

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

BNSF Railway Company, the City of Sandwich, and the State of Illinois, Department of Transportation.	:	
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	:	No. T14-0118
Stipulated Agreement regarding improving public safety at the following highway-rail grade crossings of BNSF Railway Company's tracks in the City of Sandwich, De Kalb County: Lafayette Street (AAR/DOT # 079 599G, railroad milepost 55.91-A); Eddy Street (AAR/DOT # 079 600Y, railroad milepost 56.09-A); Main Street (AAR/DOT # 079 601F, railroad milepost 56.15-A).	:	
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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, commonly known as “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 Sandwich (“Sandwich”) is a local public entity, and political subdivision of the State of Illinois, who has jurisdiction for Lafayette Street, which is not directly involved in the request for a supplemental order.

4. The City of Plano (“Plano”) is a local public entity, and political subdivision of the State of Illinois, who has jurisdiction of and is the road authority for Eldamain Road, which is involved in the request for a supplemental order herein.

5. In the Stipulated Agreement No. 1784, filed of record in this matter, the above

parties and BNSF agreed that the Lafayette Street, Eddy Street, and Main Street grade crossings in the City of Sandwich would be subject of certain improvements to certain crossing surfaces, with the BNSF to install a new crossing surface at Lafayette Street funded in part from the Grade Crossing Protection Fund (GCPF), with the remainder of the costs to be paid by BNSF. No costs of the proposed improvement to Lafayette Avenue was to be paid by the City of Sandwich.

6. Based on the Stipulated Agreement, the Commission entered an order on October 22, 2014 approving the crossing improvements at these crossings, with the following division of costs:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	COMPANY	CITY
Materials to Install New Crossing Surfaces at Lafayette Street	\$97,542	(100%) \$97,542	(0%) \$0	(0%) \$0
Labor to Install New Crossing Surfaces at Lafayette Street	\$77,160	(0%) \$0	(100%) \$77,160	(0%) \$0
Materials and Labor to Install new Pedestrian Crossing Surfaces and Asphalt Approaches at Eddy Street and Main Street	\$73,358	(0%) \$0	(50%) \$36,679	(50%) \$36,679
TOTALS	\$248,060	\$97,542¹	\$113,839²	\$36,679

Notes:

1. Total GCPF assistance for material, contract paving and traffic control costs at Lafayette Street not to exceed \$97,542; any such costs above the estimated amount of \$97,542 will be paid by the GCPF upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.
2. Company responsible for all labor costs associated with the installation of new surfaces at Lafayette Street; Company responsible for all future maintenance costs associated with the new crossing surfaces.

7. It was determined by Commission Staff (Staff) that the work for the Lafayette Street crossing (AAR/DOT # 079 599G, railroad milepost 55.91-A) was completed prior to the Commission Order issued October 22, 2014, such that the BNSF may not now seek reimbursement from the GCPF for agreed related expenses.

8. To utilize the available GCPF assistance associated with the Lafayette crossing (\$97,542), BNSF coordinated a replacement crossing with Staff and now seeks Commission approval to substitute the Eldamain Road crossing (AAR/DOT #079 586F, railroad milepost 48.96) in Plano, Kendall County, Illinois for the crossing renewal work originally approved for Lafayette Street. Exhibit A attached to the Petition for Supplemental Order is a cost estimate for the intended crossing surface renewal. The estimate for the materials for resurfacing the Eldamain Road crossing, and other reimbursable expenses, is in the same amount as Lafayette Street, and results in the same proposed agreed contribution from the GCPF.

10. The Illinois Commerce Commission order of October 22, 2014 sets forth that the improvements to the three crossings stated in the Stipulated Agreement be completed within 9 months of the date of the Order. If the substitution is approved to direct the requested funds of the GCPF toward the resurfacing of the Eldamain Road Crossing in Plano, BNSF believes that work can be completed within the same time frame.

11. BNSF is working in good faith to complete the project by the current deadline, and requests that the Illinois Commerce Commission, and the parties, consider this petition at the earliest opportunity reasonably available, so that it can make the necessary arrangements to complete the project in a timely fashion.

WHEREFORE, BNSF Railway Company prays that the Illinois Commerce Commission grant the petition for a supplemental order substituting the Eldamain Road Crossing inventoried as AAR/DOT # #079 586F for the Lafayette Street crossing inventoried as AAR/DOT # 079 599G in all pertinent portions of Stipulated Agreement No. 1784 and the Commission's Order of October 22, 2014, thereby approving the same Division of Costs for

the improvements contemplated for the Eldamain crossing inventoried AAR/DOT # #079 586F; further, indicate that the order of October 22, 2014 otherwise remain in effect; and for other just and appropriate relief.

DALEY MOHAN GROBLE, P.C.

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

Robert J. Prendergast
Michael Shumate
DALEY MOHAN GROBLE, P.C.
Attorneys for BNSF Railway Company
55 West Monroe
Suite 1600
Chicago, IL 60603
Phone—(312) 422-0799
Fax—(312) 422-5370
[Email—rprendergast@daleymohan.com](mailto:rprendergast@daleymohan.com)

VERIFICATION

Calvin A. Nutt, under penalties provided pursuant to 735 ILCS 5/1-109, certifies that he is Manager, Public Projects for BNSF Railway Company, the petitioner herein, that he 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 his knowledge, information and belief.

s/ Calvin A. Nutt

Calvin A. Nutt

CERTIFICATE OF SERVICE

I, Robert J. Prendergast, an attorney, hereby certify that on the **13th day of January, 2014**, 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 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

Robert Hausler, Mayor
City of Plano
17 East Main Street
Plano, IL 60545
planomayorbob@aol.com

Omer Osman
Director of Highways-IDOT
ATTN: Jason Johnson, Room 205
2300 South Dirksen Parkway
Springfield, IL 62764
jason.johnson@illinois.gov

Kathleen Miller, City Clerk
City of Plano
17 East Main Street
Plano, IL 60545
planoub@comcast.net

Jennifer R. Kuntz
Assistant Chief Counsel—IDOT
2300 South Dirksen Parkway, Suite 311
Springfield, IL 62764
jennifer.kuntz@illinois.gov

Richard A. Olson, Mayor
City of Sandwich
144 E. Railroad St.
Sandwich, IL 60548-2168
mayor@sandwich.il.us

s/ Robert J. Prendergast
Robert J. Prendergast

AUTHORITY FOR EXPENDITURE

LOCATION : PLANO	LINE SEGMENT : 1	AFE NUMBER :
PLANITEM NUMBER : 407736000	MILEPOST : 48.96	RFA NUMBER : 5909315
PROPERTY OF : BNSF RAILWAY COMPANY	DIVISION : CH	CPAR NUMBER : CR120015
OPERATED BY : BNSF RAILWAY COMPANY	SUBDIVISION : MENDOTA	BUDGET YEAR : 2015
JOINT FACILITY : ICC	TRACK TYPE : S	BUDGET CLASS : 6
% BILLABLE (+/-) : 53.0	TAX STATE : IL	REPORTING OFFICE : 722
	SPONSOR : VP ENGINEERING	CENTER/ROLLUP : 28992

PURPOSE, JUSTIFICATION AND DESCRIPTION

PIP - CHE DIV MENDOTA SUB LS 1 MP 48.96 - BNSF FORCES WILL REHAB A TWO TRACK CROSSING WITH 128 FEET OF CONCRETE MATERIAL PER CROSSING. BNSF WILL FUND THE LABOR ONLY. ICC WILL FUND THE REMAINDER OF THE PROJECT.

PLAN ITEM	LINE SEG	BEG MP	END MP	TRK NBR	BEGIN STATION	END STATION	PROJECT TYPE	BUD YEAR
407736000	1	48.96	48.96	S	PLANO	PLANO	PUBLIC IMPROVEMENT PROJECT	2015

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COSTS	BILLABLE	TOTALS
LABOR COSTS	74,755	0	8,318	0	0	83,073
MATERIAL COSTS	0	0	0	0	79,788	79,788
OTHER COSTS	4,693	0	40	0	17,754	22,487
TOTALS	79,448	0	8,358	0	97,542	185,348

SYSTEM MAINTENANCE AND PLANNING
 ESTIMATE REF. NUMBER: 5909315
 COSTING DATE: 01/01/2015

PRINTED ON: 01/07/2015
 ESTIMATED BY: WAMSLEY
 PRINTED BY: WAMSLEY



