

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1273

T07-0044

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 ("BNSF" or "Company"), Otter Creek 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 correspondence from the Road District that inquiry should be made into the matter of improving public safety at the East 23rd Road/TR 382A highway-rail grade crossing of the Company's track near the City of Ransom, LaSalle County, designated as crossing (AAR/DOT #004 469C; railroad milepost 83.31-ATSFM); and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by 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 crossings upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the promises 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 ("Fund") 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 improvements in the interest of public safety at the aforesaid crossings should be:

DOCKETED

- (a) Vacation of E 23rd Road/TR 382A highway-rail grade crossing of the Company's track, by the Road District.
- (b) Installation of temporary Type-III barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices, by the Company.
- (c) Removal of the existing grade crossing surface and passive warning signs at the existing E 23rd Road [TR 382A] highway-rail grade crossing, by the Company.
- (d) Installation of permanent barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices, by the Company.
- (e) Payment as detailed *infra* from the Grade Crossing Protection Fund to the Road District for voluntary closure of the E 23rd Road [TR 382A] highway-rail grade crossing, by IDOT.

Section 3 The Road District shall pass a local ordinance vacating East 23rd Road/TR 382A, with a stipulation that final vacation of the roadway shall not take place until a Commission Order has been issued authorizing an incentive payment from the Grade Crossing Protection Fund for closure of the East 23rd Road/TR 382A highway-rail grade crossing. Following passage of the local vacation ordinance, the Company shall erect temporary barricades to prevent vehicular access to the East 23rd Road/TR 382A crossing. The temporary barricades shall be erected by the Company within three (3) business days from the date the vacation ordinance was passed by the Road District. The Company will be responsible for all costs to erect and maintain the temporary barricades.

Section 4 The Company shall upon Order, according to the requirements contained therein, remove the crossing surface and passive warning signs at the East 23rd Road/TR 382A highway-rail grade crossing. The work shall be completed within sixty (60) days after the Company receives a copy of the Order. BNSF shall provide all parties with notice that the work has been complete within five (5) days of completion.

The Company shall upon Order, according to the requirements contained therein, install permanent barricades on both sides of the East 23rd Road/TR 382A grade crossing at the Company's right of way (ROW) limits. The work shall be completed within thirty (30) days after the Company receives a copy of the Order. The Company shall provide all parties with notice that the work has been complete within five (5) days of completion.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	ROAD DISTRICT	COMPANY	IDOT
Vacate E 23 rd Road [TR 382A] by Local Ordinance.	No Estimate Required	\$0	100%	\$0	\$0
Remove existing crossing surfaces, warning signs and erect Temporary Barricades at the E 23 rd Road [TR 382A] grade crossing.	No Estimate Required	\$0	\$0	100% ²	\$0
Install permanent barricades at the E 23 rd Road [TR 382A] grade crossing.	No Estimate Required	\$0	\$0 ⁴	\$100 ³	\$0
Provide Grade Crossing Protection Fund Incentive Payment for Voluntary Closure of the E 23 rd Road [TR 382A] grade crossing.	\$50,000	100% ¹ (\$50,000)	\$0	\$0	\$0
Provide Incentive Payment for Voluntary Closure of the E 23 rd Road [TR 382A] grade crossing.	\$7,500	\$0	\$0	100% \$7,500	\$0
Provide Matching Federal Closure Incentive Payment for Voluntary Closure of the E 23 rd grade Crossing.	\$7,500	\$0	\$0	\$0	100% \$7,500 ⁵
TOTALS	\$65,000	\$50,000	\$00.00	\$7,500	\$7,500

[Totals do not reflect costs where no estimates were provided.]

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) payment not to exceed \$50,000 for the Township's voluntary closure of the East 23rd Road/TR 382A crossing.

² The Company shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the East 23rd Road/TR 382A highway-rail grade crossing.

³ The Company shall bear all cost of installing the permanent barricades.

⁴ The Road District shall be responsible for all costs associated with maintaining the permanent barricades.

⁵ Upon closure of the East 23rd Road/TR 382A crossing the Road District shall submit a request to the Department for the \$7,500 federal voluntary crossing closure incentive payment; the Department shall issue the payment within 60 days of the date of a Commission Order issued subsequent to execution of this Agreement (see Section 7 of the Agreement).

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 attached and incorporated herein by reference as Exhibit B.

Section 7 Special Provisions: The Road District shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the roadways have been vacated. The Road District shall submit the vacation ordinance to all parties, via registered mail, at the same time as the Execution Page of this Agreement is submitted to the Commission.

Within sixty (60) days from receipt of the Township's notification that the road has been closed, the Department shall issue a check in the amount of \$50,000 to the Township as

payment from the Grade Crossing Protection Fund. The Township's Highway Commissioner shall work with the LaSalle County Engineer to assure that the check is deposited into the Township's Motor Fuel Tax Account. The Department shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone. The Township may use the GCPF payment for any purpose that meets IDOT's requirements for permissible uses of Motor Fuel Tax Funds.

Upon closure of the E 23rd Road crossing, the Company shall make a payment in the amount of \$7,500 to the Road District.

The Illinois Department of Transportation shall utilize \$7,500 in federal funds to match the Company's incentive payment to the Road District. Eligibility for the Department's \$7,500 payment to the Road District is based on the requirement that the authorization of the \$7,500 by the Federal Highway Administration (FHWA) shall be approved prior to the actual closure of the E 23rd Road crossing. If closure of the crossing takes place prior to federal authorization, the Department will not participate in, nor will it be responsible for the \$7,500 funding as proposed. The Department shall notify the Commission, the Road District and the Company of the FHWA approval or disapproval, within thirty (30) days of the execution of an Order approving this agreement. Notification may be by regular mail, electronic mail, or facsimile. The \$7,500 payment by the Department shall be used by the Road District for a roadway safety related expense.

Upon receipt of the Commission Order, the Company shall remove the crossing surfaces and passive warning devices at the E 23rd Road highway-rail grade crossing. The Company shall install permanent barricades at the Company's ROW line. The permanent barricades shall conform to the requirements of 92 Illinois Administrative Code, Part 1535.701, and the Manual on Uniform Traffic Control Devices. The Road District shall install the appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. All barricades and warning signs are to be maintained by the Road District.

The Company and the Road District shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits C and C1, along with this executed Agreement.

The Company and the Road District 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 Exhibits C and C1, 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 and the Road District Project Manager.

The Company had agreed to provide, at its cost, repair and maintenance to the East 20th Road [DOT 004 475F, MP 86.39-ATSM] rail highway crossing of the Company's tracks

consisting of replacement of the ballast approaches with crushed aggregate, resurfacing of the crossing panels, and asphalt paving of the crossing approaches as necessary.

Upon closure of the E 23rd Road crossing, and subject to the conditions and requirements set forth in this Agreement, the Road District shall submit its request for the \$7,500 federal voluntary crossing closure incentive payment to the Department's Region 2, District 3 Office at the following address: George Ryan, Region Engineer, Attn: Kenneth Lang, Engineer of Local Roads and Streets, 700 East Norris Drive, Ottawa, Illinois 61350. The request for payment shall include the location and ICC Order number, as well as the following information: **Section 07-27129-00-RR; Project # RRP-099(34); Job # C- 93-052-07.**

Upon receipt of the request for payment for the \$7,500 incentive payment from the Road District, IDOT's Region 2, District 3 Bureau of Local Roads and Streets shall prepare an invoice to be submitted to the Fiscal Control Unit in the Central Bureau of Local Roads and Streets for payment to the Road District. Payment shall be issued within 60 days of a Commission Order issued subsequent to execution of this Agreement (see cost division notes).

Section 8 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.

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 4th day of May 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1273, executed by Commission Staff on May 4, 2007, concerning improvements at the East 23rd Road/TR382A highway-rail grade crossing of the BNSF Railway Company's tracks, near Ransom, LaSalle County, designated as crossing AAR/DOT # 004 469C, railroad milepost 83.31-ATSFM.

Executed by the BNSF Railway Company this 10th day of MAY 2007.

BNSF RAILWAY COMPANY

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement 1273, executed by Commission Staff on May 4, 2007, concerning improvements at the East 23rd Road/TR382A highway-rail grade crossing of the BNSF Railway Company's tracks, near Ransom, LaSalle County, designated as crossing AAR/DOT # 004 469C, railroad milepost 83.31-ATSFM.

Executed by Otter Creek Township Road District this 14 day of May 2007.

OTTER CREEK TOWNSHIP ROAD DISTRICT

By: Edward T Bedeker
Road Commissioner

Attest:

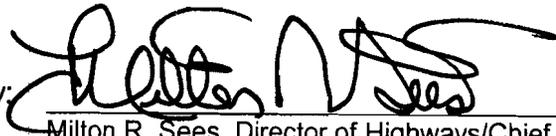
Jan C. Wendel
Supervisor

Illinois Commerce Commission Stipulated Agreement 1273, executed by Commission Staff on May 4, 2007, concerning improvements at the East 23rd Road/TR382A highway-rail grade crossing of the BNSF Railway Company's tracks, near Ransom, LaSalle County, designated as crossing AAR/DOT # 004 469C, railroad milepost 83.31-ATSFM.

Executed by the Illinois Department of Transportation this 5th day of June 2007.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:

A handwritten signature in black ink, appearing to read "Milton R. Sees", written over a horizontal line.

Milton R. Sees, Director of Highways/Chief Engineer

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	004 469C, 83.31-ATSFM
STREET, CITY, COUNTY	E 23 rd Road [TR382A] near Ransom, LaSalle County
JURISDICTION (RDWY)	Otter Creek Township
LOCATION	Rural, Commercial
STREET SURFACE	15' Gravel, Fair>Poor Condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
N Main	Timber	24'	Fair>Poor
S Main	Timber	24'	Fair>Poor

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	25 Vehicles Per Day @ 55 MPH (unposted)
TRAFFIC TYPE	Local
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	66 Per day @ 70 MPH, Day & Night? Yes
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	70	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	518	FEET
Along Tracks	755	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,681	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*		Ok*	
NW	Ok*		Ok*	
SE	Ok*		Ok*	
SW	Ok*		Ok*	

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

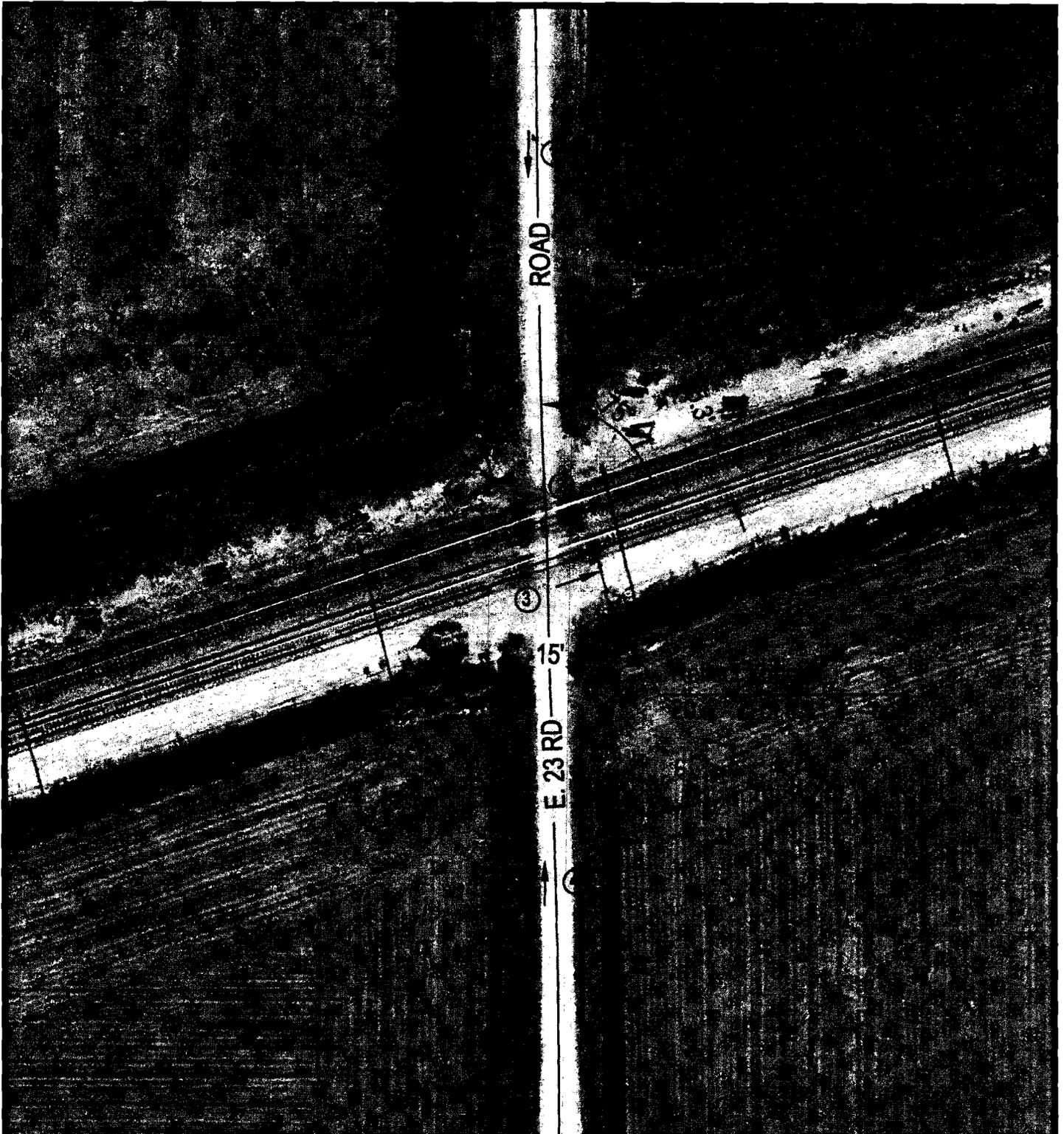
APPROACH GRADES: See Location Sketch

DIRECTION: EAST/NORTH			DIRECTION: WEST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
See	Page	3	of	Exhibit	A

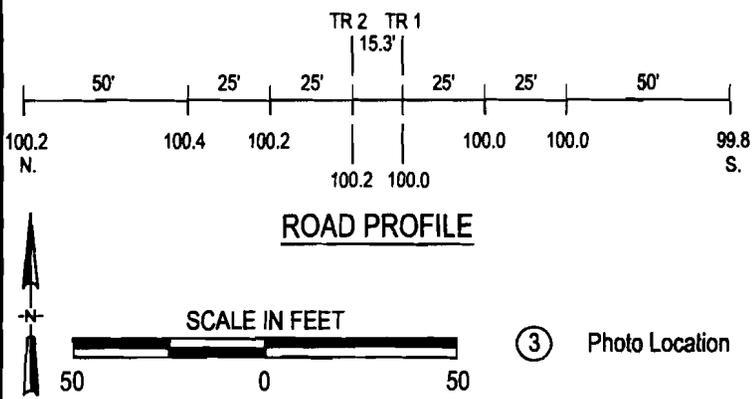
Distance measured from outermost rail.

COMMENTS: See Page 3 for an Aerial View (Location Sketch) of the crossing.

* NOTE: Adjacent Farm Fields were bare and snow covered at time of inspection.



J:\LASALLE\004469C\004469C.DWG 03/02/01 08:49 B.B



Crossing #: 004469C
 Location: LaSalle Co., City of Ransom (N)
 Lat/Long: 41°08'44" / 88°43'16"
 Railroad: BNSF
 Street: East 23rd Road
 Railroad Milepost: 83.31
 Crossing Protection: Signs

H²

RECEIVED
APR 25 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

GERALD A. DRENDEL
Attorney at Law

**511 E. Main St.
Streator, IL 61364
815/673-4344
Fax: 815/672-0101
Email: drendel.law@mchsi.com**

April 23, 2007

Mr. Henry Humphries
Rail Safety Program Administrator
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

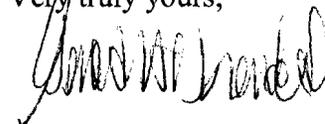
RE: DOT #004 469C, TR 382
MP 83.31, LS 7000
Otter Creek Township, LaSalle
County, Illinois

Dear Mr. Humphries:

Otter Creek Township wishes to notify the Illinois Commerce Commission that an agreement has been entered into between Otter Creek Township and BNSF covering the removal of the above crossing and the repairs to be completed at East 20th Road (DOT #004 475F, LS 7000, MP 86.39). Enclosed is a certified copy of an ordinance authorizing vacation of East 23rd Road highway-rail grade crossing of the Burlington Northern Santa Fe track. A copy of the agreement between Otter Creek Township and Burlington Northern Santa Fe is also enclosed.

Thank you in advance for your attention to this matter and if you have any questions or desire further information, please do not hesitate to contact us.

Very truly yours,



GERALD A. DRENDEL

GAD/lw
Encs.

TOWNSHIP OF OTTER CREEK

LASALLE COUNTY, ILLINOIS

ORDINANCE NO. 2006 -3A

AN ORDINANCE CALLING FOR THE CLOSING OF RAILROAD CROSSING LOCATED ON TR 382 (USDOT #004469C, LS 7000, MP 83.31) IN THE TOWNSHIP OF OTTER CREEK, LASALLE COUNTY, ILLINOIS

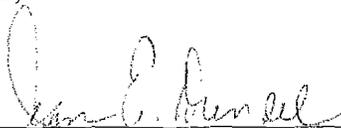
WHEREAS, BNSF Railway Company and the Township of Otter Creek, Illinois, have joined together to consolidate redundant and unnecessary street/railroad crossings; and

WHEREAS, the Township of Otter Creek, Illinois, met in regular session on Monday, April 9, 2007 and there discussed and approved the railroad crossing closure at TR 382 (USDOT #004469C, LS 7000, MP 83.31) in the Township of Otter Creek, Illinois;

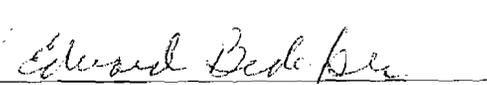
NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE TOWNSHIP OF OTTER CREEK, ILLINOIS, that TR 382 (USDOT #004469C, LS 7000, MP 83.31) crossing be permanently closed to vehicular traffic and vacated at the time of the receipt of a stipulated order from the Illinois Commerce Commission and at the time BNSF Railway Company places appropriate end-of-road treatment on both of the roadway approaches and subject to receipt of all incentives applied for from BNSF Railway Company and federal and state sources, and further subject to BNSF Railway Company providing repair and maintenance to the East 20th Road (DOT #004475F, MP 86.39) crossing as promised by BNSF Railway Company.

BE IT FURTHER RESOLVED, that Jean E. Drendel, Supervisor, and Edward Bedeker, Road Commissioner, are hereby authorized to execute any and all documents, including a stipulated request for an order from the Illinois Commerce Commission, necessary to effectuate the voluntary closure as aforesaid.

Passed and approved this 9th day of April, 2007.



JEAN E. DRENDEL, Supervisor



EDWARD BEDEKER, Road Commissioner

ATTEST: 

SA 1273



Craig N. Rasmussen, P.E.
Manager Public Projects

BNSF Railway Company

80-44th Avenue N.E.
Minneapolis, MN 55421

Telephone: 763-782-3468

Fax: 763-782-3061

April 16, 2007

Mr. Gerald A. Drendel
511 East Main Street
Streator, IL 61364

**RE: DOT #004 469C, TR 382
MP 83.31, LS 7000 (Chillicothe Sub)
Otter Creek Township, LaSalle County, Illinois**

Dear Mr. Drendel:

Enclosed is one fully-executed agreement between BNSF and Otter Creek Township covering the removal of the above crossing and also the repairs to be completed at East 20th Road (DOT #004 475F, LS 7000, MP 86.39).

I am sending a courtesy copy of this agreement to the Illinois Commerce Commission and ask that upon receipt of this agreement you also advise the Commission of such. At that time, the ICC will prepare a stipulated agreement to allow for the work to proceed and the Township to receive the payments from both the State and BNSF.

Please feel free to contact me if I can be of assistance or if you have any questions.

Sincerely,
BNSF Railway Company

A handwritten signature in cursive script that reads "Craig N. Rasmussen".

Craig N. Rasmussen, P.E.
Manager Public Projects

File: 004 469C, 004 475F

cc: Henry Humphries, ICC

AGREEMENT FOR
RAILROAD HIGHWAY GRADE CROSSING CLOSURE OF
TR 382 (USDOT #004 469C, LS 7000, MP 83.31),
CHICAGO DIVISION, CHILLICOTHE SUBDIVISION,
OTTER CREEK TOWNSHIP, LA SALLE COUNTY, ILLINOIS

THIS AGREEMENT, ("Agreement") made and entered into by and between BNSF RAILWAY COMPANY, hereinafter referred to as the "Railroad", and the TOWNSHIP OF OTTER CREEK, ILLINOIS, hereinafter referred to as the "Township".

WITNESSETH:

WHEREAS, elimination of grade crossings by closing of roads includes the abandonment and permanent vacating of roadway right-of-ways across the Railroad right-of-way; and

WHEREAS, the Railroad agrees to pay the Township the lump-sum of Seven Thousand Five Hundred Dollars and no cents (\$7,500.00) as incentive to improve highway-rail grade crossing safety by eliminating the TR 382 (USDOT #004 469C, LS 7000, MP 83.31) grade crossing; and

WHEREAS, the Railroad agrees to provide repair and maintenance to the East 20th Road (DOT #004 475F, LS 7000, MP 86.39) grade crossing consisting of replacement of the ballast approaches with crushed aggregate, resurfacing of the crossing panels, and asphalt paving of the crossing approaches as necessary; and

WHEREAS, the Railroad will provide and install temporary barricades within five (5) days from the date the Railroad receives an Illinois Commerce Commission order providing for closure and permanent barricades at the TR 382 (USDOT #004 469C, LS 7000, MP 83.31) grade crossing, to be located off the Railroad's right-of-way; and

WHEREAS, the Township will own and maintain the permanent barricades at the TR 382 (USDOT #004 469C, LS 7000, MP 83.31) grade crossing; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, the goodness and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

SECTION 1: The Township shall submit to the railroad a completed and signed Township Closure Ordinance form and shall execute this agreement after said submittal.

SECTION 2: The Railroad shall install, at a location off of Railroad right-of-way and property, temporary barricades across the entire width of the roadway at the TR 382 (USDOT #004469C, LS 7000, MP 83.31) grade crossing within five (5) days from the date of the Railroad's execution of this Agreement and such barricades will remain until the permanent barricades are installed. The Township consents to the placement of the temporary barricades on Township property.

SECTION 3: The Township shall submit an application for the closure of the TR 382 (USDOT #004469C, LS 7000, MP 83.31) grade crossing to the Illinois Commerce Commission within fifteen (15) days from the date the Township receives a fully executed agreement from Railroad.

SECTION 4: The Township shall permanently close and vacate the TR 382 (USDOT #004469C, LS 7000, MP 83.31) grade crossing, and easements across the Railroad's property within thirty (30) days from the date of the Illinois Commerce Commission Order.

SECTION 5: The Railroad shall install permanent barricades, at a location off of Railroad right-of-way and property, within thirty (30) days from the date of the Illinois Commerce Commission Order. The Township consents to the placement of the permanent barricades on Township property.

SECTION 6: The Township will submit a written statement to the Railroad confirming actions taken by the Township per Section 4 above, and will submit this statement to the Railroad by no later than thirty (30) days following the date of the Illinois Commerce Commission Order.

SECTION 7: The Railroad agrees to remove the railroad crossing surface and warning devices and remove the approaches within the Railroad right of way at the TR 382 (USDOT #004469C, LS 7000, MP 83.31) grade crossing.

SECTION 8: The Railroad hereby agrees to pay the Township the lump-sum of Seven Thousand Five Hundred Dollars and no cents (\$7,500.00) upon the Township completing items set forth in Sections 1, 3 4 and 6 above, and Railroad agrees to provide repair and maintenance to the East 20th Road (DOT #004 475F, LS 7000, MP 86.39) crossing consisting of replacement of the ballast approaches with crushed aggregate, resurfacing of the crossing panels, and asphalt paving of the crossing approaches as necessary.

SECTION 9: The Township agrees to install and maintain appropriate advanced warning signs for all temporary and permanent barricades.

SECTION 10: The Township agrees to own and maintain all said permanent barricades.

SECTION 11: The Township agrees, by the above consideration received that the TR 382 (USDOT #004469C, LS 7000, MP 83.31) grade crossing will remain forever closed and will not be re-opened by the Township.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as the dates below indicated.

EXECUTED by the Railroad this 16th day of April, 2007

BNSF RAILWAY COMPANY

By: Signature: Craig N. Rasmussen

Printed Name: Craig N. Rasmussen, P.E.

Title: Manager, Public Projects

EXECUTED by the Township this 7th day of April, 2007

TOWNSHIP OF OTTER CREEK, ILLINOIS

By: Signature: Jean E. Drendel

Printed Name: Jean E. Drendel

Title: Supervisor



ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1273

Date May 14, 2007

The Otter Creek Township Road District Board meeting on 5-14-07,
(Date)

Resolved to authorize Jan E. Wendel Supervisor
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Otter Creek Township Road District is financially willing and able to pay a portion of the cost for the proposed improvements as outlined in Section 2 of this Agreement.

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: Install AFLS/Gates.

PROGRESS	
COMPLETION ¹	

DATE	6-7-07
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PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	T07-0044
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	004 469C, 83.31-ATSFM
Street, (in/near) City, County:	E 23 rd Road [TR-382A] near Ransom, LaSalle County
Railroad Company:	BNSF

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

PROJECT MANAGER INFORMATION²:

Name:	Craig Rasmussen
Title:	Public Project Engineer
Representing:	BNSF Railway Company
Street Address:	80-44 th Avenue N. E.
City, State, Zip:	Minneapolis, MN 55421
Office Phone:	763/839-0672
Office Fax:	763/782-3061
Cellular Phone:	612/839-0672
E-Mail Address:	Craig.rasmussen@bnsf.com

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

DESCRIPTION OF IMPROVEMENTS ORDERED:

- Close abolish and install temporary and permanent barricades.
- Remove crossing surfaces and warning devices

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: humphri@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	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION ¹	<input type="checkbox"/>

DATE	6-7-07
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PROJECT INFORMATION:

Reporting Party:	Otter Creek Township Road District
Docket/Order #; Date:	T07-0044
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	004 469C, 83.31-ATSFM
Street, (in/near) City, County:	E 23 rd Road/TR382A near Ransom, LaSalle County
Railroad Company:	BNSF

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

PROJECT MANAGER INFORMATION²:

Name:	Ed Bedeker
Title:	Road Commissioner
Representing:	Otter Creek Township Road District
Street Address:	1502 E. Morrell Street
City, State, Zip:	Streator, IL 61364
Office Phone:	815-712-2084
Office Fax:	815-672-0101
Cellular Phone:	
E-Mail Address:	

²Project Manager information to be submitted by Otter Creek Township Road District

DESCRIPTION OF IMPROVEMENTS ORDERED:

- Close abolish and install temporary and permanent barricades.
- Remove crossing surfaces and warning devices

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

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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April 30, 2007

Mr. Michael E. Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

Letter of Request

Dear Mr. Stead:

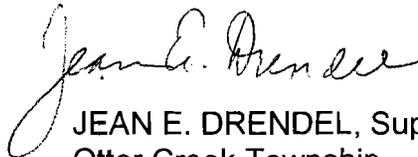
Otter Creek Township requests consideration for a crossing closure incentive payment from the Grade Crossing Protection Fund. Otter Creek Township has recently agreed to voluntarily vacate East 23rd Road highway-rail grade crossing of Burlington Northern Santa Fe's track.

Otter Creek Township recently approved an agreement with Burlington Northern Santa Fe that calls for the voluntary closure and vacation of East 23rd Road highway-rail grade crossing of Burlington Northern Santa Fe's track. The agreement is conditional on Commission approval of Otter Creek Township's request for crossing closure incentive payment from the Grade Crossing Protection Fund. A copy of the agreement between Otter Creek Township and Burlington Northern Santa Fe is enclosed.

By way of this letter, Otter Creek Township is formally requesting that the Illinois Commerce Commission's Rail Safety Section prepare a stipulated agreement for closure of the aforementioned crossing(s), which will lead to the submission of an Order to the Commission authorizing permanent closure of the subject crossing and approval of the Grade Crossing Protection Fund incentive payment to Otter Creek Township.

Thank you in advance for your attention to this matter and if you have any questions or desire further information, please do not hesitate to contact us.

Sincerely,



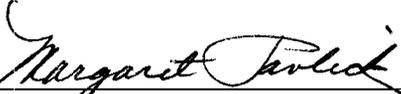
JEAN E. DRENDEL, Supervisor
Otter Creek Township

Enclosures

THE UNDERSIGNED hereby certifies that the attached is a true and correct copy of
Otter Creek Township Ordinance No. 2006-3A passed and approved at the meeting of the Otter
Creek Township Board of Trustees on April 9, 2007.

Date: 5/14/07

OTTER CREEK TOWNSHIP

BY: 
MARGARET PAVLICK
Town Clerk

TOWNSHIP OF OTTER CREEK

LASALLE COUNTY, ILLINOIS

ORDINANCE NO. 2006 -3A

AN ORDINANCE CALLING FOR THE CLOSING OF RAILROAD CROSSING LOCATED ON TR 382 (USDOT #004469C, LS 7000, MP 83.31) IN THE TOWNSHIP OF OTTER CREEK, LASALLE COUNTY, ILLINOIS

WHEREAS, BNSF Railway Company and the Township of Otter Creek, Illinois, have joined together to consolidate redundant and unnecessary street/railroad crossings; and

WHEREAS, the Township of Otter Creek, Illinois, met in regular session on Monday, April 9, 2007 and there discussed and approved the railroad crossing closure at TR 382 (USDOT #004469C, LS 7000, MP 83.31) in the Township of Otter Creek, Illinois;

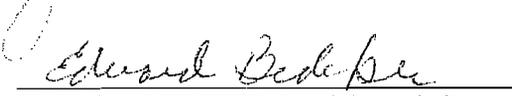
NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE TOWNSHIP OF OTTER CREEK, ILLINOIS, that TR 382 (USDOT #004469C, LS 7000, MP 83.31) crossing be permanently closed to vehicular traffic and vacated at the time of the receipt of a stipulated order from the Illinois Commerce Commission and at the time BNSF Railway Company places appropriate end-of-road treatment on both of the roadway approaches and subject to receipt of all incentives applied for from BNSF Railway Company and federal and state sources, and further subject to BNSF Railway Company providing repair and maintenance to the East 20th Road (DOT #004475F, MP 86.39) crossing as promised by BNSF Railway Company.

BE IT FURTHER RESOLVED, that Jean E. Drendel, Supervisor, and Edward Bedeker, Road Commissioner, are hereby authorized to execute any and all documents, including a stipulated request for an order from the Illinois Commerce Commission, necessary to effectuate the voluntary closure as aforesaid.

Passed and approved this 9th day of April, 2007.



JEAN E. DRENDEL, Supervisor



EDWARD BEDEKER, Road Commissioner

ATTEST: 