

T02-0112

STATE OF ILLINOIS

ORIGINAL

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT No. 1014

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 Kane, 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 track with a public highway known as Kirk Road (CH-77) located in Batavia, Kane County, Illinois, designated as crossing DOT 069 708F, milepost 7.74-D; 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 cantilever mounted automatic flashing light LED signals and short arm gates, equipped with constant warning time (CWT) control 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 install the new cantilever mounted automatic flashing light signals and gates estimated at \$205,889, should be allocated 50% to the Grade Crossing Protection Fund (Fund), not to exceed \$ 102,945, with the Company paying any remaining installation costs, as well as all future operation and maintenance costs;

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 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 4th day of September, 2002.



\_\_\_\_\_  
Michael E. Stead  
Railroad Safety Program Administrator

Attest:



\_\_\_\_\_  
Henry Humphries,  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1014 concerning an improvement at the Kirk Road (CH-77) highway/rail grade crossing of The Burlington Northern and Santa Fe Railway Company's track, in Batavia, Kane County, Illinois, designated as crossing AAR/DOT # 069 708F, Milepost 7.74-D.

Executed by the Company this 27<sup>TH</sup> day of September 2002.

THE BURLINGTON NORTHERN AND  
SANTA FE RAILWAY COMPANY

By:

Cheryl Tompkins

APPROVED AS TO FORM 9/23/02

William  
Burlington Northern Santa Fe Railroad

Attest:

William Cologna

RECEIVED  
OCT 10 2002

Illinois Commerce Commission  
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1014 concerning an improvement at the Kirk Road (CH-77) highway/rail grade crossing of The Burlington Northern and Santa Fe Railway Company's track, in Batavia, Kane County, Illinois, designated as crossing AAR/DOT # 069 708F, Milepost 7.74-D.

Executed by the Department this 2nd day of October 2002.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:

James L. Carter  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1014 concerning an improvement at the Kirk Road (CH-77) highway/rail grade crossing of The Burlington Northern and Santa Fe Railway Company's track, in Batavia, Kane County, Illinois, designated as crossing AAR/DOT # 069 708F, Milepost 7.74-D.

Executed by the County this 12<sup>th</sup> day of November 2002.

KANE COUNTY

By: 

Attest:





STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 7.74-D Inventory # 069 708F  
City (I) Batavia Street Kirk Road County Kane  
Jurisdiction Local Urban XX Rural Commercial XX Residential  
Street Surface Asphalt - (4) lane Width 55' Condition Good  
Angle 70° 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>Concrete</u>	<u>82'</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 23,700 Speed 45mph (Posted) Statewide YES

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

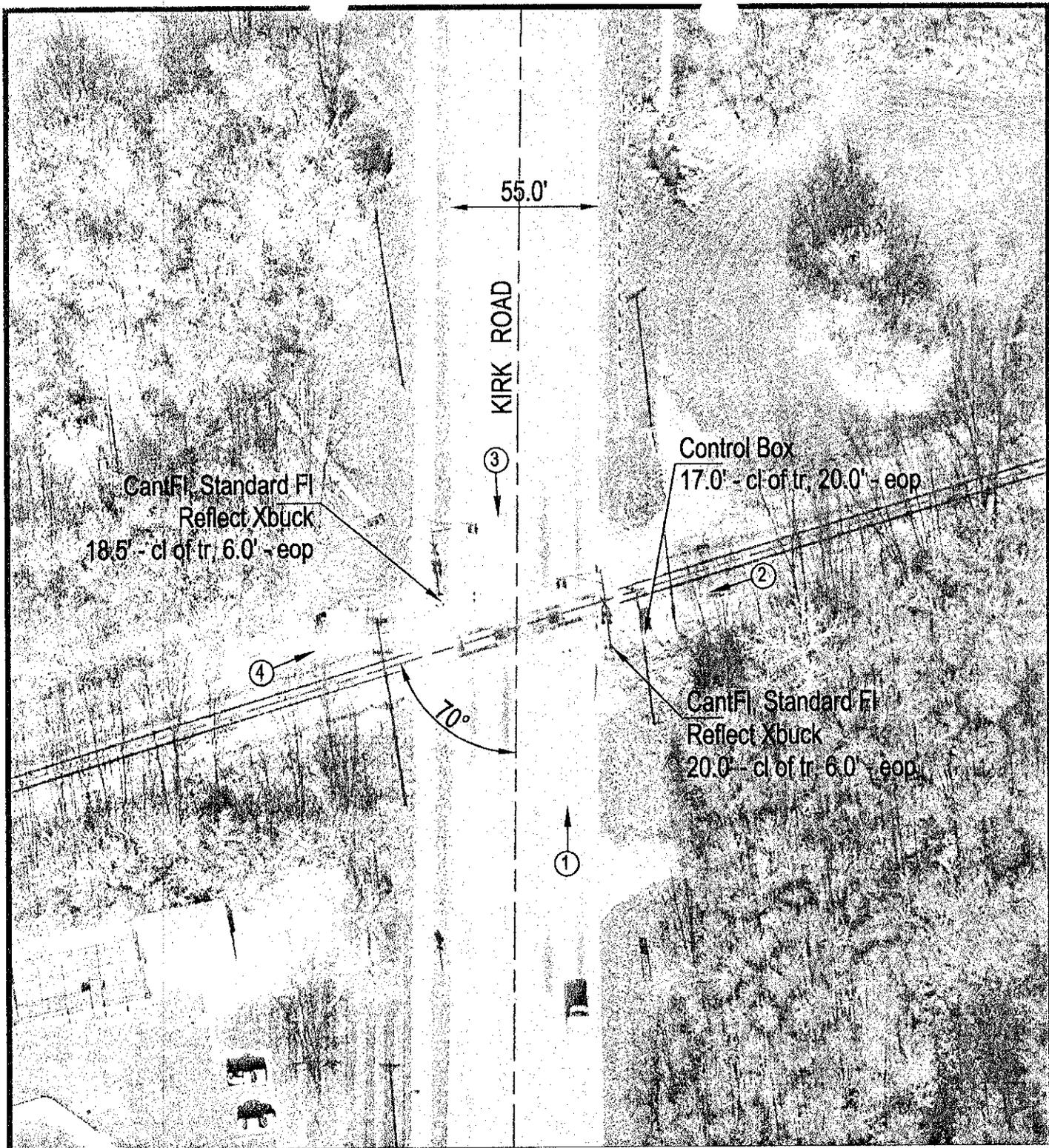
Rail Traffic: Ft. 2-4 @ 20 mph Pass. -- @ -- mph Switch Yes

Simultaneous Movements No Daylight and Dark Yes

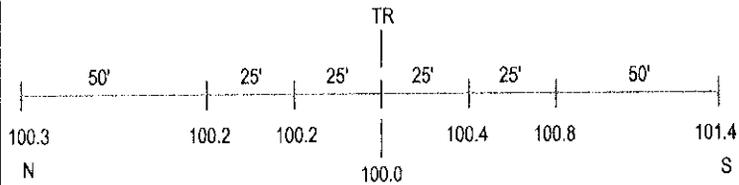
Present Protection Cant. AFLS

Advance Warning Signs Yes Pavement Marking Yes

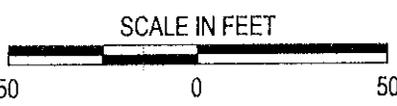




J:\KANE\069708F\069708F.DWG 05/08/00 11:03 JJA



ROAD PROFILE



③ Photo Location

Crossing #:	069708F
Location:	Kane Co., City of Batavia (In)
Lat/Long:	41°51'21" / 88°16'42"
Railroad:	BNSF
Street:	Kirk Road
Railroad Milepost:	7.74
Crossing Protection:	Train Activated Devices

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

LOCATION	: BATAVIA	LINE SEGMENT	: 65	AFE NUMBER	:
PLANITEM NUMBER	: PSI069708F	MILEPOST	: 0007.74	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CPAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: AURORA-W CHICAG	BUDGET YEAR	: 2002
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 2	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 050.00	TAX STATE	: IL COUNTY: KANE	REPORTING OFFICE	: 455
REQUESTER ID	: Q890 - LAMELL TRAYLOR	MATL DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 383252	DEPT CODE	: MOWGH
DOT NUMBER	: 069708F			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL NEW CANTILEVER SIGNALS, GATES, FLASHERS W/ LED LENSES & BUNGALOW W/ CONSTANT WARNING CIRCUITRY AT (KIRK RD DOT 069 708 F) IN BATAVIA, IL L/S 0065 MP 7.74 ON THE CHICAGO DIV....AURORA-W CHICAGO SUBDIV.

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 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 APPROXIMATELY 50% WITH BNSF FUNDING APPROXIMATELY 50% OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY

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

	CASH	CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
	=====	=====	=====	=====	=====	=====	=====
LABOR COSTS	33,116		0	0	0	33,116	66,232
MATERIAL COSTS	50,111		0	0	0	50,111	100,222
OTHER COSTS	19,718		0	0	0	19,717	39,435
TOTALS	102,945		0	0	0	102,944	205,889

ENGINEERING SERVICES - KANSAS CITY  
ESTIMATE REF. NUMBER : PSI069708F - 1--2S  
COSTING DATE : 08/01/2002

PRINTED ON : 08/01/2002  
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	960.00	0.0 MH	22,908			
* LABOR SUBTOTAL							22,908	0	0	0
1120	319	400	9911	BATTERY	1.0	EA N	5,825			
1120	319	400	9911	BONDING MATERIAL	1.0	LS N	1,000			
1120	319	400	9911	BUNGALOW 6X6	1.0	EA N	5,421			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	7,521			
1120	319	400	9911	CABLE	1.0	EA N	3,150			
1120	319	400	9911	CANTILEVER SIGNAL W/O FOUND	2.0	EA N	17,200			
1120	319	400	9911	CHARGER	1.0	EA N	1,326			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	7,180			
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	GAURD RAIL DUAL	2.0	EA N	1,290			
1120	319	400	9911	HXP3R SYSTEM	1.0	EA N	13,080			
1120	319	400	9911	LED GATE KIT	2.0	EA N	660			
1120	319	400	9911	LED LENSES 12" RETRO-FIT	16.0	EA N	4,080			
1120	319	400	9911	MISC MATERIAL	1.0	LS N	2,000			
1120	319	400	9911	PRECAST CANTILEVER FOUNDATION	2.0	EA N	4,838			
1120	319	400	9911	PRECAST GATE FOUNDATION	2.0	EA N	760			
1120	319	400	9911	RECORDER	1.0	EA N	1,683			
* MATERIAL SUBTOTAL							90,636	0	0	0
1120	790	400	9911	CONTRACT BORING	1.0	LS N	10,000			
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	434	400	9911	MACHINE RENTAL	1.0	LS N	3,536			
1120	790	400	9911	SURFACE ROCK	10.0	CY N	250			
* OTHER SUBTOTAL							19,786	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			12,700			
				EQUIPMENT EXPENSES			4,100			
				DA LABOR OVERHEADS			14,354			
				INSURANCE EXPENSES			3,612			
				USE TAX			5,795			
				OFFLINE TRANSPORTATION			1,133			
* GANG TOTAL							175,024	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		241		PLACE FIELD WELDS	64.00	5.7 MH	1,410			
* LABOR SUBTOTAL							1,410	0	0	0
1120	308	200		WELDKIT, GENERIC FOR ALL RAIL WEIGHT	8.0	KT X	470			
* MATERIAL SUBTOTAL							470	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			781			
				EQUIPMENT EXPENSES			252			
				DA LABOR OVERHEADS			883			
				INSURANCE EXPENSES			222			
				MATERIAL HANDLING			11			
				USE TAX			30			
				OFFLINE TRANSPORTATION			5			
* GANG TOTAL							4,064	0	0	0

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		241		PLACE OTM	32.00	2.8 MH	650			
* LABOR SUBTOTAL							650	0	0	0
1120	308	200		RAIL, 136 LB NEW WELDED, PREMIUM :	160.0	LF X	1,917			
* MATERIAL SUBTOTAL							1,917	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			360			
				EQUIPMENT EXPENSES			116			
				DA LABOR OVERHEADS			407			
				INSURANCE EXPENSES			102			
				MATERIAL HANDLING			47			
				ONLINE TRANSPORTATION			56			
				USE TAX			122			
* GANG TOTAL							3,777	0	0	0
PROJECT SUBTOTAL							186,240	0	0	0
CONTINGENCIES							18,624	0	0	0
BILL PREPARATION FEE							1,025	0	0	0
PROJECT GROSS COST							205,889	0	0	0
LESS COST PAID BY OTHERS							102,944	0	0	0
PROJECT NET COST							102,945	0	0	0



\*\*\*\*\*  
CONTRACT BORING  
CONTRACT ENGR.  
MACHINE RENTAL  
SURFACE ROCK

1.00	LS N	10,000
1.00	EA N	6,000
1.00	LS N	3,536
10.00	CY N	250

TOTAL OTHER ITEMS COST

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19,786      19,786  
-----

PROJECT SUBTOTAL  
CONTINGENCIES  
BILL PREPARATION FEE

-----  
186,240  
18,624  
1,025  
-----

GROSS PROJECT COST  
LESS COST PAID BY BNSF

-----  
205,889  
102,945  
-----

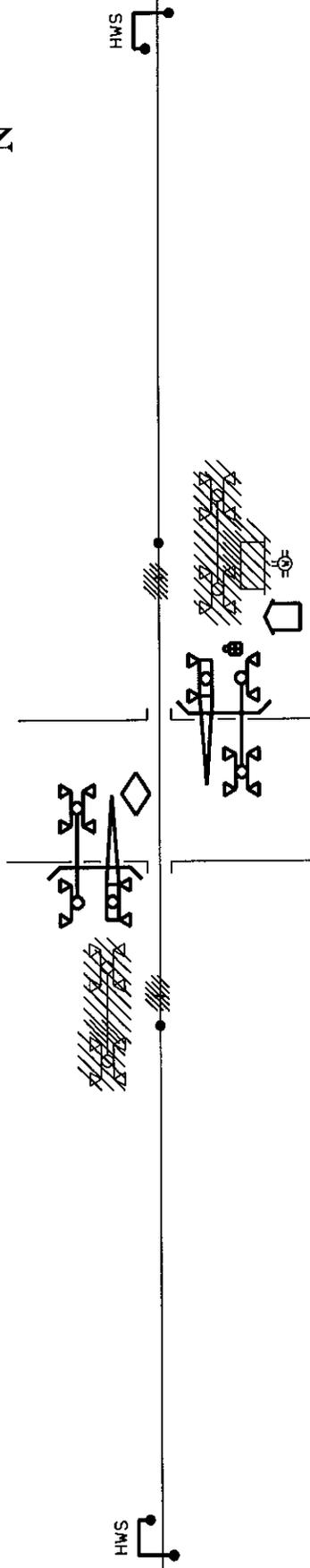
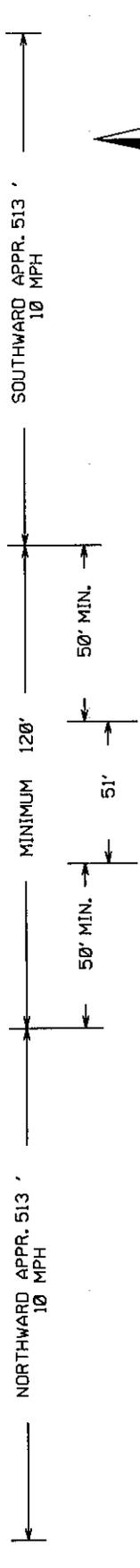
TOTAL BILLABLE COST

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102,944  
=====

The Burlington Northern & Santa Fe Railway Company

TO: WEST CHICAGO

TO: AURORA



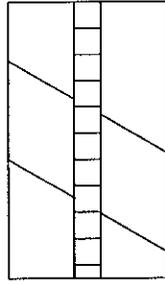
INSTALL: **GATES, FLS & CANTS**  
CONTROL DEVICES: CONSTANT WARNING

**BOLD = IN**

**SLASH-OUT**

SALVAGE: NONE

KIRK ROAD  
DOT# 069 708 F



- 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' with curb,  
Max. 8' without curb, Max. 12'  
House Clearance:  
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.**  
ESTIMATE SKETCH  
DIVISION: CHICAGO  
SUBDIVISION: AURORA W. CHICAGO  
L.S.: 0065 M.P.: 7.74  
KIRK ROAD  
BATAVIA, IL  
DOT NO.: 069 708 F  
DDS: KANSAS CITY DATE: 8-1-02  
NO SCALE FILE: 0065007.74.dgn