

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

THE BURLINGTON NORTHERN AND SANTA FE)
RAILWAY COMPANY)
Petitioner,)
v.)
TAMALCO TOWNSHIP, BOND COUNTY, ILLINOIS;)
PLEASANT MOUND TOWNSHIP, BOND COUNTY,)
ILLINOIS; BOND COUNTY, ILLINOIS; and,)
STATE OF ILLINOIS, DEPARTMENT OF)
TRANSPORTATION,)
Respondents.)

Petition seeking a determination from)
the Illinois Commerce Commission whether)
the warning devices at the public grade)
crossing located at the tracks of The)
Burlington Northern and Santa Fe)
Railway Company ("BNSF") and TR 247)
(Main Street) in Tamalco Township,)
Bond County, Illinois, Milepost 102.33,)
DOT No. 069316E should be upgraded to)
automatic flashing light signals with)
gates and constant warning time)
circuitry; whether the public grade)
crossing located at the intersection of)
the tracks of BNSF and Township Road)
TR 238 in Tamalco Township, Bond County,)
Illinois, Milepost 102.21, DOT No. 069)
318T should be closed; and, a connecting)
road constructed on the east side of)
the tracks and right-of-way of BNSF)
between Township Road TR 247 (Main)
Street) and TR 238, with any such cost)
be borne by the parties in accordance)
with law and that a substantial portion)
of the cost to be borne by the Grade)
Crossing Protection Fund.)

And)

Petition seeking a determination from)
the Illinois Commerce Commission)
whether the warning devices at the)
public grade crossing located at the)
tracks of BNSF and Township Road)
TR 199 in Tamalco Township, Bond)
County, Milepost 98.65, DOT No.)
069 156T should be upgraded to auto-)
matic flashing light signals and)
gates with constant warning time)
circuitry; the public grade crossing)
located at the intersection of Town-)

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Illinois Commerce Commission
RAIL SAFETY SECTION

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ship Road TR 232 in Tamalco Township,)
 Bond County, Illinois, Milepost 98.)
 59, DOT No. 069160H should be closed;)
 ; a connecting road constructed)
 on the east side of the tracks and)
 right-of-way of BNSF connecting)
 Township Road TR 199, Township)
 Road TR 326 (Second Street) and)
 TR 232a; whether the warning)
 devices at the grade crossing)
 located at the intersection of)
 TR 326 (Second Street) and the)
 tracks of BNSF, Milepost 98.31)
 should be upgraded to automatic)
 flashing light signals and gates;)
 the public at grade crossing)
 at the intersection of Township)
 Road TR 232a and the tracks of)
 BNSF, Milepost 98.23, DOT No.)
 069158G should be closed; and, a)
 connecting road west of BNSF's)
 track and right-of-way extending)
 High Street to the north to)
 Township Road TR 232a, with)
 any such costs to be borne)
 by the parties in accordance)
 with law and that a substantial)
 portion of any such costs be)
 borne by the Grade Crossing)
 Protection Fund.)

PETITION

Now comes petitioner, The Burlington Northern and Santa Fe
 Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad &
 Associates, and for its petition to the Illinois Commerce
 Commission states as follows:

COUNT I

1. BNSF is a Delaware Corporation with its principal place
 of business in Forth Worth, Texas and is authorized to transact

business in the State of Illinois and transacts business as a common carrier by railroad in interstate commerce.

2. Tamalco Township, Bond County, Illinois is a governmental entity established under the laws of the State of Illinois.

3. Pleasant Mount Township, Bond County is a governmental entity established under the laws of the State of Illinois.

4. Bond County, Illinois is a governmental entity established under the laws of the State of Illinois.

5. BNSF operates a single main line track in a generally northwest to southeast direction through Pleasant Mound and Tamalco Townships, Bond County, Illinois.

6. Bond County has a population of approximately 14,991 residents.

7. Township Road TR 247 (Tamalco Avenue, a.k.a. Main Street), hereinafter "TR 247" located in Tamalco Township is under the jurisdiction of Tamalco Township, Bond County, Illinois. TR 247 extends in a generally east to west direction intersecting the tracks of BNSF creating a public at grade crossing at Milepost 102.33, DOT No. 069316E. Said grade crossing is currently equipped with automatic flashing light signals. It is petitioner's belief that TR 247 has a current estimated average daily traffic ("ADT") of less than 75 vehicles per day.

8. Township Road TR 238 (Townhall Road) hereinafter "TR 238" located in Tamalco Township is under the jurisdiction of Tamalco Township, Bond County, Illinois. TR 238 extends in a generally north to south direction intersecting the tracks of BNSF at an

approximate 30° to 60° angle creating a public at grade crossing at Milepost 102.21, DOT No. 069318T. Said public grade crossing is currently equipped with standard reflectorized crossbuck signs. It is petitioner's belief that TR 238 has an ADT of less than 35 vehicles per day.

9. TR 247 is needed more by the vehicular traveling public than is TR 238.

10. Petitioner herein suggests that the public safety would be enhanced if gates and constant warning time circuitry were installed at the public grade crossing located at TR 247, Milepost 102.33, DOT No. 069316E and the crossing surface widened to a 40 foot concrete crossing surface.

11. Petitioner herein further suggests that the public convenience and necessity does not require the retention of the public grade crossing located at TR 238, Milepost 102.21, DOT No. 069318T. Petitioner herein suggests that public safety would be enhanced if the public at grade crossing were permanently closed and barricaded. Petitioner further suggests that to minimize any inconvenience that may be caused to the motor vehicle traveling public by the permanent closure of the public at grade crossing at TR 238, Milepost 102.21, DOT No. 069318T, that a connecting road be constructed between TR 247 and TR 238 at a located east of and parallel to BNSF's main line tracks and right-of-way.

12. Attached hereto, marked Exhibit A and made a part hereof is a map depicting the location of BNSF's main line tracks, the

locations of the at grade crossings at TR 247 and TR 238 and the general location of the proposed connecting road.

13. The public at grade crossing located at TR 247, milepost 102.33, DOT No. 069316E is a needed thoroughfare in Tamalco Township, Bond County, Illinois, with said roadway and crossing used by statewide traffic.

14. Public safety, convenience and necessity requires that the Grade Crossing Protection Fund of the Motor Fuel Tax Law pay a substantial portion of the cost of any improvements that may be authorized by the Illinois Commerce Commission pursuant to this said petition.

15. Representatives of Petitioner, Bond County, Tamalco Township and Railroad Staff of the Illinois Commerce Commission had previously conferred in conjunction with the above described project. It is petitioner's understanding that Bond County, Tamalco Township and Railroad Staff of the Illinois Commerce Commission concur with the proposed improvements as set forth above.

Wherefore, petitioner prays that the Illinois Commerce Commission set the aforesaid matter for public hearing and enter an order authorizing installation of warning gates in addition to the existing flashing light signals, install constant warning time circuitry and install a new 40 foot wide concrete crossing surface at the public grade crossing located at the intersection of TR 247 and the tracks of BNSF at Milepost 102.33, DOT No. 069316E; authorize the permanent closure of the public at grade crossing

located at the intersection of TR 238, Milepost 102.21, DOT No. 069318T; and authorize the construction of a connecting road between TR 247 and TR 238 at a location east of BNSF's main line tracks and right-of-way; and, dividing the cost among the parties in accordance with law and requiring that a substantial portion of the cost be borne by the Grade Crossing Protection Fund of the Motor Fuel Tax Law.

COUNT II

1. BNSF is a Delaware corporation with its principal place of business in Fort Worth, Texas authorized to transact business in the State of Illinois and transacts business as a common carrier by railroad in interstate commerce.

2. Tamalco Township, Bond County, Illinois is a governmental entity established under the laws of the State of Illinois.

3. Pleasant Mound Township, Bond County, Illinois is a governmental entity established under the laws of the State of Illinois

4. Bond County, Illinois is a governmental entity established under the laws of the State of Illinois.

5. BNSF operates a single main line track in a generally northwest to southeast direction through Pleasant Mound and Tamalco Townships.

6. Bond County has a population of approximately 14,941 residents.

7. Township Road TR 199, hereinafter "TR 199" located in Tamalco Township is under the jurisdiction of Tamalco Township,

Bond County, Illinois. TR 199 extends in a generally east to west direction intersecting the tracks of BNSF creating a public at grade crossing at milepost 98.71, DOT No. 069156T. Said grade crossing is currently equipped with automatic flashing light signals. It is petitioner's belief that TR 199 has a current estimated average daily traffic of less than 100 vehicles per day.

8. Township Road TR 232, hereinafter "TR 232" is located in Tamalco Township and is under the jurisdiction of Tamalco Township, Bond County, Illinois. TR 232 extends in a generally southwest to northeast direction intersecting the tracks of BNSF creating a public at grade crossing at milepost 98.59, DOT No. 069160H. Said grade crossing is currently equipped with automatic flashing light signals. It is petitioner's belief that TR 232 has a current ADT of less than 179 vehicles per day. TR 232 intersects with the tracks of BNSF on less than a 30° angle.

9. Township Road 326 (Second Street), hereinafter "TR 326" is located in Tamalco Township and is under the jurisdiction of Tamalco Township, Bond County, Illinois. TR 326 extends in a generally east to west direction creating a public at grade crossing at milepost 98.31, DOT No. 069057V. Said grade crossing is currently equipped with standard reflectorized crossbuck signs. It is petitioner's belief that TR 326 has a current ADT of less than 100 vehicles per day.

10. Township Road TR 232(a) (Sixth Avenue), hereinafter "Sixth Avenue" is located in Tamalco Township and Pleasant Mound Township and is under the jurisdiction of both Tamalco Township and

Pleasant Mound Township, Bond County, Illinois. Sixth Avenue extends in a generally east to west direction intersecting the tracks of BNSF creating a public at grade crossing at Milepost 98.23, DOT No. 069158G. Said grade crossing is currently equipped with standard reflectorized crossbuck signs. It is petitioner's belief that Sixth Avenue has a current ADT of less than 175 vehicles per day.

11. TR 199 and TR 326 and the grade crossings located thereon are needed more by the vehicular traveling public than are TR 232 and Sixth Avenue and the crossings located thereon.

12. Petitioner herein suggests that public safety would be enhanced if crossing gates and constant warning time circuitry and a new 40 foot concrete crossing surface were installed at the public grade crossing located at TR 199, Milepost 98.71, DOT No. 069156T.

13. Petitioner herein further suggests that the public convenience and necessity does not require the retention of the public at grade crossing located at TR 232, Milepost 98.59, DOT No. 069160H. Petitioner herein suggests that the public safety would be enhanced if the subject at grade crossing were permanently closed and barricaded.

14. Petitioner further suggests that public safety would be enhanced if automatic flashing light signals and gates and a 40 foot concrete crossing surface were installed at the public at grade crossing located at TR 326, Milepost 98.31, DOT No. 069057V.

15. Petitioner herein further suggests that the public

convenience and necessity does not require the retention of the public at grade crossing located at Sixth Avenue, Milepost 98.23, DOT No. 069158G. Petitioner herein suggests that the public safety would be enhanced if the subject at grade crossing were permanently closed and barricaded.

16. Petitioner further suggests that to minimize any inconvenience that may be caused to the motor vehicle traveling public by the permanent closure of the public at grade crossing at TR 232, Milepost 98.59, DOT No. 069160H, that a connecting road be constructed between TR 199 and TR 232 at a location east of and parallel to BNSF's main line tracks and right-of-way.

17. Petitioner further suggests that to minimize any inconvenience that may be caused to the motor vehicle traveling public by the permanent closure of Sixth Avenue, Milepost 98.23, DOT No. 069158G, that a connecting road be constructed at a point west of and parallel to BNSF's main line track and right-of-way which would serve to extend High Street northward to a point of intersection with Sixth Avenue.

18. Attached hereto, marked Exhibit B and made a part hereof is a map depicting the location of BNSF's main line trackage, the grade crossing locations at TR 199, TR 232, TR 326 and Sixth Avenue and proposed connecting roads.

19. The public at grade crossings located at TR 199, Milepost 98.71, DOT No. 069156T and TR 326, Milepost 98.31, DOT No. 069057V are more needed thoroughfares in Tamalco Township, with said roadways and crossings used by statewide traffic.

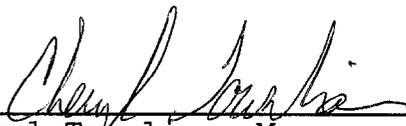
20. The public safety, convenience and necessity requires that the Grade Crossing protection Fund of the Motor Fuel Tax Law pay a substantial portion of the cost of any improvements that may be authorized by the Illinois Commerce Commission pursuant to this said petition.

21. Representatives of petitioner, Bond County, Tamalco Township and Railroad Staff of the Illinois Commerce Commission had previously conferred in conjunction with the above described project. It is petitioner's understanding that Bond County, Tamalco Township and Railroad Staff of the Illinois Commerce Commission concur with the proposed improvements as set forth above. Petitioner has received no response from representatives of Pleasant Mound Township with respect to the above described project.

Wherefore, petitioner prays that the Illinois Commerce Commission set the aforesaid matter for public hearing and entering an order authorizing installation of gates, constant warning time circuitry and a 40 foot concrete crossing surface at the grade crossing located at TR 199, Milepost 98.71, DOT No. 069156T; authorize the permanent closure of the at grade crossing located at TR 232, Milepost 98.59, DOT No. 069160H; authorize the installation of automatic flashing light signals and gates and a 40 foot concrete crossing surface at TR 326, Milepost 98.31, DOT No. 069057E; authorize the permanent closure of the public at grade crossing located at Sixth Avenue, Milepost 98.23, DOT No. 069158G; authorize the construction of a constructing road between TR 199

and TR 232 at a location east of and parallel to BNSF's main line tracks and right-of-way; authorize the construction of a connecting road extending High Street north to the point of intersection with Sixth Avenue; and, dividing the cost among the parties in accordance with law and requiring a substantial portion of the cost to be borne by the Grade Crossing Protection Fund of the Motor Fuel Tax Law.

THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY



Cheryl Townlian, Manager,
Public Projects

KENNETH J. WYSOGLAD & ASSOCIATES



Michael L. Sazdanoff

Kenneth J. Wysoglad & Associates
Attorneys for Petitioner
The Burlington Northern and Santa Fe Railway Company
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661
(312) 441-0333

STATE OF MISSOURI)
) SS
COUNTY OF GREEN)

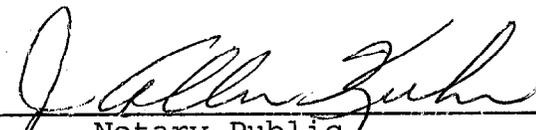
VERIFICATION

Cheryl Townlian, being duly sworn on oath, deposes and states that she is Manager, Public Projects for The Burlington Northern and Santa Fe Railway Company, petitioner herein, that she is duly authorized by said railroad company to sign, verify and file the foregoing petition and that the matters set forth in said petition are true and correct to the best of her knowledge, information and belief.



Cheryl Townlian

Subscribed to and sworn to
before me this 2
day of APRIL , 2001



Notary Public
J. ALLEN KUHN
Notary Public - State of Missouri
County of Greene
My Commission Expires Feb. 24, 2002

PROOF OF SERVICE

Rachael E. Tovar, being first duly sworn on oath, deposes and says that on the 6 day of APRIL, 2001, she caused to be served, a true and correct copy of PETITION upon:

Mr. Raymond Hauschild
County Engineer
Bond County
R.R. 4 Box 6A
Greenville, Illinois 62246

Mr. Larry Edwards
Road Commissioner
Tamalco Township
R.R. 1 Box 143
Keysport, Illinois 62253

Mr. William Albert
Road Commissioner
Pleasant Mound Township
R.R. 1 Box 105
Smithboro, Illinois 62284

Mr. Michael E. Stead
Railroad Safety Program Adm.
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

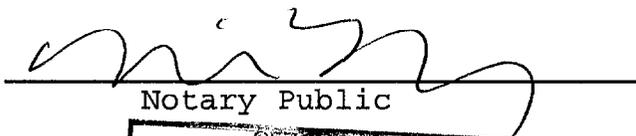
Mr. Hugh E. Van Voorst
Director, Division of Highways
Illinois Department of Transportation
2300 S. Dirksen Pkwy.
Suite 300
Springfield, IL 62762

Mr. Steven E. Schindel
Director, Illinois Department of
Transportation, Division of
Traffic Safety
3215 Executive Park Drive
Springfield, IL 62794-9484

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.



Subscribed and Sworn to
before me this 6 day
of APRIL, 2001



Notary Public

