

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

700-0059

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 Railway Company, hereinafter referred to as the "Company", Vienna Township in Grundy County, hereinafter referred to as the "Township", Grundy County 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 through informal correspondence 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 Johnny Run Road near Kinsman in Vienna Township, Grundy County, Illinois, designated as crossing DOT004 437W, milepost 73.50-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 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 improvements 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 certain improvements as hereinafter stated be made and that the cost for the proposed improvements 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 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

DOCKETED

Section 2 The Commission, the Township, the County and the Department are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the Company should install automatic flashing light signals and gates, with remote monitor, controlled by constant warning time circuitry;
 - b) the Company should install two (2) new 40' concrete crossing surfaces to accommodate the widened and realigned roadway ;
- (a) the Township should perform the roadway reconstruction as further detailed on Exhibit C, Pages 1 thru 4 attached hereto and made a part hereof.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed improvements which it may be required to perform; The estimate is attached as Exhibit B, and B-1 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 improvements for the approval of the Commission and Department.

Section 4 The County on behalf of the Township, has prepared a preliminary plan and estimate, which are attached as Exhibit C, of cost to accomplish the proposed improvements which it may be required to perform; The County shall upon Order, according to the requirements contained therein prepare detailed drawings, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 5 The Company and Township shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services. Both agree 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 improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 6 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost to install the automatic flashing light signals and gates, with remote monitor, controlled by constant warning time circuitry, estimated at \$178,478, should be allocated whereby the Grade Crossing Protection Fund (Fund) should bear 100% of said project cost, not to exceed \$178,478, with the Company bearing any remaining cost after payment from the Fund, as well as all future operation and maintenance cost thereof;

- (a) The cost to install a new 40' concrete crossing surfaces, estimated at \$ 74,257 should be allocated 100% to the COMPANY, as well as all future maintenance cost thereof;
- (b) The cost to perform the roadway reconstruction estimated at \$16,714 should be allocated 100% to the County/Township, as well as all future maintenance cost thereof.

Section 7 The Township and County are financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by Resolutions attached as Exhibits D and E, respectively.

Section 8 Special Provisions: The County and Company shall each file a written report with the Director of Processing within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of their portions of the project and their 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. A copy of each bill for Fund reimbursement should also be submitted 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 County and Company shall each within ninety (90) days of the date of Commission's Order subsequent to this Agreement, submit to the Director of Processing, Transportation Division of the Commission, the name, title, mailing address, phone number and facsimile number of a project manager.

The COUNTY has agreed to be the lead agency for the roadway reconstruction. The COUNTY will be responsible for the roadway work; provide construction supervision, and prepare all billing on the project.

Since the highway reconstruction will be performed by the COUNTY and/or its contractor, roadway contractor and railroad liability insurance will be required as specified in the Illinois Department of Transportation's "Standards and Specifications for Road and

Bridge Construction".

The COMPANY and the COUNTY shall have bi-monthly coordination meetings, unless agreed to by each of them that any meeting is not necessary, until the completion of the projects.

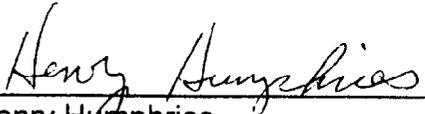
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 26th day of May, 2000.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 926 concerning improvements at the Johnny Run Road grade crossing of The Burlington Northern and Santa Fe Railway Company tracks, near Kinsman in Vienna Township, Grundy County, Illinois designated as crossing AAR/DOT # 004437W, Milepost73.50-M.

Executed by the Department this 26TH day of JUNE, 2000.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Slifer
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 926 concerning improvements at the Johnny Run Road grade crossing of The Burlington Northern and Santa Fe Railway Company tracks, near Kinsman in Vienna Township, Grundy County, Illinois designated as crossing AAR/DOT # 004437W, Milepost 73.50-M.

Executed by Vienna Township of Grundy County this 16 day of June, 2000.

VIENNA TOWNSHIP OF GRUNDY
COUNTY

By: James W. Dorman

Attest:

Sally A. Hylop Town Clerk

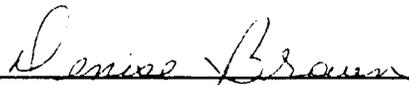
Illinois Commerce Commission Stipulated Agreement No. 926 concerning improvements at the Johnny Run Road grade crossing of The Burlington Northern and Santa Fe Railway Company tracks, near Kinsman in Vienna Township, Grundy County, Illinois designated as crossing AAR/DOT # 004437W, Milepost 73.50-M.

Executed by Grundy County this 26th day of June 2000.

GRUNDY COUNTY

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement No. 926 concerning improvements at the Johnny Run Road grade crossing of The Burlington Northern and Santa Fe Railway Company tracks, near Kinsman in Vienna Township, Grundy County, Illinois designated as crossing AAR/DOT # 004437W, Milepost 73.50-M.

Executed by The Burlington Northern and Santa Fe Railway Company this 9 day of JUNE 2000.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: 

Attest:



STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 73.50-M Inventory # 004 443W
 City (N) Kinsman Street Johnny Run Rd. County Grundy
 (TR-20)
 Jurisdiction Twp. Urban Rural X Commercial Residential
 Street Surface Oil/Chip Width 16' Condition Good
 Angle 50° Tracks Tangent Yes Degree of Curve -- Superelevation --
 Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>N Main</u>	<u>FDT</u>	<u>24'</u>	<u>Fair</u>
<u>14'-0"</u>	<u>S Main</u>				
	<u>6" lower</u>	<u>S Main</u>	<u>FDT</u>	<u>24'</u>	<u>Fair</u>

Intersecting Roads 100' Pvt. Ent 200' Field Ent.

Traffic Control Devices Present None

ADT 134 Speed unposted Statewide Yes

Schoolbuses Poss. Hazardous Materials Poss. Other -----

Rail Traffic: Ft. 60/70 @ 70 mph Pass. -- @ -- mph Switch ----

Simultaneous Movements Yes Daylight and Dark Yes

Present Protection Crossbucks

Advance Warning Signs Yes Pavement Marking No

Sketch of Crossing

Field

Run + Road

BNSF

Johnny

Field

Field

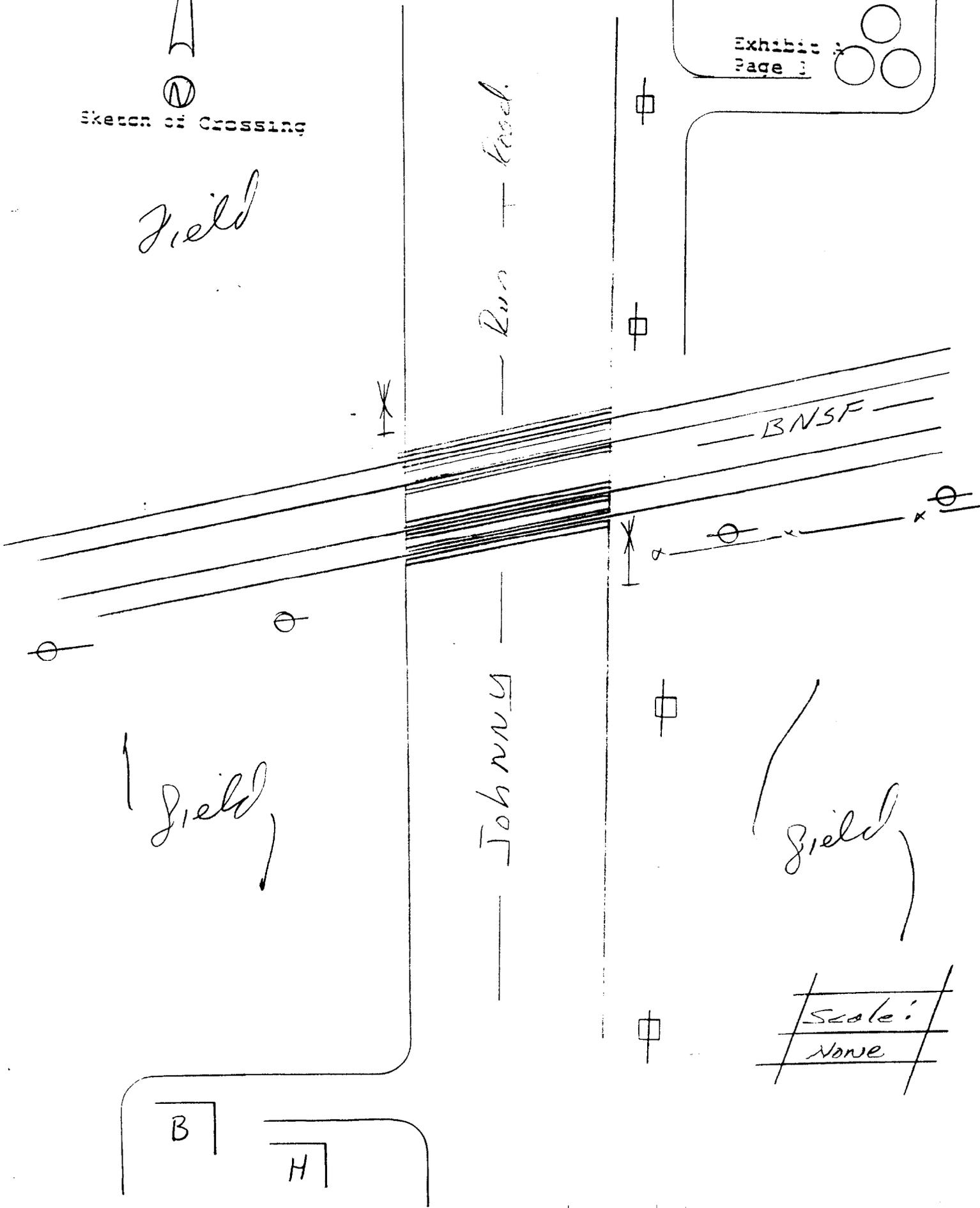
Scale:
None

Handwritten notes and diagrams in the top right corner:

- Small sketches of trees and a circle.
- Boxed letters: **H** and **B**.
- A box containing the number **6**.
- Text: **Exhibit Page** followed by a colon and a blank space.
- Three circles arranged in a triangular pattern.

Handwritten notes and diagrams in the bottom left corner:

- Boxed letter: **B**.
- Boxed letter: **H**.



PSI004437W-1.Ext

1

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

LOCATION :	KINGMAN	LINE SEGMENT :	7000	AFE NUMBER :	
PLANITEM NUMBER :	PSI004437W	MILEPOST :	0073.50	RFA NUMBER :	
PROPERTY OF :	BNSF RAILWAY COMPANY	DIVISION :	IL	CPAR NUMBER :	
OPERATED BY :	BNSF RAILWAY COMPANY	SUBDIVISION :	CHILLICOTHE	BUDGET YEAR :	2000
JOINT FACILITY :	STATE OF ILLINOIS	TRACK TYPE :	2	BUDGET CLASS :	10
% BILLABLE (+/-) :	100.00	TAX STATE :	IL COUNTY: GRUNDY	REPORTING OFFICE :	456
REQUESTER ID :	Q894 - G WISCHOVER	MATL DATE :		SPONSOR :	VP ENGIN
PROJECT TYPE :	SGX	LOCATION CODE :	381010	DEPT CODE :	HOWGH

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL NEW CROSSING AT JOHNNY RUN RD., KINGMAN, IL. DOT 004437W WITH NEW BUNGALOW, CONSTANT WARNING, FLASHERS/GATES, BATTERIES, CHARGERS, RELAYS, CAR E, BELLS, TERMINATIONS, ETC.

THE ATTACHED MATERIAL LIST REFLECTS TYPICAL, REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE.

THEY CAN BE EXPECTED TO CHANGE AFTER ENGINEERING PROCESS, DETAIL AND ACCURATE MATERIAL LIST 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 DUE TO COST FOR MATERIAL, LABOR, AND OVERHEADS.

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

THE STATE OF ILLINOIS TO PAY 100%.

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

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	0	0	0	0	61,493	61,493
MATERIAL COSTS	0	0	0	0	90,703	90,703
OTHER COSTS	0	0	0	0	26,282	26,282
TOTALS	0	0	0	0	178,478	178,478

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI004437W - 1--2S
COSTING DATE : 03/17/2000

PRINTED ON : 03/17/2000
ESTIMATED BY : NEUMANN
PRINTED BY : NEUMANN

PSI004437W-1.txt

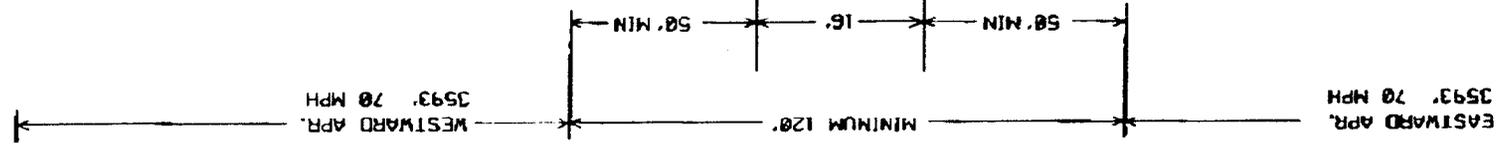
ACCT	CST	RSN	PFE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
0		400	9911	SIGNAL FIELD LABOR	940.00	0.0 MH	18,425			
* LABOR SUBTOTAL							18,425	0	0	0
1120	319	400	9911	BATTERY & CHARGERS	1.0	EA	6,206			
1120	319	400	9911	BUNGALOW 6X6 PER SKR101	1.0	EA	5,182			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	EA	5,963			
1120	319	400	9911	CABLE	1.0	EA	1,242			
1120	319	400	9911	FIELD MATERIAL	1.0	EA	1,867			
1120	319	400	9911	FLS/GATES, BELLS, & FOUND.	2.0	EA	13,582			
1120	319	400	9911	HXP-PHDSRZ W/RSI & RMM	2.0	EA	39,950			
1120	319	400	9911	MISC. MATERIAL	1.0	EA	1,000			
1120	319	400	9911	TERMINATIONS, FSS-2A	6.0	EA	3,300			
1120	319	400	9911	TRACK WIRE	1.0	LS	1,000			
1120	319	400	9911	VIGILANT RECORDER	1.0	EA	1,660			
* MATERIAL SUBTOTAL							80,872	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA	6,000			
1120	790	400	9911	DIRECT SHIPPING	1.0	LS	1,500			
1120	790	400	9911	FILL	50.0	CY N	1,250			
* OTHER SUBTOTAL							8,750	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			11,384			
				EQUIPMENT EXPENSES			3,353			
				SUPERVISION EXPENSES			12,512			
				PERDIEM			6,925			
				INSURANCE EXPENSES			2,763			
				STORE EXPENSES			1,992			
				USE TAX			5,174			
				OFFLINE TRANSPORTATION			1,014			
* GANG TOTAL							153,064	0	0	0
0		400	9911	SIGNAL SHOP LABOR	64.00	0.0 MH	1,264			
* LABOR SUBTOTAL							1,264	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			791			
				EQUIPMENT EXPENSES			230			
				SUPERVISION EXPENSES			959			
				INSURANCE EXPENSES			189			
* GANG TOTAL							3,322	0	0	0
0		411	9911	ELECTRICAL LABOR P/POWER TRANS SYS	54.00	0.0 MH	1,107			
* LABOR SUBTOTAL							1,107	0	0	0
1120	319	410		MATERIAL FOR ELECTRICAL	1.0	EA	1,500			
* MATERIAL SUBTOTAL							1,500	0	0	0
1120	790	400	9911	AC POWER SERVICE	1.0	EA	500			
* OTHER SUBTOTAL							500	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			684			
				EQUIPMENT EXPENSES			201			
				SUPERVISION EXPENSES			751			
				INSURANCE EXPENSES			166			
				STORE EXPENSES			37			
				USE TAX			96			
				OFFLINE TRANSPORTATION			18			
* GANG TOTAL							5,060	0	0	0
PROJECT SUBTOTAL							161,446	0	0	0
CONTINGENCIES							16,144	0	0	0

PSIG04437W-1.txt

1	BILL PREPARATION FEE	000	0	0	0
	PROJECT GROSS COST	170,478	0	0	0
	LESS COST PAID BY OTHERS	170,478	0	0	0
	PROJECT NET COST	0	0	0	0

EASTWARD APR. 3593' 70 MPH

WESTWARD APR. 3593' 70 MPH



INSTALL: FLASHERS W/GATES
CONTROL DEVICES: CONSTANT WARNING

OLD - IN

BLAST OUT

SALVAGE: NONE

- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- UNIDIRECTIONAL CROSSING CONTROL
- BIDIRECTIONAL CROSSING CONTROL
- CURLER 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' with curb,
 Min. 8' without curb,
 Max. 12'
 House Clearance:
 25' Min. to C.L. of Track
 30' Min. to Edge of Road
 Front Lights:
 20-15 Degree Lenses
 Back and Side Lights: 70 Degree Lenses
 Contingency Junc Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.
ESTIMATE SKETCH

KINSMAN, IL.

JOHNNY RUN RD.

CHILLICOTHE SUBDIVISION

L.S. 7800 MP 73.50

DOT# 004-437M

KANSAS CITY

NO SCALE DATE: 3-17-00

File: 7000-74.13

