

# ADAIR COUNTY COMMISSION MINUTES

## MONDAY, JUNE 16, 2014

Continued from page 367

IN REF. ORDER NO 25 Supplemental Agreement with the Missouri Highways and Transportation Commission and BNSF Railway Company

**MoDOT**  
Missouri Department of Transportation  
*David B. Nichols, Director*

June 12, 2014

Adair County Commission  
106 W. Washington St.  
Kirksville, MO 63501

Dear Commissioners:

Please find enclosed for your record copies of the fully executed supplemental agreement and Missouri Highways and Transportation Commission Administrative Order for following safety improvement project in Adair County on the BNSF Railway:

Case No.	Crossing No.	Roadway	Adair County Responsibility
URO 13-111	005 081U	Banner Lane	Install interim R1-1 stop signs and stop ahead signs along the roadway approaches to both sides of the Banner Lane Grade Crossing. The signs will be provided by the railroad.

The Administrative Order became effective on June 11, 2014 and the LED flashing light signals must be installed by BNSF Railway no later than June 15, 2015.

If you have any questions or if we can be of assistance, please contact me at (573) 751-7125 or Melissa Wilbers (573) 526-3577. Thank you.

Sincerely,  
*Richard Allsbury*  
Richard Allsbury  
Rail Safety Specialist

103 West Capitol Avenue  
P.O. Box 270  
Jefferson City, Missouri 65102  
573.751.2251  
Fax: 573.751.6555  
1.888.ASK.MODOT (275.6630)

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MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
**ADMINISTRATIVE ORDER**

**SECTION 1. INTRODUCTION**

AN APPLICATION AND/OR AGREEMENT WAS FILED WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION (MoDOT), PROPOSING THE CONSTRUCTION, ALTERATION OR ABOLISHMENT OF A PUBLIC HIGHWAY/RAIL GRADE CROSSING OR GRADE SEPARATION STRUCTURE, OR BOTH. MoDOT HAS DISPLAYED A PUBLIC NOTIFICATION DOCUMENT IN THE MoDOT DISTRICT OFFICE WHERE THE CROSSING IS LOCATED, FOR NOT LESS THAN THIRTY (30) DAYS. THIS ADMINISTRATIVE ORDER DETERMINES WHETHER THE PROPOSED CONSTRUCTION, ALTERATION OR ABOLISHMENT SHOULD BE APPROVED.

**SECTION 2. PARTIES OF RECORD**

Local Public/Road Authority	Railroad Corporation	Other Party or Parties of Record
Adair County	BNSF Railway Company (BNSF)	Missouri Highways and Transportation Commission (MHTC)

**SECTION 3. PUBLIC HIGHWAY/RAIL CROSSING PROJECT LOCATION**

USDOT Crossing Inventory Number	Project Number	Roadway Classification	Local Rural
005 081U	RRP-3005(406)	Banner Lane	<input type="checkbox"/>

City / Town / Village: Gibbs      County: Adair      State: Missouri  
Railroad: BNSF Railway      RR Milepost: 308.27

**SECTION 4. SCOPE OF WORK AND ALLOCATION OF COSTS**

The project proposed for MHTC's consideration is described in the detailed plans, specifications and cost estimate(s), which are attached as exhibits and incorporated by reference in this Administrative Order. If the interested parties have signed an Agreement concerning this proposed project, then a copy of the Agreement is attached. Except as otherwise specified below in this section, each responsible party that constructs or installs a device or other safety improvement shall maintain that device or safety improvement after completion. The project is summarized below:

Scope of Work	Apportionment of Work		Apportionment of Costs		
	Responsible Party	ORDERED DUE DATE	Responsible Party (Fund)	%	\$
Install new flashing light signals and gates, all with LED lights, two audible bells and a new signal bungalow in the southwest quadrant with redundant constant warning time circuitry. The scope of work also includes the installation of a new electric meter and pole at the Banner Lane Grade Crossing (US DOT# 005 081U).	BNSF	June 15, 2015	MHTC (Sec. 130)	70%	\$166,872.51
			MHTC (CCSA)	30%	\$71,516.79
			MHTC Subtotal	90%	\$238,389.30
			BNSF	10%	\$26,487.70
			Signal Project Subtotal		\$264,877.00
Install interim R1-1 stop signs and stop ahead signs along the roadway approaches to both sides of the Banner Lane Grade Crossing. The signs will be provided by the railroad.	Adair County	June 15, 2015	Adair County	100%	Project cost

Form URO-1 (3/22/03)      J:\albsb\1\Administrative order-BNSF Banner Lane, Gibbs.doc      Page 1 of 2

**MHTC ADMINISTRATIVE ORDER**  
DETERMINING PROPOSED CONSTRUCTION, ALTERATION OR ABOLISHMENT OF PUBLIC HIGHWAY/RAIL GRADE CROSSING, OR GRADE SEPARATION STRUCTURE, OR BOTH

**SECTION 5. APPROVAL OF PROJECT**

A. THE PROPOSED PROJECT IS APPROVED AND AUTHORIZED AS DESCRIBED IN SECTION 4 OF THIS ORDER, FOR THE FOLLOWING REASON(S):

- The proposed project will not adversely affect public necessity, and will promote public safety, if it is completed and maintained in conformity with the terms of this Administrative Order.

**SECTION 6. ADDITIONAL FINDINGS AND ORDERS**

A. MHTC FINDS AND ORDERS THAT EACH RESPONSIBLE PARTY IDENTIFIED IN SECTION 4 SHALL:

- Proceed with the construction and installation of the project in conformity with Section 4 of this Administrative Order. Each responsible party shall notify the MoDOT district area engineer where the project is located, not less than five (5) days before beginning field work.
- Complete all required project work described in Section 4 of this order, not later than the Ordered Due Date stated above in Section 4 of this Administrative Order.
- Submit written notice of completion of all assigned project work items to MoDOT's Railroad Administrator, not later than the ordered due date for completion of such work.
- Maintain each device or other safety improvement as provided in Section 4 of this order.
- Submit project final bills for all work reimbursable by MHTC as provided in Section 4 of this order, not later than eight (8) months after submission of notice of completion, or funds will no longer be available.

**SECTION 7. ADMINISTRATIVE HEARING; JUDICIAL REVIEW**

Any interested party may file an application for review of this Administrative Order with the Missouri Administrative Hearing Commission (AHC). Upon the filing of such an application, AHC acquires exclusive jurisdiction to review, determine, prescribe or deny the project, as provided by law. Then AHC may conduct hearings, make findings of fact and conclusions of law, and issue orders determining this project.

Administrative Hearing Commission  
Truman Bldg., Room 640  
P.O. Box 1557  
Jefferson City, MO 65102-1557  
573-751-2422

Any interested party aggrieved by a final administrative order in this matter, whether issued by MHTC or AHC, may seek judicial review of that order by filing a petition in the Missouri Circuit Court as provided by law, unless the party waives judicial review.

**SO ORDERED:**

Signature: <i>Michelle Teel</i>	Date Signed: 6-11-14
Name (Printed): Michelle Teel	This Order becomes effective immediately.
Title: Multimodal Operations Director	

IN WITNESS WHEREOF, the parties have entered into this Supplemental Agreement on the last date written below.

Executed by Railroad this 21<sup>st</sup> day of May, 2014.  
 Executed by Agency this 2nd day of June, 2014.  
 Executed by Commission this 5th day of JUNE, 2014.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

*Michelle Teel*  
Michelle Teel  
Multimodal Operations Division Director

ATTEST:  
*Dandra Collop*  
Commission Secretary

APPROVED AS TO FORM:  
*Richard Allsbury*  
Senior Administrative Counsel

BNSF RAILWAY COMPANY

By *Cheryl Toppin*  
Name: Cheryl Toppin  
Title: Manager of Public Projects

COUNTY OF ADAIR

By *Steady Pickens*  
Title: Presiding Commissioner

By *Michael Thompson*  
Title: Commissioner

ATTEST:  
*Michelle Teel*  
SECRETARY TO THE COMMISSION

IN REF. ORDER NO 26 Adair County Sheriff Fees for May, 2014

ATTEST: *Dandra Collop*  
County Clerk

*Steady Pickens*  
Presiding Commissioner