

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1281**

ORIGINAL

T07-0067

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), BNSF Railway Company ("Company"), Floyd 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 Staff investigation of collision data that inquiry should be made into the matter of improving public safety at the 130th Street highway-rail grade crossing of the Company's tracks near Cameron, Warren County, Illinois, designated as crossing AAR/DOT #004 693M, railroad milepost 187.26-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 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 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 ("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 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 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 at the 130th Street crossing within 30 days of a Commission Order for the installation of new automatic

warning devices, by the Company.

- (c) Reconstruction of the highway approach grades to meet the minimum requirements of 92 Ill. Adm. Code 1535 by the Township.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary cost estimate to accomplish the proposed safety improvements, 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 Warren County, on behalf of the Road District, has prepared a preliminary plan and cost estimate to accomplish the proposed 130th Street roadway improvements, which may be required by Commission Order. The drawings, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit C.

Section 5 The Company and Road District 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 completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

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
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$202,732	95% \$192,595 ¹	\$0	Remainder ² \$10,137
Modify Existing Highway Approaches	\$5,928.15	\$0	100% ⁴	\$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³
TOTALS	\$208,660	\$192,595	\$5,928	\$10,137

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$192,595; any installation costs above the estimated amount of \$202,732 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.

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all future maintenance costs associated with the temporary STOP Signs.

⁴ Road District responsible for all future maintenance costs associated with the highway approaches.

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 incorporated herein by reference as Exhibit D. The Road District shall submit a certified copy of the Resolution at the same time as the Execution Page of

this Agreement is submitted to the Commission.

Section 7 Special Provisions: Since the approach grade improvements at the subject crossing will be performed by Road District, flagging and contractor liability insurance will be required for said work.

The Company and Road district shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits E and E1, along with this executed Agreement.

The Company and 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 E and E1, 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 Road District Project Manager.

All bills for work 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 S. Dirksen Parkway, Springfield, IL 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from each party shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th 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 funds 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 assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The minimum documentation that must be made available is outlined below:

- 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 shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall 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.

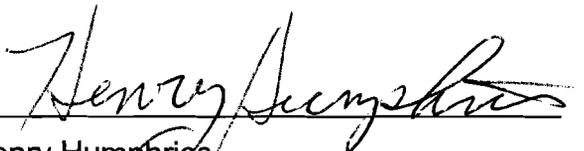
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 6th day of July 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1281, executed by Commission Staff on July 6, 2007, concerning improvements at the 130th Street highway-rail grade crossing of the BNSF Railway Company's tracks, near Cameron, Warren County, designated as crossing AAR/DOT #004 693M, railroad milepost 187.26-ATSFM.

Executed by BNSF Railway Company this 18th day of July 2007.

BNSF RAILWAY COMPANY

By: 

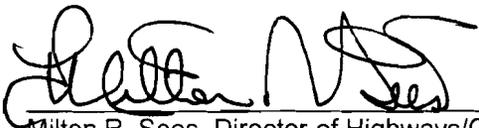
Attest:



Illinois Commerce Commission Stipulated Agreement 1281, executed by Commission Staff on July 6, 2007, concerning improvements at the 130th Street highway-rail grade crossing of the BNSF Railway Company's tracks, near Cameron, Warren County, designated as crossing AAR/DOT #004 693M, railroad milepost 187.26-ATSFM.

Executed by the Illinois Department of Transportation this 23rd day of July 2007.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: 
Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement 1281, executed by Commission Staff on July 6, 2007, concerning improvements at the 130th Street highway-rail grade crossing of the BNSF Railway Company's tracks, near Cameron, Warren County, designated as crossing AAR/DOT #004 693M, railroad milepost 187.26-ATSFM.

Executed by Floyd Township Road District this 15 day of AUGUST 2007 2007.

FLOYD TOWNSHIP ROAD DISTRICT

By: Richard Harshbarger

RECEIVED
AUG 27 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

John Baughman

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	004 693M, 187.26-ATSFM
STREET, CITY, COUNTY	130 th Street, near Cameron, Warren County
JURISDICTION (RDWY)	Floyd Township Road District
LOCATION	Rural, Commercial/agriculture
STREET SURFACE	16' Gravel, Fair 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	FDT	24'	#
S Main	FDT	24'	#

Being reconstructed at time of inspection.

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	50 Vehicles Per Day @ 55 MPH (unposted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	57 Per day @ 70 MPH, Day & Night? Yes
PASSENGER TRAFFIC	2 per day @ 79 MPH
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	518'	FEET
Along Tracks	863'	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	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

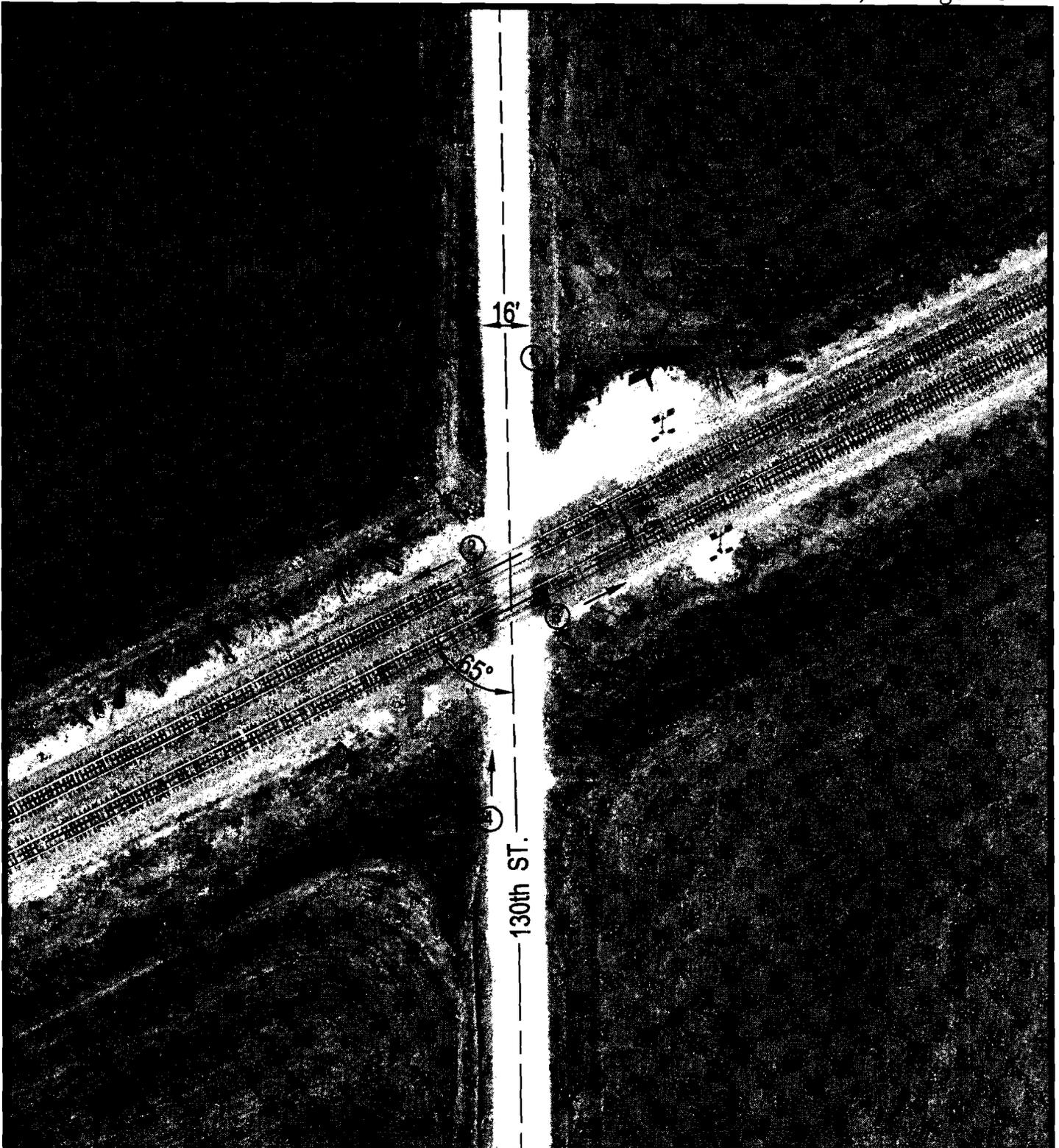
*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

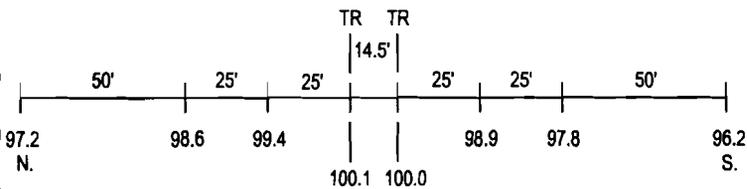
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
See	Exhibit	A	Page	3	Attached

Distance measured from outermost rail.

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



4 | MAREY | 004693M | 004693.M | 03/06/01 17:33 BUB



ROAD PROFILE



③ Photo Location

Crossing #: 004693M
 Location: Warren Co., City of Cameron (N)
 Lat/Long: 40°53'05" / 90°32'12"
 Railroad: BNSF
 Street: 130th St.
 Railroad Milepost: 187.26
 Crossing Protection: Signs

CONTRACT ENGR.	1.00	EA N	5,000	
FILL DIRT	100.00	CY N	2,500	
SURFACE ROCK	25.00	CY N	625	
			-----	-----
TOTAL OTHER ITEMS COST			13,125	13,125
			-----	-----
PROJECT SUBTOTAL				183,385
CONTINGENCIES				18,338
BILL PREPARATION FEE				1,009

GROSS PROJECT COST				202,732
LESS COST PAID BY BNSF				30,415

TOTAL BILLABLE COST				172,317
				=====

The Burlington Northern & Santa Fe Railway Company

TO FT. MADISON

TO CHICAGO

EASTWARD APPR. 3992
79 MPH

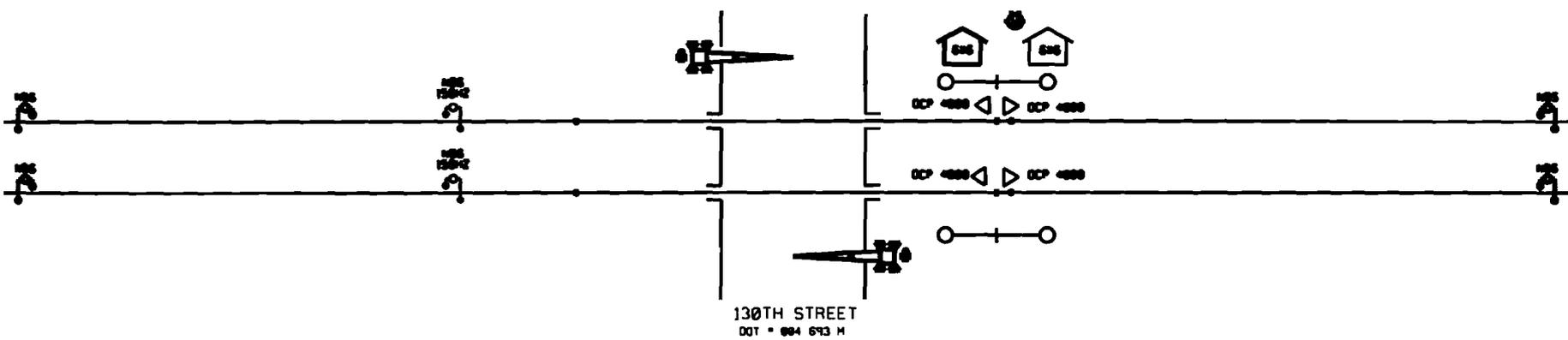
120' MIN.

WESTWARD APPR. 3992
79 MPH

50' MIN.

24'

50' MIN.



INSTALL: GATES & FLASHERS

CONTROL DEVICES: CONSTANT WARNING

SOLO - M

- 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. Foundations:

Min. 4'3" with curb,
Min. 8'3" without curb,
Max. 12'

House Clearance:

25' Min. to Near Rail
30' Min. to Edge of Road
ALL LIGHTS TO BE LED

BNSF RAILWAY CO.

CAMERON, IL
130TH STREET
LS: 7000
M.P. 187.26
DOT * 004 693 M
DIVISION CHICAGO
SUBDIVISION CHILLICOTHE
KANSAS CITY
NO SCALE
DATE: 06/21/07
FILE: 7000187.26.DGN
SMP

Warren County, Illinois
Floyd Township
130th Street
TR 174B at the BNSF RR Crossing
DOT# 004 693M

ESTIMATE OF COSTS

To improve gravel approaches in order to meet the acceptable grade standards. North Approach work is to be completed by Floyd Township.

NORTH APPROACH

Materials

66 tons of crushed stone (CA-6 or CA-9) @ \$7.25 per ton \$ 478.50

Equipment

Motor Grader for 8 hours @ \$52.00 per hour \$416.00

Tandem truck to haul 66 tons 16 miles @ \$0.20 per ton mile \$211.20
(Hauling costs includes driver)

Labor

Motor Grader for 8 hours @ \$25.00 per hour \$200.00

Tandem truck for 8 hours @ \$10.00 per hour \$80.00

Total Estimated Cost at North Approach \$1,385.70

Warren County, Illinois
 Floyd Township
 130th Street
 TR 174B at the BNSF RR Crossing
 DOT# 004 693M

ESTIMATE OF COSTS

To improve gravel approaches in order to meet the acceptable grade standards. South Approach work is to be completed by Floyd Township.

SOUTH APPROACH

Materials

81 tons of crushed stone (CA-6 or CA-9) @ \$7.25 per ton	\$587.25
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Equipment

Motor Grader for 8 hours @ \$52.00 per hour	\$416.00
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Tandem truck to haul 81 tons 16 miles @ \$0.20 per ton mile (Hauling costs includes driver)	\$259.20
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Labor

Motor Grader for 8 hours @ \$25.00 per hour	\$200.00
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Tandem truck for 8 hours @ \$10.00 per hour	\$80.00
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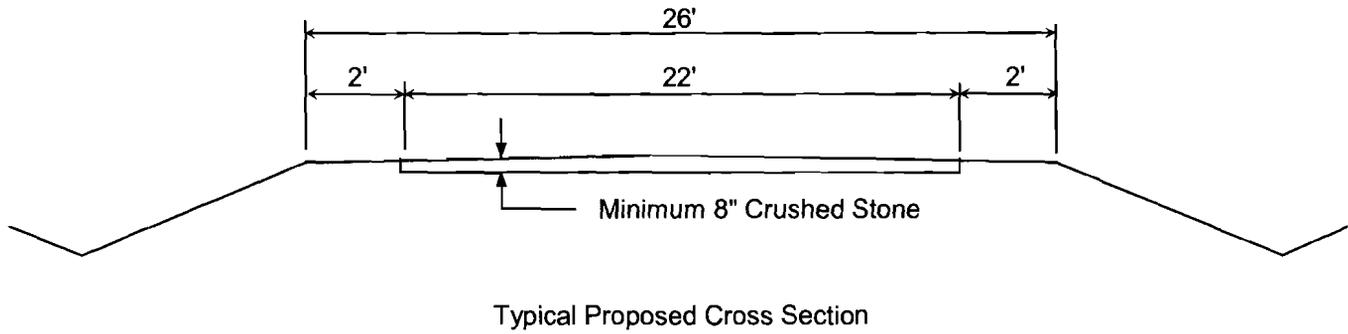
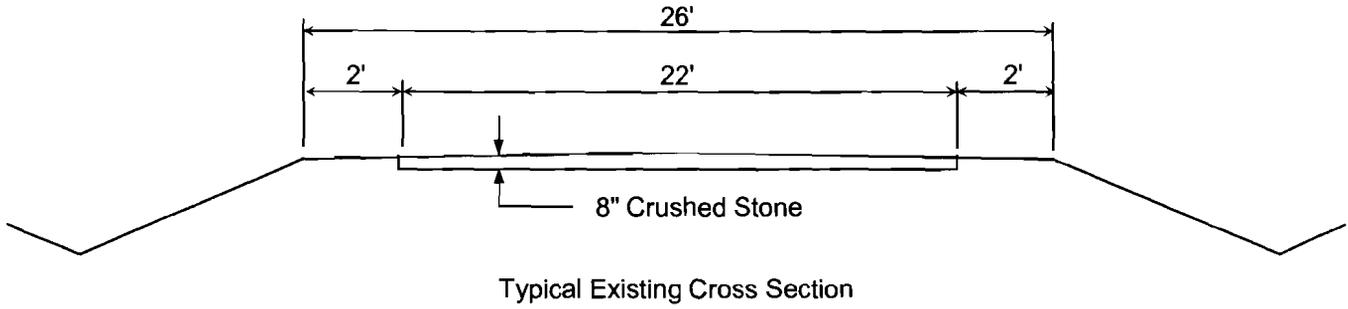
<i>Total Estimated Cost at South Approach</i>	<i>\$1,542.45</i>
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Railroad Liability Insurance	\$2,000.00
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Railroad Flagging Cost @ \$500.00 per day for 2 days	\$1,000.00
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<i>TOTAL COST OF CONSTRUCTION</i>	<i>\$5,928.15</i>
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Floyd Township
130th Street
TR 174B at BNSY RR Crossing
DOT# 004 693M



ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1281

Date 8-13-07

Floyd Township Road District meeting on 8-13-07,
(Date)

Resolved to authorize John Baughman Supervisor to act as its
(Name, Office)

designated agent in the processing of this Stipulated Agreement, and that Floyd 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: (CHECK ONE)

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

DATE	8-13-07
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PROJECT INFORMATION:

Reporting Party:	Floyd Township Road District
Docket/Order #; Date:	707-0067
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	004 693M, 187.26-ATSFM
Street, (in/near) City, County:	130 th Street, near Cameron, Warren County
Railroad Company:	BNSF

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

PROJECT MANAGER INFORMATION²:

Name:	Rick Hirshbarger, JR.
Title:	Highway Commissioner
Representing:	Floyd Township Road District
Street Address:	P. O. Box 145
City, State, Zip:	Cameron, IL 61423
Office Phone:	(309) 563-9676 {Shed}
Office Fax:	
Cellular Phone:	(309) 255-5190
E-Mail Address:	

²Project Manager information to be submitted by Floyd Township Road District.

DESCRIPTION OF IMPROVEMENTS ORDERED:

- Reconstruct highway approach grades to meet the minimum requirements of 92 Ill. Adm. Code 1535.

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

UPGRADE APPROACHES AS PER AGREEMENT.

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

PROJECT STATUS REPORT

TYPE: Install AFLS/Gates.

PROGRESS	
COMPLETION ¹	

DATE	8-27-07
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PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	T07-2067
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	004639M, 187.26-ATSFM
Street, (in/near) City, County:	130 th Street, near Cameron, Warren 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, P.E.
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:

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

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

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