

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1179

T06-0042

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 Ellington 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 Staff investigation that inquiry should be made into the matter of improving public safety at the 84th Street (TR 166) highway-rail grade crossing of the Company's track near Fowler, Adams County, Illinois, designated as crossing AAR/DOT #072 411D, railroad milepost 252.83-Q; and

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

- (a) The Company should install automatic flashing light signals and gates, controlled by constant warning time circuitry.

DOCKETED

- (b) The Company should install temporary STOP signs at the 84th Street (TR-166) 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 improvement, 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 improvement is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	Road District	COMPANY
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$163,135	85% \$138,665 ¹	10% \$16,313	5% \$8,157 ²
Install temporary STOP Signs, if ordered	No estimate required	\$0	\$0	100% ³
TOTALS	\$163,135	\$138,665	\$16,313	\$8,157

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$138,665; any installation costs above the estimated amount of \$163,135 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.;

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

³ Company responsible for all future maintenance costs associated with the temporary STOP Signs, if ordered.

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 C. 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 D, 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 D, 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 12th 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.

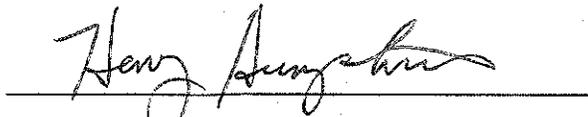
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 6th day of April, 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Rail Safety Specialist

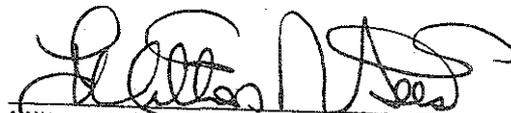
Illinois Commerce Commission Stipulated Agreement No. 1179, executed by Commission Staff on April 5, 2006, concerning an improvement at the 84th Street (TR 166) highway-rail grade crossing of the BNSF Railway Company's track, near Fowler, Adams County, Illinois, designated as crossing AAR/DOT #072 411D, railroad milepost 252.83-Q.

Executed by the Illinois Department of Transportation this 5th day of

May 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:



Milton R. Sees, Director of Highways / Chief Engineer

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Executed by Ellington Township Road District this 1 day of May 2006.

ELLINGTON TOWNSHIP ROAD DISTRICT

By:

Rubel Ober

RECEIVED
APR 6 2006
Illinois Commerce Commission
RAIL SAFETY SECTION

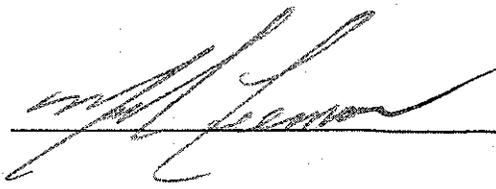
Attest:

Jan Deunoy

Illinois Commerce Commission Stipulated Agreement No. 1179, executed by Commission Staff on April 5, 2006, concerning an improvement at the 84th Street (TR 166) highway-rail grade crossing of the BNSF Railway Company's track, near Fowler, Adams County, Illinois, designated as crossing AAR/DOT #072 411D, railroad milepost 252.83-Q.

Executed by BNSF Railway Company this 16th day of MAY 2006.

BNSF RAILWAY COMPANY

By: 

Attest:



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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	072 411D,252.83-Q
STREET, CITY, COUNTY	84 th Street (TR-166) Near Fowler, Adams County
JURISDICTION (RDWY)	Road District
LOCATION	Rural, Commercial/Residential
STREET SURFACE	17' 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	25'	Fair
			Mud/pumping

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	100 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	18 Per day @ 49 MPH, Day & Night? Yes
PASSENGER TRAFFIC	2 per day @ 79 MPH
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	518	FEET
Along Tracks	863	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,921	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*		400	Berm
NW	Ok*		300	Berm
SE	Ok*		*	
SW	Ok*		200	Berm

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

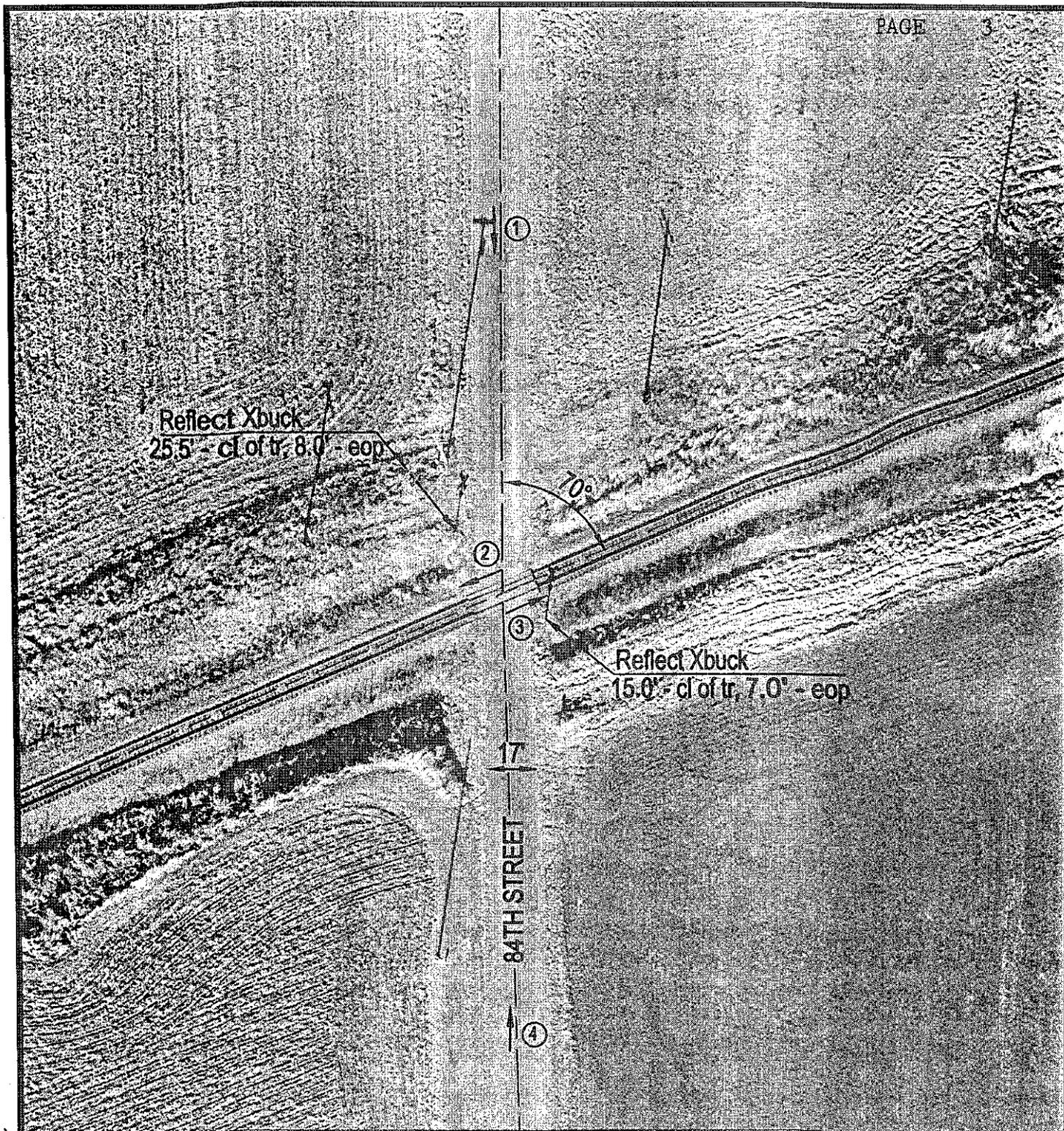
APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)

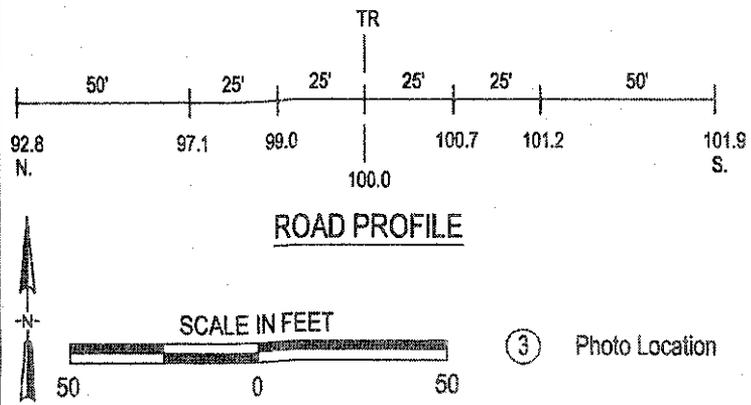
Distance measured from outermost rail.

COMMENTS:

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



4:\ADAMS\072411D\072411D.DWG 02/26/01 08:56 AM



Crossing #: 072411D
 Location: Adams Co., City of Fowler (N)
 Lat/Long: 40°00'05" / 91°16'54"
 Railroad: BNSF
 Street: 84th Street
 Railroad Milepost: 252.83
 Crossing Protection: Signs

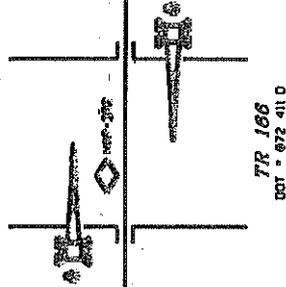
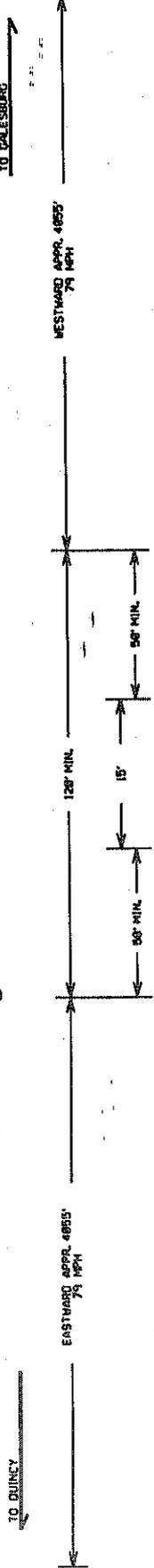
MATERIAL HANDLING
 USE TAX
 OFFLINE TRANSPORTATION

75
 4,709
 893

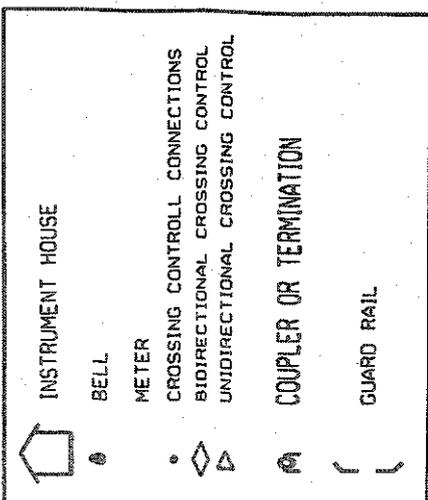
*****		TOTAL MATERIAL COST	77,591	77,591
*****		OTHER		
*****		36" CULVERT	40.00 LF N	11,704
		AC POWER SERVICE	1.00 EA	5,000
		FILL DIRT	40.00 CY N	1,000
		SURFACE ROCK	20.00 CY N	500
		TOTAL OTHER ITEMS COST	8,204	8,204
		PROJECT SUBTOTAL		147,567
		CONTINGENCIES		14,756
		BILL PREPARATION FEE		812
		GROSS PROJECT COST		163,135
		LESS COST PAID BY BNSF		8,158
		TOTAL BILLABLE COST		154,977

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The Burlington Northern & Santa Fe Railway Company



INSTALL: GATES & FLASHERS
 CONTROL DEVICES: CONSTANT WARNING
 - OUT
 - OUT
 SALVAGE: NONE



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 Clearances:
 25' Min. to Near Rail
 30' Min. to Edge of Road
 ALL LIGHTS TO BE LED

BNSF RAILWAY CO.
 FOWLER IL.
 TR 166
 LS: 0011
 M.P. 252.83
 DOT * 072 411 D
 DIVISION CHICAGO
 SUBDIVISION BROOKFIELD
 KANSAS CITY
 NO SCALE
 DATE: 03/14/06
 FILE: 0011252-83.dgn
 DHP/SJS



ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date 5-1-06

Agreement # 1179

The Board of Ellington Township Road District
(Board or Council of Township/Road District)

meeting on 5-1-06, Resolved to authorize Richard J Obert
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated agreement and
that the Ellington Township 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 ¹	<input type="checkbox"/>

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

Reporting Party:	BNSF
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	072 411D, 252.83-Q
Street, (in/near) City, County:	84 th Street (TR-166) near Fowler, Adams County
Railroad Company:	BNSF

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

PROJECT MANAGER INFORMATION²:

Name:	Mark Leemon
Title:	Public Project Manager
Representing:	BNSF Railway Company
Street Address:	80-44 th 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:	Mark.leemon@bnsf.com

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

DESCRIPTION OF IMPROVEMENTS ORDERED:

Install automatic warning devices improvements at the 84th Street rail-highway grade crossing of the BNSF Railway Company's tracks [N] Fowler, Adams 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

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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	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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