

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

March 17, 2010

Ms. Nan Newlon, P.E.
Director of Public Works
Village of Downers Grove
5101 Walnut Avenue
Downers Grove, IL 60515-4074

Mrs. Patricia Casler
Director - Suburban Services
BNSF Railway Company
547 W. Jackson Blvd, Suite 1509
Chicago, IL 60661

Mr. Darrell Lewis, P.E.
Engineer of Local Roads and Streets
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 205
Springfield, IL 62764
ATTN: Jeff Harpring

Dear Ms. Newlon, Ms. Casler, and Mr. Lewis:

Enclosed are copies of Stipulated Agreement 1487 concerning safety improvements at the Maple Avenue (**AAR/DOT #079 533G; railroad milepost 20.58**) highway-rail grade crossing of the BNSF Railway Company's tracks, located in the Village of Downers Grove, DuPage County.

In accordance with the provisions of the Commission's Recommended Procedures for Initiation and Execution of the Stipulated Agreement, all parties must sign the Execution Page within 60 days from the date of mailing and return it to our office or the terms of the Agreement shall be renegotiated or declared void.

Please read the entire Agreement before execution. The Village shall complete and return the Project Manager Information portion of the Project Status Report sheets identified on Exhibit E. The Village must also complete and return Exhibit D (Fiscal Statement).

We urge all parties to act expeditiously in executing the agreement so that the Commission will be in a position to enter an early Order in this matter. If you have any questions, or need additional information, please contact Brian Vercruysse, Senior Railroad Safety Specialist, at (312) 636-7760 or bvercruy@icc.illinois.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead
Rail Safety Program Administrator

Enclosure

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1487**

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"), the Village of Downers Grove ("Village"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the Maple Avenue highway-rail grade crossing ("crossing") of the Company's track in the Village of Downers Grove, in DuPage County, Illinois, designated as crossing AAR/DOT #079 533G, milepost 20.58; 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 subject crossing should be:

- (a) Improvement of the south highway approach to meet the minimum requirements of 92 Ill. Adm. Code 1535.204, by the Village of Downers Grove. This includes access modifications to the Maple Avenue and Burlington Avenue intersection, located adjacent to the Maple Avenue crossing, to prohibit all westbound Burlington Avenue traffic.

Section 3 The Village has prepared preliminary plans and a preliminary cost estimate to accomplish the proposed roadway improvements, which may be required by Commission Order. The drawings and cost estimate(s) are attached and incorporated herein by reference as Exhibit B and Exhibit C respectively.

The Village shall upon Order, according to the requirements contained therein, prepare and submit a copy of the detailed plans, estimates of cost and any required specifications for the proposed improvements to the Company, Commission, and the Department's District 1 office for approval. The Village agrees that an appropriate time for the submission of plans should be ninety (90) days from the date of a Commission Order approving this Agreement.

The Department shall provide notice (via phone, electronic mail, standard mail, or fax) to the Commission within forty-five (45) calendar days after it has received the final construction drawings and estimates of cost and any required specifications for the proposed improvements from the Village. The notice shall indicate Department approval or disapproval of the final construction drawings, estimates of cost and any required specifications for the proposed improvements.

Section 4 The Village 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 November 1, 2011.

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	VILLAGE	COMPANY	IDOT
Modify So. Hwy. Approach to meet the minimum requirements of 92 Ill. Adm. Code 1535.204.	\$292,000	(90%) \$262,800 ¹	(10%) \$29,200	\$0	\$0
Complete Design Plans and Construction Engineering	Not Required	\$0	100% ²	\$0	\$0
TOTALS	\$292,000	\$262,800¹	\$29,200³	\$0	\$0

- Notes:
1. Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$262,800; any installation costs above the estimated amount of \$292,000 will be the responsibility of the Village.
 2. The Village shall be responsible for all roadway design and construction engineering costs.
 3. The Village shall be responsible for all future maintenance costs associated with the highway approaches.

Section 6 The Village is financially able and willing to pay a 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 Village 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: The Village shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit E, along with this executed Agreement.

The Village 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 E, 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 Village Project Manager.

All bills for work specified in Section 2 authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Department's District 1 Office, located at 201 W. Center Court, Schaumburg, IL 60196. 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, conduct a review to determine if any unused assistance from the Grade Crossing Protection Fund should be de-obligated. Upon completion of the review, the Commission shall notify the Department to de-obligate all residual funds accountable for installation costs 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 Village shall assure that sufficient documentation for all bills is made available for review by the Department of 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 and/or highway 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 and/or highway 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 and/or highway account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad and/or highway 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.

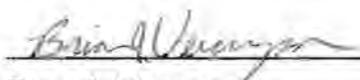
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 17th day of March, 2010.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Brian A. Vercruysse
Senior Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1487, executed by Commission Staff on March 17, 2010, concerning safety improvements at the Maple Avenue highway-rail grade crossing of the BNSF Railway Company's track in the Village of Downers Grove, DuPage County, Illinois, designated as crossing AAR/DOT #079 553G, railroad milepost 20.58.

Executed by the Illinois Department of Transportation this 13th day of
APRIL 2010.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

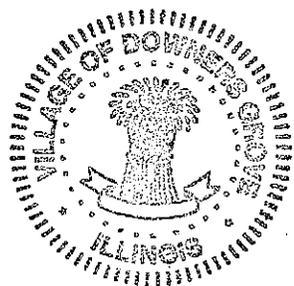
By:

Christine M. Reed

Christine M. Reed, Director of Highways / Chief Engineer

Illinois Commerce Commission Stipulated Agreement 1487, executed by Commission Staff on March 17, 2010, concerning safety improvements at the Maple Avenue highway-rail grade crossing of the BNSF Railway Company's track in the Village of Downers Grove, DuPage County, Illinois, designated as crossing AAR/DOT #079 553G, railroad milepost 20.58.

Executed by Village of Downers Grove this 21st day of April 2010.



VILLAGE OF DOWNERS GROVE

By: D. L. Paul

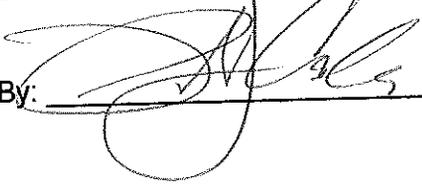
Attest:

April H. Holt

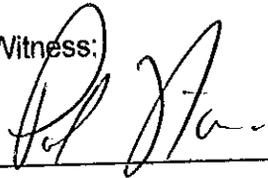
Illinois Commerce Commission Stipulated Agreement 1487, executed by Commission Staff on March 17, 2010, concerning safety improvements at the Maple Avenue highway-rail grade crossing of the BNSF Railway Company's track in the Village of Downers Grove, DuPage County, Illinois, designated as crossing AAR/DOT #079 553G, railroad milepost 20.58.

Executed by the BNSF Railway Company this 30th day of APRIL 2010.

BNSF RAILWAY COMPANY

By: 

Witness:



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

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF Railway
USDOT#, MILEPOST	079 533G, Milepost 20.58
STREET, CITY, COUNTY	Maple Avenue, Downers Grove, DuPage County
JURISDICTION (RDWY)	Village
LOCATION	Urban Residential
STREET SURFACE	24' Asphalt

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

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main 1	Concrete Panel	115 Ft	Good
Main 2	Concrete Panel	115 Ft	Good
Main 3	Concrete Panel	115 Ft	Good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Burlington Avenue, 100' South
TRAFFIC CONTROL	Stop Signs for Burlington Avenue
ADT & SPEED	8200 Vehicles Per Day @ 30 MPH
TRAFFIC TYPE	Passenger, School Busses, and Emergency Response
ADVANCE WARNING	Yes
PAVEMENT MARKING	OK

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	54 Per day @ 45 MPH
PASSENGER TRAFFIC	102 per day @ 65 MPH
WARNING DEVICES	Automatic Flashing Light Signals and Gates

NOTES:

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.2	---	0	100.0	---
25	100.2	0	25	99.6	1.6
50	99.7	2.0	50	97.6	8.0
100	98.1	3.2	100	93.1	9.0

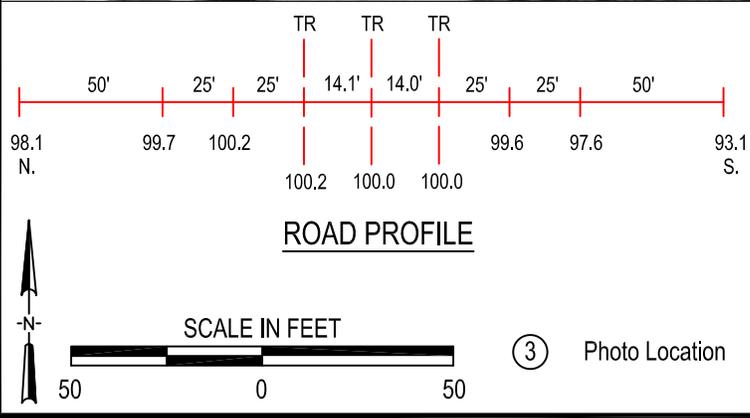
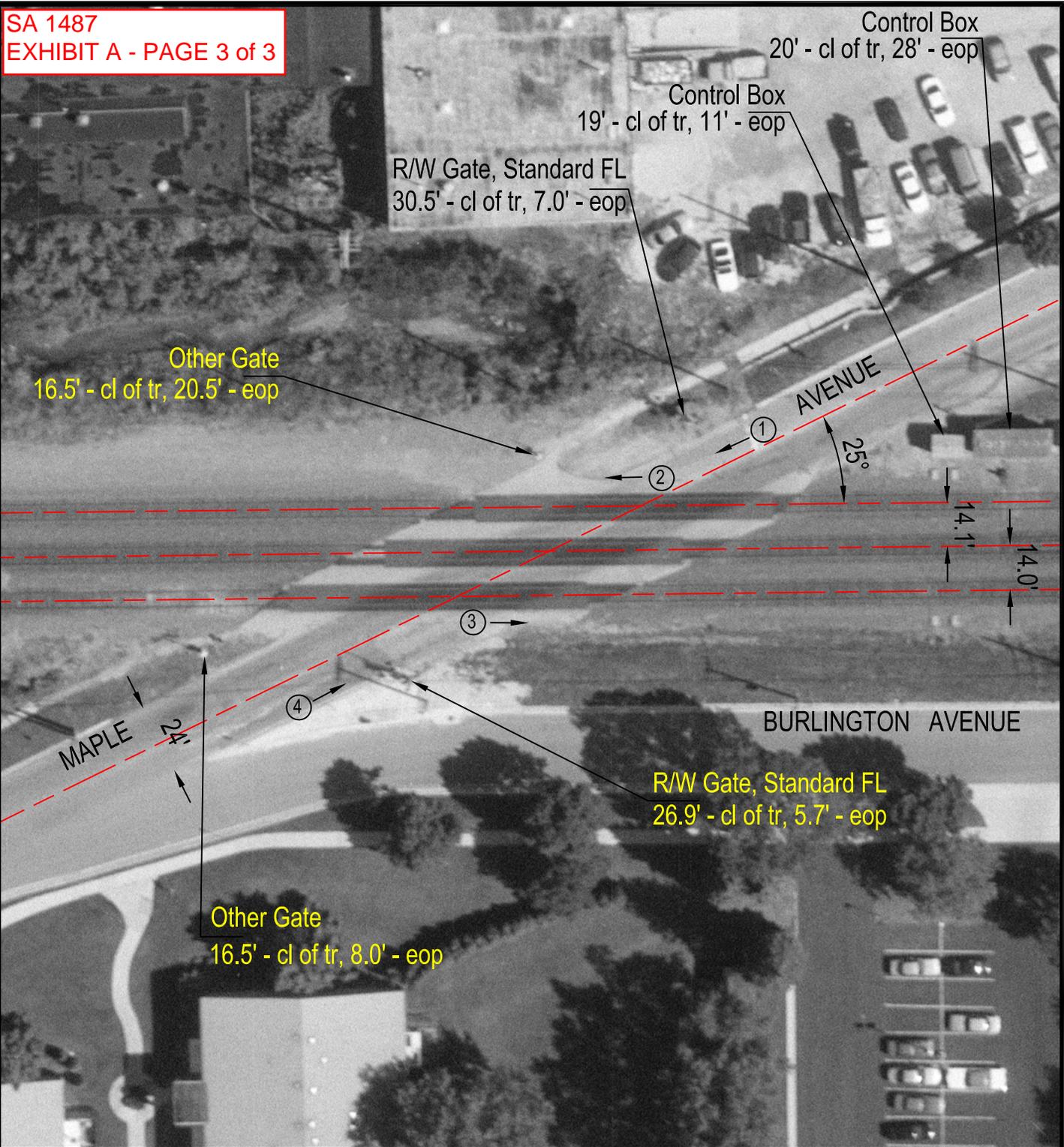
Distance measured from outermost rail.

COMMENTS:

The south highway approach grade does not meet the minimum requirements of 92 Ill. Adm. Code 1535.204. The proposed improvements will permit the south approach to meet those requirements.

The agency with jurisdiction of a roadway is generally responsible for the costs associated with improvements to the highway approaches. However, with the extent of work needed, the Village has noted with current fiscal constraints, it can contribute only 10% towards the \$292,000 of estimated costs. The Village will also perform the design engineering work and construction engineering. In the interest of public safety staff of the Rail Safety Section recommends that the Grade Crossing Protection Fund be used to pay the remainder of the construction costs.

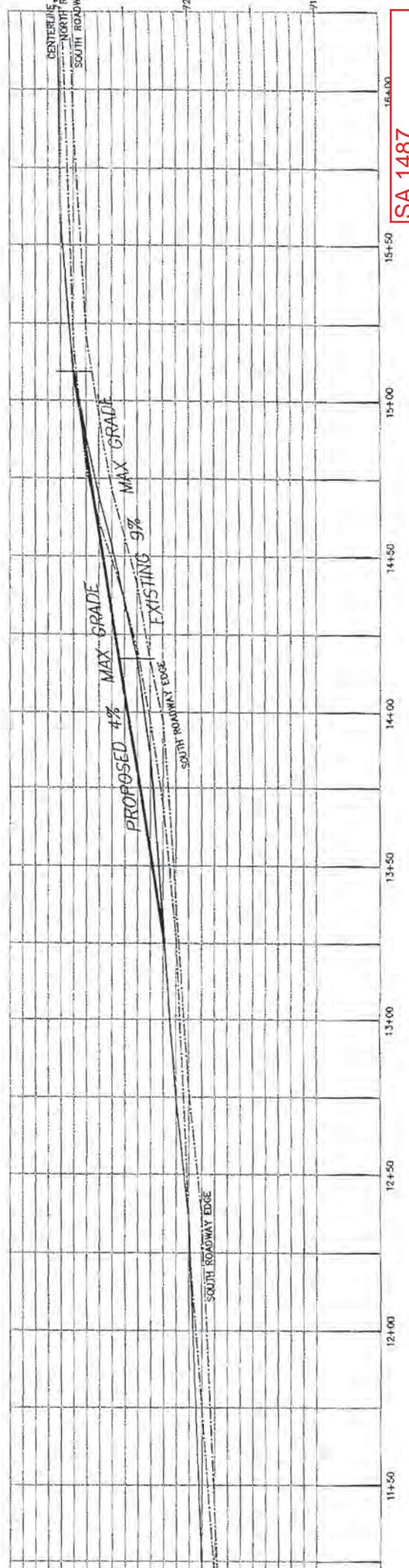
See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



Crossing #:	079533G
Location:	DuPage Co., City of Downers Grove (I)
Lat/Long:	41°47'44" / 87°59'54"
Railroad:	BNSF
Street:	Maple Avenue
Railroad Milepost:	20.58
Crossing Protection:	Train Activated Devices



AREA OF PROPOSED WORK



SA 1487
EXHIBIT B



**Village of Downers Grove
Public Works Department**

**Maple Ave at BNSF RR
Profile Grade Change Project
Cost Estimate**

Retaining wall – 1200 SQFT @ \$50 = \$60,000
Curb Removal and Replacement - 500 LF @ \$40 = \$20,000
Retaining wall removal 1 LS @ \$20,000 = \$20,000
Guard Rail – 150 LF @ \$150 = \$22,500
Class D Patch to raise grade – 500 SY @ \$80 = \$40,000
2" Surface Course (intersection mix) – 60 tons @ \$100 = \$6,000
Earth Ex (fill) provided – 1500 CY @ \$20 = \$30,000
Topsoil and hydroseed – 500 SY @ \$10 = \$5,000
Traffic Control & Mobilization 1 LS @ \$10,000 = \$10,000
Structural Engineer for design build 1 LS @ \$30,000 = \$30,000

*Note: does not include geotech costs, they could be included with structural engineer costs.
Also, does not include RE costs, or permitting with R.R.*

Sub-Total	= \$243,500
Contingency (20%)	= <u>\$ 48,500</u>
TOTAL	= \$292,000

Prepared by: Dan Grecco
Reviewed by: Dorin Fera
Date: Sept. 2, 2009

Exhibit D

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1487**

Date April 21, 2010

The Council of the Village of Downers Grove meeting on
(Village Board)

April 20, 2010, Resolved to authorize David Fieldman, Village Manager
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Village 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.

RESOLUTION NO. 2010-38

**A RESOLUTION AUTHORIZING EXECUTION OF AN
AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE, THE STATE OF
ILLINOIS COMMERCE COMMISSION, THE BNSF RAILWAY AND THE
ILLINOIS DEPARTMENT OF TRANSPORTATION**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

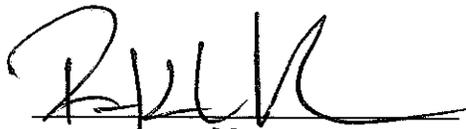
1. That the form and substance of a certain Stipulated Agreement (the "Agreement"), between the Village of Downers Grove ("Village"), the Illinois Commerce Commission ("Commission"), the BNSF Railway ("Company") and the Illinois Department of Transportation ("Department" or "IDOT"), for a roadway safety improvement project at the Maple Avenue crossing of the Burlington Norther Santa Fe Railroad, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

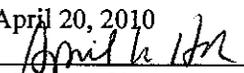
3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.


Mayor

Passed: April 20, 2010

Attest: 
Village Clerk

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

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

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

DATE	<input type="text"/>
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PROJECT INFORMATION:

Reporting Party:	Village of Downers Grove
Docket/Order #; Date:	
Status Reports Due:	Every 6 months from Order Date
Ordered Completion Date:	November 1, 2011
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	079 533G, 20.58
Street, (in/near) City, County:	Maple Avenue, Village of Downers Grove, DuPage 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:	
Title:	
Representing:	Village of Downers Grove
Street Address:	
City, State, Zip:	
Office Phone:	
Office Fax:	
Cellular Phone:	
E-Mail Address:	

²Project Manager Information to be submitted by Village of Downers Grove

DESCRIPTION OF IMPROVEMENTS ORDERED:

Improve south highway approach to meet the minimum requirements of 92 Ill. Adm. Code 1535.204, by the Village of Downers Grove. This includes access modifications to the nearby Maple Avenue and Burlington Avenue intersection to prohibit all westbound Burlington Avenue traffic.

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 62701-1827

If you have questions contact:

Brian Vercruysse, Senior Railroad Safety Specialist
Phone: 312-636-7760
Email: bvercruy@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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