

702-0074

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT #1007

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 Railway Company, hereinafter referred to as the "Company", the County of Clinton, hereinafter referred to as the "County", 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 that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as Boulder Road (FAS-787), located near Shattuc, Clinton County Illinois, designated as crossing DOT 069 327S, milepost 108.76-Y; 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 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 remove the existing warning devices and install new automatic flashing light signals and short arm gates controlled by constant warning time circuitry;

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 remove the existing warning devices and install automatic flashing light signals and gates estimated at \$158,115, should be allocated 80% to the Grade Crossing Protection Fund (Fund), not to exceed \$126,492, with the Company bearing any remaining cost after payment from the Fund, as well as all future operation and maintenance cost thereof;

Section 6 Special Provisions: 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, 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 24th 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 6th day of June, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1007 concerning improvements at the Boulder Road [FAS787] grade crossing of The Burlington Northern and Santa Fe Railroad Company tracks, near Shattuc, Clinton County, Illinois, designated as crossing AAR/DOT # 069 327S, Milepost 108.76-Y.

Executed by the County this 17TH day of JUNE 2002.

CLINTON COUNTY

By: *Herb Pingsterhaus*
HERB PINGSTERHAUS
COUNTY BOARD CHAIRMAN

Attest:

Thomas Lacaze
TOM LACAZE
COUNTY CLERK

Illinois Commerce Commission Stipulated Agreement No. 1007 concerning improvements at the Boulder Road [FAS787] grade crossing of The Burlington Northern and Santa Fe Railroad Company tracks, near Shattuc, Clinton County, Illinois, designated as crossing AAR/DOT # 069 327S, Milepost 108.76-Y.

Executed by the Company this 20th day of June 2002.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: Cheryl Justice

Attest:

William Cealozna

Illinois Commerce Commission Stipulated Agreement No. 1007 concerning improvements at the Boulder Road [FAS787] grade crossing of The Burlington Northern and Santa Fe Railroad Company tracks, near Shattuc, Clinton County, Illinois, designated as crossing AAR/DOT # 069 327S, Milepost 108.76-Y.

Executed by the Department this 16th day of July 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James G. Lasterly, Jr.
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 108.76-Y Inventory # 069 327S
City (N) Shattuc Street Boulder Road County Clinton
(FAS 787)
Jurisdiction Local Urban Rural X Commercial Residential X
Street Surface Asphalt Width 20' Condition Good
Angle 75° Tracks Tangent Yes Degree of Curve - Superelevation -
Depth of Cut ----- Height of Fill -----

Crossing Surface

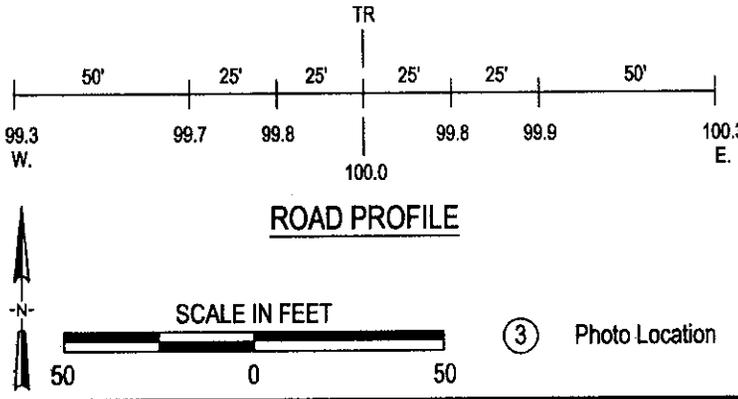
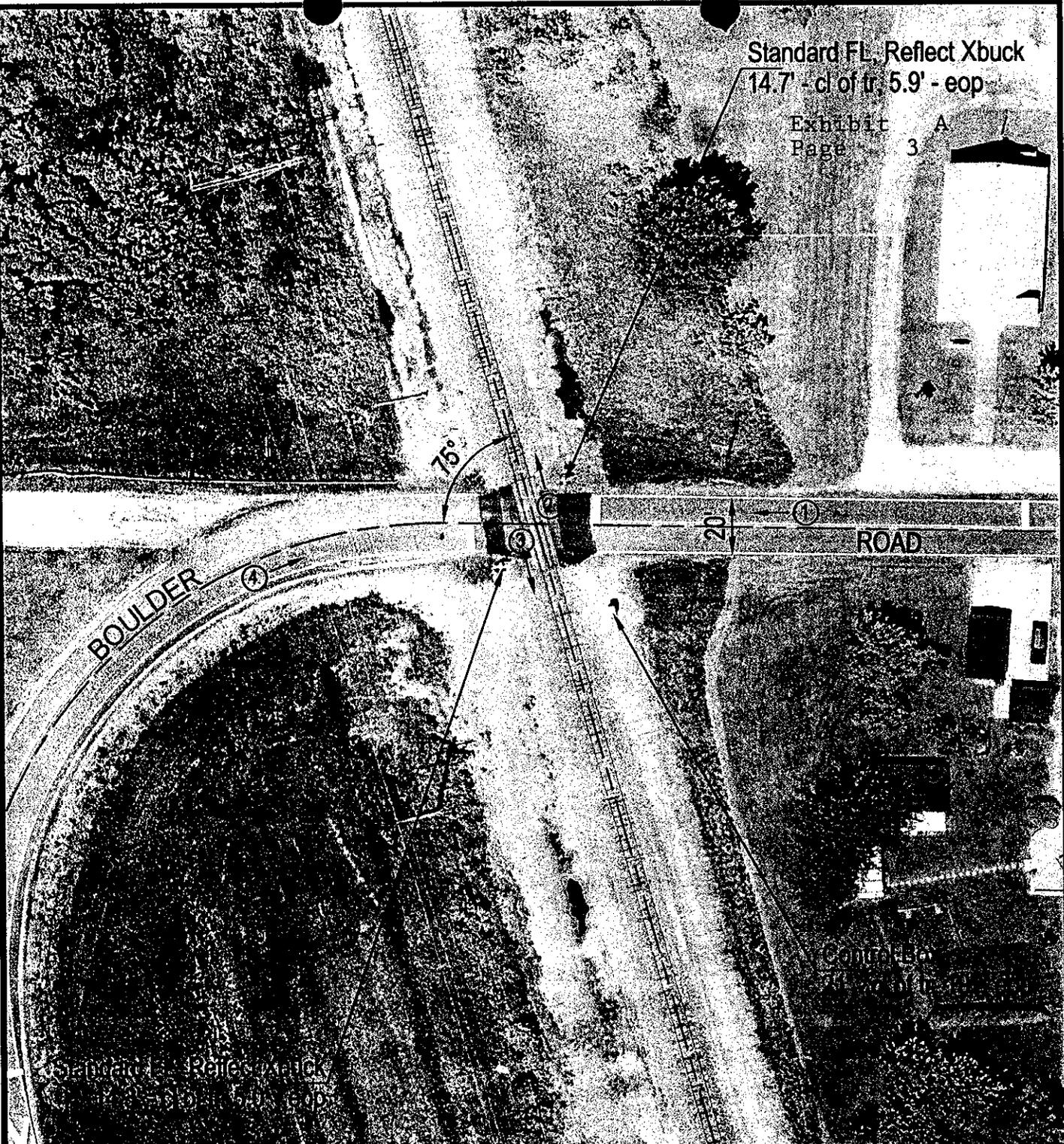
Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>32'</u>	<u>Good</u>
<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>
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Intersecting Roads 100' None 200' None
Traffic Control Devices Present None
ADT 550 Speed 20 mph Statewide Yes
Schoolbuses Poss. Hazardous Materials Poss. Other
Rail Traffic: Ft. 11 @ 49mph Pass. -- @ -- mph Switch
Simultaneous Movements No Daylight and Dark Yes
Present Protection AFLS

Advance Warning Signs Yes Pavement Marking Yes

Standard FL, Reflect Xbuck
14.7' - cl of tr, 5.9' - eop

Exhibit A
Page 3



Crossing #: 069327S

Location: Clinton Co., City of Shattuc (N)

Lat/Long: 38°41'49" / 89°13'30"

Railroad: BNSF

Street: Boulder Road

Railroad Milepost: 108.76

Crossing Protection: Train Activated Devices

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

LOCATION	: SHATTUC	LINE SEGMENT	: 13	AFE NUMBER	:
PLANITEM NUMBER	: PSI069327S	MILEPOST	: 0108.62	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CFAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: BEARDSTOWN	BUDGET YEAR	: 2002
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 1	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 080.00	TAX STATE	: IL COUNTY: CLINTON	REPORTING OFFICE	: 456
REQUESTER ID	: XXXX - SYSTEMWIDE DEFAULT	DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 381067	DEPT CODE	: MOWGH
DOT NUMBER	: 069327S			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT BOULDER ROAD IN SHATTUC, IL.
CHICAGO DIV., BEARDSTOWN SUBDIV., L/S 0013, MP 108.65 DOT 069327S

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE 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 IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

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

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 80%.
THE BNSF RAILROAD IS FUNDING THIS PROJECT APPROXIMATELY 20%.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

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

	CASH	CAPITAL	NONCASH	CAPITAL	OPERATING	EXP	REMOVAL	COST	BILLABLE	TOTALS
	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
LABOR COSTS	12,886		0		0		0		51,541	64,427
MATERIAL COSTS	13,438		0		0		0		53,749	67,187
OTHER COSTS	5,302		0		0		0		21,199	26,501
TOTALS	31,626		0		0		0		126,489	158,115

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI069327S - 1--2S
COSTING DATE : 04/12/2002

PRINTED ON : 04/12/2002
ESTIMATED BY : CONTRACTOR
PRINTED BY : CONTRACTOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT	U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR	784.00	0.0	MH	18,708			
* LABOR SUBTOTAL								18,708	0	0	0
1120	319	400	9911	BATTERY	1.0		LS N	3,783			
1120	319	400	9911	BUNGALOW 6X6	1.0		EA N	5,421			
1120	319	400	9911	BUNGALOW MATERIAL	1.0		LS N	6,141			
1120	319	400	9911	CABLE	1.0		LS N	1,388			
1120	319	400	9911	CHARGERS	1.0		LS N	904			
1120	319	400	9911	CONDUIT, PVC 4", SCH 80	10.0		FT N	39			
1120	319	400	9911	FIELD MATERIAL	1.0		LS N	5,270			
1120	319	400	9911	GATE KEEPER	2.0		EA N	3,512			
1120	319	400	9911	GATE MECH. MODEL 95	2.0		EA N	10,110			
1120	319	400	9911	HXP3R SYSTEM	1.0		EA N	13,080			
1120	319	400	9911	LED GATE KIT	2.0		EA N	661			
1120	319	400	9911	LED LIGHT ADJUSTMENT	8.0		EA N	2,080			
1120	319	400	9911	MISC MATERIAL	1.0		LS N	2,000			
1120	319	400	9911	RTU-6, CELLULAR MONITOR	1.0		EA N	1,650			
1120	319	400	9911	VIGILANT RECORDER	1.0		EA N	1,684			
* MATERIAL SUBTOTAL								57,723	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0		EA N	6,000			
1120	367	400	9911	MACHINE RENTAL	1.0		EA N	2,912			
1120	790	400	9911	SURFACE ROCK	80.0		CY N	2,000			
* OTHER SUBTOTAL								10,912	0	0	0
* ADDITIVES											
				PAYROLL ASSOCIATED COSTS				10,371			
				EQUIPMENT EXPENSES				3,348			
				DA LABOR OVERHEADS				11,722			
				INSURANCE EXPENSES				2,950			
				USE TAX				3,689			
				OFFLINE TRANSPORTATION				721			
* GANG TOTAL								120,144	0	0	0

8		400	9911	SIGNAL SHOP LABOR	64.00	0.0	MH	1,341			
* LABOR SUBTOTAL								1,341	0	0	0
* ADDITIVES											
				PAYROLL ASSOCIATED COSTS				743			
				EQUIPMENT EXPENSES				240			
				DA LABOR OVERHEADS				840			
				INSURANCE EXPENSES				211			
* GANG TOTAL								3,375	0	0	0

8		411		ELECTRICAL LABOR F/POWER TRANS SYS	16.00	0.0	MH	348			
* LABOR SUBTOTAL								348	0	0	0
1120	319	410		MATERIAL FOR ELECTRICAL	1.0		EA	500			
* MATERIAL SUBTOTAL								500	0	0	0
1120	790	400	9911	AC POWER SERVICE	1.0		EA	500			
* OTHER SUBTOTAL								500	0	0	0
* ADDITIVES											
				PAYROLL ASSOCIATED COSTS				192			
				EQUIPMENT EXPENSES				62			
				DA LABOR OVERHEADS				218			
				INSURANCE EXPENSES				54			
				MATERIAL HANDLING				12			
				USE TAX				32			
				OFFLINE TRANSPORTATION				6			
* GANG TOTAL								1,924	0	0	0

8		241		PLACE FIELD WELDS	160.00	14.4	MH	3,525			

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
* LABOR SUBTOTAL							3,525	0	0	0
* ADDITIVES							1,954			
PAYROLL ASSOCIATED COSTS							630			
EQUIPMENT EXPENSES							2,208			
DA LABOR OVERHEADS							555			
INSURANCE EXPENSES										
* GANG TOTAL							8,872	0	0	0

8	241			PLACE OTM	80.00	7.2 MH	1,672			
* LABOR SUBTOTAL							1,672	0	0	0
1120	308	200		RAIL, 132 LB NEW WELDED, PREMIUM :	200.0	LF	2,886			
1120	308	200		WELDKIT, GENERIC FOR ALL RAIL WEIGHT	20.0	KT	1,175			
* MATERIAL SUBTOTAL							4,061	0	0	0
* ADDITIVES							926			
PAYROLL ASSOCIATED COSTS							299			
EQUIPMENT EXPENSES							1,047			
DA LABOR OVERHEADS							263			
INSURANCE EXPENSES							100			
MATERIAL HANDLING							70			
ONLINE TRANSPORTATION							259			
USE TAX							14			
OFFLINE TRANSPORTATION										
* GANG TOTAL							8,711	0	0	0

PROJECT SUBTOTAL							143,026	0	0	0
CONTINGENCIES							14,302	0	0	0
BILL PREPARATION FEE							787	0	0	0
PROJECT GROSS COST							158,115	0	0	0
LESS COST PAID BY OTHERS							126,489	0	0	0
PROJECT NET COST							31,626	0	0	0

MACHINE RENTAL
 SURFACE ROCK

1.00 EA N
 80.00 CY N

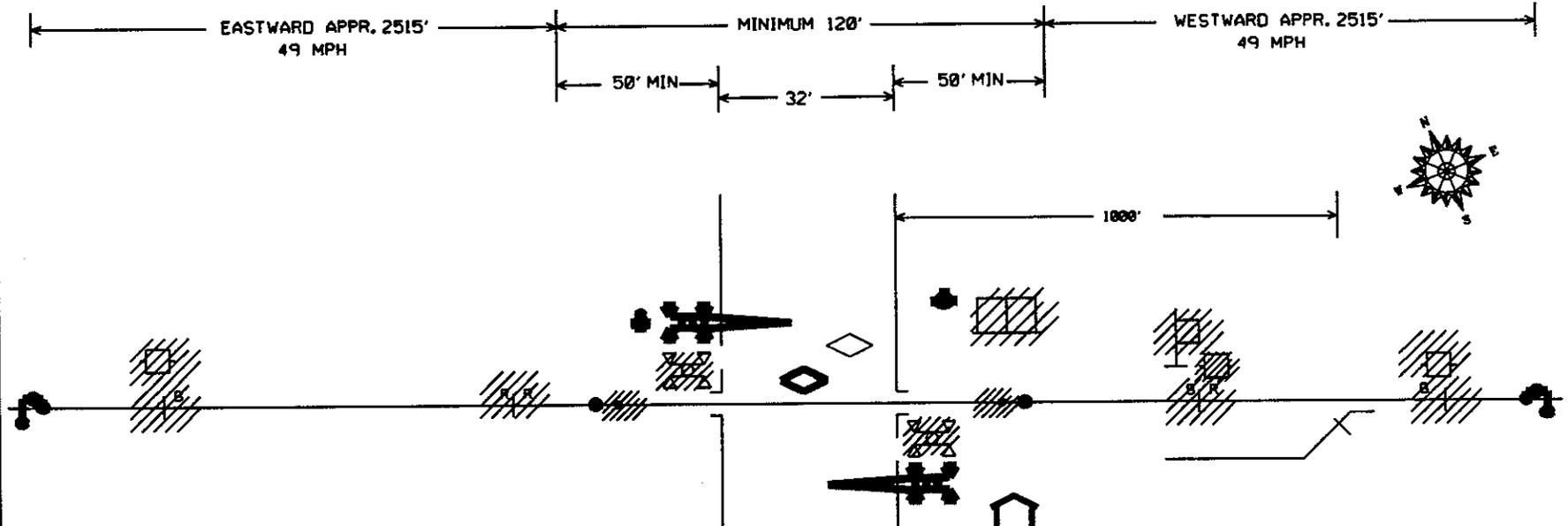
2,912
 2,000

TOTAL OTHER ITEMS COST	11,412	11,412
PROJECT SUBTOTAL		143,026
CONTINGENCIES		14,302
BILL PREPARATION FEE		787
GROSS PROJECT COST		158,115
LESS COST PAID BY BNSF		31,626
TOTAL BILLABLE COST		126,489

TO BEARDSTOWN

The Burlington Northern & Santa Fe Railway Company

TO METROPOLIS



INSTALL: GATES & FLS
 CONTROL DEVICES: CONSTANT WARNING

LED
 SLASH OUT
 SALVAGE: NONE

BOULDER ROAD
 DOT# 069 327 S

- 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. Foundations:
 Min. 4'1" with curb,
 Min. 8'1" without curb,
 Max. 12'
 House Clearances: 25' Min. to C.L. of Track
 30' Min. to Edge of Road
 Front Lights: LED
 Back and Side Lights: LED
 Cantilever Jury Mast: LED

BNSF RAILWAY CO.
 SHATTUC, IL.
 BOULDER ROAD
 LS 0013 BEARDSTOWN SUBDIVISION
 M.P. 108.62 CHICAGO DIVISION
 DOT# 069 327 S
 KANSAS CITY
 NO SCALE DATE: 04/12/02
 FILE: 0013108.62.DGN MCR/SMO