

**ORIGINAL**

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

**STIPULATED AGREEMENT NO. 1055**

T03-0075

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), The Burlington Northern and Santa Fe Railway Company ("COMPANY"), Clarion Township Road District ("ROAD DISTRICT"), and the State of Illinois, Department of Transportation ("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 TR-87 (2500N) highway-rail grade crossing of the Company's tracks located near Mendota, Bureau County, Illinois, designated as crossing AAR/DOT 079 651J, milepost 87.26-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative 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 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:

- a) the COMPANY should install automatic warning devices with new flashing light signals and gates controlled by constant warning time circuitry;

Section 3 The COMPANY has prepared a preliminary estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B. 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 120 days 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 for the improvements listed in Section 2(a) is estimated to be \$231,538. The Grade Crossing Protection Fund should pay 90% of the actual installation cost, not to exceed \$208,384. The Company should pay any remaining installation costs, as well as all future operating and maintenance costs. (See Exhibit B)

Section 6 Special Provisions: The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report 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, facsimile number, and electronic mailing address of Company employee responsible for management of the project.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills 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 no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects The Burlington Northern and Santa Fe Railway Company to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises The Burlington Northern and Santa Fe Railway Company that any failure to comply may result in the assessment of such sanctions.

Any person making a Request For Extension Of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

Any person requesting an extension of time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions For Supplemental Orders.

Requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request For Extension Of Time or a Petition For Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered time;

The Commission or its Administrative Law Judge reserves the right to deny Petitions For Supplemental Order and Requests For Extension Of Time, if the reason(s) supporting the request is insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an

appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

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 9th day of July, 2003.



---

Michael E. Stead  
Rail Safety Program Administrator

Attest:



---

Henry Humphries  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1055** concerning improvements at the TR87 (2500N) highway-rail grade crossing of The Burlington Northern and Santa Fe Railway Company's tracks near Mendota, Bureau County, Illinois, designated as crossing AAR/DOT 079 651J, milepost 87.26-A.

Executed by the Road District this 15 day of JULY, 2003.

CLARION TOWNSHIP ROAD DISTRICT

By: Gary Anderson

Attest:

R. Scherz, Supervisor

RECEIVED  
JUL 17 2003

Illinois Commerce Commission  
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1055 concerning improvements at the TR87 (2500N) highway-rail grade crossing of The Burlington Northern and Santa Fe Railway Company's tracks near Mendota, Bureau County, Illinois, designated as crossing AAR/DOT 079 651J, milepost 87.26-A.

Executed by The Burlington Northern and Santa Fe Railway Company this 4<sup>th</sup> day of AUGUST, 2003.

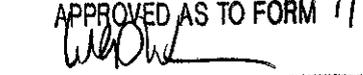
THE BURLINGTON NORTHERN AND  
SANTA FE RAILWAY COMPANY

By: 

Attest:



APPROVED AS TO FORM 7/16/03

  
Burlington Northern Santa Fe Law Department

Illinois Commerce Commission Stipulated Agreement No. **1055** concerning improvements at the TR87 (2500N) highway-rail grade crossing of The Burlington Northern and Santa Fe Railway Company's tracks near Mendota, Bureau County, Illinois, designated as crossing AAR/DOT 079 651J, milepost 87.26-A.

Executed by the Department this 5<sup>th</sup> day of August, 2003.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modersone  
Director of Highways

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	BNSF
<b>USDOT#, MILEPOST</b>	079 651J, 87.26-A
<b>STREET, CITY, COUNTY</b>	TR-87 (2500N) near Mendota, Bureau County
<b>JURISDICTION (RDWY)</b>	Clarion Township Road District
<b>LOCATION</b>	Rural
<b>STREET SURFACE</b>	16', Gravel, fair condition

**CROSSING DATA:** Also see Location Sketch for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main	FDT	24'	Fair
Main	FDT	24'	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Field Entrances
<b>TRAFFIC CONTROL</b>	None
<b>ADT &amp; SPEED</b>	50 Vehicles Per Day @ 55 MPH (Unposted)
<b>TRAFFIC TYPE</b>	Passenger, School Busses, Hazardous Materials <b>ALL POSSIBLE</b>
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	NO

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	20 Per day @ 60 MPH, Day & Night? YES
<b>PASSENGER TRAFFIC</b>	6 Per day @ 79 MPH
<b>WARNING DEVICES</b>	Crossbucks/Stop signs

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

Train Speed	79	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	573	FEET
Along Tracks	978	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,918	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1984.

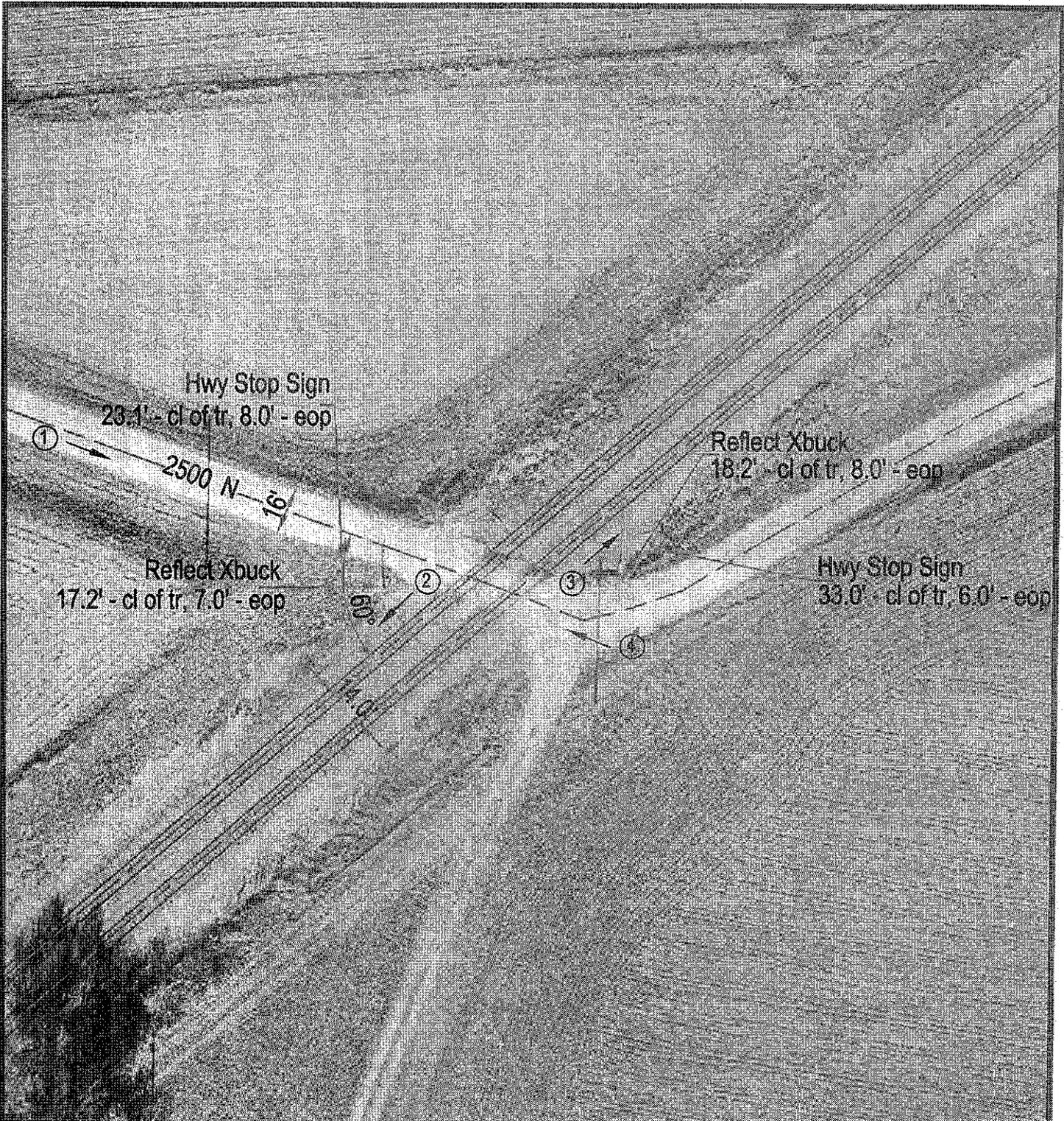
QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	Ok		800	Curve in road
NW	Ok		200	Grade of road (trees)
SE	Ok		Ok	
SW	Ok		Ok	

**APPROACH GRADES:** See Location Sketch

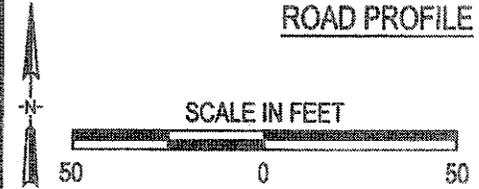
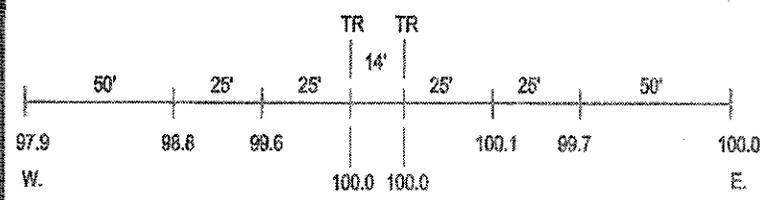
DIRECTION: EAST			DIRECTION: WEST		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	100.1	.5	25	99.6	1
50	99.7	1	50	98.8	4.8

Distance measured from outermost rail.

**COMMENTS:** the Township has submitted its annual budget and indicates that it is in need of financial assistance. A normal contribution of 10% of the automatic warning device installation cost would create a financial shortfall and place a burden on the Township's ability to perform normal maintenance operations.



4: LEUREAU\1079651\1079651.DWG 04/08/01 10:03 WAK



③ Photo Location

Crossing #:	079651J
Location:	Bureau Co., City of Mendota (N)
Lat/Long:	41°30'34" / 89°10'59"
Railroad:	BNSF
Street:	2500 N
Railroad Milepost:	87.26
Crossing Protection:	Signs

LOCATION	: ARLINGTON	LINE SEGMENT	: 1	AFE NUMBER	:
PLANITEM NUMBER	: PSI079651J	MILEPOST	: 0087.26	RPA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CPAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: MENDOTA	BUDGET YEAR	: 2003
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 2	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 085.00	TAX STATE	: IL COUNTY: BUREAU	REPORTING OFFICE	: 456
REQUESTER ID	: XXXX - SYSTEMWIDE DEFAULT	MATL DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 381317	DEPT CODE	: MOWGH
DOT NUMBER	: 079651J			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHER WITH GATES AT 2500 N. RD. IN ARLINGTON, IL.  
CHICAGO DIV., MENDOTA SUBDIV., L/S 0001, M.P. 87.26, DOT # 079651J

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 THIS PROJECT APPROXIMATELY 85%.  
THE BNSF RAILROAD IS FUNDING THIS PROJECT APPROXIMATELY 15%.

ADJ. XING HAS HXP-1'S. THESE MUST BE UP-GRADED TO HXP3R2'S FOR CIRCUIT COMPATIBLY.

MAINTAIN PROPRIETARY CONFIDENTIALITY

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

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
	=====	=====	=====	=====	=====	=====
LABOR COSTS	9,863	0	0	0	55,886	65,749
MATERIAL COSTS	19,076	0	0	0	108,092	127,168
OTHER COSTS	5,794	0	0	0	32,827	38,621
TOTALS	34,733	0	0	0	196,805	231,538

ENGINEERING SERVICES - KANSAS CITY  
ESTIMATE REF. NUMBER : PSI079651J - 1--2S  
COSTING DATE : 05/02/2003

PRINTED ON : 05/02/2003  
ESTIMATED BY : CONTRACTOR  
PRINTED BY : CONTRACTOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR - CAP	1184.00	0.0 MH	23,586			
* LABOR SUBTOTAL							23,586	0	0	0
1120	319	400	9911	ADJ. XING - CHARGER	1.0	EA N	523			
1120	319	400	9911	ADJ. XING - HXP3R2	2.0	EA N	36,810			
1120	319	400	9911	ADJ. XING - L.O.D.	1.0	EA N	659			
1120	319	400	9911	ADJ. XING - LAMP RESIS.	1.0	EA N	735			
1120	319	400	9911	ADJ. XING - MISC. MTRL.	1.0	LS N	800			
1120	319	400	9911	ADJ. XING - RELAY, AX	2.0	EA N	1,000			
1120	319	400	9911	ADJ. XING - SHUNT MTRL.	1.0	LS N	1,200			
1120	319	400	9911	ADJ. XING - SPLICE KIT	4.0	EA N	400			
1120	319	400	9911	BATTERY	1.0	EA N	5,033			
1120	319	400	9911	BUNGALOW 6X6	1.0	EA N	5,450			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	5,400			
1120	319	400	9911	CABLE	1.0	EA N	2,227			
1120	319	400	9911	CABLE, DAX	3000.0	PT N	5,130			
1120	319	400	9911	CHARGERS	1.0	LS N	899			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	4,120			
1120	319	400	9911	FOUNDATION	2.0	EA N	870			
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	10,062			
1120	319	400	9911	HXP3R2 SYSTEM	1.0	EA N	18,620			
1120	319	400	9911	LAMP RESISTOR	1.0	EA N	735			
1120	319	400	9911	LED LIGHT ADJUSTMENT	10.0	EA N	2,650			
1120	319	400	9911	LED LIGHT GATE KIT	2.0	EA N	662			
1120	319	400	9911	LIGHT OUT DETECTOR	1.0	EA N	659			
1120	319	400	9911	MISC. MATERIAL	1.0	EA N	1,500			
1120	319	400	9911	RECORDER	1.0	EA N	2,145			
1120	319	400	9911	RTU-6, CELLULAR MONITOR	1.0	EA N	2,121			
1120	319	400	9911	SHUNT, NBS	6.0	EA N	1,794			
1120	319	400	9911	SIDELIGHT, 1-WAY W/CANT.	1.0	EA N	890			
* MATERIAL SUBTOTAL							116,606	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	8,000			
1120	790	400	9911	FILL DIRT	50.0	CY N	1,250			
1120	434	400	9911	MACHINE RENTAL	1.0	EA N	4,400			
1120	790	400	9911	SURFACE ROCK	75.0	CY N	1,875			
* OTHER SUBTOTAL							15,525	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			14,212			
				EQUIPMENT EXPENSES			4,535			
				DA LABOR OVERHEADS			13,510			
				INSURANCE EXPENSES			3,537			
				USE TAX			7,454			
				OFFLINE TRANSPORTATION			1,457			
* GANG TOTAL							200,422	0	0	0
-----										
8		400	9911	SIGNAL SHOP LABOR - CAP	64.00	0.0 MH	1,322			
* LABOR SUBTOTAL							1,322	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			796			
				EQUIPMENT EXPENSES			254			
				DA LABOR OVERHEADS			757			
				INSURANCE EXPENSES			198			
* GANG TOTAL							3,327	0	0	0
-----										
8		411	9911	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	410	400	9911	AC POWER SERVICE	1.0	EA	1,000			
* OTHER SUBTOTAL							1,000	0	0	0

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
* ADDITIVES				PAYROLL ASSOCIATED COSTS			728			
				EQUIPMENT EXPENSES			232			
				DA LABOR OVERHEADS			692			
				INSURANCE EXPENSES			181			
				MATERIAL HANDLING			37			
				USE TAX			96			
				OFFLINE TRANSPORTATION			18			
* GANG TOTAL				ELECGANG-1M - ELECTRICAL GANG, 1 MAN			5,693	0	0	0
PROJECT SUBTOTAL							209,442	0	0	0
CONTINGENCIES							20,944	0	0	0
BILL PREPARATION FEE							1,152	0	0	0
PROJECT GROSS COST							231,538	0	0	0
LESS COST PAID BY OTHERS							196,805	0	0	0
PROJECT NET COST							34,733	0	0	0



MATERIAL HANDLING  
USE TAX  
OFFLINE TRANSPORTATION

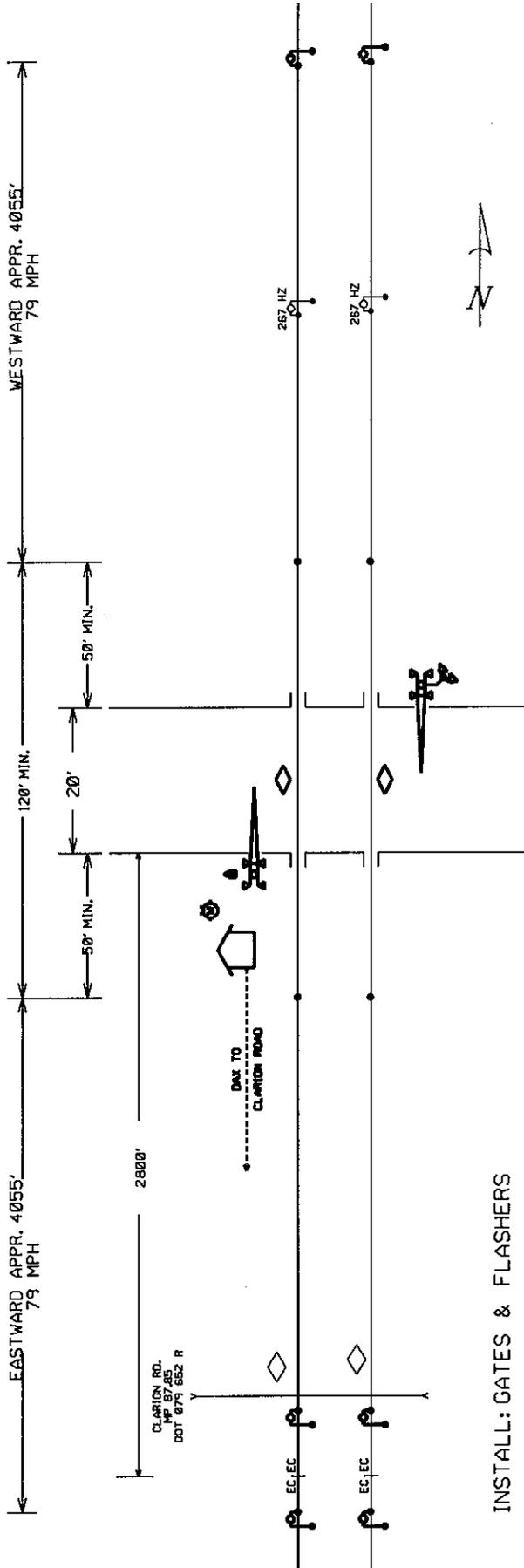
37  
7,550  
1,475

		-----	
	TOTAL MATERIAL COST	127,168	127,168
*****			
OTHER			
*****			
AC POWER SERVICE	1.00 EA	1,000	
CONTRACT ENGR.	1.00 EA N	8,000	
FILL DIRT	50.00 CY N	1,250	
MACHINE RENTAL	1.00 EA N	4,400	
SURFACE ROCK	75.00 CY N	1,875	
		-----	
	TOTAL OTHER ITEMS COST	16,525	16,525
		-----	
	PROJECT SUBTOTAL		209,442
	CONTINGENCIES		20,944
	BILL PREPARATION FEE		1,152
		-----	
	GROSS PROJECT COST		231,538
	LESS COST PAID BY BNSF		34,733
		-----	
	TOTAL BILLABLE COST		196,805
			=====

The Burlington Northern & Santa Fe Railway Company

TO GALESBURG

TO AURORA



INSTALL: GATES & FLASHERS  
CONTROL DEVICES: CONSTANT WARNING

**BOLD - IN**  
~~SLASH - OUT~~  
SALVAGE: NONE

- INSTRUMENT HOUSE
- # BELL
- METER
- CROSSING CONTROL CONNECTIONS
- ◇ BIDIRECTIONAL CROSSING CONTROL
- △ UNIDIRECTIONAL 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,  
Min. 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.  
ARLINGTON, IL.  
2500 N. ROAD  
L.S.: 0001  
M.P. 87.26  
DOT # 079 651 J  
CHICAGO DIVISION  
MENDOTA SUBDIVISION  
KANSAS CITY  
NO SCALE  
DATE: 05/02/03  
FILE: 0001087-26.dgn  
MJ/TLP