



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois/62764

May 7, 1993

The Illinois Grade Crossing Protection Fund Booklet

COUNTY ENGINEERS/SUPERINTENDENT OF HIGHWAYS
MUNICIPAL ENGINEERS

#93-11

Enclosed for your use is a booklet published by the department entitled " The Illinois Grade Crossing Protection Fund, Use....Operation....Administration," November, 1992.

The booklet explains the types of projects for which Grade Crossing Protection Funds (GCPF) can be used, how to apply for GCPF, typical cost divisions for rail/highway projects, and how the program works. We encourage you to review the booklet before you contact the Illinois Commerce Commission for use of GCPF.

If you have any questions regarding the booklet, please contact Gary Galecki or Jeff Harpring of this office at 217/524-5611.

Very truly yours,

A handwritten signature in cursive script that reads "Bill Sunley".

William T. Sunley, P. E.
Engineer of Local Roads and Streets

cc-
District Engineers



The Illinois Grade Crossing Protection Fund

Use... Operation... Administration

November 1992



**Illinois Department
of Transportation**

TABLE OF CONTENTS

	PAGE
Introduction	2
The Illinois Grade Crossing Protection Fund	3
Petition and Stipulated Agreement Methods	5
Method 1: By Petition	6
Method 2: By Stipulated Agreement	9
Where Can Additional Information Be Obtained?	10
Required Sight Distances	Appendix #1
Sample Petition	Appendix #2
Sample Petition	Appendix #3
Sample Order	Appendix #4

INTRODUCTION

Safety at railroad-highway grade crossings has long been a matter of public concern. The extreme severity of grade crossing accidents creates a safety issue of major significance.

Legislation was enacted in 1955 which provides annual funding for the improvement of railroad crossings on local highway systems. Each month \$1,500,00 from the Motor Fuel Tax Fund is deposited into an account in the State Treasury, known as the Grade Crossing Protection Fund (GCPF). These funds are used on projects that improve the safety of at-grade crossings and grade separation structures.

Through a cooperative effort of the Illinois Commerce Commission (ICC), Illinois Department of Transportation (IDOT), the railway companies, and local agencies, hazardous crossing locations are identified and, when possible, corrective measures are funded by the program.

THE ILLINOIS GRADE CROSSING PROTECTION FUND

What Is The (GCPF)?

The Grade Crossing Protection Fund (GCPF) was established by the General Assembly to aid in the funding of rail-highway projects on the local highway system.

The (GCPF) is administered by the Illinois Department of Transportation (IDOT). However, it can be used only upon order of the Illinois Commerce Commission (ICC).

How Much Money Is Available?

Currently, the law provides that \$1,500,000 per month be added to the (GCPF) from the Motor Fuel Tax Fund. This includes \$500,000 per month that was established on October 1, 1989, to be allocated toward grade separation structures.

On What Highway Systems Can The (GCPF) Be Used?

The law provides that the (GCPF) shall be used for improvements at railroad crossings on the county highway, township, road district, and municipal street systems having statewide traffic usage. However, the law makes **no** provision for the fund to be used for improvements at railroad crossings on the State highway system.

For What Types of Project May The (GCPF) Be Used?

The (GCPF) is used primarily for the following types of improvements:

1. The construction or upgrade of crossing protection (e.g. new or additional signals, gates, circuitry upgrades, etc.).
2. The construction or improvement of any highway necessary for access to property due to a crossing closure.
3. The construction, reconstruction, relocation or removal of grade separated structures.

How Do You Apply For The (GCPF)?

There are two methods by which application for use of the (GCPF) can be made: 1) the petition method and 2) the stipulated agreement method. Each will be explained separately because individual conditions will dictate which procedure is appropriate. For application for either method, write to the Railroad Section, Illinois Commerce Commission, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois 62794-9280 or phone 217/782-7660.

What Are The Typical Cost Divisions For Grade Crossing Improvements?

Improvement Type	GCPF (%)	Local Agency (%)	Railroad (%)
Signal Installation	85 ¹	10	5
Signal Installation with a Crossing Closure ²	95	0	5
Bridge Replacement (no federal funds)	60	30 - 40	0 - 10 ³
Bridge Replacement (with federal funds)	Up to 60	Remainder ⁴	2.5 - 10 ⁵ (Lump Sum)
New At Grade Crossings			
(Signals)	50	50	0
(Surface)	0	100	0

Notes:

- (1) Typically all GCPF portions are not to exceed a lump sum, with another party being apportioned any remaining costs over and above the estimated cost.
- (2) The local agency contribution may be waived in exchange for a crossing closure at a second location.
- (3) The railroad's contribution is dependent upon their existing bridge maintenance responsibilities.
- (4) This portion may be funded with Bridge Replacement and Rehabilitation Program (BRRP), Township Bridge Program (TBP) and/or other federal, state, or local funds.
- (5) The railroad's contribution is voluntary since federal funds are being used.

While the above cost divisions are shown to be typical, actual cost distributions will be determined by the ICC.

PETITION AND STIPULATED AGREEMENT METHODS

When is the Petition Method Required?

In certain instances, a petition, followed by a hearing with the ICC is required. The following are cases in which a petition is required:

1. The establishment of a new public at-grade railroad crossing.
2. The elimination of any existing public at-grade crossing or grade separated structure.
3. New construction of any grade separated structure.
4. The installation of automatic warning devices at a crossing with less than 2 trains per day.
5. When a crossing does not meet the minimum stipulated agreement criteria for signal improvements, or one of the parties involved is unwilling to execute a stipulated agreement.

When Can the Stipulated Agreement Method be Used?

Automatic flashing light signal (AFLS) installation may be recommended under stipulated agreement procedures when **any** of the following conditions are met or exceeded:

1. The product of the seasonally adjusted average daily traffic count and the average daily train movements exceeds three thousand (3,000).
2. The stopping sight distances for normal highway conditions as shown in Appendix 1 is restricted and the product of trains per day times vehicles per day exceeds 1,000.
3. A pronounced accident history.
4. Unusual highway or track geometric or vehicle/train operation that creates a hazardous condition which cannot be reasonably improved by other means.

Automatic flashing light signals with gates may be recommended by the stipulated agreement method when the above warrants for AFLS are met or exceeded and **any** of the following conditions are met:

1. The crossing contains multiple main line railroad tracks where there is a possibility of simultaneous train movements over the crossing.
2. Multiple tracks at or in the vicinity of the crossing which may be occupied by a train or locomotive so as to obscure the movement of another train approaching the crossing.

3. Restricted clearing sight distances (the required clearing sight distances are shown in Appendix 1 herein).
4. A pronounced accident history at a crossing with automatic flashing light signals or other automatic warning devices.
5. A high usage of the crossing by vehicles carrying hazardous material which may pose a hazard to train crew members or passengers.

The stipulated agreement method may also be used for the following conditions:

1. Reconstruction or minor relocation of existing grade separation structures.
2. Upgrading control circuitry.
3. Installation of cantilevered signals due to the widening of the roadway.
4. The improvement, reconstruction, or minor relocation of the crossing surface at any existing public grade crossing.
5. The improvement, reconstruction, relocation, or realignment of the highway approaches at any existing public grade crossing or grade separated structure including the installation of appropriate signing and drainage structures.
6. The improvement, reconstruction, relocation, or removal of track structures and railroad appurtenances made necessary by other improvements or which may be in the interest of public safety at an existing public grade crossing.

In any condition where the party desiring the crossing improvements is not sure which method to use, it is advisable to contact the ICC for a determination.

METHOD 1: BY PETITION

How Do You Initiate The Process?

Application for use of the fund should be in the form of a formal petition on behalf of the local highway authority (or any other interested party) to the ICC. The petition should state the location of the crossing (s), the improvements desired (including the reasons why they are necessary), and that financial assistance from the Grade Crossing Protection Fund is requested. When filing the petition with the ICC, a copy of the petition should also be sent to the Railroad and IDOT if Grade Crossing Protection Funds are requested. Appendixes 2 and 3 contain sample petitions which should be of help when drafting individual petitions.

What happens After The Petition Is Filed?

Upon receipt and review of the petition, the ICC will send out a notice of the date, time, and place of the hearing to all parties involved.

The hearings are conducted in a manner similar to that of a court trial, but on a more informal basis. During the course of the hearing, each party will have the opportunity to express their concerns regarding the proposed safety improvement.

What Evidence Should Be Presented At The Hearing?

The petitioner should present all pertinent information relative to the physical characteristics of the highway and approaches in the vicinity of the crossing and surrounding area. In addition, data should be presented depicting existing and projected vehicular traffic on the crossing. The petitioner should present evidence showing why the improvements are needed. Information regarding the roadway work should be presented if there will be a highway project in connection with the crossing improvement. Normally, the railroad company involved will have someone present who can testify with regard to train traffic and the estimated cost of warning devices and/or crossing surface work. However, it is advised that the local agency have some knowledge of this information prior to the hearing. While it is not required, the parties may choose to have an attorney present to provide assistance at the hearing. The recommended minimum information desired for the record at the hearing is as follows:

1. Number and type of tracks (main, passing, industrial, etc.) at each crossing involved.
2. Nature of highway(s) (jurisdictional & maintenance responsibilities).
3. Character of highway(s):
 - a. Surface material, width, and number of marked traffic lanes.
 - b. Condition of surface.
 - c. Approach grades (whether or not they confirm to ICC specifications).
 - d. Angle of crossing.
 - e. Special problems or comments.
4. Condition, description, and width of crossing(s) proper.
5. Characteristics of surrounding area (homes, business establishments, nearby highways, etc.).
6. Sight distance obstructions at crossing.
7. Vehicular traffic information:
 - a. Average daily traffic count.
 - b. Average vehicle speed at crossing.
 - c. Character of vehicles (passenger, trucks, etc.).

- d. Non-local traffic use of crossing.
 - e. School bus, emergency vehicle, and/or hazardous material use at crossing.
 - f. Accident History.
8. Train traffic information: (supplied by the railroad company)
 - a. Movements per day on each track over crossing.
 - b. Maximum authorized speed & average speed.
 - c. Possibility of two trains occupying the crossing at the same time when the crossing consists of two or more tracks.
 - d. Character of trains (passenger, freight, etc.).
 9. Existing warning devices.
 10. Recommended improvement(s) and estimated cost of installation and maintenance.
 11. Recommended crossing closures and other improvements.
 12. Suggested or agreed division of costs between the parties.

What Happens After The Hearing Is Held?

Normally, the sequence of events after the hearing is as follows:

1. The ICC issues an order based on findings made from evidence presented at the hearing. The order includes a description of the work to be performed, the parties responsible for ensuring that the work is performed, the division of cost between affected parties, and the date by which all work should be completed. A sample order is shown in Appendix 4.

In contested cases, the ICC issues a proposed order where all affected parties are given an opportunity to comment within a specified time frame (usually two weeks) before the final order is issued.

2. The general layout plans and estimate of cost for any signal improvements are submitted to the Illinois Department of Transportation, Bureau of Local Roads and Streets by the railroad company for examination and approval.
3. Construction of the improvement.
4. Notification of completion of the work is submitted to the ICC and IDOT. Final billing documentation for the work is submitted to IDOT at approximately the same time.
5. IDOT inspects the work to assure that it was performed in accordance with the approved plans and estimate of cost, and in accordance with the policies of IDOT and the ICC.

6. An audit is performed by IDOT after the final bill is submitted to assure that the billing is in accordance with the order, and within established billing practices and procedures.

METHOD 2: BY STIPULATED AGREEMENT

How Do You Initiate The Process?

Generally, the local agency initiates the procedure by contacting the ICC in writing or by phone and requesting that a stipulated agreement meeting be scheduled. However, a railroad or IDOT may also request a meeting. Because the nature of the proposed crossing improvements may vary considerably, the ICC contacts each affected party regarding the necessary preparation prior to the stipulated agreement meeting.

What Happens After The Stipulated Agreement Meeting Is Scheduled?

On the date and time mutually agreed upon, all affected parties meet at the site and discuss the crossing needs and possible solutions. Should it be determined at the meeting that the project meets the minimum warrants under the ICC's stipulated agreement procedures and all parties are in agreement with the improvements and division of cost, the ICC will prepare a stipulated agreement for signature by all parties. Prior to the circulation of a stipulated agreement, all necessary cost estimates (signals, surfaces, approaches, bridge construction, etc.), must be submitted to the ICC. After the stipulated agreement is executed by all parties, the ICC will issue an order for completion of work.

What Happens If There Is Disagreement?

If the proposed project does not satisfy the warrants in the stipulated agreement procedures or there is disagreement among the parties regarding the proposed work or division of cost, any affected party (i.e., local agency, railroad, or IDOT) may petition the ICC for a hearing (See Method 1).

WHERE CAN ADDITIONAL INFORMATION REGARDING THE GCPF BE OBTAINED?

Additional information concerning the GCPF may be obtained from the Illinois Department of Transportation, Bureau of Local Roads and Streets, (phone 217/785-8542), the Illinois Commerce Commission (phone 217/782-7660), or from the IDOT District Engineer of Local Roads and Streets at any offices listed below.

District 1

201 West Center Court
Schaumburg, IL 60196
Phone 708/705-4201

District 2

819 Depot Avenue
Dixon, IL 61021
Phone 815/284-5380

District 3

700 East Norris Drive
Ottawa, IL 61350
Phone 815/434-8402

District 4

401 Main Street
Peoria, IL 61602
Phone 309/671-3690

District 5

13473 Illinois Highway 133
P.O. Box 610
Paris, IL 61944
Phone 217/466-7252

District 6

126 East Ash St.
Springfield, IL 62706
Phone 217/782-4690

District 7

400 West Wabash
Effingham, IL 62401
Phone 217/342-8321

District 8

1100 East Port Plaza Drive
Collinsville, IL 62234
Phone 618/346-3330

District 9

State Highway Building
P.O. Box 100
Carbondale, IL 62903
Phone 618/351-5260

Train Speed (mph)	Case II	Case I						
	Departure From Stop	Moving Vehicle						
	0	10	20	30	40	50	60	70
		Distance Along Railroad from Crossing, d_T (ft)						
10	240	145	103	99	103	112	122	134
20	480	290	207	197	207	224	245	269
30	719	435	310	296	310	337	367	403
40	959	580	413	394	413	449	489	537
50	1200	725	517	493	517	561	611	671
60	1439	870	620	591	620	673	734	806
70	1679	1015	723	690	723	786	856	940
80	1918	1160	827	789	827	898	978	1074
90	2158	1305	930	887	930	1010	1101	1209
		Distance Along Highway from Crossing, d_H (ft)						
		69	132	221	338	486	659	865

Appendix 1 (Sheet 1 of 3)

**Required design sight distance for combination of highway and train vehicle speeds;
65-ft truck crossing a single set of tracks at 90°.**

NOTE: Appendix 1 is taken from A Policy on Geometric Design of Highways and Streets, published by AASHTO in 1990.

Appendix 1 (Sheet 2 of 3)

$$d_H = 1.47V_v t + \frac{V_v^2}{30f} + D + d_e$$

$$d_T = \frac{V_T}{V_v} \left(1.47V_v t + \frac{V_v^2}{30f} + 2D + L + W \right)$$

d_H = Sight Distance Along Highway

d_T = Sight Distance Along Railroad Tracks

V_v = Velocity of Vehicle

t = Perception/Reaction Time (assumed 2.5 Sec.)

f = Coefficient of Friction (See Table III-I)

D = Distance From Stop Line To Near Rail (Assumed 15 ft.)

W = Distance Between Outer Rails (Single Track $W=5$ ft.)

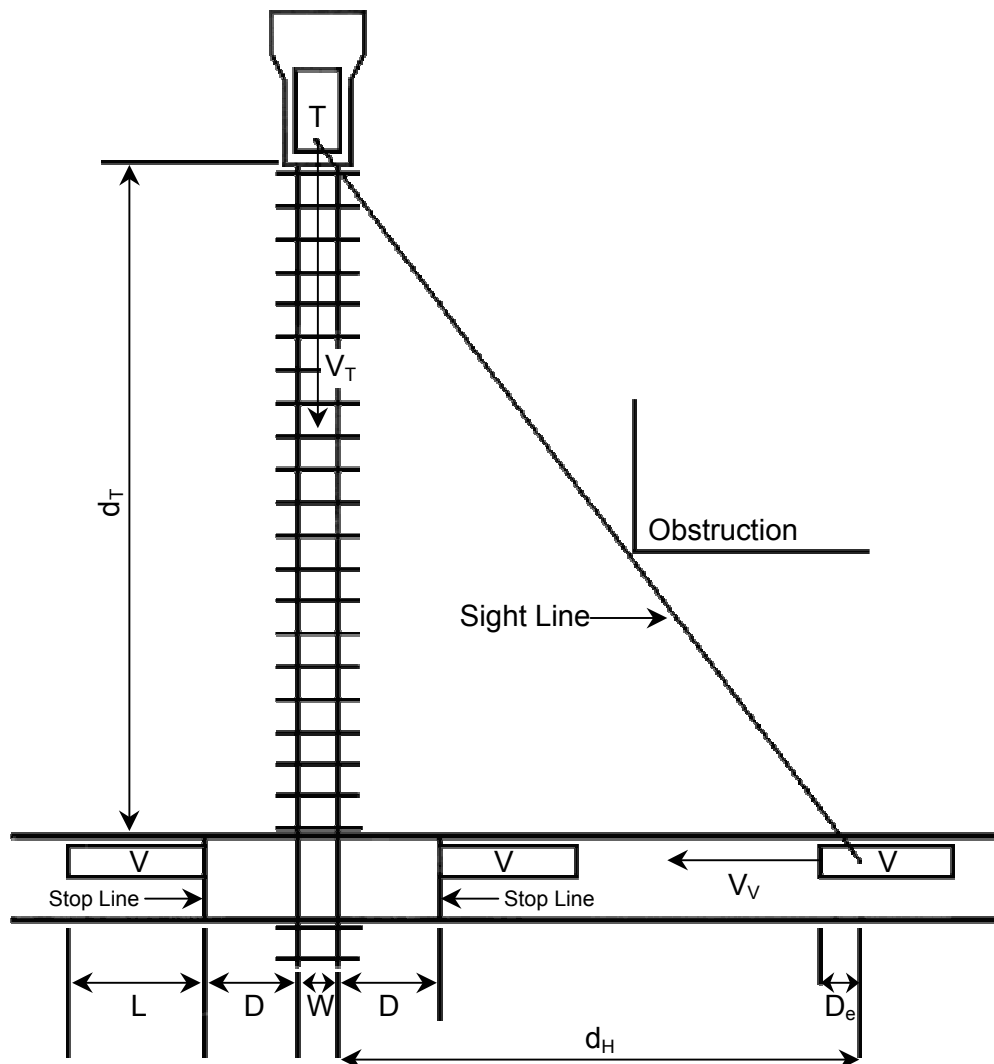
L = Length of Vehicle (Assumed 65 ft.)

V_T = Velocity Of Train

d_e = Distance From Driver To Front Of Vehicle (Assumed 10 ft.)

Adjustments must be made for Skew Crossings.

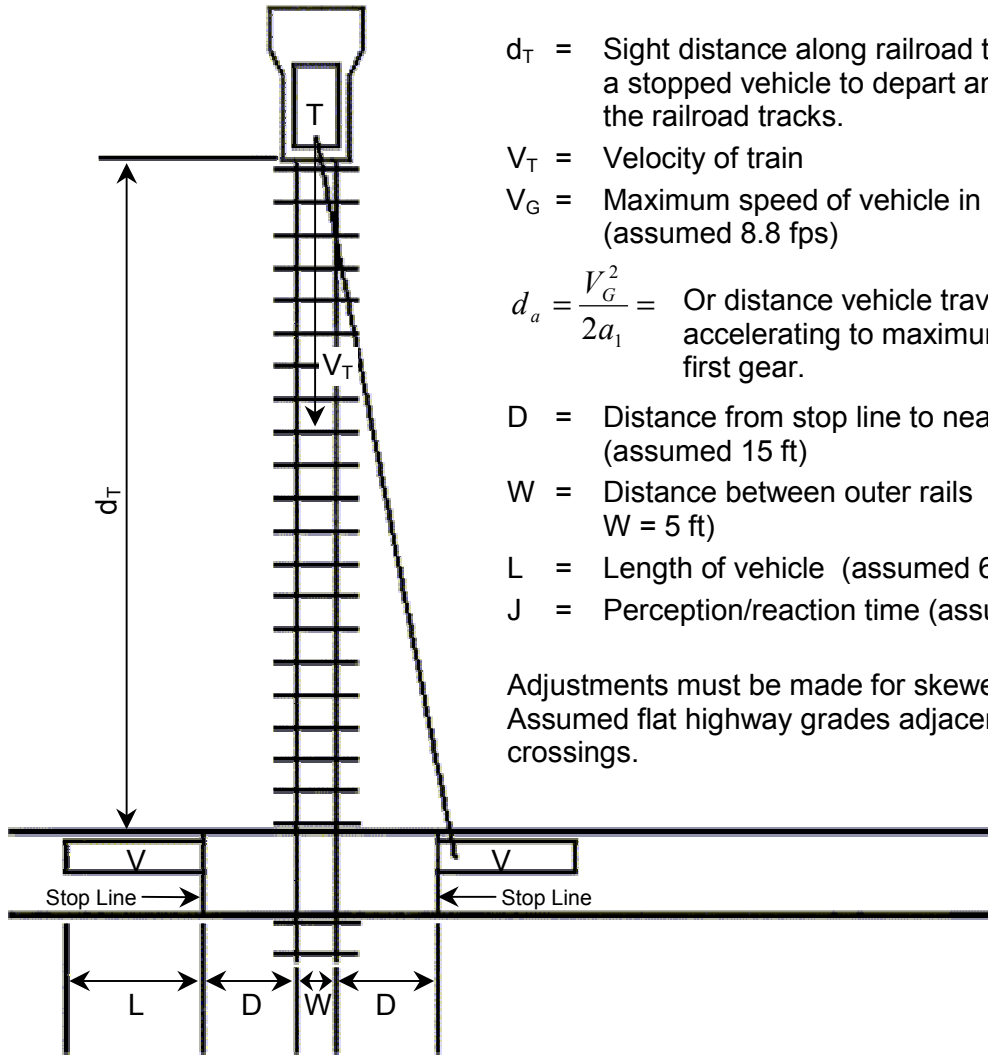
Assumed Flat Highway Grades Adjacent To And At Crossings.



CASE I: moving vehicle to safely cross or stop at railroad crossing.

Appendix 1 (Sheet 3 of 3)

$$d_T = 1.47V_T \left[\frac{V_G}{a_1} + \frac{L + 2D + W - d_a}{V_G} + J \right]$$



d_T = Sight distance along railroad tracks to allow a stopped vehicle to depart and safely cross the railroad tracks.

V_T = Velocity of train

V_G = Maximum speed of vehicle in first gear (assumed 8.8 fps)

$d_a = \frac{V_G^2}{2a_1}$ = Or distance vehicle travels while accelerating to maximum speed in first gear.

D = Distance from stop line to near rail (assumed 15 ft)

W = Distance between outer rails (single track $W = 5$ ft)

L = Length of vehicle (assumed 65 ft)

J = Perception/reaction time (assumed 2.0 s)

Adjustments must be made for skewed crossings. Assumed flat highway grades adjacent to and at crossings.

CASE II: Departure of vehicle from stopped position to cross single railroad track.

Examples using the chart on Appendix 1, Sheet 1

CASE 1: Stopping sight visibility

A driver of an automobile approaching a crossing at 30 mph with a train approaching at 50 mph would need a stopping sight distance at 493 ft. down the track.

CASE 2: Clearing sight visibility

A driver of an automobile, stopped 15 ft. from the crossing, with a train approaching at 30 mph would need a clearing sight distance of 719 ft. down the track.

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CITY OF GALESBURG, Municipal Corporation)

VS)

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION)

Petition for the reconstruction Of the Farnham Street Viaduct over the tracks of the Atchison, Topeka and Santa Fe Railway Company, in Galesburg, Knox County, Illinois.)

SAMPLE PETITION FOR RECONSTRUCTION (OR CONSTRUCTION *) OF GRADE SEPARATION

Three copies to be submitted to the Illinois Commerce Commission and one copy to each of the respondents. A list of designated agents for each railroad company upon which petitions may be served may be obtained from IDOT or the ICC.

* Although the petition is drawn up for an existing structure, it could be applicable to a proposed structure with only a few modifications. Also, this

PETITION

To the Illinois Commerce Commission:

Petitioner, City of Galesburg, respectfully represents to the Commission that:

1. It is an Illinois municipal corporation, with offices at 161 South Cherry Street, Galesburg, Illinois 61401.
2. The Atchison, Topeka and Santa Fe Railway Company, a respondent herein, is a Delaware corporation maintaining offices in Illinois at 80 East Jackson Blvd., Chicago, Illinois 60604.
3. The Illinois Department of Transportation, a respondent herein, has offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764.
4. A main line of the respondent railway extends in a generally east-and-west direction through the City of Galesburg.

Appendix #2 (Sheet 2 of 2)

5. A vehicular bridge extends over the main line of respondent railway at Farnham Street, which is a main north and south street located at the east side of Galesburg and is part of the municipal street system.

6. Said viaduct was constructed about 1909 with steel supports and wooden decking. Vehicular use of the structure has increased substantially in volume since its original construction, and the bridge is no longer capable of carrying the volume and weight of vehicular traffic presently over it.

7. The Farnham Street bridge carries a substantial amount of statewide traffic and were it not for the load limits presently in effect, even greater use would be made statewide of it.

8. A study made for Petitioner by the City of Galesburg's engineering division estimates the cost of reconstruction with a two (2) lane concrete and steel structure with walkways, including approaches, to be \$350,000.00.

9. Petitioner is willing to contribute towards the expense of reconstructing the Farnham Street bridge, but it is unable to defray costs which should be borne by respondent railway and respondent Department, on behalf of the statewide public.

Wherefore, Petitioner prays that the Illinois Commerce Commission conduct a hearing on this petition, and after the hearing, provide by Order the reconstruction of the Farnham Street bridge, prescribing the manner in which the costs shall be divided among the parties, and directing that the Illinois Department of Transportation pay a substantial part of the costs from the Grade Crossing Protection Fund.

Appendix #2 (Sheet 3 of 3)

PROOF OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF KNOX)

I, _____, on oath state that on behalf of the
petitioner I served the foregoing Petition upon both of the respondents made parties to
this proceeding, by enclosing copies of the Petition in envelopes plainly addressed to
those parties at the addresses shown for them in the Petition, with postage full prepaid,
and depositing the envelopes in the United States Post Office at Galesburg, Illinois on
_____, 20 ____.

Respectfully,

CITY OF GALESBURG

By _____
(Print Title Here)

**SAMPLE PETITION FOR
AUTOMATIC PROTECTION**

Three copies to be submitted
the Illinois Commerce
Commission and one copy to
each of the respondents.

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CITY OLNEY, ILLINOIS)

VS)

ILLINOIS CENTRAL RAILROAD COMPANY)
AND STATE OF ILLINOIS, DEPARTMENT OF)
TRANSPORTATION, DIVISION OF HIGHWAYS)

No.

Petition for an Order of the Illinois Commerce Commission
pertaining to the existing grade crossing of Mack Avenue with
the tracks of the Illinois Central Railroad Company in City of
Olney, directing the installation of automatic protection,
dividing the costs among the parties, and directing that a
portion of the cost of installing protective devices be borne by
the Grade Crossing Protection Fund.

PETITION

TO THE ILLINOIS COMMISSION:

Now comes the Petitioner, City of Olney, Richland County, Illinois, by

_____, its attorney, and respectfully represents:

1. That the Respondent, the Illinois Central Railroad Company, (hereinafter referred to as IC), in the operation of its facilities has a certain main line track running in a general north and south direction through petitioning city.

2. That Mack Avenue, maintained by Petitioner, extends generally east and west between Illinois Route 130 and Federal-aid Secondary Route 1717, as shown on the plat designated as Petitioner's Exhibit A, which is appended hereto and made part of this petition.

Appendix #3 (Sheet 2 of 4)

3. That Mack Avenue carries a moderate amount of vehicular traffic and forms a convenient connection between Illinois Route 130 and Federal-aid Secondary Route 1717; portion of the traffic over the crossing is Statewide in nature.

4. That railroad traffic on IC tracks is of moderate volume and is comprised primarily of freight train movements.

5. That by reason of the volume of railroad and highway traffic over the aforesaid crossing, the difficulty of view thereat, said crossing warrants the installation of Automatic Flashing Light Signals.

6. That the installation of automatic flashing light signals is necessary in the interest of public safety; that the cost thereof should be divided among the parties in accordance with the law.

7. That the Secretary of the Department of Transportation of the State of Illinois, in view of the substantial volume of Statewide vehicular traffic passing over the aforesaid crossing, should be directed to pay from the Grade Crossing Protection Fund as set forth in the Motor Fuel Tax law, a portion of the cost involved in connection with the installation of the necessary flashing light signal protection.

WHEREFORE, Petitioner prays that the Commission will set the aforesaid matter for hearing with notice to the Parties hereto, and after such hearing enter an order:

(A) Directing the Respondent, Illinois Central Railroad Company, to install and thereafter maintain and operate a system of automatic flashing light signals conforming with the provisions of the Commission's 92 Illinois Administrative Code 1535, at the said crossing; (B) dividing the cost involved among the parties;

Appendix #3 (Sheet 3 of 4)

(C) requiring the Secretary of Transportation of the State of Illinois to Pay from the Grade Crossing Protection Fund a portion of the cost of installing the automatic warning devices to promote the safety of the public in the use of the said crossing; and (D) providing for such other or further relief as the Commission may deem appropriate.

DATED at Olney, Illinois this _____ day of _____, 20 _____.

CITY OF OLNEY

By _____

Appendix #3 (Sheet 4 of 4)

PROOF OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF RICHLAND) SS

I, City Clerk of Olney, Illinois, hereby certify that I have served copies of the foregoing petition to the following, by depositing copies thereof in the United States Mail at Olney, Illinois, this _____ day of _____, 20 ____.

Illinois Central Railroad Company
135 East 11th Place
Chicago, Illinois 60605

Illinois Department of Transportation
Director of Highways
2300 South Dirksen Parkway
Springfield, Illinois 62764

City Clerk

Appendix 4 (Sheet 1 of 5)

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Burlington Northern Railroad Company; the County of Williamson; and the State of Illinois, Department of Transportation :
: :
: :
: :
: :
: : T92-0033
Stipulated Agreement regarding improving public safety at the bridge which carries the Company's main track overhead a public highway known as County Highway 25 located 4 ½ miles south of Marion in Williamson County, Illinois, designated as underpass structure DOT 068 980C, Milepost 185.99-Y (Located immediately east of the pass track bridge overhead the same roadway.) :

ORDER

By the Commission:

On May 18, 1990, the Illinois Commerce Commission Transportation Division, Railroad Section, initiated the Stipulated Agreement procedure after receipt of informal correspondence from the Williamson County Superintendent of Highways which indicated a need to improve public safety at the underpass structures which carries the tracks of the Burlington Northern Railroad Company (BN) over a public highway known as County Highway – 25 located 4 ½ miles south of Marion, Williamson County, Illinois.

On August 6, 1990 a meeting was held at the County Highway 25 underpass structures attended by a representative of each party to the agreement.

On March 12, 1992, March 14, 1992, April 2, 1992 and April 15, 1992, the Staff of the Illinois Commerce Commission, the Burlington Northern Railroad Company, the Illinois Department of Transportation and the County of Williamson, respectively, executed the Stipulated Agreement according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law concerning the removal and reconstruction of the BN's main track bridge, and lowering of the highway pavement under and approaching the highway underpass structure to provide for increased vertical clearances of 14' – 0" and widen the highway approaches to a 22 foot roadway surface with 6 foot shoulders. The Stipulated Agreement contains estimates of cost to accomplish the improvements and a division of cost among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law.

The Commission, having given due consideration to the Stipulated Agreement and being fully advised in the premises, finds that:

Appendix 4 (Sheet 2 of 5)

T92-0033

- (1) The Burlington Northern Railroad Company is a corporation engaged in the transportation of property or passengers for hire by railroad and as such is a "rail carrier" as defined in the Illinois Commercial Transportation Law;
- (2) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (3) The physical characteristics of the subject highway – railroad underpass structure, rail and highway volumes and speeds are indicated on the Stipulated Agreement Form, Exhibit A, a copy of which is appended hereto;
- (4) the parties agree that in the interest of public safety the following improvements should be made at the underpass structure;
 - (a) Remove the existing five (5) span concrete main track bridge structure and construct a three (3) span steel I-beam bridge to provide increased horizontal clearances identical to the passing track bridge and utilize the passing track and bridge as a detour during construction all substantially as shown on Exhibit B, page 2 attached;
 - (b) Lower the highway pavement under and approaching the new main track underpass structure and existing passing track structure to provide increased vertical clearances of 14' – 0" substantially as shown on Exhibit C, page 2 attached and widen the highway approaching and under the structures to a 22 foot surface with 6 foot shoulders; in the event of a conflict between the terms of this Order and the terms of the Order in Docket 77-0295 concerning horizontal and vertical roadway clearances and/or division of cost, this Order shall prevail;
- (5) the cost for the improvements hereinbefore set forth should be divided among the parties and the Grade Crossing Protection Fund in accordance with the Law;
- (6) it is fair and reasonable that the Secretary of the Illinois Department of Transportation through the Grade Crossing Protection Fund of the Motor Fuel Tax Law, the Burlington Northern Railroad Company and the County of Williamson be directed to bear their respective portions of the actual cost of the proposed improvements as follows:

Appendix 4 (Sheet 3 of 5)

T92-0033

County Highway 25
Williamson County
(AAR/DOT 068 908L, milepost 185.99Y)

<u>Improvements</u>	<u>Estimated Cost</u>	<u>GCPF</u>	<u>Railroad</u>	<u>County</u>
Remove exist. Main track bridge & const. New main track bridge including track work.	\$174,340	60% (\$104,604)	20% (\$34,868)	20% (\$34,868)
Lower & widen hwy. approaches as detailed on Exh. C Page 2.	\$191,288.80	60% (\$114,773)	20% (\$38,258)	20% (\$38,257.80)
Total	\$365,628.80	\$219,377	\$73,126	\$73,125.80

The amount to be paid by the Grade Crossing Protection Fund should be 60% but not to exceed \$104,604 toward the cost of removing and reconstructing a new main track bridge; the County of Williamson should bear 20% of said cost but not to exceed \$34,868 with the Company bearing all remaining removal and construction cost; the amount to be paid by the Grade Crossing Protection Fund should be 60% but not to exceed \$114,773 toward the cost of lowering and widening the highway approaches; the Company should bear 20% of such cost but not to exceed \$38,258 with the County of Williamson bearing all remaining lowering and widening cost; the County of Williamson should bear all future maintenance cost of the roadway, highway drainage and guard rail; the Company should bear all future maintenance cost of the underpass bridge structure which support its main track except that which is assigned to the County.

IT IS THEREFORE ORDERED that the terms of the Stipulated Agreement executed by the Staff of the Commission, the Burlington Northern Railroad Company, the Illinois Department of Transportation and the County of Williamson on March 12, 1992, March 14, 1992, April 2, 1992 and April 15, 1992 respectively, concerning improving public safety at the bridge which carries the Burlington Northern Railroad Company's main track overhead a public highway known as County Highway 25, located 4 ½ miles south of Marion, in Williamson County, Illinois be, and they are hereby accepted.

Appendix 4 (Sheet 4 of 5)

T92-0033

IT IS FURTHER ORDERED that the Burlington Northern Railroad Company be, and it is hereby required and directed to perform the bridge removal and reconstruction as further detailed in Finding Four (4) (a) herein and on Exhibit B, Page 2 attached hereto at the County Highway 25 underpass.

IT IS FURTHER ORDERED that the County of Williamson be, and it is hereby required and directed to perform the highway lowering and widening as further detailed in Finding Four (4) (b) herein and on Exhibit C, Page 2 attached hereto at the County Highway 25 underpass.

IT IS FURTHER ORDERED that the County of Williamson be, and it is hereby required and directed to maintain the roadway, highway drainage and guard rail where County Highway 25 passes under the Burlington Northern Railroad Company at the subject location.

IT IS FURTHER ORDERED that the Burlington Northern Railroad Company be, and it is hereby required and directed to maintain the underpass bridge structure which supports its main track overhead County Highway 25 at the subject location except that maintenance which has been assigned to the County of Williamson under terms of this Order.

IT IS FURTHER ORDERED that the Burlington Northern Railroad Company and the County of Williamson be, and they are hereby required and directed to coordinate their efforts to accomplish the improvements each is herein required to perform and shall conduct bi-weekly construction meetings upon commencement of the project unless mutually agreed to the contrary.

IT IS FURTHER ORDERED that in the event of a conflict between the terms of this Order and the terms of the Order in Commission Docket 77-0295 concerning horizontal and vertical roadway clearances and/or division of cost this Order be, and it shall prevail in all areas of conflict.

IT IS FURTHER ORDERED that the County of Williamson and the Burlington Northern Railroad Company are each hereby required and directed to proceed immediately in performing the work herein required and shall complete said work within twenty four (24) months from the date of this Order.

IT IS FURTHER ORDERED that the cost of making the improvements hereinbefore required shall be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law in the manner as prescribed in Finding Six (6) of this Order.

Appendix 4 (Sheet 5 of 5)

T92-0033

IT IS FURTHER ORDERED that the Burlington Northern Railroad Company shall within one hundred twenty (120) days from the date of this Order furnish to the Illinois Department of Transportation for its approval four (4) copies of the estimate of cost and three (3) copies of the detailed highway underpass structure reconstruction plans and shall receive approval thereof before proceeding with construction or awarding a contract for construction.

IT IS FURTHER ORDERED that the County of Williamson shall within one hundred twenty (120) days from the date of this Order furnish to the Illinois Department of Transportation for its approval four (4) copies of the estimate of cost and three (3) copies of the detailed highway reconstruction plans and shall receive approval thereof before proceeding with construction or awarding a contract for construction.

IT IS FURTHER ORDERED that since the highway reconstruction will be performed by the County and/or its contractor, roadway contractor and railroad liability insurance as specified in Illinois Department of Transportation's "Standards and Specifications for Road and Bridge Construction", Section 107, will be, and it is hereby required.

IT IS FURTHER ORDERED that the County of Williamson and the Burlington Northern Railroad Company shall each at six (6) month intervals from the date of this Order submit a written report to the Director of Processing, Transportation Division of this Commission stating the progress it has made toward the accomplishment of the work herein required.

IT IS FURTHER ORDERED that the Burlington Northern Railroad Company shall submit to the Director of Processing, Transportation Division of the Commission within five (5) days of the completion of the work herein required, a notice of said completion.

By Order of the Commission this 28th day of May, 1992.

Chairman