

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1266

707-0037

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railway Company ("Company"), City of Griggsville ("City"), Griggsville Road District ("Road District"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff evaluation that inquiry should be made into the matter of improving public safety at the 410th Street (TR 356) and the 430th/Federal Street highway-rail grade crossings of the Company's track in and near the City of Griggsville, Illinois, designated as crossings AAR/DOT #479 521S, railroad milepost 480.45-WC and AAR/DOT #479 518J, railroad milepost 478.40-WC respectively, and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossings 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-1 and Exhibit A-2, 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:

DOCKETED

410th Street (TR 356)
(AAR/DOT #479 521S)

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.
- (b) Installation of temporary STOP signs at the 410th Street crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Adjustment of the south track crossing to the same elevation as the north track crossing to meet the minimum requirements of 92 Ill. Adm. Code 1535.203, by the Company.
- (d) Reconstruction of the existing highway approach grades, to meet the minimum requirements of 92 Ill. Adm. Code 1535.204, and as depicted on the proposed plans in Exhibit C-1, by the Road District.

430th/Federal Street
(AAR/DOT #479 518J)

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.
- (b) Installation of temporary STOP signs at the 430th Street crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Reconstruction of the existing highway approach grades, to meet the minimum requirements of 92 Ill. Adm. Code 1535.204, and as depicted on the proposed plans in Exhibit C-2, by the Road District/City.

Section 3 The Company has provided a preliminary detailed cost estimates and plans (see Exhibit B-1 and B-2) for the installation of automatic flashing light signals and gates at the subject locations. The Company should contact Pike County Engineer Howard Timmons (217-285-4364) before proceeding with this project. See the Special Provisions Section 6 about proposed roadbed widths and highway approach work.

The Pike County Engineer, on behalf of the Road District and City, has prepared plans and preliminary estimates of cost to accomplish the proposed approach improvements, which they may be required to perform. Execution of the Agreement by the Department will be considered as its acceptance and approval of all plans and estimates attached hereto as Exhibits C-1 and C-2.

Section 4 The Company, Road District, and City shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with their 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

410th Street [AAR/DOT #479 521S]

IMPROVEMENT	EST. COST	GCPF	ROAD DISTRICT	CITY	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$279,515	\$0	\$0	\$0	\$0 ³	(100%) \$279,515
Reconstruct Approaches	\$127,875	100% \$127,875	\$0	\$0	\$0	\$0
Make the two crossings level with each other	No estimate required	0%	0%	0%	100% ³	0%
TOTALS	\$407,390	\$127,875^{1, 6}	\$0⁴	\$0	\$0³	\$279,515

430th/Federal Street [AAR/DOT #479 518J]

IMPROVEMENT	EST. COST	GCPF	ROAD DISTRICT	CITY	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$164,297	\$0	\$0	\$0	\$0 ³	(100%) \$164,297
Reconstruct Approaches	\$32,648	100% \$32,648 ²	\$0	\$0	\$0	\$0
TOTALS	\$196,945	\$32,648^{2, 6}	\$0⁵	\$0⁵	\$0³	\$164,297
GRAND TOTALS	\$604,335	\$160,523⁶	\$0	\$0	\$0	\$443,812

Notes:

¹ If the highway approach grade reconstruction work for 410th Street is on a separate contract, the total Grade Crossing Protection Fund (GCPF) assistance is not to exceed \$127,875; any costs above the estimated amount of \$127,875 will be subject to review of evidence to support the additional cost and subject to approval by the Commission.

² If the highway approach grade reconstruction work for 430th/Federal Street is on a separate contract, the total Grade Crossing Protection Fund (GCPF) assistance is not to exceed \$32,648; any costs above the estimated amount of \$32,648 will be subject to review of evidence to support the additional cost and subject to approval by the Commission.

³ Company responsible for all future operation and maintenance costs associated with the new automatic warning devices and crossing surfaces.

⁴ Road District responsible for all future maintenance costs associated with the highway approach grades at the 410th Street crossing.

⁵ City responsible for all future maintenance costs associated with the highway approach grade on the north side of the 430th/Federal Street crossing. The Road District is responsible for all future maintenance costs associated with the highway approach on the south side of the 430th/Federal Street crossing. At such time the area south of the tracks is annexed by the city, the maintenance of the south highway approach will also be the City's responsibility.

⁶ If the highway approach grade reconstruction work for 410th Street and 430th/Federal Street is on the same contract, the total Grade Crossing Protection Fund (GCPF) assistance is not to exceed \$160,523; any costs above the estimated amount of \$160,523 will be subject to review of evidence to support the additional cost and subject to approval by the Commission.

Section 6 Special Provisions: As soon as the full set of the Road District/City road plans have been approved by IDOT District 6, the Road District/City shall supply the Company with two sets of the approved plans and specifications.

The City, Road District, and Company shall coordinate with each other regarding the work specified in Section 2 at all phases of the project. The Company should contact Pike County Engineer Howard Timmons (217-285-4364) before proceeding with this project. The existing width of 17 foot (17') on both subject roadways is proposed to be widened to a width of 22 feet (22'), and the Company will have to adjust its plans and take this into consideration before installing the automatic warning devices. Also, the Company will have to raise the siding track crossing to the same elevation as the main track crossing before the Road District can rebuild the highway approaches at 410th Street crossing. See the Exhibits E-1 and E-2 for contact person information.

Since federal funding is being utilized for the warning device improvements at the subject crossings, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the highway approach reconstruction at the subject crossings will be performed by the roadway authority or its contractor, flagging and contractor liability insurance will be required for said work.

The Company and Pike County, on behalf of the Road District and City, shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E-1 and E-2, respectively. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

The Company and Pike County 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 Exhibits E-1 (Company), and E-2 (Pike County, on behalf of the Road District and City), regarding the progress each has made toward completion of the work required by this Agreement, if any. Each Project Status Report shall include the Commission Order 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 and the Pike County Project Manager.

All bills for expenditures for the roadway construction specified in Section 2 authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to Christine Reed, Region Engineer, District 6, Attn: Terry Fountain, District Six Engineer of Local Roads and Streets, 126 E. Ash, Springfield, Illinois 62704. All other bills for expenditures authorized for reimbursement from IDOT shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 S. 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 the Company 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.

The Pike County Engineer may act as the Road District/City agent in all phases of this project. If the County Engineer's office lets the contract for the road work that is specified in Section 2 of this Agreement, then IDOT District 6 can authorize reimbursement to the County out of the GCPF in the amount stipulated in Section 5 herein, after satisfactory billing documentation is supplied to IDOT District 6.

SECTION 7 Billing: For all work specified in Section 2 of this Agreement and authorized by an Order of the Commission, the Company and highway agencies 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 project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; and the number of hours the equipment was used on 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 project.
- e) Supervision - Copies of employee work hours charged to 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 22nd day of March 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1266, executed by Commission Staff on March 22nd, 2007, concerning improvements at the 410th Street (TR 356) and the 430th/Federal Street highway-rail grade crossings of the Norfolk Southern Railway Company's track, designated as crossings AAR/DOT #479 521S, railroad milepost 480.45-WC and AAR/DOT #479 518J, railroad milepost 478.40-WC, respectively, located in and near the City of Griggsville, Pike County.

Executed by Norfolk Southern Railway Company this 5th day of April 2007

NORFOLK SOUTHERN RAILWAY COMPANY

By: HR Comstock
General Manager

Attest:

Kmsha O. Swain
Asst. Corporate Secretary

Illinois Commerce Commission Stipulated Agreement No. 1266, executed by Commission Staff on March 22nd, 2007, concerning improvements at the 410th Street (TR 356) and the 430th/Federal Street highway-rail grade crossings of the Norfolk Southern Railway Company's track, designated as crossings AAR/DOT #479 521S, railroad milepost 480.45-WC and AAR/DOT #479 518J, railroad milepost 478.40-WC, respectively, located in and near the City of Griggsville, Pike County.

Executed by Griggsville Township Road District this 11 day of April 2007

GRIGGSVILLE TOWNSHIP ROAD DISTRICT

By: Donald M. Hull

Attest:

Garry Personet

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APR 19 2007

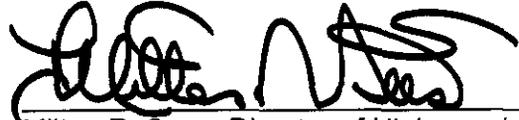
Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1266, executed by Commission Staff on March 22nd, 2007, concerning improvements at the 410th Street (TR 356) and the 430th/Federal Street highway-rail grade crossings of the Norfolk Southern Railway Company's track, designated as crossings AAR/DOT #479 521S, railroad milepost 480.45-WC and AAR/DOT #479 518J, railroad milepost 478.40-WC, respectively, located in and near the City of Griggsville, Pike County.

Executed by the Illinois Department of Transportation this 13th day of April 2007

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:



Milton R. Sees, Director of Highways/ Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1266, executed by Commission Staff on March 22nd, 2007, concerning improvements at the 410th Street (TR 356) and the 430th/Federal Street highway-rail grade crossings of the Norfolk Southern Railway Company's track, designated as crossings AAR/DOT #479 521S, railroad milepost 480.45-WC and AAR/DOT #479 518J, railroad milepost 478.40-WC, respectively, located in and near the City of Griggsville, Pike County.

Executed by the City of Griggsville this 7th day of May 2007

CITY OF GRIGGSVILLE

By: *Ken Haun*
Mayor

ATTEST: *Judy Brubaker*
City Clerk

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MAY 9 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 521S/mp 480.45-WA
STREET, CITY, COUNTY	410 th Street (TR 356)
JURISDICTION (RDWY)	Griggsville Road District, in Pike County
LOCATION	Rural
STREET SURFACE	Oil and Chip, 17 ft.; Fair condition

CROSSING DATA: See Location Sketch (Page 3) for roadway profile and track centers

TRACK W-E	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
North (main)	Timber/Asphalt	24 ft.	good
South (siding)	Timber/Asphalt	24 ft.	Needs raised to elevation of main track

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	List intersecting roadways, distance and direction within 250' - None
TRAFFIC CONTROL	List any devices on the main or intersecting roadways - None
ADT & SPEED	100 Vehicles/Day; 55mph unposted
TRAFFIC TYPE	Passenger, Possible School Buses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	None (Oil and Chip)

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	18 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60 mph	MPH
Roadway Speed	55 mph	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	520	FEET
Along Tracks	647	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1440	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	OK	N/A	200	Corn
NW	OK	N/A	OK	
SE	OK	N/A	100	Corn
SW	OK	N/A	OK	If crops will be problem

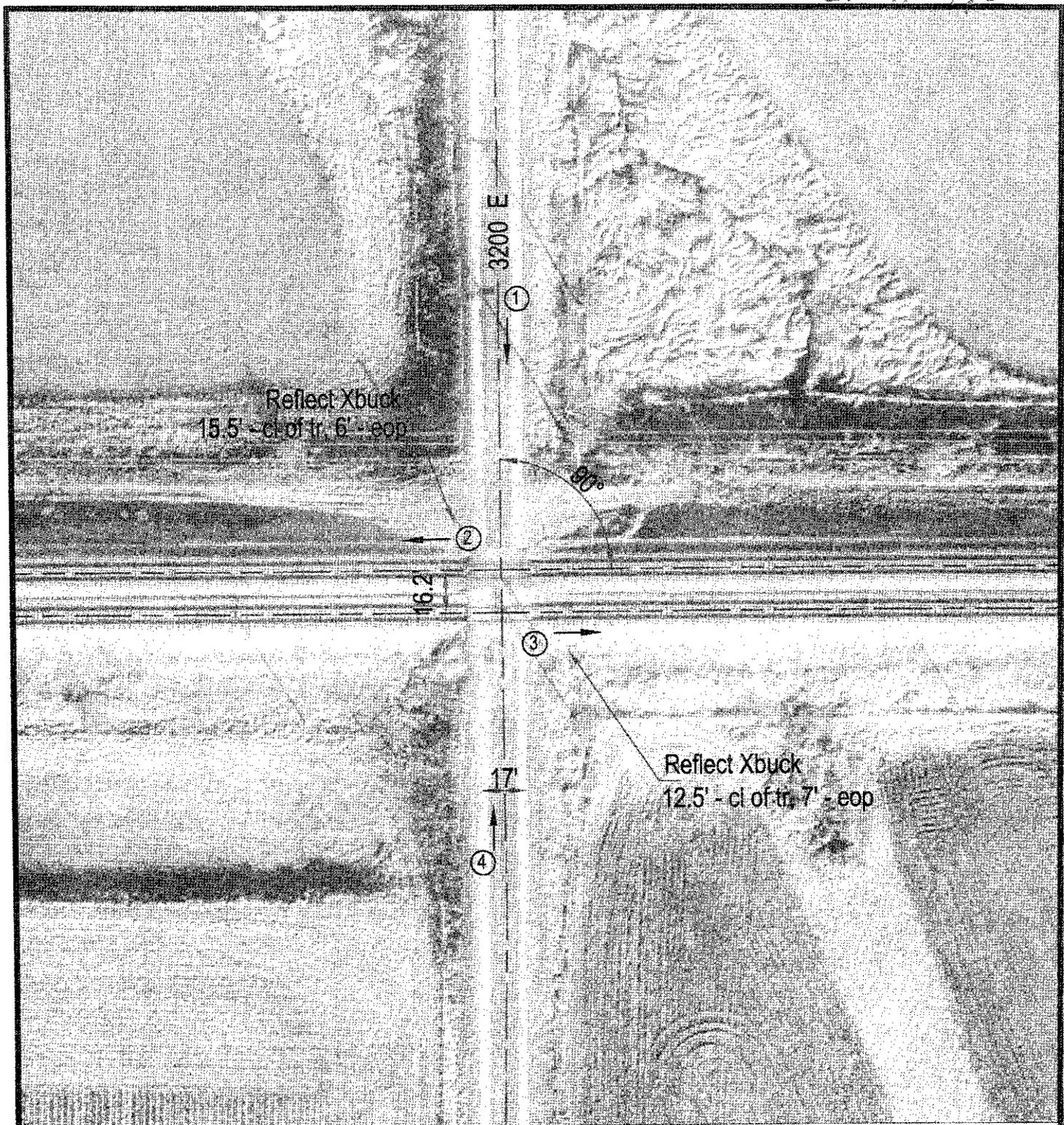
APPROACH GRADES: See Location Sketch

DIRECTION/NORTH			DIRECTION/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.4	2.4	25	99.3	1.2
50	97.9	6.0	50	97.8	6.0

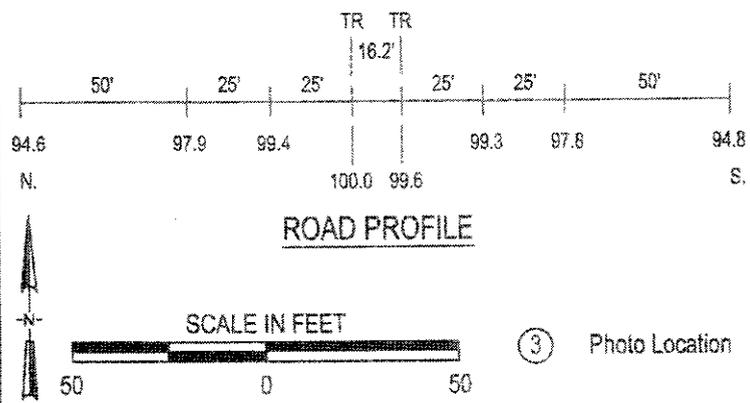
Distance measured from outermost rail.

COMMENTS:

1. Norfolk Southern Railway's detailed preliminary estimate of cost for new automatic warning devices is \$279,515.
2. IDOT will pay 100% of this cost and the Grade Crossing Protection Fund will pay 100% (not to exceed) of the highway approach reconstruction costs, which has been estimated at \$127,875.
3. The Road District will maintain the highway approaches and the railroad will maintain the warning devices.
4. The railroad will also be required to raise the siding track crossing surface up to the same elevation as the main track crossing surface.
5. See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



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Crossing #:	479521S
Location:	Pike Co., City of Griggsville (N)
Lat/Long:	39°42'02" / 90°45'41"
Railroad:	NS
Street:	3200 E
Railroad Milepost:	480.45
Crossing Protection:	Signs

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 518J/mp 478.40-WA
STREET, CITY, COUNTY	430 th Street (Federal Street)
JURISDICTION (RDWY)	Griggsville Road District (south) City of Griggsville (north)
LOCATION	Residential Rural
STREET SURFACE	Oil and Chip, 17 ft.; Fair condition

CROSSING DATA: See Location Sketch (Page 3) for roadway profile and track centers

TRACK W-E	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Epton rubber/Asphalt	24 ft.	good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	List intersecting roadways, distance and direction within 250' - None
TRAFFIC CONTROL	List any devices on the main or intersecting roadways - None
ADT & SPEED	150 Vehicles/Day; 50mph south, 25mph north
TRAFFIC TYPE	Passenger, Possible School Buses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	None (Oil and Chip)

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	18 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60 mph	MPH
Roadway Speed	50 south, 25 north	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	449/179	FEET
Along Tracks	628/615	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1440	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	OK	N/A	125	House, trees
NW	OK	N/A	50	House, garage
SE	OK	N/A	25	Embankment, trees, bldg.
SW	500	embankment	25	Embankment, trees, bldg.

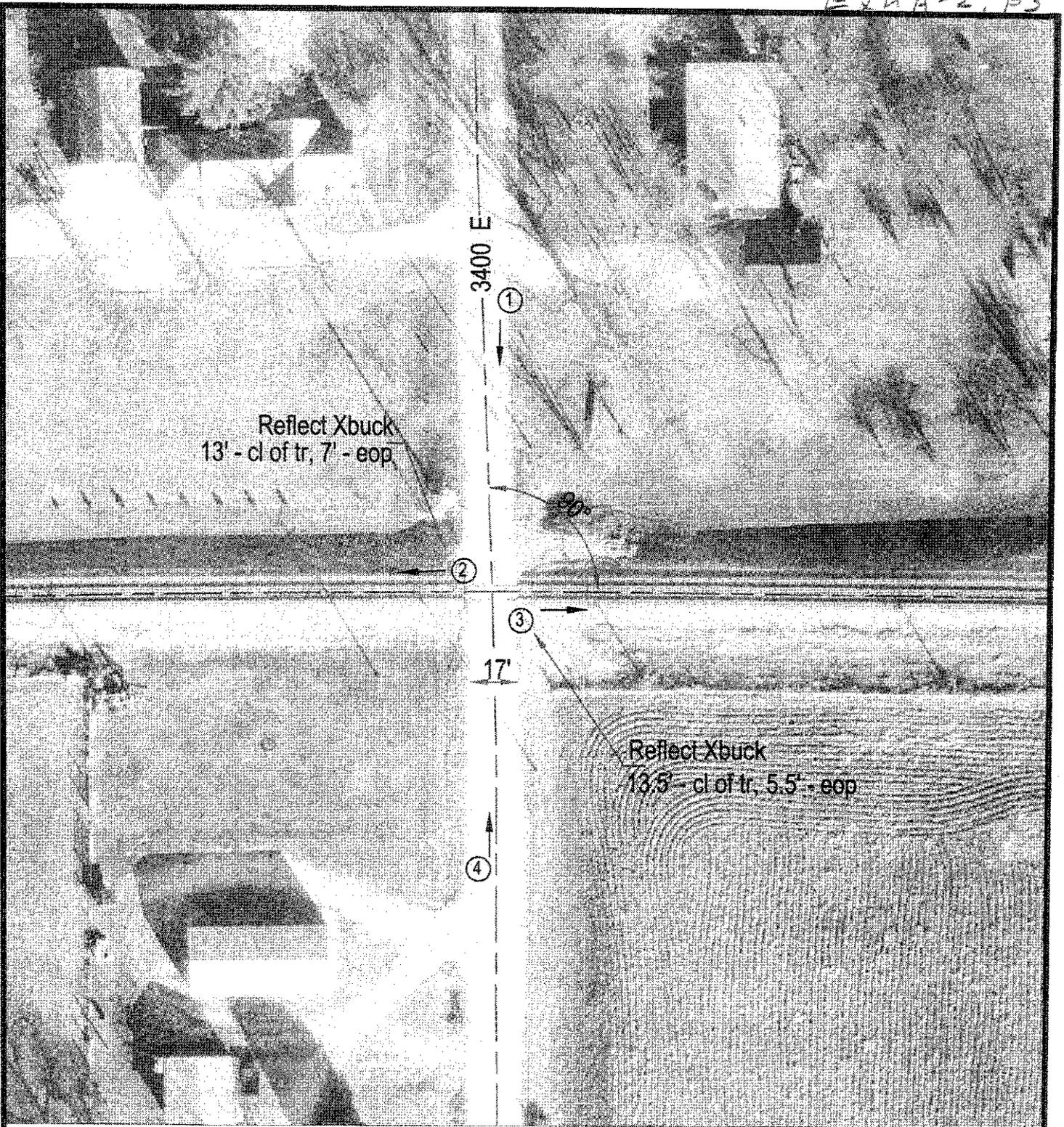
APPROACH GRADES: See Location Sketch

DIRECTION/NORTH			DIRECTION/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	98.6	5.6	25	99.3	2.8
50	97.7	3.6	50	98.1	4.8

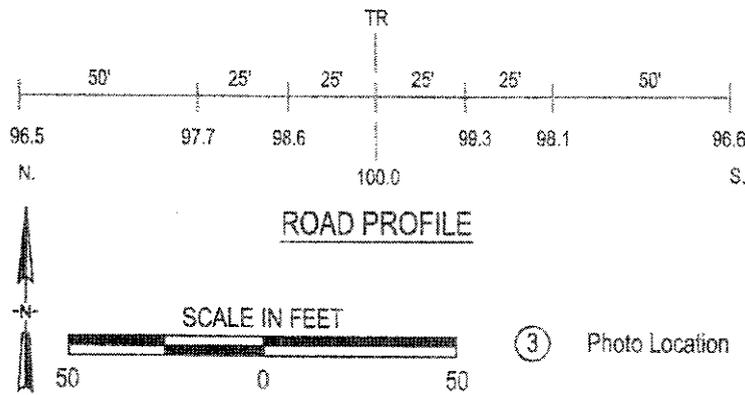
Distance measured from outermost rail.

COMMENTS:

1. Norfolk Southern Railway's detailed preliminary estimate of cost for new automatic warning devices is \$164,297.
2. IDOT will pay 100% (not to exceed) of this cost and Grade Crossing Protection will pay 100% (not to exceed) of the highway approach reconstruction costs, which has been estimated at \$32,648.
3. The Road District will maintain the south highway approach, the City of Griggsville will maintain the north highway approach, and the railroad will maintain the warning devices.
4. At the time that this Agreement was prepared the City was in the process of annexing 300 feet on the south side of the crossing; upon completion of that transaction, maintenance of the south highway approach will also be the City's responsibility.
5. See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



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Crossing #:	479518J
Location:	Pike Co., City of Griggsville (N)
Lat/Long:	39°42'06" / 90°43'21"
Railroad:	NS
Street:	3400 E
Railroad Milepost:	478.40
Crossing Protection:	Signs