

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1449

T10-0029

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"), Bond 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 application that inquiry should be made into the matter of improving public safety at the Woburn Road highway-rail grade crossing of the Company's track near Smithboro, Bond County, Illinois, designated as crossing AAR/DOT #069 147U, milepost 90.20-LS13; 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 | \$255,251        | 85%<br>\$216,963 <sup>1</sup> | 10%<br>\$25,525 | 5%<br>\$12,763 <sup>2</sup> | \$0         |
| <b>TOTALS</b>   | <b>\$255,251</b> | <b>\$216,963</b>              | <b>\$25,525</b> | <b>\$12,763</b>             | <b>\$0</b>  |

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance for the installation of new automatic warning devices not to exceed \$216,963; any installation costs above the estimated amount of \$255,251 will be divided between the GCPF, Company and the County 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.

**Section 6** The County is financially able and willing to pay 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 7** Special Provisions: 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 21<sup>st</sup> day of January 2010.



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Michael E. Stead  
Rail Safety Program Administrator

Attest:



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John Saladino  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1449, executed by Commission Staff on January 21, 2010, concerning improvements at the Woburn Road (AAR/DOT #069 147U; railroad milepost 90.20-LS13) highway-rail grade crossing of the BNSF Railway Company's track, located near Smithboro, Bond County.

Executed by BNSF Railway Company this 5<sup>th</sup> day of FEBRUARY 2010.

BNSF RAILWAY COMPANY

By:



A handwritten signature in cursive script, appearing to read "J. H. Kelly", is written over a horizontal line.

Attest:



A handwritten signature in cursive script is written over a horizontal line.

Illinois Commerce Commission Stipulated Agreement 1449, executed by Commission Staff on January 21, 2010, concerning improvements at the Woburn Road (AAR/DOT #069 147U; railroad milepost 90.20-LS13) highway-rail grade crossing of the BNSF Railway Company's track, located near Smithboro, Bond County.

Executed by Bond County Highway Department this 16<sup>th</sup> day of FEBRUARY 2010.

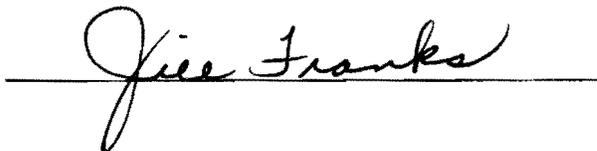
BOND COUNTY HIGHWAY DEPARTMENT

By:



A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is highly cursive and difficult to decipher, but it appears to be a name starting with 'M' and ending with 'y'.

Attest:



A handwritten signature in black ink, reading 'Jice Franks', is written over a horizontal line. The signature is in a cursive style.

Illinois Commerce Commission Stipulated Agreement 1449, executed by Commission Staff on January 21, 2010, concerning improvements at the Woburn Road (AAR/DOT #069 147U; railroad milepost 90.20-LS13) highway-rail grade crossing of the BNSF Railway Company's track, located near Smithboro, Bond County.

Executed by the Illinois Department of Transportation this 16TH day of FEBRUARY 2010.

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

|                             |                                 |
|-----------------------------|---------------------------------|
| <b>RAILROAD</b>             | BNSF                            |
| <b>USDOT#, MILEPOST</b>     | 069 147U, 90.20-LS13            |
| <b>STREET, CITY, COUNTY</b> | Woburn Rd., (n) Smithboro, Bond |
| <b>JURISDICTION (RDWY)</b>  | Bond County                     |
| <b>LOCATION</b>             | Rural                           |
| <b>STREET SURFACE</b>       | 19' Oil/Chip, Fair Condition    |

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

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

**ROADWAY DATA:** See Location Sketch

|                            |   |
|----------------------------|---|
| <b>INTERSECTING ROADS:</b> | East Lake Drive @ 10' South                         |
| <b>TRAFFIC CONTROL</b>     | None  |
| <b>ADT &amp; SPEED</b>     | 700 Vehicles Per Day @ 55 MPH                       |
| <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>   | 10 Per day @ 49 MPH, Day & Night? Yes |
| <b>PASSENGER TRAFFIC</b> | No                                    |
| <b>WARNING DEVICES</b>   | AFLS                                  |

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

|  |       |             |
|--|-------|-------------|
| <b>Train Speed</b>   | 49    | <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>  | 530   | <b>FEET</b> |
| <b>Required Clearing Sight Distance (CSD)<br/>(Along Tracks)</b> | 1,177 | <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<br/>(FT)</b> | <b>OBSTRUCTION</b> | <b>SSD<br/>(FT)</b> | <b>OBSTRUCTION</b> |
|-----------------|---------------------|--------------------|---------------------|--------------------|
| <b>NE</b>       | *                   | Curve in Track     | *                   | Trees              |
| <b>NW</b>       | *                   | Curve in Track     | *                   | Crops              |
| <b>SE</b>       | *                   | Curve in Track     | *                   | Crops              |
| <b>SW</b>       | *                   | Ok                 | *                   | Crops              |

\*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<br/>(FT)</b>     | <b>ELEVATION<br/>(FT)</b> | <b>GRADE<br/>(%)</b> | <b>DISTANCE<br/>(FT)</b>     | <b>ELEVATION<br/>(FT)</b> | <b>GRADE<br/>(%)</b> |
| See                          | Exhibit                   | A                    | Page                         | 3                         |                      |
| "                            | "                         | "                    | "                            | "                         |                      |

Distance measured from outermost rail.

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



BNSF RAILWAY COMPANY  
FHPM ESTIMATE FOR  
STATE OF ILLINOIS

LOCATION MP 89 TO SMITHBORO-CSX XING

DETAILS OF ESTIMATE

PLAN ITEM: PSI069147U

VERSION: 1

## PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHER WITH GATES AT FASW 1747 IN SMITHBORO, IL. SPRINGFIELD DIV., BEARDSTOWN  
SUBDIV., L/S 0013, M.P. 90.20, DOT # 069147U  
MONTHLY POWER UTILITY COST CENTER : 61697

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.  
THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND  
OVERHEAD.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

REVISED TO NEW PRICING LIST 09/04/03

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE 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.

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

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

| DESCRIPTION                           | QUANTITY U/M | COST    | TOTAL \$ |
|---------------------------------------|--------------|---------|----------|
| *****                                 |              |         |          |
| LABOR                                 |              |         |          |
| *****                                 |              |         |          |
| ELECTRICAL LABOR F/POWER TRANS SYS    | 56.0 MH      | 1,474   |          |
| PLACE FIELD WELDS - CAP               | 36.8 MH      | 949     |          |
| PLACE OTM - CAP                       | 17.44 MH     | 412     |          |
| SIGNAL FIELD LABOR - CAP              | 1080.0 MH    | 28,145  |          |
| SIGNAL SHOP LABOR - CAP               | 80.0 MH      | 2,104   |          |
| PAYROLL ASSOCIATED COSTS              |              | 22,783  |          |
| EQUIPMENT EXPENSES                    |              | 10,304  |          |
| DA LABOR OVERHEADS                    |              | 35,548  |          |
| INSURANCE EXPENSES                    |              | 5,206   |          |
| TOTAL LABOR COST                      |              | 106,925 | 106,925  |
| *****                                 |              |         |          |
| MATERIAL                              |              |         |          |
| *****                                 |              |         |          |
| RAIL,GENERIC,FOR SIGNAL PROJECTS      | 80.0 LF X    | 1,674   |          |
| WELDKIT, GENERIC FOR ALL RAIL WEIGHTS | 4.0 KT X     | 278     |          |
| BATTERY                               | 1.0 EA N     | 5,265   |          |
| BUNGALOW 6X6                          | 1.0 EA N     | 8,612   |          |
| BUNGALOW MATERIAL                     | 1.0 LS N     | 6,499   |          |
| CABLE                                 | 1.0 EA N     | 5,496   |          |
| CHARGERS                              | 1.0 LS N     | 1,181   |          |
| CONSTANT WARNING                      | 1.0 EA N     | 24,329  |          |
| FIELD MATERIAL                        | 1.0 LS N     | 4,973   |          |
| FOUNDATION                            | 2.0 EA N     | 1,010   |          |
| GATE KEEPER                           | 2.0 EA N     | 3,720   |          |
| GATE MECH. MODEL 95                   | 2.0 EA N     | 16,270  |          |
| GUARDRAIL, ONE-HALF OVAL              | 2.0 EA N     | 924     |          |
| LAMP RESISTOR                         | 1.0 EA N     | 792     |          |
| LED LIGHT ADJUSTMENT                  | 10.0 EA N    | 2,410   |          |
| LED LIGHT GATE KIT                    | 2.0 EA N     | 794     |          |
| LIGHT OUT DETECTOR                    | 1.0 EA N     | 891     |          |
| MATERIAL FOR ELECTRICAL               | 1.0 EA       | 1,500   |          |
| PSO TRANSMITT AND RECEIVE             | 1.0 EA N     | 4,200   |          |
| RECORDER                              | 1.0 EA N     | 5,203   |          |
| SHUNT, NBS                            | 2.0 EA N     | 1,764   |          |
| SIDELIGHT ASSY, 1-WAY, W/CANT.        | 1.0 EA N     | 915     |          |
| TELLULAR DEVICE                       | 1.0 EA N     | 2,600   |          |
| MATERIAL HANDLING                     |              | 171     |          |

OFFLINE TRANSPORTATION

1,243

TOTAL MATERIAL COST

109,324

109,324

\*\*\*\*\*

OTHER

\*\*\*\*\*

AC POWER SERVICE

1.0 EA

5,000

CONTRACT ENGR.

1.0 EA N

8,000

FILL DIRT

10.0 CY N

250

SURFACE ROCK

10.0 CY N

250

TOTAL OTHER ITEMS COST

13,500

13,500

PROJECT SUBTOTAL

229,749

CONTINGENCIES

22,974

BILL PREPARATION FEE

2,528

GROSS PROJECT COST

255,251

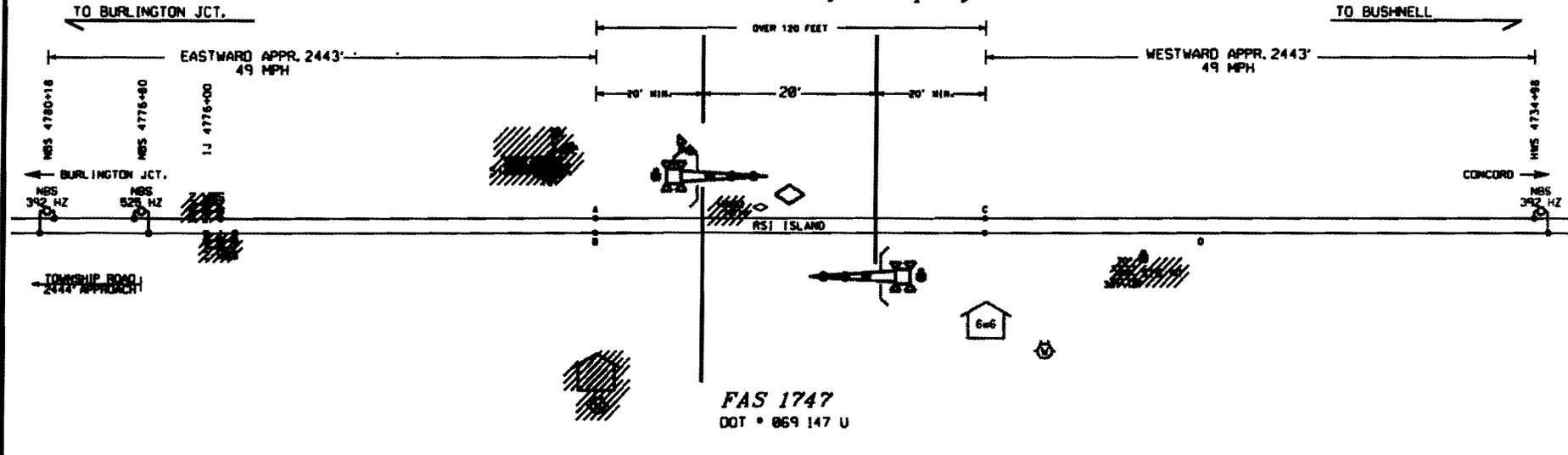
LESS COST PAID BY BNSF

12,763

TOTAL BILLABLE COST

242,488

The BNSF Railway Company



INSTALL: GATES & FLASHERS  
 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. 5'3" with curb.  
 Min. 9'3" 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.**  
 SMITHBORO, IL.  
 FAS 1747  
 LS: 0013  
 M.P. 64.33.  
 DOT = 069 147 U  
 DIVISION: SPRINGFIELD  
 SUBDIVISION: BEARDSTOWN  
 KANSAS CITY  
 NO SCALE  
 DATE: 01/20/10  
 FILE: 0013090.20.dgn  
 DDF/DDF

SA 1449

Exhibit B Page 3



**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](mailto: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<br>Office of Safety, MS25<br>1200 New Jersey Avenue SE<br>Washington, DC 20590-0001 | <b><u>And</u></b> | Chief of Data Services<br>Illinois Department of Transportation<br>2300 S. Dirksen Parkway<br>Springfield, IL 62764 |
|---|-------------------|---|

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1449

Date 2/16/2010

The Bond County Highway Department meeting on FEB. 16<sup>th</sup>, 2010,  
(Date)

MICHAEL MCCORMICK  
Resolved to authorize COUNTY ENGINEER to act as its designated agent in  
(Name, Office)

the processing of this Stipulated agreement and that the Bond County Highway Department 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.