

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1275**

787-0050

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Chicago, Central & Pacific Railroad Company ("Company"), Erin 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 to the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the Salem Road highway-rail grade crossing of the Company's track near Lena, Erin Township, Stephenson County, designated as crossing AAR/DOT #306 833X, railroad milepost 1124.02-W; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Transportation Division, Railroad Section, of the Commission; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, 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 close 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 the crossing be closed as hereinafter stated and that the cost for the proposed closure 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 work 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 work, in the interest of public safety at the aforesaid crossing, should be:

- (a) Vacation of the existing Salem Road roadway within the Chicago, Central & Pacific Railroad Company Right-of-Way ("ROW") limits, by the Township.
- (b) Closure of the roadway within the Company ROW limits, by the Township.

- (c) Removal of the existing grade crossing within the limits of the vacated roadway and the Company ROW, by the Company.
- (d) Payment, as detailed below, to the Township for voluntary closure of the crossing, by IDOT and the Company.

Section 3 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>TOWNSHIP</b>	<b>COMPANY</b>	<b>IDOT</b>
Vacate Salem Road by Local Ordinance, Close Roadway	No Estimate Required	\$0	100% <sup>1</sup>	\$0	\$0
Remove Crossing	No Estimate Required	\$0	\$0	100% <sup>2</sup>	\$0
Provide GCPF Incentive Payment for Voluntary Closure of the Crossing.	\$50,000	(100%) \$50,000 <sup>3</sup>	\$0	\$0%	\$0
Provide Incentive Payment for Voluntary Closure of the Crossing.	\$7,500	\$0	\$0	\$7,500 <sup>4</sup>	\$0
<b>TOTALS</b>	<b>\$57,500</b>	<b>\$50,000</b>	<b>\$0<sup>1</sup></b>	<b>\$7,500<sup>2</sup></b>	<b>\$0</b>

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

Notes:

<sup>1</sup> The Township shall be responsible for all costs associated with the formal vacation and closure of the roadway within the Company ROW, including all costs associated with installing and maintaining any necessary permanent traffic barriers and/or signage.

<sup>2</sup> The Company shall be responsible for all costs associated with removal of the existing crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and matching of the adjacent profiles within the limits of the vacated roadway and the Company ROW.

<sup>3</sup> When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, Township shall submit a request to the Department for the \$50,000 Grade Crossing Protection Fund crossing closure incentive payment; the Department shall issue the payment within 60 days of that request (see Section 5 of the Agreement).

<sup>4</sup> When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Township shall submit a request to the Company for the \$7,500 voluntary crossing closure incentive payment; the Company shall issue the payment within 60 days of that request (see Section 5 of the Agreement).

Section 4 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 B. 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 5 Special Provisions: The Township has passed a local ordinance (attached as Exhibit C) approving the vacation and closure of Salem Road by the Erin Township Highway Commissioner upon execution of a Commission Order authorizing an incentive payment from the GCPF for closure for the crossing.

Upon receipt of the Commission Order, the Township shall be responsible for the closure of Salem Road within the limits of the Company ROW. Closure shall include any necessary temporary traffic barricade(s) and/or permanent traffic barrier(s) and removal of the existing roadway surface and appurtenances and any necessary grading to match the adjacent profiles. Any necessary permanent traffic barriers shall conform to the requirements of 92 Ill. Adm. Code 1535.701 and the MUTCD. The Township shall also be responsible for installation of the appropriate regulatory and warning signs conforming to the requirements of the MUTCD. All traffic barricade(s), traffic barrier(s) and signage are to be maintained by the Township. The closure shall be completed within Six (6) months after the Township receives a copy of the Order. The Township shall provide all parties with notice that the roadway has been closed within ten (10) days of said closure. Notification may be by regular mail, electronic mail, facsimile, or phone. The Township will be responsible for all costs to vacate and close the roadway.

Upon notification from the Township of the roadway closure, the Company shall remove the crossing within the limits of the vacated roadway and the Company ROW. Crossing removal shall include removal of the existing crossing surface, crossbuck warning signs, roadway approaches and appurtenances, and any grading necessary to match the adjacent profiles. The work shall be completed within sixty (60) days after the Company receives a notice from the Township that the crossing has been closed. The Company shall provide all parties notice that their work has been completed within ten (10) days. Notification may be by regular mail, electronic mail, facsimile, or phone. The Company will be responsible for all costs for the crossing removal.

When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Township may submit a request to the Department for a \$50,000 voluntary crossing closure incentive payment from the Grade Crossing Protection Fund. Within sixty (60) days from receipt of a Township request, the Department shall issue a payment of \$50,000 from the GCPF to the Township. The Department shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone. The Township must deposit the payment into their Motor Fuel Tax Account and may use the GCPF payment for any purpose that meets IDOT requirements for permissible uses of Motor Fuel Tax Funds.

When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Township may submit a request to the Company for a \$7,500 voluntary crossing closure incentive payment. Within sixty (60) days from receipt of the request, the Company shall issue a payment of \$7,500 to the Township. The Company shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone.

The Company and the Township shall each complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits D (Company) and D1 (Township), along with this executed Agreement.

Upon completion of their work, the Company and the Township shall submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits D and D1. Project Status Report shall include the Commission 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(s), facsimile number, and electronic mailing address of the Company or Township Project Manager.

The Company shall, within ten (10) days of the completion of the work required, submit a completely updated United States Department of Transportation Inventory Form (#6180.71) to the Federal Railroad Administration, the Chief of Data Services at the Illinois Department of Transportation, and the Director of Processing and Information, Transportation Bureau of the Commission.

All requests for payment shall be submitted no later than twelve (12) months from the execution date of the Commission Order approving this Agreement. The Department shall not obligate any funds 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 execution date of 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 costs for this project Notification may be by regular mail, electronic mail, fax, or phone.

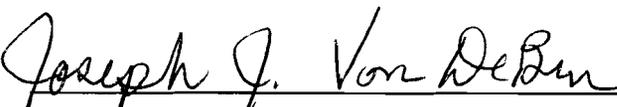
Section 6 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days, accepting or rejecting such stipulation according to the provisions contained herein.

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 15th day of May 2007.

  
\_\_\_\_\_  
Michael E. Stead  
Rail Safety Program Administrator

Attest:

  
\_\_\_\_\_  
Joseph J. Von De Bur  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1275, executed by Commission Staff on May 15, 2007, concerning improvements at the Salem Road highway-rail grade crossing of the Chicago, Central & Pacific Railroad Company tracks near Lena, Erin Township, Stephenson County, Illinois, designated as crossing AAR/DOT 306 833X, milepost 124.02-W.

Executed by Erin Township this 22 day of May 2007.

ERIN TOWNSHIP

By: Dan Brinkmeier

Attest:

\_\_\_\_\_

Illinois Commerce Commission Stipulated Agreement No. 1275, executed by Commission Staff on May 15, 2007, concerning improvements at the Salem Road highway-rail grade crossing of the Chicago, Central & Pacific Railroad Company tracks near Lena, Erin Township, Stephenson County, Illinois, designated as crossing AAR/DOT 306 833X, milepost 124.02-W.

Executed by the Chicago, Central & Pacific Railroad Company this 31 day of MAY 2007.

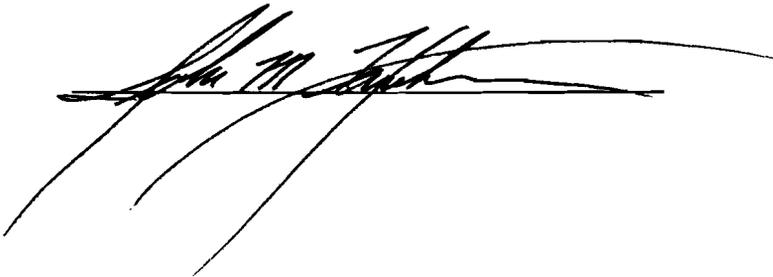
CHICAGO, CENTRAL & PACIFIC  
RAILROAD COMPANY

By: Paul E. Ladue

Paul E. Ladue  
Region Director, Contacts and Administration

OK  
PH  
5-29-07

Witness:



Illinois Commerce Commission Stipulated Agreement No. 1275, executed by Commission Staff on May 15, 2007, concerning improvements at the Salem Road highway-rail grade crossing of the Chicago, Central & Pacific Railroad Company tracks near Lena, Erin Township, Stephenson County, Illinois, designated as crossing AAR/DOT 306 833X, milepost 124.02-W.

Executed by the Illinois Department of Transportation this 28th day of June 2007.

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

<b>RAILROAD</b>	Chicago, Central & Pacific Railroad Company
<b>USDOT#, MILEPOST</b>	306 833X, 124.02-W
<b>STREET, CITY, COUNTY</b>	Salem Road, near Lena, Erin Township, Stephenson County
<b>JURISDICTION (RDWY)</b>	Erin Township
<b>LOCATION</b>	Rural, Agricultural, Residential
<b>STREET SURFACE</b>	2-Lane, 2-Way (SW-NE), 22 Ft. Wide, Unconsolidated Aggregate

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

<b>TRACK</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main	Rubber	25 Ft.	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	US 20 – 90 feet South
<b>TRAFFIC CONTROL</b>	US 20 – Stop for Salem Road traffic
<b>ADT &amp; SPEED</b>	50 Vehicles Per Day @ 30 MPH (Not posted)
<b>TRAFFIC TYPE</b>	Passenger Possible School Busses, Hazardous Materials, Emergency Service
<b>ADVANCE WARNING</b>	None
<b>PAVEMENT MARKING</b>	None

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	8 Per day @ 40-50 MPH, Day & Night
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	R15-1: Crossbucks (S & N)

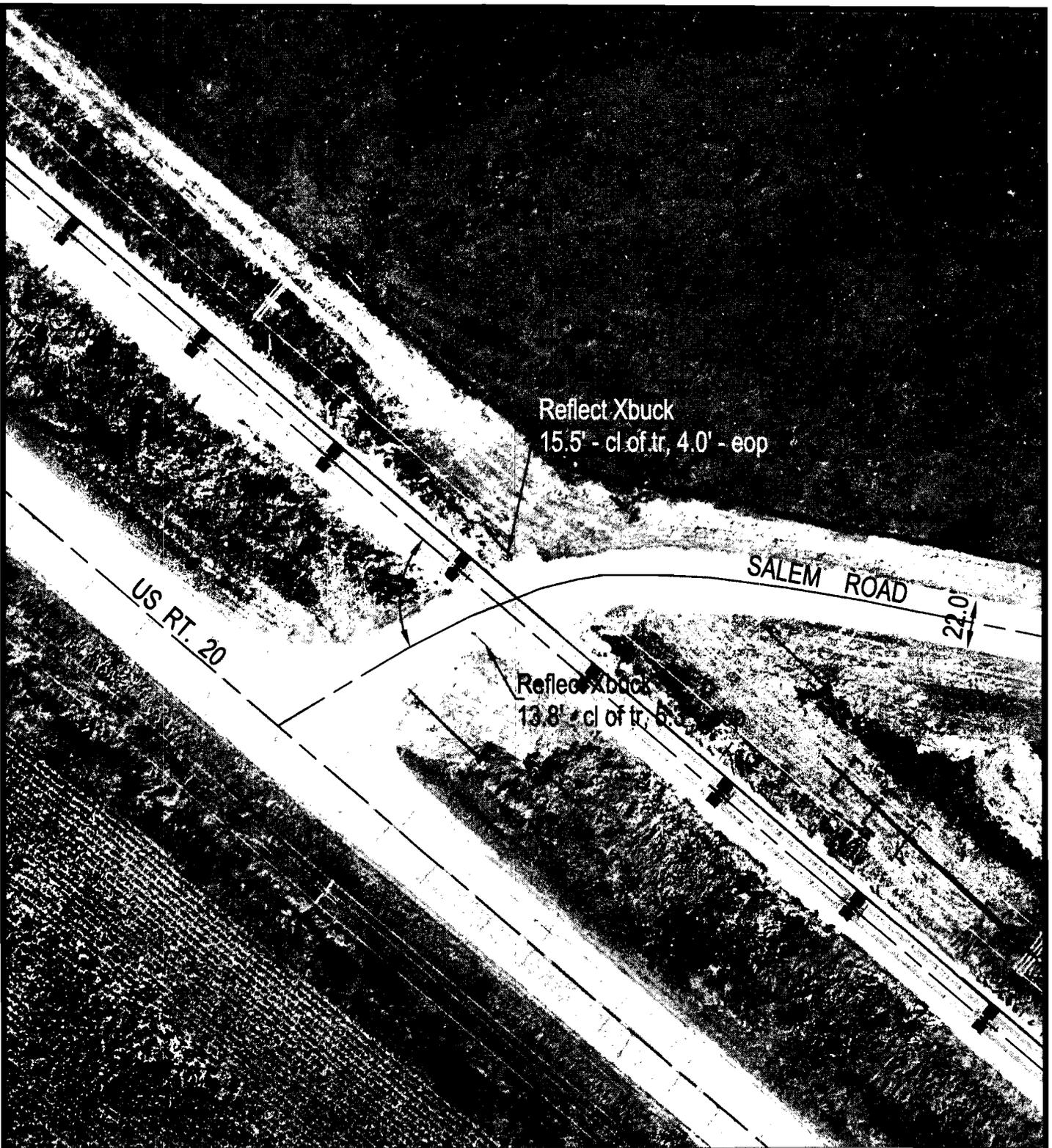
**COMMENTS:**

This voluntary closure project is part of the FY 2007 Crossing Safety Improvement Program.

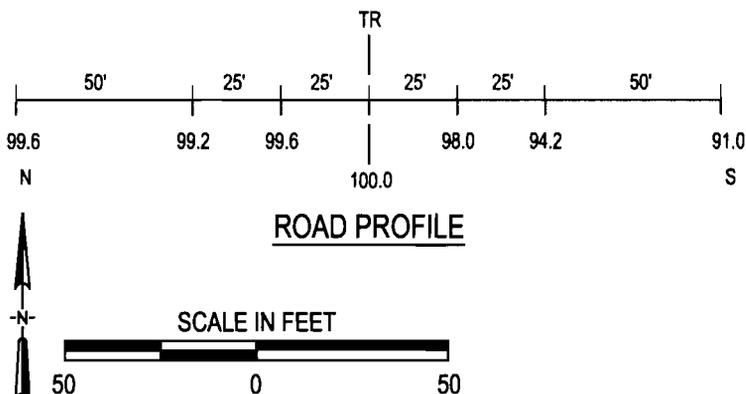
**Closure with Incentive Monies:**

Grade Crossing Protection Fund ----- \$50,000  
Chicago, Central & Pacific Railroad Company --- \$7,500

See Page 2 for a Location Sketch (Aerial Photo) of the crossing.



J STEPHENSON | 306833X | 04/11/01 08:24 LA



Crossing #:	306833X
Location:	Stephenson Co., City of Lena (Near)
Lat/Long:	42°20'53" / 89°47'08"
Railroad:	Chicago, Central & Pacific Railroad Company
Street:	Salem Road
Railroad Milepost:	124.02-W
Crossing Protection:	Crossbucks

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1275

Date 22 May 2007

Under the authority granted in 605 ILCS 5/6 of the Illinois Compiled Statutes for a Township Highway Commissioner, I hereby state that:

I, Daniel Brinkmeier - Erin Township Highway Commissioner, will act as the designated agent in the processing of this Stipulated Agreement and that Erin Township is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 3 of this Agreement.

Daniel Brinkmeier

Daniel Brinkmeier

Erin Township Highway Commissioner

**ROADWAY VACATION ORDINANCE/RESOLUTION**

AN ORDINANCE VACATING SALEM ROAD AT THE SALEM ROAD HIGHWAY-RAIL GRADE CROSSING OF THE CN RAILROAD TRACK IN THE TOWNSHIP OF ERIN.

WHEREAS, the TOWNSHIP OF ERIN has determined that the public interest will be served by vacating a portion of SALEM ROAD at the point that such SALEM ROAD is crossed by the CN RAILROAD track, such intersection being:

The intersection of CN RAILROAD track and SALEM ROAD, identified as AAR/DOT# 306833X.

WHEREAS, the TOWNSHIP OF ERIN has determined the statutorily dedicated portion of SALEM ROAD serves no current of future public purpose and is currently a hazard to public health and safety:

NOW THEREFORE, BE IT ORDAINED/RESOLVED BY THE TOWNSHIP BOARD OF ERIN, STEPHENSON COUNTY, ILLINOIS AS FOLLOWS:

1. That the recitals contained in the preamble to this Ordinance/Resolution are incorporated by reference as if set out in full herein.
2. That the TOWNSHIP OF ERIN shall, and hereby does, vacate:

The intersection of CN RAILROAD track and SALEM ROAD, identified as AAR/DOT#306833X.

3. That this Ordinance/Resolution shall be in full force and effect after its passage, approval and publication as required by law.

PRESENTED, PASSED and ADOPTED at the annual meeting of the TOWNSHIP OF ERIN, STEPHENSON COUNTY, ILLINOIS by and aye and nay roll call vote, with 8 voting aye, 0 voting nay, 0 absent, and 8 passing, which meeting was held on 10 April 2007.

Dated: 10 April 2007

ATTEST:



Jean Amendt  
Township Clerk

**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:	Chicago, Central & Pacific Railroad Company
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	306 833X, 124.02-W
Street, (in/near) City, County:	Salem Road, near Lena, Erin Township, Stephenson County
Railroad Company:	Chicago, Central & Pacific Railroad Company

<sup>1</sup>Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

**PROJECT MANAGER INFORMATION<sup>2</sup>:**

Name:	Mr. John M. Henriksen
Title:	Manager, Engineering Services
Representing:	Canadian National
Street Address:	17550 Ashland Avenue
City, State, Zip:	Homewood, Illinois 60430
Office Phone:	(708) 332-3557
Office Fax:	(708) 332-3514
Cellular Phone:	
E-Mail Address:	<a href="mailto:john.henriksen@cn.ca">john.henriksen@cn.ca</a>

<sup>2</sup>Project Manager Information to be submitted by Roadway Authority and Railroad Company

**DESCRIPTION OF IMPROVEMENT(S) ORDERED:**

- Remove crossing surface
- Submit FRA Inventory Update Sheet

**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 a party would like an electronic copy of this form, would like to submit an electronic copy, or has questions contact:

Joe Von De Bur, Rail Safety Specialist  
Phone: (217) 557-1286  
Email: [jvondebu@icc.illinois.gov](mailto: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/rr/library.aspx>

The billing address for **Grade Crossing Protection Fund** reimbursement is:

Illinois Department of Transportation  
Fiscal Control Unit  
Bureau of Local Roads and Streets  
2300 South Dirksen Parkway  
Springfield, Illinois 62764

**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>

In addition to the Illinois Commerce Commission, 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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**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:	Erin Township
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	306 833X, 124.02-W
Street, (in/near) City, County:	Salem Road, near Lena, Erin Township, Stephenson County
Railroad Company:	Chicago, Central & Pacific Railroad Company

<sup>1</sup>Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

**PROJECT MANAGER INFORMATION<sup>2</sup>:**

Name:	Mr. Chris Isbell
Title:	Stephenson County Engineer
Representing:	Erin Township
Street Address:	295 West Lamm Road
City, State, Zip:	Freeport, IL 61032
Office Phone:	(815) 235-7497
Office Fax:	(815) 235-7541
Cellular Phone:	
E-Mail Address:	<a href="mailto:stcohwy@co.stephenson.il.us">stcohwy@co.stephenson.il.us</a>

<sup>2</sup>Project Manager Information to be submitted by Roadway Authority and Railroad Company

**DESCRIPTION OF IMPROVEMENT(S) ORDERED:**

- Vacate and remove roadway within the Company right-of-way.
- Install any necessary temporary barricades, permanent traffic barriers and/or signage.

**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:

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