

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

702-0117

STIPULATED AGREEMENT NO. 1017

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 West County Line Road [CH-24] located near Hinckley, Kane County Illinois, designated as crossing DOT 069 737R, milepost 53.11-B; 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 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 parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

1. The Company should remove the existing automatic warning devices and install new automatic flashing light signals and 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 improvements 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 improvements 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 improvements, 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 improvements 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 improvements should be:

- a) The cost to perform the work in Section 2 is estimated at \$176,143. The Grade Crossing Protection Fund (Fund), should pay 80% of the actual project cost, to not to exceed \$140,913, with the Company paying all 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 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.

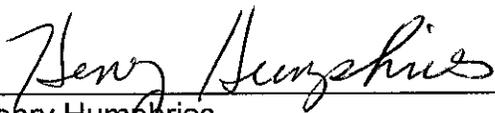
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 16th day of October, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1017 concerning improvements at the West County Line Road grade crossing of The Burlington Northern and Santa Fe Railway Company track, near Hinckley, Kane County, Illinois, designated as crossing AAR/DOT # 069 737R, Milepost 53.11-B.

Executed by the Company this 1ST day of November 2002.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: Cheryl Lanza

APPROVED AS TO FORM 10/28/02
CEON
Engineering Department Santa Fe Railway Company

Attest:

William L. Bologna

Illinois Commerce Commission Stipulated Agreement No. 1017 concerning improvements at the West County Line Road grade crossing of The Burlington Northern and Santa Fe Railway Company track, near Hinckley, Kane County, Illinois, designated as crossing AAR/DOT # 069 737R, Milepost 53.11-B.

Executed by the Department this 25th day of November 2002.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:


Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1017 concerning improvements at the West County Line Road grade crossing of The Burlington Northern and Santa Fe Railway Company track, near Hinckley, Kane County, Illinois, designated as crossing AAR/DOT # 069 737R, Milepost53.11-B.

Executed by the County of Kane this 16 day of December 2002.

KANE COUNTY

By: 

Attest:





STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

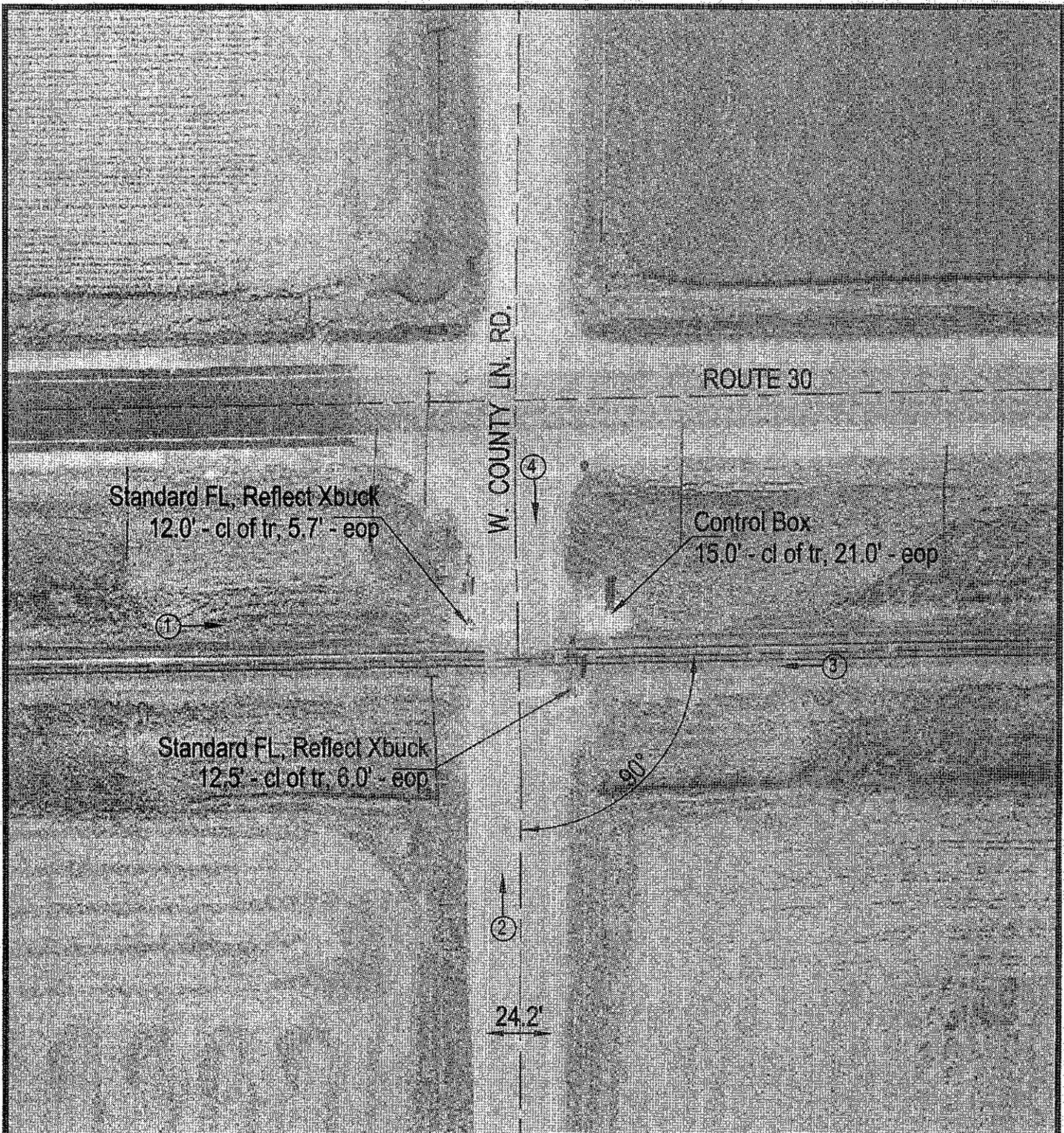
RR/Line BNSF Milepost 53.11-B Inventory # 069 737R
City (N) Hinckley Street W. County Line Road County Kane
(CH-24)
Jurisdiction County Urban Rural XX Commercial Residential
Street Surface Asphalt Width 24' Condition Fair
Angle 90° Tracks Tangent Yes Degree of Curve -- Superelevation -
Depth of Cut ----- Height of Fill -----

Crossing Surface

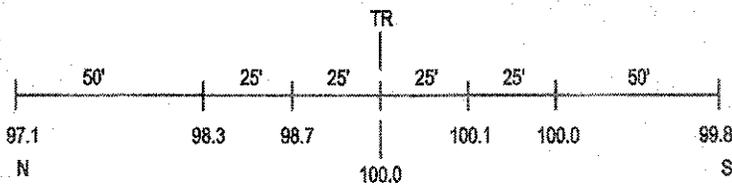
Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>24'</u>	<u>Fair - loose timbers</u>
<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>
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Intersecting Roads 82' Route 30 200' none
Traffic Control Devices Present Stop signs at Rt. 30
ADT 1,100 Speed unposted Statewide Yes
Schoolbuses Poss. Hazardous Materials Poss. Other
Rail Traffic: Ft. 20 @ 60 mph Pass. -- @ -- mph Switch
Simultaneous Movements No Daylight and Dark Yes
Present Protection AFLS

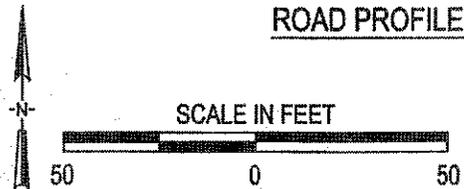
Advance Warning Signs Yes Pavement Marking Yes



I:\KANE\069737R.DWG 06/22/00 14:35 PM



ROAD PROFILE



③ Photo Location

Crossing #:	069737R
Location:	Kane Co., City of Hinckley (Near)
Lat/Long:	41°46'03" / 88°36'05"
Railroad:	BNSF
Street:	W. County Ln. Rd.
Railroad Milepost:	53.11
Crossing Protection:	Train Activated Devices

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

LOCATION	: HINCKLEY	LINE SEGMENT	: 3	AFE NUMBER	:
PLANITEM NUMBER	: PSI069737R	MILEPOST	: 0053.11	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CPAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: AURORA	BUDGET YEAR	: 2003
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 1	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 080.00	TAX STATE	: IL COUNTY: DE KALE	REPORTING OFFICE	: 455
REQUESTER ID	: U088 - GREG GOY	MATL DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 381324	DEPT CODE	: MOWGH
DOT NUMBER	: 069737R			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL NEW GATES, FLASHERS W/ SIDELIGHTS & BUNGALOW W/ CONSTANT WARNING CIRCUITRY AT (JERICHO COUNTY LINE RD DOT 069 737 R) NEAR HINCKLEY, IL L/S 0003 MP 53.11 ON THE CHICAGO DIV....AURORA 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 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 APPROXITMATELY 80% WITH BNSF FUNG APPROXITMATELY 20% 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	15,165	0	0	0	60,660	75,825
MATERIAL COSTS	13,095	0	0	0	52,378	65,473
OTHER COSTS	6,970	0	0	0	27,875	34,845
TOTALS	35,230	0	0	0	140,913	176,143

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI069737R - 1--2S
COSTING DATE : 01/01/2003

PRINTED ON : 09/27/2002
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	1120.00	0.0 MH	27,528			
* LABOR SUBTOTAL							27,528	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	2,188			
1120	319	400	9911	CHARGERS	1.0	LS N	904			
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	MISC MATERIAL	1.0	LS N	2,000			
1120	319	400	9911	POLELINE MTRL	1.0	LS N	2,500			
1120	319	400	9911	RECORDER	1.0	EA N	1,838			
1120	319	400	9911	SIDELIGHT ASSY	1.0	EA N	1,127			
1120	319	400	9911	TUNED JOINT COUPLER	2.0	EA N	1,416			
* MATERIAL SUBTOTAL							59,290	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	7,000			
1120	790	400	9911	FILL DIRT	50.0	CY N	1,250			
1120	434	400	9911	MACHINE RENTAL	1.0	LS N	4,160			
1120	790	400	9911	SURFACE ROCK	25.0	CY N	625			
* OTHER SUBTOTAL							13,035	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			15,261			
				EQUIPMENT EXPENSES			4,927			
				DA LABOR OVERHEADS			17,249			
				INSURANCE EXPENSES			4,341			
				USE TAX			3,791			
				OFFLINE TRANSPORTATION			741			
* GANG TOTAL							146,163	0	0	0

8		400	9911	SIGNAL SHOP LABOR	64.00	0.0 MH	1,382			
* LABOR SUBTOTAL							1,382	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			766			
				EQUIPMENT EXPENSES			247			
				DA LABOR OVERHEADS			865			
				INSURANCE EXPENSES			217			
* GANG TOTAL							3,477	0	0	0

8		411		ELECTRICAL LABOR F/POWER TRANS SYS	54.00	0.0 MH	1,209			
* LABOR SUBTOTAL							1,209	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	5,000			
* OTHER SUBTOTAL							5,000	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			670			
				EQUIPMENT EXPENSES			216			
				DA LABOR OVERHEADS			757			
				INSURANCE EXPENSES			190			
				MATERIAL HANDLING			37			
				USE TAX			96			
				OFFLINE TRANSPORTATION			18			
* GANG TOTAL							9,693	0	0	0

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
				PROJECT SUBTOTAL			159,333	0	0	0
				CONTINGENCIES			15,933	0	0	0
				BILL PREPARATION FEE			877	0	0	0

				PROJECT GROSS COST			176,143	0	0	0
				LESS COST PAID BY OTHERS			140,913	0	0	0

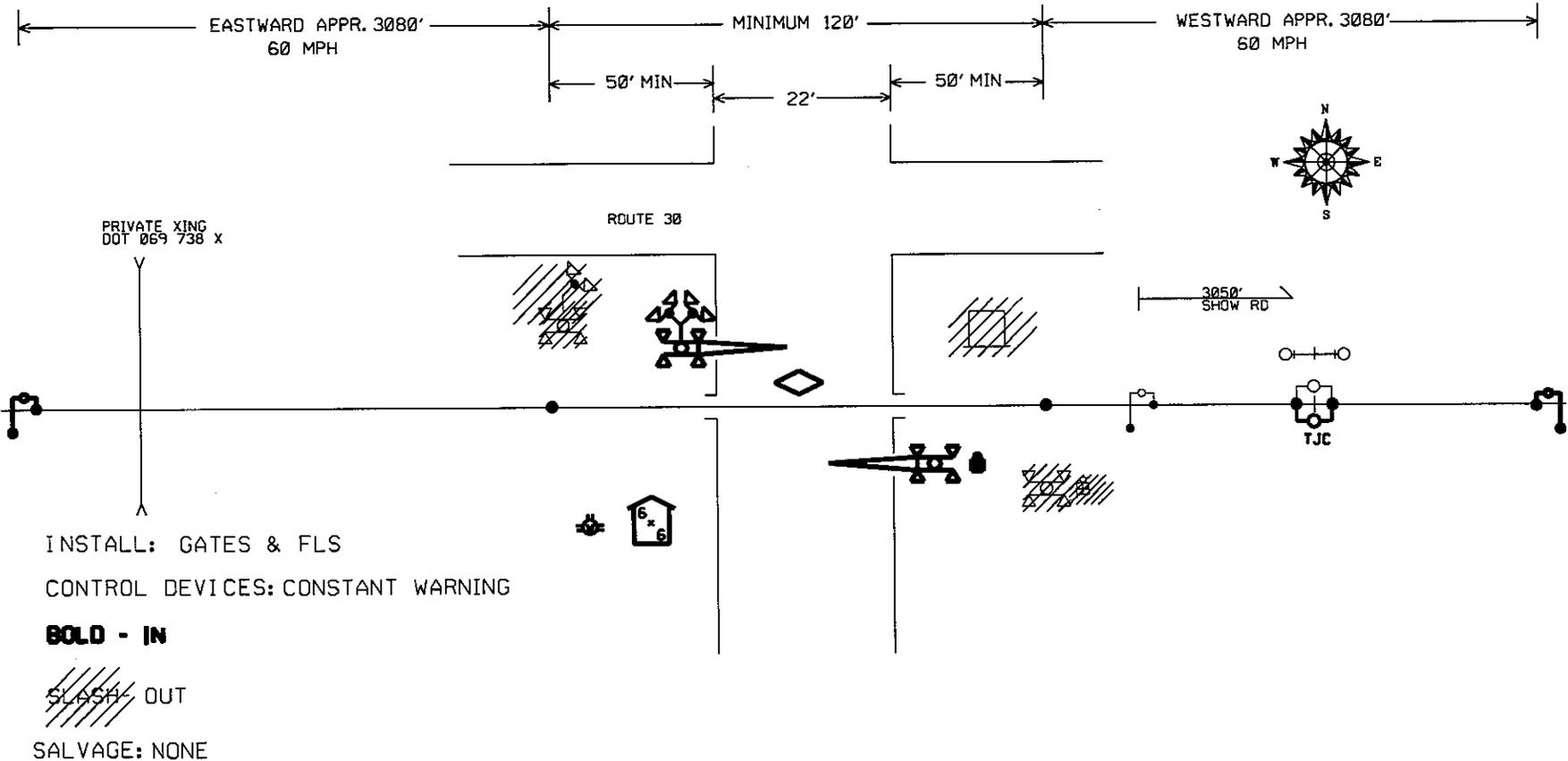
				PROJECT NET COST			35,230	0	0	0

TOTAL OTHER ITEMS COST	18,035	18,035
PROJECT SUBTOTAL		159,333
CONTINGENCIES		15,933
BILL PREPARATION FEE		877
GROSS PROJECT COST		176,143
LESS COST PAID BY BNSF		35,230
TOTAL BILLABLE COST		140,913
		=====

TO HINCKLEY

The Burlington Northern & Santa Fe Railway Company

TO BIG ROCK



INSTALL: GATES & FLS
 CONTROL DEVICES: CONSTANT WARNING

BOLD - IN

~~SLASH - OUT~~

SALVAGE: NONE

JERICHO COUNTY LINE RD.
 DOT* 069 737 R

-  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

30' Min. to Edge of Road

Front Lights: 30-15 Degree Lenses

Back and Side Lights: 70 Degree Lenses

Cantilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.

HINCKLEY, IL.

JERICHO COUNTY LINE ROAD

LS 0003 AURORA SUBDIVISION

MP. 53.11 CHICAGO DIVISION

DOT* 069 737 R

KANSAS CITY

NO SCALE DATE: 09/27/02

FILE: 000353.11.DGN MCR/TLP