

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

BNSF Railway Company, City of Chicago, City of :
Yorkville, the County of Kendall and the State of :
Illinois, Department of Transportation. :

Stipulated Agreement regarding improving public :
safety at the BNSF Railway Company's highway-rail :
grade crossings at Racine Avenue in Chicago :
(AAR/DOT #080 105G, railroad milepost 2.27-A), Mill :
Road in Yorkville (AAR/DOT #079 578N, railroad :
milepost 43.77-A), Kennedy Road in Yorkville :
(AAR/DOT #079 579V, railroad milepost 44.52-A) :
and Little Rock Road/CH 12 in Kendall County :
(AAR/DOT #079 595E, railroad milepost 52.80-A). :

T13-0055

PETITION FOR A SUPPLEMENTAL ORDER

NOW COMES Petitioner, BNSF Railway Company (BNSF), by its attorneys, Daley Mohan Groble, P.C., and for its Petition for a Supplemental Order, states at follows:

1. BNSF is a Delaware Corporation with its principal place of business in Ft. Worth, Texas, and is authorized to transact business in the State of Illinois and transacts business as a common carrier by railroad in interstate and intrastate commerce.
2. The Department of Transportation of the State of Illinois (IDOT), is a department of the State of Illinois authorized, inter alia, to affect agreements regarding various crossings within the State of Illinois.

3. The City of Chicago (Chicago) is a local public entity, who has jurisdiction for Racine Avenue, which is not directly involved in the request for a supplemental order.

4. The City of Yorkville (Yorkville) is a local public entity, who has jurisdiction of and is the road authority for both Mill Road and Kennedy Road, which is not directly involved in the request for a supplemental order.

5. Kendall County is a local public entity, who has jurisdiction of and is the road authority for Little Rock Road, which is the subject of this Petition.

6. The Village of Westmont (Westmont) is a local public entity, who has jurisdiction of and is the road authority for Cass Avenue where it crosses the BNSF's tracks (AAR/DOT #079 530L, railroad milepost 19.39), which is the subject of this Petition.

5. In the Stipulated Agreement No. 1704, the above parties and BNSF agreed that new surfaces would be constructed at the Racine Avenue, Mill Road, Kennedy Road, and Little Rock Road grade crossings, with the work paid for in part with assistance from the Grade Crossing Protection Fund (GCPF), with the remainder of the costs to be paid by BNSF. No costs of the proposed improvements are to be paid by Chicago, Yorkville, or Kendall County.

6. It was found by Commission Staff (Staff) that the majority of work for the Little Rock Road crossing (AAR/DOT #079 595E, railroad milepost 52.80-A) was completed prior to

the Commission Order issued June 5, 2013, such that the BNSF may not seek reimbursement from the GCPF.

7. To utilize the available GCPF assistance associated with the Little Rock Road crossing (\$103,105), the Company coordinated a replacement crossing with Staff and now seeks Commission approval to substitute the Cass Avenue crossing in Westmont (AAR/DOT #079 530L, railroad milepost 19.39). Exhibit A attached to the Petition for Supplemental Order is a cost estimate for the intended crossing surface renewal. The estimate results in a total project cost increase of approximately \$172,000. The Company proposes to pay the increased cost and does not seek further assistance from the GCPF for the project. The participation of an amount not to exceed \$306,397 remains unchanged.

8. The Company states that it is proceeding to complete the project by the current deadline, and due to the condition will make efforts to complete the Cass Avenue crossing during the 2013 construction season. The BNSF and Staff have been in contact with Westmont and will coordinate the construction schedule and activities.

WHEREFORE, BNSF Railway Company prays that the Illinois Commerce Commission grant the petition for a Supplemental Order substituting the Cass Avenue crossing (AAR/DOT #079 530L, railroad milepost 19.39) for the Little Rock Road crossing (AAR/DOT #079 595E, railroad milepost 52.80-A) in all pertinent portions of Stipulated Agreement No. 1704 and the Commission's Order of June 5, 2013, to allow

assistance from the GCPF participation to be used for the Cass Avenue crossing surface renewal; indicating that the Order of June 5, 2013, otherwise remain in effect; and for other just and appropriate relief.

Respectfully submitted,

BNSF Railway Company, Petitioner

By: s/Robert J. Prendergast
Robert J. Prendergast

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VERIFICATION

I, David Johnson, Manager Public Projects for the Petitioner, BNSF Railway Company, hereby certify pursuant to 735 ILCS 5/1-109 that I have read the foregoing Petition for a Supplemental Order and the matters contained therein are believed true and correct based upon the information provided to me and reasonable inquiry made with respect to same.

s/ David A. Johnson
David A. Johnson

CERTIFICATE OF SERVICE

I, Robert J. Prendergast, an attorney, hereby certify that on the 2nd day of August, 2013, I caused the foregoing PETITION FOR A SUPPLEMENTAL ORDER to be served on attorneys/parties of record by e-filing the same with the Illinois Commerce Commission and by forwarding the same to the following at the email and/or street addresses listed below, before 5:00 p.m.:

Brian Vercruysse
Railroad Section
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
bvercruy@icc.illinois.gov
(Via email)

Mr. James K. Klein, P.E., S.E.
Acting Engineer of Local Roads and Streets
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 205
Springfield, IL 62764
Attn: Jason Johnson, P.E.
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2300 South Dirksen Parkway
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Mr. Francis C. Klaas, P.E.
Kendall County Engineer
6780 Route 47
Yorkville, IL 60560
(Via U.S. Mail)

Mr. Eric Dhuse
Director Public Works
City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
(Via U.S. Mail)

Gabe Klein, Commissioner
Chicago Dept. of Transportation
30 N. LaSalle Street
Chicago, IL 60602
(Via U.S. Mail)

s/Robert J. Prendergast
Robert J. Prendergast

AUTHORITY FOR EXPENDITURE

LOCATION : WESTMONT	LINE SEGMENT : 71	AFE NUMBER :
PLANITEM NUMBER : VARIOUS	MILEPOST : 19.39	RFA NUMBER : 5957413
PROPERTY OF : BNSF RAILWAY COMPANY	DIVISION : CH	CPAR NUMBER : CR120113
OPERATED BY : BNSF RAILWAY COMPANY	SUBDIVISION : CHICAGO	BUDGET YEAR : 2013
JOINT FACILITY : ICC	TRACK TYPE : 1, 2, 3	BUDGET CLASS : 6
% BILLABLE (+/-) : VARIOUS	TAX STATE : IL	REPORTING OFFICE : 108
	SPONSOR : VP ENGINEERING	CENTER/ROLLUP : CHIEA

PURPOSE, JUSTIFICATION AND DESCRIPTION

PIP M1-M3 TRACK REHAB CHE DIV CHICAGO SUB LS 71 MP 19.39 - ICC FUNDING MATERIAL ONLY

PLAN ITEM	LINE SEG	BEG MP	END MP	TRK NBR	BEGIN STATION	END STATION	PROJECT TYPE	BUD YEAR
PTR079530L	71	19.39	19.39	1	WESTMONT	WESTMONT	PUBLIC IMPROVEMENT PROJECT	2013
PTR079530L2	71	19.39	19.39	2	WESTMONT	WESTMONT	PUBLIC IMPROVEMENT PROJECT	2013
PTR079530L3	71	19.39	19.39	3	WESTMONT	WESTMONT	PUBLIC IMPROVEMENT PROJECT	2013

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COSTS	BILLABLE	TOTALS
LABOR COSTS	28,580	0	3,505	0	67,647	99,732
MATERIAL COSTS	87,821	0	0	0	187,032	274,853
OTHER COSTS	10,339	0	37	0	20,254	30,630
TOTALS	126,740	0	3,542	0	274,933	405,215

SYSTEM MAINTENANCE AND PLANNING - KANSAS CITY
 ESTIMATE REF. NUMBER: 5957413
 COSTING DATE: 07/11/2013

PRINTED ON: 07/17/2013
 ESTIMATED BY: MARSHALL
 PRINTED BY: MARSHALL



***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

BNSF RAILWAY COMPANY
FHPM ESTIMATE FOR
ICC

LOCATION WESTMONT

DETAILS OF ESTIMATE

PLAN ITEM : PTR079530L

VERSION : 3

PURPOSE, JUSTIFICATION AND DESCRIPTION

PIP M1 TRACK REHAB CHE DIV CHICAGO SUB LS 71 MP 19 39 - ICC FUNDING MATERIAL ONLY

DESCRIPTION OF PROJECT AS PROVIDED BY PROJECT ENGINEER: BNSF TO REHAB THIS 3 TRACK XING WITH 72' CONCRETE PER XING
ICC TO FUND MATERIAL ONLY BNSF TO FUND LABOR & OTHER

BILLING FOR THIS PROJECT SHOULD BE DIRECTED TO ICC FUNDING MATERIAL ONLY

RFA REQUESTED BY: MARCK ANDERSON 6/28/13
AFE REQUESTED BY:

MAINTAIN PROPRIETARY CONFIDENTIALITY
THE PHYSICAL LIMITS OF THIS PROJECT ARE DESCRIBED BY LINE SEGMENT, MILE POST RANGES, AND IN SOME CASES TRACK
NUMBER THIS IS THE PRIMARY AREA FOR THE PROJECT. THERE WILL BE CASES WHERE WORK MAY OCCUR BEYOND THE DEFINED
LIMITS. PROJECTS THAT INCLUDE SIGNAL, ELECTRICAL, OR TELECOMMUNICATION EQUIPMENT MAY REQUIRE ACTIVITY BEYOND
THESE DEFINED TRACK LIMITS. ALL OR PORTIONS OF SOME PROJECTS MAY OCCUR IN AREAS WHERE NO MILEPOST SIGNS EXIST
SUCH AS YARDS. THIS ESTIMATE IS GOOD FOR 90 DAYS THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR,
MATERIAL, AND OVERHEAD.

DESCRIPTION	QUANTITY U/M	COST	TOTAL \$
***** LABOR *****			
PLACE FIELD WELDS - CAP	96.0 MH	2,633	
REPLACE PUBLIC CROSSING - TOTAL REHAB	208.74 MH	5,398	
REPLACE SIGNAL BONDING - CAP	4.35 MH	137	
STRUCTURES LABOR - CAPITAL	44.02 MH	1,188	
SURFACE TRACK - REPLACEMENT - CAP	36.0 MH	972	
UNLOAD BALLAST - REPLACEMENT - CAP	6.32 MH	164	
UNLOAD CROSSING MATERIAL - PUBLIC - CAP	3.17 MH	82	
WORK TRAIN - BALLAST - REPLACEMENT - CAP	36.0 MH	1,750	
PAYROLL ASSOCIATED COSTS		8,980	
DA OVERHEADS		10,535	
EQUIPMENT EXPENSES		5,739	
INSURANCE EXPENSES		2,066	
TOTAL LABOR COST		39,644	39,644
***** MATERIAL *****			
BALLAST-STCLOUD	200.0 NT **	1,632	
WORK TRAIN FUEL - BALLAST	900.0 GAL **	2,880	
TRACK PANEL, 141 HEAD HARDENED, 60 FT - 10 FT TIES-	6.0 EA **	53,016	
RAIL, TRANSN,141/132,BLANK ENDS, 40 FT	4.0 EA X	5,276	
SPIKE, TBR SCREW 3/4"X13", F/ROAD XING	252.0 EA	567	
WELDKIT, GENERIC FOR ALL RAIL WEIGHTS	12.0 KT	814	
CONC 136 08-SEC WITH FILLER FOR 10' WOOD TIES **	72.0 FT	11,484	
CONCRETE XING RAMP AND PANEL RESTRAINT,	1.0 ST	228	
ASPHALT BY CONTRACTOR	1.0 LS	10,000	
SIGNAL MATERIAL	3.0 DAY	525	
MATERIAL HANDLING		4,173	
ONLINE TRANSPORTATION		3,101	
USE TAX		6,620	
OFFLINE TRANSPORTATION		963	
TOTAL MATERIAL COST		101,279	101,279
***** OTHER			

LEASED EQUIPMENT WITH OPERATOR	3 0 DAY	4,500	
PIPES AND MANHOLES	1 0 LS	2,000	
TRAFFIC CONTROL	1 0 LS	5,000	
VACUUM TRUCK	1 0 LS	6,000	
		<hr/>	
TOTAL OTHER ITEMS COST		17,500	17,500
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PROJECT SUBTOTAL			158,423
CONTINGENCIES			0
BILL PREPARATION FEE			1,585
			<hr/>
GROSS PROJECT COST			160,008
LESS COST PAID BY BNSF			58,730
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TOTAL BILLABLE COST			101,278

PROJECT SUBTOTAL	121,331
CONTINGENCIES	0
BILL PREPARATION FEE	1,214
GROSS PROJECT COST	122,545
LESS COST PAID BY BNSF	35,759
TOTAL BILLABLE COST	86,786

PROJECT SUBTOTAL	121,331
CONTINGENCIES	0
BILL PREPARATION FEE	1,331
GROSS PROJECT COST	122,662
LESS COST PAID BY BNSF	35,793
TOTAL BILLABLE COST	86,869