

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

BNSF Railway Company, Will County, Grundy County, Western Township in Henry County, Peoria County, and the State of Illinois, Department of Transportation.

T14-0064

Revised Stipulated Agreement regarding improving public safety at the following highway-rail grade crossings of BNSF Railway Company's tracks: Brandon Road/CH 42 near Joliet (AAR/DOT #004 382L, railroad milepost 40.01); Gorman Road/CH 29V near Coal City (AAR/DOT #004 412B, railroad Milepost 61.9); TR 251 near Lynn Center (AAR/DOT #065 641 M, railroad milepost 28.28); and Kickapoo-Edwards Road/CH 40R near Edwards (AAR/DOT #098 428G, railroad milepost 39.15).

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. Will County is a local public entity, who has jurisdiction for Brandon Road/CH 42, including at or near the intersection of the roadway and BNSF's railroad tracks, near Joliet, Illinois.

4. Grundy County is a local public entity, who has jurisdiction for Gorman Road/CH 29V, including at or near the intersection of the roadway and BNSF's railroad

tracks, near Coal City, Illinois.

5. Western Township in Henry County (“Western Township”) is a local public entity in Henry County, who has jurisdiction for TR251, including at or near the intersection of the roadway and BNSF’s railroad tracks, near Lynn Center, Illinois.

6. Peoria County is a local public entity, who has jurisdiction for Kickapoo-Edwards Road/CH 40R, including at or near the intersection of the roadway and BNSF’s railroad tracks, near Edwards, Illinois.

7. BNSF operates trains along its main line tracks which intersect the above noted roadways over which BNSF provides freight rail service.

8. On or about March 25, 2014 and May 15, 2014, the Staff of the Illinois Commerce Commission (“Commission”), Will County, Western Township, Grundy County, Peoria County, BNSF Railway Company, and the Illinois Department of Transportation executed Revised Stipulated Agreement 1766 to provide for safety improvements at the Brandon Road/CH 42, Gorman Road/CH 29V, TR251, and Kickapoo-Edwards Road/CH 40R highway-rail grade crossings of the BNSF’s tracks designated as AAR/DOT #004 382L, railroad milepost 40.01; AAR/DOT #004 412B, railroad Milepost 61.9; AAR/DOT #065 641 M, railroad milepost 28.28; and AAR/DOT #098 428G, railroad milepost 39.15, respectively.

9. Based upon the Revised Stipulated Agreement, the Illinois Commerce Commission entered an order on or about June 11, 2014, authorizing the four crossing renewals set forth in the Revised Stipulated Agreement, and ordered that the work be completed within 9 months of the date of the Order.

10. In good faith efforts to complete the work at the above crossings, BNSF has renewed crossing surfaces at two of the crossings: Brandon Road/CH 42 in Will County,

(AAR/DOT #004 382L) and TR251 near Lynn Center (AAR/DOT #065 641 M), per the terms and requirements of the Revised Stipulated Agreement. However, BNSF has not been able to renew the crossing surfaces at the other two crossings: Gorman Road/CH 29V near Coal City, IL (#004 412B, railroad Milepost 61.9), and Kickapoo-Edwards Road/CH 40R near Edwards, IL (AAR/DOT #098 428G, railroad milepost 39.15), but expects to complete the renewals by June 30, 2016.

11. BNSF was not able to address the crossings near Coal City and Edwards, due primarily to heavy capital project activity throughout the past year. Due to these circumstances, BNSF was unable to complete the required work. BNSF has ordered the materials for the remaining 2 crossings.

12. Due to these developments, BNSF is now requesting an extension of time for completion of the project to June 30, 2016. BNSF will in the future seek to bring these requests within the time frame set forth in the Order.

13. BNSF has otherwise complied with the Order, including providing notice to the Commission's Rail Safety Program Administrator of the circumstances and intent to seek a supplemental order prior to the filing of the petition herein.

WHEREFORE, BNSF Railway Company prays that the Illinois Commerce Commission grant this Petition for a Supplemental Order, and grant an extension of time to complete the project until June 30, 2016, and for other just and appropriate relief.

DALEY MOHAN GROBLE, P.C.

By: s/Robert J. Prendergast
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VERIFICATION

Calvin J. 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 J. Nutt
Calvin J. Nutt

CERTIFICATE OF SERVICE

I, Robert J. Prendergast, an attorney, hereby certify that on the **7th day of March, 2016**, I caused the foregoing **PETITION FOR A SUPPLEMENTAL ORDER** to be served on the 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.:

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