

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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Williamson County, Illinois,

Petitioner,

v.

Illinois Department of Transportation and BNSF  
Railway Company,

Respondents.

Case No. T08-0086

Petition for an order from the Illinois Commerce  
Commission to reconstruct the existing overhead highway  
grade separation structure which carries T. R. 557  
(Limb Branch Road) (US/DOT # 068 979H Milepost 182.78) over  
BNSF Railway Company tracks and order allowing the private  
Crossing (US/DOT #068 978 Milepost 182.70) to be used  
temporarily by the public during replacement of aforementioned  
adjacent structure.

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**BNSF'S MOTION TO CONTINUE HEARING SET FOR  
OCTOBER 26, 2010**

NOW COMES Respondent, BNSF Railway Company (BNSF), by its attorneys, Daley Mohan Groble, P.C., and moves this Honorable Commission for entry of an order granting a continuance of approximately 60 days to allow adequate preparation for the newly disclosed work and figures contained in recently disclosed expert, allow for proper cross examination of the witnessed offering these figures, to make necessary determinations on funding, and to prepare a defense to the newly disclosed information. In support of this motion, your movant states:

1. The involved parties have continued to negotiate and attempt to reach an agreement on finalize bridge plans, acceptable clearances, spans, costs, other bridge features, and obtain necessary internal approvals regarding same. There are currently two bridge designs that have been discussed in the recent past.

2. The Williamson County Engineer, James Webb, who had been handling the project for the County. His replacement, Greg Smothers, has been addressing various projects as the successor County Engineer. BNSF had requested the bridge design with a wider portal

opening, the County had submitted an estimate of approximately \$639,000. See Exhibit A attached hereto and by this reference made a part hereof.

3. As of the original hearing on this matter, the County and IDOT openly discussed contemplated funding, included approximately \$330,000 in HBRRP funding, and the County had approximately \$100,000 to contribute to the project. See exhibit B attached hereto and by this reference made a part hereof.

4. The parties continued to move toward an agreed resolution of the outstanding issues, and seek necessary approvals. On Monday, October 18, 2010, the County submitted new estimates that included much higher figures, including \$1.5 million for the same bridge. See Exhibit C attached hereto and by this reference made a part hereof. While additional items were included due to the proposed temporary crossing and roadway, the costs associated with the bridge itself have nearly doubled in 10 months, and the additional costs have to be reviewed and assessed to determine their validity and what other options may exist.

5. BNSF is prejudiced by the recent submission of the additional items and costs, in that it does not have time to have them reviewed by an expert and to prepare for the hearing set for next Tuesday. BNSF cannot adequately prepare for cross-examination of the witnesses who will provide testimony on these largely increased figures.

6. Inquiries to all of the parties on available funding to determine what portion is being requested by BNSF to pay has lead to no information on funding, and requests for an agreement to continue the hearing has also been unsuccessful.

7. If a continuance for 60 days is granted, BNSF will have an opportunity to address the new proposed figures, and allow for a fair hearing on the issues. A continuance will avoid BNSF being "ambushed" by the new figures without the ability to challenge them and provide alternative testimony. BNSF has not always been hopeful to resolve the bridge project in an agreeable fashion, but will not be able to properly address the new figures at the hearing, with the new facts now produced by the County's Engineer.

8. Due process and equal protection under the law would be met if the continuance were allowed, and if BNSF were allowed sufficient time to prepare and evaluate the new engineering issues raised yesterday, which estimates came following BNSF's request for additional time when figures were lacking, and funding is uncertain.

WHEREFORE, BNSF, prays that the Illinois Commerce Commission grant this motion for an additional 60 days to properly address the newly raised matters, allow for preparation and proper cross examination of the witnesses, and to ascertain the validity of the recent proposals, and procure responsive testimony.

Respectfully submitted,

BNSF Railway Company

By: /s/ Robert Prendergast  
Robert Prendergast

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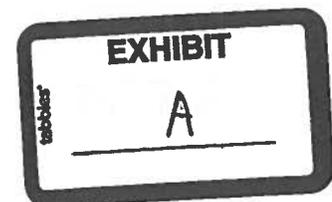
# HR HURST-ROSCHKE ENGINEERS, INC.

PROJECT: TR 557 over BNSF Railroad

COMPS FOR: Cost Summary	DESIGNED: JLG	DATE: 9/15/2008
JOB CODE: 130-0306	CHECKED: JSP	DATE: 12/18/2009
	Earthwork Revised	JJC 12/18/2009

Code #	Item	Units	Quantity	Unit Cost	Cost
20200100	Earth Excavation	Cu Yd	46	\$25.00	\$1,150
20400800	Furnished Excavation	Cu Yd	15185	\$20.00	\$303,700
20700400	Porous Granular Embankment Special	Cu Yd	82	\$52.00	\$4,264
25000200	Seeding, Class 2	Acre	1.3	\$1,500.00	\$1,950
40200800	Aggregate Surface Course, Type B	Ton	977	\$25.00	\$24,425
50100100	Removal of Existing Structures	Each	1	\$5,000.00	\$5,000
50200100	Structure Excavation	Cu Yd	125	\$30.00	\$3,750
50300225	Concrete Structures	Cu Yd	184	\$800.00	\$147,200
50400505	Precast Prestressed Concrete Deck Beam (33" Depth)	Sq Ft	1464	\$70.00	\$102,480
50800105	Reinforcement Bars	Pound	20000	\$1.60	\$32,000
50900205	Steel Railing Type S-1	Foot	162	\$80.00	\$12,960
51500100	Name Plates	Each	1	\$350.00	\$350

Total = \$639,229



BEFORE THE

**Illinois Commerce Commission**

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DOCKET NO.

T08-0086

IN THE MATTER OF:

WILLIAMSON COUNTY, ILLINOIS

VS.

ILLINOIS DEPARTMENT OF TRANSPORTATION

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PLACE:

DATE: SPRINGFIELD, ILLINOIS

October 22, 2008

PAGES:

1-47

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**SULLIVAN REPORTING COMPANY**

OFFICIAL REPORTERS

TWO NORTH LA SALLE STREET

SUITE 1780

CHICAGO, ILLINOIS 60602

312-782-4705

SPRINGFIELD, ILLINOIS

217-528-6964

**EXHIBIT**

**B**

tabbies



1 \$500,000 and the estimate now is approximately  
2 716,000, is that correct?

3 MR. WEBB: That's correct.

4 JUDGE O'BRIEN: And somewhere in the  
5 neighborhood of \$330,000 you are thinking is going to  
6 come from IDOT at this time, is that correct?

7 MR. WEBB: That's correct.

8 JUDGE O'BRIEN: And do you have -- you  
9 mentioned off the record that there were some county  
10 bridge funds available. Do you have an estimate of  
11 what that amount might be?

12 MR. WEBB: About \$100,000.

13 JUDGE O'BRIEN: About another hundred thousand.

14 As far as some testimony concerning  
15 the actual design of the structure itself, the width  
16 of it, the length of it, the abutments and that sort  
17 of thing, are you the proper witness for that or is  
18 there someone else that would be a better witness for  
19 the technical aspects of that?

20 MR. WEBB: I would probably like to refer that  
21 to John Perdotti with me today.

22 JUDGE O'BRIEN: Is there any cross examination

1 off the record a second.

2 (Whereupon there was then had an  
3 off-the-record discussion.)

4 JUDGE O'BRIEN: Proceed.

5 MR. SALADINO: Staff's position with this  
6 project is that we have no objections to the  
7 petition. We would request at a minimum that the  
8 temporary detour, if allowed, would have crossbucks  
9 with a stop sign. We would also request that the  
10 site distance, the trees and brush be cleared at  
11 least 500 feet in all directions so that traffic  
12 could see oncoming trains, and that would be a  
13 minimum. We are not opposed to putting up lights or  
14 gates, but we realize the cost may deter from this  
15 project and it may not happen.

16 Currently, there are no Grade Crossing  
17 Protection Funds programed in the five-year program  
18 for this project. It is a possibility, if we want to  
19 proceed, the dollars could be put in there. But it  
20 would have to wait until next year's program and  
21 potentially may not be for two or three years or more  
22 when funding would be available. So that is an

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1 option.

2 And I believe that's all I have, Your  
3 Honor.

4 MR. HARPRING: On behalf of the Illinois  
5 Department of Transportation, we have no objections  
6 to the petition. As far as making one comment, that  
7 we would like to make sure that either the township  
8 or the county would install any necessary advance  
9 warning signs for the temporary crossing, the yellow  
10 advance warning signs and maybe advance stop ahead  
11 signs, if that's applicable, anything that would be  
12 required by the *Manual of Uniform Traffic Control*  
13 *Devices*.

14 And that's all the comments I have.

15 MR. PRENDERGAST: Can I ask Mr. Harpring a  
16 question?

17 Mr. Harpring, would -- if there was  
18 potentially funds available, as Mr. Saladino has  
19 indicated, but they may not be there for a year or  
20 two, would that in any way impact on the IDOT funds  
21 that have been programed for this project?

22 MR. HARPRING: I maybe can't say a hundred

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1 percent sure, but I am pretty sure those funds would  
2 still be there next year, which brings up another  
3 point. That if Grade Crossing Funds are used, well,  
4 either way I think, we want to see an order in place  
5 before we went to state letting or some agreement  
6 between the railroad and the local agency before it  
7 could go to state letting. Generally, they require  
8 an order before that can happen. As far as you can  
9 take that into consideration as far as planning or  
10 setting the letting date.

11 MR. WEBB: If I might ask a question, Jeff,  
12 from what I understand, this 313,000 is programed for  
13 '09 which would mean we would need to have a letting  
14 by June of 2009. Now, you are thinking that could be  
15 moot?

16 MR. HARPRING: I would check with our  
17 programing people on that to insure that there is no  
18 risk of losing that. You say it's in '09, the way  
19 you understand it?

20 MR. WEBB: Yes.

21 MR. HARPRING: I will check on that.

22 JUDGE O'BRIEN: Let me ask the railroad a

# HR HURST-ROSCHKE ENGINEERS, INC.

PROJECT: TR 557 over BNSF Railroad

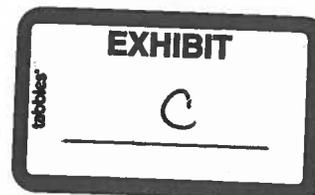
COMPS FOR: Structure Cost Estimate	DESIGNED: CJC	DATE: 10/13/2010
JOB CODE: 130-0306	CHECKED: RVB	DATE: 10/14/2010
ROADWAY QTY.'S BY: JJC		DATE: 10/13/2010

## Construction Cost - Bridge (Revised 1-Span, L= 62')

Code #	Item	Units	Quantity	Unit Cost	Cost
20700400	Porous Granular Embankment Special	Cu Yd	190	\$52.00	\$9,880
50100100	Removal of Existing Structure	Each	1	\$5,000.00	\$5,000
50200100	Structure Excavation	Cu Yd	800	\$20.00	\$16,000
50300225	Concrete Structures	Cu Yd	636	\$650.00	\$413,400
50300255	Concrete Superstructure	Cu Yd	14.4	\$900.00	\$12,960
50400605	Precast Prestressed Concrete Deck Beam (33" Depth)	Sq Ft	1830	\$60.00	\$109,800
50800105	Reinforcement Bars	Pound	60420	\$1.60	\$96,672
50901730	Bridge Fence Railing	Foot	130	\$150.00	\$19,500
51500100	Name Plates	Each	1	\$350.00	\$350
58300100	Portland Cement Mortar Fairing Course	Foot	549	\$4.00	\$2,196
<b>Total =</b>					<b>\$685,758</b>

## Construction Cost - Approach Roadway

Code #	Item	Units	Quantity	Unit Cost	Cost
2510015	Mulch, Method 2	Acre	1	\$3,000.00	\$3,000
20100110	Tree Removal (6 to 15 Units Diameter)	Each	44	\$35.00	\$1,540
20100500	Tree Removal (Over 15 Units Diameter)	Acre	22	\$50.00	\$1,100
20100500	Tree Removal, Acres	Acre	0.4	\$12,000.00	\$4,800
20200100	Earth Excavation	Cu Yd	46	\$20.00	\$920
20400800	Furnished Excavation	Cu Yd	15185	\$20.00	\$303,700
25000200	Seeding, Class 2	Acre	1.2	\$3,000.00	\$3,600
25100630	Erosion Control Blanket	Sq Yd	4000	\$3.00	\$12,000
28000250	Temporary Erosion Control Seeding	Lb	240	\$8.00	\$1,920
28000400	Perimeter Erosion Barrier	Foot	2000	\$1.50	\$3,000
40200800	Aggregate Surface Course, Type B	Ton	1052	\$25.00	\$26,300
40300100	Bituminous Materials (Prime Coat)	Gal	1192	\$5.50	\$6,559
40300300	Bituminous Materials (Cover & Coat)	Gal	2385	\$4.00	\$9,540
40300500	Cover Coat Aggregate	Ton	29.8	\$80.00	\$2,385
40300600	Seal Coat Aggregate	Ton	29.8	\$80.00	\$2,385
542D0223	Pipe Culverts, Class D, Type 1 18"	Foot	114	\$50.00	\$5,700
63100085	Traffic Barrier Terminal, Ty 6	Each	4	\$3,000.00	\$12,000
63100167	Traffic Barrier Terminal, Ty 1 (Special) Tange	Each	4	\$2,500.00	\$10,000
67100100	Mobilization	L Sum	1	\$5,000.00	\$5,000
70101700	Traffic Control & Protection	L Sum	1	\$10,000.00	\$10,000
<b>Total =</b>					<b>\$425,449</b>



**Construction Cost-Detour**

Code #	Item	Units	Quantity	Unit Cost	Cost
20200100	Earth Excavation	Cu Yd	400	\$20.00	\$8,000
20100500	Tree Removal, Acres	Acre	4.8	\$12,000.00	\$57,600
25000200	Seeding, Class 2	Acres	0.5	\$3,000.00	\$1,500
28000250	Temporary Erosion Control Seeding	Lb	100	\$8.00	\$800
28000400	Perimeter Erosion Barrier	Foot	3000	\$1.50	\$4,500
40200800	Aggregate Surface Course, Type B	Ton	1268	\$25.00	\$31,689
542D0223	Pipe Culverts, Class D, Type 1 18"	Foot	142	\$50.00	\$7,100
---	Removal of Existing Crossing	Foot	18	\$1,400.00	\$25,200
---	Installation of Grade Crossing - Upgrade	L Sum	1	\$40,000.00	\$40,000
<b>Total =</b>					<b>\$176,389</b>

**Estimated Construction Cost = \$1,287,595**

**Miscellaneous**

Code #	Item	Units	Quantity	Unit Cost	Cost
---	Land Acquisition	Each	1	\$50,000.00	\$50,000
---	Construction RR Flagging	Each	1	\$60,000.00	\$60,000
---	Preliminary Engineering	Each	1	\$103,000.00	\$103,000
---	Construction Engineering	Each	1	\$77,300.00	\$77,300
---	Materials Testing	Each	1	\$5,000.00	\$5,000
---	Lawyer's Fee	Each	1	\$10,000.00	\$10,000
<b>Total =</b>					<b>\$305,300</b>

**Total Estimated Cost = \$1,592,895**

## CERTIFICATE OF SERVICE

I, Robert Prendergast, an attorney, hereby certify that on the 19th day of October, 2010, I caused the foregoing **BNSF's MOTION TO CONTINUE THE HEARING SET FOR OCTOBER 26, 2010** to be served on attorneys/parties of record by operation of the Court's Electronic Filing System and by email to the addresses listed below:

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