

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1249**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Elgin, Joliet, and Eastern Railway Company ("Company"), Will County ("COUNTY"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through correspondence between Staff and the Company that inquiry should be made into the matter of improving public safety at the Renwick Road highway-rail grade crossing of the Company's track near the Village of Plainfield in Will County, Illinois, designated as crossing AAR/DOT 260 585T, milepost 66.3; 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) Install new gate mechanisms to the existing warning equipment, by the Company.

**Section 3** The Company has prepared preliminary cost estimates to accomplish the proposed safety improvements, which may be required by Commission Order. The cost estimates are attached and incorporated herein by reference as Exhibit B.

The Company shall upon a Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, and any required specifications for the proposed improvements for the approval of the Commission. The Company agrees that an appropriate time for the submission of plans should be ninety (90) days from the date of a Commission Order approving this Agreement.

**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 -**

<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>COUNTY</b>	<b>COMPANY</b>	<b>IDOT</b>
Install New Gate Mechanisms; Utilize Existing Automatic Warning Equipment.	\$45,748	(90%) \$41,173 <sup>1</sup>	(0%) \$0	(10%) Remainder <sup>2</sup>	\$0
<b>TOTALS</b>	<b>\$45,748</b>	<b>\$41,173</b>	<b>\$0</b>	<b>\$4575</b>	<b>\$0</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$41,173; any installation costs above the estimated amount of \$45,748 will be divided between the GCPF 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.

<sup>2</sup> Company responsible for all future operating and maintenance costs associated with the new gates and existing automatic warning devices.

**Section 6** The County is not required to pay any portion of the cost for the proposed improvements.

**Section 7** Special Provisions: The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit C, 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 C, 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 12<sup>th</sup> month from the completion date specified in the Commission Order approving this Agreement, or any Supplemental Order(s) issued for this project, conduct a review to determine if any unused assistance from the Grade Crossing Protection Fund should be deobligated. Upon completion of the review, the Commission shall notify the Department to deobligate all residual funds accountable for installation costs 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, Company shall assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The minimum documentation that must be made available is outlined below:

- 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.

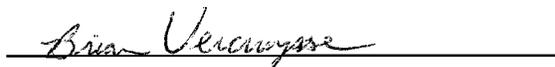
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 7<sup>th</sup> day of December 2006.



Michael E. Stead  
Rail Safety Program Administrator

Attest:

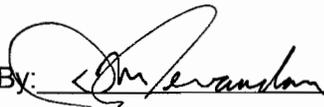


Brian A. Vercruysse  
Senior Rail Safety Specialist

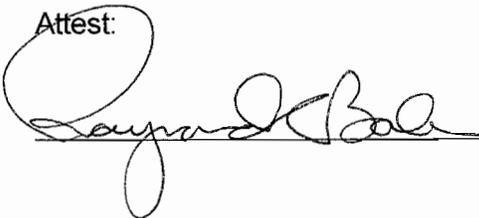
Illinois Commerce Commission Stipulated Agreement 1249, executed by Commission Staff on December 7, 2006, concerning improvements at the Renwick Road highway-rail grade crossing of the Elgin, Joliet, and Eastern Railway Company's tracks near the Village of Plainfield, Will County Illinois, designated as crossing AAR/DOT #260 585T, railroad milepost 66.3.

Executed by the Elgin, Joliet and Eastern Railway Company this 29 day of December 2006.

ELGIN, JOLIET AND EASTERN  
RAILWAY COMPANY

By:  \_\_\_\_\_

Attest:

 \_\_\_\_\_

Illinois Commerce Commission Stipulated Agreement 1249, executed by Commission Staff on December 7, 2006, concerning improvements at the Renwick Road highway-rail grade crossing of the Elgin, Joliet, and Eastern Railway Company's tracks near the Village of Plainfield, Will County Illinois, designated as crossing AAR/DOT #260 585T, railroad milepost 66.3.

Executed by the Illinois Department of Transportation this 19<sup>th</sup> day of January 2007.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

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

Illinois Commerce Commission Stipulated Agreement 1249, executed by Commission Staff on December 7, 2006, concerning improvements at the Renwick Road highway-rail grade crossing of the Elgin, Joliet, and Eastern Railway Company's tracks near the Village of Plainfield, Will County Illinois, designated as crossing AAR/DOT #260 585T, railroad milepost 66.3.

Executed by Will County this 29<sup>th</sup> day of January 2007.

WILL COUNTY

By:

Lawrence M. Walsh  
Lawrence M. Walsh  
Will County Executive

Attest:

Nancy Schultz Voots  
Nancy Schultz Voots  
Will County Clerk



RESOLUTION OF THE COUNTY BOARD  
WILL COUNTY, ILLINOIS

Authorizing Approval of State of Illinois  
Illinois Commerce Commission Stipulated Agreement

WHEREAS, the State and the County, in order to facilitate the free flow of traffic and insure safety to the motoring public, are desirous of making improvements to the Elgin, Joliet And Eastern Railway Crossing on Renwick Road (C.H. 36), County Section 06-00160-12-SP, County Board District #5; and

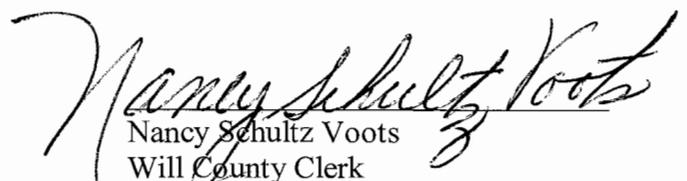
WHEREAS, the County is desirous of said improvement in that same will be of immediate benefit to the county residents and permanent in nature; and

NOW THEREFORE BE IT RESOLVED, that the Will County Board enter into a Stipulated Agreement (#1249) with the Illinois Commerce Commission, Illinois Department of Transportation and Elgin, Joliet and Eastern Railway Company for Renwick Road (C.H. 36), Section 06-00160-12-SP, (AAR/DOT 260 585T, Milepost 66.3) at the railway grade crossing for the installation of new gate mechanisms, a copy of which is attached hereto and made part hereof; and

BE IT FURTHER RESOLVED, that the County Executive and the County Clerk of Will County are hereby authorized and directed to execute said agreement, subject to the review and approval by the Will County State's Attorney.

Adopted by the Will County Board this 18<sup>th</sup> day of January, 2007.

Vote: Yes 21 No 0 Pass 0 (SEAL)

  
Nancy Schultz Voots  
Will County Clerk

Approved this 29 day of January, 2007

  
Lawrence M. Walsh  
Will County Executive

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Elgin, Joliet, and Eastern Railway Company
<b>USDOT#, MILEPOST</b>	260 585T, MP 66.3
<b>STREET, CITY, COUNTY</b>	Renwick Road, near Plainfield, Will County
<b>JURISDICTION (RDWY)</b>	Will County
<b>LOCATION</b>	Agriculture, Plainfield Fishing Resort, Residential
<b>STREET SURFACE</b>	Bituminous, 24', Good Condition

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

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
1	Rubber	49'	Good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	NA
<b>TRAFFIC CONTROL</b>	NA
<b>ADT &amp; SPEED</b>	9300 @ 45 MPH (5%Trucks)
<b>TRAFFIC TYPE</b>	Cars, trucks, busses
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	Yes

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	18 Per day @ 55 MPH
<b>PASSENGER TRAFFIC</b>	NA
<b>WARNING DEVICES</b>	AFLS

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	55	<b>MPH</b>
<b>Roadway Speed</b>	45	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	356	<b>FEET</b>
<b>Along Tracks</b>	541	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1323	<b>FEET</b>

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

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	*	NA	*	NA
<b>NW</b>	*	NA	*	NA
<b>SE</b>	*	NA	*	NA
<b>SW</b>	*	NA	*	NA

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

**APPROACH GRADES:** See Location Sketch

<b>DIRECTION: WEST</b>			<b>DIRECTION: EAST</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
0	100.0	-	0	100.0	-
25	99.7	1.2	25	99.5	2
50	99.5	0.8	50	99.5	0
100	99.6	0.2	100	99.5	0

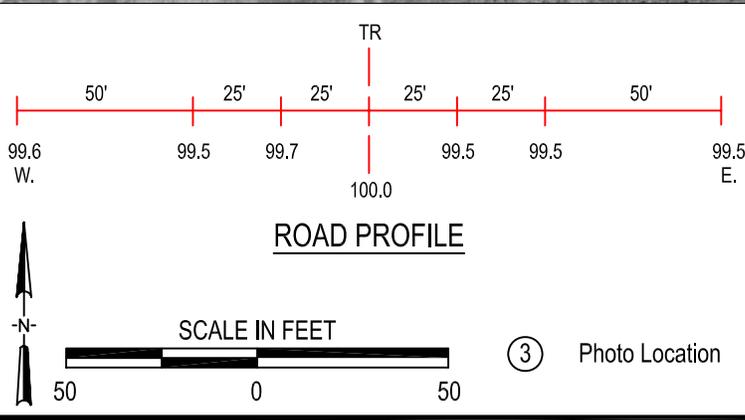
Distance measured from outermost rail.

**COMMENTS:**

Block Signal present north of the crossing.

EJ&E has completed work after control bungalow was hit by a car.

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



Crossing #: 260585T

Location: Will Co., City of Plainfield (N)

Lat/Long: 41°35'41" / 88°10'25"

Railroad: EJE

Street: Renwick Road

Railroad Milepost: 66.39

Crossing Protection: Train Activated Devices

## DETAILED ESTIMATE

**Name of Carrier:**  
Elgin, Joliet & Eastern Railway Company

**Date:**  
12-Dec-06

EXHIBIT B PAGE 1 OF 1 SA 1249
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**Description. Conditions and Location of Project:(State Rates)**

Install/Add New Gate Mechanisms While Utilizing All The Existing Equipment At The Renwick Road Crossing, DOT #260 585T Village Of Plainfield, Will County, EJ&E Western Subdivision. Please Note That The Estimate Reflects Current EJ&E Rates And Might Need To Be Modified Before The Stipulated Agreement Is Signed And Finalized.

<b>AAR/DOT#:</b> 260 585T	<b>Milepost:</b>	<b>Location:</b> Renwick Road Crossing Plainfield, Illinois
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Description	Unit	# of Units	Unit Cost	Material Cost	Labor	Total
<b><u>Material:</u></b>						
US&S Model 95 Gate With LED Lights	Each	2	11,000.00	22,000.00		
VRD Relay Driver	Each	1	700.00	700.00		
Signal Cable 7/C #6 AWG - Gate	Ft.	500	4.60	2,300.00		
Other Miscellaneous Material	Lot	1	1,500.00	1,500.00		
Material Subtotal				26,500.00		
Sales Tax %	6.25			1,656.25		
Handling %	5			1,325.00		
<b>Material Total:</b>				<b>29,481.25</b>		<b>29,481.25</b>
<b><u>LABOR:</u></b>						
Signalman	MH	150	24.14		3,621.00	
Add Fringe (%)	75.5				2,733.86	
Subtotal					6,354.86	
Engineering and Accounting	lot	1	2,500.00		2,500.00	
Add Fringe (%)	65.34				1,633.50	
<b>Labor Total:</b>					<b>10,488.36</b>	<b>10,488.36</b>
<b><u>OTHER:</u></b>						
Equipment Cost (Based on Total Hours )	lot	1	3,600.00	3,600.00		
<b>Other Total:</b>				<b>3,600.00</b>		<b>3,600.00</b>
<b><u>Total Project Expenditure</u></b>						<b><u>43,569.61</u></b>
<b><u>Project Contingency 5%</u></b>						<b><u>2,178.48</u></b>
<b><u>Total Project Expenditure</u></b>						<b><u>45,748.09</u></b>



**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](mailto: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	<b><u>And</u></b>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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