

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1428**

709-0144

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"), Mt. Carroll 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 application from the Road District that inquiry should be made into the matter of improving public safety at the Airport Road highway-rail grade crossing of the Company's tracks near Savanna, Carroll County, Illinois, designated as crossing AAR/DOT #069 895R, railroad milepost 137.15-LS3, 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 Airport Road crossing should be:

DOCKETED

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.
- (b) Installation of temporary STOP signs within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.

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 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	\$258,505	95% \$245,580 ¹	\$0	5% Remainder ²
Install temporary STOP Signs	No Estimate Required	\$0	\$0	100% ³
TOTALS	\$258,505	\$245,580	\$0	\$12,925

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance for the installation of the automatic warning devices, not to exceed \$245,580; any installation costs above the estimated amount of \$258,505 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.

Section 6 The Road District is not financially able to pay an equitable portion of the cost for the proposed improvements, has requested relief from said costs, and has submitted documentation attesting to the Road District's inability to pay, attached and incorporated herein by reference as Exhibit D.

Section 7 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 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.

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 9th day of November 2009.



Michael E. Stead
Rail Safety Program Administrator

Attest:



John Saladino
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1428, executed by Commission Staff on November 9th, 2009, concerning improvements at the Airport Road highway-rail grade crossing of BNSF Railway Company's track, near Savanna, Carroll County, Illinois, designated as crossing AAR/DOT #069 895R, railroad milepost 137.15-LS3.

Executed by BNSF Railway Company this 9th day of DECEMBER 2009.

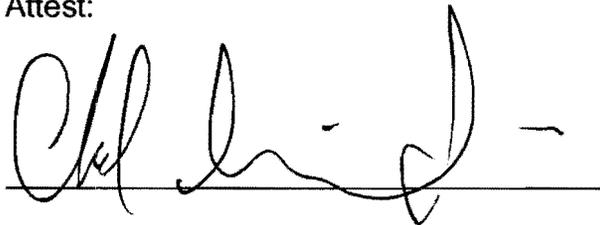
BNSF RAILWAY COMPANY

By:



A handwritten signature in black ink, appearing to be 'R. H. Adams', is written over a horizontal line.

Attest:



A handwritten signature in black ink, appearing to be 'Chadwick', is written over a horizontal line.

Illinois Commerce Commission Stipulated Agreement 1428, executed by Commission Staff on November 9th, 2009, concerning improvements at the Airport Road highway-rail grade crossing of BNSF Railway Company's track, near Savanna, Carroll County, Illinois, designated as crossing AAR/DOT #069 895R, railroad milepost 137.15-LS3.

Executed by the Mt. Carroll Township Road District this 13 day of November 2009.

MT. CARROLL TOWNSHIP ROAD DISTRICT

By: Kenneth M. Hinzey Sr.

Attest:

Illinois Commerce Commission Stipulated Agreement 1428, executed by Commission Staff on November 9th, 2009, concerning improvements at the Airport Road highway-rail grade crossing of BNSF Railway Company's track, near Savanna, Carroll County, Illinois, designated as crossing AAR/DOT #069 895R, railroad milepost 137.15-LS3.

Executed by the Illinois Department of Transportation this 28th day of December 2009.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

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

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF Railway Company
USDOT#, MILEPOST	069 895R, MP 137.15-LS3
STREET, CITY, COUNTY	Airport Rd., (n) Savanna, Carroll County
JURISDICTION (RDWY)	Mt. Carroll Township Road District
LOCATION	Rural
STREET SURFACE	Aggregate, 18' wide, good condition

CROSSING DATA: Also see Location Sketch (Page 3) for roadway profile and trk. ctrs.

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
W-E	Concrete Panels	32'	Good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	50 ADT@ 55 mph Unposted
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, all possible
ADVANCE WARNING	Yes
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	33 Per day @ 60 mph, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbucks w/ YIELD signs

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	518	FEET
Along Tracks	647	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1441	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	1500'	Curve in Track	*	Crops
NW	300'	Berm	*	Berm
SE	1500'	Curve in Track	*	Berm
SW	1000'	Berm	*	Trees

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

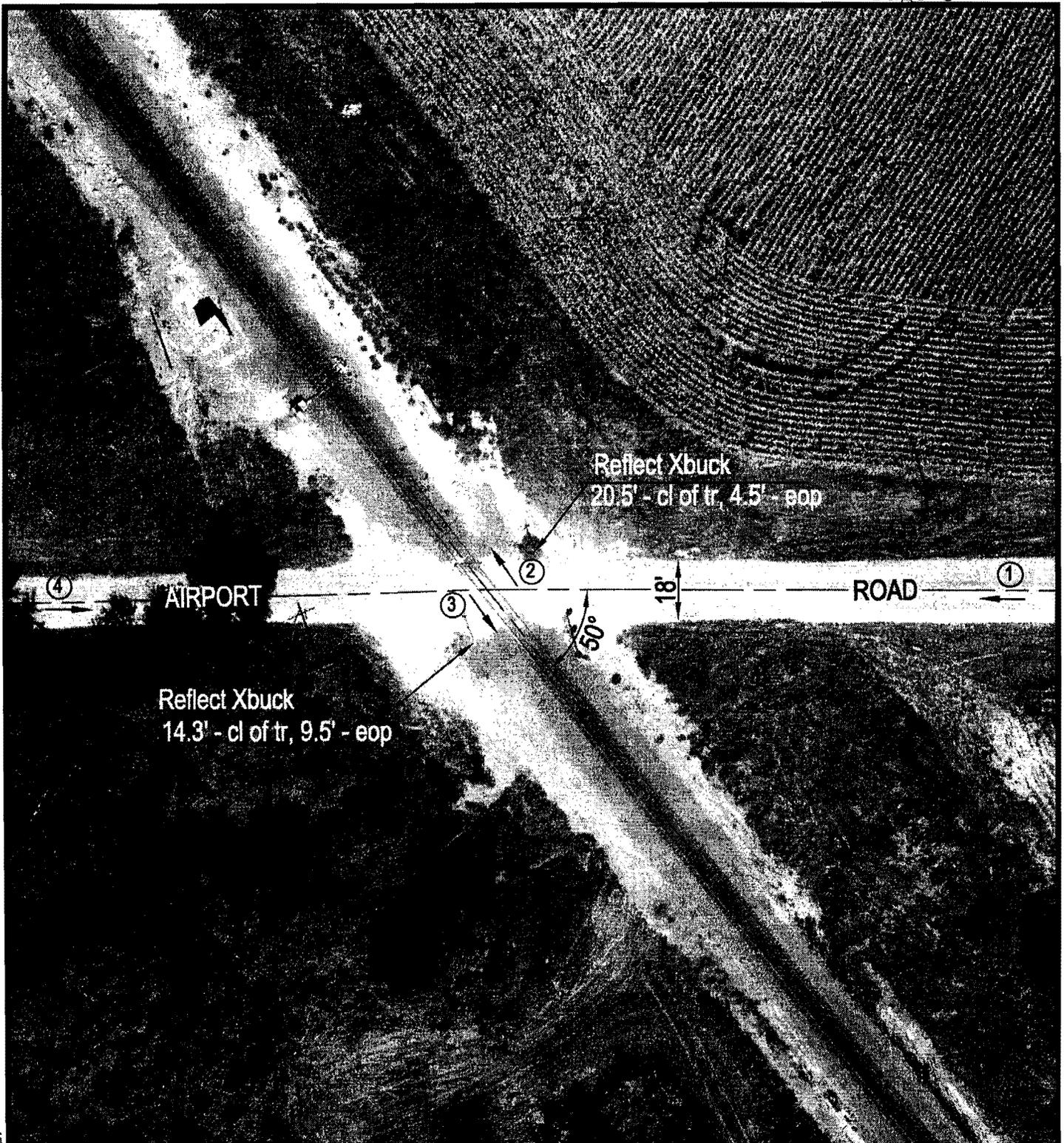
DIRECTION/North			DIRECTION/South		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
See page 3					

Distance measured from outermost rail.

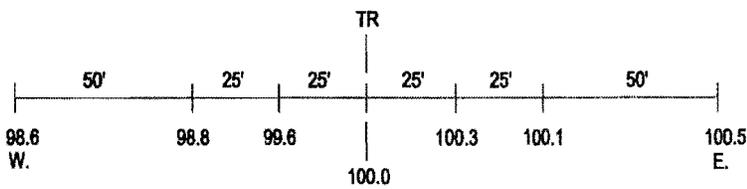
COMMENTS:

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.

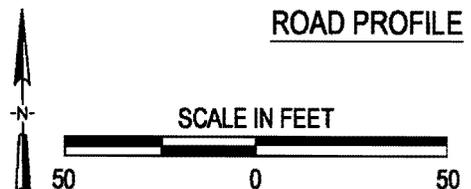
The Road District is not financially able to pay an equitable portion of the cost for the proposed improvements, has requested relief from those costs, and has submitted documentation attesting to the Road District's inability to pay. ICC Staff recommends that the Road District's portion of the installation costs for the automatic warning devices be paid by the Grade Crossing Protection Fund.



1 CARROLL 1069895R 1069895R.DWG 04/10/01 08:30 JJA



ROAD PROFILE



③ Photo Location

Crossing #:	069895R
Location:	Carroll Co., City of Savanna (N)
Lat/Long:	42°02'36" / 90°01'34"
Railroad:	BNSF
Street:	Airport Road
Railroad Milepost:	137.15
Crossing Protection:	Signs

BNSF RAILWAY COMPANY
FHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION EAST BURKE TO BURKE

DETAILS OF ESTIMATE

PLAN ITEM : PS1069895R

VERSION : 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

REVISED TO NEW PRICING LIST 09/04/03

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT AIRPORT ROAD IN SAVANNA, IL. CHICAGO DIV., AURORA SUBDIV., L/S
0003, M.P. 168.85, DOT #069895R
MONTHLY POWER UTILITY COST CENTER: 61690

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE 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 GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND
OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT 95% WITH THE BNSF FUNDING THIS PROJECT 5%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

ELECTRICAL LABOR F/POWER TRANS SYS	54.0	MH	1,360	
SIGNAL FIELD LABOR - CAP	952.0	MH	24,810	
SIGNAL SHOP LABOR - CAP	80.0	MH	2,104	
PAYROLL ASSOCIATED COSTS			19,471	
EQUIPMENT EXPENSES			8,806	
DA LABOR OVERHEADS			30,381	
INSURANCE EXPENSES			4,450	
TOTAL LABOR COST			91,382	91,382

MATERIAL				

BATTERY	1.0	EA N	5,868	
BUNGALOW 6X6	1.0	EA N	8,612	
BUNGALOW MATERIAL	1.0	LS N	6,174	
CABLE	1.0	EA N	10,485	
CHARGERS	1.0	LS N	1,020	
CONDUIT, PVC 4", SCH 80	60.0	FT N	234	
CONSTANT WARNING 2TKBI-DI	2.0	EA N	46,858	
DUMMY LOAD	2.0	EA N	976	
FIELD MATERIAL	1.0	LS N	4,956	
FOUNDATION	2.0	EA N	1,010	
GATE MECHANISM	2.0	EA N	15,070	
LAMP RESISTOR PANEL	1.0	EA N	792	
LED GATE KIT	2.0	EA N	794	
LED LIGHT ADJUSTMENT	8.0	EA N	1,928	
LIGHT OUT DETECTOR	1.0	EA N	891	
MATERIAL FOR ELECTRICAL	1.0	EA	1,500	
RECORDER	1.0	EA N	5,203	
SHUNT, NBS	5.0	EA N	4,410	
TELLULAR MONITOR	1.0	EA N	2,500	
MATERIAL HANDLING			75	
USE TAX			7,756	
OFFLINE TRANSPORTATION			1,184	
TOTAL MATERIAL COST			128,296	128,296

OTHER				

AC POWER SERVICE	1.0	EA	1,500	
CONTRACT ENGR.	1.0	EA N	8,500	
FILL DIRT	60.0	CY N	1,500	
SURFACE ROCK	60.0	CY N	1,500	

TOTAL OTHER ITEMS COST

13,000

13,000

PROJECT SUBTOTAL

232,678

CONTINGENCIES

23,267

BILL PREPARATION FEE

2,560

GROSS PROJECT COST

258,505

LESS COST PAID BY BNSF

12,927

TOTAL BILLABLE COST

245,578

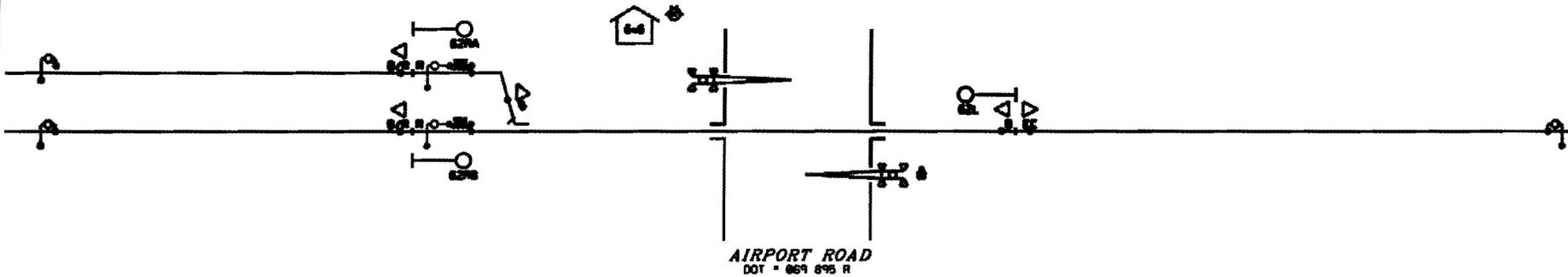
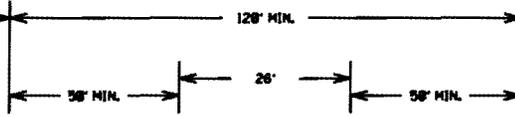
The BNSF Railway Company

TO BLAKE

TO CHADWICK

EASTWARD APPR. 3000'
66 MPH

WESTWARD APPR. 3000'
66 MPH



AIRPORT ROAD
DOT * 069 895 R

INSTALL: GATES & FLASHERS
CONTROL DEVICES: CONSTANT WARNING

BOLD - IN

~~FLASH~~ - 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', Max. 20'
Edge of Road to C.L. Foundation:
Min. 4'1" with curb,
Min. 8'1" without curb,
Max. 12'
House Clearance: 25' Min. to C.L. of Track
30' Min. to Edge of Road
Front Lights: 30-15 Degree Lenses
Back and Side Lights: 70 Degree Lenses
Cantilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.
SAVANNA, IL
AIRPORT ROAD
LS: 0003
M.P. 137.15
DOT * 069 895 R
DIVISION: CHICAGO
SUBDIVISION: AURORA
KANSAS CITY
NO SCALE
DATE: 10/29/2009
FILE: 0003137 15.dgn
DDF/DDF

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

TYPE: (CHECK ONE)

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

DATE	12-30-09
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PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	709-0144
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	069 895R, MP 137.15 – LS3
Street, (in/near) City, County:	Airport Rd., (near) Savanna, Carroll
Railroad Company:	BNSF Railway Company

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

PROJECT MANAGER INFORMATION²:

Name:	Chad Scherwinski
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:	
E-Mail Address:	chad.scherwinski@bnsf.com

²Project Manager Information to be submitted by Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

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

STATUS OF WORK:

**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

IDOT, District ##
Address

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	And	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1428

Date Dec. 8, 2009

The Mt. Carroll Township Road District meeting on December 8, 2009

Resolved to authorize Kenneth M. Ringery, Sr., Highway Comm.
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that Mt. Carroll Township Road District is unable to pay a portion of the cost for the proposed improvements as outlined in Section 2 of this Agreement.