

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1141

706-0011

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"), the City of Belleville ("City"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the South Charles Street highway-rail grade crossing of the Company's track in Belleville, in St. Clair County, Illinois, designated as crossing AAR/DOT #295 799J, railroad milepost 14.82-G; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject 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 this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements to the crossing upon 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, 625 ILCS 5/18(c)-7401, 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 traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") 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 following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Vacation of the existing South Charles Street roadway within the Company's right of way ("ROW") limits, by the City.
- (b) Installation of temporary, Type-III barricades conforming to the

DOCKETED

requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices, at the Company's ROW limits, by the City.

- (c) Removal of the existing grade crossing surface and crossbuck warning signs at the existing South Charles Street highway-rail grade crossing, by the Company.
- (d) Installation of permanent traffic barriers conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices, at the Company's ROW limits, by the City.
- (e) Payment as detailed *infra* from the GCPF to the City for voluntary closure of the South Charles Street highway-rail grade crossing, by IDOT.

Section 3 The City shall pass a local ordinance vacating South Charles Street with a stipulation that final vacation of the roadway shall not take place until after a Commission Order has been issued authorizing an incentive payment from the GCPF for closure for South Charles Street highway-rail grade crossing. Following passage of the local vacation ordinance, the City shall erect temporary barricades to prevent vehicular access to the South Charles Street crossing. The temporary barricades shall be erected by the City within three (3) business days from the date the vacation ordinance is passed by the City. The City will be responsible for all costs to erect and maintain the temporary barricades.

Section 4 The City shall, upon Order, according to the requirements contained therein, install permanent barricades on both sides of the South Charles Street highway-rail grade crossing at the Company's ROW limits. The work shall be completed within thirty (30) days after the City receives a copy of the Order. The City shall provide all parties with notice that the work has been complete within five (5) days of completion. Notification may be by regular mail, electronic mail, facsimile, or phone. Prior to the City's installation of the permanent traffic barriers, the Company shall identify its ROW limits at the South Charles Street highway-rail grade crossing. The City will be responsible for all costs to erect and maintain the temporary barricades.

The Company shall, upon Order, according to the requirements contained therein, remove the crossing surface and crossbuck warning signs at the South Charles Street highway-rail grade crossing. The work shall be completed within thirty (30) days after the Company receives a copy of the Order. The Company shall provide all parties notice that the work has been completed within five (5) days of the completion. Notification may be by regular mail, electronic mail, facsimile, or phone. The Company will be responsible for all costs to remove the crossing surface and crossbucks at the South Charles Street highway-rail grade crossing.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	CITY	COMPANY	IDOT
Vacate South Charles Street by Local Ordinance; Erect Temporary Barricades.	No estimate required	\$0	100% ²	\$0	\$0
Remove Existing Surface and Crossbuck Warning Signs at the South Charles Street Crossing.	No estimate required	\$0	\$0	100% ³	\$0
Install Permanent Barricades at the South Charles Street Crossing.	No estimate required	\$0	100% ^{4,5}	\$0 ⁴	\$0
Provide GCPF Incentive Payment for Voluntary Closure of the South Charles Street Crossing.	\$50,000	(100%) \$50,000 ¹	\$0	\$0	\$0 ⁶
Provide Matching Federal (TEA-21) Closure Incentive Payment for Voluntary Closure of the South Charles Street Crossing	\$7,500	\$0	\$0	\$0	(100%) \$7,500 ⁷
Provide Closure Incentive Payment for Voluntary Closure of the South Charles Street Crossing	\$7,500	\$0	\$0	\$7,500	\$0
TOTALS	\$65,000	\$50,000	\$---	\$7,500	\$7,500

[Totals do not reflect costs where no estimates were provided.]

Notes:

¹ Total GCPF assistance not to exceed \$50,000.

² The City shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the South Charles Street highway-rail grade crossing (Crossing).

³ The Company shall be responsible for all costs associated with the removal of the existing crossing surface and crossbuck warning signs.

⁴ The Company shall identify its ROW limits at the South Charles Street crossing for the City prior to the installation of the permanent barricades.

⁵ The City shall be responsible for all costs associated with installing and maintaining the permanent barricades.

⁶ The Department shall issue a payment of \$50,000 from the GCPF to the City within sixty (60) days from the date of a Commission Order.

⁷ Upon closure of the Charles Street crossing the City shall submit a request to the Department for the \$7,500 federal voluntary crossing closure incentive payment; the Department shall issue the payment within 60 days of the date of a Commission Order issued subsequent to execution of this Agreement (see Section 7 of the Agreement).

Section 6 The City is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit B. The City shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: The City shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the South Charles Street roadway has been, or will be, vacated. The City shall submit the vacation ordinance to all parties at the same time as the Execution Page of this Agreement is submitted to the Commission.

Within sixty (60) days from receipt of the Commission Order, the Department shall issue a payment of \$50,000 from the GCPF to the City for voluntary closure of the South Charles Street crossing. The Department shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone. The City may use the GCPF payment for any purpose that meets IDOT's requirements for permissible uses of Motor Fuel Tax Funds.

Upon closure of the South Charles Street crossing, the Company shall make a payment in the amount of \$7,500 to the City.

The Illinois Department of Transportation shall utilize \$7,500 in federal funds to match the Company's incentive payment to the City. Eligibility for the Department's \$7,500 payment to the City is based on the requirement that the authorization of the \$7,500 by the Federal Highway Administration (FHWA) shall be approved prior to the actual closure of the South Charles Street crossing. If closure of the crossing takes place prior to federal authorization, the Department will not participate in, nor will it be responsible for the \$7,500 funding as proposed. The Department shall notify the Commission, the City and the Company of the FHWA approval or disapproval, within thirty (30) days of the execution of an Order approving this agreement. Notification may be by regular mail, electronic mail, or facsimile. The \$7,500 payment by the Department shall be used by the City for a roadway safety related expense.

Upon receipt of the Commission Order, the Company shall remove the crossing surfaces and crossbucks at the South Charles Street highway-rail grade crossing. The City shall install permanent barricades at the Company's ROW line. The permanent barricades shall conform to the requirements of 92 Ill. Adm. Code 1535.701, and the Manual on Uniform Traffic Control Devices. The City shall install the appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. All barricades and warning signs are to be maintained by the City.

The City and the Company shall each complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits C (City) and C1 (Company), along with this executed Agreement.

The City and the Company shall, upon completion of the work required of each party according to the requirements of an Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits C and C1. The Project Status Report shall include the Commission Order's 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 the City or Company Project Manager.

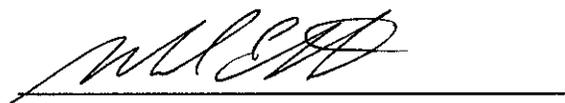
Upon closure of the Charles Street crossing, and subject to the conditions and requirements set forth in this Agreement, the City shall submit its request for the \$7,500

federal voluntary crossing closure incentive payment to the Department's Region 5, District 8 Office at the following address: Mary C. Lamie, Region Engineer, Attn: Jennifer Obertino, Engineer of Local Roads and Streets, 1102 Eastport Plaza, Collinsville, Illinois 62234. The request for payment shall include the location and ICC Order number, as well as the following information: Section 05-00205-00-RR, Project No. RRP-0163(203) and Job No.C-98-334-06. Upon receipt of the request for payment for the \$7,500 incentive payment from the City, IDOT's Region 5, District 8 Bureau of Local Roads and Streets shall prepare an invoice to be submitted to the Fiscal Control Unit in the Central Bureau of Local Roads and Streets for payment to the City. Payment shall be issued within 60 days of a Commission Order issued subsequent to execution of this Agreement (see cost division notes).

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.

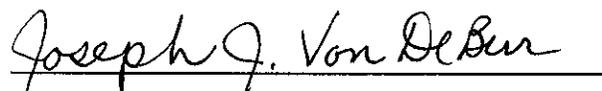
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 20th day of January 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1141 concerning improvements at the Charles Street highway-rail grade crossing of the Illinois Central Railroad Company tracks in Belleville, Saint Clair County, Illinois, designated as crossing AAR/DOT #295 799J, milepost 14.82-G.

Executed by the Company this 9th day of February 2004.

ILLINOIS CENTRAL RAILROAD
COMPANY

By: Paul E. Lauer

Attest:

[Signature]

Illinois Commerce Commission Stipulated Agreement No. 1141 concerning improvements at the Charles Street highway-rail grade crossing of the Illinois Central Railroad Company tracks in Belleville, Saint Clair County, Illinois, designated as crossing AAR/DOT #295 799J, milepost 14.82-G.

Executed by the Department this 2nd day of March 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: 
Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1141 concerning improvements at the Charles Street highway-rail grade crossing of the Illinois Central Railroad Company tracks in Belleville, Saint Clair County, Illinois, designated as crossing AAR/DOT #295 799J, milepost 14.82-G.

Executed by the City of Belleville this 3RD day of MARCH 2006.

CITY OF BELLEVILLE

By: Mark W. Eckert

Attest:

Linda Fields

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Illinois Commerce Commission
RAIL SAFETY SECTION

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	295 799JM, 14.82-G
STREET, CITY, COUNTY	Charles Street, Belleville, Saint Clair County
JURISDICTION (RDWY)	City of Belleville
LOCATION	Urban, Commercial/Residential
STREET SURFACE	12 ft. wide, one lane, two way, oil and chip roadway

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

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Timber	21 feet	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Illinois Route 13/Illinois Route 158 – 168 feet North
TRAFFIC CONTROL	Stop sign for Charles Street traffic
ADT & SPEED	20 Vehicles Per Day @ 30 MPH
TRAFFIC TYPE	Passenger, School Busses (2/day), Emergency
ADVANCE WARNING	North and South
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	6 Per day @ 30-50 MPH, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbucks, Stop Signs

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	50	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	208	FEET
Along Tracks	478	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	*	Control Box	*	Power Pole
NW	*		*	
SE	*	Fence, Building	*	Fence, Building
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

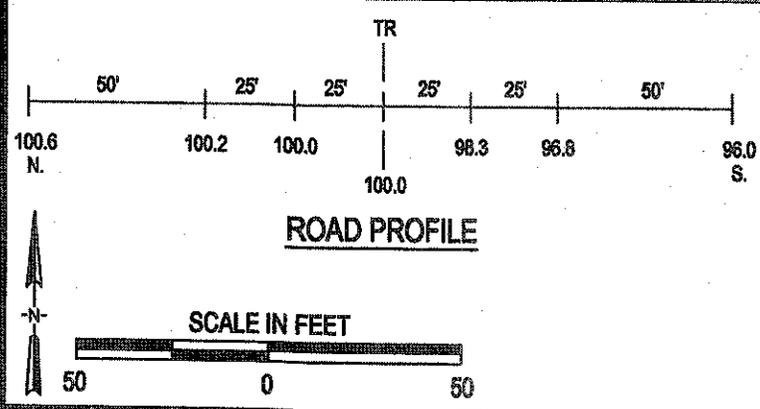
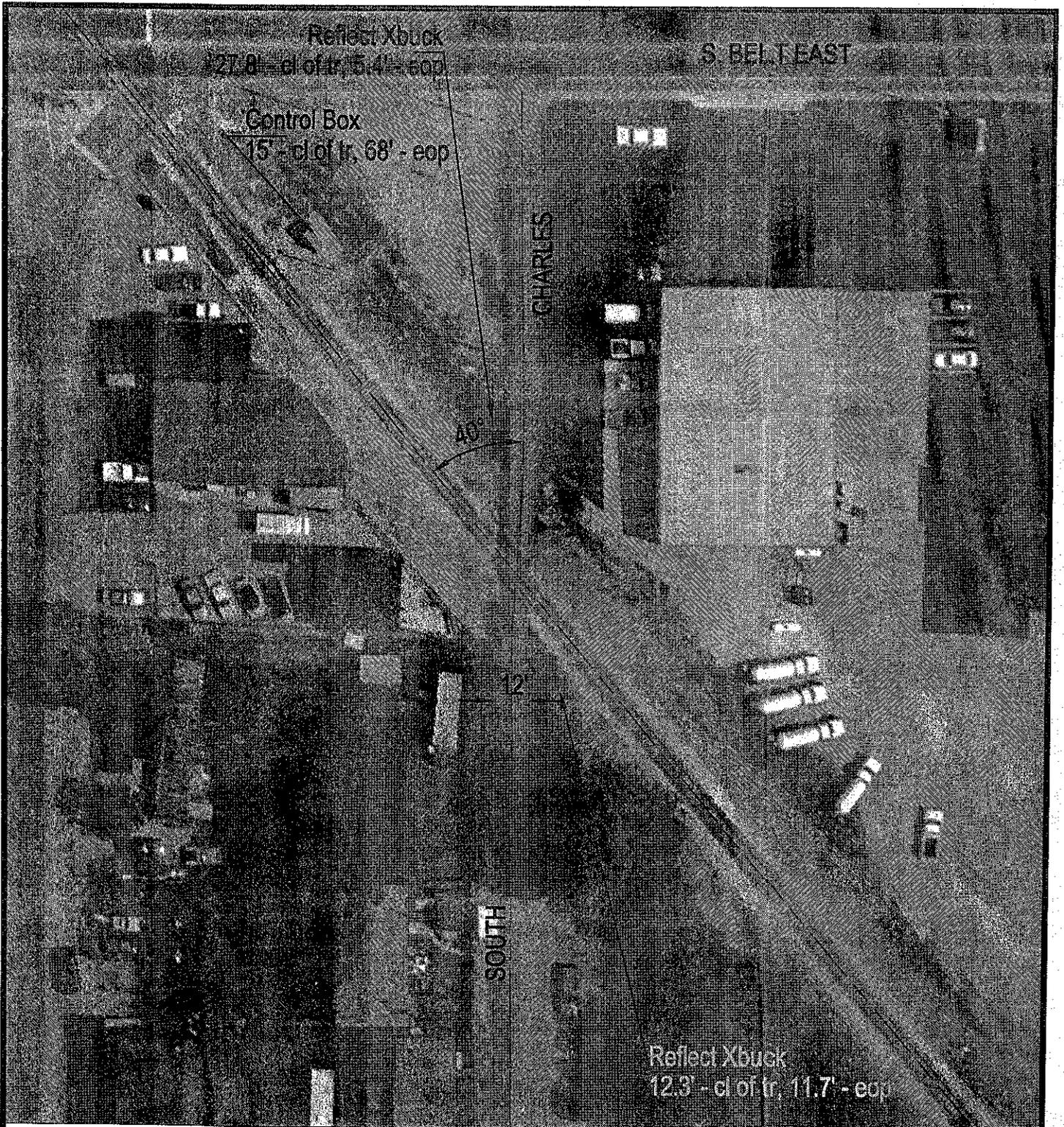
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	100.0	0	25	98.3	-6.8
50	100.2	0.8	50	96.8	-6.0
100	100.6	0.8	100	96.0	-1.6

Distance measured from outermost rail.

COMMENTS:

City of Belleville applied for Grade Crossing Protection Fund monies for closure with incentive. ADT = 20 vehicles per day = \$50,000 incentive from GCPF.

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



Crossing #:	295799J
Location:	St. Clair Co., City of Belleville (I)
Lat/Long:	38°30'07" / 89°58'46"
Railroad:	Illinois Central Railroad Company
Street:	South Charles Street
Railroad Milepost:	14.82-G
Crossing Protection:	Crossbucks

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT:

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION*	<input type="checkbox"/>

DATE	<input type="text"/>
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PROJECT INFORMATION:

Reporting Party:	City of Belleville
Docket/Order #; Date:	T06-0011, April 5, 2006
Status Reports Due:	
Ordered Completion Date:	June 5, 2006
Completion Report Due ¹ :	June 5, 2006
AAR/DOT#, Milepost:	295 799J, 14.82-G
Street, (in/near) City, County:	South Charles Street, Belleville, St. Clair County
Railroad Company:	Illinois Central Railroad Company

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Rich Wilson
Title:	Belleville City Engineer
Representing:	City of Belleville
Street Address:	101 South Illinois
City, State, Zip:	Belleville, IL 62220-2105
Office Phone:	618/233-6518, ext. 219
Office Fax:	618/233-2241
Cellular Phone:	
E-Mail Address:	RWilson@Belleville.net

²Project Manager information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Vacation of S. Charles Street within the Illinois Central Railroad Company ROW
- Temporary barricading of crossing
- Installation of permanent barricades

STATUS OF WORK:

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Joe Von De Bur, Railroad Safety Specialist
Phone: (217) 557-1286
Email: jvondebu@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/hg/library.aspx?key=Railroad%20Safety>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT:

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION*	<input type="checkbox"/>

DATE	<input type="text"/>
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PROJECT INFORMATION:

Reporting Party:	Illinois Central Railroad Company
Docket/Order #; Date:	T06-0011, April 5, 2006
Status Reports Due:	
Ordered Completion Date:	June 5, 2006
Completion Report Due ¹ :	June 5, 2006
AAR/DOT#, Milepost:	295 799J, 14.82-G
Street, (in/near) City, County:	South Charles Street, Belleville, St. Clair County
Railroad Company:	Illinois Central Railroad Company

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	John Henriksen
Title:	Manager, Public Works
Representing:	Canadian National Railway
Street Address:	17641 S. Ashland Ave.
City, State, Zip:	Homewood, IL 60430
Office Phone:	708/332-3557
Office Fax:	708/332-3514
Cellular Phone:	
E-Mail Address:	John.Henriksen@cn.ca

²Project Manager information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Removal of the existing crossbuck signs and grade crossing surface

STATUS OF WORK:

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Joe Von De Bur, Railroad Safety Specialist
Phone: (217) 557-1286
Email: jvondebu@icc.illinois.gov

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Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

March 2nd, 2006

RECEIVED
MAR 06 2006

City of Belleville
St. Clair County

Illinois Commerce Commission
RAIL SAFETY SECTION

RE: Safety Improvements at South Charles Street at the CN/IC railroad tracks
(AAR DOT 295 799J, MP 14.82)

Mr. Michael Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 East Capitol
Springfield, Illinois 62794-9280

Dear Mr. Stead:

We are returning Stipulated Agreement number 1141, which has been executed on behalf of our department. We have received approval from the Federal Highway Administration (FHWA) for the \$7,500 crossing closure incentive funding on January 17, 2006.

Sincerely,

Charles Ingersoll JH

Charles J. Ingersoll, P. E.
Engineer of Local Roads and Streets

cc-
Mary Lamie Attn: Jennifer Obertino
Rich Wilson, City Engineer
John Henriksen, CN/IC Railroad

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