

ORIGINAL

STATE OF ILLINOIS  
BEFORE THE  
ILLINOIS COMMERCE COMMISSION

OREGON TOWNSHIP ROAD DISTRICT, )  
OGLE COUNTY, ILLINOIS )  
Petitioner, )

vs. )

No. T06-0103

BNSF RAILWAY COMPANY )  
and THE ILLINOIS DEPARTMENT OF )  
TRANSPORTATION, )

Respondents. )

Petition for the construction of a )  
new grade separation to replace the )  
existing Burlington Rd highway-rail )  
grade separation (AARDOT #069-829D) )  
of the BNSF Railroad Company )  
located near Oregon, Ogle County, )  
Illinois, )

**RECEIVED**

JUL 24 2007

Illinois Commerce Commission  
RAIL SAFETY SECTION

**PETITION FOR SUPPLEMENTAL ORDER**

TO THE ILLINOIS COMMERCE COMMISSION:

The Petitioner, Oregon Township Road District (County of Ogle), respectfully represent to the Illinois Commerce Commission the following:

1. On November 15, 2006, November 20, 2006, November 25, 2006 and December 4, 2006, the Staff of the Illinois Commerce Commission, BNSF Railway Company, Oregon Township Road District, and the Illinois Department of Transportation, respectively, executed the Stipulated Agreement 1244 according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law. The Stipulated Agreement provides for safety improvements at the Burlington Road highway-rail grade separation of the BNSF Railway Company's track near Oregon, Ogle

**DOCKETED**

JUL 24 2007

County, Illinois, designated as crossing AAR/DOT #069 829D, railroad mile post 101.74.

2. Upon consideration being given to Stipulated Agreement 1244, Order T06-0103 was entered by the Commission in the referenced matter on December 20, 2006.
3. Stipulated Agreement 1244 included Exhibit B, (Illinois Commerce Commission) Estimate of Cost, dated August 1, 2006 and November 3, 2006. Such Estimate of Cost is attached herein as Exhibit B.
4. Upon receipt of competitive bids by qualified bidders for the construction of the grade separation, and award of the contract to the lowest responsible bidder, the awarded contract price of the construction was more than 20% higher than the Engineer's Estimate of Cost.
5. This unusual circumstance being caused by inflationary trends in construction prices would permit a modified "(Illinois Commerce Commission) Estimate of Cost" for the project. See Attachment A for a "Modified (Illinois Commerce Commission) Estimate of Cost". The only portion of this modified estimate of cost needing to be adjusted from Exhibit B are the construction pay items resulting in a new project cost estimate of \$795,691.
6. Stipulated Agreement 1244, Section 5, provided for an agreed equitable division of cost. Based upon the Modified (Illinois Commerce Commission) Estimate of Cost in part 5 above, a modified Cost Division Table is proposed:

-MODIFIED COST DIVISION TABLE-

IMPROVEMENT	EST. COST	GCPF*	ROAD DISTRICT**	COMPANY
Demolish and Remove the existing structure; Construct a new Overpass Bridge	\$795,691	60% \$477,415	Balance \$150,778	\$167,498
TOTALS	\$795,691	\$477,415	\$150,778	\$167,498

\* Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$477,415.

\*\* Road District to be responsible for all future maintenance costs associated with the new bridge.

7. Order T03-01030 provided that "any eligible project costs above the estimated amount of \$676,281 will be divided between the GCPF and the parties in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission."
8. Approval of this Petition for a Supplemental Order in its submitted form by the Commission would only increase the Grade Crossing Protection Fund (GCPF) participation in the project from the original \$405,769 to the modified amount of \$477,415.

WHEREFORE, Petitioners and BNSF pray that the Illinois Commerce Commission approve the MODIFIED COST DIVISION TABLE for the Project referenced in paragraph 6 above.

Respectfully submitted,

THE OREGON TOWNSHIP ROAD DISTRICT, OGLE  
COUNTY

By: Timothy



**MODIFIED (Illinois Commerce Commission) Estimate of Cost**

Location and brief description (Sta. and land description of beginning; Sta. only for end for county and road districts; street limits for municipality.)  
 Beginning at Sta. 50+00, a point near the center of Section 7, Township 23 North, Range 10 East of the  
 4th P.M. and extending northerly to Sta. 57+25

Total Project Length	725 feet
Net Length	725 feet

Surface Type	Agg
Width	20'

Shoulder Type	Earth
Width	3'

Bridge or Culvert	
Length	128'-2"
Width	26'

Item Number	Items	Unit	Quantity	Unit Price	Total Cost
	CARRIED FORWARD				
	EARTH EXCAVATION	CU YD	1,075.00	26.00	27950.00
	TREE REMOVAL	ACRE	0.39	12820.51	5000.00
	SEEDING, CLASS 2 (SPECIAL)	ACRE	0.90	2666.67	\$2400.00
	STRUCTURE EXCAVATION	CU YD	40.00	110	\$4400.00
	AGGREGATE SURFACE COURSE, TYPE B	TON	850.00	14	11900.00
	REMOVAL OF EXISTING STRUCTURE	EACH	1.00	1	1.00
	CONCRETE SUPERSTRUCTURES	CU YD	115.00	900.00	\$103,500.00
	CONCRETE STRUCTURES	CU YD	67.50	1000	67500.00
	PROTECTIVE COAT	SQ YD	424.00	2	848.00
	PRECAST PRESTRESSED BULB - T 72"	FOOT	506.00	380	192280.00
	FURNISHING AND ERECTING	POUND	7,051.00	5	35255.00
	STRUCTURAL STEEL				
	HARDWARE	POUND	1040.00	7	7280.00
	REINFORCEMENT BARS, EPOXY COATED	POUND	27,000.00	1.65	44550.00
	BRIDGE DECK GROOVING	SQ YD	360.00	14	5040.00
	STEEL RAILING, TYPE S-1	FOOT	256	89	22784.00
	FURNISHING STEEL PILES HP10X42	FOOT	230.00	105	24150.00
	DRIVING STEEL PILES	FOOT	230.00	10	2300.00
	TEST PILE STEEL HP10X42	EACH	2.00	2000	4000.00
	STEEL SHEET PILING	SQ FT	891	40	35640.00
	NAME PLATES	EACH	1.00	500	500.00
	ELASTOMERIC BEARING ASSEMBLY, TYPE 1	EACH	4.00	1400	5600.00
	TRAFFIC BARRIER TERMINAL, TYPE 5A	EACH	4.00	250	1000.00
	TRAFFIC BARRIER TERMINAL, TYPE 1	EACH	2.00	2500	5000.00
	NEOPRENE EXPANSION JOINT 2"	FOOT	36.00	125	4500.00
	TERMINAL MARKERS	EACH	2.00	30	60.00
	RAILROAD PROTECTIVE LIABILITY INS.	L SUM	1.00	15,000.00	\$15,000.00
	PIPE CULVERTS, TYPE 1, CLASS D 15" DIA	FOOT	0	0	0
	<input checked="" type="checkbox"/> Page Total				\$628,438.00
	<input type="checkbox"/> Total Estimated Cost				

Made by C COOK Date 07/20/07

Checked by \_\_\_\_\_ Date \_\_\_\_\_





SA 1244

**Illinois Department  
of Transportation**

 EXHIBIT B  
PAGE 1

Route	TR-176
County	Ogle County
Local Agency	Oregon Road Dist.
Section	06-26120-00-BR

**(Illinois Commerce Commission) Estimate of Cost**

Location and brief description (Sta. and land description of beginning; Sta. only for end for county and road districts; street limits for municipality.)  
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	EARTH EXCAVATION	CU YD	1,075.00	15.00	\$16,125.00
	TREE REMOVAL	ACRE	0.39	30,000.00	\$11,700.00
	SEEDING, CLASS 2 (SPECIAL)	ACRE	0.90	3,500.00	\$3,150.00
	STRUCTURE EXCAVATION	CU YD	40.00	25.00	\$1,000.00
	AGGREGATE SURFACE COURSE, TYPE B	TON	850.00	16.00	\$13,600.00
	REMOVAL OF EXISTING STRUCTURE	EACH	1.00	25,000.00	\$25,000.00
	CONCRETE SUPERSTRUCTURES	CU YD	115.00	900.00	\$103,500.00
	CONCRETE STRUCTURES	CU YD	67.50	700.00	\$47,250.00
	PROTECTIVE COAT	SQ YD	424.00	1.00	\$ 424.00
	PRECAST PRESTRESSED BULB - T 72"	FOOT	506.00	225.00	\$113,850.00
	FURNISHING AND ERECTING	POUND	7,051.00	3.50	\$24,678.50
	STRUCTURAL STEEL				
	HARDWARE	POUND	1040.00	4.00	\$4,160.00
	REINFORCEMENT BARS, EPOXY COATED	POUND	27,000.00	1.60	\$43,200.00
	BRIDGE DECK GROOVING	SQ YD	360.00	5.00	\$1,800.00
	STEEL RAILING, TYPE S-1	FOOT	266.00	100.00	\$26,600.00
	FURNISHING STEEL PILES HP10X42	FOOT	230.00	55.00	\$12,650.00
	DRIVING STEEL PILES	FOOT	230.00	1.00	\$ 230.00
	TEST PILE STEEL HP10X42	EACH	2.00	3,000.00	\$6,000.00
	STEEL SHEET PILING	SQ FT	865.00	26.00	\$22,490.00
	NAME PLATES	EACH	1.00	300.00	\$ 300.00
	ELASTOMERIC BEARING ASSEMBLY, TYPE 1	EACH	4.00	1,500.00	\$6,000.00
	TRAFFIC BARRIER TERMINAL, TYPE 5A	EACH	4.00	800.00	\$3,200.00
	TRAFFIC BARRIER TERMINAL, TYPE 1	EACH	2.00	1,800.00	\$3,600.00
	NEOPRENE EXPANSION JOINT 2"	FOOT	36.00	85.00	\$3,060.00
	TERMINAL MARKERS	EACH	2.00	40.00	\$ 80.00
	RAILROAD PROTECTIVE LIABILITY INS.	L SUM	1.00	15,000.00	\$15,000.00
	PIPE CULVERTS, TYPE 1, CLASS D 15" DIA	FOOT	56.00	30.00	\$1,680.00
	<input checked="" type="checkbox"/> Page Total				
	<input type="checkbox"/> Total Estimated Cost				\$510,327.50

Made by S. BROWNDate 08/01/2006

Checked by \_\_\_\_\_

Date \_\_\_\_\_





A handwritten signature in black ink, appearing to read "Curtis D. Cook". The signature is written in a cursive style with a large initial "C".

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Curtis D. Cook, PE  
County Engineer  
Ogle County

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of the BNSF Railroad Company	)	
located near Oregon, Ogle County,	)	
Illinois,	)	

**CERTIFICATE OF SERVICE**

The undersigned certifies that on July 23, 2007, a copy of the foregoing instrument was served upon the following parties by depositing said instrument in the U.S. Mail, with postage thereon fully prepaid, at 1989 South IL Rt, 2, Oregon, IL 61061 at or about 4:00 p.m. on said date addressed as follows:

CHARLES J. INGERSOLL, PE  
Engineer of Local Roads and Streets  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 311  
Springfield, IL 62764

MICHAEL E. STEAD, PE  
Railroad Safety Program Administrator  
Illinois Commerce Commission  
527 East Capitol Avenue, 6<sup>th</sup> Floor  
Springfield, IL 62701

TIMOTHY LEARY  
Highway Commissioner  
Oregon Township Road District  
2290 South Illinois Route #2  
Oregon, IL 61061

CRAIG RASMUSSEN, PE  
Public Projects Manager  
BNSF Railway Company  
80 44<sup>th</sup> Avenue, NE  
Minneapolis, MN 55421



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CURTIS D. COOK, PE  
County Engineer  
Ogle County Highway Department  
1989 South IL RT. 2  
Oregon, IL 61061