BNSF
Docket/Order #, Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, RR Milepost:	069 836N, 108.40-B
Street, (in/near) City, County:	Valentine Road, (N) Polo, Ogle County
Railroad Company:	BNSF

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

**PROJECT MANAGER INFORMATION<sup>2</sup>:**

Name:	Mark Leemon
Title:	Public Project Manager
Representing:	BNSF Railway Company
Street Address:	80-44 <sup>th</sup> Street
City, State, Zip:	Minn., MN 55421
Office Phone:	763-782-3468
Office Fax:	763-782-3061
Cellular Phone:	952-356-5787
E-Mail Address:	<a href="mailto:Mark.leemon@bnsf.com">Mark.leemon@bnsf.com</a>

<sup>2</sup>Project Manager information to be submitted by the BNSF Railway Company

**DESCRIPTION OF IMPROVEMENTS ORDERED:**

Installation signal improvements at the Valentine Road [TR-100] rail-highway grade crossing of the BNSF Railway Company's tracks [N] Polo, Ogle County, Illinois.

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

---

---

---

---

---

---

---

---

---

---

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: [hhumphri@icc.illinois.gov](mailto:hhumphri@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	<b><u>And</u></b>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
--	-------------------	---