

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1301

T08-0024

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"), LaMoine 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 joint Department and Commission Staff investigation of accident data that inquiry should be made into the matter of improving public safety at the Lancelot Road/TR 421 highway-rail grade crossing of the Company's track near Colmar, McDonough County, Illinois, designated as crossing AAR/DOT #072 609L, milepost 219.10-Q; 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 improvement 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 a certain improvement as hereinafter stated be made and that the cost for the proposed improvement 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 The improvement 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 improvement 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.

**DOCKETED**

**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 improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvement 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 improvement is as follows:

**- COST DIVISION TABLE -**

<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>ROAD DISTRICT</b>	<b>COMPANY</b>	<b>IDOT</b>
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$207,931	30% \$62,380 <sup>1</sup>	\$0	Remainder <sup>3</sup>	70% \$145,551 <sup>2</sup>
<b>TOTALS</b>	<b>\$207,931</b>	<b>\$62,380</b>	<b>\$0</b>	<b>\$0</b>	<b>\$145,551</b>

**Notes:**

- <sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$62,380. Any installation costs above the estimated amount of \$207,931 will be divided between the GCPF and the Company in the same percentages noted above, except as explained in Note 2 below, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission
- <sup>2</sup> Total IDOT funding for installation of new automatic warning devices not to exceed \$172,237; any automatic warning device installation costs above the estimated amount of \$172,237 will be paid by the Company.
- <sup>3</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

**Section 6** The Road District is not required to pay any portion of the cost for the proposed improvements.

**Section 7** 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 improvement(s) at the subject crossing(s) will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit C, 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 C,

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 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 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.

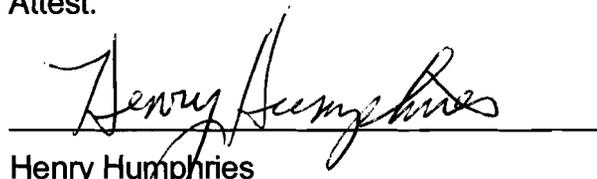
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 5<sup>th</sup> day of November 2007.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Henry Humphries  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1301, executed by Commission Staff on November 5, 2007, concerning improvements at the Lancelot Road/TR 421 (**AAR/DOT #072 609L; railroad milepost 219.10-Q**) highway-rail grade crossing of the BNSF Railway Company's track, located near Colmar, McDonough County.

Executed by LaMoine Township Road District this 9 day of November 2007.

LAMOINE TOWNSHIP ROAD DISTRICT

By: Neil [Signature]

**RECEIVED**  
NOV 13 2007  
Illinois Commerce Commission  
RAIL SAFETY SECTION

Attest:

\_\_\_\_\_

Illinois Commerce Commission Stipulated Agreement 1306, executed by Commission Staff on November 21, 2007, concerning improvements at the Oak Street highway-rail grade crossing of the BNSF Railway Company's track, in the Village of Coal City, Grundy County, designated as crossing AAR/DOT #004 404J, railroad milepost 58.32.

Executed by the Illinois Department of Transportation this 18<sup>th</sup> day of Dec. 2007.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: Christine M. Reed  
Christine M. Reed, P.E., Director of Highways

Illinois Commerce Commission Stipulated Agreement 1301, executed by Commission Staff on November 5, 2007, concerning improvements at the Lancelot Road/TR 421 (AAR/DOT #072 609L; railroad milepost 219.10-Q) highway-rail grade crossing of the BNSF Railway Company's track, located near Colmar, McDonough County.

Executed by BNSF Railway Company this 22<sup>ND</sup> day of January 2007.

BNSF RAILWAY COMPANY

By: 

Attest:



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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	BNSF
<b>USDOT#, MILEPOST</b>	072 609L, 219.10-Q
<b>STREET, CITY, COUNTY</b>	Lancelot [TR421] (n) Colmar, McDonough
<b>JURISDICTION (RDWY)</b>	Lamoine Township
<b>LOCATION</b>	/Rural, Commercial/Residential
<b>STREET SURFACE</b>	20' 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	Concrete	33'	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Pvt.
<b>TRAFFIC CONTROL</b>	None
<b>ADT &amp; SPEED</b>	250 Vehicles Per Day @ 55 MPH (Unposted)
<b>TRAFFIC TYPE</b>	Passenger, School Buses, Hazardous Materials, Other
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	No

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	22 Per day @ 60 MPH, Day & Night? Yes
<b>PASSENGER TRAFFIC</b>	6 per day @ 79 MPH
<b>WARNING DEVICES</b>	AFLS

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	79	<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>	863	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1,921	<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.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	*	Ok	*	Restricted
<b>NW</b>	*	Ok	*	"
<b>SE</b>	*	OK	*	"
<b>SW</b>	*	Ok	*	"

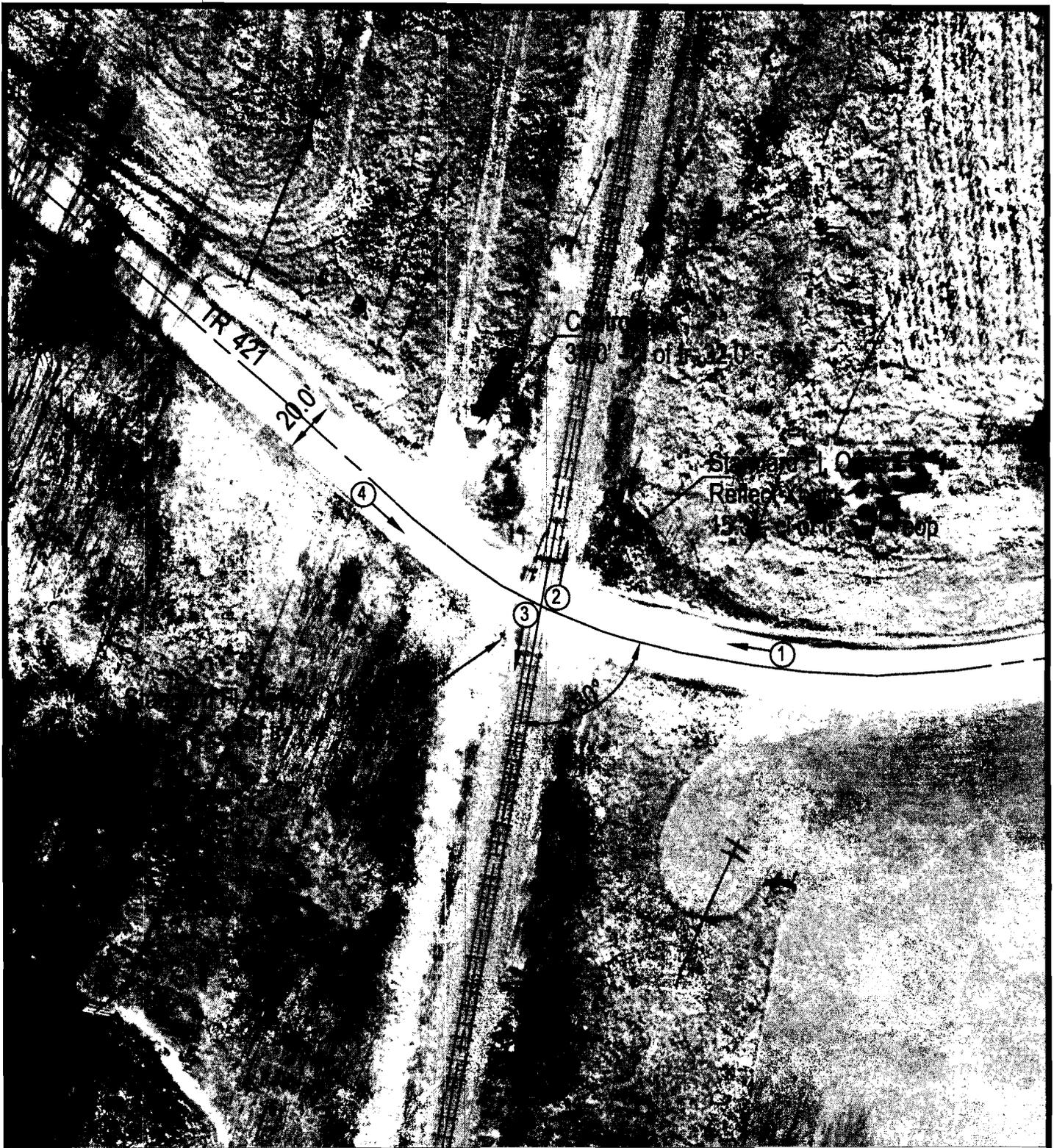
\*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria. All quadrants have visibility restrictions due to trees, berm and curve in road.

**APPROACH GRADES:** See Location Sketch

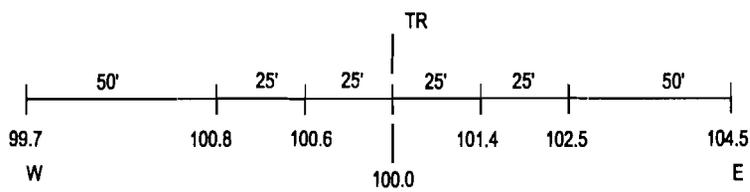
<b>DIRECTION: EAST/NORTH</b>			<b>DIRECTION: WEST/SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
See	Exhibit	A	Page	3	
"	"	"	"	"	

Distance measured from outermost rail.

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



J:\MCDONOUGH\072609L\072609L.DWG 07/20/00 13:20 JJA



ROAD PROFILE



③ Photo Location

Crossing #: 072609L  
 Location: McDonough Co., City of Colmar (Near)  
 Lat/Long: 40°19'23" / 90°54'10"  
 Railroad: BNSF  
 Street: TR 421  
 Railroad Milepost: 219.10  
 Crossing Protection: Train Activated Devices

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

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

LOCATION:- COLMAR TO PLYMOUTH                      DETAILS OF ESTIMATE                      PLAN ITEM: PS1072609L                      VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

MONTHLY POWER UTILITY COST CENTER : 61690  
 INSTALL CONSTANT WARNING AND FLASHER WITH GATES AND 1 CANTILEVER AT TR 421 IN COLMAR, IL.  
 CHICAGO DIV., BROOKFIELD SUBDIV., L/S 0011, M.P. 219.11, DOT # 072609L.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE 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 THIS PROJECT 100%.  
 MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$
*****				
LABOR				
*****				
ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,302	
SIGNAL FIELD LABOR - CAP	840.00	MH	18,696	
SIGNAL SHOP LABOR - CAP	80.00	MH	1,844	
PAYROLL ASSOCIATED COSTS			15,995	
EQUIPMENT EXPENSES			5,774	
DA LABOR OVERHEADS			21,910	
INSURANCE EXPENSES			3,439	
TOTAL LABOR COST			68,960	68,960
*****				
MATERIAL				
*****				
BATTERY	1.00	EA N	4,120	
BUNGALOW 6X6	1.00	EA N	8,612	
BUNGALOW MATERIAL	1.00	LS N	3,399	
CABLE	1.00	EA N	4,644	
CANTILEVER	1.00	EA N	17,000	
CHARGERS	1.00	LS N	810	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING	1.00	EA N	23,429	
DUMMY LOAD	2.00	EA N	842	
FIELD MATERIAL	1.00	LS N	3,073	
FOUNDATION	2.00	EA N	970	
GATE KEEPER	2.00	EA N	3,550	
GATE MECH	2.00	EA N	14,486	
LAMP RESISTOR	1.00	EA N	761	
LED LIGHT ADJUSTMENT	14.00	EA N	3,136	
LED LIGHT GATE KIT	2.00	EA N	732	
LIGHT OUT DETECTOR	1.00	EA N	682	
MATERIAL FOR ELECTRICAL RECORDER	1.00	EA	1,500	
RTU-6, CELLULAR MONITOR	1.00	EA N	2,220	
SHUNT, NBS	1.00	EA N	2,060	
SHUNT, NBS	3.00	EA N	2,544	
TK FILTER	4.00	EA N	968	
MATERIAL HANDLING			75	

USE TAX		6,536	
OFFLINE TRANSPORTATION		1,245	
		-----	
*****	TOTAL MATERIAL COST	107,628	107,628
*****	OTHER		
*****			
AC POWER SERVICE	1.00 EA	5,000	
CONCRETE	1.00 EA N	1,000	
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	11,500	11,500
		-----	
	PROJECT SUBTOTAL		188,088
	CONTINGENCIES		18,808
	BILL PREPARATION FEE		1,035
			-----
	GROSS PROJECT COST		207,931
	LESS COST PAID BY BNSF		0
			-----
TOTAL BILLABLE COST			207,931
			=====

The Burlington Northern & Santa Fe Railway Company

TO WEST QUINCY

TO GALESBURG

NORTHWARD APPR. 3939  
79 MPH

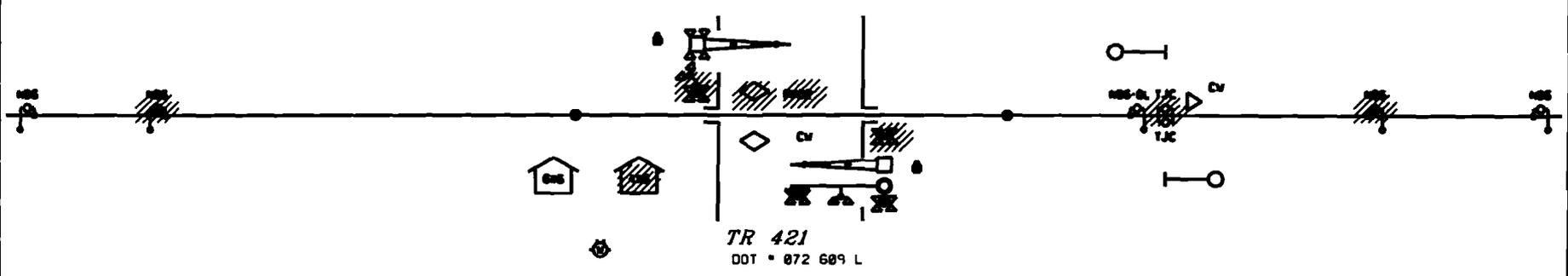
120' MIN.

SOUTHWARD APPR. 3939  
79 MPH

50' MIN.

20'

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 LEO

**BNSF RAILWAY CO.**  
 COLMAR, IL  
 TR 421  
 LS: 0011  
 M.P. 219.11  
 DOT = 072 609 L  
 DIVISION: CHICAGO  
 SUBDIVISION: BROOKFIELD  
 KANSAS CITY  
 NO SCALE  
 DATE: 06/22/07  
 FILE: 0011219\_11.dgn  
 SMP

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

**PROJECT STATUS REPORT**

**TYPE: Install AFLS/Gates.**

PROGRESS	
COMPLETION <sup>1</sup>	

DATE	1-25-08
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**PROJECT INFORMATION:**

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	708-0024
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, RR Milepost:	072 609L, 219.10-Q
Street, (in/near) City, County:	Lancelot Rd/TR 421, near Colmar, McDonough County
Railroad Company:	BNSF

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

**PROJECT MANAGER INFORMATION<sup>2</sup>:**

Name:	Craig Rasmussen, P.E.
Title:	Public Project Engineer
Representing:	BNSF Railway Company
Street Address:	80-44 <sup>th</sup> 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

<sup>2</sup>Project 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.

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

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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](mailto: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/hq/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	<b><u>And</u></b>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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