

**ORIGINAL**

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1383**

T09-0031

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"), McDonough County Highway Department ("County"), 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 that inquiry should be made into the matter of improving public safety at the CH 18 highway-rail grade crossing of the Company's track near Macomb, McDonough County, Illinois, designated as crossing AAR/DOT #072 590W, milepost 205.30-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>COUNTY</b>	<b>COMPANY</b>	<b>IDOT</b>
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$176,850	30% \$53,055 <sup>1</sup>	\$0	Remainder <sup>2</sup>	70% \$123,795 <sup>1</sup>
<b>TOTALS</b>	<b>\$176,850</b>	<b>\$53,055</b>	<b>\$0</b>	<b>\$0</b>	<b>\$123,795</b>

**Notes:**

<sup>1</sup> Total IDOT assistance, utilizing federal funds, for the installation of new automatic warning devices not to exceed \$123,795; total Grade Crossing Protection Fund (GCPF) assistance for the installation of new automatic warning devices not to exceed \$53,055. Any installation costs above the estimated amount of \$176,850 will be paid by the Company.

<sup>2</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

**Section 6** The County 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 railroad flagging or railroad protective 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:

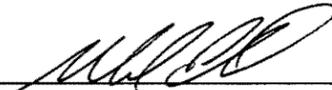
- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for 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 6<sup>th</sup> day of January 2009.

  
\_\_\_\_\_  
Michael E. Stead  
Rail Safety Program Administrator

Attest:

  
\_\_\_\_\_  
John Saladino  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1383, executed by Commission Staff on January 6, 2009, concerning improvements at the CH 18 (AAR/DOT #072 590W; railroad milepost 205.30-Q) highway-rail grade crossing of the BNSF Railway Company's track, located near Macomb, McDonough County.

Executed by the Illinois Department of Transportation this 24<sup>th</sup> day of February 2009.

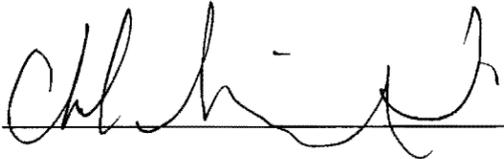
STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

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

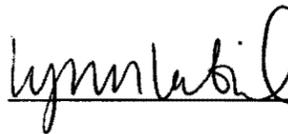
Illinois Commerce Commission Stipulated Agreement 1383, executed by Commission Staff on January 6, 2009, concerning improvements at the CH 18 (AAR/DOT #072 590W; railroad milepost 205.30-Q) highway-rail grade crossing of the BNSF Railway Company's track, located near Macomb, McDonough County.

Executed by BNSF Railway Company this 26<sup>th</sup> day of FEBRUARY 2009.

BNSF RAILWAY COMPANY

By:  \_\_\_\_\_

Attest:

 \_\_\_\_\_

Illinois Commerce Commission Stipulated Agreement 1383, executed by Commission Staff on January 6, 2009, concerning improvements at the CH 18 (AAR/DOT #072 590W; railroad milepost 205.30-Q) highway-rail grade crossing of the BNSF Railway Company's track, located near Macomb, McDonough County.

Executed by McDonough County Highway Department this 5<sup>th</sup> day of MARCH 2009.

MCDONOUGH COUNTY HIGHWAY  
DEPARTMENT

By: Robert J. Wickman

**RECEIVED**  
MAR 6 2009  
Illinois Commerce Commission  
RAIL SAFETY SECTION

Attest:

Carol A. Fowler

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	BNSF
<b>USDOT#, MILEPOST</b>	072 590W, 205.30-Q
<b>STREET, CITY, COUNTY</b>	CH 18 (n) Macomb, McDonough
<b>JURISDICTION (RDWY)</b>	McDonough County
<b>LOCATION</b>	Rural
<b>STREET SURFACE</b>	22' Oil/Chip, Fair Condition

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK (W-E)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main	Full Depth Timber	32'	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	None
<b>TRAFFIC CONTROL</b>	None
<b>ADT &amp; SPEED</b>	450 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>	23 Per day @ 60 MPH, Day & Night? Yes
<b>PASSENGER TRAFFIC</b>	4 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	*	Crops
<b>NW</b>	*	Ok	*	"
<b>SE</b>	*	OK	*	"
<b>SW</b>	*	Ok	*	"

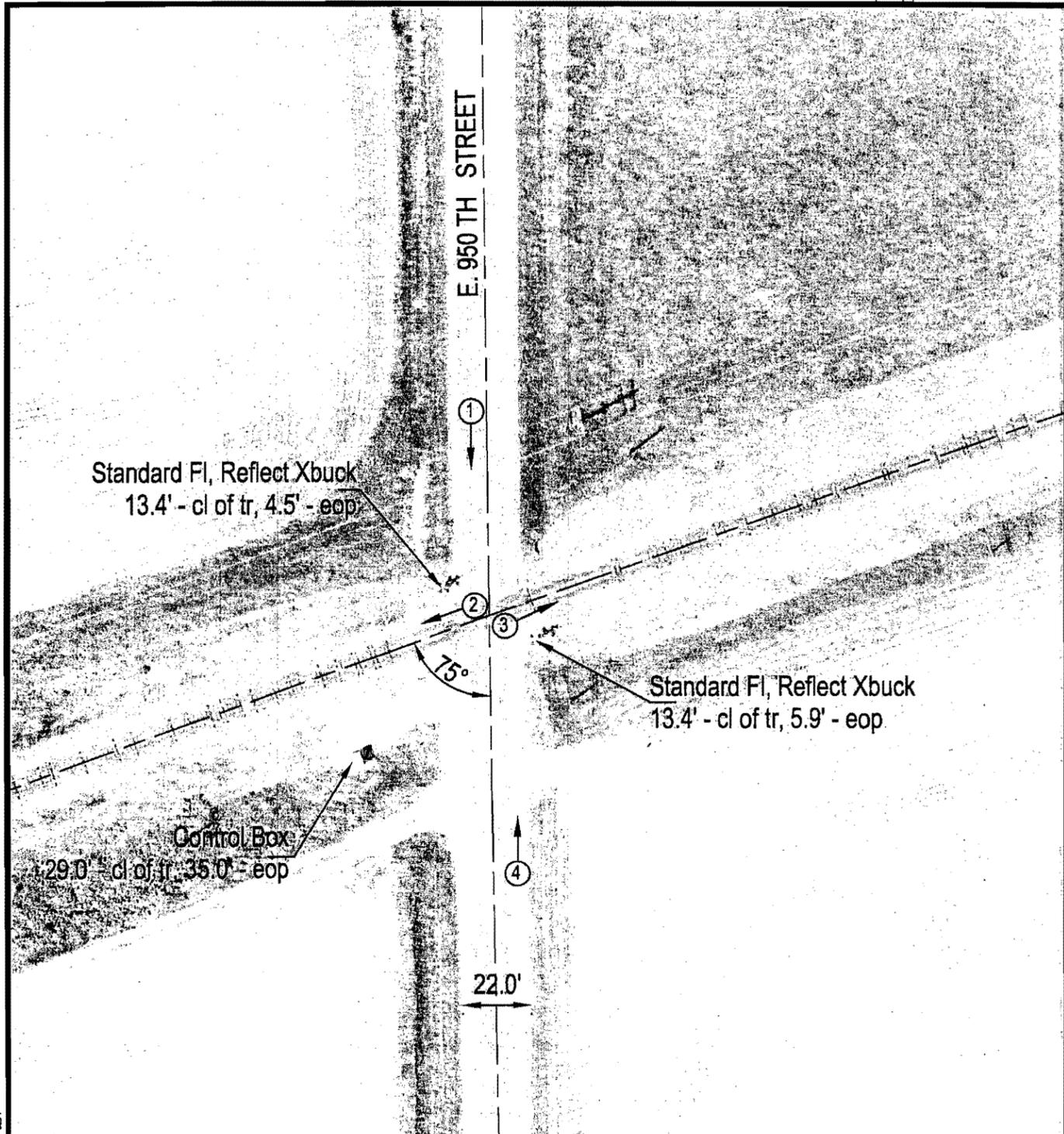
\*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

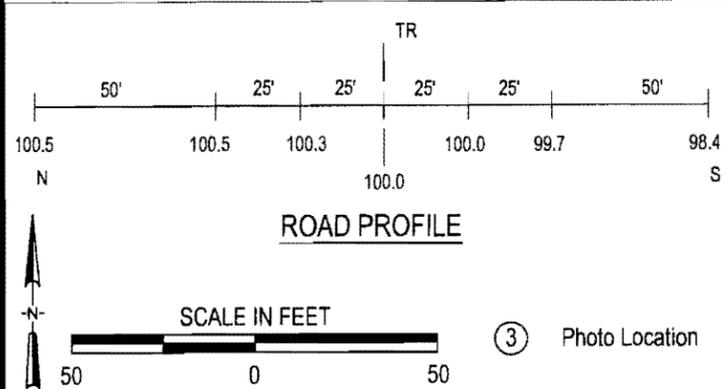
<b>DIRECTION: EAST/NORTH</b>			<b>DIRECTION: WEST/SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
See	Exhibit	A	Page	3	
"	"	"	"	"	

Distance measured from outermost rail.

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



L:\MCDONOUGH\072590W\072590W.DWG 07/20/00 08:38 JJA



Crossing #:	072590W
Location:	McDonough Co., City of Macomb (Near)
Lat/Long:	40°26'52" / 90°43'29"
Railroad:	BNSF
Street:	E. 950th Street
Railroad Milepost:	205.30
Crossing Protection:	Train Activated Devices



OTHER		
*****		
CONTRACT ENGR.	1.0 EA N	5,000
FILL DIRT	10.0 CY N	250
SURFACE ROCK	25.0 CY N	625
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TOTAL OTHER ITEMS COST		5,875
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PROJECT SUBTOTAL		159,181
CONTINGENCIES		15,918
BILL PREPARATION FEE		1,751
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GROSS PROJECT COST		176,850
LESS COST PAID BY BNSF		0
		<hr/>
TOTAL BILLABLE COST		176,850

**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION  
PROJECT STATUS REPORT:**

**TYPE:** (CHECK ONE)

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

DATE	3-9-09
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**PROJECT INFORMATION:**

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	709-0031
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	#072 590W, mp 205.30-Q
Street, (in/near) City, County:	CH 18, (n) Macomb, McDonough County
Railroad Company:	BNSF Railway Company

<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:	Chad Scherwinski
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:	763/782-3468
Office Fax:	763/782-3061
Cellular Phone:	612/812-9928
E-Mail Address:	chad.scherwinski@bnsf.com

<sup>2</sup>Project Manager Information to be submitted by Roadway Authority and Railroad Company

**DESCRIPTION OF IMPROVEMENT(S) ORDERED:**

- Install new automatic flashing light signals and gates controlled by constant warning time circuitry.

**STATUS OF WORK:**

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

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 E. 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/forms/results.aspx?st=4>

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 S. Dirksen Parkway  
Springfield, IL 62764

**APPROACH/BRIDGE WORK**

**United States Department of Transportation Inventory Form #6180.71** can be obtained on the web at:

<http://www.fra.dot.gov/us/content/801>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety, MS25 1200 New Jersey Avenue SE Washington, DC 20590-0001	<b>And</b>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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