

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1225**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Union Pacific Railroad Company ("Company"), the City of Geneva ("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 Old Kirk Road highway-rail grade crossing of the Company's track in the City of Geneva, in Kane County, Illinois, designated as crossing AAR/DOT #174 986H, railroad milepost 33.75; 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 Old Kirk Road roadway within the Company's right of way ("ROW") limits, by the City.
- (b) Removal of the existing grade crossing surface and warning devices at the existing Old Kirk Road highway-rail grade crossing, by the Company.

- (c) Installation of barricades on the north and south side of the crossing within the railroad ROW conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices, by the Company.
- (d) Construction of suitable turnarounds, if needed, on both sides of the Old Kirk Road crossing, by the Company.
- (e) Construction of an earthen berm on the south side of the crossing with landscaping reasonably acceptable to the City, by the Company.
- (f) Engineering to accomplish items (b), (c), (d), and (e), and coordinate all work with the City, by the Company.
- (g) Payment as detailed *infra* from the GCPF to the City for voluntary closure of the Old Kirk Road highway-rail grade crossing, by IDOT.
- (h) Payment as detailed *infra* from the Company to the City for voluntary closure of the Old Kirk Road highway-rail grade crossing.

Section 3 The City has passed a local ordinance vacating Old Kirk Road and will finalize the matter by filing the roadway vacation documents with the Kane County Recorder after a Commission Order has been issued authorizing an incentive payment from the GCPF for closure of the Old Kirk Road highway-rail grade crossing. The City shall notify all parties when the roadway vacation documents are recorded. Notification may be by regular mail, electronic mail, facsimile, or phone.

Section 4 The Company shall, upon Order, according to the requirements contained therein, install permanent barricades on both sides of the Old Kirk Road highway-rail grade crossing at the Company's ROW limits. The work shall be completed within thirty (30) days after the Company receives a copy of the Commission Order. The Company 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.

The Company shall, upon Order, according to the requirements contained therein, remove the crossing surface and warning devices at the Old Kirk Road 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 shall, upon Order, according to the requirements contained therein, install the earthen berm and landscaping suitable to the City on the south side of the crossing, and turnarounds on both sides of the crossing, if needed, within 3 months from the date of the Order. The Company shall coordinate the work with the City and then 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.

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 Old Kirk Road by Local Ordinance.	No Estimate Required	\$0	100%	\$0	\$0
Remove Existing Warning Devices.	No Estimate Required	\$0	\$0	100% ²	\$0
Install Permanent Barricades at the Old Kirk Road Crossing.	No Estimate Required	\$0	\$0	100% ^{3/4}	\$0
Install Suitable Turnarounds (If needed)	No Estimate Required	\$0	\$0	100% ⁴	\$0
Install Berm on south side of Old Kirk Road crossing.	No Estimate Required	\$0	\$0	100% ⁴	\$0
Provide GCPF Incentive Payment for Voluntary Closure of the Old Kirk Road Crossing.	\$70,000	(100%) \$70,000 ¹	\$0	\$0	\$0 ⁵
Provide Closure Incentive Payment for Voluntary Closure of the South Charles Street Crossing	\$60,000	\$0	\$0	\$60,000	\$0
TOTALS	\$130,000	\$70,000	\$-----	\$60,000	\$0

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

Notes:

- ¹ Total GCPF assistance not to exceed \$70,000.
- ² The Company shall be responsible for all costs associated with the removal of the existing crossing surface and warning devices.
- ³ The Company shall be responsible for all costs associated with installing and maintaining the permanent barricades.
- ⁴ The Company shall be responsible for all associated engineering costs.
- ⁵ The Department shall issue a payment of \$70,000 from the GCPF to the City within sixty (60) days from the date of a Commission Order.

Section 6 Special Provisions: Within sixty (60) days from receipt of the Commission Order, the Department shall issue a payment of \$70,000 from the GCPF to the City for voluntary closure of the Old Kirk Road 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 Old Kirk Road crossing, the Company shall make a payment in the amount of \$60,000 to the City.

The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit B (Company), along with this executed Agreement.

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 Exhibit B. 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 Company Project Manager.

SECTION 7 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 23rd day of August 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:

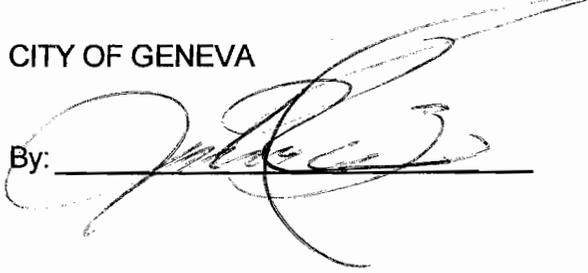


Brian A. Vercruysse
Senior Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1225, executed by Commission Staff on August 23, 2006, concerning improvements at the Old Kirk Road highway-rail grade crossing of the Union Pacific Railroad Company tracks in Geneva, Kane County, Illinois, designated as crossing AAR/DOT #174 986H, milepost 33.75.

Executed by the City of Geneva this 5th day of September 2006.

CITY OF GENEVA

By: 

Attest:



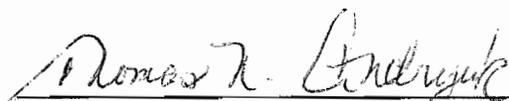
Illinois Commerce Commission Stipulated Agreement No. 1225, executed by Commission Staff on August 23, 2006, concerning improvements at the Old Kirk Road highway-rail grade crossing of the Union Pacific Railroad Company tracks in Geneva, Kane County, Illinois, designated as crossing AAR/DOT #174 986H, milepost 33.75.

Executed by the Union Pacific Railroad Company, this 12th day of SEPTEMBER 2006.

UNION PACIFIC RAILROAD COMPANY

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement No. 1225, executed by Commission Staff on August 23, 2006, concerning improvements at the Old Kirk Road highway-rail grade crossing of the Union Pacific Railroad Company tracks in Geneva, Kane County, Illinois, designated as crossing AAR/DOT #174 986H, milepost 33.75.

Executed by the Illinois Department of Transportation, this 3rd day of October 2006.

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	Union Pacific Railroad Company
USDOT#, MILEPOST	174 986H, MP 33.75
STREET, CITY, COUNTY	Old Kirk Road, Geneva, Kane County
JURISDICTION (RDWY)	City of Geneva
LOCATION	Commercial/Residential
STREET SURFACE	23' Asphalt

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

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
1 North	Timber	7'	Satisfactory
2	Timber	7'	Satisfactory
		14.5 Track Centers	

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Not Applicable
TRAFFIC CONTROL	Not Applicable
ADT & SPEED	1150 Vehicles Per Day @ 55 MPH (1% Truck)
TRAFFIC TYPE	Passenger and Commercial
ADVANCE WARNING	North and South
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	74 at 70 mph
PASSENGER TRAFFIC	37 Increasing to 62 at 70 mph
WARNING DEVICES	Automatic Flashing Light Signals & Gates

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	70	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	483	FEET
Along Tracks	721	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1680	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	*	N/A	*	N/A
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: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0		0	100.0	
25	100.2	0.8	25	99.8	0.8
50	100.5	1.2	50	99.7	0.4
100	100.7	0.4	100	99.8	0.2

Distance measured from outermost rail.

COMMENTS:

City of Geneva applied for a payment from the Grade Crossing Protection Fund (GCPF) for the voluntary closure of the Old Kirk Road crossing; ADT > 500 vehicles per day = \$70,000 incentive from GCPF.

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



R/W Gate, Standard FI
Other FI, Reflect Xbuck
15.0' - cl of tr, 5.0' - eop

Control Box
23.0' - cl of tr, 46.0' - eop

R/W Gate, Standard FI
Other FI, Reflect Xbuck
13.0' - cl of tr, 5.0' - eop

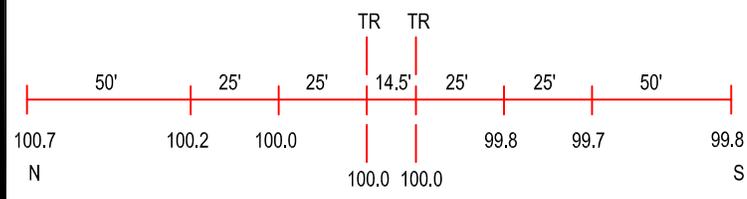
OLD KIRK ROAD

80°

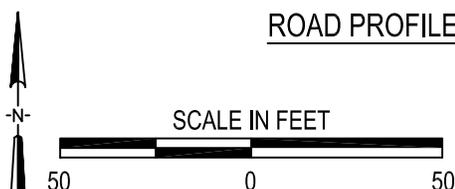
14.5'

23.0'

J:\KANE\174986H\174986H.DWG 03/02/01 07:50 JLA



ROAD PROFILE



③ Photo Location

Crossing #:	174986H
Location:	Kane Co., City of Geneva (Near)
Lat/Long:	41°52'58" / 88°16'31"
Railroad:	UP
Street:	Old Kirk Road
Railroad Milepost:	33.75
Crossing Protection:	Train Activated Devices

**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:

Brian Vercruysse, Railroad Safety Specialist
Phone: (630) 424-8750
Email: bvercruy@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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