

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1290**

707-0095

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"), Wilmington 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 Ceco/Murphy Road highway-rail grade crossing of BNSF Railway Company's tracks near Elwood, Will County, designated as crossing AAR/DOT #004 400G, railroad milepost 54.66-M; 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 the proposed improvements at 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 Ceco/Murphy Road 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 Road District

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 Will County on behalf of the Road District has prepared a preliminary cost estimate to accomplish the proposed highway approach grade 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 6 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
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$290,864	\$0	\$0	\$0 ²	100% \$290,864
Modify Existing Highway Approaches	\$38,737	100% \$38,737 ¹	\$0 ⁴	\$0	\$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³	\$0
TOTALS	\$329,601	\$38,737	\$0	\$0	\$290,864

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$38,737; any approach improvement costs above the estimated amount of \$38,737 will be considered for reimbursement from the GCPF 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 Road District responsible for all future maintenance costs associated with the highway approaches.

Section 7 The Road District is not required to pay any portion of the cost for the proposed improvements.

Section 8 Special Provisions: Since federal funding is being utilized for the warning device improvements at the subject crossing, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the warning device improvements at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work. Since the highway approach grade improvements at the subject crossing will be performed by the 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 D and D1, 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 D and D-1, regarding the progress each 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 warning device improvement 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. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds 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, Orders or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual GCPF assistance accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone

All bills for highway approach grade improvement work specified in Section 2 authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Department's District 1 Office, 201 West Center Court, Schaumburg, IL 60196-1096, Attn: Christopher Holt. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds 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, Orders or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual GCPF assistance accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 9 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:

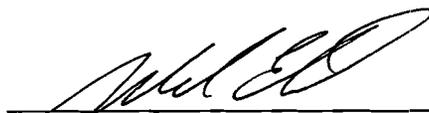
- a) Labor Charges (including additives) - Copies of employee work hours charged to the Company and Road District account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the Company and Road District 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 and Road District account code for the project.
- e) Supervision - Copies of employee work hours charged to the Company and

- Road District 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 should include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice should be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice should include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice should show the location, with the street name and AAR/DOT crossing inventory number.

Section 10 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.

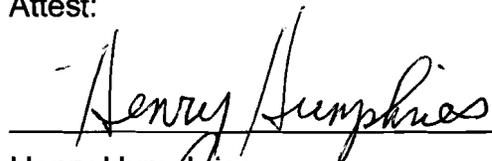
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 5th day of September 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1290, executed by Commission Staff on September 5, 2007 concerning improvements at the Ceco/Murphy Road highway-rail grade crossing of BNSF Railway Company's track, near Elwood, Will County, designated as crossing AAR/DOT #004 400G, railroad milepost 54.66-M.

Executed by the Illinois Department of Transportation this 27 day of September 2007.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:



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

Illinois Commerce Commission Stipulated Agreement 1290, executed by Commission Staff on September 5, 2007 concerning improvements at the Ceco/Murphy Road highway-rail grade crossing of BNSF Railway Company's track, near Elwood, Will County, designated as crossing AAR/DOT #004 400G, railroad milepost 54.66-M.

Executed by BNSF Railway Company this 9th day of October 2007.

BNSF RAILWAY COMPANY

By: Craig Kroms

Attest:

Mare T. Gjare

Illinois Commerce Commission Stipulated Agreement 1290, executed by Commission Staff on September 5, 2007 concerning improvements at the Ceco/Murphy Road highway-rail grade crossing of BNSF Railway Company's track, near Elwood, Will County, designated as crossing AAR/DOT #004 400G, railroad milepost 54.66-M.

Executed by Wilmington Township Road District this 26 day of October 2007.

WILMINGTON TOWNSHIP ROAD DISTRICT

By: RTJ. Li

Attest:

Aully M. Gaster

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	004 400G, 54.66-M
STREET, CITY, COUNTY	Ceco Road [Murphy] near Elwood, Will County
JURISDICTION (RDWY)	Wilmington Township
LOCATION	Rural, Commercial
STREET SURFACE	17' 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	Concrete	23'	Fair
S Main	Concrete	23'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Pvt.
TRAFFIC CONTROL	None
ADT & SPEED	300 Vehicles Per Day @ 55 MPH (unposted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, [All possible]
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	44 Per day @ 60 MPH, Day & Night? Yes
PASSENGER TRAFFIC	8 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	573	FEET
Along Tracks	938	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,918	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	25'	Trees

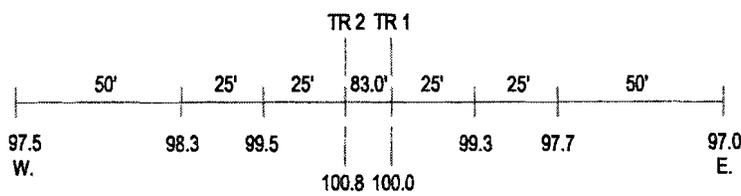
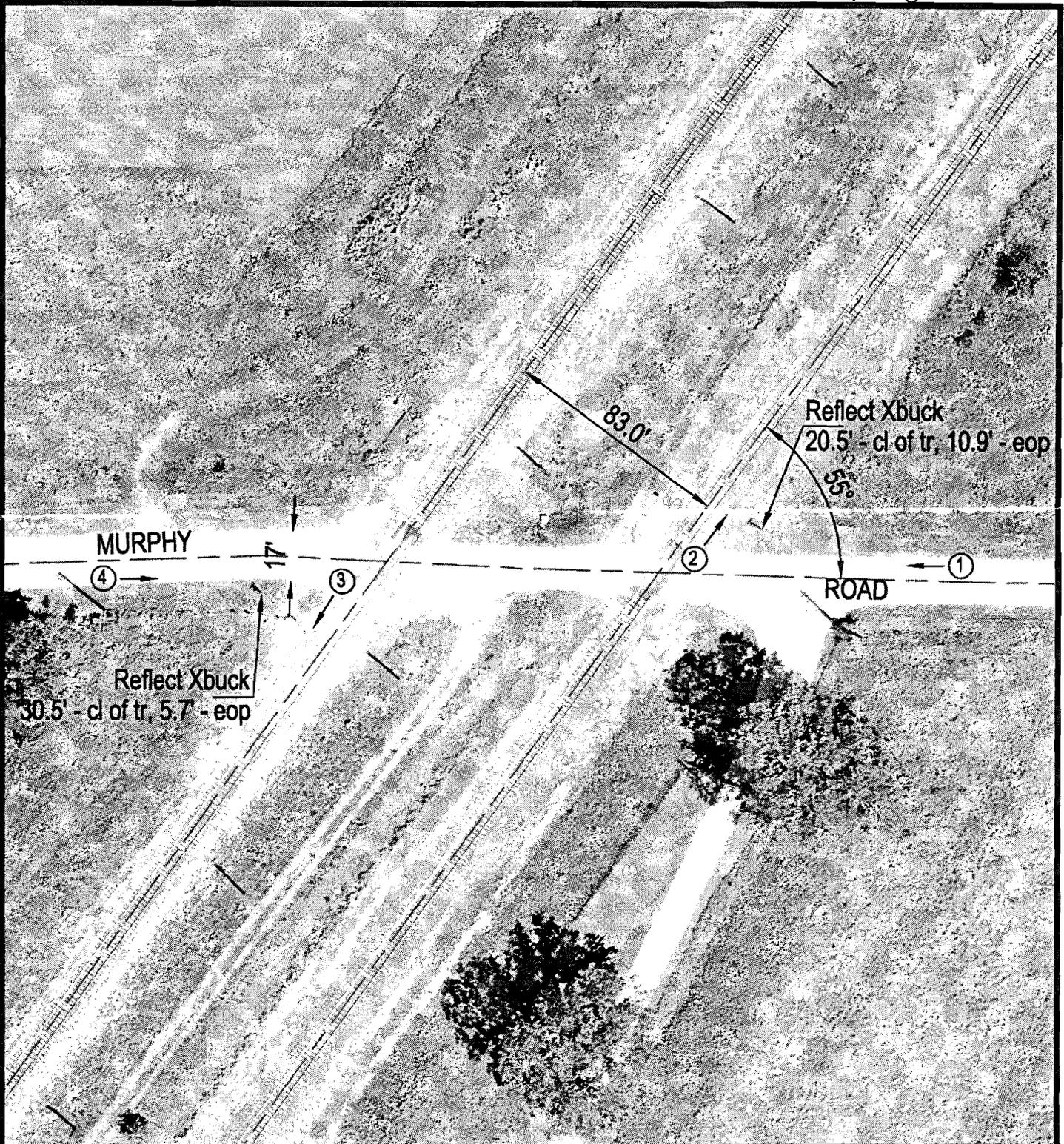
*Note: SSD in Ne, NW & Se quadrants are Ok at time of inspection, but due to crops they can and would be restricted if corn were planted.

APPROACH GRADES: See Location Sketch

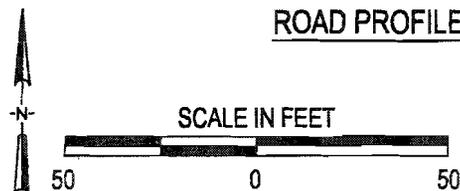
DIRECTION: EAST/NORTH			DIRECTION: WEST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)

Distance measured from outermost rail.

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



ROAD PROFILE



③ Photo Location

Crossing #:	004400G
Location:	Will Co., City of Elwood (N)
Lat/Long:	41°19'31" / 88°14'14"
Railroad:	BNSF
Street:	Murphy Road
Railroad Milepost:	54.66
Crossing Protection:	Signs

OTHER			

AC POWER SERVICE	1.00	EA	5,000
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			10,500 10,500

PROJECT SUBTOTAL			263,106
CONTINGENCIES			26,310
BILL PREPARATION FEE			1,448

GROSS PROJECT COST			290,864
LESS COST PAID BY BNSF			14,551

TOTAL BILLABLE COST			276,313
			=====

The Burlington Northern & Santa Fe Railway Company

TO FT. MADISON

TO CHICAGO

EASTWARD APPR. 3939
79 MPH

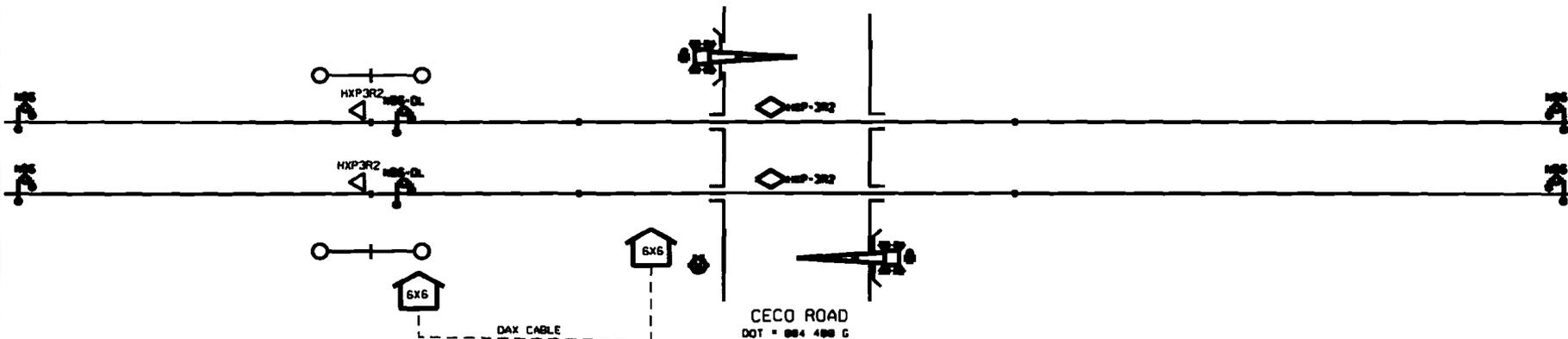
WESTWARD APPR. 3939
79 MPH

120' MIN.

50' MIN.

15'

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.
ELWOOD, IL
CECO ROAD
LS: 7000
M.P. 54.66
DOT # 004 400 G
DIVISION CHICAGO
SUBDIVISION CHILLICOTHE
KANSAS CITY
NO SCALE
DATE: 01/19/07
FILE: 7000054.66.dgn
SMP



Will County Department of Highways

SHELDON C. LATZ, PE PLS
COUNTY ENGINEER

16841 W. LARAWAY ROAD
JOLIET, ILLINOIS 60433
(815) 727-8476
FAX (815) 727-9806

BRUCE D. GOULD, PE
ASSISTANT COUNTY ENGINEER

August 29, 2007

RECEIVED
AUG 31 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

Mr. Henry Humphries
Illinois Commerce Commission
527 E Capitol Ave.
Springfield, IL 62701

Dear Sir:

Subject: Murphy Road
 Section 06-23107-00-SP
 IDOT Approval

As per your request we are forwarding in kind the correspondence we received in this office from Christopher Holt, P.E. at IDOT Bureau of Local Roads. IDOT has found the attached Plan and Estimate to be acceptable for the intersection of Murphy Road and the BNSF Railroad in Wilmington Township. This project has been assigned the above subject section number.

Should there be any questions, please contact this office at 815-727-8476.

Sincerely,

Sheldon C. Latz, PE PLS
County Engineer

By

Brian Gieseke, PE
Civil Engineer

Enclosures



Illinois Department of Transportation

Division of Highways/Region One / District One
201 West Center Court/Schaumburg, Illinois 60196-1096

LOCAL ROADS AND STREETS
Motor Fuel Tax – Plans and Estimate of Cost
Township of Wilmington
Section No.: 06-23107-00-SP
Will County

August 17, 2007

Mr. Sheldon C. Latz, P.E.
County Engineer
Will County Highway Department
16841 West Laraway Road
Joliet, IL 60433

Dear Mr. Latz:

The Plans and Estimate for the above-referenced section were reviewed and found to be acceptable.

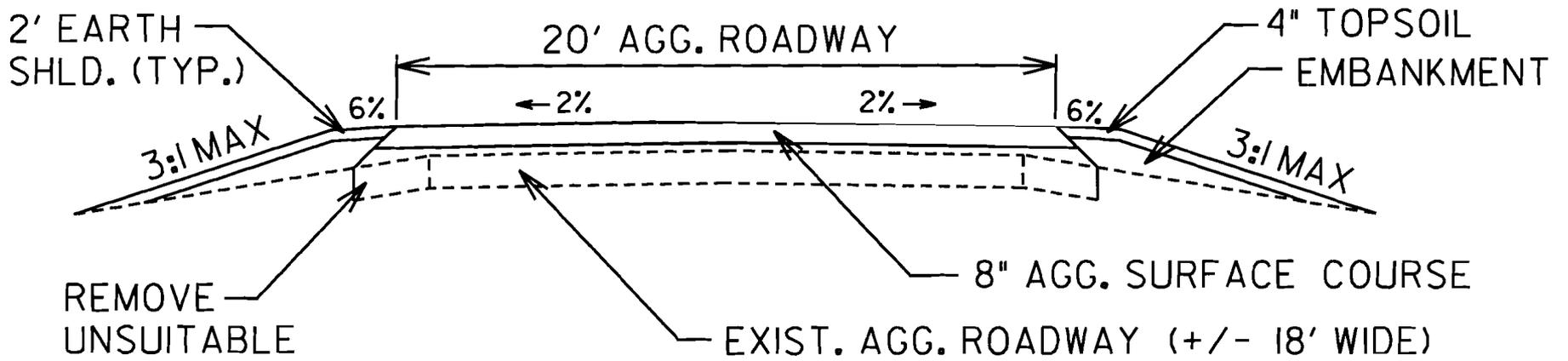
If you have any questions or need additional information, please contact Melchor Mangoba, Field Engineer, at (847) 705-4408 or via email at melchor.mangoba@illinois.gov.

Very truly yours,

Diane M. O'Keefe, P.E.
Deputy Director of Highways,
Region One Engineer

By:
Christopher J. Holt, P.E.
Bureau Chief of Local Roads and Streets

RECEIVED
07 AUG 20 PM 2:22
WILL COUNTY
DEPT. OF HIGHWAYS

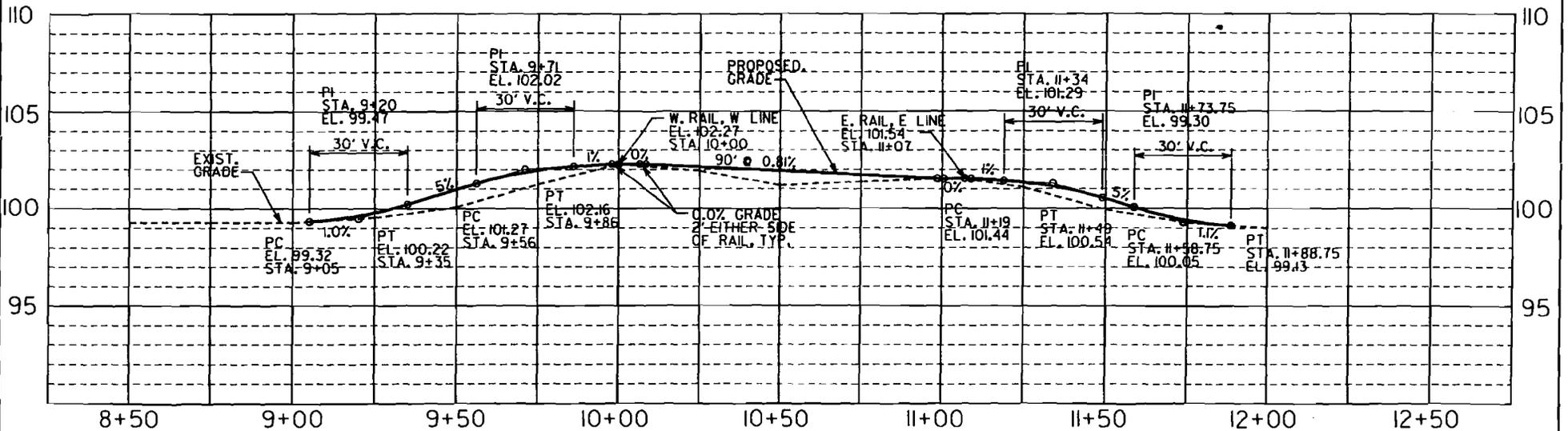
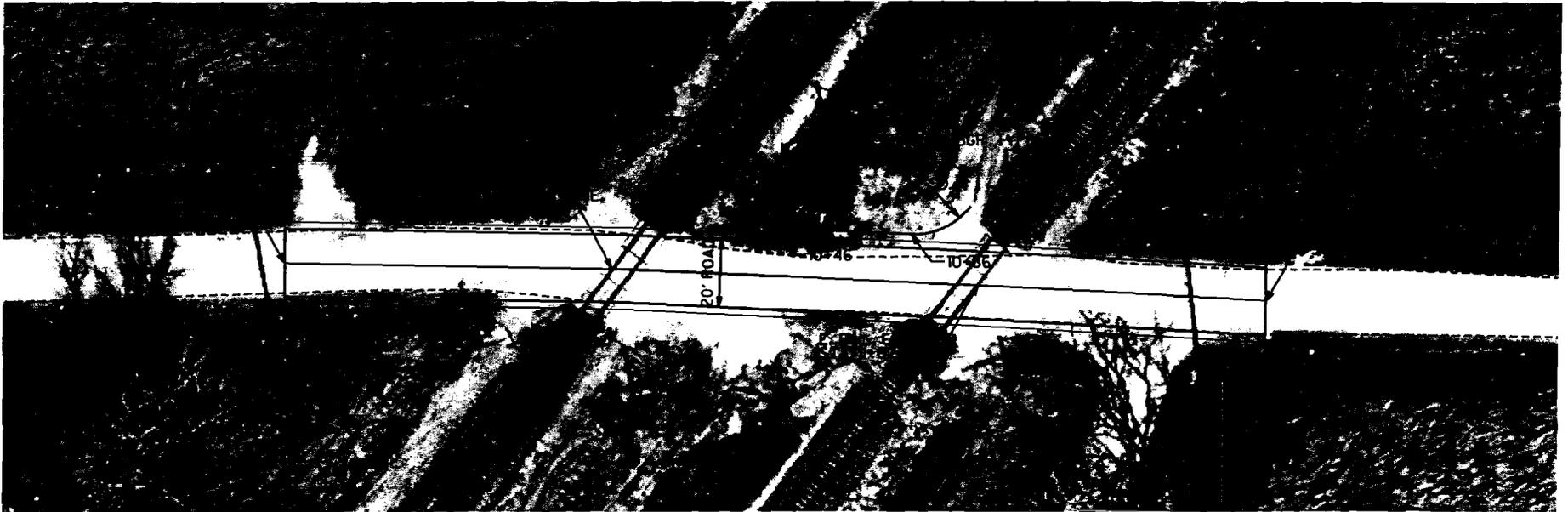


MURPHY ROAD AND BNSF

TYPICAL SECTION

06-23107-00-SP

NOT FOR CONSTRUCTION



NOT FOR CONSTRUCTION

MURPHY ROAD AND BNSF RAILROAD - 06-23107-00-SP

SCALE: HORIZ. 1" = 30' AND VERT. 1" = 5'

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

PROJECT STATUS REPORT

TYPE: Install AFLS/Gates.

PROGRESS	
COMPLETION ¹	

DATE	11-6-07
------	---------

PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	707-0095
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	004 400G, 54.66-M
Street, (in/near) City, County:	Ceco Road, near Elwood, Will 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

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
--	-------------------	---

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

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

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

DATE	11-6-07
------	---------

PROJECT INFORMATION:

Reporting Party:	Wilmington Township Road District
Docket/Order #; Date:	T07-0095
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	004 400G, 54.66-M
Street, (in/near) City, County:	Ceco Road, near Wilmington, Will County
Railroad Company:	BNSF Railway Company

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

PROJECT MANAGER INFORMATION²:

Name:	Robert Lardi
Title:	Highway Commissioner
Representing:	Wilmington Township Road District
Street Address:	29929 S. Kavanaugh Road
City, State, Zip:	Wilmington, ILL 60481
Office Phone:	(815)476-7232
Office Fax:	
Cellular Phone:	
E-Mail Address:	

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

DESCRIPTION OF IMPROVEMENTS ORDERED:

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

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
--	-------------------	---