

708-0115

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1331

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the BNSF Railway Company ("Company"), Warren County ("County"), 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 that inquiry should be made into the matter of improving public safety at the 110<sup>th</sup> Street (TR-148) highway-rail grade crossing of the Company's tracks near Cameron, Warren County, Illinois, designated as crossing AAR/DOT #079 218R, milepost 174.64, 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 110<sup>th</sup> 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 County.

**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 Warren County has prepared a preliminary cost estimate to accomplish the proposed 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 County 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 -**

<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>COUNTY</b>	<b>COMPANY</b>
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$191,805	95% \$182,215 <sup>1</sup>	\$0	5% Remainder <sup>2</sup>
Modify Existing Highway Approaches	\$1985	\$0	100% <sup>4</sup> (\$1985)	\$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% <sup>3</sup>
<b>TOTALS</b>	<b>\$193,790</b>	<b>\$182,215</b>	<b>\$1985</b>	<b>\$9590</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance for the installation of the automatic warning devices, not to exceed \$182,215; any installation costs above the estimated amount of \$191,805 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, if ordered.

<sup>4</sup> County responsible for all future maintenance costs associated with the highway approaches.

**Section 7** The County 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 County 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 8 Special Provisions: Since the approach grade improvements at the subject crossing will be performed by the County, flagging and contractor liability insurance will be required for said work.

The Company and County shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits E and E-1, along with this executed Agreement.

The Company and the County shall each, 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 E and E1, 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 the 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. 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 12<sup>th</sup> 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 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 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 23<sup>rd</sup> day of April, 2008.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



John Saladino  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1331, concerning safety improvements at the 110<sup>th</sup> Street/TR 148 highway-rail grade crossing of BNSF Railway Company's track, near Cameron, Warren County, designated as crossing AAR/DOT #079 218R, railroad milepost 174.64.

Executed by the Department this 13~~th~~ day of June 2008.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

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

Illinois Commerce Commission Stipulated Agreement 1331, concerning safety improvements at the 110<sup>th</sup> Street/TR 148 highway-rail grade crossing of BNSF Railway Company's track, near Cameron, Warren County, designated as crossing AAR/DOT #079 218R, railroad milepost 174.64.

Executed by Warren County this 19<sup>th</sup> day of June 2008.

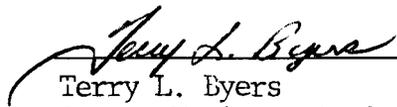
WARREN COUNTY

By:



Kevin E. Smith  
County Engineer

Attest:



Terry L. Byers  
County Engineer Assistant

Illinois Commerce Commission Stipulated Agreement 1331, concerning safety improvements at the 110<sup>th</sup> Street/TR 148 highway-rail grade crossing of BNSF Railway Company's track, near Cameron, Warren County, designated as crossing AAR/DOT #079 218R, railroad milepost 174.64.

Executed by BNSF Railway Company this 15<sup>th</sup> day of AUGUST 2008.

BNSF RAILWAY COMPANY

By: Craig Remusser

Attest:

[Signature]

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	BNSF
<b>USDOT#, MILEPOST</b>	079 218R, 174.64
<b>STREET, CITY, COUNTY</b>	110 <sup>th</sup> Street (TR-148) Near Cameron, Warren County
<b>JURISDICTION (RDWY)</b>	Warren County
<b>LOCATION</b>	Rural
<b>STREET SURFACE</b>	16' Gravel, Fair Condition

**CROSSING DATA:** Also 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 (N)	Full-Depth Timber	24'	Fair
Main (S)	Full-Depth Timber	24'	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	180 <sup>th</sup> Avenue
<b>TRAFFIC CONTROL</b>	Stop Sign at 180 <sup>th</sup> Ave.
<b>ADT &amp; SPEED</b>	25 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>	34 Per day @ 79 MPH, Day & Night? Yes
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	Crossbucks

**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>	573	<b>FEET</b>
<b>Along Tracks</b>	938	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1,918	<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*		Ok*	#
<b>NW</b>	Ok*		OK*	#
<b>SE</b>	Ok*		OK*	#
<b>SW</b>	Ok*		OK*	#

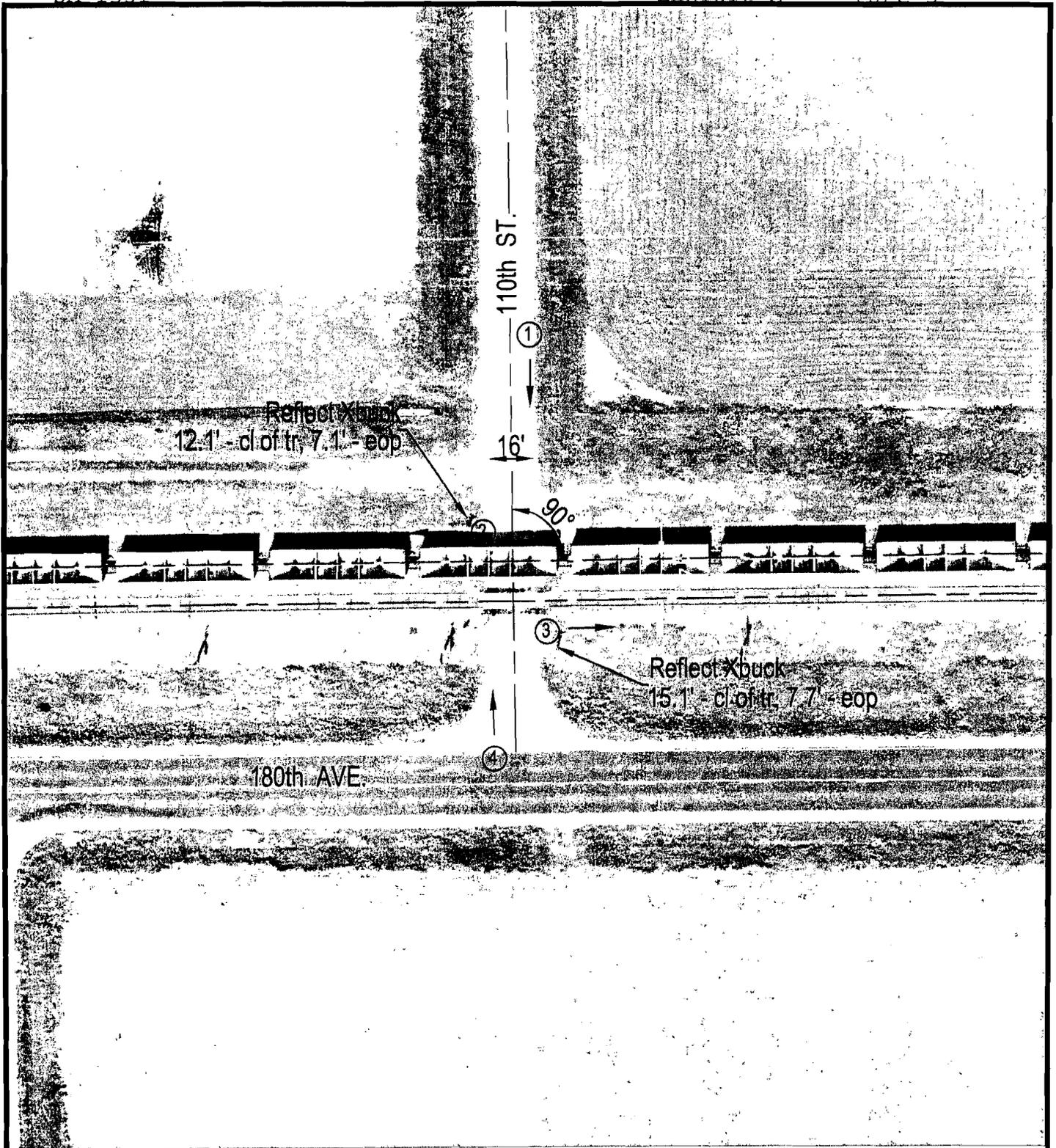
\*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

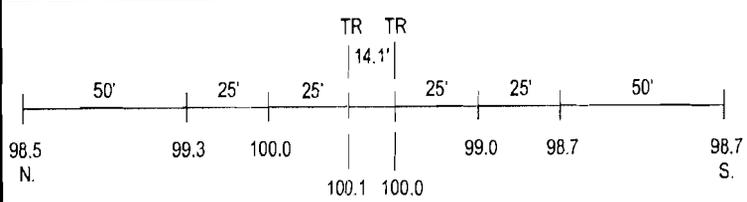
<b>DIRECTION: NORTH</b>			<b>DIRECTION: SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>

Distance measured from outermost rail.

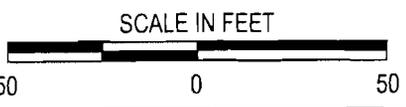
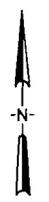
**COMMENTS:** See Page 3 for an Arial View (Location Sketch)of the crossing.  
# Ok, Now. If crops (corn) were in field, that quadrant would be restricted.



J:\WARREN\079218R\079218R.DWG 03/07/01 10:27 B.A.B



ROAD PROFILE



③ Photo Location

Crossing #: 079218R  
 Location: Warren Co., City of Cameron (N)  
 Lat/Long: 40°53'24" / 90°34'26"  
 Railroad: BNSF  
 Street: 110th St.  
 Railroad Milepost: 174.64  
 Crossing Protection: Signs



SURFACE ROCK

30.0 CY N

750

TOTAL OTHER ITEMS COST

11,000

11,000

PROJECT SUBTOTAL

173,500

CONTINGENCIES

17,350

BILL PREPARATION FEE

955

GROSS PROJECT COST

191,805

LESS COST PAID BY BNSF

9,594

TOTAL BILLABLE COST

182,211

The Burlington Northern & Santa Fe Railway Company

TO CRESTON ←

→ TO GALESBURG

EASTWARD APPR. 3939'  
79 MPH

120' MIN.

WESTWARD APPR. 3939'  
79 MPH

50' MIN.

20'

50' MIN.

NBS

NBS  
86HZ

NBS

NBS

NBS  
86HZ

NBS

110TH STREET  
DOT • 079218R

INSTALL: LED'S

CONTROL DEVICES: CONSTANT WARNING

**BOLD - 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. 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.**

CAMERON, IL.

110TJ STREET

LS: 0001

M.P. 174.64

DOT • 079 218 R

DIVISION: NEBRASKA

SUBDIVISION: OTTUMWA

KANSAS CITY

NO SCALE

DATE: 01/15/08

FILE: 0001174.64.dgn

SMP

Warren County, Illinois  
 110<sup>th</sup> Street  
 TR 142 at the  
 BNSF Railroad X-ing

## **ESTIMATE OF COSTS**

To improve the south approach to meet acceptable grade standards. Work to be completed by Warren County Highway Department.

### **MATERIALS:**

5 tons of bituminous asphalt mix @ \$56.30 per ton	\$281.50
69 tons of CA-6 Aggregate @ \$7.60 per ton	\$524.40

### **EQUIPMENT:**

Tandem truck hauling 69 tons 12 miles @ 20¢ per ton per mile Hauling costs includes driver	\$165.60
Motor Grader – approximately 5 hours of grading & shaping @ \$48.65 per hour	\$243.25
Roller – approximately 3 hours at \$40.88 per hour	\$122.64
Backhoe – approximately 2 hours @ \$25.83	\$51.66

### **LABOR:**

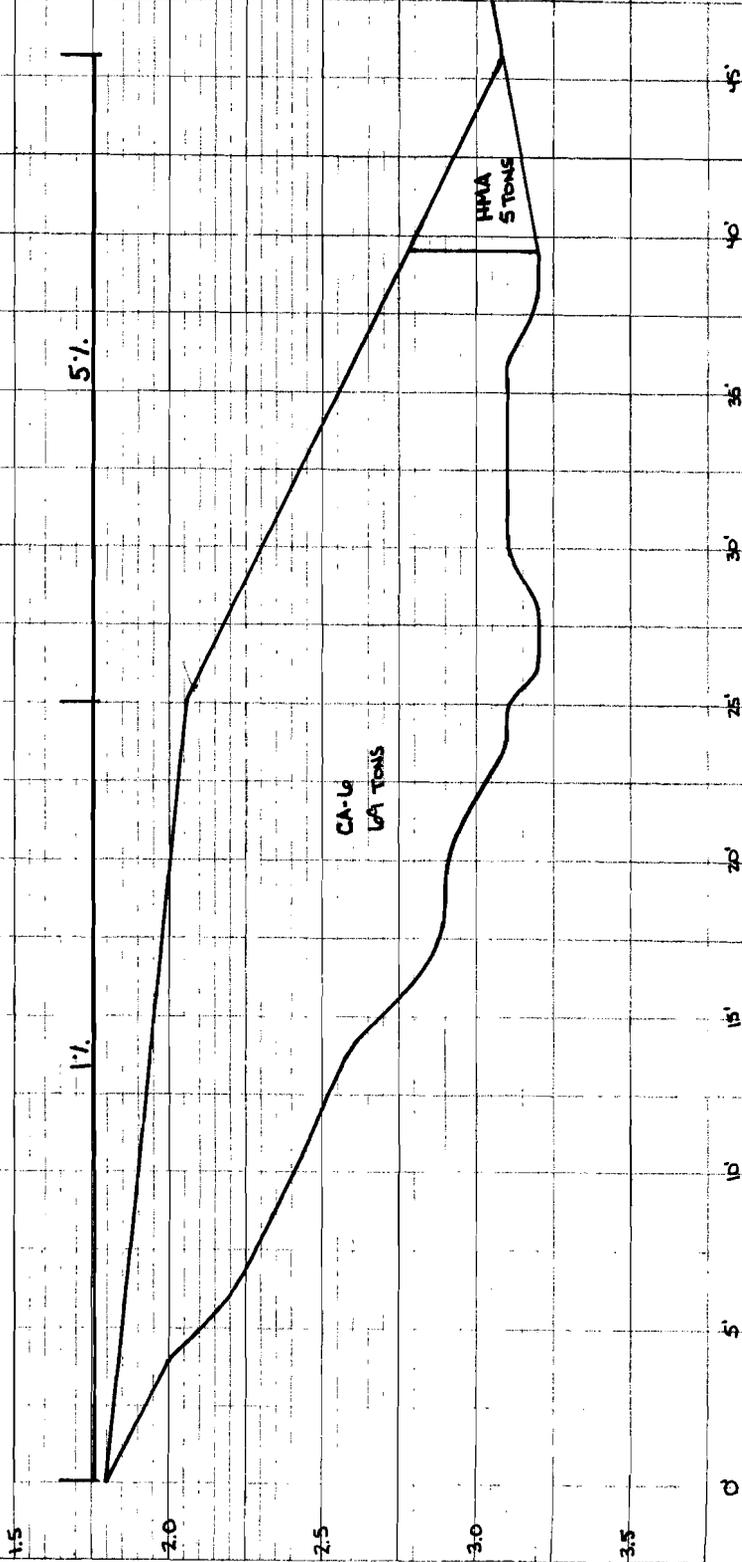
2 Operators – approximately 5 hours @ \$26 per hour	\$260.00
4 Laborers – approximately 4 hours @ \$21 per hour	\$336.00

**TOTAL ESTIMATED COST:   \$1,985.05**

Estimate made by: Kevin Smith  
 Warren County Highway Department  
 April 22, 2008

EXISTING GRADE  
PROPOSED GRADE

WARREN COUNTY  
TR. H.L. C. BNSF. RR. XING  
115TH STREET & 180TH AVE



ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1331

Date June 19, 2008

The Warren County Board meeting on June 18, 2008, Resolved  
(Date)

to authorize Kevin Smith, Warren County Highway Department to act as its  
(Name, Office)

designated agent in the processing of this Stipulated Agreement and that the Warren County is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 7 of this Agreement.

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

**PROJECT STATUS REPORT**

**TYPE:** (CHECK ONE)

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

DATE	8-18-08
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**PROJECT INFORMATION:**

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	708-0115
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, RR Milepost:	079 218R, 174.64
Street, (in/near) City, County:	110 <sup>th</sup> Street (TR-148), (N) Cameron, Warren 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 the 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)

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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:

The Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701-1827

If you have questions contact:

John Saladino, Rail Safety Specialist  
Phone: (217) 785-8423  
Email: jsaladino@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/formswizard.aspx>

The billing address for **Grade Crossing Protection Fund** reimbursement is:

**SIGNAL WORK**

Illinois Department of Transportation  
Fiscal Control Unit  
Bureau of Local Roads and Streets  
2300 South Dirksen Parkway  
Springfield, Illinois 62764

**APPROACH/BRIDGE WORK**

IDOT, District ##  
Address

**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 Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

**PROJECT STATUS REPORT**

**TYPE: (CHECK ONE)**

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

DATE	8-18-08
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**PROJECT INFORMATION:**

Reporting Party:	Warren County
Docket/Order #; Date:	708-0115
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, RR Milepost:	079 218R, 174.64
Street, (in/near) City, County:	110 <sup>th</sup> Street, near Cameron, Warren 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:	KEVIN SMITH, P.E.
Title:	WARREN COUNTY ENGINEER
Representing:	WARREN COUNTY
Street Address:	833 S. 8 <sup>TH</sup> STREET ; P.O. BOX 438
City, State, Zip:	MONMOUTH, IL 61462
Office Phone:	309 734-8518
Office Fax:	309 734-5668
Cellular Phone:	309 221-3306
E-Mail Address:	k.smith@ctnspeed.net

<sup>2</sup>Project Manager information to be submitted by Warren County

**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)

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Springfield, IL 62701-1827

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Phone: (217) 785-8423  
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Springfield, Illinois 62764

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