

COPY

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1319**

T08-0174

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"), Concord 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 colision data that inquiry should be made into the matter of improving public safety at the 1300N highway-rail grade crossing of the Company's tracks near Buda, Bureau County, Illinois, designated as crossing AAR/DOT #079 708H, railroad milepost 115.61-A; 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 1300N crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.

DOCKETED

- (c) Replacement of pipe culvert under 1300N in south ditch line, by the Company.
- (d) Improve the highway approach grades so that they conform to 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.

The Bureau 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(s) are attached and incorporated herein by reference as Exhibit C.

Section 4 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 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	\$218,318	95% \$207,402 ¹	\$0	5% ² Remainder ²
Modify Existing Highway Approaches	\$8391	\$0	100% ⁴ \$8391	\$0
Pipe Culvert Replacement	No Estimate Required	\$0	\$0	100% ⁵
Install temporary STOP Signs	No Estimate Required	\$0	\$0	100% ³
TOTALS	\$226,709	\$207,402	\$8391	\$10,916

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$207,402; any installation costs above the estimated amount of \$218,318 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 Road District responsible for all future maintenance costs associated with the highway approaches.

⁵ Company responsible for all future maintenance costs associated with the pipe culvert.

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 D. 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: Since the roadway improvements at the subject crossing will be performed by the Road District, a railroad flagger, unless determined otherwise by the Company's Project Representative, will be required and furnished when the Road District's work activities are located over, under and/or within twenty-five (25) feet measured horizontally from centerline of the nearest track and when cranes or similar equipment positioned beyond twenty-five (25) feet from the track centerline could foul the track in the event of tip over or other catastrophic occurrence. In addition, railroad protective 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 E and E-1, 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 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 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. 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.

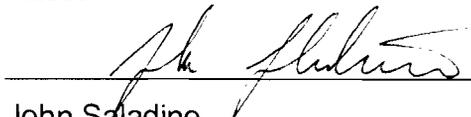
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 21st day of August, 2008.



Michael E. Stead
Rail Safety Program Administrator

Attest:



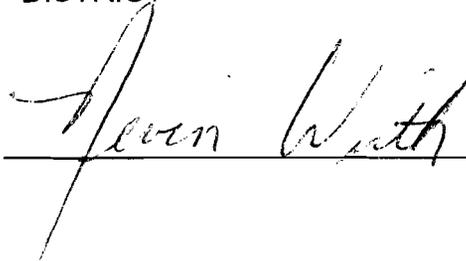
John Saladino
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1319, executed by Commission Staff on August 21, 2008, concerning improvements at the 1300N highway-rail grade crossing of the BNSF Railway Company's track, near Buda, Bureau County, Illinois, designated as crossing AAR/DOT #079 708H, railroad milepost 115.61-A.

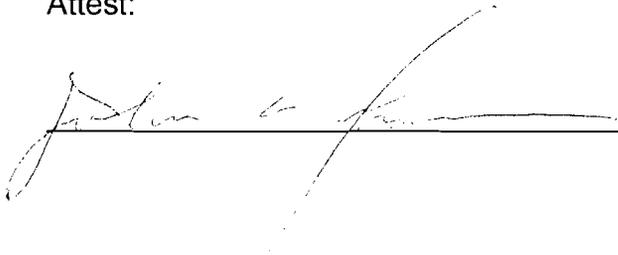
Executed by Concord Township Road District this 4th day of September 2008.

CONCORD TOWNSHIP ROAD
DISTRICT

By:



Attest:



Illinois Commerce Commission Stipulated Agreement 1319, executed by Commission Staff on August 21, 2008, concerning improvements at the 1300N highway-rail grade crossing of the BNSF Railway Company's track, near Buda, Bureau County, Illinois, designated as crossing AAR/DOT #079 708H, railroad milepost 115.61-A.

Executed by the Illinois Department of Transportation this 21st day of October 2008.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Christine M. Reed
Christine M. Reed, Director of Highways, Chief Engineer

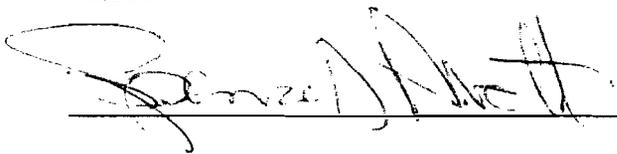
Illinois Commerce Commission Stipulated Agreement 1319, executed by Commission Staff on August 21, 2008, concerning improvements at the 1300N highway-rail grade crossing of the BNSF Railway Company's track, near Buda, Bureau County, Illinois, designated as crossing AAR/DOT #079 708H, railroad milepost 115.61-A.

Executed by BNSF Railway Company this 22ND day of December 2008.

BNSF RAILWAY COMPANY

By: 

Attest:



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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	079 708H, 115.61-A
STREET, CITY, COUNTY	1300N, near Buda, Bureau County
JURISDICTION (RDWY)	Concord Township Road District
LOCATION	Rural, Commercial/Residential
STREET SURFACE	21' 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	FDT	24'	Fair
S Main	FDT	24'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
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	24 Per day @ 60 MPH, Day & Night? Yes
PASSENGER TRAFFIC	7 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	863	FEET
Along Tracks	518	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,921	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.

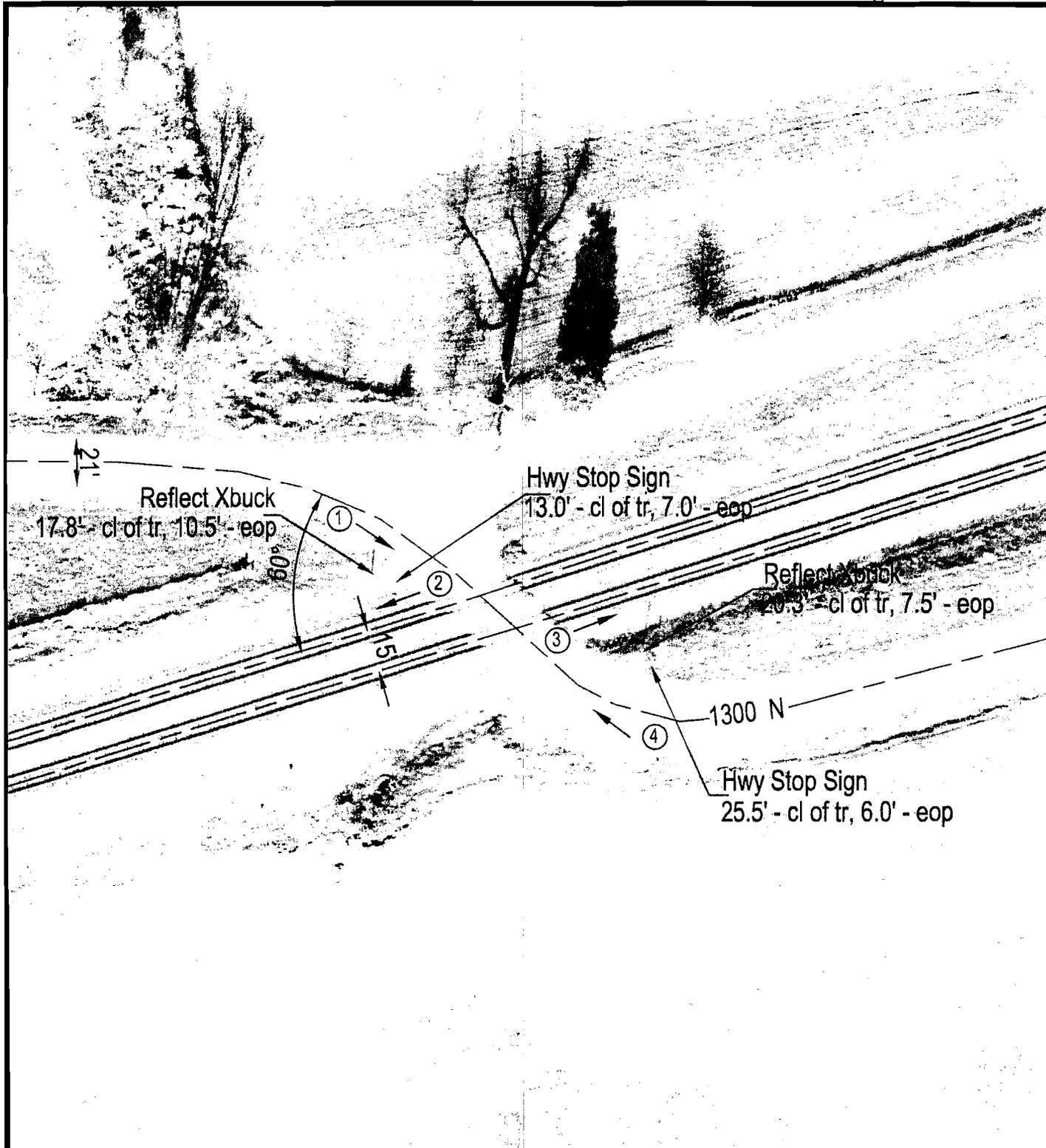
APPROACH GRADES: See Location Sketch

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

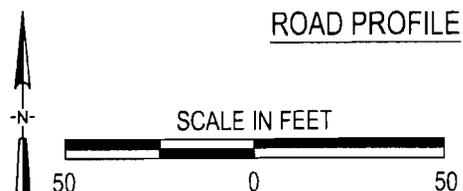
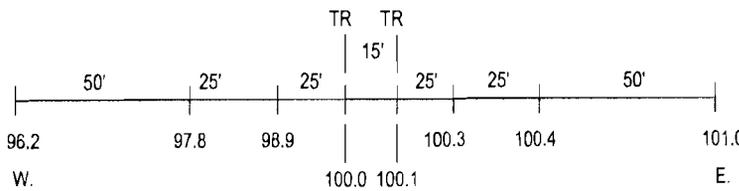
Distance measured from outermost rail.

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

Open fields at time of inspection. No crops planted yet.



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③ Photo Location

Crossing #:	079708H
Location:	Bureau Co., City of Buda (N)
Lat/Long:	41°20'10" / 89°39'47"
Railroad:	BNSF
Street:	1300 N
Railroad Milepost:	115.61
Crossing Protection:	Signs

TOTAL OTHER ITEMS COST	31,600	<u>31,600</u>
PROJECT SUBTOTAL		197,483
CONTINGENCIES		19,748
BILL PREPARATION FEE		<u>1,087</u>
GROSS PROJECT COST		218,318
LESS COST PAID BY BNSF		<u>32,754</u>
TOTAL BILLABLE COST		185,564

The Burlington Northern & Santa Fe Railway Company

TO GALESBURG

TO MONTGOMERY

EASTWARD APPR. 3939
79 MPH

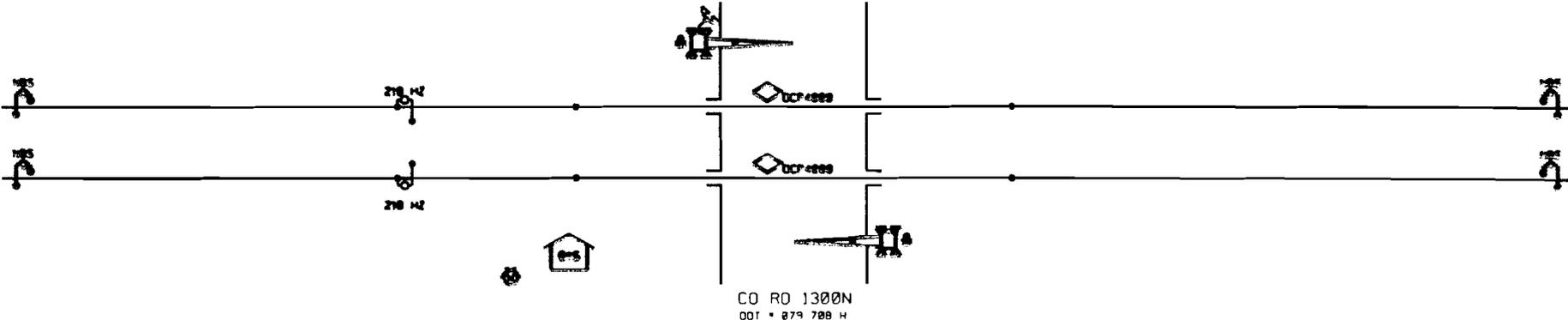
120' MIN.

WESTWARD APPR. 3939
79 MPH

58' MIN.

20'

58' MIN.



INSTALL: GATES & FLASHERS

CONTROL DEVICES: CONSTANT WARNING

0010 - 10

//// - 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.

BUOA, IL
CO RD 1300N
LS: 0001
M.P. 115.61
DOT # 079 708 H
DIVISION CHICAGO
SUBDIVISION MENDOTA
KANSAS CITY
NO SCALE
DATE: 07/13/07
FILE: 0001115_61.OGN
SMP

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT #1319

Date 9-4-2008

The Concord Township Road District meeting on 9-4-2008, Resolved to
authorize Merin Worth (Date)
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Concord Township Road District is financially willing and 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	12-29-08
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PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	T08-0174
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	079 708H, 115.61-A
Street, (in/near) City, County:	1300N, near Buda, Bureau 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.
- Replace pipe culvert under 1300N in south ditch line.

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:

John Saladino, Railroad Safety Specialist
Phone: 217/785-8423
Email: jsaladino@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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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

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

DATE	12-29-08
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PROJECT INFORMATION:

Reporting Party:	Concord Township Road District
Docket/Order #: Date:	T08-0174
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	079 708H, 115.61-A
Street, (in/near) City, County:	1300N, near Buda, Bureau 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:	Nevin Wirth
Title:	Highway Commissioner
Representing:	Concord Township Road District
Street Address:	702 E. Mill Road
City, State, Zip:	Sheffield, IL 61361
Office Phone:	815/454-2037
Office Fax:	815/454-2037
Cellular Phone:	815/866-2037
E-Mail Address:	

²Project Manager information to be submitted by BNSF Railway Company and Concord Township Road District.

DESCRIPTION OF IMPROVEMENTS ORDERED:

- Improve highway approach grades to meet the minimum requirements of 92 IAC 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:

John Saladino, Railroad Safety Specialist
Phone: 217/785-8423
Email: jsaladino@icc.illinois.gov

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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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