

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1270**

707-0045

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"), Bear Creek Township and Rick's Township ("Townships"), 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 Grade Crossing Protection Fund assistance that inquiry should be made into the matter of improving public safety at the TR 68 (Bear Creek Township) and the TR 54 (Rick's Township) highway-rail grade crossings of the Company's track near Palmer and Morrisonville in Christian County, Illinois, designated as crossings AAR/DOT #480 013Y, railroad milepost 413.24-WA and AAR/DOT #480 015M, railroad milepost 415.00-WA 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

TR 68
(AAR/DOT #480 013Y)

- (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 TR 68 crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Reconstruction of the existing south highway approach grade, to meet the minimum requirements of 92 Ill. Adm. Code 1535.204 (Exhibit C), by Bear Creek Township.
- (d) Installation of Highway-Rail Grade Crossing Advance Warning Signs (W10-3) on Illinois Route 48, as per the Manual on Uniform Traffic Control Devices (MUTCD), section 8B.03, by IDOT.

TR 54
(AAR/DOT #480 015M)

- (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 TR 54 crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Reconstruction of the existing south highway approach grade, to meet the minimum requirements of 92 Ill. Adm. Code 1535.204 (Exhibit C), by Rick's Township.
- (d) Installation of a new railroad advance warning sign on the south highway approach to the crossing, in compliance with requirements of 92 Ill. Adm. Code 1535.310, by Rick's Township.
- (e) Installation of Highway-Rail Grade Crossing Advance Warning Signs (W10-3) on Illinois Route 48, as per the Manual on Uniform Traffic Control Devices (MUTCD), section 8B.03, by IDOT.

Section 3 The Company has provided 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 Christian County Engineer Cliff Frye (217-824-2606) before proceeding with this project because the Townships will be reconstructing the south approaches in order to conform to Illinois Administrative Code 1535.204, Exhibit C.

Section 4 The Company and Townships 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

TR 68 [AAR/DOT #480 013Y]

IMPROVEMENT	EST. COST	GCPF	BEAR CREEK TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, Controlled by CWT Circuitry	\$170,070	(95%) \$161,567	0%	(5%) Remainder ^{1,3}	0%
Install Temporary STOP Signs, if ordered.	No Estimate Required	\$0	0%	100% ¹	
Reconstruct South Highway Approach	No Estimate Required	0%	100% ²	0%	0%
Install Advance Warning Signs (W10-3) on IL 48	No Estimate Required	0%	0%	0%	100% ⁴
TOTALS	\$170,070	\$161,567^{1,3}	100%²	Remainder^{1,3}	100%⁴

TR 54 [AAR/DOT #480 015M]

IMPROVEMENT	EST. COST	GCPF	RICK'S TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, Controlled by CWT Circuitry	\$177,962	(95%) \$169,064	0%	(5%) Remainder ^{1,3}	0%
Install Temporary STOP Signs, if ordered.	No Estimate Required	\$0	0%	100% ¹	
Reconstruct South Approach	No Estimate Required	0%	100% ²	0%	0%
Install Advance Warning Sign on South Approach	No Estimate Required	0%	100% ²	0%	0%
Install Advance Warning Signs (W10-3) on IL 48	No Estimate Required	0%	0%	0%	100%
TOTALS	\$177,962	\$169,064^{1,3}	100%²	Remainder^{1,3}	100%⁴
GRAND TOTALS	\$348,032³	\$330,631³	100%²	Remainder^{1,3}	100%⁴

Notes:

¹ Company responsible for all future operation and maintenance costs associated with the new automatic warning devices and Temporary Stop signs.

² Township's are responsible for all future maintenance costs associated with the subject highway approach grades, and advance warning signs (on the south approach), in their respective townships.

³ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$330,631 for both crossings; any installation costs above the estimated amount of \$348,032 for both crossings will be divided between the GCPF and the Company in the percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

⁴ IDOT responsible for all future maintenance costs associated with the advance warning signs on IL 48.

Section 6 Special Provisions: The Township's, through the Christian County Engineer, and the Company shall coordinate with each other regarding the work

specified in Section 2 at all phases of the project. The Company should contact Christian County Engineer Cliff Frye (217-824-2606) before proceeding with this project. See the Exhibits E-1 and E-2 for contact person information.

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

The Company, and the Christian County Engineer on behalf of the Townships, 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 Christian County/Townships 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 (Christian County, on behalf of the Townships), 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 Christian County 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 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 this Order or any Supplemental Order, 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 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 are 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 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.

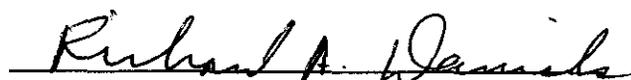
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 17th day of April 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1270, executed by Commission Staff on April 17th, 2007, concerning improvements at the TR 68 and TR 54 highway-rail grade crossings of the Norfolk Southern Railway Company's track, designated as crossings AAR/DOT #480 013Y, railroad milepost 413.24-WA and AAR/DOT #480 015M, railroad milepost 415.00-WA, respectively, located near Palmer and Morrisonville, in Christian County, Illinois.

Executed by Bear Creek Township this 2nd day of May 2007

BEAR CREEK TOWNSHIP ROAD DISTRICT

By:

Joseph Steeb, Jr.
Highway Commissioner

Attest:

Craig D. Frey

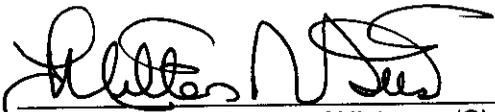
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JUN 6 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1270, executed by Commission Staff on April 17th, 2007, concerning improvements at the TR 68 and TR 54 highway-rail grade crossings of the Norfolk Southern Railway Company's track, designated as crossings AAR/DOT #480 013Y, railroad milepost 413.24-WA and AAR/DOT #480 015M, railroad milepost 415.00-WA, respectively, located near Palmer and Morrisonville, in Christian County, Illinois.

Executed by the Illinois Department of Transportation this 7th day of May 2007

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

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

Illinois Commerce Commission Stipulated Agreement No. 1270, executed by Commission Staff on April 17th, 2007, concerning improvements at the TR 68 and TR 54 highway-rail grade crossings of the Norfolk Southern Railway Company's track, designated as crossings AAR/DOT #480 013Y, railroad milepost 413.24-WA and AAR/DOT #480 015M, railroad milepost 415.00-WA, respectively, located near Palmer and Morrisonville, in Christian County, Illinois.

Executed by Rick's Township this 14 day of May 2007

RICK'S TOWNSHIP ROAD DISTRICT

By: Wayne Grundy
Highway Commissioner

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MAY 17 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1270, executed by Commission Staff on April 17th, 2007, concerning improvements at the TR 68 and TR 54 highway-rail grade crossings of the Norfolk Southern Railway Company's track, designated as crossings AAR/DOT #480 013Y, railroad milepost 413.24-WA and AAR/DOT #480 015M, railroad milepost 415.00-WA, respectively, located near Palmer and Morrisonville, in Christian County, Illinois.

Executed by Norfolk Southern Railway Company this 18th day of May 2007

NORFOLK SOUTHERN RAILWAY COMPANY

By: JR Comstock
General Manager

Attest:

[Signature]
Asst Corporate Secretary

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	480 013Y, mp 413.24-WA
STREET, CITY, COUNTY	TR 68 near Palmer in Christian County
JURISDICTION (RDWY)	Bear Creek Township
LOCATION	Rural
STREET SURFACE	Oil and chip, 12 foot wide, good condition

CROSSING DATA: Also see Location Sketch page 3 for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
SW-NE	Epton rubber & asphalt	24 ft.	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Ill. Rt. 48 is 80 ft. to the north of the tracks. See pg 3 (drawing).
TRAFFIC CONTROL	List any devices on the intersecting roadways- Stop sign at Rt. 48.
ADT & SPEED	100 Per Day @ 55mph unposted
TRAFFIC TYPE	Passenger, possible School Buses, Hazardous Materials, Other
ADVANCE WARNING	Yes on south; W10-3 signs should be installed on Rt.48
PAVEMENT MARKING	N/A

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	14 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	Cross bucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	520	FEET
Along Tracks	650	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	Ok, but	Bad angle for viewing train
NW	ok	N/A	Ok, but	Bad angle for viewing train
SE	ok	N/A	Ok, but	If corn then only 50' visibility
SW	ok	N/A	Ok, but	If corn then only 50' visibility

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES:

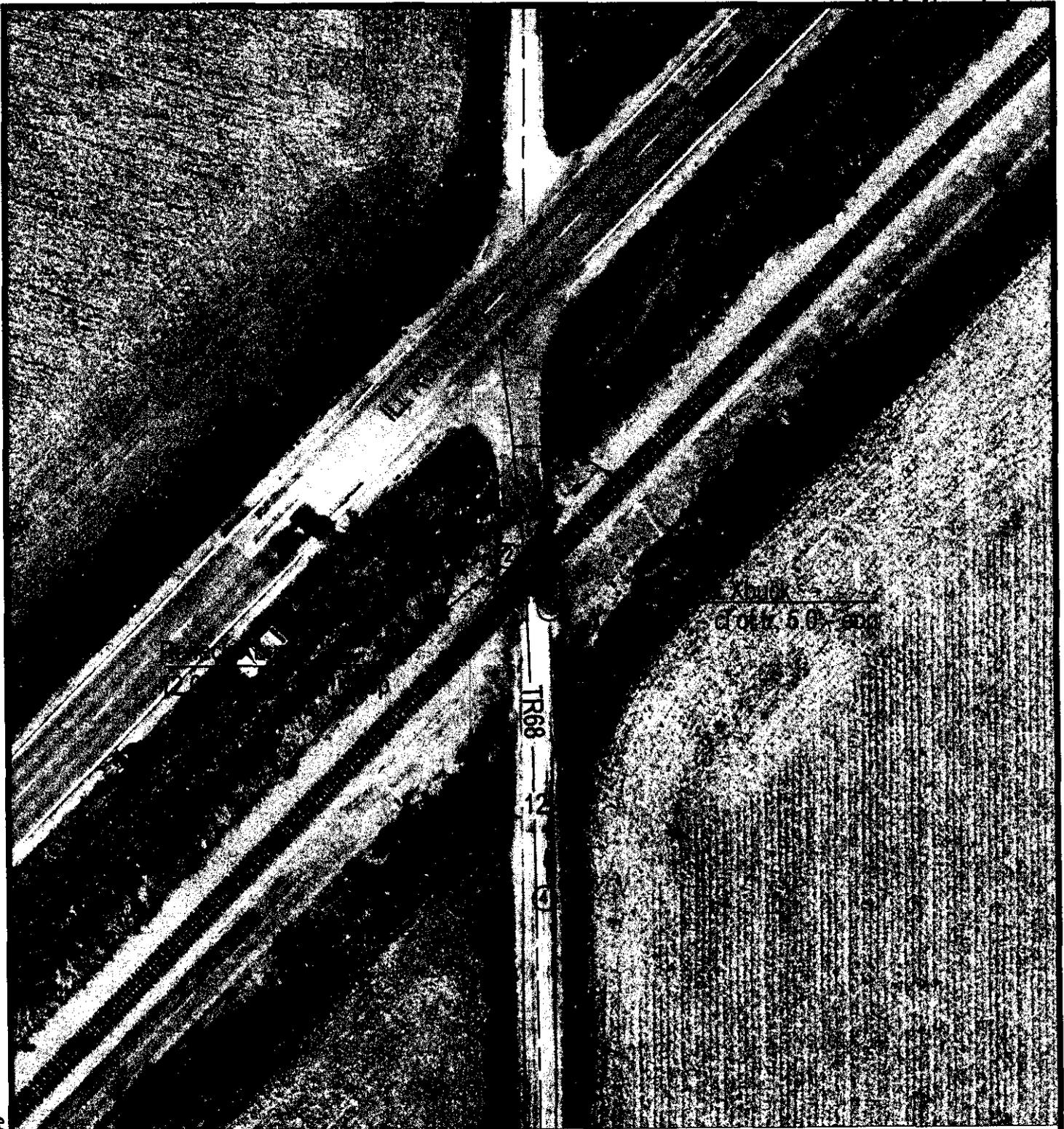
DIRECTION/North			DIRECTION/South		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	98.2	7.2	25	99.7	0.9
50	95.7	10.0	50	97.8	7.6

Distance measured from outermost rail.

COMMENTS:

Norfolk Southern Railway's estimate of cost for new automatic warning devices is \$170,070. The roadway approaches to this crossing do not comply with the minimum requirements of 92 Ill. Adm. Code Part 1535.204, but on the north approach Route 48 is too close in proximity to the tracks in order to reconstruct the approaches, so the township will only have to reconstruct the south approach in order to comply with 92 Ill. Adm. Code Part 1535.204. No estimate is required but the Township will pay 100% of this cost, and this will be considered its share in the project. It is expected that this cost will be at least 10% of the cost of the signals and gates. Grade Crossing Protection Funds (GCPF) will pay 95% for automatic flashing light signals and gates, and NS will pay the remaining cost and maintain same.

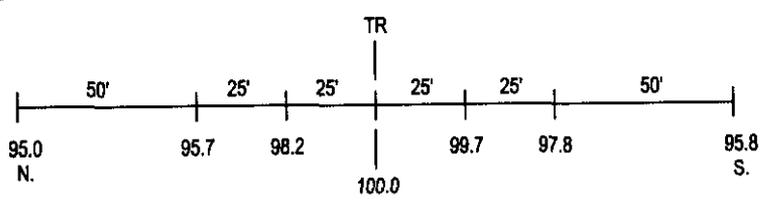
Page three will be the Location Sketch (Aerial Photo) of the crossing.



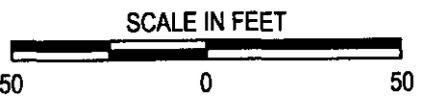
480013Y
Crossing 480013Y

TR68
12
11
10

4 | CHRISTIAN | 480013Y | 480013Y.DWG 12/13/09 1:3:48 UTC



ROAD PROFILE



③ Photo Location

Crossing #: 480013Y
 Location: Christian Co., City of Palmer (N)
 Lat/Long: 39°26'59" / 89°25'01"
 Railroad: NS
 Street: TR68
 Railroad Milepost: 413.24
 Crossing Protection: Signs

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	480 015M, mp 415.00-WA
STREET, CITY, COUNTY	TR 54 near Morrisonville in Christian County
JURISDICTION (RDWY)	Rick's Township
LOCATION	Rural
STREET SURFACE	Oil and chip, 16 foot wide, not good condition

CROSSING DATA: Also see Location Sketch page 3 for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
SW-NE	Epton rubber & asphalt	28 ft.	fair but pumping NE

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Ill. Rt. 48 is 80 ft. to the north of the tracks. See pg 3 (drawing).
TRAFFIC CONTROL	List any devices on the intersecting roadways- Stop sign at Rt. 48.
ADT & SPEED	100 Per Day @ 55mph unposted
TRAFFIC TYPE	Passenger, possible School Buses, Hazardous Materials, Other
ADVANCE WARNING	Yes on south; W10-3 signs should be installed on Rt.48
PAVEMENT MARKING	N/A

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	14 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	Cross bucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
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NE	ok	N/A	Ok, but	Bad angle for viewing train
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*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES:

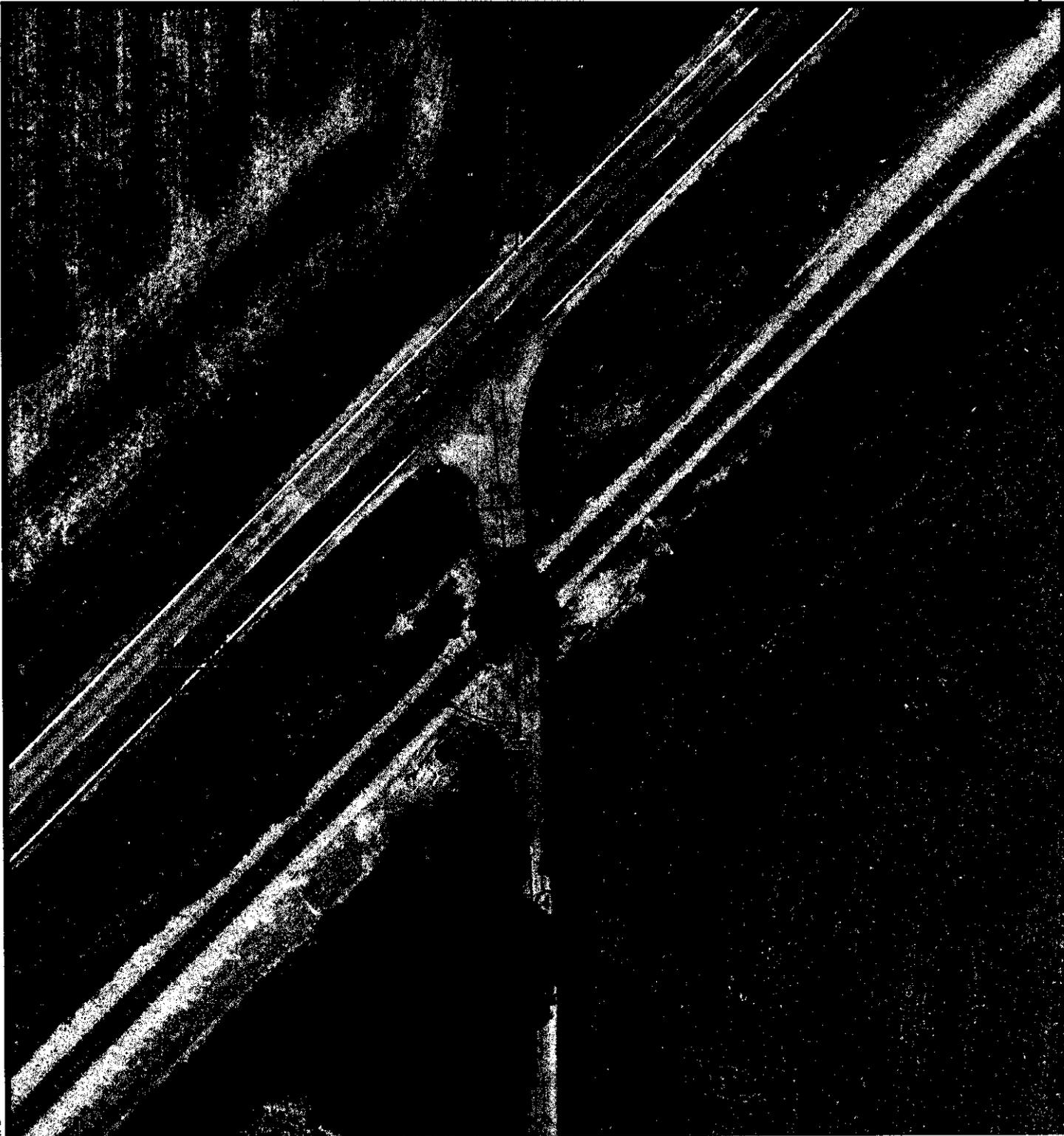
DIRECTION/North			DIRECTION/South		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	98.0	8.0	25	99.6	1.6
50	96.6	5.6	50	98.2	5.6

Distance measured from outermost rail.

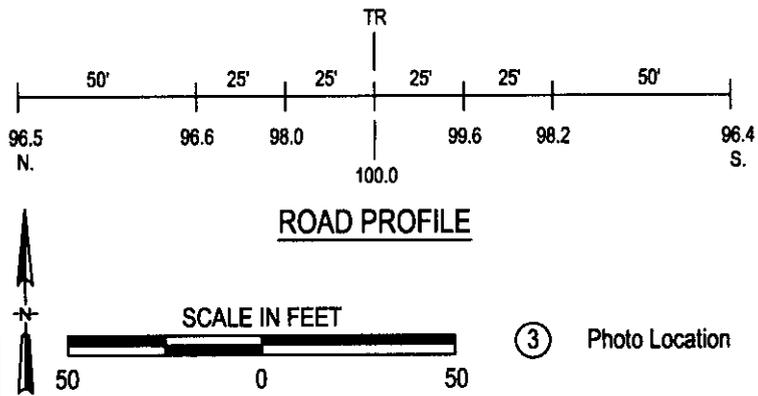
COMMENTS:

Norfolk Southern Railway's estimate of cost for new automatic warning devices is \$177,962. The roadway approaches to this crossing do not comply with the minimum requirements of 92 Ill. Adm. Code Part 1535.204, but on the north approach Route 48 is too close in proximity to the tracks in order to reconstruct the approaches, so the township will only have to reconstruct the south approach in order to comply with 92 Ill. Adm. Code Part 1535.204. No estimate is required but the Township will pay 100% of this cost, and this will be considered its share in the project. This cost may be at least 10% of the cost of the signals and gates. Rick's Township will also need to install one advance warning sign on the south approach. Grade Crossing Protection Funds (GCPF) will pay 95% for automatic flashing light signals and gates, and NS will pay the remaining cost and maintain same.

Page three will be the Location Sketch (Aerial Photo) of the crossing.



CHRISTIAN | 480015M | 12/16/99 08:37:176



③ Photo Location

Crossing #: 480015M

Location: Christian Co., City of Morrisonville (N)

Lat/Long: 39°25'53" / 89°26'23"

Railroad: NS

Street: TR54

Railroad Milepost: 415.00

Crossing Protection: Signs