

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

T00-0114

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railway Company, hereinafter referred to as the "Company", the Village of Lomax in Henderson County, hereinafter referred to as the "Village", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

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 crossing of the Company's tracks with a public highway known as Main Street located in the Village of Lomax in Henderson County, Illinois, designated as crossing DOT 004 741 A, milepost 218.94-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a 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 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 statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law 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.

DOCKETED

Section 2 The Commission, the Village and the Department are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the COMPANY should install constant warning time circuitry to control the existing automatic flashing light signals and gates;
- b) the Company should reconstruct the siding track crossing surface so that it meets the requirements of 92 ILL. Adm. Code 1535;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

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 submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost to install constant warning time circuitry to control the existing automatic flashing light signals and gates, estimated at \$124,991, should be allocated 50% to the Grade Crossing Protection Fund (Fund), not to exceed \$62,496, with the COMPANY bearing any remaining cost after payment from the Fund, as well as all future operation and maintenance cost thereof;
- b) the cost reconstruct the siding track crossing surface should be allocated 100% to the Company as well as all future maintenance cost thereof;

Section 6 Special Provisions: The COMPANY shall file a written report with the Director of Processing within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of their portions of the project and the percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing

Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the DEPARTMENT and COMMISSION no later than twenty four (24) months from the date of COMMISSION Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The DEPARTMENT shall, at the end of the 24th month from the COMMISSION's Order date, de-obligate all residual funds accountable for installation costs for this project.

The COMPANY shall within ninety (90) days of the date of COMMISSION's Order subsequent to this Agreement, submit to the Director of Processing, Transportation Division of the Commission, the name, title, mailing address, phone number and facsimile number of a project manager.

Commission Order T99-0108 required the COMPANY to install remote monitoring equipment at all signalized public highway/rail grade crossings in Illinois. If the remote monitor have been installed at the Main Street crossing, prior to execution of this agreement, the COMPANY shall reuse the same equipment as part of the work described hereinabove. If the remote monitor has not been installed at the Main Street crossing, prior to execution of this agreement, the COMPANY shall do so as part of the work described hereinabove, with the installation cost divided between the COMPANY and the Grade Crossing Protection Fund per the terms set forth in Order T99-0108.

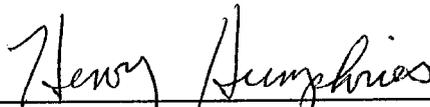
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 9th day of June, 2000.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 932 concerning an improvement at the Main Street grade crossing of The Burlington Northern and Santa Fe Railway Company tracks located in the Village of Lomax, Henderson County, Illinois designated as crossing AAR/DOT # 004 741A, Milepost 218.94-M.

Executed by The Burlington Northern and Santa Fe Railway Company this 7TH day of July, 2000.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: Cheryl J. Jaska

APPROVED AS TO FORM 6/29/00
Wear

Burlington Northern Santa Fe Law Department

Attest:

Wesley Pritz

Illinois Commerce Commission Stipulated Agreement No. 932 concerning an improvement at the Main Street grade crossing of The Burlington Northern and Santa Fe Railway Company tracks located in the Village of Lomax, Henderson County, Illinois designated as crossing AAR/DOT # 004 741A, Milepost 218.94-M.

Executed by the Department this 20TH day of JULY, 2000.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

James C. Slifer
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 932 concerning an improvement at the Main Street grade crossing of The Burlington Northern and Santa Fe Railway Company tracks located in the Village of Lomax, Henderson County, Illinois designated as crossing AAR/DOT # 004 741A, Milepost 218.94-M.

Executed by the Village of Lomax this 5th day of Dec., 2000.

VILLAGE OF LOMAX

By 

Attest:



STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 218.94-M Inventory # 004 741A
 City (I) Lomax Street Main Street County Henderson
 Jurisdiction Local Urban XX Rural Commercial Residential
 Street Surface Oil/Chip Width 18' Condition Fair
 Angle 90° Tracks Tangent Yes Degree of Curve -- Superelevation --
 Depth of Cut ----- Height of Fill -----

Crossing Surface

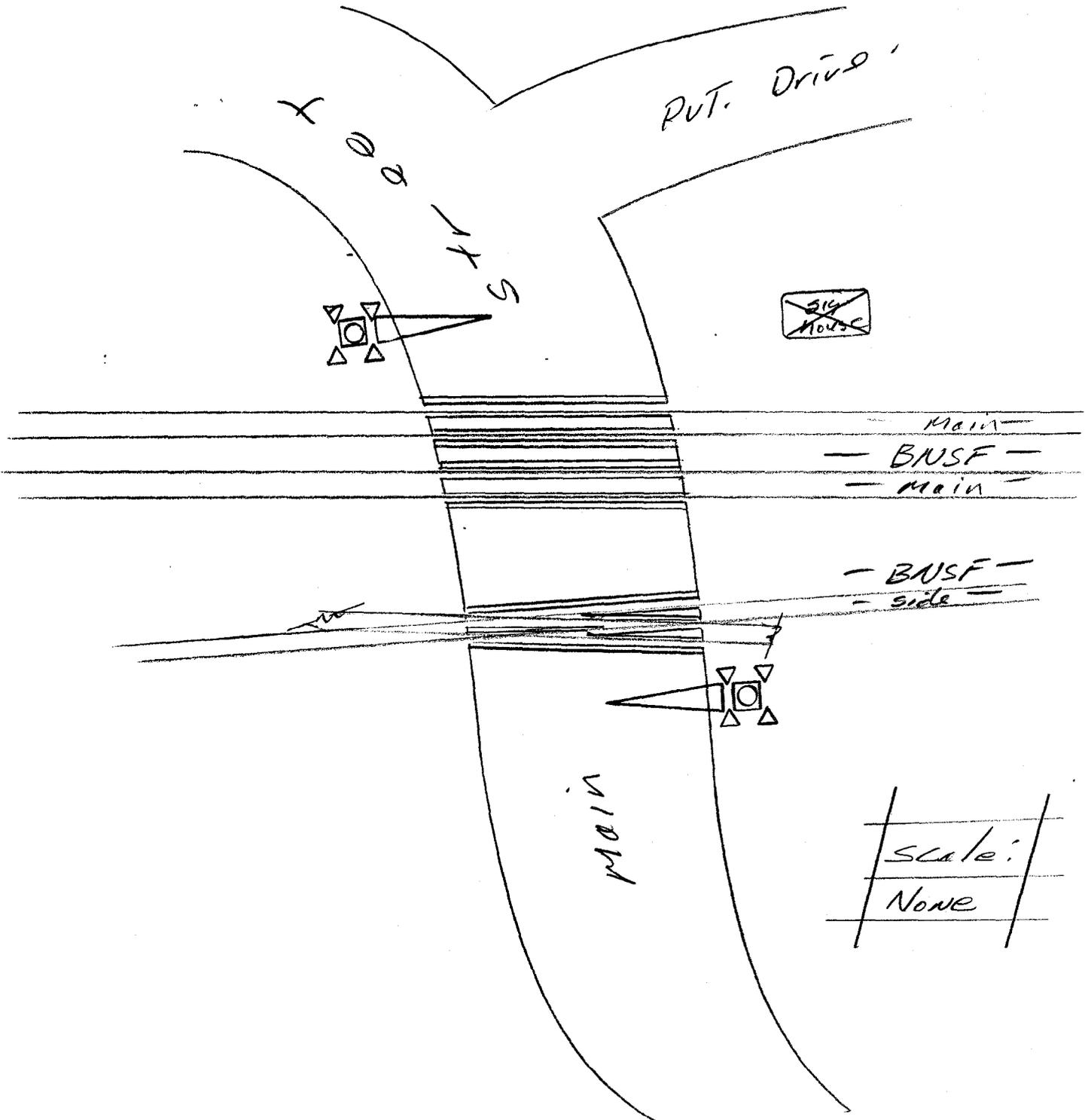
Track Centers	Elevation	Track	Type	Width	Condition
		Main	FDT	24'	Fair
<u>14'-0"</u>	<u>Level</u>				
		Main	FDT	24'	Fair
<u>21'</u>	<u>Level</u>				
		Side	FDT	24'	Fair ↔ Poor

Intersecting Roads 100' None 200' None
 Traffic Control Devices Present None
 ADT 225 Speed posted 30mph. Statewide Yes
 Schoolbuses Yes Hazardous Materials Yes Other
 Rail Traffic: Ft. 40 @ 70 mph Pass. 2 @ 79 mph Switch
 Simultaneous Movements Yes Daylight and Dark Yes
 Present Protection AFLS/Gates

Advance Warning Signs Yes Pavement Marking No

H/ Sketch of Crossing

H/



~~SIG~~
~~None~~

— Main —
— BNSF —
— Main —

— BNSF —
— side —

Scale:
None

BNSF

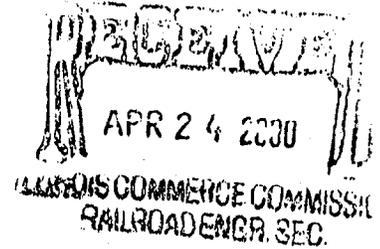
CHERYL TOWNLIAN

Project Engineer

Burlington Northern Santa Fe

3253 E. Chestnut Exp.
Springfield, MO 65742Phone: (417) 864-2154
Fax: (417) 864-2498

April 20, 2000

Henry Humphries
Railroad Safety Specialist
Illinois Commerce Commission
P.O. Box 19280
Springfield, IL 62794-9280

Dear Mr. Humphries,

Regarding the crossing circuitry upgrades that extend from Niota to Galesburg on the Chillicothe Subdivision of the Burlington Northern and Santa Fe Railway lines.

Per your request, we are submitting herewith copy of our preliminary estimate of cost to upgrade the existing circuitry to Constant Warning Time, as determined by our field investigation back in February of this year.

If we can be of further assistance or if additional information is needed, please do not hesitate to contact us.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Cheryl Townlian".

Cheryl Townlian

Cc: Rob Millinder
A. J. Lehman

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

LOCATION - DALLAS CITY

DETAILS OF ESTIMATE

PURPOSE, JUSTIFICATION AND DESCRIPTION

CHANGES AT MAIN ST., LOMAX, IL. DOT 004741A WITH NEW BUNGALOW, CONSTANT WARNINGS, BATTERIES, CHARGERS, RELAYS, TERMINATIONS, ETC.

THE ATTACHED MATERIAL LIST REFLECTS TYPICAL, REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE.

THEY CAN BE EXPECTED TO CHANGE AFTER ENGINEERING PROCESS, DETAIL AND ACCURATE MATERIAL LIST 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 DUE TO COST FOR MATERIAL, LABOR, AND OVERHEADS.

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

THE STATE OF ILLINOIS TO PAY 100%.

THIS ESTIMATE IS VALID ONLY IF THE WORK AT FS RT 522 IS DONE IN CONJUNCTION WITH THIS PROJECT.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,107	
SIGNAL FIELD LABOR	672.00	MH	14,740	
SIGNAL SHOP LABOR	64.00	MH	1,264	
PAYROLL ASSOCIATED COSTS			10,572	
EQUIPMENT EXPENSES			3,113	
SUPERVISION EXPENSES			11,618	
PERDIEM EXPENSES			5,460	
INSURANCE EXPENSES			2,566	
TOTAL LABOR COST			50,440	50,440

MATERIAL				

BATTERY & CHARGERS	1.00	EA	5,800	
BUNGALOW 6X6 PER SKR101	1.00	EA	5,182	
BUNGALOW MATERIAL	1.00	EA	5,963	
FIELD MATERIAL	1.00	EA	2,267	
HXP-PM03R2 W/RSI & RMM	1.00	EA	19,975	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
MISC. MATERIAL	1.00	EA	1,000	
TERMINATIONS, FSS-2A	4.00	EA	2,200	
TRACK WIRE	1.00	LS	1,700	
TUNED JOINT COUPLERS	4.00	EA	3,000	
VIGILANT RECORDER	1.00	EA	1,660	
STORE EXPENSES			1,236	
USE TAX			3,213	
OFFLINE TRANSPORTATION			627	
TOTAL MATERIAL COST			55,323	55,323

OTHER				

CONTRACT ENGR.	1.00	EA	6,000	
DIRECT SHIPPING	1.00	LS	1,300	
TOTAL OTHER ITEMS COST			7,300	7,300
PROJECT SUBTOTAL				113,063
CONTINGENCIES				11,306
BILL PREPARATION FEE				622
GROSS PROJECT COST				124,991
LESS COST PAID BY BNSF				0
TOTAL BILLABLE COST				124,991

BNSF



CHERYL TOWNLIAN

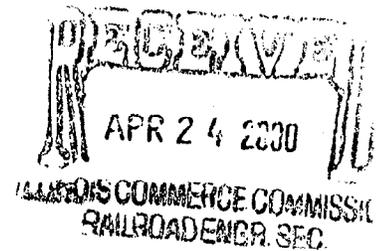
Project Engineer

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