

20

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

RECEIVED
JUN 6 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

County of LaSalle, Illinois, Department of)
Highways and City of Streator, Illinois,)

PETITIONERS)

V.)

NO. T04-0069

Burlington Northern and Santa Fe Railway)
Company and State of Illinois, Department)
of Transportation,)

RESPONDENTS.)

Petition for an Order of the Illinois)
Commerce Commission authorizing the)
replacement of the structure where E.)
Broadway Street goes over the tracks of the)
Burlington Northern Santa Fe Railway)
Company and the SB Warehousing, Inc. in)
Streator, LaSalle County, Illinois,)
apportioning costs thereof and directing an)
appropriate portion thereof to be borne by)
the Grade Crossing Protection Fund.)

PETITIONERS RESPONSE TO BNSF
SUPPLEMENTAL PETITION FOR ENGINEERING,
INSPECTION AND COORDINATION SERVICES

Now comes the Petitioners, County of LaSalle, Illinois, Department of Highways and City of Streator, Illinois, by Troy D. Holland, LaSalle County Assistant State's Attorney and in response to Administrative Law Judge Dean Jackson's inquiry regarding available funds, Petitioners submit their response to Judge Jackson's inquiry and a response to BNSF's supplemental petition.

The Final Division of Cost order entered April 19, 2006, provided 60% participation from the Grade Crossing Protection Fund with approximately 40% from IDOT utilizing federal funds, with the County/City paying the remainder. BNSF was ordered to pay for relocation of signal and communication lines. As stated in Petitioner's previous Brief on Project Cost Allocation, local participation is within the 40% IDOT

DOCKETED

JUN 7 2006

HH-DJ

federal funds share and is through the use of LaSalle County and City of Streator's share of its local allocation of federal money. In other words, any increased usage of LaSalle County and the City of Streator's share of federal money for this project will take those monies away from other local projects. So, although not apparent from the order, LaSalle County and the City are contributing significant funds to the project. Any further ordering of additional expenses will take away these local monies. Therefore, any further order allowing the BNSF's proposed engineering costs appears to fall on the County/City unless other sources are available. This additional cost was neither anticipated, nor planned for, and in answer to Judge Jackson's inquiry no money for such a cost is available at this time.

In response to the BNSF's petition, LaSalle County and City of Streator request that it be denied. First, the request is not timely. Hearings on this matter were concluded over a year ago and the BNSF indicated no need for such services at the time of the initial hearings.

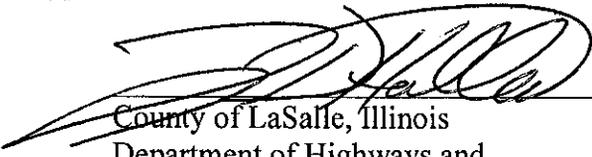
Further, at the hearing on May 24, 2006, the BNSF failed to establish any significant need for the services on this project. The BNSF cites manpower limitations due to other projects but provides no definite timelines showing conflicts of the Buda and Vermont projects with the Streator project.

Further, significant safeguards are already in place through the standard contract requirements for the project. Attached as Exhibit "A" are pages 17 through 24 of the standard required contract documents for a State and Federal project. These are attached to illustrate the extent to which the BNSF's interests are already protected in this type of project. Significant requirements are already on the Petitioners and contractor to protect the BNSF during the demolition and construction phases of the project. Plan documents have already been provided to BNSF for their review. The project already includes the expenses for railroad flaggers and/or watchmen on the site. In addition, at all times on the project, there will be at least two Engineers, the County Engineer, and a IDOT field engineer. Also, Railroad Protective Liability Insurance is required to be in place. All of these requirements and conditions provide significant safeguards to protect the BNSF.

The BNSF at the hearing on May 24, 2006, cited construction related issues in other states, however, they could provide no evidence that the safeguards that will be in place for this project in Illinois were in place in those other states. Also, as support for its request, the BNSF claimed such engineering expenses were ordered in another Illinois project on Illinois Route 336. However, that project apparently involves an entirely different set of circumstances including construction of a "shoe fly" that directly impacts the railroad's operation. None of these circumstances are present on the Streator project.

For all the reasons LaSalle County and the City of Streator requests the Supplemental Petition of BNSF be denied

Dated: 6-2, 2006


County of LaSalle, Illinois
Department of Highways and
City of Streator, Illinois, Petitioners
BY: TROY D. HOLLAND,
LaSalle County Assistant State's Attorney

Troy D. Holland
LaSalle County Assistant State's Attorney
Governmental Complex
707 E. Etna Road
Ottawa, IL 61350
(815)434-8358

PROOF OF SERVICE

I, Troy D. Holland under penalties of perjury, says that he caused to be served copies of PETITIONERS RESPONSE TO BNSF'S SUPPLEMENTAL PETITION by US Mail on June 2, 2006:

Honorable Dean Jackson
Chief Administrative Law Judge
Review & Examination Program
Illinois Commerce Commission
Transportation
527 East Capitol Avenue
Springfield, IL 62701

Parties of Record

Mr. Milton R. Sees, P.E.
Director of Highways, IDOT
ATTN: JEFF HARPRING, ROOM 205
2300 South Dirksen Parkway
Springfield, IL 62764

Pamela K. Leonard
City of Streator, Clerk
204 South Bloomington
Streator, IL 61364

Burlington Northern and Santa Fe Railway Company
CT Corporation System
208 S. LaSalle Street
Chicago, IL 60604

Mr. Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
118 S. Clinton Street
Suite 700
Chicago, IL 60661

Mr. W. Douglas Werner
Burlington Northern and Santa Fe Railway Company
P.O. Box 961039
Fort Worth, TX 76161-0039

Mr. Thomas Benson
Spec. Asst. Attorney General
IDOT
2300 South Dirksen Parkway RM 311
Springfield, Illinois 62764

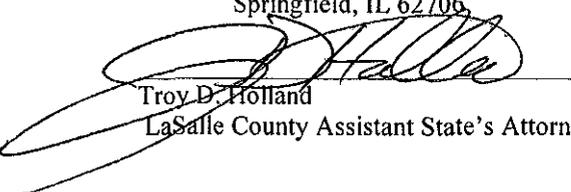
Mr. Mark Leemon
BNSF Railway Company
80 44th Ave. NE
Minneapolis, MN 55421

Mr. Ray Schmitt
City of Streator, Mayor
204 South Bloomington Street
Streator, IL 61364

Ms. Cheryl Townlain
Burlington Northern and Santa Fe Railroad
Company
3253 E. Chestnut Expressway
Springfield, MO 65802

Mr. Lawrence J. Kinzer
LaSalle County Highway Department
P.O. Box 128
1400 North 27th Road
Ottawa, IL 61350

Mr. Henry Humphries
Railroad Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62706


Troy D. Holland
LaSalle County Assistant State's Attorney

pet response BNFS

F.A.U. Route 6145
 (Broadway Street in Streator)
 County Section: 01-00590-00-BR
 LaSalle County

This work will be paid for at the contract unit price each for LIGHTING CONTROLLER CB-RCS-200A-240 DUAL.

LIGHTING CONTROLLER FOUNDATION: The LIGHTING CONTROLLER FOUNDATION shall meet the requirements of Sections 8258 and 503 of the Standard Specifications and the additional requirements indicated on the plans.

LIGHTING CONTROLLER FOUNDATION work shall consist of constructing a concrete foundation and concrete work pad, as indicated on the plans. The concrete used shall be Class SI concrete in accordance with the requirements of Section 1020 of the Standard Specifications.

Basis of Payment: This work will be paid for at the contract unit price each for LIGHTING CONTROLLER FOUNDATION, which shall be payment in full for the labor and material to complete the work as described above.

RAILROAD PROTECTION AND COORDINATION:

DESCRIPTION: This work shall consist of all requirements necessary for protecting the railroad during demolition of the existing structure and construction of the new structure.

COORDINATION OF WORK WITH RAILROAD: This Contract work requires that certain phases of the Contractor's work effort be conducted adjacent to or over the railroad tracks belonging to the Burlington Northern Santa Fe Railroad. The Contractor must coordinate work efforts under this Contract with the Burlington Northern Santa Fe Railroad (BNSF).

The Contractor will not be allowed to perform any work above the railroad track or perform any work adjacent to the railroad track within the construction clearances identified for this project when trains are in operation.

It is the Contractor's responsibility to coordinate with the BNSF prior to preparation of the work schedule submittal to the President, and prior to any work impacting the BNSF operations during the course of this contract, to make suitable arrangements for access to BNSF property for such periods of time agreed upon by BNSF, the Engineer, and the Contractor.

The Contractor shall provide to the Engineer and to the BNSF, the telephone number, both work and home, of the Contractor's

superintendent who has authority over the Contractor's work in case of emergency. In case of emergency, BNSF may require the Contractor to clear the railroad track within a reasonable time frame to allow passage of a train.

PROSECUTION AND PROGRESS: The Contractor shall perform the work under this Contract in such a manner and with such a work force as necessary to meet the completion schedule. The railroad track must be left in good condition at the end of each work shift and be clear of any debris caused by the Contractor's work thus allowing BNSF to commence normal operations.

If the Contractor shall fail to comply with the requirements herein set forth, or shall conduct operations in any manner deemed hazardous by the BNSF, the BNSF shall have the right to mandate to the Contractor to cease operation on, beneath, above or immediately adjacent to, property owned or occupied by the Rail Agency until the acts or omission of the Contractor have been fully corrected to the satisfaction of the Rail Agency.

PROTECTION OF RAILROAD FACILITIES AND PROPERTY: Work to be done by the Contractor near or over the Railroad tracks shall be performed at such times and in such a manner as to not interfere with the movements of trains or traffic upon the tracks of the Railroad. This project will therefore require close liaison between the Contractor and the Railroad to insure that the interference to the Railroad operations is held to an absolute minimum. The Engineer shall be provided a copy of all project-related correspondence between the Contractor and the Railroad.

The County shall therefore require the Contractor and all of his subcontractors to comply with the following provisions:

1. The Contractor shall conduct his work in such a manner that the work on the project shall be executed without delay to the trains of the Railroad. He shall observe such restrictions the Chief Engineer, Burlington Northern Santa Fe (BNSF), or their authorized representatives, acting through the President, may impose to insure the safety and dispatch of persons employed by or in care of the Railroad.
2. The Contractor shall be required to pay for any necessary permits required by the Railroad.

3. In the performance of the work, no construction material or equipment shall be stored or placed by the Contractor upon the Railroad right-of-way or within 15 feet from the centerline of the nearest track without prior written permission of the Chief Engineer (BNSF).
4. The Contractor shall submit to the Engineer all plans, specifications, and proposed methods and procedures for removal of the existing structure, erection of any structural steel, placing of deck forms, use of necessary falsework, and bracing, shoring, sheeting or other support for excavation adjacent to Railroad tracks. Such material shall be submitted at least 30 days prior to commencing the work items, in order to provide adequate time for review by the Engineer and the Chief Engineer (BNSF).
5. During construction, the Contractor shall maintain at all times a minimum vertical clearance of not less than twenty-two feet (22') above the top of rail. Horizontal clearances shall not be less than twelve feet (12') from centerline of the main line tracks. The Contractor shall give the Railroad seventy-two (72) hours written notice in advance of the establishment of any temporary clearances that are less than the present existing clearance at any point.
6. The Contractor shall bear the expenses of any flaggers or watchmen as may be required by the Railroad. The services of flaggers or watchmen will be required at the site during the following operations:
 - a. Any work (including removal of the existing bridge or construction of the new structure) within 25 feet of active track. Active tracks shall be as designated by the individual Railroad.
 - b. Transporting material or equipment over any active track.
 - c. Any operations involving close proximity with power lines or Railroad signal and communication lines, underground cables, fuel oil facilities, or pipelines, which might result in fire or damage to any of such facilities, or endanger Railroad operations, or endanger the public in the transaction of Railroad business.
 - d. Fouling of operating clearances or reasonable probability of accidental hazard to Railroad's traffic.

- e. At any other time when, in the opinion of the Chief Engineer (BNSF), conditions warrant such protection.
6. When it becomes necessary or convenient for the Contractor to perform work requiring flaggers or watchmen, the Contractor shall notify the Railroad in writing and contact 72 hours in advance of the commencement of such work, and shall obtain the approval of the Chief Engineer (BNSF) to the method of performing such work and shall comply fully with the requirements of such Chief Engineer with respect to safety measures in the performance of such work. If such notice is not given or if the Railroad's requirements are not met, the Railroad shall have the right to require the Contractor to stop work until such time as flagging services are provided and the requirements met. No such work stoppage shall create any liability on the part of the Railroad or the County, or relieve the Contractor of any obligations under the contract. Contractor's use of flaggers are as follows:
- a. The services will require the use of a track or switchmen foreman; and assistant track or switchmen foreman; or other railroad employees qualified to protect the Railroad operation in accordance with Railroad rules. If conditions are encountered or created during construction work on or over Railroad right-of-way or tracks which, in the opinion of Chief Engineer (BNSF) or his designated representative, can reasonably be expected to endanger Railroad facilities or operation, services of additional Railroad personnel for flagging protection may be required.
- b. Arrangements for flagging are to be made at least seventy-two (72) hours in advance of commencing work on Railroad property or over their tracks by contacting the Burlington Northern Santa Fe Railroad as follows:
- Mr. Mark Leemon, P.E.
763-782-3468
Burlington Northern Santa Fe
Public Projects
80-44th Avenue, N.E.
Minneapolis, MN 55421
- c. Headquarters of (BNSF) employees to be used as flaggers is:

Mr. Mark Leemon, P.E.
763-782-3468
Burlington Northern Santa Fe
Public Projects
80-44th Avenue, N.E.
Minneapolis, MN 55421

7. The Contractor shall reimburse the Railroad for incurred costs within thirty (30) days of receipt of billing.
8. The Contractor shall not handle materials above any track during passage of trains thereon, and shall otherwise provide adequate safeguards to prevent materials or equipment from falling onto trains or tracks.
9. Before handling materials above tracks used by trains, the Contractor shall contact the flagmen or watchmen maintained by the Railroad at the site for information concerning train movements.
10. The Contractor shall make his own arrangements with the Railroad for crossing tracks with men, material, and equipment at points where no public crossing exists, and where such arrangements are effected, shall execute a written license in the form customarily used by the Railroad. The cost of the construction and removal of these crossings shall be borne by the Contractor whether constructed by him or by the Railroad. If the Railroad chooses to have the Contractor construct the crossings, the material used and method shall be approved by the Railroad.
11. The terms Chief Engineer (BNSF) Burlington Northern Santa Fe Railroad as used herein, shall include designated representatives of said Chief Engineer (BNSF).
12. If the Contractor shall fail to comply with the requirements herein set forth, or shall conduct operations in any manner deemed hazardous by the Railroad, the Railroad shall have the right to stop the Contractor's operation on, beneath, or above property owned or occupied by the Railroad until the acts or omission of the Contractor have been fully corrected to the satisfaction of the Railroad, and no such work stoppage shall create any liability on the part of the Railroad or the County or relieve the Contractor of any obligation under this contract.

13. Requirements for Temporary Shoring including sheeting and excavation to support Railroad's Tracks: The following items are to be included in this project's procedures for all permanent and temporary facilities adjacent to Railroad tracks:
- a. Footings for all abutments, piers, storm sewer facilities, retaining walls or other facilities shall be located and designed so that any temporary sheeting and shoring for support of adjacent track or tracks during work on the Project will not be closer than toe of ballast slope.
 - b. When support of track or tracks is necessary during work on the Project, interlocking steel sheeting that is adequately braced and is designed to carry E-80 live load plus 50% impact is required. Soldier piles and lagging will be permitted for supporting adjacent track or tracks only when required penetration of steel sheet piling cannot be obtained. Work on support of track cannot begin until the Railroad has approved in writing the method of track support.
 - c. Prior to placing and driving steel sheeting, in areas where underground installations are known to exist, exploratory trenches three feet deep and fifteen inches wide in the form of an "H", with outside dimensions matching the outside of sheeting dimensions, must be hand dug. These trenches are for exploratory purposes only and are to be backfilled and compacted immediately. This work must be done in the presence of an railroad representative.
 - d. Absolute use of track is required while driving sheeting adjacent to running track. The procedure for arranging for use of track shall be determined through Chief Engineer (BNSF) or his representative.
 - e. Cavities adjacent to sheet piling created by driving sheet piling shall be filled with sand; any disturbed ballast must be restored and tamped immediately.
 - f. All sheet piling shall be cut off at top of tie level during construction. Upon completion of construction and backfilling, all sheeting within twelve feet of the centerline of the track, and all sheeting within a 1:1 slope from the end of tie to the intersection of the sheeting shall be cut off eighteen inches below the existing ground line and left in place.

- g. Any excavation adjacent to the track shall be covered, tamped, and protected by handrails; barricades and warning lights shall be provided and maintained by Contractor, as required, by Railroad.
- h. Final backfilling of excavation shall be as required by Project specifications.
- i. The Contractor is to advise Railroad of each Project operation and obtain Railroads' approval for all work to be performed adjacent to its tracks so that such Project operations may be properly supervised by Railroad personnel.
- j. All drawings for temporary sheeting and shoring shall be prepared and stamped by a Registered Professional Engineer and shall be accompanied by complete design computations when submitted for approval.
- k. Where physical conditions of design impose insurmountable restrictions requiring the placing of sheeting closer than specified above, any proposed modifications must be submitted to Chief Engineer (BNSF) for approval.
- l. Contractor to indemnify and hold the Railroad harmless against and from all cost, liability and expense arising out of or in any way contributed to by any act or omission of the Contractor, its subcontractors, agents and/or employees, that causes or in any way contributes to (1) any damage or destruction of Railroad's property or that of its agents or tenants, including but not limited to, any telecommunications system located on Railroad's property, (2) any injury or death of any person employed by or on behalf of Railroad or its agents or tenants, (3) any claim or cause of action for alleged loss of profits or revenue by a user of a telecommunications system located on Railroad's property that is damaged or disrupted by the Contractor, and/or (4) any claim, injury or death to possible third parties not directly involved with this project; except to the extent that any such loss, injury or death is caused by the sole negligence of the Railroad.

- m. These provisions shall apply to any subcontractor of the Contractor and the Contractor shall require any such subcontractor to observe and be bound by such requirements.

BASIS OF PAYMENT: No additional payment will be made for railroad coordination, permits, rights of entry and/or protection. The cost of work and items required by this special provision shall be included in other items.

The contractor is hereby alerted that items specified by the railroad engineer as identified in Article 105.02 "Authority of Railroad Engineer" as revised in BDE Special Provision 80128 "Authority of Railroad Engineer" found elsewhere in these provisions will be paid for as specified in that provision.

BDE SPECIAL PROVISIONS
For The April 28, and June 16, 2006 Lettings

The following special provisions indicated by an "x" are applicable to this contract and will be included by the Project Development and Implementation Section of the BD&E. An * indicates a new or revised special provision for the letting.

<u>File Name</u>	<u>#</u>	<u>Special Provision Title</u>	<u>Effective</u>	<u>Revised</u>
80099	1	<input type="checkbox"/> Accessible Pedestrian Signals (APS)	April 1, 2003	
80156	2	<input checked="" type="checkbox"/> Aggregate Shipping Tickets	Jan. 1, 2006	
80108	3	<input type="checkbox"/> Asbestos Bearing Pad Removal	Nov. 1, 2003	
72541	4	<input type="checkbox"/> Asbestos Waterproofing Membrane and Asbestos Bituminous Concrete Surface Removal	June 1, 1989	June 30, 1994
80128	5	<input checked="" type="checkbox"/> Authority of Railroad Engineer	July 1, 2004	
80065	6	<input type="checkbox"/> Bituminous Base Course/Widening Superpave	April 1, 2002	Aug. 1, 2005
80050	7	<input checked="" type="checkbox"/> Bituminous Concrete Surface Course	April 1, 2001	April 1, 2003
80142	8	<input checked="" type="checkbox"/> Bituminous Equipment, Spreading and Finishing Machine	Jan. 1, 2005	
80066	9	<input checked="" type="checkbox"/> Bridge Deck Construction	April 1, 2002	April 1, 2004
50261	10	<input type="checkbox"/> Building Removal-Case I (Non-Friable and Friable Asbestos)	Sept. 1, 1990	Aug. 1, 2001
50481	11	<input type="checkbox"/> Building Removal-Case II (Non-Friable Asbestos)	Sept. 1, 1990	Aug. 1, 2001
50491	12	<input type="checkbox"/> Building Removal-Case III (Friable Asbestos)	Sept. 1, 1990	Aug. 1, 2001
50531	13	<input type="checkbox"/> Building Removal-Case IV (No Asbestos)	Sept. 1, 1990	Aug. 1, 2001
80118	14	<input type="checkbox"/> Butt Joints	April 1, 2004	April 1, 2005
80031	15	<input type="checkbox"/> Calcium Chloride Accelerator for Portland Cement Concrete Patching	Jan. 1, 2001	
80077	16	<input checked="" type="checkbox"/> Chair Supports	Nov. 1, 2002	Nov. 2, 2002
80051	17	<input checked="" type="checkbox"/> Coarse Aggregate for Trench Backfill, Backfill and Bedding	April 1, 2001	Nov. 1, 2003
80094	18	<input checked="" type="checkbox"/> Concrete Admixtures	Jan. 1, 2003	July 1, 2004
80112	19	<input type="checkbox"/> Concrete Barrier	Jan. 1, 2004	April 2, 2004
80102	20	<input type="checkbox"/> Corrugated Metal Pipe Culverts	Aug. 1, 2003	July 1, 2004
80114	21	<input checked="" type="checkbox"/> Curing and Protection of Concrete Construction	Jan. 1, 2004	Nov. 1, 2005
80146	22	<input checked="" type="checkbox"/> Detectable Warnings	Aug. 1, 2005	
80029	23	<input checked="" type="checkbox"/> Disadvantaged Business Enterprise Participation	Sept. 1, 2000	June 22, 2005
80144	24	<input checked="" type="checkbox"/> Elastomeric Bearings	April 1, 2005	
31578	25	<input checked="" type="checkbox"/> Epoxy Coating on Reinforcement	April 1, 1997	Jan. 1, 2003
80041	26	<input checked="" type="checkbox"/> Epoxy Pavement Marking	Jan. 1, 2001	Aug. 1, 2003
80055	27	<input checked="" type="checkbox"/> Erosion and Sediment Control Deficiency Deduction	Aug. 1, 2001	Nov. 1, 2001
80103	28	<input checked="" type="checkbox"/> Expansion Joints	Aug. 1, 2003	
80101	29	<input checked="" type="checkbox"/> Flagger Vests	April 1, 2003	Jan. 1, 2006
80079	30	<input checked="" type="checkbox"/> Freeze-Thaw Rating	Nov. 1, 2002	
80072	31	<input checked="" type="checkbox"/> Furnished Excavation	Aug. 1, 2002	Nov. 1, 2004
80054	32	<input checked="" type="checkbox"/> Hand Vibrator	Nov. 1, 2003	
80147	33	<input type="checkbox"/> Illuminated Sign	Aug. 1, 2005	
80109	34	<input type="checkbox"/> Impact Attenuators	Nov. 1, 2003	
80110	35	<input type="checkbox"/> Impact Attenuators, Temporary	Nov. 1, 2003	April 1, 2004
80104	36	<input checked="" type="checkbox"/> Inlet Filters	Aug. 1, 2003	
80080	37	<input type="checkbox"/> Insertion Lining of Pipe Culverts	Nov. 1, 2002	Aug. 1, 2003
80155	38	<input checked="" type="checkbox"/> Light Emitting Diode (LED) Pedestrian Signal Head	Nov. 1, 2003	April 1, 2006
80067	39	<input type="checkbox"/> Light Emitting Diode (LED) Signal Head	April 1, 2002	Nov. 1, 2005
80081	40	<input type="checkbox"/> Lime Gradation Requirements	Nov. 1, 2002	
80133	41	<input checked="" type="checkbox"/> Lime Stabilized Soil Fills	Nov. 1, 2003	April 1, 2006
80156	42	<input checked="" type="checkbox"/> Manholes	Nov. 1, 2003	April 1, 2006
80045	43	<input type="checkbox"/> Material Transfer Device	June 15, 1999	March 1, 2001
80137	44	<input type="checkbox"/> Minimum Lane Width with Lane Closure	Jan. 1, 2005	
80138	45	<input type="checkbox"/> Mulching Seeded Areas	Jan. 1, 2005	
80082	46	<input checked="" type="checkbox"/> Multilane Pavement Patching	Nov. 1, 2002	

<u>File Name</u>	<u>#</u>	<u>Special Provision Title</u>	<u>Effective</u>	<u>Revised</u>
80129	47	<input type="checkbox"/> Notched Wedge Longitudinal Joint	July 1, 2004	
80069	48	<input checked="" type="checkbox"/> Organic Zinc-Rich Paint System	Nov. 1, 2001	Aug. 1, 2003
80116	49	<input checked="" type="checkbox"/> Partial Payments	Sept. 1, 2003	
80013	50	<input type="checkbox"/> Pavement and Shoulder Resurfacing	Feb. 1, 2000	July 1, 2004
53600	51	<input checked="" type="checkbox"/> Pavement Thickness Determination for Payment	April 1, 1999	Jan. 1, 2004
Materials and Applications				
80155	53	<input checked="" type="checkbox"/> Payrolls and Payroll Records	Aug. 10, 2005	
80130	54	<input checked="" type="checkbox"/> Personal Protective Equipment	July 1, 2004	
80148	55	<input type="checkbox"/> Planting Woody Plants	Jan. 1, 2006	
80134	56	<input type="checkbox"/> Plastic Blockouts for Guardrail	Nov. 1, 2004	
80073	57	<input type="checkbox"/> Polymer Modified Emulsified Asphalt	Nov. 1, 2002	
80119	58	<input type="checkbox"/> Polyurea Pavement Marking	April 1, 2004	
80124	59	<input type="checkbox"/> Portable Changeable Message Signs	Nov. 1, 1993	April 2, 2004
80139	60	<input checked="" type="checkbox"/> Portland Cement	Jan. 1, 2005	Nov. 1, 2005
80083	61	<input checked="" type="checkbox"/> Portland Cement Concrete	Nov. 1, 2002	
80036	62	<input type="checkbox"/> Portland Cement Concrete Patching	Jan. 1, 2001	Jan. 1, 2004
419	63	<input checked="" type="checkbox"/> Precast Concrete Products	July 1, 1999	Nov. 1, 2004
80120	64	<input type="checkbox"/> Precast, Prestressed Concrete Members	April 1, 2004	
80084	65	<input type="checkbox"/> Preformed Recycled Rubber Joint Filler	Nov. 1, 2002	
80015	66	<input type="checkbox"/> Public Convenience and Safety	Jan. 1, 2000	
80121	67	<input type="checkbox"/> PVC Pipeliner	April 1, 2004	April 1, 2005
Railroad				
80122	69	<input checked="" type="checkbox"/> Railroad, Full-Actuated Controller and Cabinet	April 1, 2004	
34261	70	<input type="checkbox"/> Railroad Protective Liability Insurance	Dec. 1, 1986	Jan. 1, 2006
80157	71	<input checked="" type="checkbox"/> Railroad Protective Liability Insurance (5 and 10)	Jan. 1, 2006	
80105	72	<input type="checkbox"/> Raised Reflective Pavement Markers (Bridge)	Aug. 1, 2003	
80011	73	<input type="checkbox"/> RAP for Use in Bituminous Concrete Mixtures	Jan. 1, 2000	April 1, 2002
Reinforcement and Barriers				
80151	75	<input checked="" type="checkbox"/> Reinforcement Bars	Nov. 1, 2005	Nov. 2, 2005
80032	76	<input type="checkbox"/> Remove and Re-Erect Steel Plate Beam Guardrail and Traffic Barrier Terminals	Jan. 1, 2001	Jan. 1, 2005
80085	77	<input type="checkbox"/> Sealing Abandoned Water Wells	Nov. 1, 2002	
80131	78	<input checked="" type="checkbox"/> Seeding and Sodding	July 1, 2004	Aug. 1, 2005
80152	79	<input checked="" type="checkbox"/> Self-Consolidating Concrete for Cast-In-Place Construction	Nov. 1, 2005	
80132	80	<input checked="" type="checkbox"/> Self-Consolidating Concrete for Precast Products	July 1, 2004	Nov. 1, 2005
80098	81	<input type="checkbox"/> Shoulder Rumble Strips	Jan. 1, 2003	
80140	82	<input type="checkbox"/> Shoulder Stabilization at Guardrail	Jan. 1, 2005	
Submittals				
80070	84	<input type="checkbox"/> Stabilized Subbase and Bituminous Shoulders Superpave	April 1, 2002	Aug. 1, 2005
80127	85	<input type="checkbox"/> Steel Cost Adjustment	April 2, 2004	July 1, 2004
80153	86	<input type="checkbox"/> Steel Plate Beam Guardrail	Nov. 1, 2005	
80143	87	<input checked="" type="checkbox"/> Subcontractor Mobilization Payments	April 2, 2005	
80086	88	<input checked="" type="checkbox"/> Subgrade Preparation	Nov. 1, 2002	
80136	89	<input type="checkbox"/> Superpave Bituminous Concrete Mixture IL-4.75	Nov. 1, 2004	
80010	90	<input checked="" type="checkbox"/> Superpave Bituminous Concrete Mixtures	Jan. 1, 2000	April 1, 2004
80039	91	<input type="checkbox"/> Superpave Bituminous Concrete Mixtures (Low ESAL)	Jan. 1, 2001	April 1, 2004
80075	92	<input type="checkbox"/> Surface Testing of Pavements	April 1, 2002	Nov. 1, 2005
80145	93	<input checked="" type="checkbox"/> Suspension of Slipformed Parapets	June 11, 2004	
80092	94	<input type="checkbox"/> Temporary Concrete Barrier	Oct. 1, 2002	Nov. 1, 2003
80087	95	<input checked="" type="checkbox"/> Temporary Erosion Control	Nov. 1, 2002	
80008	96	<input type="checkbox"/> Temporary Module Glare Screen System	Jan. 1, 2000	
80106	97	<input type="checkbox"/> Temporary Portable Bridge Traffic Signals	Aug. 1, 2003	
80098	98	<input type="checkbox"/> Traffic Barrier Terminals	Jan. 1, 2003	

<u>File Name</u>	<u>#</u>		<u>Special Provision Title</u>	<u>Effective</u>	<u>Revised</u>
57291	99	✓	Traffic Control Deficiency Deduction	April 1, 1992	Jan. 1, 2005
80110	100	✓	Traffic Signal Grounding	April 1, 2003	
20338	101	✓	Training Special Provisions	Oct. 15, 1975	
80107	102	✓	Transient Voltage Surge Suppression	Aug. 1, 2003	
80123	103	✓	Truck Bed Release Agent	April 1, 2004	
80154	104		Turf Reinforcement Mat	Nov. 1, 2005	
80112	105	✓	Uninterruptible Power Supply (UPS)	April 1, 2005	
80149	106	✓	Variable Spaced Timing	Aug. 1, 2005	
80070	107	✓	Water Blaster with Curbs Receiver	April 1, 2005	
80048	108	✓	Weight Control Deficiency Deduction	April 1, 2001	Aug. 1, 2002
80090	109		Work Zone Public Information Signs	Sept. 1, 2002	Jan. 1, 2005
80125	110		Work Zone Speed Limit Signs	April 2, 2004	Jan. 1, 2006
80126	111		Work Zone Traffic Control	April 2, 2004	Nov. 1, 2005
80097	112	✓	Work Zone Traffic Control Devices	Jan. 1, 2003	Nov. 1, 2004
80071	113	✓	Working Days	Jan. 1, 2002	

The following special provisions have been **deleted** from use:

80141 Additional Award Criteria This special provision is no longer required.

80113 Curb Ramps for Sidewalk This special provision has been replaced by the BDE Special Provision, "Detectable Warnings".

The following special provisions require additional information from the designer. The additional information needs to be included in a separate document attached to this check sheet. The Project Development and Implementation section will then include the information in the applicable special provision. The Special Provisions are:

- Building Removal-Case I
- Building Removal-Case II
- Building Removal-Case III
- Building Removal-Case IV
- DBE Participation
- Material Transfer Device
- Railroad Protective Liability Insurance
- Training Special Provisions
- Working Days

RAILROAD FLAGGERS (BDE)

Effective: April 1, 2006

Revise the fourth and fifth paragraphs of Article 107.12 of the Standard Specifications to read:

"At the preconstruction conference, the Contractor shall furnish the Railroad with the approximate dates flagging services are needed. The approximate date of initiation of flagging services shall be at least 30 calendar days after the conference. The Contractor shall also notify the Railroad at least 48 hours in advance of the actual initiation and termination of flagging services.

The Contractor shall pay the costs of Railroad flaggers required solely for transporting material or equipment across the track. These costs shall be considered as included in the contract unit prices bid for the various items of work involved, and no additional compensation will be allowed."

80159

EROSION AND SEDIMENT CONTROL DEFICIENCY DEDUCTION (BDE)

Effective: August 1, 2001

Revised: November 1, 2001

When the Engineer is notified or determines an erosion and/or sediment control deficiency(s) exists, he/she will direct the Contractor in writing to correct the deficiency. The Contractor shall then correct the deficiency within 24 hours. The deficiency may be any lack of repair, maintenance, or implementation of erosion and/or sediment control devices included in the contract, or any failure to comply with the conditions of the National Pollutant Discharge Elimination System (NPDES) Storm Water Permit for Construction Site Activities.

If the Contractor fails to correct the deficiency(s) within 24 hours, a daily monetary deduction will be imposed for each calendar day or fraction thereof the deficiency exists. The time period will begin with the initial written notification to the Contractor and end with the Engineer's acceptance of the corrected work. The per calendar day deduction will be either \$1000.00 or 0.05 percent of the awarded contract value, whichever is greater.

If the Contractor fails to respond, the Engineer may correct the deficiencies and deduct the cost from monies due or which may become due the Contractor. This corrective action shall in no way relieve the Contractor of his/her contractual requirements or responsibilities.

80055

AUTHORITY OF RAILROAD ENGINEER (BDE)

Effective: July 1, 2004

Revise Article 105.02 of the Standard Specifications to read:

"105.02 Authority of Railroad Engineer. Whenever the safety of railroad traffic is concerned, the Railroad Engineer will have jurisdiction over safety measures to be taken and his/her decision as to the methods, procedures, and measures used shall be final, and any and all Contractors performing work near or about the railroad shall be governed by such decision. Instructions to the Contractor by the Railroad Engineer will be given through the Engineer. Work ordered as specified herein will be classified and paid for according to Article 104.02. Work performed for the Contractor's convenience will not be paid for separately but shall be considered as included in the contract."

80128

RAILROAD PROTECTIVE LIABILITY INSURANCE (5 and 10) (BDE)

Effective: January 1, 2006

Description. Railroad Protective Liability and Property Damage Liability Insurance shall be carried according to Article 107.11 of the Standard Specifications, except the limits shall be a minimum of \$5,000,000 combined single limit per occurrence for bodily injury liability and property damage liability with an aggregate limit of \$10,000,000 over the life of the policy. A separate policy is required for each railroad unless otherwise noted.

NAMED INSURED & ADDRESS	NUMBER & SPEED OF PASSENGER TRAINS	NUMBER & SPEED OF FREIGHT TRAINS
BNSF Railway Company	0	75-80 daily @ 35 mph

DOT/AAR No.:	004 480 C	RR Mile Post:	89.41
RR Division:		RR Sub-Division:	
For Freight/Passenger Information Contact:	Mark Leemon	Phone:	763-782-3468
For Insurance Information Contact:	Mark Leemon	Phone:	763-782-3468

DOT/AAR No.:	RR Mile Post:
RR Division:	RR Sub-Division:
For Freight/Passenger Information Contact:	Phone:
For Insurance Information Contact:	Phone:

Approval of Insurance. The original and one certified copy of each required policy shall be submitted to the following address for approval:

Illinois Department of Transportation
Bureau of Design and Environment
2300 South Dirksen Parkway
Room 326
Springfield, Illinois 62764

The Contractor will be advised when the Department has received approval of the insurance from the railroad(s). Before any work begins on railroad right-of-way, the Contractor shall submit to the Engineer evidence that the required insurance has been

approved by the railroad(s). The Contractor shall also provide the Engineer with the expiration date of each required policy.

Basis of Payment. Providing Railroad Protective Liability and Property Damage Liability Insurance will be paid for at the contract unit price per Lump Sum for RAILROAD PROTECTIVE LIABILITY INSURANCE.

80157