

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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<b>BNSF RAILWAY COMPANY,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.</b>
	)	
<b>COUNTY OF FULTON,</b>	)	
<b>ILLINOIS,</b>	)	
	)	
<b>Respondent.</b>	)	

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Petition for an Order of the Illinois Commerce Commission authorizing the installation of an additional railroad track at the grade crossing inventoried as DOT #078 455 Y (M.P. 142.62x) at what is commonly known as CR 13 near Vermont, IL and for determination of suitable and appropriate warning and traffic devices at or near the crossing.

**PETITION**

**TO THE ILLINOIS COMMERCE COMMISSION:**

NOW COMES Petitioner, BNSF Railway Company (BNSF), by its attorneys, Daley Mohan Groble, P.C., and respectfully petitions the Illinois Commerce Commission in this Petition, as follows:

1. That Petitioner is a railway company which operates trains over its single mainline railroad track which runs, by compass direction, generally in a north/south direction near and through the City of Vermont, Fulton County, Illinois.
2. The Respondent, County of Fulton, is a political subdivision of the State of Illinois.
3. The County Road, CR 13, runs generally in an east/west direction near its intersection with the BNSF single main line track near Vermont, Illinois.
4. The grade crossing formed by the intersection of CR 13 and the single main line track of BNSF, is inventoried as DOT # 078 455 Y, and is located at railroad milepost 142.62x near Vermont, Illinois. BNSF owns and maintains said railroad tracks and right of way at or near CR 13. The crossing is currently equipped with warning devices, consisting of automatic flashing lights.
5. The public street known as CR 13 is currently located on both the east and west sides of the aforementioned grade crossing and is and will be maintained, by and at the expense of the County of Fulton, Illinois.

6. The number of trains operated over this single mainline track is approximately 14 trains per day.

7. Pursuant to Stipulated Agreement No. 1783 and Case No. T14-0099, the Illinois commerce Commission has previously ordered on September 18, 2014, the installation of automatic flashing lights and gates, and constant warning time (CWT) for the crossing containing the single main line, with the parties hereto to pay a division of cost as follows:

**- COST DIVISION TABLE -**

IMPROVEMENT	EST. COST	GCPF	ROAD DISTRICT	COUNTY	COMPANY
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry at the CH 13 grade crossing.	\$178,308	85% \$151,562 <sup>2</sup>	\$0	10% 17,831	5% \$8,915 <sup>3</sup>

8. The Petitioner, in order to improve the efficiencies of the operations in the area and elsewhere, and enhance the public convenience in this and other counties, now needs to build an extension of the siding track on its right of way, which parallels the mainline track, and will run through the aforementioned at grade crossing if approved.

9. The current roadway profile for the project is attached hereto as Exhibit A to the Petition. The roadway and signal plan is contained on the attached Exhibit B to the Petition.

10. Given the proposed changes in the area, Petitioner requests that the Commission, upon investigation and hearing, consider approving these plans, and make a determination of suitable and appropriate warnings, and their location, at the aforementioned grade crossing.

11. The current signal plan, as diagrammed in Exhibit B, includes relocation of the existing signals to accommodate the siding extension and an upgrade of the signals to a constant warning time system.

12. Given the proposed changes in the area, and that the ICC has already ordered and allocated funds for the installation of the flashing lights, gates, cantilevers, and CWT circuitry on one track, BNSF will agree to pay all reasonable costs of the proposed additional changes in excess of the allocated amount from T14-0099 noted above.

13. It is in the best interest of the public at large to install the additional track at the crossing, have the Commission consider and determine suitable warning devices at the crossing and highway approaches, and to meet the need for improved efficiencies of rail operations in the area.

WHEREFORE, Petitioner prays that this Honorable Commission will set the aforesaid matter for **an expedited hearing and/or determination**, and after said hearing or stipulated proceeding, enter an order:

1. Approving the installation of an additional track at the public crossing inventoried as DOT # 078 455 Y;

2. Determine appropriate and suitable warning and traffic control devices at the said crossing, as well as the location of those devices;
3. Determine the division of the costs among the parties;
4. Determine a reasonable time period for completion of any work or improvements to be performed;
5. For other just and appropriate relief.

Respectfully submitted,

BNSF Railway Company, Petitioner

By: s/Robert J. Prendergast  
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VERIFICATION

I, Calvin Nutt, 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 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.

By: s/ Calvin Nutt  
Calvin Nutt

CERTIFICATE OF SERVICE

I, Robert J. Prendergast, an attorney, hereby certify that on the 19th day of December, 2014, I caused the foregoing PETITION 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.:

John Saladino  
Illinois Commerce Commission  
527 E. Capitol Avenue  
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s/Robert J. Prendergast  
Robert J. Prendergast



