

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1219

TD6-0085

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"), Galva 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 assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the 300<sup>th</sup> Avenue (TR 383A) highway-rail grade crossing of the Company's track near Galva, Henry County, Illinois, designated as crossing AAR/DOT #079 748F, railroad milepost 136.15-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a diagnostic team comprised of a representative of the Commission's Transportation Division Railroad Section and staff of the Company; 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 improvement 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 a certain improvement as hereinafter stated be made and that the cost for the proposed improvement 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 The improvement 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:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, by the Company.
- (b) Installation of temporary STOP signs conforming to the MUTCD at the 300<sup>th</sup> Avenue (TR 383A) crossing within 30 days of a Commission Order

**DOCKETED**

for the installation of new automatic warning devices, by the Company.

**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(s) 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 improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvement should be twelve (12) 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 -**

<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	\$315,088	85% \$267,823 <sup>1</sup>	\$0	15% Remainder <sup>2</sup>
Install Temporary STOP Signs, if Ordered	No Estimate Required	\$0	\$0	100% <sup>3</sup>
<b>TOTALS</b>	<b>\$315,088</b>	<b>\$267,823</b>	<b>\$00.00</b>	<b>\$47,265</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$267,823; any installation costs above the estimated amount of \$315,088 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, if ordered.

**Section 6** The Road District is not required to pay any portion of the cost for the proposed improvements.

**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 the warning device installation 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 GCPF assistance 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 GCPF assistance 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 Company 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 Company 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 Company account code for the project.
- e) Supervision - Copies of employee work hours charged to the Company 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.

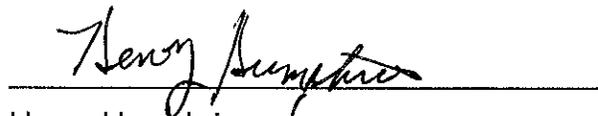
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 28th day of July 2006.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Henry Humphries  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1219, executed by Commission Staff on July 28, 2006, concerning improvements at the 300<sup>th</sup> Avenue (TR 383A) highway-rail grade crossing of the BNSF Railway Company's tracks, near Galva, Henry County, Illinois, designated as crossing AAR/DOT #079748F, railroad milepost 136.15-A.

Executed by the BNSF Railway Company this 2<sup>ND</sup> day of August 2006.

BNSF RAILWAY COMPANY

By: Craig Rosman

RECEIVED  
SEP 1 2006

Illinois Commerce Commission  
RAIL SAFETY SECTION

Attest:

[Signature]

Illinois Commerce Commission Stipulated Agreement No. 1219, executed by Commission Staff on July 28, 2006, concerning improvements at the 300<sup>th</sup> Avenue (TR 383A) highway-rail grade crossing of the BNSF Railway Company's tracks, near Galva, Henry County, Illinois, designated as crossing AAR/DOT #079748F, railroad milepost 136.15-A.

Executed by Galva Township Road District this 12 day of September 2006  
2006.

GALVA TOWNSHIP ROAD DISTRICT

By: Ron Wehler

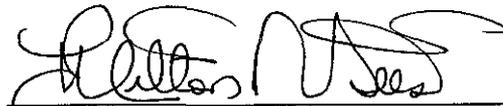
Attest:

Dennis D. Stepha

Illinois Commerce Commission Stipulated Agreement No. 1219, executed by Commission Staff on July 28, 2006, concerning improvements at the 300<sup>th</sup> Avenue (TR 383A) highway-rail grade crossing of the BNSF Railway Company's tracks, near Galva, Henry County, Illinois, designated as crossing AAR/DOT #079748F, railroad milepost 136.15-A.

Executed by the Illinois Department of Transportation this 25<sup>th</sup> day of September, 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

<b>RAILROAD</b>	BNSF
<b>USDOT#, MILEPOST</b>	079 748F; 136.15-A
<b>STREET, CITY, COUNTY</b>	300 <sup>th</sup> Avenue (TR 383A)
<b>JURISDICTION (RDWY)</b>	Galva Twp.
<b>LOCATION</b>	Rural, Commercial/Residential
<b>STREET SURFACE</b>	Oil/chip, 16', Good Condition

**CROSSING DATA:** 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	Timber	24'	Fair
Main	Timber	24'	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Trolley Road
<b>TRAFFIC CONTROL</b>	STOP Sign at Trolley Road
<b>ADT &amp; SPEED</b>	75 Vehicles/Day @ 25 MPH
<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>	20 Per day @ 60 MPH, Day & Night? Yes
<b>PASSENGER TRAFFIC</b>	8 per day @ 79 MPH
<b>WARNING DEVICES</b>	Crossbucks

**NOTES:**

All vehicles observed crossing tracks at 25mph or less. Trolley Road is located about 40' from the Crossing. Trolley Road is posted 25 MPH.

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	79	<b>MPH</b>
<b>Roadway Speed</b>	25	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	178	<b>FEET</b>
<b>Along Tracks</b>	876	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1,921	<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>	1,000	Brush	100	Crops
<b>NW</b>	800	Curve in track	200	Crops
<b>SE</b>	1,400	Brush	450	Brush
<b>SW</b>	900	Curve in track	900	Berm

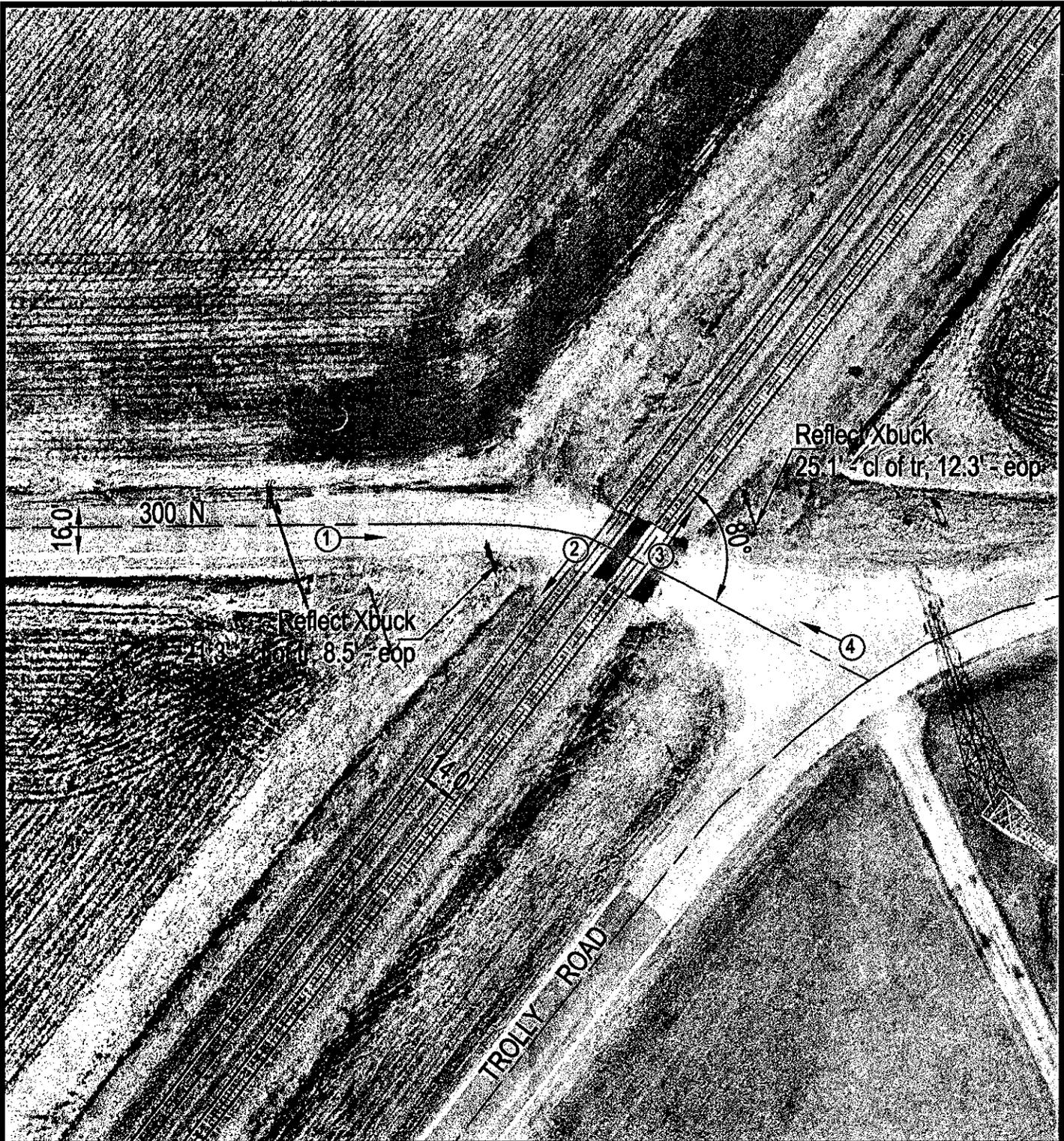
\*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

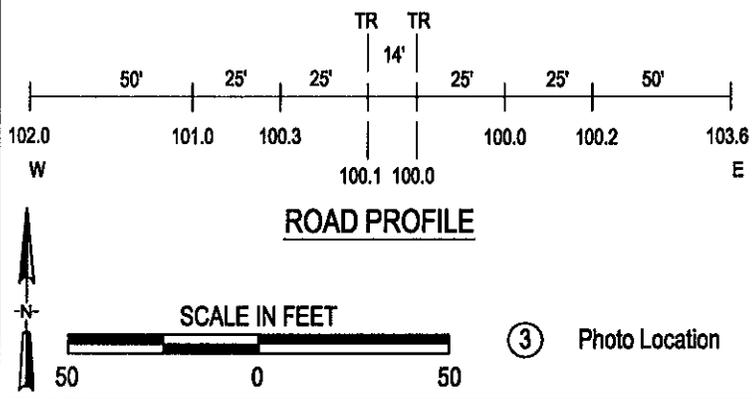
<b>DIRECTION: EAST/NORTH</b>			<b>DIRECTION: WEST/SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
Meets	92	ILL	Adm.	Code	1535
"	"	"	"	"	"

Distance measured from outermost rail.

**COMMENTS:** See Page 3 for Location Sketch (Aerial View) of the Crossing.



4:\HENRY\079748F\079748F.DWG 04/05/01 08:20 WAK



Crossing #:	079748F
Location:	Henry Co., City of Galva (Near)
Lat/Long:	41°11'36" / 89°59'33"
Railroad:	BNSF
Street:	300 N
Railroad Milepost:	136.15
Crossing Protection:	Sign

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

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

LOCATION:- WEST KEWANEE TO GALVA                      DETAILS OF ESTIMATE                      PLAN ITEM: PS1079748F                      VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AND A REMOTE DAX LOCATION BOTH W/SPREAD SPECTRUM RADIO AT N300 AVE IN GALVA, IL. CHICAGO DIV., MENDOTA SUBDIV., L/S 1001, M.P. 136.15 DOT # 079748F  
 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 IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

\*\*\*\*\* SIGNAL WORK ONLY \*\*\*\*\*

THE STATE OF ILLINOIS IS FUNDING APPROXIMATELY 895% WITH BNSF FUNDING APPROXIMATELY 15% OF THIS PROJECT.

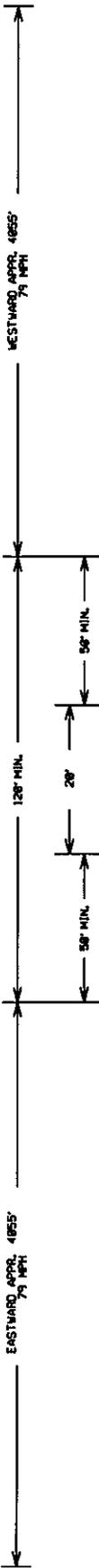
MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$
*****				
LABOR				
*****				
ELECTRICAL LABOR F/POWER TRANS SYS	108.00	MH	2,553	
SIGNAL FIELD LABOR - CAP	1594.00	MH	34,782	
SIGNAL SHOP LABOR - CAP	154.00	MH	3,481	
PAYROLL ASSOCIATED COSTS			32,925	
EQUIPMENT EXPENSES			10,219	
DA LABOR OVERHEADS			36,749	
INSURANCE EXPENSES			6,435	
TOTAL LABOR COST			127,144	127,144
*****				
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	6,522	
CABLE	1.00	EA N	3,012	
CHARGERS	1.00	LS N	810	
CONSTANT WARNING	1.00	EA N	20,550	
DAX LOCATION COMPLETE	1.00	EA N	34,905	
DUMMY LOAD	2.00	EA N	824	
FIELD MATERIAL	1.00	LS N	4,044	
FOUNDATION	2.00	EA N	970	
GATE KEEPER	2.00	EA N	3,550	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,788	
LED GATE KIT	2.00	EA N	732	
LED LIGHT COST ADJUSTMENT	10.00	EA N	2,540	
LIGHT OUT DETECTOR	1.00	EA N	706	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
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	
SIDELIGHT	1.00	EA N	708	
SPREAD SPECTRUM RADIO DAX LOCATION	1.00	LS N	13,000	

SPREAD SPECTRUM RADIO N 300 AVE	1.00	LS N	13,000	
MATERIAL HANDLING			75	
USE TAX			9,002	
OFFLINE TRANSPORTATION			1,715	
			-----	
			148,125	148,125
*****				
OTHER				
*****				
AC POWER SERVICE	1.00	EA	1,000	
CONTRACT ENGR.	1.00	EA N	7,500	
FILL DIRT	25.00	CY N	625	
SURFACE ROCK	25.00	CY N	625	
			-----	
			9,750	9,750
			-----	
TOTAL MATERIAL COST				
PROJECT SUBTOTAL				285,019
CONTINGENCIES				28,501
BILL PREPARATION FEE				1,568
				-----
GROSS PROJECT COST				315,088
LESS COST PAID BY BNSF				47,265
				-----
TOTAL BILLABLE COST				267,823
				=====

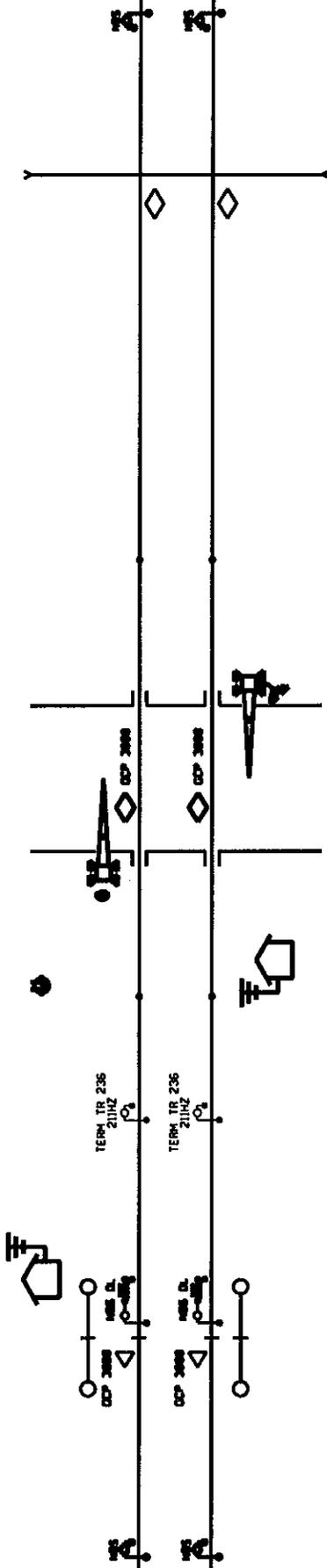
*The Burlington Northern & Santa Fe Railway Company*

TO KEWANEE, IL



WESTWARD APPR. 4955'  
75 MPH

EASTWARD APPR. 4955'  
75 MPH



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

House Clearance:

**BNSF RAILWAY CO.**  
GAIVA IL.  
N 300  
LS: 0001  
M.P. 136.15  
DOT \* 079 748 F  
DIVISION CHICAGO  
SUBDIVISION MENDOTA  
KANSAS CITY  
NO SCALE  
DATE: 03/23/06  
FILE: 0001136.15.dgn  
DHP/SJS

**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	Aug 2, 2006
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**PROJECT INFORMATION:**

Reporting Party:	BNSF
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, RR Milepost:	079 748F; 136.15-A
Street, (in/near) City, County:	300 <sup>th</sup> Avenue (TR 383A) near Galva, Henry 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:	CRAIG N. RASMUSSEN
Title:	MANAGER PUBLIC PROJECTS
Representing:	BNSF
Street Address:	80 - 44 <sup>th</sup> AVE NE
City, State, Zip:	MINNEAPOLIS, MN 55421
Office Phone:	763.782.3468
Office Fax:	763.782.3061
Cellular Phone:	612.839.0672
E-Mail Address:	craig.rasmussen@BNSF.com

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

**DESCRIPTION OF IMPROVEMENTS ORDERED:**

- Install new automatic flashing light signals and gates controlled by constant warning time circuitry.
- Install temporary STOP Signs conforming to the MUTCD.

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

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