

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1351**

709-0017

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"), the Hale 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 that inquiry should be made into the matter of improving public safety at the 185th Avenue (TR-131) highway-rail grade crossing of the Company's tracks near Monmouth, Warren County, Illinois, designated as crossing **AAR/DOT 079 226H, milepost 180.12-A**; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a diagnostic team comprised of a representative of the Company, Department and 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 185th Avenue 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.

The Warren County on behalf of the Road District 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 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	\$342,941	95% \$325,794 ¹	\$0	5% Remainder ²
Modify Existing Highway Approaches	\$6,609.15	\$0	100% ⁴ (\$6,609.15)	\$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³
TOTALS	\$349,550	\$325,794	\$6,609.15	\$17,147

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance for the installation of the automatic warning devices, not to exceed \$325,794; any installation costs above the estimated amount of \$342,941 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.

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 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 the Road District 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 E-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 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 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 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 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 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 5th day of September, 2008.



Michael E. Stead
Rail Safety Program Administrator

Attest:



John Saladino
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1351, concerning improvements at the 185th Avenue/TR-131 highway-rail grade crossing of BNSF Railway Company's tracks, near Monmouth, Warren County, designated as crossing **AAR/DOT # 079 226H, Milepost 180.12-A.**

Executed by Hale Township Road District _____ this 10th day of September 2008.

HALE TOWNSHIP ROAD DISTRICT

By: Jim Oaks
JIM OAKS
Road Commissioner

Attest:

Dale Rothzen

Dale Rothzen

RECEIVED
SEP 19 2008
Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement 1351, concerning improvements at the 185th Avenue/TR-131 highway-rail grade crossing of BNSF Railway Company's tracks, near Monmouth, Warren County, designated as crossing **AAR/DOT # 079 226H, Milepost 180.12-A**.

Executed by the Department this 15th day of October 2008.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

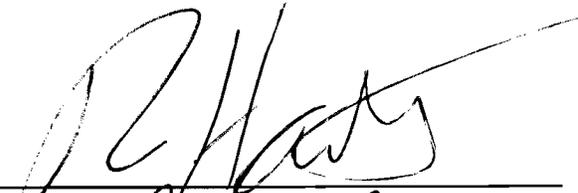
By: Christine M. Reed *CPD*
Christine M. Reed, Director of Highways, Chief Engineer

Illinois Commerce Commission Stipulated Agreement 1351, concerning improvements at the 185th Avenue/TR-131 highway-rail grade crossing of BNSF Railway Company's tracks, near Monmouth, Warren County, designated as crossing **AAR/DOT # 079 226H, Milepost 180.12-A.**

Executed by BNSF Railway Company this 5 day of FEBRUARY 2008.

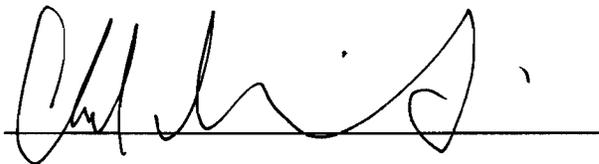
BNSF RAILWAY COMPANY

By:



DM Public Projects

Attest:



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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	079 226H, 180.12-A
STREET, CITY, COUNTY	185 th Avenue (TR-131) Near Monmouth, Warren County
JURISDICTION (RDWY)	Hale Township
LOCATION	Rural, Commercial/Residential
STREET SURFACE	20' Oil/Chip, Fair Condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Concrete	24'	New
Main	Concrete	24'	New

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	60 th Street
TRAFFIC CONTROL	None
ADT & SPEED	100 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	32 Per day @ 60 MPH, Day & Night? Yes
PASSENGER TRAFFIC	6 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*		Ok*	#

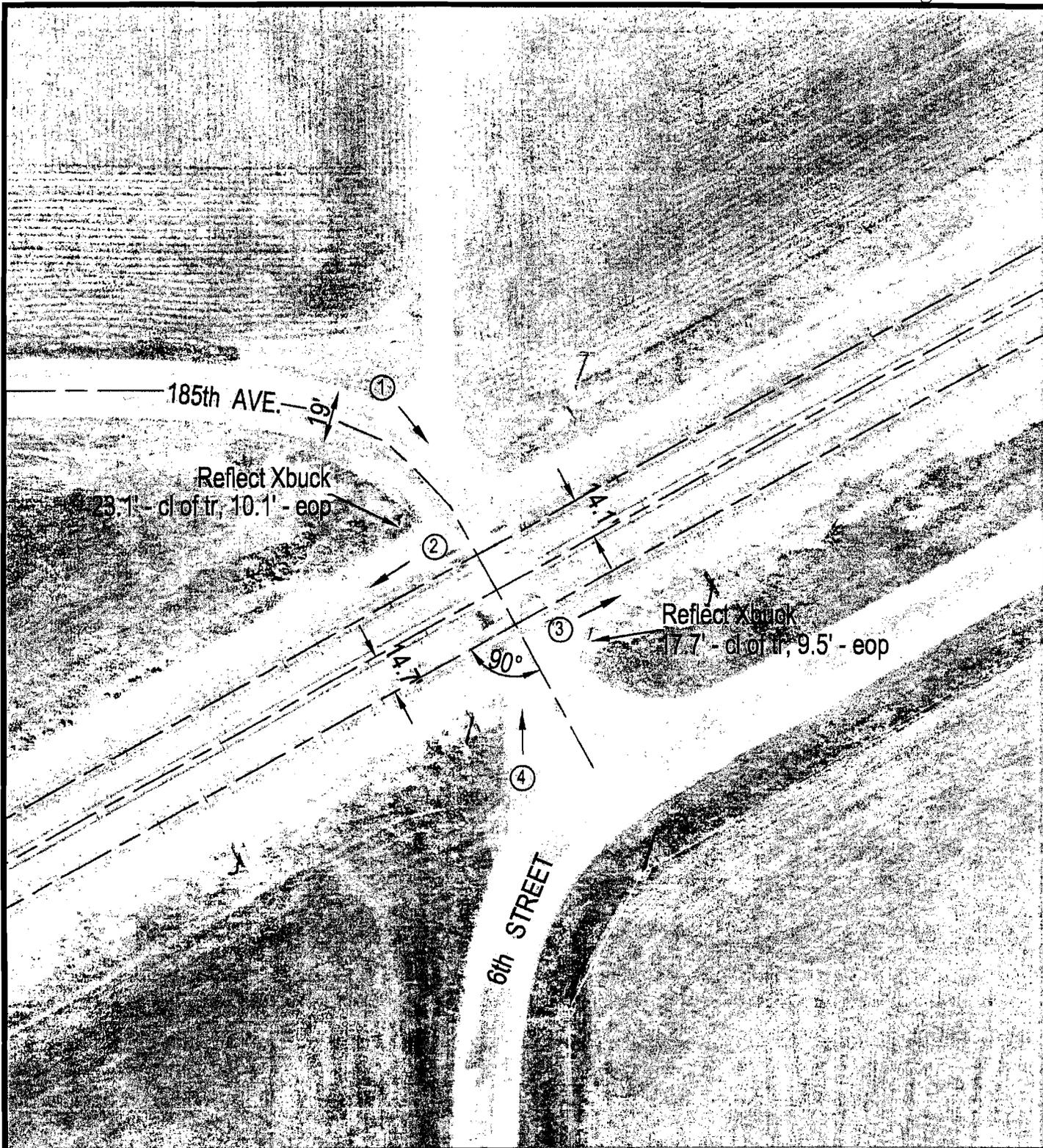
*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

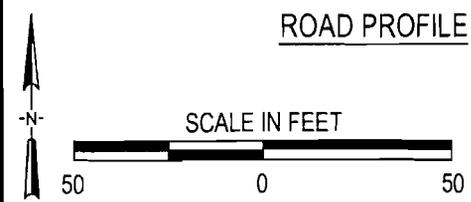
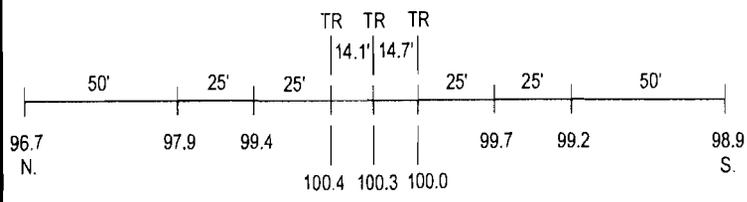
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)

Distance measured from outermost rail.

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



G:\WARREN\079226H\079226H.DWG 03/09/01 11:10 HWI



③ Photo Location

Crossing #: 079226H
 Location: Warren Co., City of Monmouth (N)
 Lat/Long: 40°53'57" / 90°40'17"
 Railroad: BNSF
 Street: 185th Ave.
 Railroad Milepost: 180.12
 Crossing Protection: Signs

TOTAL OTHER ITEMS COST	9,500	9,500
PROJECT SUBTOTAL		310,213
CONTINGENCIES		31,021
BILL PREPARATION FEE		1,707
GROSS PROJECT COST		342,941
LESS COST PAID BY BNSF		17,155
TOTAL BILLABLE COST		325,786

Warren County, Illinois
Hale Township
185 Avenue
TR 131 at the BNSF RR Crossing
DOT# 079226H

ESTIMATE OF COSTS

To improve gravel approaches in order to meet the acceptable grade standards. North Approach work is to be completed by Hale Township.

NORTH APPROACH

Materials

115 tons of crushed stone (CA-6 or CA-9) @ \$6.85 per ton \$787.75

Equipment

Motor Grader for 8 hours @ \$50.00 per hour \$400.00

Loader for 8 hours @ \$26.00 per hour \$208.00

Tandem truck to haul 115 tons 14 miles @ \$0.20 per ton mile \$322.00
(Hauling costs includes driver)

Labor

Loader for 8 hours @ \$25.00 per hour \$200.00

Motor Grader for 8 hours @ \$25.00 per hour \$200.00

Tandem truck for 8 hours @ \$10.00 per hour \$80.00

Total Estimated Cost at North Approach **\$2,197.75**

Warren County, Illinois
 Hale Township
 185 Avenue
 TR 131 at the BNSF RR Crossing
 DOT# 079226H

ESTIMATE OF COSTS

To improve gravel approaches in order to meet the acceptable grade standards. South Approach work is to be completed by Hale Township.

SOUTH APPROACH

Materials

6 tons of Cold Patch @ \$21.50 per ton	\$129.00
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Equipment

Motor Grader for 2 hours @ \$50.00 per hour	\$100.00
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Tandem truck to haul 6 tons 2 miles @ \$0.20 per ton mile (Hauling costs includes driver)	\$2.40
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Roller for 2 hours @ \$30.00 per hour	\$60.00
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Labor

Roller for 2 hours @ \$25.00 per hour	\$50.00
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Motor Grader for 2 hours @ \$25.00 per hour	\$50.00
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Tandem truck for 2 hours @ \$10.00 per hour	\$20.00
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<i>Total Estimated Cost at South Approach</i>	<i>\$411.40</i>
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Railroad Liability Insurance	\$3,000.00
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Railroad Flagging Cost @ \$500.00 per day for 2 days	\$1,000.00
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<i>TOTAL COST OF CONSTRUCTION</i>	<i>\$6,609.15</i>
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ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT # 1351

Date September 10, 2008

The Hale Township Road District Board meeting on September 10, 2008, Resolved
(Date)

to authorize JIM DAKS Road Commissioner to act as its designated agent in the
(Name, Office)

processing of this Stipulated agreement and that the Hale Township Road District is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

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

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

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

DATE	2-9-09
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PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	TD 9-0017
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	079 218R, 174.64
Street, (in/near) City, County:	110 th Street (TR-148), (N) Cameron, Warren 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 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)

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	<u>And</u>	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 ¹	<input type="checkbox"/>

DATE	9-10-08
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PROJECT INFORMATION:

Reporting Party:	Warren County
Docket/Order #; Date:	709-0017
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	079 226H, 180.12-A
Street, (in/near) City, County:	185 th Avenue, near Monmouth, Warren County
Railroad Company:	BNSF

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

PROJECT MANAGER INFORMATION²:

Name:	Jim Oaks
Title:	Highway Commissioner
Representing:	Hale Township Road District
Street Address:	2140 M-A-M Trail
City, State, Zip:	Monmouth, IL. 61462
Office Phone:	(309) 734-5859
Office Fax:	309-734-0858
Cellular Phone:	309-371-7120
E-Mail Address:	the.oaks@frontier.net.net

²Project 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)

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

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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 Springfield, IL 62764
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