

ORIGINAL

T06-0051

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1185**

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"), Mount Pulaski Township Road District ("Township"), 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 700N/Township Road ("TR") 197A highway-rail grade crossing of the Company's track near Mount Pulaski, in Mount Pulaski Township, Logan County, Illinois, designated as crossing AAR/DOT #289 485Y, railroad milepost 167.05-D; 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 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) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system.

DOCKETED

- (b) Installation of temporary STOP signs at the 700N crossing within 30 days of a Commission Order for the installation of new automatic warning devices.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit B.

Section 4 The Company 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 completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

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	TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$128,420	(85%) \$109,517 ¹	(10%) \$12,842	(5%) Remainder ²	\$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³	\$0
TOTALS	\$128,420	\$109,517	\$12,842	\$6,061	\$0

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$109,517; any installation costs above the estimated amount of \$128,420 will be divided between the GCPF, the Township and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.;

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all maintenance costs associated with the temporary STOP Signs.

Section 6 The Township 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 C. The Township 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: Since the warning device improvements at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company and the Township shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits D and D-1, along with this executed Agreement.

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit D, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket 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 Company Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from each party shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- 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 the 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 shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 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 11th day of April 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Joseph J. Von De Bur
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1185, executed by Commission Staff April 11, 2006, concerning improvements at the 700N/TR 197A highway-rail grade crossing of the Illinois Central Railroad Company tracks near Mount Pulaski, Mount Pulaski Township, Logan County Illinois, designated as crossing AAR/DOT 289 485Y, milepost 167.05-D.

Executed by the Illinois Central Railroad Company this 18 day of April 2006.

ILLINOIS CENTRAL RAILROAD COMPANY

By: Paul E. Ladue

Attest:

[Signature]
Manager Public Works
CP

Illinois Commerce Commission Stipulated Agreement No. 1185, executed by Commission Staff April 11, 2006, concerning improvements at the 700N/TR 197A highway-rail grade crossing of the Illinois Central Railroad Company tracks near Mount Pulaski, Mount Pulaski Township, Logan County Illinois, designated as crossing AAR/DOT 289 485Y, milepost 167.05-D.

Executed by Mount Pulaski Township this 20 day of April 2006.

MOUNT PULASKI TOWNSHIP

By: *Wade Zill*

Attest:

Shirley Schraaf, Clerk

RECEIVED
APR 24 2006

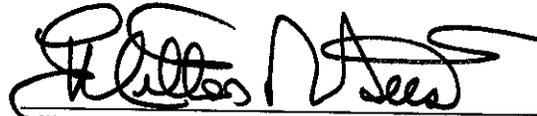
Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1185, executed by Commission Staff April 11, 2006, concerning improvements at the 700N/TR 197A highway-rail grade crossing of the Illinois Central Railroad Company tracks near Mount Pulaski, Mount Pulaski Township, Logan County Illinois, designated as crossing AAR/DOT 289 485Y, milepost 167.05-D.

Executed by the Illinois Department of Transportation this 18th day of May 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:



Milton R. Sees, Director of Highways/Chief Engineer

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	289 485Y, 167.25-D
STREET, CITY, COUNTY	700N/TR 197A, Near Mount Pulaski, Logan County
JURISDICTION (RDWY)	Mount Pulaski (Township) Road District
LOCATION	Rural, Agricultural
STREET SURFACE	2-Lane, 2-Way, 20 ft. wide, oil and chip

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

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
NW	Timber	42 Ft.	Poor*
SE	Timber	42 Ft.	Poor*

*New track panels scheduled for installation spring/summer 2006

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Illinois Route 54 – 131 feet east
TRAFFIC CONTROL	Stop Signs for 700N Traffic
ADT & SPEED	325 Vehicles Per Day, Speed not posted
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	6-8 Trains Per day @ 40-50 MPH, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Reflective Crossbucks

NOTES:

New crossing panels on-site as of October 2005

VISIBILITY STUDY: See Location Sketch

Train Speed	50	MPH
Roadway Speed	55 (Assumed Max.)	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	*	Seasonal Crops	*	Seasonal Crops
SE	*		*	
SW	*	Seasonal Crops	*	Seasonal Crops

*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			DIRECTION: EAST		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0 (West Track)	---	0	100.0 (East Track)	0
25	99.7	-1.2	25	99.8	-0.8
50	98.9	-3.2	50	98.6	-4.8
100	97.4	-3.0	100	96.9	-3.4

Distance measured from outermost rail.

COMMENTS:

This project is part of the FY 2006 Grade Crossing Protection Fund, Crossing Safety Improvement Program.

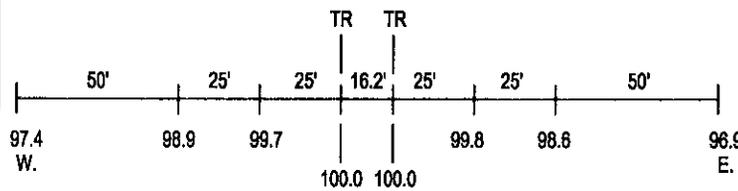
PROPOSED COST DIVISION:

GCPF ----- 85%
Township ----- 10%
Railroad ----- 5%

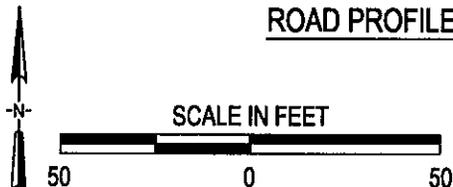
See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



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ROAD PROFILE



Crossing #: 289485Y
 Location: Logan Co., City of Mt. Pulaski (N)
 Lat/Long: 40°01'06" / 89°15'26"
 Railroad: Illinois Central Railroad Company
 Street: 700N / TR197A
 Railroad Milepost: 167.25 - D
 Crossing Protection: Signs

ILLINOIS CENTRAL RAILROAD COMPANY

A WHOLLY OWNED SUBSIDIARY OF

CANADIAN NATIONAL RAILWAY COMPANY

HIGHWAY/RAIL GRADE CROSSING SIGNAL ESTIMATE

Roadway Name: TR 197A
Nearest Station: Mt. Pulaski, IL
Railroad Division: Central
Railroad Subdivision: Gilman
Railroad Milepost: D 167.25
DOT Crossing No.: 289 485Y
Valuation Section: IL-2

Date: March 28, 2006

Est 1018-601

Prepared by: WCR

Description of Work: Signal work to install FLS & Gates.

MATERIAL:

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Landfill	1	LOT	\$1,000.00	\$ 1,000.00
Misc. Signal Material	1	LOT	\$500.00	\$ 500.00
<u>CROSSING MATERIALS PACKAGE</u>				
GCP4000, 8120-80465-00280	1	EACH	\$23,115.00	\$ 23,115.00
Narrow Band Shunt, 62775-1543	4	EACH	\$533.00	\$ 2,132.00
Rectifier, NRS 15110, 20A	1	EACH	\$446.00	\$ 446.00
Rectifier, NRS 18120, 40A	1	EACH	\$645.00	\$ 645.00
Intelligent Current Sensor, 80271	2	EACH	\$470.00	\$ 940.00
FLX-4000 & Gate Assembly, 2-Way	1	EACH	\$7,160.00	\$ 7,160.00
FLX-4000 & Gate Assy, 2-Way w/1 Sidelite	1	EACH	\$8,170.00	\$ 8,170.00
Arm, E-Z Gate, 16-24'	2	EACH	\$569.00	\$ 1,138.00
Gatekeeper, SK-1000	2	EACH	\$1,975.00	\$ 3,950.00
Bell, Electronic	1	EACH	\$235.00	\$ 235.00
Battery, Ni-Cad, 250 AH	20	EACH	\$250.00	\$ 5,000.00
Foundation, S-2	2	EACH	\$410.00	\$ 820.00
Enclosure, Shunt	4	EACH	\$588.00	\$ 2,352.00
Pre-Wired Aluminum Bungalow, 6X6'	1	EACH	\$13,450.00	\$ 13,450.00
Wire, 2c/6, T10456	600	FEET	\$0.59	\$ 354.00
Cable, 3c/6 TECK, T10458	1500	FEET	\$2.12	\$ 3,180.00
Cable, 7c/6,9c/14, T12481	300	FEET	\$3.70	\$ 1,110.00
SUBTOTAL MATERIAL				\$ 75,697.00

LABOR:

SIGNAL LABOR

<u>Item</u>	<u>Gang Days</u>	<u>Cost/Day</u>	<u>Cost</u>
5-man Gang	10	1200.00	\$ 12,000.00
SUBTOTAL SIGNAL LABOR			\$ 12,000.00

MISCELLANEOUS LABOR

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Preliminary Engineering	1	L.S.	\$2,500.00	\$ 2,500.00
Construction Engineering	1	L.S.	\$275.00	\$ 275.00
Accounting	1	L.S.	\$250.00	\$ 250.00
SUBTOTAL MISCELLANEOUS LABOR				\$ 3,025.00

TOTAL LABOR \$ 15,025.00

OTHER

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Per Diem/Business Expense	1	L.S.	\$2,500.00	\$ 2,500.00
Contractor/Rented Equipment	1	L.S.	\$2,000.00	\$ 2,000.00
Power Tap	1	L.S.	\$1,500.00	\$ 1,500.00
Contract-Crossing System Wiring	1	L.S.	\$6,000.00	\$ 6,000.00
Freight on Crossing Package	1	L.S.	\$3,300.00	\$ 3,300.00
Contract Engineering	1	L.S.	\$6,000.00	\$ 6,000.00
TOTAL OTHER				\$ 21,300.00

TOTAL DIRECT COSTS \$ 112,022.00

FAPG ADDITIVES

Material	\$ 75,697.00	
Material Additive (4.20%)		\$ 3,179.27
Signal Labor	\$ 12,000.00	
Signal Labor Additive (89.34%)		\$ 10,720.80
Engineering Labor	\$ 2,775.00	
Engineering Labor Additive (83.29%)		\$ 2,311.30
Accounting Labor	\$ 250.00	
Accounting Labor Additive (74.34%)		\$ 185.85
Other	\$ 21,300.00	
	=====	=====
TOTAL DIRECT COSTS	\$ 112,022.00	
TOTAL FAPG ADDITIVES		\$ 16,397.22
		=====
GRAND TOTAL FAPG BASIS		\$ 128,419.22

Exhibit C

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1185

Date April 20, 2006

The Mt. Pulaski Town Board
(Board or Council of Mount Pulaski Township)

meeting on April 20, 2006, Resolved to authorize Leslie Hild
Highway Commissioner
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Mount Pulaski 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.

Shirley Schaal, clerk
Attest:

**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:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	289 485Y, 167.25-D
Street, (in/near) City, County:	700N/TR 197A, Near Mt. Pulaski, Mt. Pulaski Township , Logan 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:	Arne Skrodal	
Title:	Signal Design Officer	
Representing:	Canadian National Railway	
Street Address:	17641 S. Ashland Ave.	
City, State, Zip:	Homewood, IL 60430	
Office Phone:	708 332 3271	
Office Fax:	708 332 3514	
Cellular Phone:		
E-Mail Address:	arne.skrodal@cn.ca	

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

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Installation of TEMPORARY STOP SIGNS, within 30 days of Commission Order.
- Installation of automatic flashing light signals and gates, CWT

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:	Mount Pulaski Township
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	289 485Y, 167.25-D
Street, (in/near) City, County:	700N/TR 197A, Near Mt. Pulaski, Mt. Pulaski Township , Logan County
Railroad Company:	Illinois Central Railroad Company

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PROJECT MANAGER INFORMATION²:

Name:	Leslie Hild
Title:	Highway Commissioner
Representing:	Mount Pulaski Township
Street Address:	404 S. Spring
City, State, Zip:	Mt. Pulaski, IL 62548-1354
Office Phone:	217/792-5164
Office Fax:	217/792-5164
Cellular Phone:	217/737-7997
E-Mail Address:	mprddist@frontiernet.net

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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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