

INTER-AGENCY AGREEMENT BETWEEN THE
ILLINOIS COMMERCE COMMISSION
AND THE
ILLINOIS DEPARTMENT OF TRANSPORTATION

This agreement made and entered into this 21st day of March, 2005, by and between the Illinois Commerce Commission, hereinafter referred to as the "Commission", and the Illinois Department of Transportation, hereinafter referred to as the "Department". The term of this Agreement shall be from the above date to such time that the Department and the Commission mutually agree to amend or void this agreement. All changes to this Agreement must be mutually agreed upon by the Commission and Department and be incorporated by written amendment, signed by the parties hereto.

WITNESSETH:

WHEREAS, 35 ILCS 505/8(c) provides that each month \$2.25 million is transferred from the Motor Fuel Tax Fund to the Grade Crossing Protection Fund, hereinafter referred to as the "GCPF". This amount provides \$27 million annually to be used for administering the Commission's rail safety program and for safety improvements on local highway-rail grade crossings, highway-rail grade separations, and pedestrian-rail grade separations; and

WHEREAS, the Commission is responsible for highway-rail crossing safety matters within the State of Illinois, except to the extent that its jurisdiction is preempted by valid federal statutes, regulations, orders; and

WHEREAS, the Commission orders safety improvements at public highway-rail grade crossings and bridges that have been determined to be in the interest of public safety; the Commission determines the cost division of the ordered safety improvements between the Grade Crossing Protection Fund, rail carriers and local governments; and

WHEREAS, 35 ILCS 505/8(c) provides that the Department is responsible for administering Motor Fuel Tax Funds and payment of Grade Crossing Protection Fund expenditures required by Commission orders.

NOW, THEREFORE the Commission and the Department agree as follows:

Section 1 The table below identifies the project management tasks for GCPF safety improvement projects and the respective agency responsible for each task.

Project Phase	Railroad Warning Systems	Traffic Signal Interconnects	Roadway Approaches & Access Roads	Grade Separations
Project Selection	ICC	ICC	ICC	ICC
Estimate Review	ICC	ICC	ICC	ICC
Agreement/Order Development	ICC	ICC	ICC	ICC
Plan Review	ICC	ICC	IDOT(1)	IDOT(1)
Construction Inspection	ICC	ICC	IDOT (2)	IDOT (2)
Project Tracking	ICC	ICC	ICC	ICC
Final Inspection	ICC	ICC	IDOT	IDOT
Progress & Final Payments (3)	IDOT	IDOT	IDOT	IDOT
Audits	IDOT	IDOT	IDOT	IDOT

- (1) Plans and estimates for these projects shall be submitted to the Department's District office for review and approval. The Department shall notify the Commission after it has received detailed final drawings, estimates of cost and any required specifications for proposed grade separation or roadway related improvements. The Department shall provide notice to the Commission after it has approved the detailed final drawings, estimates of cost, and any required specifications for the proposed improvements. Notice can be made by phone, electronic mail, or standard mail.
- (2) The Department will require that the local agency will be responsible for construction inspection of roadway or grade separation projects under local jurisdiction that are receiving assistance from the Grade Crossing Protection Fund, as required by MFT policy.
- (3) Bills for expenditures authorized for reimbursement from the Grade Crossing

Protection Fund for roadway and bridge projects shall be submitted to the Department's District Office for review. Upon approval of the bills by the Department's District Office, a representative from the District will prepare an invoice and forward it to the Fiscal Control Unit of the Department's Central Bureau of Local Roads and Streets for payment. Bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund for railroad warning systems and traffic signal interconnect projects shall be submitted directly to the Fiscal Control Unit of the Department's Central Bureau of Local Roads and Streets for payment. The Department shall submit a copy of the invoice for expenditures authorized for reimbursement from the Grade Crossing Protection Fund (for roadway projects, bridge projects, railroad warning system projects, and traffic signal interconnect projects) to the Director of Processing and Information, Transportation Division of the Commission.

The Commission will require that all bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund for roadway, railroad warning systems and traffic signal interconnect projects be submitted to the Department no later than twenty-four (24) months from the date of the Commission Order authorizing the work. Authorization for reimbursement from the Grade Crossing Protection Fund for these projects shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 36th month from the Order date, decrease the obligation to a zero balance for all residual funds accountable for projects that receive contributions from the Grade Crossing Protection Fund. All final bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be clearly marked "Final Bill".

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund for bridge projects, shall be submitted to the Department no later than twelve (12) months after the completion date specified in the Commission Order authorizing the work. Authorization for reimbursement from the Grade Crossing Protection Fund for these projects shall expire eighteen (18) months after the completion date specified in the Order. The Department shall, at the end of the 18th month from the completion date specified in the Commission Order, decrease the obligation to a zero balance funds accountable for projects that receive contributions from the Grade Crossing Protection Fund. All final bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be clearly marked "Final".

Section 2 For all GCPF projects authorized by the Commission, the Commission and the Department will require rail carriers and local highway agencies to provide sufficient information to document all reimbursements. The Department will process all reimbursement requests in accordance with the Federal-Aid Policy Guide (FAPG), and 23 CFR 140.922. The minimum documentation requirements should be:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used,

including the rental rate; number of hours the equipment was used and railroad account code for the project.

- c) Material – An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice should include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice should be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice should include the AAR DOT number, the ICC order number and the state job number when federal funds are involved.
- j) Locations – Each invoice should show the location, with the street name and AAR DOT crossing inventory number.

Section 3 The Commission will include reimbursement documentation requirements in all Orders for GCPF projects.

Section 4 The Commission will provide the Department with a copy of final inspection reports and provide technical assistance to the Department's personnel responsible for GCPF project audits.

Section 5 The Department will conduct audits of all GCPF projects in accordance with Federal Aid Policy Guide procedures.

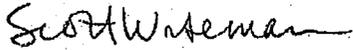
Section 6 WHEREAS, The Department, Commission, and the Railroads shall be required to maintain for a minimum of five years after the completion of the Agreement, adequate books, records and supporting documents associated with each agencies responsibilities as outlined in this agreement.

Section 7 WHEREAS, The terms of this Agreement shall be construed in accordance with the laws of the State of Illinois. Any obligations and services performed under this Agreement shall be performed in compliance with all applicable state laws.

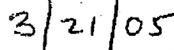
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

By signing below, the Commission and Department agree to comply with and abide by all provisions set forth herein.

FOR THE COMMISSION:



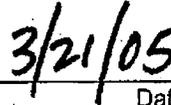
Scott Wiseman, Executive Director
Illinois Commerce Commission



Date

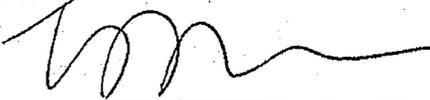


Steve Matrisch, Transportation Counsel
Illinois Commerce Commission
(Approved as to form)



Date

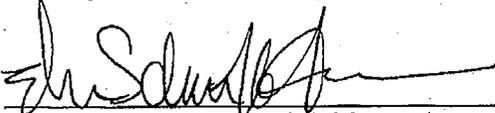
FOR THE DEPARTMENT:



Timothy W. Martin, Secretary of Transportation



Date



Ellen Schanzel-Haskins, Chief Counsel
(Approved as to form)



Date