

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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BNSF RAILWAY COMPANY	)	
	)	
Petitioner,	)	
	)	
vs.	)	No.
	)	
VILLAGE OF SUGAR GROVE,	)	
SUGAR GROVE TOWNSHIP, and	)	
CITY OF AURORA	)	
	)	
Respondents.	)	
	)	

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**Petition for an Order of the Illinois Commerce Commission authorizing the installation of additional railroad track at the grade crossings inventoried as DOT# 069 721 U (MP 42.91), DOT# 069 720 M (MP 42.00), DOT# 069 719 T (MP 41.41), DOT# 069 718 L (MP# 40.24), and DOT# 069 717 E (MP 39.36) at what are commonly known as Gordon Lane, Barnes Road, Prairie Street, Edgelawn Drive, and Terry Avenue in or near Sugar Grove and Aurora, IL and for determination of suitable and appropriate warning and traffic devices at or near the crossings.**

**PETITION**

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. The Petitioner is a railway company which operates trains over its single mainline railroad track which runs, by compass direction, generally in an east/west direction through the political jurisdictions known as Sugar Grove Township, the Village of Sugar Grove, and the City of Aurora, in Illinois and over the existing grade crossings inventoried as DOT# 069 721 U (MP 42.91), DOT# 069 720 M (MP 42.00), DOT# 069 719 T (MP 41.41), DOT# 069 718 L (MP# 40.24), and DOT# 069 717 E (MP 39.36) at what are commonly known as Gordon Lane, Barnes Road, Prairie Street, Edgelawn Drive, and Terry Avenue in said jurisdictions.

2. The Respondents, the Village of Sugar Grove, Sugar Grove Township, and the City of Aurora are political subdivisions of the State of Illinois.

3. BNSF has developed a double main line track project through this area and these jurisdictions for which plans to install an additional track through each of the above crossings are

proposed. Each of the five crossings will require individual review as part of this Petition due to their unique characteristics. They are addressed, in turn, below as counts I, II, III, IV and V.

**Count I – Gordon Lane (DOT# 069 721 U, MP 42.91)**

4. Gordon Lane runs generally in a north/south direction near its intersection with the BNSF single main line track in or near Sugar Grove, Illinois.

5. The grade crossing formed by the intersection of Gordon Lane and the single main line track of BNSF is inventoried as DOT # 069 712 U, and is located at railroad milepost 42.91 in or near Sugar Grove, Illinois. BNSF owns and maintains said railroad tracks and right of way at or near Gordon Lane. The crossing is currently equipped with warning devices consisting of automatic flashing lights and gates with constant warning time.

6. The public street known as Gordon Lane is currently located on both the north and south sides of the aforementioned grade crossing and is and will be maintained, by and at the expense of the Village of Sugar Grove.

7. The number of trains operated over this single mainline track is approximately 31 trains per day.

8. The timetable train speed is 60 miles per hour through the crossing.

9. The Petitioner, in order to improve the efficiencies of its operations in the area and elsewhere, and enhance the public convenience in this and other counties, now needs to build a second main line track on its right of way parallel to and 20 feet north of the existing single main line track, and running through the aforementioned at grade crossing if approved.

10. The current roadway plan and profile for the project is attached hereto as Exhibit A to the Petition.

11. Petitioner agrees to pay for and install asphalt on the immediate approaches and between the crossing planks of each track. Petitioner agrees to pay for the costs of installing the additional track and crossing surface, and for the costs related to the installation of the warning devices and circuitry.

12. 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. BNSF requests that automatic flashing lights and gates with constant warning time be deemed as suitable and appropriate warning devices.

13. If approved, BNSF will submit its signal plan, under a Form 3 to include the approved warning devices and requirements, and relocation of the existing signals to accommodate the second main line.

14. It is in the interest of public safety and convenience to install the additional track at the crossing, to 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.

**Count II – Barnes Road (DOT# 069 720 M, MP 42.00)**

15. Barnes Road runs generally in a north/south direction near its intersection with the BNSF single main line track in or near Sugar Grove, Illinois.

16. The grade crossing formed by the intersection of Barnes Road and the single main line track of BNSF is inventoried as DOT # 069 720 M, and is located at railroad milepost 42.00 in or near Sugar Grove, Illinois. BNSF owns and maintains said railroad tracks and right of way at or near Barnes Road. The crossing is currently equipped with warning devices consisting of automatic flashing lights and gates with constant warning time.

17. The public street known as Barnes Road is currently located on both the north and south sides of the aforementioned grade crossing and is and will be maintained, by and at the expense of the Sugar Grove Township.

18. The number of trains operated over this single mainline track is approximately 31 trains per day.

19. The timetable train speed is 60 miles per hour through the crossing.

20. The Petitioner, in order to improve the efficiencies of its operations in the area and elsewhere, and enhance the public convenience in this and other counties, now needs to build a second main line track on its right of way parallel to and 20 feet north of the existing single main line track, and running through the aforementioned at grade crossing if approved.

21. The current roadway plan and profile for the project is attached hereto as Exhibit B to the Petition.

22. Petitioner agrees to pay for and install asphalt on the immediate approaches and between the crossing planks of each track. Petitioner agrees to pay for the costs of installing the additional track and crossing surface, and for the costs related to the installation of the warning devices and circuitry.

23. 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. BNSF requests that automatic flashing lights and gates with constant warning time be deemed as suitable and appropriate warning devices.

24. If approved, BNSF will submit its signal plan, under a Form 3 to include the approved warning devices and requirements, and relocation of the existing signals to accommodate the second main line.

25. It is in the interest of public safety and convenience to install the additional track at the crossing, to 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.

26. BNSF agrees to reimburse the Sugar Grove Township for the cost of labor and materials for the removal of 20ft of the median and the extension at the end of the median by 20ft to maintain status as FRA-approved safety measure.

**Count III – Prairie Street (DOT# 069 719 T, MP 41.41)**

27. Prairie Street runs generally in an east/west direction near its intersection with the BNSF single main line track in Aurora, Illinois.

28. The grade crossing formed by the intersection of Prairie Street and the single main line track of BNSF is inventoried as DOT # 069 719 T, and is located at railroad milepost 41.41 in Aurora, Illinois. BNSF owns and maintains said railroad tracks and right of way at or near Prairie Street. The crossing is currently equipped with warning devices consisting of automatic flashing lights and gates with constant warning time.

29. The public street known as Prairie Street 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 City of Aurora.

30. The number of trains operated over this single mainline track is approximately 31 trains per day.

31. The timetable train speed is 60 miles per hour through the crossing.

32. The Petitioner, in order to improve the efficiencies of its operations in the area and elsewhere, and enhance the public convenience in this and other counties, now needs to build a second main line track on its right of way parallel to and 20 feet northeast of the existing single main line track, and running through the aforementioned at grade crossing if approved.

33. The current roadway plan and profile for the project is attached hereto as Exhibit C to the Petition.

34. Petitioner agrees to pay for and install asphalt on the immediate approaches and between the crossing planks of each track. Petitioner agrees to pay for the costs of installing the additional track and crossing surface, and for the costs related to the installation of the warning devices and circuitry.

35. 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. BNSF

requests that automatic flashing lights and gates with constant warning time be deemed as suitable and appropriate warning devices.

36. If approved, BNSF will submit its signal plan, under a Form 3 to include the approved warning devices and requirements, and relocation of the existing signals to accommodate the second main line.

37. It is in the interest of public safety and convenience to install the additional track at the crossing, to 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.

#### **COUNT IV – Edgelawn Drive (DOT# 069 718 L, MP# 40.24)**

38. Edgelawn Drive runs generally in a north/south direction near its intersection with the BNSF single main line track in Aurora, Illinois.

39. The grade crossing formed by the intersection of Edgelawn Drive and the single main line track of BNSF is inventoried as DOT # 069 718 L, and is located at railroad milepost 40.24 in Aurora, Illinois. BNSF owns and maintains said railroad tracks and right of way at or near Edgelawn Drive. The crossing is currently equipped with warning devices consisting of automatic flashing lights and gates with constant warning time.

40. The public street known as Edgelawn Drive is currently located on both the north and south sides of the aforementioned grade crossing and is and will be maintained, by and at the expense of the City of Aurora.

41. The number of trains operated over this single mainline track is approximately 31 trains per day.

42. The timetable train speed is 60 miles per hour through the crossing.

43. The Petitioner, in order to improve the efficiencies of its operations in the area and elsewhere, and enhance the public convenience in this and other counties, now needs to build a second main line track on its right of way parallel to and 20 feet northeast of the existing single main line track, and running through the aforementioned at grade crossing if approved.

44. The current roadway plan and profile for the project is attached hereto as Exhibit D to the Petition.

45. Petitioner agrees to pay for and install asphalt on the immediate approaches and between the crossing planks of each track. Petitioner agrees to pay for the costs of installing the additional track and crossing surface, and for the costs related to the installation of the warning devices and circuitry.

46. 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. BNSF requests that automatic flashing lights and gates with constant warning time be deemed as suitable and appropriate warning devices.

47. If approved, BNSF will submit its signal plan, under a Form 3 to include the approved warning devices and requirements, and relocation of the existing signals to accommodate the second main line.

48. It is in the interest of public safety and convenience to install the additional track at the crossing, to 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.

49. BNSF agrees to reimburse the City of Aurora for the cost of labor and materials for the removal of 20ft of the median and the extension at the end of the median by 20ft to maintain status as FRA-approved safety measure.

#### **COUNT V – Terry Avenue (DOT# 069 717 E, MP# 39.36)**

50. Terry Avenue runs generally in a north/south direction near its intersection with the BNSF single main line track in Aurora, Illinois.

51. The grade crossing formed by the intersection of Terry Avenue and the single main line track of BNSF is inventoried as DOT # 069 717 E, and is located at railroad milepost 39.36 in Aurora, Illinois. BNSF owns and maintains said railroad tracks and right of way at or near Terry Avenue. The crossing is currently equipped with warning devices consisting of automatic flashing lights and gates with constant warning time.

52. The public street known as Terry Avenue is currently located on both the north and south sides of the aforementioned grade crossing and is and will be maintained, by and at the expense of the City of Aurora.

53. The number of trains operated over this single mainline track is approximately 31 trains per day.

54. The timetable train speed is 40 miles per hour through the crossing.

55. The Petitioner, in order to improve the efficiencies of its operations in the area and elsewhere, and enhance the public convenience in this and other counties, now needs to build a second main line track on its right of way parallel to and 20 feet northeast of the existing single main line track, and running through the aforementioned at grade crossing if approved.

56. The current roadway plan and profile for the project is attached hereto as Exhibit E to the Petition.

57. Petitioner agrees to pay for and install asphalt on the immediate approaches and between the crossing planks of each track. Petitioner agrees to pay for the costs of installing the

additional track and crossing surface, and for the costs related to the installation of the warning devices and circuitry.

58. 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. BNSF requests that automatic flashing lights and gates with constant warning time be deemed as suitable and appropriate warning devices.

59. If approved, BNSF will submit its signal plan, under a Form 3 to include the approved warning devices and requirements and replacement of the existing signals to accommodate the second main line.

60. It is in the interest of public safety and convenience to install the additional track at the crossing, to 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.

61. BNSF agrees to reimburse the City of Aurora for the cost of labor and materials for the removal of 20ft of the median and the extension at the end of the median by 20ft to maintain status as FRA-approved safety measure.

WHEREFORE, Petitioner prays that this Honorable Commission will set the aforesaid matter for hearing as soon as possible with notice to the parties hereto, and after said hearing enter an order:

1. Setting this matter for an expedited hearing on the proposed changes;
2. Approving the installation of an additional track at the public crossings inventoried as DOT# 069 721 U, DOT# 069 720 M, DOT# 069 719 T, DOT# 069 718 L, and DOT# 069 717 E;
3. Determine appropriate and suitable warning and traffic control devices at the said crossings, as well as the location of those devices;
4. Determine a reasonable time period for completion of any work or improvements to be performed and apportion costs;
5. For other just and appropriate relief.

Respectfully submitted,

BNSF Railway Company, Petitioner

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

Robert J. Prendergast  
Kevin W. Baldwin  
Michael W. Shumate  
DALEY MOHAN GROBLE, P.C.  
Attorneys for BNSF Railway Company  
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Phone-(312) 422-9999  
Fax-(312) 422-5370  
[Email-rprendergast@daleymohan.com](mailto:rprendergast@daleymohan.com)

VERIFICATION

I, Calvin G. 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.



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Calvin G. Nutt

CERTIFICATE OF SERVICE

I, Robert J. Prendergast, an attorney, hereby certify that on the 20th day of April, 2015, 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 street addresses listed below, before 5:00 p.m.:

Brian Vercrusse  
Rail Safety Specialist  
Illinois Commerce Commission  
527 East Capital Avenue  
Springfield, Illinois 62701  
bvercruy@icc.illinois.gov

Alex Voigt  
City Clerk  
City of Aurora  
44 East Downer Place  
Aurora, Illinois 60505  
avoigt@aurora-il.org

Anthony Speciale  
Director of Public Works  
Village of Sugar Grove  
601 Heartland Drive  
Sugar Grove, Illinois 60554  
aspeciale@sugar-grove.il.us

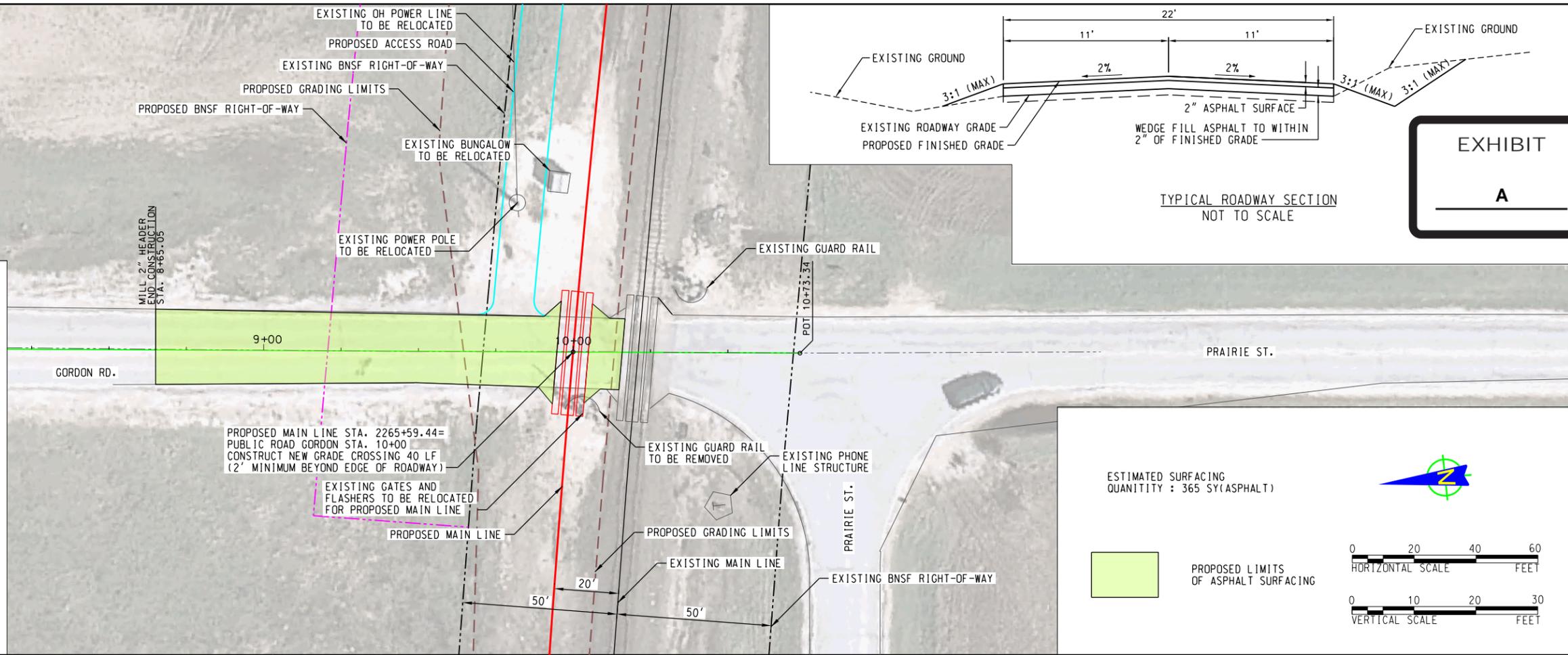
Cynthia Galbreath  
Village Clerk  
Village of Sugar Grove  
10 South Municipal Drive  
Sugar Grove, Illinois 60554  
vclerk@sugar-grove.il.us

Greg Huggins  
Highway Commissioner  
Township of Sugar Grove  
54 Snow Street  
Sugar Grove, Illinois 60554  
ghuggins@sgtownship.com

Eric Galt  
City Traffic Engineer  
City of Aurora  
44 East Downer Place  
Aurora, Illinois 60505  
egallt@aurora-il.org

s/Robert J. Prendergast  
Robert J. Prendergast

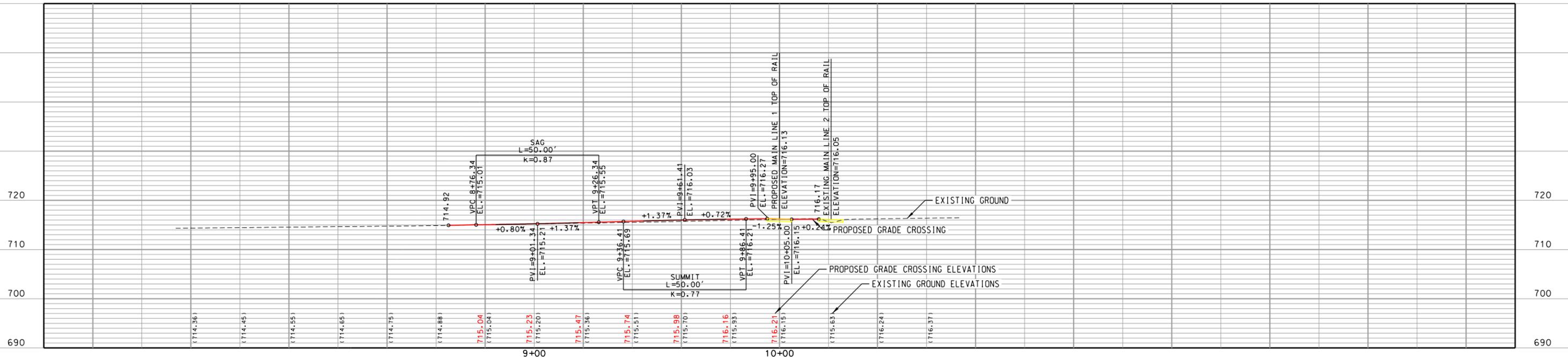
**EXHIBIT**  
**A**



- NOTES**
- NO FIELD CHANGES WILL BE PERMITTED WITHOUT AUTHORIZATION FROM THE BNSF RAILWAY ENGINEERING DEPARTMENT.
  - ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO CURRENT ILLINOIS DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS.
  - FILL IN BETWEEN CROSSING PLANKS WITH ASPHALT AS NECESSARY.
  - PROPOSED ROAD CROSS SECTION WIDTH TO MATCH EXISTING ROAD WIDTH OUTSIDE OF RIGHT-OF-WAY.
  - ADJUSTMENTS TO ROAD VERTICAL ALIGNMENT TO FOLLOW EXISTING ROAD HORIZONTAL ALIGNMENT.
  - TRANSITION PUBLIC ROAD FROM NORMAL GRADE TO NORMAL RAIL GRADE OVER THIRTY FEET.
  - FIELD VERIFY UTILITIES.
  - FIELD VERIFY DRAINAGE STRUCTURES. EXTEND OR RELOCATED AS REQUIRED.
  - TRAFFIC CONTROL PLAN MUST BE SUBMITTED TO ENGINEER FOR APPROVAL AND MUST MAINTAIN ONE LANE OF TRAFFIC AT ALL TIMES UNLESS OTHERWISE APPROVED.

AADT = 1700; DESIGN SPEED = 45 MPH

CROSSING LOCATED IN 1°0' CURVE



<b>REVIEW SET</b>		DESIGNED BY	JLM	
		DRAWN BY	ZMH	
		CHECKED BY	JRH	
		APPROVED BY		
REV	DATE	DESCRIPTION	BY	APP

INFORMATION CONFIDENTIAL  
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DATE  
2/20/2015

**BNSF RAILWAY**

TranSystems

2400 Pershing Road  
Suite 400  
Kansas City, MO 64108  
PHONE: (816) 329-8600  
FAX: (816) 329-8602

BNSF RAILWAY  
AURORA TO SUGAR GROVE  
PLAN AND PROFILE  
GORDON RD. CROSSING MP 42.91

CONTRACT NO.		101140076
DRAWING NO.		CT-101
REVISION	SHEET NO.	59 of 176
SCALE		AS SHOWN

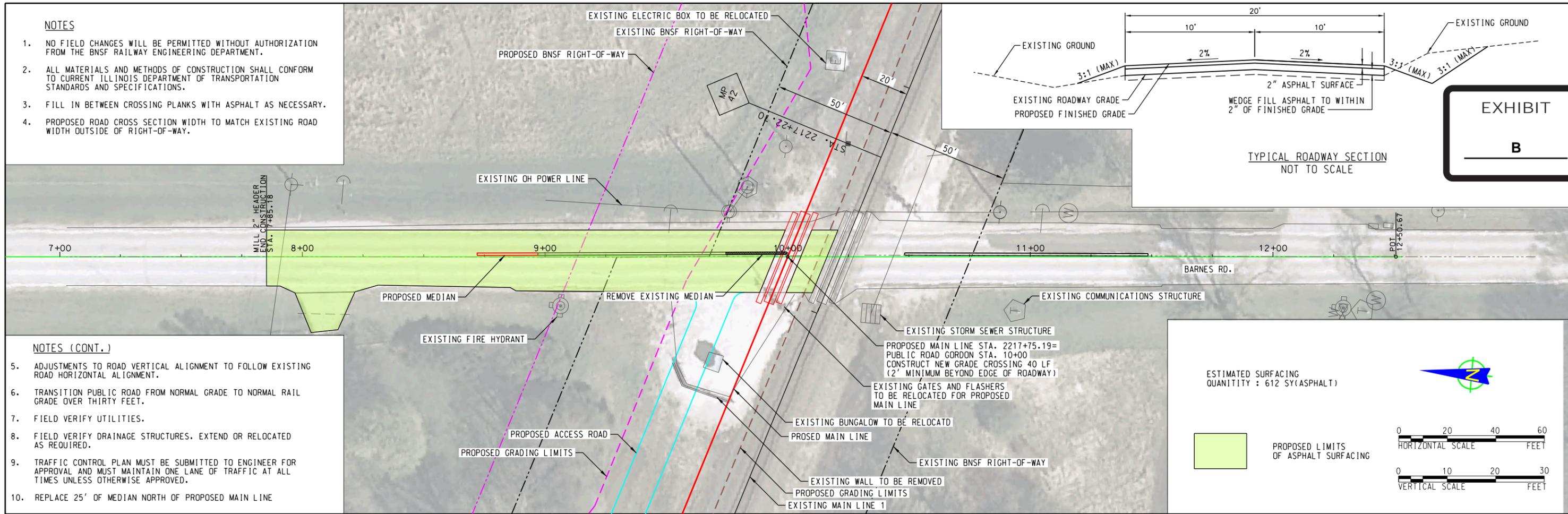
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**NOTES**

- NO FIELD CHANGES WILL BE PERMITTED WITHOUT AUTHORIZATION FROM THE BNSF RAILWAY ENGINEERING DEPARTMENT.
- ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO CURRENT ILLINOIS DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS.
- FILL IN BETWEEN CROSSING PLANKS WITH ASPHALT AS NECESSARY.
- PROPOSED ROAD CROSS SECTION WIDTH TO MATCH EXISTING ROAD WIDTH OUTSIDE OF RIGHT-OF-WAY.

**NOTES (CONT.)**

- ADJUSTMENTS TO ROAD VERTICAL ALIGNMENT TO FOLLOW EXISTING ROAD HORIZONTAL ALIGNMENT.
- TRANSITION PUBLIC ROAD FROM NORMAL GRADE TO NORMAL RAIL GRADE OVER THIRTY FEET.
- FIELD VERIFY UTILITIES.
- FIELD VERIFY DRAINAGE STRUCTURES. EXTEND OR RELOCATED AS REQUIRED.
- TRAFFIC CONTROL PLAN MUST BE SUBMITTED TO ENGINEER FOR APPROVAL AND MUST MAINTAIN ONE LANE OF TRAFFIC AT ALL TIMES UNLESS OTHERWISE APPROVED.
- REPLACE 25' OF MEDIAN NORTH OF PROPOSED MAIN LINE



**EXHIBIT**  
**B**

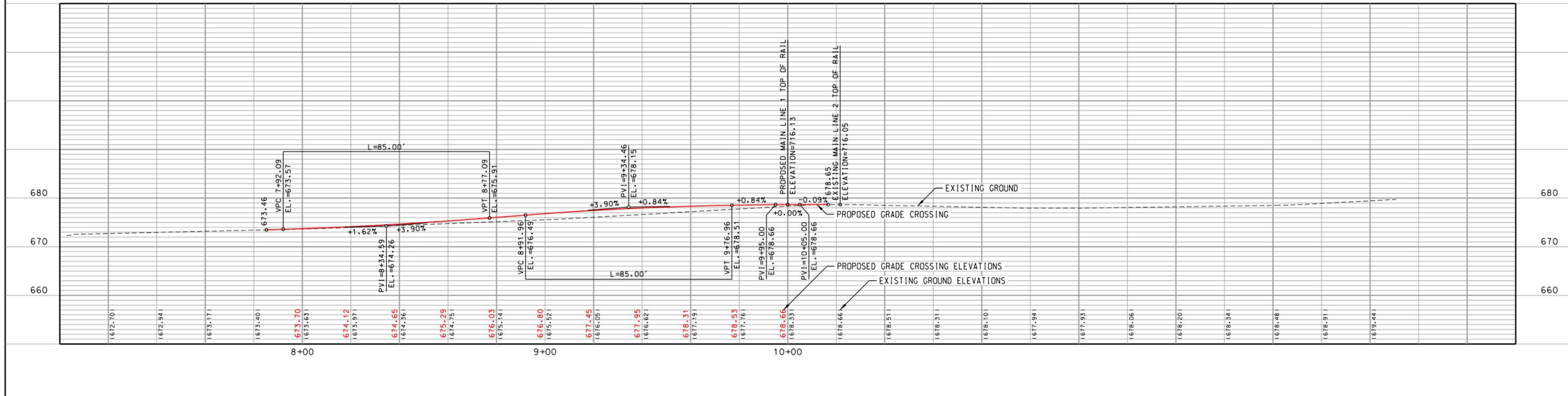
ESTIMATED SURFACING QUANTITY : 612 SY(ASPHALT)

PROPOSED LIMITS OF ASPHALT SURFACING

0 20 40 60  
HORIZONTAL SCALE FEET

0 10 20 30  
VERTICAL SCALE FEET

AADT = 1050; DESIGN SPEED = 45 MPH



<b>REVIEW SET</b>		DESIGNED BY	JLM	
		DRAWN BY	ZMH	
		CHECKED BY	JRH	
		APPROVED BY		
REV	DATE	DESCRIPTION	BY	APP

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DESIGNED BY: JLM  
DRAWN BY: ZMH  
CHECKED BY: JRH  
APPROVED BY: [Signature]  
DATE: 2/20/2015

**BNSF RAILWAY**

TranSystems  
2400 Pershing Road  
Suite 400  
Kansas City, MO 64108  
PHONE: (816) 329-8600  
FAX: (816) 329-8602

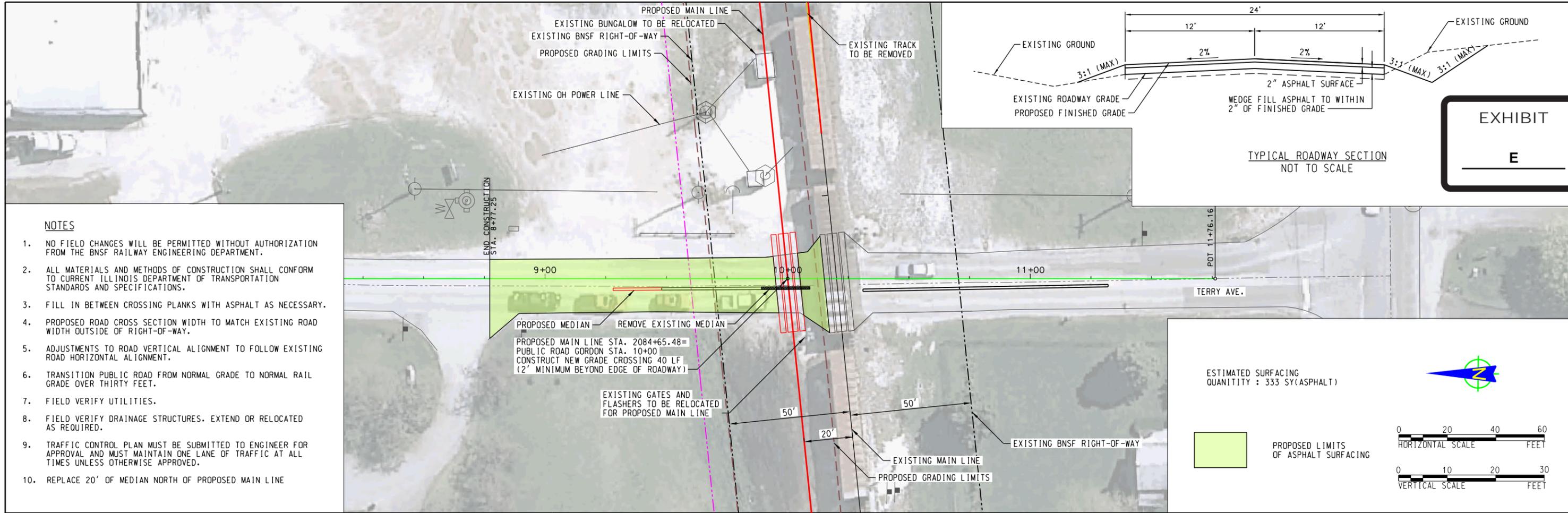
BNSF RAILWAY  
AURORA TO SUGAR GROVE  
PLAN AND PROFILE  
BARNES RD. CROSSING MP 42.0

CONTRACT NO.		101140076
DRAWING NO.		CT-102
REVISION	SHEET NO.	60 of 176
SCALE		AS SHOWN

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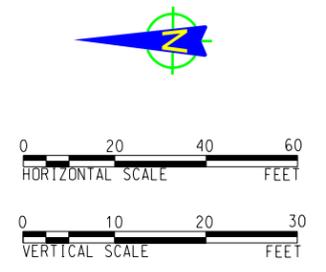




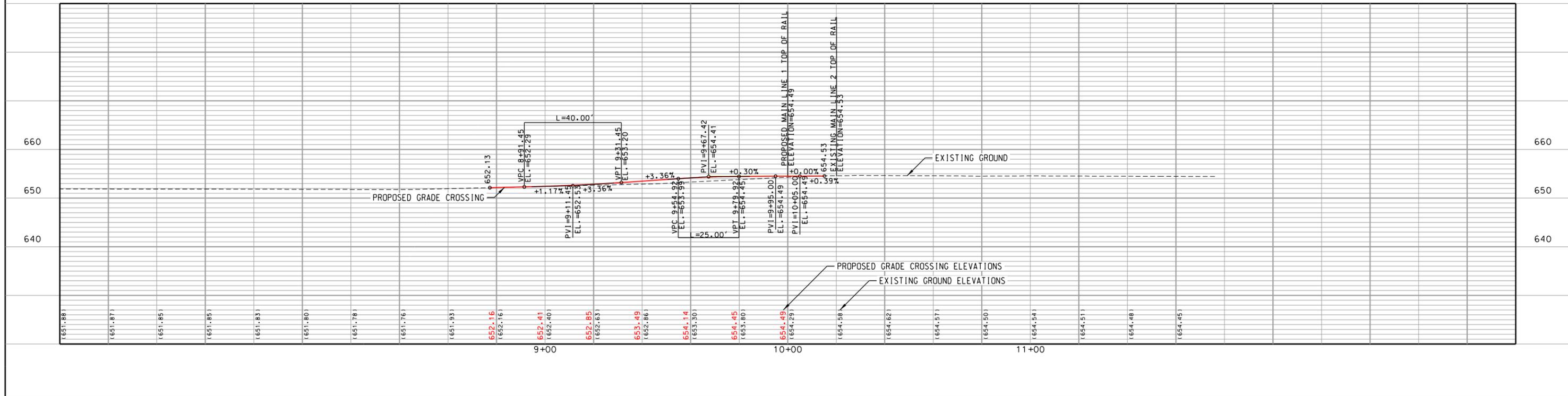
- NOTES**
- NO FIELD CHANGES WILL BE PERMITTED WITHOUT AUTHORIZATION FROM THE BNSF RAILWAY ENGINEERING DEPARTMENT.
  - ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO CURRENT ILLINOIS DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS.
  - FILL IN BETWEEN CROSSING PLANKS WITH ASPHALT AS NECESSARY.
  - PROPOSED ROAD CROSS SECTION WIDTH TO MATCH EXISTING ROAD WIDTH OUTSIDE OF RIGHT-OF-WAY.
  - ADJUSTMENTS TO ROAD VERTICAL ALIGNMENT TO FOLLOW EXISTING ROAD HORIZONTAL ALIGNMENT.
  - TRANSITION PUBLIC ROAD FROM NORMAL GRADE TO NORMAL RAIL GRADE OVER THIRTY FEET.
  - FIELD VERIFY UTILITIES.
  - FIELD VERIFY DRAINAGE STRUCTURES. EXTEND OR RELOCATED AS REQUIRED.
  - TRAFFIC CONTROL PLAN MUST BE SUBMITTED TO ENGINEER FOR APPROVAL AND MUST MAINTAIN ONE LANE OF TRAFFIC AT ALL TIMES UNLESS OTHERWISE APPROVED.
  - REPLACE 20' OF MEDIAN NORTH OF PROPOSED MAIN LINE

ESTIMATED SURFACING QUANTITY : 333 SY(ASPHALT)

PROPOSED LIMITS OF ASPHALT SURFACING



AADT = 2750; DESIGN SPEED = 20 MPH



<b>REVIEW SET</b>		DESIGNED BY	JLM	
		DRAWN BY	ZMH	
		CHECKED BY	JRH	
		APPROVED BY		
REV	DATE	DESCRIPTION	BY	APP

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DATE: 2/20/2015

**BNSF RAILWAY**

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Suite 400  
Kansas City, MO 64108  
PHONE: (816) 329-8600  
FAX: (816) 329-8602

**TranSystems**

BNSF RAILWAY  
AURORA TO SUGAR GROVE  
PLAN AND PROFILE  
TERRY AVE. CROSSING MP 39.40

CONTRACT NO.		101140076
DRAWING NO.		CT-105
REVISION	SHEET NO.	63 of 176
SCALE		AS SHOWN