

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

TO 7-0056  
FD-07  
DWS

Michael E. Stead

Rail Safety Program Administrator

January 4, 2007

Mr. Craig Rasmussen  
Public Projects Engineer  
BNSF Railway Company  
80 44th Avenue, NE  
Minneapolis, MN 55421

Mr. Charles J. Ingersoll, P.E.  
Engineer of Local Roads and Streets  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 205  
Springfield, IL 62764  
ATTN: Jeff Harpring

Mr. Jeffery Tompkins  
Highway Commissioner  
Pleasant Mound Township Road District  
902 Bonanza Road  
Smithboro, IL 62284

Gentlemen:

Enclosed are copies of Stipulated Agreement 1253 concerning safety improvements at the County Club Avenue (AAR/DOT #069 151J; railroad milepost 92.22-Y) highway-rail grade crossing of BNSF Railway Company's track, located near Smithboro, Bond County.

In accordance with the provisions of the Commission's Recommended Procedures for Initiation and Execution of the Stipulated Agreement, all parties must sign the Execution Page of the agreement within 60 days from the date of mailing and return it to our office or the terms of the agreement shall be renegotiated or declared void.

Please read the entire Agreement before execution. The Company is required to submit Project Manager Information (see Exhibit D of the Agreement) at the same time as the Execution Page. If any changes are required, the sheet is to be corrected and sent with this executed Agreement

We urge all parties to act expeditiously in executing the agreement so that the Commission will be in a position to enter an early Order in this matter. If you have any questions, or need additional information, please contact Henry Humphries, Railroad Safety Specialist, at (217)785-8423 or hhumphri@icc.illinois.gov.

Very truly yours,

Michael E. Stead  
Rail Safety Program Administrator

Enclosure

cc: Paul Nowicki, BNSF  
Michael McCormick, Bond County Engineer

HCH

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1253**

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"), Pleasant Mound 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 application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the County Club Avenue highway-rail grade crossing of BNSF Railway Company's track near Smithboro, Bond County, Illinois, designated as crossing AAR/DOT # 069 151J, milepost 92.22-Y; 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 County Club Avenue crossing within 30 days of a Commission Order for the installation of new automatic warning devices, 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(s) 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) 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 -**

<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>ROAD DISTRICT</b>	<b>COMPANY</b>
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$151,671	85% \$128,920 <sup>1</sup>	10% \$15,167	5% Remainder <sup>2</sup>
Install Temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% <sup>3</sup>
<b>TOTALS</b>	<b>\$151,671</b>	<b>\$128,920</b>	<b>\$15,167</b>	<b>\$7,584</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$128,920; any installation costs above the estimated amount of \$151,671 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.;

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

<sup>3</sup> Company responsible for all future maintenance costs associated with the temporary STOP Signs.

**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 C. 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: 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 warning device installation 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 South Dirksen Parkway, Springfield, Illinois 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 12<sup>th</sup> 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 4<sup>th</sup> day of January 2007.

  
\_\_\_\_\_  
Michael E. Stead  
Rail Safety Program Administrator

Attest:

\_\_\_\_\_  
Henry Humphries  
Rail Safety Specialist

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	BNSF
<b>USDOT#, MILEPOST</b>	069 151J, 92.22-Y
<b>STREET, CITY, COUNTY</b>	County Club Avenue, near Smithboro, Bond County
<b>JURISDICTION (RDWY)</b>	Pleasant Mound Township
<b>LOCATION</b>	Rural, Commercial/Residential
<b>STREET SURFACE</b>	14' Oil/Chip, Fair Condition

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

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main	FDT	32'	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	None
<b>TRAFFIC CONTROL</b>	None
<b>ADT &amp; SPEED</b>	100 Vehicles Per Day @ 55 MPH (unposted)
<b>TRAFFIC TYPE</b>	Passenger, School Buses, Hazardous Materials, [All possible]
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	No

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	10 Per day @ 49 MPH, Day & Night? Yes
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	Crossbucks

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	49	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	518	<b>FEET</b>
<b>Along Tracks</b>	540	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1,201	<b>FEET</b>

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*		150'*	Grain bens- crops
NW	OK*		*	#
SE	OK*		100'*	House / Bldg.
SW	OK*		100'*	Trees- crops.

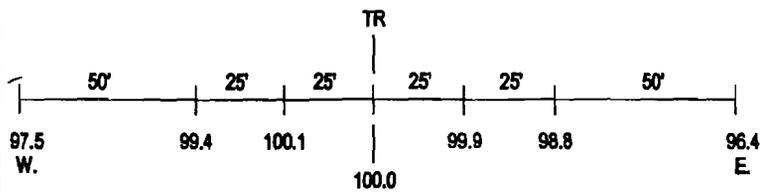
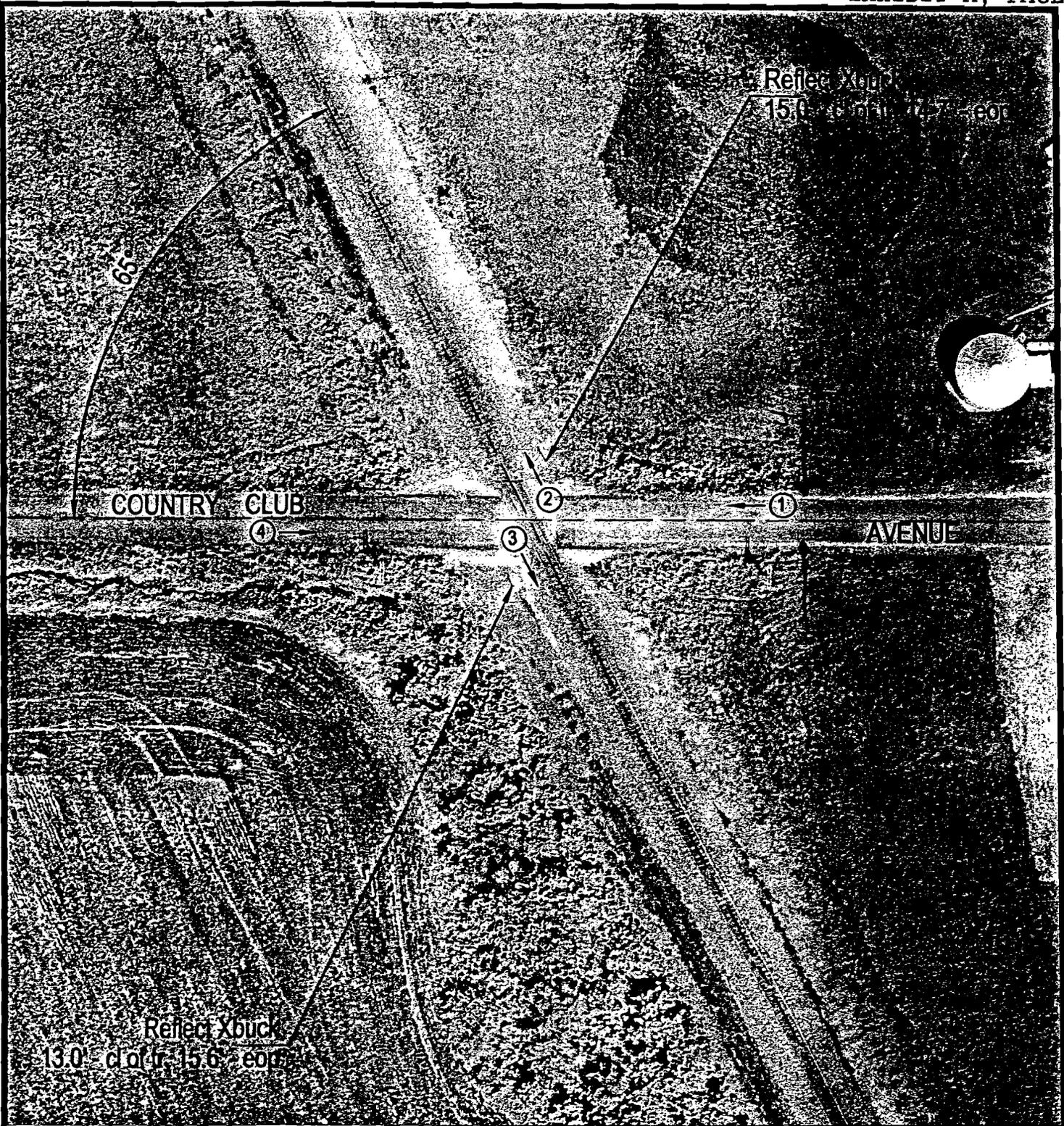
\*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

DIRECTION: EAST/NORTH			DIRECTION: WEST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)

Distance measured from outermost rail.

**COMMENTS:** # Ok now. If crops were in field (corn) SSD would be restricted.



ROAD PROFILE



③ Photo Location

Crossing #: 069151J  
 Location: Bond Co., City of Smithboro (N)  
 Lat/Long: 38°54'34" / 89°21'05"  
 Railroad: BNSF  
 Street: Country Club Avenue  
 Railroad Milepost: 92.22  
 Crossing Protection: Signs

\*\*\*\*\* MAINTAIN PROPRIETARY CONFIDENTIALITY \*\*\*\*\*

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

LOCATION:- SMITHBORO-CSX XING TO EAS      DETAILS OF ESTIMATE      PLAN ITEM: PSJ069151J      VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

MONTHLY POWER UTILITY COST CENTER : 61697  
 INSTALL CONSTANT WARNING AND FLASHER WITH GATES AT TOWNSHIP RD IN SMITHBORO, IL.  
 SPRINGFIELD DIV., BEARDSTOWN SUBDIV., L/S 0013, M.P. 92.22, DOT # 069151J.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY. THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED. CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD. THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

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

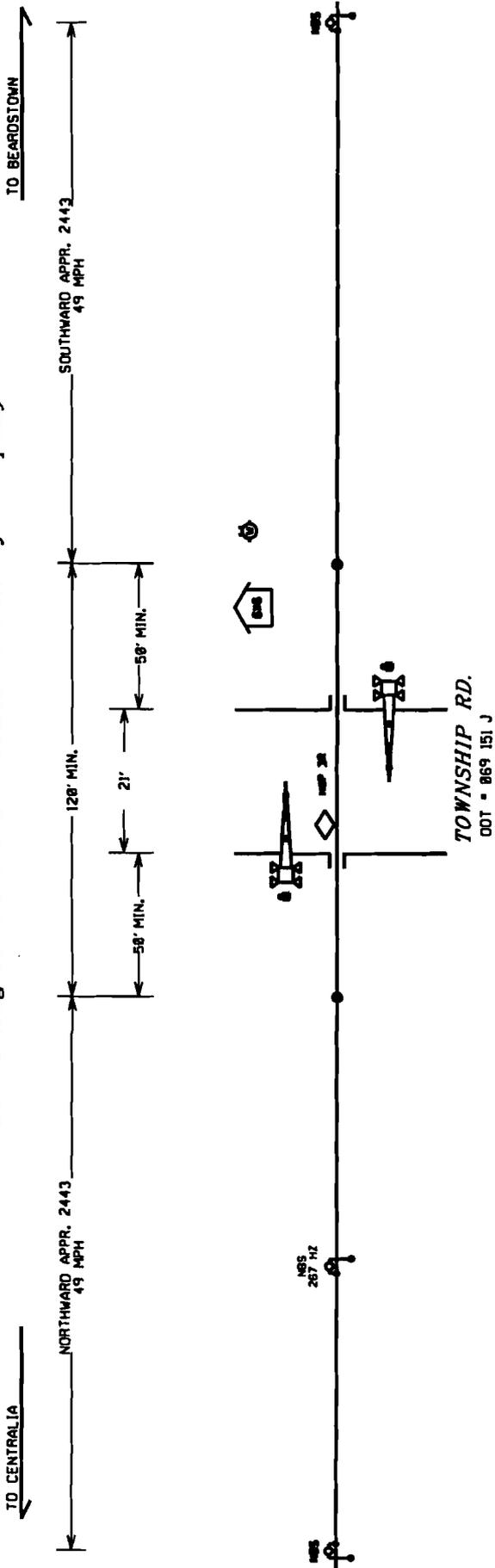
THE STATE OF ILLINOIS IS FUNDING APPROXIMATELY 95% WITH BNSF FUNDING APPROXIMATELY 5% OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$
*****				
LABOR				
*****				
ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,277	
SIGNAL FIELD LABOR - CAP	672.00	MH	14,664	
SIGNAL SHOP LABOR - CAP	64.00	MH	1,447	
PAYROLL ASSOCIATED COSTS			12,733	
EQUIPMENT EXPENSES			4,596	
DA LABOR OVERHEADS			17,442	
INSURANCE EXPENSES			2,737	
TOTAL LABOR COST			54,896	54,896
*****				
MATERIAL				
*****				
BATTERY	1.00	EA N	4,540	
BUNGALOW 6X6	1.00	EA N	7,612	
BUNGALOW MATERIAL	1.00	LS N	3,399	
CABLE	1.00	EA N	3,096	
CHARGERS	1.00	LS N	810	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING	1.00	EA N	13,015	
FIELD MATERIAL	1.00	LS N	3,073	
FOUNOATION	2.00	EA N	970	
GATE KEEPER	2.00	EA N	3,550	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,800	
LAMP RESISTOR	1.00	EA N	761	
LED LIGHT ADJUSTMENT	8.00	EA N	1,792	
LED LIGHT GATE KIT	2.00	EA N	732	
LIGHT OUT DETECTOR	1.00	EA N	682	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
RECORDER	1.00	EA N	2,220	
RTU-6, CELLULAR MONITOR	1.00	EA N	2,060	
SHUNT, NBS	2.00	EA N	1,058	
MATERIAL HANDLING			75	
USE TAX			4,053	
OFFLINE TRANSPORTATION			769	

*****	TOTAL MATERIAL COST		66.801	66.801
*****	OTHER			
*****	AC POWER SERVICE	1.00 EA	10.000	
	CONTRACT ENGR.	1.00 EA N	5.000	
	FILL DIRT	10.00 CY N	250	
	SURFACE ROCK	10.00 CY N	250	
	TOTAL OTHER ITEMS COST		15,500	15,500
	PROJECT SUBTOTAL			137,197
	CONTINGENCIES			13,719
	BILL PREPARATION FEE			755
	GROSS PROJECT COST			151,671
	LESS COST PAID BY BNSF			7,584
	TOTAL BILLABLE COST			144,087

*The Burlington Northern & Santa Fe Railway Company*



INSTALL: GATES & FLASHERS  
 CONTROL DEVICES: CONSTANT WARNING

**801.0 - 14**

- 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. Foundation  
 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.**  
 SMITHBORO, IL  
 TOWNSHIP RD.  
 LS: 0013  
 M.P. 92.22  
 DOT = 069 151 J  
 DIVISION: SPRINGFIELD  
 SUBDIVISION: BEARSTOWN  
 KANSAS CITY  
 NO SCALE  
 DATE: 11/29/06  
 FILE: 0013092.22.dgn  
 SMP