



ILLINOIS COMMERCE COMMISSION

April 29, 2003

The Burlington Northern and Santa Fe Railway Company,
Petitioner,

V.

Cold Brook Township, Warren County, Illinois; Galesburg Township,
Knox County, Illinois; Warren County, Illinois; Knox County, Illinois;
and Department of Transportation of the State of Illinois.

Respondents.

T03-0039

Petition for an order authorizing the permanent closure of the at grade
crossing located at the intersection of the tracks of The Burlington
Northern and Santa Fe Railroad Company and Township Road 180th
Street in Cold Brook Township, Warren County, Illinois; the construction of
a connecting road to be located south of and parallel to The Burlington
Northern and Santa Fe Railway Company's trackage which would serve
to connect Cold Brook Township Road, 180th Street and Galesburg
Township Road 1900 N (190th Avenue), installation of gate arms to the
existing automatic flashing light signals at the Galesburg Township Road
1900 N. at grade crossing, Milepost 167.28, DOT No. 079 206W; and
dividing said cost among the parties according to law with the Grade
Crossing Protection Fund bearing a substantial portion of the project cost.

T03-0039
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Mr. Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
118 S. Clinton St., Ste. 700
Chicago, IL 60661

Dear Mr. Sazdanoff:

Receipt is acknowledged of the original and four (4) copies of the Petition filed April 29, 2003 in the above matter.

Processing and Information Section

kl
cc: Mr. James Easterly, IDOT
Mr. W. Douglas Werner, BNSF
Ms. Cheryl Townlian, BNSF
CT Corporation System, BNSF
Coldbrook Township, Supervisor/Clerk
Highway Commissioner
Warren County Highway Engineer
Galesburg Township, Supervisor/Clerk
Highway Commissioner
Knox County Highway Engineer

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COPY

THE BURLINGTON NORTHERN and SANTA FE)
RAILWAY COMPANY,)

Petitioner,)

v.)

COLD BROOK TOWNSHIP., WARREN COUNTY,)
ILLINOIS; GALESBURG TOWNSHIP, KNOX)
COUNTY, ILLINOIS; WARREN COUNTY, ILLINOIS)
KNOX COUNTY, ILLINOIS; and DEPARTMENT OF)
TRANSPORTATION OF THE STATE OF ILLINOIS,)
Respondent.)

No. TO3-0039

RECEIVED
APR 29 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Petition for an order authorizing the permanent)
closure of the at grade crossing located at the)
intersection of the tracks of The Burlington)
Northern and Santa Fe Railroad Company and)
Township Road 180th Street in Cold Brook)
Township, Warren County, Illinois; the)
construction of a connecting road to be located)
south of and parallel to The Burlington Northern)
and Santa Fe Railway Company's trackage which)
would serve to connect Cold Brook Township)
Road, 180th Street and Galesburg Township Road)
1900 N (190th Avenue), installation of gate arms to)
the existing automatic flashing light signals at the)
Galesburg Township Road 1900 N. at grade)
crossing, Milepost 167.28, DOT No. 079206W; and)
dividing said cost among the parties according to)
law with the Grade Crossing Protection Fund)
bearing a substantial portion of the project cost.)

PETITION

Now comes petitioner, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and for its petition to the Illinois Commerce Commission states as follows:

1. Petitioner, BNSF is a Delaware corporation authorized to transact business in the State of Illinois and operates a common carrier service by railroad in

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both interstate and intrastate commerce with certain trackage and other facilities located throughout the State of Illinois, including Cold Brook Township, Warren County, Illinois and Galesburg Township, Knox County, Illinois.

2. Cold Brook Township, Warren County, Illinois ("Cold Brook Township") is an Illinois municipal corporation.
3. Galesburg Township, Knox County, Illinois ((Galesburg Township") is an Illinois municipal corporation.
4. Warren County, Illinois is an Illinois municipal corporation.
5. Knox County, Illinois is an Illinois municipal corporation.
6. Cold Brook Township Road 180th Street ("180th Street") is an north/south roadway located within the geographic boundaries of Cold Brook Township and is under the jurisdiction of Cold Brook Township.
7. Galesburg Township Road 1900 N (190th Avenue) is an east/west roadway located within the geographic boundaries of Galesburg Township and is under the jurisdiction of Galesburg Township.
8. BNSF operates a certain railroad trackage extending in a generally northeast to southwest direction through Galesburg Township and Cold Brook Township.
9. Cold Brook Township Road 180th Street intersects with the trackage of BNSF on less than a 90^o angle creating a public at grade crossing at milepost 167.44, DOT No. 079205P. Said at grade crossing is equipped with reflectorized crossbuck signs. The estimated average daily vehicular traffic

passing over the subject at grade crossing is approximately 25 vehicles per day.

10. Galesburg Township Road 1900 N traverses the trackage of BNSF on less than a 90^o angle creating a public at grade crossing at milepost 167.28, DOT No. 079206W. Estimated average daily traffic traversing the subject at grade crossing is approximately 700 vehicles per day. Said at grade crossing is equipped with automatic flashing lights signals.
11. BNSF requests that the at grade crossing at Cold Brook Township Road 180th Street and the tracks of BNSF, milepost 167.44, DOT No. 079205P be permanently closed, the at grade crossing and warning devices removed and the roadway barricaded as the public convenience and necessity no longer require the existence of the aforesaid at grade crossing and the public safety would be enhanced with the closure of the aforesaid at grade crossing.
12. In conjunction with the closure of the grade crossing at Cold Brook Township Road 180th Street and the tracks of BNSF, Milepost 167.44, DOT No. 079205P, BNSF suggests that a connecting road be constructed at a location south of and parallel to BNSF's trackage which would serve to connect Cold Brook Township Road 180th Street and Galesburg Township Road 1900 N which would serve to eliminate any inconvenience to the vehicular traveling public that may be posed by the permanent closure of the at grade crossing at the intersection of Cold Brook Township Road 180th Street and the trackage of BNSF, milepost 167.44, DOT No. 079205P. BNSF further suggests that gate arms be installed with the existing automatic

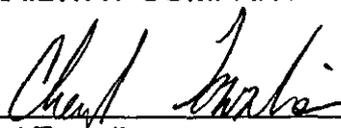
flashing at the Galesburg Township Road 1900 N. at grade crossing,
Milepost 167.28, No. 079206W

13. BNSF has conferred with Cold Brook Township, Galesburg Township, Warren County and Knox County concerning the grade crossing closure and roadway improvements as described above and it is understood by BNSF that the aforesaid authorities concur with and support the grade crossing closure and roadway improvement project as set forth herein.
14. BNSF has caused to be acquired the necessary property for construction of the connecting roadway at the acquisition cost of \$35,000. It is currently estimated that actual construction of the connecting roadway would cost approximately \$73,700.
15. Attached hereto, marked Exhibit A and made a part hereof is a map depicting the location of BNSF's main line tracks, the locations of the grade crossings at Cold Brook Township Road 180th Street and Galesburg Township Road 1900 N and the general location of the proposed connecting road.
16. The public at grade crossing located at Galesburg Township Road 1900 N, milepost 167.28, DOT No. 079206W is a needed thoroughfare in Galesburg Township, with said roadway and crossing used by State wide traffic.
17. The public safety, convenience and necessity requires that the Grade Crossing Protection Fund of the Motor Fuel Tax Law pay a substantial portion of the cost of any improvement that may be authorized by the Illinois Commerce Commission pursuant to this said petition. BNSF requests that

the Grade Crossing Protection Fund of the Motor Fuel Tax Law pay 85% of the cost of the proposed improvements as may be authorized by the Illinois Commerce Commission.

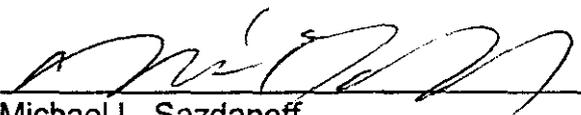
Wherefore, petitioner prays that the Illinois Commerce Commission set the aforesaid matter for public hearing and enter an order authorizing the permanent closure and removal of the at grade crossing located at the intersection of Cold Brook Township Road 180th Street and the tracks of BNSF, Mileposts 167.44, DOT No. 079205P and authorize the construction of a connecting road between Cold Brook Township Road 180th Street and Galesburg Township Road 1900 North at a location east of BNSF's track and right of way and dividing the cost among the parties in accordance with law and requiring that a substantial portion of the cost be borne by the Grade Crossing Protection Fund of the Motor Fuel Tax Law.

THE BURLINGTON NORTHERN AND SANTA
FE RAILWAY COMPANY



Cheryl Townlian

KENNETH J. WYSOGLAD & ASSOCIATES



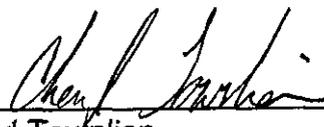
Michael L. Sazdanoff

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Petitioner
The Burlington Northern and Santa Fe Railway Company
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661
(312) 441-0333

STATE OF MISSOURI)
)
COUNTY OF GREENE) SS

VERIFICATION

Cheryl Townlian, being 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.

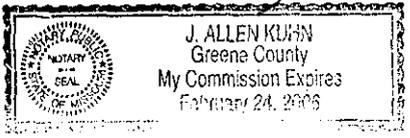


Cheryl Townlian

Subscribed and sworn to
before me this 23 day of
NOVEMBER, 2003.



Notary Public



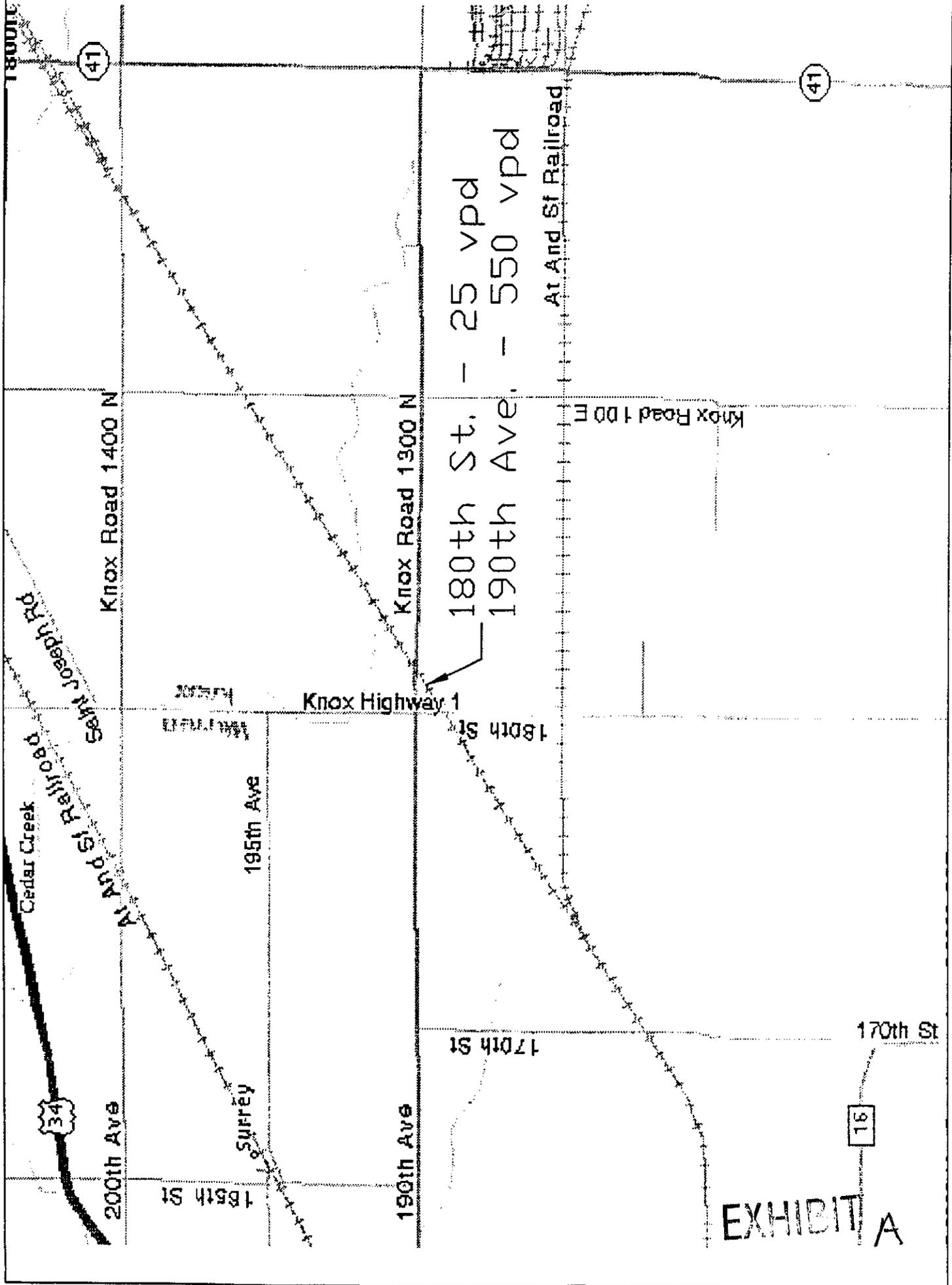


EXHIBIT A

PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 24 day of APRIL, 2003, he caused to be served, a true and correct copy of **PETITION** upon:

Mr. Henry Humphries
Railroad Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62706

Mr. James L. Easterly
Illinois Department of Transportation
Division of Highways
2300 S. Dirksen Pkwy, Suite 300
Springfield, IL

Mr. Richard J. Sawyer
Highway Commissioner Cold Brook Township
2040 140th Street
Cameron, Illinois 61423

Mr. John Devera
Galesburg Township Highway Commissioner
563 Knox Road 1200 North
Galesburg, Illinois 61401

Mr. Jim Justus
County Engineer Warren County
833 S. Eighth Street
Monmouth, Illinois 61462

Mr. Duane Ratterman
Knox County Courthouse
Galesburg, Illinois, 61401

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

