

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1283

707-0068

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"), Coldbrook 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 165th Street highway-rail grade crossing of the Company's tracks near Cameron, Warren County, designated as crossing AAR/DOT #004 685V, milepost 183.31-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 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 165th Street crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.

DOCKETED

- (c) Reconstruction of the crossing surfaces to meet the minimum requirements of 92 Ill. Adm. Code 1535, 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 improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate 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 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) 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	\$184,731	95% \$175,494 ¹	\$0	5% ² \$9,237
Reconstruct Main Track Crossing Surfaces so that they comply with 92 IAC 1535.	No Estimate Required	\$0	\$0	100% ⁴
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³
TOTALS	\$184,731	\$175,494	\$0	\$9,237

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$175,494; any installation costs above the estimated amount of \$184,731 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, if ordered.

⁴ Company responsible for all future maintenance costs associated with the crossing surfaces.

Section 6 The Road District is not financially able to bear an equitable portion of the cost for the proposed improvements, has requested relief from said costs, and has submitted documentation attesting to the Road District's inability to pay, attached and incorporated herein by reference as Exhibit C

Section 7 Special Provisions: The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit D, 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 D, 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 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 railroad 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 railroad 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 railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad 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 23rd day of July 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1283 executed by Commission Staff on July 23, 2007, concerning improvements at the 165th Street highway-rail grade crossing of the BNSF Railway Company's tracks, near Cameron, Warren County, designated as crossing AAR/DOT #004 685V, railroad milepost 183.31-ATSFM.

Executed by Coldbrook Township Road District this 7 day of Aug. 2007.

COLDBROOK TOWNSHIP ROAD
DISTRICT

By: Richard Saunze

Attest:

Kelley

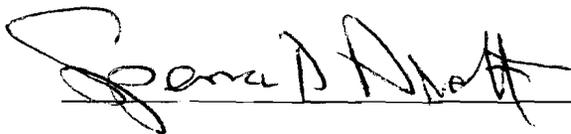
Illinois Commerce Commission Stipulated Agreement 1283 executed by Commission Staff on July 23, 2007, concerning improvements at the 165th Street highway-rail grade crossing of the BNSF Railway Company's tracks, near Cameron, Warren County, designated as crossing AAR/DOT #004 685V, railroad milepost 183.31-ATSFM.

Executed by BNSF Railway Company this 20th day of AUGUST 2007.

BNSF RAILWAY COMPANY

By: 

Attest:

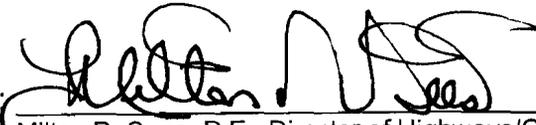


Illinois Commerce Commission Stipulated Agreement 1283 executed by Commission Staff on July 23, 2007, concerning improvements at the 165th Street highway-rail grade crossing of the BNSF Railway Company's tracks, near Cameron, Warren County, designated as crossing AAR/DOT #004 685V, railroad milepost 183.31-ATSFM.

Executed by the Illinois Department of Transportation this 24th day of August, 2007.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

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

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	004 685V, 183.31-ATSFM
STREET, CITY, COUNTY	165 th Street, near Cameron, Warren County
JURISDICTION (RDWY)	Coldbrook Township
LOCATION	Rural, Commercial/Residential
STREET SURFACE	16' Gravel, Good 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	32'	Fair>Poor #
S Main	FDT	32'	Fair>Poor #

FDT crossings are solid but pumping mud, trains scraping timbers when going over crossing; Timbers canted, bolts bent over and pot holes developing along outside edges.

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	165 th Street (45') & 195 th Street (164')
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	101 Per day @ 70 MPH, Day & Night? Yes
PASSENGER TRAFFIC	4 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	578	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.

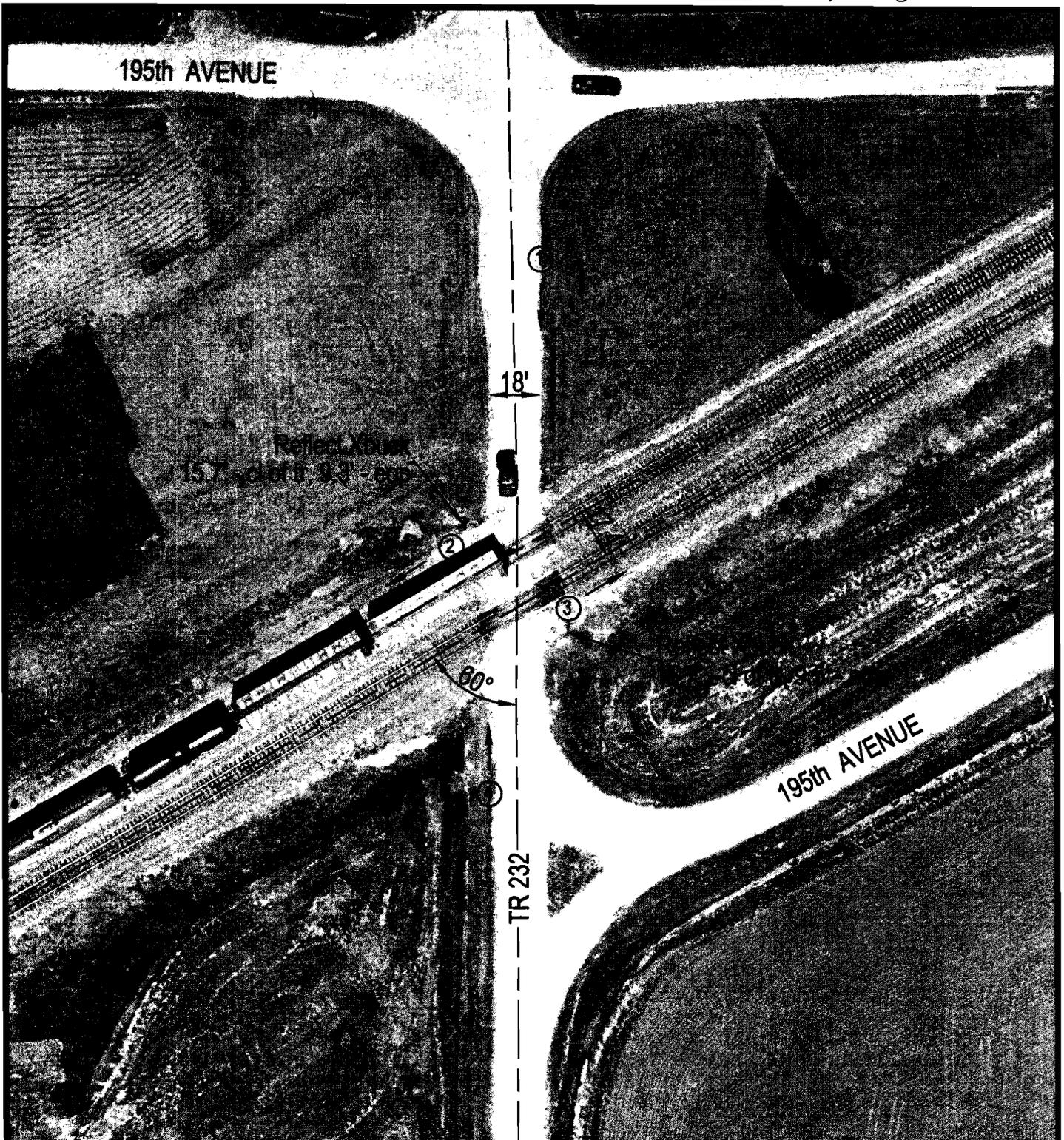
APPROACH GRADES: See Location Sketch

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

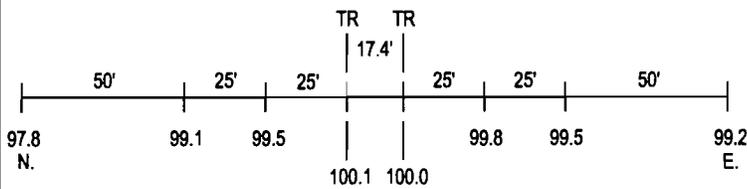
Distance measured from outermost rail.

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

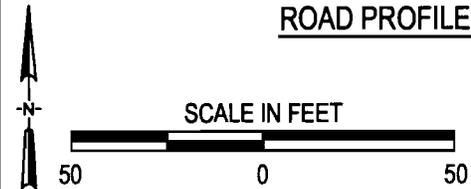
The Road District has submitted documentation that indicates it is in need of financial assistance from the Grade Crossing Protection Fund to pay the local agency 10% share of the warning device installation costs.



J:\WARREN\004685V\004685V.DWG 03/09/01 11:13 HWY



ROAD PROFILE



③ Photo Location

Crossing #: 004685V
 Location: Warren Co., City of Cameron (N)
 Lat/Long: 40°54'38" / 90°28'11"
 Railroad: BNSF
 Street: TR 232
 Railroad Milepost: 183.31
 Crossing Protection: Signs

AC POWER SERVICE
 CONTRACT ENGR.
 FILL DIRT
 SURFACE ROCK

1.00	EA	5,000
1.00	EA N	5,000
15.00	CY N	375
40.00	CY N	1,000

TOTAL OTHER ITEMS COST	-----	11,375	11,375
PROJECT SUBTOTAL			167,101
CONTINGENCIES			16,710
BILL PREPARATION FEE			920

GROSS PROJECT COST			184,731
LESS COST PAID BY BNSF			27,714

TOTAL BILLABLE COST			157,017

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The Burlington Northern & Santa Fe Railway Company

TO FT. MADISON

TO GALESBURG

EASTWARD APPR. 3491
78 MPH

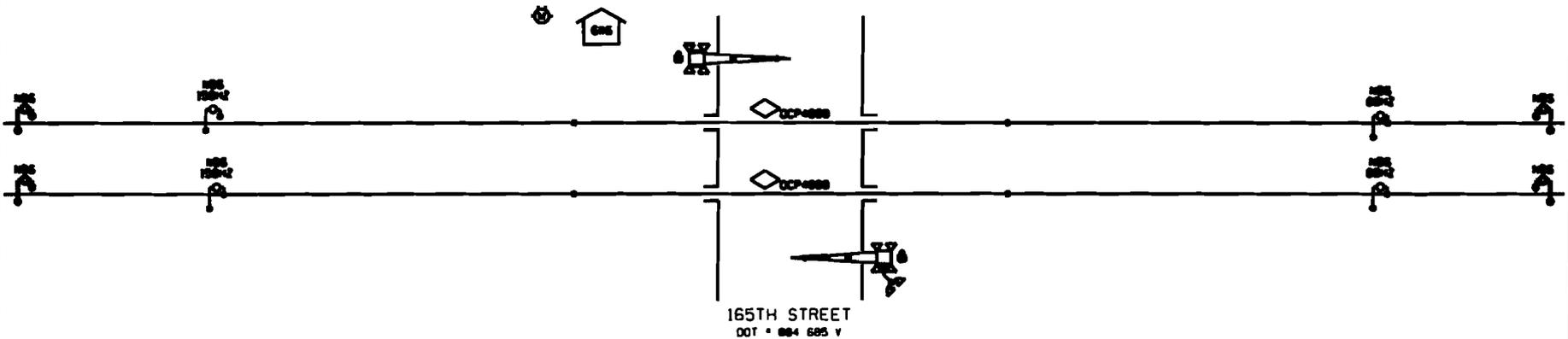
120' MIN.

WESTWARD APPR. 3491
78 MPH

50' MIN.

16'

50' MIN.



INSTALL: GATES & FLASHERS
CONTROL DEVICES: CONSTANT WARNING

SOLD - 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. 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.
 165TH STREET
 LS: 7000
 M.P. 183.31
 DOT * 004 685 V
 DIVISION CHICAGO
 SUBDIVISION CHILLICOTHE
 KANSAS CITY
 NO SCALE
 DATE: 06/11/07
 FILE: 7000183.31.DGN
 SMP

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1283

Date Aug. 7 2007

Coldbrook Township Road District meeting on Aug 7 2007,
resolved to authorize Richard Sawyer Road Commissioner
(Date)
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Township Road District is financially unable 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	8-28-07
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PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	T07-0068
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	004685V, 183.31-ATSFM
Street, (in/near) City, County:	165 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.
- Reconstruct the crossing surfaces.
- 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

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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