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FAX

Illinois Commerce Commission  
Railroad Section  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280

Fax. No. 217-785-7404

Date: November 22, 2000

Number of pages including cover sheet: 5

NOV 27 2000

To:

Ms. Cynthia Welch  
Village Clerk  
Village of Sugar Grove  
Fax. No. 630-466-4521

Darrell W. McMurray  
Illinois Dept. of Transportation-Local Rds.  
Attn: Jeff Harpring  
Fax. No. 217-782-3971

Michael L. Sazdanoff  
Attorney For BNSF  
Fax. No. 312-850-5668

From:

John J. Blair  
Senior Railroad Safety Specialist  
Illinois Commerce Commission  
Tel. No. 217-785-8421  
Fax. No. 217-785-7404

Re: ICC Docket T00-0083

Attached please find a proposed Draft Order that staff intends to submit as evidence on behalf of the parties at the upcoming December 7, 2000, Commission hearing in Docket T00-0083. Staff plans to testify that the scope of work, estimated costs, and terms and conditions found in the recommended Draft Order are satisfactory.

If the proposed Draft Order meets with your approval please fax our office at 217-785-7404 with a letter indicating your concurrence. Otherwise, please contact me at 217-785-8421 regarding your comments. Thank you for your assistance in this matter.

Cc: Ken Wood, IDOT Fax. No. 217-782-7990

*Faxed to EET  
ok! 11-22-2000*

DOCKETED

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

NOV 27 2000

State of Illinois, Department of Transportation,  
Petitioner,

vs.

Burlington Northern Santa Fe Co. (BNSF) and the Village of  
Sugar Grove,  
Respondents.

T00-0083

Petition (1) to install a pre-signal on the northbound approach of  
Dugan Road south of the at-grade crossing of BNSF's single  
main line track, (2) to interconnect the newly installed traffic  
signals at the intersection of Dugan Road and U.S. Route 30 with  
the railroad warning devices at the Dugan Road at-grade  
crossing of the BNSF's single main line track and (3) to establish  
the amount of minimum preemption time provided by BNSF to the  
Department for the traffic signal preemption sequence at said  
intersection located in the Village of Sugar Grove, Illinois.

DRAFT ORDER

By the Commission:

On August 24, 2000, the Illinois Department of Transportation ("Department")  
filed the above described Petition with the Illinois Commerce Commission  
("Commission").

On September 7, 2000, an appearance was entered by Michael L. Sazdanoff  
on behalf of the respondent, Burlington Northern Santa Fe Company ("Company").

On October 24, 2000 the Company filed a Motion for Continuance in this  
proceeding. On October 25, 2000 the Company's Motion for Continuance was granted  
by the Commission's Hearing Examiner overseeing this proceeding and the hearing  
was scheduled from November 2, 2000 to December 7, 2000.

On December 7, 2000, pursuant to proper legal notice, a Hearing was held  
before a duly authorized Hearing Examiner at the Commission's Office in Springfield,  
Illinois. Appearances were entered by the Department and a member of the  
Commission's Railroad Section ("Staff"). No appearances were entered by the  
Company or the Village of Sugar Grove ("Village").

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At the December 7, 2000 Hearing, Staff submitted a recommended draft order and letters from counsel for the Department, Company and the Village, acknowledging their review and acceptance of the contents of the draft order, as evidence on behalf of the Department, Company, Village and Staff. The draft order addresses all issues in the Department's petition including a division of cost among the parties and a completion date for the proposed improvements. Staff also submitted as evidence an estimate of cost prepared by the Company to perform the proposed warning system improvements. Staff and the Department both indicated they found the estimate of cost to be satisfactory. The draft order and the estimate of cost were admitted as evidence and the record was marked "Heard and Taken".

The Commission, having given due consideration to the entire record in this matter, finds that:

- 1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- 2) the recitals of fact as set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- 3) Federal Railroad Administration Rule 49 CFR Part 234.225 and the Commission's 92 IL Adm. Code 1535.350 both require that a minimum of 20 seconds warning time be provided at-grade crossings equipped with automatic warning devices;
- 4) within the Village a public highway known as Dugan Road (DOT 069 728S) crosses at-grade the Company's single mainline track; Dugan Road is under the jurisdiction of the Village; the railroad warning devices at the Dugan Road at-grade crossing consist of automatic flashing light signals and gates; Dugan Road intersects U.S. Route 30 approximately seventy three (73) feet south of the track, which intersection now has stop signs; U.S. Route 30 is under the jurisdiction of the Department; the Department proposes to replace the stop signs with highway traffic control signals, including pre-signals south of the tracks for northbound motorists; the Department proposes to interconnect the railroad crossing warning devices with the highway traffic control signals where Dugan Road intersects with U.S. Route 30 in the Village; the highway traffic control signals will be under the jurisdiction of the Department;
- 5) the Commission finds that the warning system improvement at the aforesaid Dugan Road at-grade crossing requested in the Department's petition and as stated below is in the interest of public safety and should be approved; the Commission also finds that the cost division and the completion date for the improvement as provided in the aforesaid draft order and as stated below are fair and reasonable and should be approved:

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<u>Improvement</u>	<u>Est. Cost</u>	<u>Department</u>	<u>Company</u>	<u>Completion From Order Date</u>
Install interconnect circuit, renew warning devices and modify control circuitry to provide for a minimum of 25 seconds simultaneous preemption time at the Dugan Road (DOT 060 728S) at-grade crossing in Sugar Grove, IL.	\$309,087	100%		12 Months
Interconnect highway traffic control signals with the railroad warning devices and install pre-signals on the Company's cantilever south of the tracks for northbound motorists.	No Estimate	100%		12 Months

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Company shall perform the at-grade crossing warning system improvements as set forth in Finding (5) herein and shall thereafter maintain same.

IT IS FURTHER ORDERED that the Department shall perform the highway traffic control system improvements as set forth in Finding (5) herein and shall thereafter maintain same. Maintenance of the overhead traffic signals on the Company's cantilever shall be performed by using a bucket truck or similar equipment. The Department shall prohibit its employees or contractor(s) from climbing onto the cantilevered structure as currently done by Company employees.

IT IS FURTHER ORDERED that the Company and the Department shall perform their work herein required within twelve (12) months from the date of this Order.

IT IS FURTHER ORDERED that after the warning system work herein required has been completed, the Company shall not take any action which would result in a reduction of the minimum simultaneous preemption time without approval of the Commission.

IT IS FURTHER ORDERED that the Company shall post a readily visible notice inside its warning system cabinet notifying its personnel not to take any action which would result in a reduction of the minimum railroad preemption time herein required without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the proposed railroad preemption sequence provided in the Department's petition shall be utilized for the highway traffic control devices to be installed at the highway intersection of Dugan Road and U.S. Route 30 in the Village

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of Sugar Grove, and shall not be altered in a manner which would reduce the amount of time vehicles encroaching the track zone would have to clear the tracks without the approval of the Commission.

IT IS FURTHER ORDERED that the Department shall post a readily visible notice inside its traffic signal cabinet notifying its personnel not to alter the railroad preemption sequence for the traffic signals interconnected with the railroad warning devices at the aforesaid interconnected at-grade crossing in a manner which would reduce the amount of time vehicles encroaching the track zone would have to clear the tracks without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the Company shall within one hundred twenty (120) days from the date of this Order furnish the Department for its review two (2) copies of the general layout plans applying to the warning system work herein required.

IT IS FURTHER ORDERED that the Department shall, within thirty (30) days of its receipt of the aforesaid general layout plans, furnish to the Commission a statement of its approval or disapproval thereof, this for the information of the Commission when considering the application herein required to be filed in accordance with Form 3 of 92 Ill. Adm. Code 1535.

IT IS FURTHER ORDERED that the Company shall file a Form 3 application with the Commission, in accordance with 92 Ill. Adm. Code 1535, showing details of the railroad warning system work herein required and shall receive approval thereof by X-Resolution of this Commission before commencing the work of installation.

IT IS FURTHER ORDERED that the Company shall file a written report within ninety (90) days from the date of this Order with the Director of Processing and Information of the Commission's Transportation Division, stating the progress made toward completion of its work herein required. Said report shall include the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of this project.

IT IS FURTHER ORDERED that the Company and Department shall each file a written notice of completion with the Director of Processing and Information, Transportation Division of the Commission within five (5) days of completion of its work herein required.

IT IS FURTHER ORDERED that subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this \_\_\_\_ day of \_\_\_\_\_, 2000.

Chairman