

**ORIGINAL**

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T02-0021

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railroad Company, hereinafter referred to as the "Company", Floyd Township in Warren County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through Staff investigation that inquiry should be made into the matter of improving public safety at the crossing of the Company's tracks with a public highway known as TR-160 located near Cameron in Floyd Township, Warren County, Illinois, designated as crossing DOT 004694U, milepost 188.32-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvement upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that a certain improvement as hereinafter stated be made and that the cost for the proposed improvement be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 The improvement encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and

**DOCKETED**

procedures in general.

Section 2 The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

- a) The Company should install new automatic flashing light signals and short arm gates controlled by constant warning time circuitry;
- b) The Company should install two (2) new concrete crossing surfaces, so that the crossing surfaces comply with 92 Il. Adm. Code 1535;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvement which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvement for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvement should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvement should be:

- a) The cost to install automatic flashing light signals and gates estimated at \$144,747, should be allocated 70% of the actual project cost to the Department utilizing federal funding under TEA-21 (not to exceed \$101,323), 30% to the Grade Crossing Protection Fund (Fund) (not to exceed \$43,424), with the Company bearing any remaining cost after payment from TEA-21 and the Fund, as well as all future operation and maintenance cost thereof;
- b) The cost to install the new concrete crossing surfaces shall be 100% borne the Company as well as all future maintenance cost thereof;

Section 6 Special Provisions: Since federal funding is being utilized for the warning device improvement at the subject crossing, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the warning device improvements at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24<sup>th</sup> month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

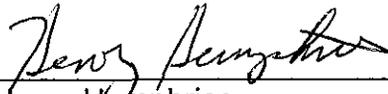
Executed by the Commission this 15<sup>th</sup> day of February, 2002.



---

Michael E. Stead  
Railroad Safety Program Administrator

Attest:



---

Henry Humphries,  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 991 concerning improvements at the TR-160 grade crossing of The Burlington Northern Santa Fe Railroad Company tracks, near Cameron in Floyd Township, Warren County, Illinois designated as crossing AAR/DOT # 004 694U, Milepost 188.32-M.

Executed by the Company this 19<sup>TH</sup> day of February 2002.

THE BURLINGTON NORTHERN AND  
SANTA FE RAILROAD COMPANY

By:

*Cheyl Jushin*

Attest:

*CPD*

Illinois Commerce Commission Stipulated Agreement No. 991 concerning improvements at the TR-160 grade crossing of The Burlington Northern Santa Fe Railroad Company tracks, near Cameron in Floyd Township, Warren County, Illinois designated as crossing AAR/DOT # 004 694U, Milepost 188.32-M.

Executed by the Department this 28<sup>th</sup> day of February 2002.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:

  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 991 concerning improvements at the TR-160 grade crossing of The Burlington Northern Santa Fe Railroad Company tracks, near Cameron in Floyd Township, Warren County, Illinois designated as crossing AAR/DOT # 004 694U, Milepost 188.32-M.

Executed by the TOWNSHIP this 36<sup>th</sup> day of MARCH 2002.

FLOYD TOWNSHIP, WARREN  
COUNTY

By: Richard Harshberger

RECEIVED  
MAR 7 2002  
Illinois Commerce Commission  
RAIL SAFETY SECTION

Attest:

Steve Larkin

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 188.32-M Inventory # 004 694U  
City (N) Cameron Street TR-160 County Warren  
Jurisdiction Twp. Urban      Rural X Commercial      Residential       
Street Surface Oil/Chip Width 17' Condition Fair  
Angle 70° Tracks Tangent Yes Degree of Curve -- Superelevation -  
Depth of Cut ----- Height of Fill <2'

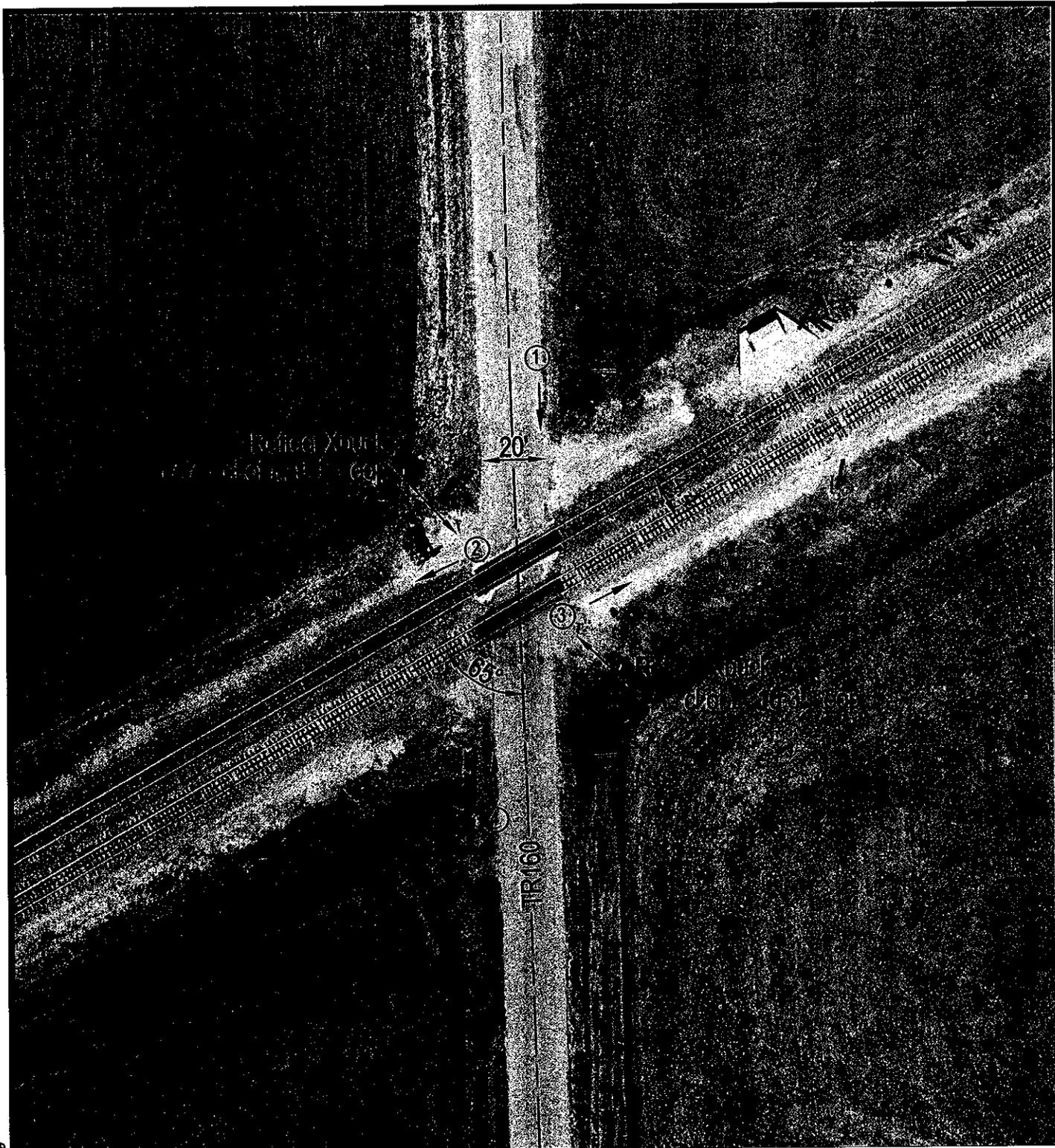
Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
<u>15'0"</u>	<u>Level</u>	<u>Main</u>	<u>FDT</u>	<u>32'</u>	<u>Fair&gt;Poor</u>
<u>    </u>	<u>    </u>	<u>Pass</u>	<u>FDT</u>	<u>32'</u>	<u>Fair&gt;Poor</u>
<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>

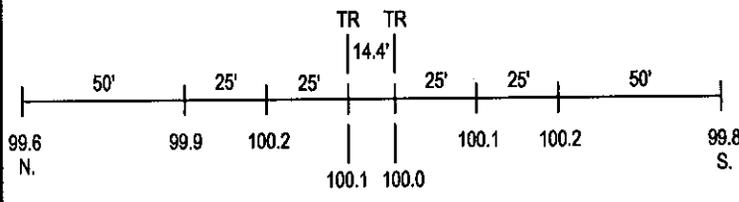
Intersecting Roads 100' None 200' None  
Traffic Control Devices Present None  
ADT 75 Speed unposted Statewide Yes  
Schoolbuses Poss. Hazardous Materials Poss, Other       
Rail Traffic: Ft. 70 @ 70 mph Pass. 2 @ 79 mph Switch Poss.  
Simultaneous Movements Yes Daylight and Dark Yes  
Present Protection Crossbucks

Advance Warning Signs Yes Pavement Marking No

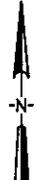




J:\WARREN\004694U\004694U.DWG 03/06/01 17:36 BLP



**ROAD PROFILE**



③ Photo Location

Crossing #: 004694U  
 Location: Warren Co., City of Cameron (N)  
 Lat/Long: 40°52'38" / 90°33'18"  
 Railroad: BNSF  
 Street: TR160  
 Railroad Milepost: 188.32  
 Crossing Protection: Signs

\*\*\*\*\* NOTE \*\*\*\* NOTE \*\*\*\*\* FOR INTERNAL USE ONLY \*\*\*\*\* NOTE \*\*\*\* NOTE \*\*\*\*\*

LOCATION	: CAMERON	LINE SEGMENT	: 7000	AFE NUMBER	:
PLANITEM NUMBER	: PSI004694U	MILEPOST	: 0188.32	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CPAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: CHILLICOTHE	BUDGET YEAR	: 2002
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 2	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 100.00	TAX STATE	: IL COUNTY: WARREN	REPORTING OFFICE	: 456
REQUESTER ID	: XXXX - SYSTEMWIDE DEFAULT/MATL DATE	LOCATION CODE	: 381010	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX			DEPT CODE	: MOWGH
DOT NUMBER	: 004694U			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL A NEW CROSSING WITH GATES, FLASHERS & CONSTANT WARNING CIRCUITRY AT TR 160 DOT 004694U NEAR CAMRON, IL L/S 7000 MP 188.32 ON THE CHICAGO DIV.....CHILLICOTHE SUBDIV.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

\*\*\*\*\* SIGNAL WORK ONLY \*\*\*\*\*

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT 100%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

\*\*\*\*\* NOTE \*\*\*\* NOTE \*\*\*\*\* FOR INTERNAL USE ONLY \*\*\*\*\* NOTE \*\*\*\* NOTE \*\*\*\*\*

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
	=====	=====	=====	=====	=====	=====
LABOR COSTS	0	0	0	0	48,815	48,815
MATERIAL COSTS	0	0	0	0	70,284	70,284
OTHER COSTS	0	0	0	0	25,648	25,648
TOTALS	0	0	0	0	144,747	144,747

ENGINEERING SERVICES - KANSAS CITY  
ESTIMATE REF. NUMBER : PSI004694U - 1--2S  
COSTING DATE : 02/04/2002

PRINTED ON : 02/04/2002  
ESTIMATED BY : POOR  
PRINTED BY : POOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR	728.00	0.0 MH	17,372			
* LABOR SUBTOTAL							17,372	0	0	0
1120	319	400	9911	BATTERY	1.0	EA N	5,060			
1120	319	400	9911	BUNGALOW 6X6	1.0	EA N	5,421			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	6,466			
1120	319	400	9911	CABLE	1.0	EA N	1,822			
1120	319	400	9911	CHARGERS	1.0	LS N	904			
1120	319	400	9911	ELECTRICAL MTRL	1.0	EA N	400			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	6,883			
1120	319	400	9911	GATE KEEPER	2.0	EA N	3,512			
1120	319	400	9911	GATE MECH. MODEL 95 COMPLETE	2.0	EA N	10,110			
1120	319	400	9911	HXP3R2 SYSTEM	1.0	EA N	18,713			
1120	319	400	9911	MISC. MATERIAL	1.0	EA N	2,500			
1120	319	400	9911	RTU-6, CELLULAR MONITOR	1.0	EA N	1,818			
1120	319	400	9911	VIGILANT RECORDER	1.0	EA N	1,684			
* MATERIAL SUBTOTAL							65,293	0	0	0
1120	790	400	9911	AC POWER SERVICE	1.0	EA	330			
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	790	400	9911	FILL DIRT	100.0	CY N	2,500			
1120	434	400	9911	MACHINE RENTAL	1.0	LS N	2,704			
1120	790	400	9911	SURFACE ROCK	12.0	CY N	300			
* OTHER SUBTOTAL							11,834	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							11,691			
EQUIPMENT EXPENSES							3,752			
DA LABOR OVERHEADS							8,963			
INSURANCE EXPENSES							2,744			
USE TAX							4,175			
OFFLINE TRANSPORTATION							816			
* GANG TOTAL							126,640	0	0	0
8		400	9911	SIGNAL SHOP LABOR	80.00	0.0 MH	1,676			
* LABOR SUBTOTAL							1,676	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							1,127			
EQUIPMENT EXPENSES							362			
DA LABOR OVERHEADS							864			
INSURANCE EXPENSES							264			
* GANG TOTAL							4,293	0	0	0
PROJECT SUBTOTAL							130,933	0	0	0
CONTINGENCIES							13,093	0	0	0
BILL PREPARATION FEE							721	0	0	0
PROJECT GROSS COST							144,747	0	0	0
LESS COST PAID BY OTHERS							144,747	0	0	0
PROJECT NET COST							0	0	0	0



BILL PREPARATION FEE  
GROSS PROJECT COST  
LESS COST PAID BY BNSF

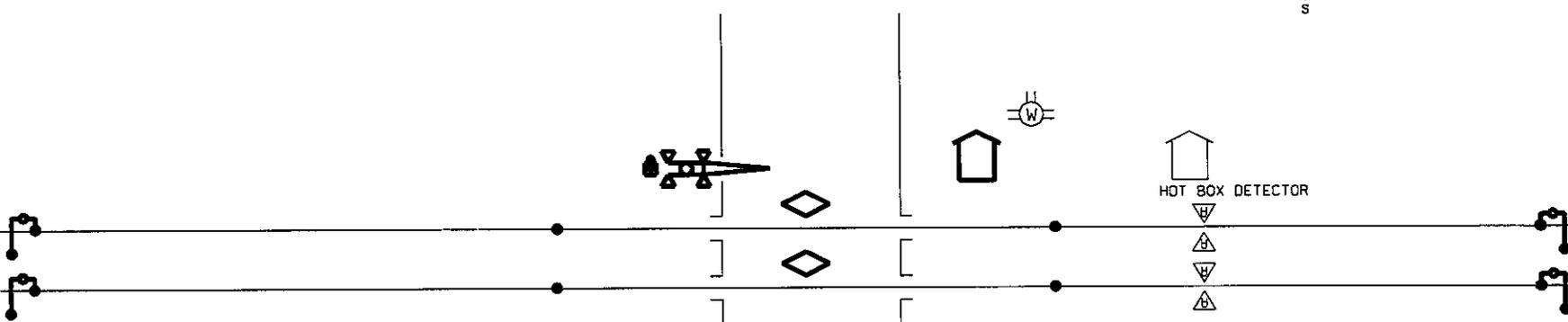
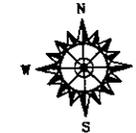
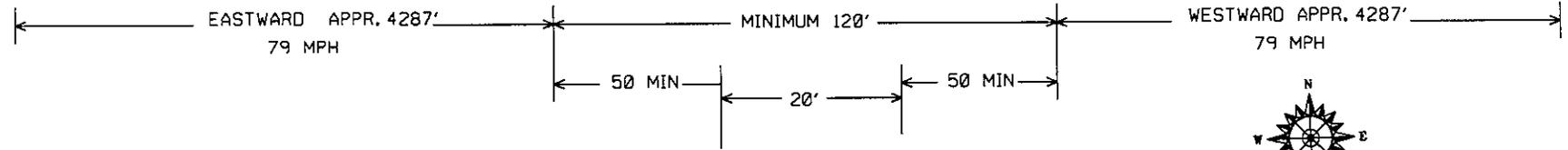
721  
-----  
144,747  
0  
-----  
144,747  
=====

TOTAL BILLABLE COST

TO FORT MADISON

The Burlington Northern & Santa Fe Railway Company

TO CHICAGO

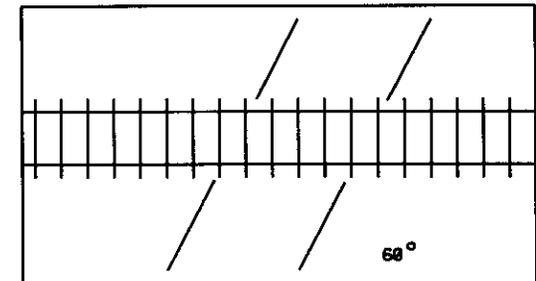


INSTALL: GATES & FLS  
 CONTROL DEVICES: CONSTANT WARNING

**BOLD- IN**

~~SLASH~~ OUT

SALVAGE: NONE



TR 160  
 DOT\* 004 694 U

- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- UNIDIRECTIONAL CROSSING CONTROL
- BIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placement:

Clearance to C.L. Track = Min. 12', Max. 20'  
 Edge of Road to C.L. Foundation:

Min. 4'1" with curb,  
 Min. 8'1" without curb,  
 Max. 12'

House Clearance: 25' Min. to C.L. of Track  
 Front Lights: 30' Min. to Edge of Road  
 Back and Side Lights: 70 Degree Lenses  
 Contilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.  
 CAMERON, IL.  
 TR 160  
 LS 7000 CHILLICOTHE SUBDIVISION  
 MP.188.32 CHICAGO DIVISION  
 DOT\* 004 694 U  
 KANSAS CITY  
 NO SCALE DATE: 02/04/02  
 FILE: 7000188\_32.DGN MCR/TLP