

3. BNSF operates a single mainline track in a generally northwest to southeast direction through Bond County and Sorento, Illinois.

4. There are four crossing locations within the Village of Sorento, Illinois, which are created by the intersection of certain public roadways under the jurisdiction of the Village of Sorento, Illinois, and the tracks of BNSF. Proceeding from a generally northwest to southeast direction, the four public roadways intersect with the tracks of BNSF to form crossings at the following locations: West Street, milepost 77.67, DOT Number 069126B (grade separation); State Street, milepost 77.84, DOT Number 069116V (at-grade crossing); Main Street, milepost 77.92 DOT Number 069114G (at-grade crossing); and Taylor Street, milepost 78.15, DOT Number 069127H, (at-grade crossing). See Exhibit A attached.

5. The at-grade crossings at State Street, Main Street and Taylor Street are each equipped with automatic flashing light signals and gates.

6. The average daily vehicular traffic utilizing the State Street at-grade crossing is less than 75 vehicles per day.

7. The average number of freight train movements per day over the State Street crossing is approximately nine trains per day. There is no passenger train movement over the State Street at-grade crossing. The maximum timetable speed for freight trains operating through the State Street crossing is 49 miles per hour.

8. Petitioner has no record of any crossing accidents at the State Street crossing in the last five years.

9. The track of the BNSF and State Street intersect at less than a 90 degree angle.

10. Petitioner, BNSF, believes the public convenience and necessity does not

require the retention of the public at-grade crossing at State Street and the tracks of BNSF at milepost 77.84, DOT Number 069116V. Petitioner herein believes the public safety would be enhanced if the subject at-grade crossing were permanently closed and barricaded.

11. Should the State Street at-grade crossing be permanently closed and barricaded, the adverse distance to be traveled by the motoring public would be less than .75 miles.

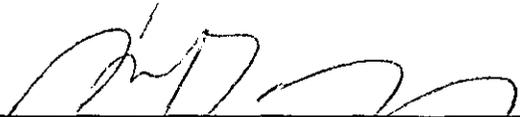
12. Should the State Street at-grade crossing be permanently closed and barricaded, the alternate roadways to be used by the motoring public are roadways with an all-weather surface and are of sufficient width to accommodate its existing vehicular traffic plus the vehicular traffic rerouted by virtue of the State Street closure. The alternative roadways are already and may legally be utilized by the same types of vehicular traffic as the roadway where the crossing is sought to be closed. Rerouting of the State Street crossing's vehicular traffic over the alternate roadways would have no significant adverse effect on public safety.

13. Retention of the State Street at-grade crossing poses an undue burden and safety concern to BNSF by virtue of its location. BNSF's track configuration and operations necessitate the presence of a track switch within the parameters of the State Street at-grade crossing. The existence of the necessary track switch renders maintenance of the State Street at-grade crossing surface and railroad track switch untenable resulting in both highway and rail safety concerns. By virtue of the track and roadway geometry and the limitations of BNSF's right of way, the railroad track switch cannot reasonably be relocated to any other position or location.

WHEREFORE, petitioner, The Burlington Northern and Santa Fe Railway Company, prays that the Illinois Commerce Commission set the aforesaid matter for public hearing, if necessary, and enter an order pursuant to the automatic grade crossing closure provisions set forth in 92 Illinois Administrative Code, Part 1536, and order the permanent closure of the at-grade crossing located at State Street and the tracks of BNSF at milepost 77.84, DOT Number 069116V, and such other and further relief as the Illinois Commerce Commission deems appropriate.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By 
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STATE OF MISSOURI)
) SS
COUNTY OF GREENE)

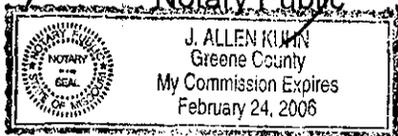
VERIFICATION

Cheryl Townlian, being first duly sworn on oath, deposes and states that she is Manager, Public Projects, for The Burlington Northern and Santa Fe Railway Company, Petitioner herein; that she 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 her knowledge, information and belief.

Cheryl Townlian

Subscribed and sworn to before me this
26 day of August, 2002.

J. Allen Kuhn
Notary Public



Michael L. Sazdanoff, attorney, certifies that on September 5, 2002, a copy of the foregoing Petition was served upon all parties of record by depositing same in the U.S. mail depository located at Adams and Clinton Streets, Chicago, Illinois, in envelope(s) with first class postage, prepaid, addressed to:

Mr. James Easterly
Director, Division of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Suite 300
Administration Building
Springfield, Illinois 62764

Mr. William Sunley
Director of Local Roads and Streets
Illinois Department of Transportation
2300 South Dirksen Parkway
Suite 300
Springfield, Illinois 62764

Mr. Henry Humphries
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Mr. Brett Kunkel
Village President
Village of Sorento
P. O. Box 85
Sorento, Illinois 62086-0085

A handwritten signature in black ink, appearing to read "Michael L. Sazdanoff", is written over a horizontal line.