

STATE OF ILLINOIS

TOY-0062

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT NO. 1101

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Illinois Central Railroad Company ("COMPANY"), Freeburg Township ("TOWNSHIP"), the Village of Freeburg ("VILLAGE"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the Hill Mine Road highway-rail grade crossing of the Company's track located on the boundary between Freeburg Township and the Village of Freeburg, St. Clair County, Illinois, designated as crossing AAR/DOT 296 091B, milepost 22.03G; 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.

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 installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) Reconstruct the existing east highway approach to comply with 92 Illinois Administrative Code Part 1535. 204.
- (c) Reconstruct the existing west highway approach to comply with 92 Illinois Administrative Code Part 1535. 204.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed signal 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, the Township and the Village 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 \$128,450. The Grade Crossing Protection Fund should pay 85% of the actual installation cost, not to exceed \$109,183. The Township should pay 5% of the actual installation cost, not to exceed \$6,422. The Village should pay 5% of the actual installation cost, not to exceed \$6,422. The Company should pay all remaining installation costs, as well as all future operating and maintenance costs. (See Exhibit B)
- (b) The Village should pay 100% of the costs for improvements noted in Section 2(b), as well as all future maintenance costs.
- (c) The Township should pay 100% of the costs for improvements noted in Section 2(c), as well as all future maintenance costs.

Section 6 The Township and the Village are financially able and willing to bear equitable portions of the cost for the proposed improvements as may be assigned by the Order and indicate this intent by Resolutions attached as Exhibits C and D, respectively.

Section 7 Special Provisions:

Since the warning device improvements at the subject crossings will be performed by the Company, flagging or contractor liability insurance will not be required for said work.

Since the Township and the Village, or their respective contractor crews, will perform the highway approach improvements at the subject crossing, flagging, and contractor liability insurance will be required for said work.

The Company, the Township and the Village, 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, Township or Village, employee responsible for management of the project.

All bills for expenditures authorized for reimbursement 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 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 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.

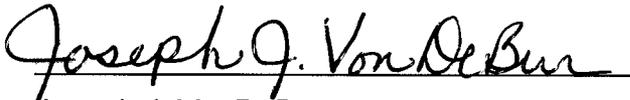
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this **6th** day of **May, 2004**.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1101 concerning improvements at the Hill Mine Road grade crossing of the Illinois Central Railroad Company tracks in/near Freeburg, Saint Clair County, Illinois, designated as crossing AAR/DOT 296 091B, milepost 22.03-G.

Executed by the TOWNSHIP this 10TH day of MAY 2004.

FREEBURG TOWNSHIP

By: Dale A. Parker

Attest:

Herbert J. Hollmer
Road District Clerk

RECEIVED
MAY 17 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1101 concerning improvements at the Hill Mine Road grade crossing of the Illinois Central Railroad Company tracks in/near Freeburg, Saint Clair County, Illinois, designated as crossing AAR/DOT 296 091B, milepost 22.03-G.

Executed by the COMPANY this 18th day of May 2004.

ILLINOIS CENTRAL RAILROAD COMPANY

By: Paul E. Lauer

REGION DIRECTOR CONTRACTS & ADMINISTRATION

Attest:

[Signature]

APPROVE AS TO FORM:

Acet
REAL ESTATE _____
ENGINEERING [Signature]
ACCOUNTING [Signature]
LAW [Signature]
EXECUTION
LAW [Signature]

ILLINOIS CENTRAL RAILROAD COMPANY
L. C. R. R. CO. - ORIGINAL

Illinois Commerce Commission Stipulated Agreement No. 1101 concerning improvements at the Hill Mine Road grade crossing of the Illinois Central Railroad Company tracks in/near Freeburg, Saint Clair County, Illinois, designated as crossing AAR/DOT 296 091B, milepost 22.03-G.

Executed by the DEPARTMENT this 7th day of June 2004.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modersoff
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1101 concerning improvements at the Hill Mine Road grade crossing of the Illinois Central Railroad Company tracks in/near Freeburg, Saint Clair County, Illinois, designated as crossing AAR/DOT 296 091B, milepost 22.03-G.

Executed by the VILLAGE this 2nd day of August 2004.

VILLAGE OF FREEBURG

By: Allen L. Watters

ALLEN L. WATTERS, VILLAGE PRESIDENT

Attest:



MARY GRAU, VILLAGE CLERK

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Canadian National/Illinois Central Railroad Company
USDOT#, MILEPOST	296 091B, 22.03-G
STREET, CITY, COUNTY	Hill Mine Road
JURISDICTION (RDWY)	Freeburg Township – West Village of Freeburg – East
LOCATION	Rural, Commercial, Agricultural.
STREET SURFACE	18 Feet Wide, 2-Lane, 2-Way, Oil and Chip

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Full Depth Timber	24 Feet	Good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Tank Road – 46 Feet East
TRAFFIC CONTROL	Stop Sign for Tank Road Traffic
ADT & SPEED	500 Vehicles Per Day @ 45-55 MPH
TRAFFIC TYPE	Passenger, Possible School Busses, Possible Hazardous Materials, Possible Emergency Response
ADVANCE WARNING	East and West
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	6 Per day @ 50 MPH, 0 Switch Movements, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Reflective Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	50	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	483	FEET
Along Tracks	511	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1189	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

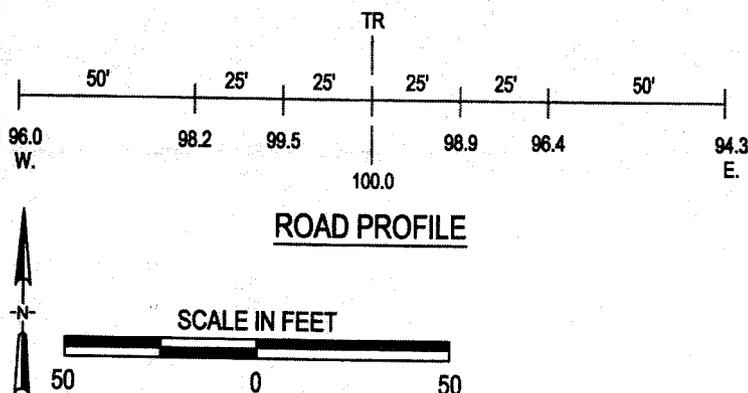
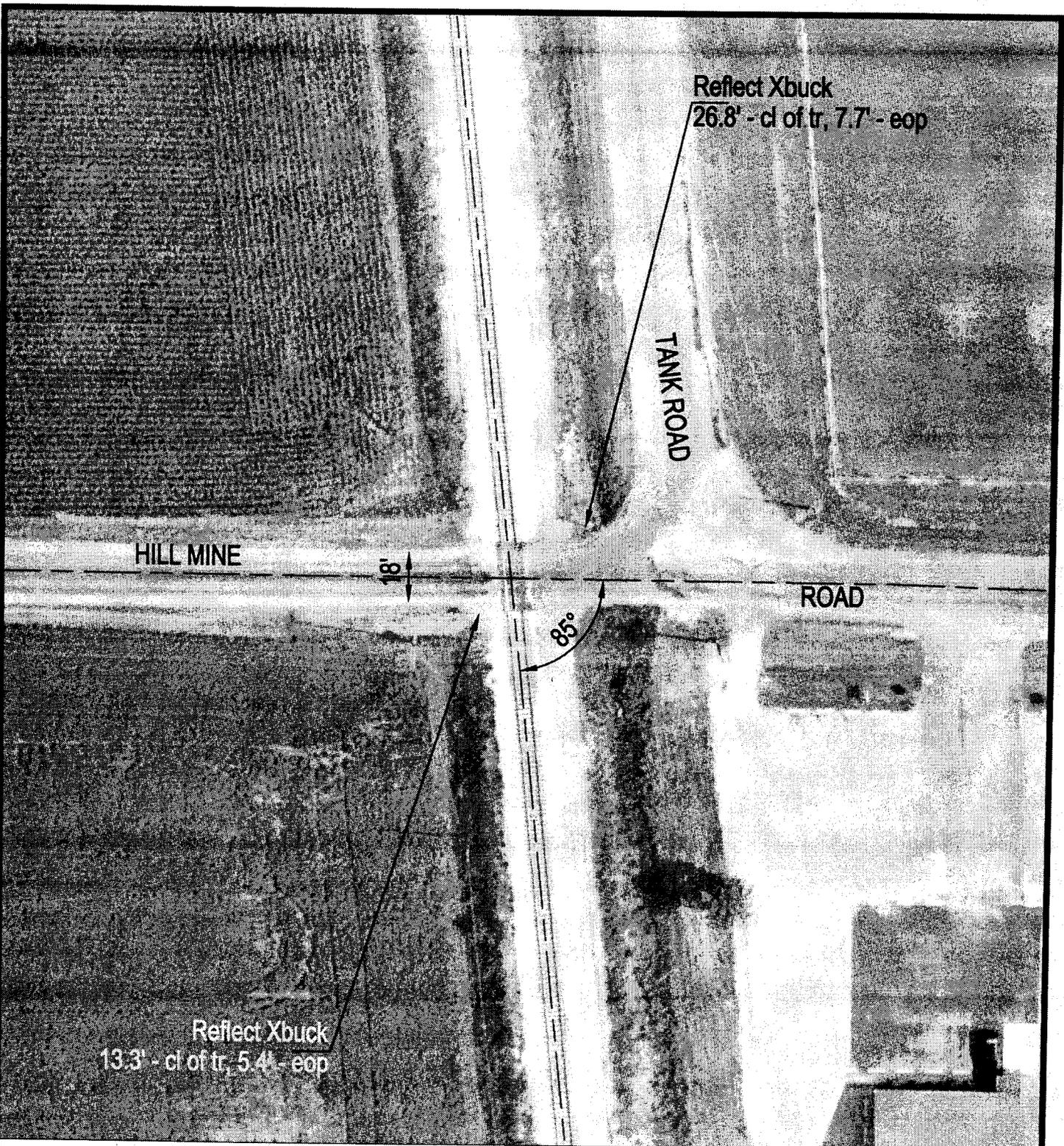
DIRECTION: WEST (Township)			DIRECTION: EAST (Village)		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	99.5	-2.0	25	98.9	-4.4
50	98.2	-5.2	50	96.4	-4.2
100	96.0	-4.4	100	94.3	-4.2

Distance measured from outermost rail.

COMMENTS:**PROPOSED COST DIVISION:**

ITEMS OF WORK	GCPF	ICRR	VILLAGE	TOWNSHIP
Install New Automatic Warning Devices	85%	5%	5%	5%
Reconstruct West Approach	0%	0%	0%	100%
Reconstruct East Approach	0%	0%	100%	0%

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



Crossing #: 296091B

Location: St. Clair Co., City of Freeburg (N)

Lat/Long: 38°25'02" / 89°54'49"

Railroad: Illinois Central Railroad Company

Street: Hill Mine Road

Railroad Milepost: 22.03-G

Crossing Protection: Reflective Crossbucks

ILLINOIS CENTRAL RAILROAD
ENGINEERING DEPARTMENT
SIGNALS AND COMMUNICATIONS

Freeburg, IL

Est 1021-403

Estimated cost of Signal work to add Gates and CWT devices at Hill Mine Road.

Central Division

Val Sec IL-2

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
FAPG				

LANDFILL	1.	LOT @	800.00	800.00
MISC.SIGNAL MATERIAL	1.	L.S. @	400.00	400.00
<u>CROSSING MATERIALS PACKAGE</u>				
GCP3000ND2,80160-111-IPI	1.	EACH @	17754.00	17754.00
SERIAL EVENT ANLZER/REC	1.	EACH @	2615.00	2615.00
RECORDER INTERFACE,80255	1.	EACH @	195.00	195.00
NARROW BAND SHUNT,62775-8621	2.	EACH @	653.00	1306.00
RECTIFIER,NRS15110,20A	1.	EACH @	455.00	455.00
RECTIFIER,NRS18120,40A	1.	EACH @	695.00	695.00
XING CONTROLLER,40A,91190	1.	EACH @	4361.00	4361.00
INTELLIGENT CURRENT SENSOR	1.	EACH @	409.00	409.00
SURGE PROTECTION	1.	LOT @	1275.00	1275.00
EQUIPMENT RACK,23"	1.	EACH @	237.00	237.00
FLX-4000 & GATE ASSY	1.	EACH @	6833.00	6833.00
FLX-4000 & GATE W/1 SIDELITE	1.	EACH @	7762.00	7762.00
ARM,EZ GATE,16-24'	2.	EACH @	721.00	1442.00
GATEKEEPER,SK-1000	2.	EACH @	1970.00	3940.00
BELL,ELECTRONIC	1.	EACH @	234.00	234.00
BATTERY,NI-CAD,240AH	20.	EACH @	217.00	4340.00
FOUNDATION,S2 4FT-6IN HI	2.	EACH @	399.00	798.00
NBS ENCLOSURE	2.	EACH @	220.00	440.00
PRE-WIRED ALUM HOUSE,6X6'	1.	EACH @	12175.00	12175.00
WIRE,2c/6,T10456	300.	FEET @	0.41	123.00
CABLE,3c/6 TECK,T10458	100.	FEET @	2.12	212.00
CABLE,7c/6,9c/14,T12481	300.	FEET @	2.89	867.00
5 MAN GANG	8.	DAY @	1100.00	8800.00
PRELIMINARY ENGINEERING	1.	L.S. @	2500.00	2500.00
CONSTRUCTION ENGINEERING	1.	L.S. @	275.00	275.00
CONTRACT ENGINEERING	1.	L.S. @	5000.00	5000.00

Freeburg, IL

Est 1021-403

SUMMARY

MATERIAL	69668.00 *
HANDLING 0.0610	4249.75
CROSSING SYSTEM HANDLING	3000.00
CROSSING SYSTEM WIRING	6000.00
LABOR	8800.00 *
ENGINEERING	2775.00
CONTRACT ENGINEERING	5000.00
ACCOUNTING	200.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	9421.28
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	3013.54
SUBSISTENCE	2000.00
RENTAL OF EQUIPMENT	1600.00
POWER TAP	1500.00
CONTINGENCIES	11222.43

TOTAL COST	128450.00

Exhibit C

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1101**

Date 05/11/2004

The FREEBURG TOWNSHIP ROAD DISTRICT
(Board or Council of Township)

meeting on 05/11/2004, Resolved to authorize Hwy Commissioner Dale A. Recker
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that Freeburg Township is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

Exhibit D

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1101**

Date AUGUST 2, 2004

The FREEBURG BOARD OF TRUSTEES
(Board or Council of Village)

meeting on 8/2/04, Resolved to authorize ALLEN L. WATTERS
(Name, Office) VILLAGE PRESIDENT

to act as its designated agent in the processing of this Stipulated Agreement and that the Village Freeburg is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.