

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1247**

T07-0072

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"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, the Company and Commission staff have initiated this public safety project to renew the existing crossbuck signs and install YIELD signs at locations where there are no STOP signs, and to renew the existing crossbuck signs at locations where there are STOP signs (Exhibit A attached hereto) at the Company's single track public highway-railroad grade crossings in Illinois.

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a 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) The renewal of the existing crossbuck signs in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and the installation of YIELD signs (R1-2) mounted on the crossbuck sign posts at those crossings listed on Exhibit A (excluding eastbound Seawolf Place, which has a STOP sign). The YIELD signs should not be installed at any crossings that are closed by Order of the Commission prior to the completion date set forth in this Agreement, and at any crossings where automatic warning devices are installed and in service prior to the completion date set forth in this Agreement.

Section 3 The Company has prepared a detailed estimate of the material cost to accomplish the proposed work; said estimate is attached as Exhibits B. Exhibit C provides the standard sign layout with dimensions.

DOCKETED

Section 4 The Company shall upon Commission 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 submission of progress reports should be at six (6) month intervals from the Commission Order date which shall include the status of expenditures of the total project and percentage of completion of the project; if the project is behind schedule the reports must include a brief explanation of the reason(s) for the delay; the Company further agrees that the time for the completion of the proposed improvements should be twelve (12) months from the date of Commission Order subsequent to this agreement.

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	COMPANY	IDOT
Renew existing Crossbuck signs and install YIELD signs as set forth in Section 2(a).	\$18,894	80% \$14,962 ¹	20% Remainder ²	\$0
TOTALS	\$18,894	\$14,962	\$3932	\$0

Notes:

1. Grade Crossing Protection Fund (GCPF) assistance not to exceed \$14,962 (accounts for material costs); any installation costs above the estimated amount of \$18,894 will be divided between 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.
2. Company responsible for all future maintenance costs associated with the new Crossbuck and YIELD signs.

Section 6 The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit D, 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 D, 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 12th 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 7 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the 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 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.

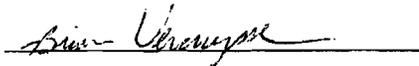
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 7th day of December 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



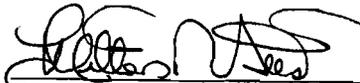
Brian A. Vercruysse
Senior Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1247, executed by Commission Staff on December 7, 2006, concerning renewal of Crossbuck signs and installation of YIELD signs at selected Elgin, Joliet, and Eastern Railway Company grade crossings located in Illinois.

Executed by the Illinois Department of Transportation this ~~19th~~ day of ~~January~~ 2007.

ILLINOIS DEPARTMENT OF TRANSPORTATION

By:



Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement 1247, executed by Commission Staff on December 7, 2006, concerning renewal of Crossbuck signs and installation of YIELD signs at selected Elgin, Joliet, and Eastern Railway Company grade crossings located in Illinois.

Executed by the Elgin, Joliet and Eastern Railway Company this 24 day of May, 2007.

ELGIN, JOLIET, AND EASTERN RAILWAY COMPANY

By:  - General Manager - West
(Title)

Attest:



**Exhibit A
SA 1247**

	<u>Crossing</u>	<u>County</u>	<u>MilePost</u>	<u>Branch</u>	<u>In/ Near</u>	<u>City Name</u>	<u>Street Name</u>	<u>Warning Device</u>
1	8001290	LAKE	0.00			NORTH CHICAGO	SEAWOLF PL	Crossbucks/Stop
2	260461A	LAKE	74.10	JOHNMANSVILLELD	In	WAUKEGAN	DAHRINGER RD	Crossbucks/Yield
3	260463N	LAKE	0.62	HURON CEMENT CO	In	WAUKEGAN	SEAHORSE DR	Crossbucks/Yield
4	260480E	LAKE	69.52	CNW-EJE JT LEAD	In	NORTH CHICAGO	MORROW RD	Crossbucks/Yield
5	260542A	DU PAGE	28.87	MAINLINE	In	WEST CHICAGO	AURORA ST	Crossbucks/Yield
6	261050X	WILL	1.78	ROMEOVILLE LINE	Near	LOCKPORT	DIVISION/16TH ST	Crossbucks/Yield
7	261014C	WILL	19.23	ILLINOIS RIVER	Near	MINOOKA	MOUND RD	Crossbucks/Yield
8	261030L	GRUNDY	0.00	ILLINOIS RIVER	Near	MINOOKA	CEMETERY RD	Crossbucks/Yield
9	261032A	GRUNDY	27.64	ILLINOIS RVR LN	Near	MINOOKA	COLLINS RD	Crossbucks/Yield
10	261038R	GRUNDY	0.00	DRESDEN TRK	Near	MORRIS	LOCK RD	Crossbucks/Yield
11	261039X	GRUNDY	27.62	GENERAL ELECT.	Near	MORRIS	COLLINS RD	Crossbucks/Yield

Mound Road has been selected for upgrade to active warning devices (automatic flashing light signals and gates).

DETAILED ESTIMATE

SA #1247 Exhibit B

Name of Carrier:

Elgin, Joliet & Eastern Railway Company

Date:

10-Nov-06

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Estimate # XXXX

Description, Conditions and Location of Project:

EJ&E Passive Crossing Signage Replacement in Illinois

EJ&E Capital Budget Item # Non-Budgeted

AAR/DOT#:

Milepost:

Location:

Various

<u>Description</u>	<u>Unit</u>	<u># of Units</u>	<u>Unit Cost</u>	<u>Material Cost</u>	<u>Labor</u>	<u>Total</u>
<u>Material:</u>						
Crossbucks, reflective, Ultra High Grade	Each	22	\$223.37	\$4,914.14		
Post 6" x 6" x 20'	Each	22	\$99.80	\$2,195.60		
9" X 12" Emergency Sign	Each	22	\$22.91	\$504.02		
D. O. T Nomenclature Insert	Each	110	\$3.25	\$357.50		
36" Yeild Sign	Each	22	\$82.11	\$1,806.42		
48" x 4" White Reflective Strip	Each	88	\$34.92	\$3,072.96		
Misc Hardware	Lot	1	\$1,000.00	\$1,000.00		
				Material Subtotal		
						\$13,850.64
				Material Additive 5% Stock Items		
						\$245.70
				Sales Tax 6.25%		
						\$865.67
				Salvage		
						\$0.00
				<u>Material Total:</u>		
						<u>\$14,962.01</u>
						<u>\$14,962.01</u>
 <u>LABOR:</u>						
Signalman	MH	0	\$85.21		0.00	
B & B Men	MH	110	\$20.37		\$2,240.70	
Labor Additive of 75.50%	Unit	1	\$1,691.73		\$1,691.73	
				<u>Labor Total:</u>		
						<u>\$3,932.43</u>
						<u>\$3,932.43</u>
						<u>\$18,894.43</u>
						<u>\$18,894.43</u>
						<u>\$18,894.43</u>

Estimated by: J. Naglich

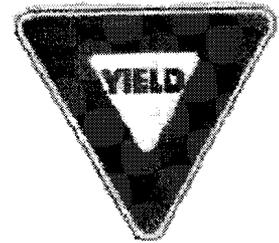
Checked by: R. Baker



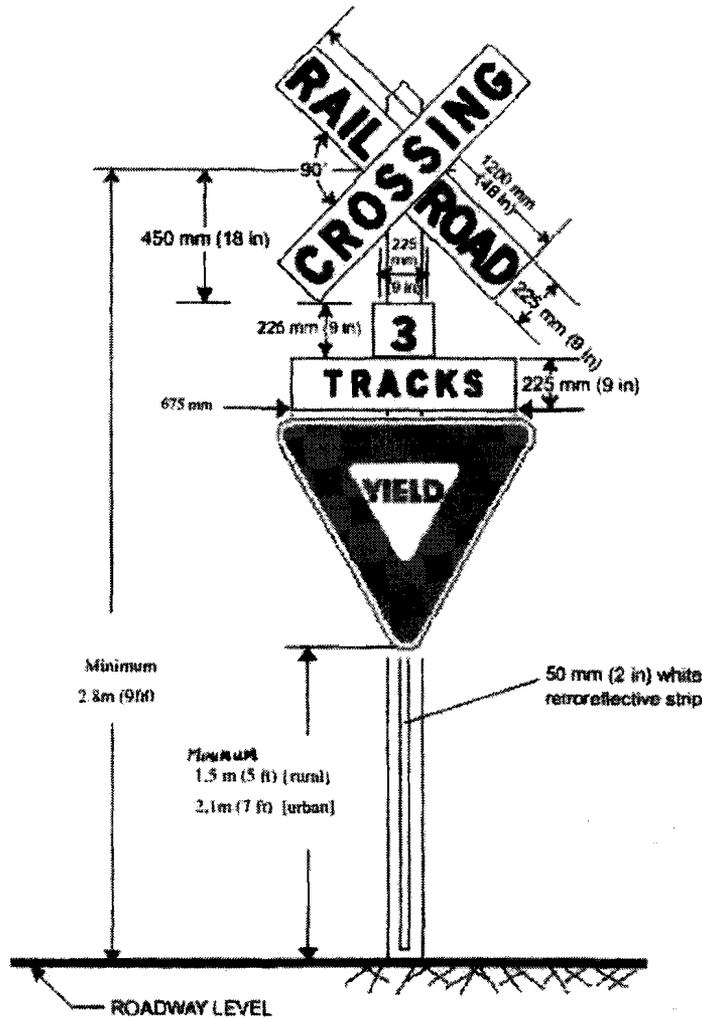
R15-1
(drilled for 90-degree mounting)



R15-2



R1-2
(36-INCH)



Highway-rail grade crossing (crossbuck) sign.

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT:**

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION*	<input type="checkbox"/>

DATE	9-10-07
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PROJECT INFORMATION:

Reporting Party:	Elgin, Joliet, and Eastern Railway Company
Docket/Order #: Date:	707-0072
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	Various - All Unsignalized Crossings
(in/near) City, County:	
Railroad Company:	Elgin, Joliet, and Eastern Railway Company

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

PROJECT MANAGER INFORMATION²:

Name:	RICHARD W WEBER
Title:	ENGINEER TRACK AND STRUCTURES
Representing:	ELGIN JOLIET AND EASTERN Rwy Co
Street Address:	915 BELLO AVE
City, State, Zip:	JOLIET, ILLINOIS 60432
Office Phone:	(815) 740-6594
Office Fax:	(815) 740-6579
Cellular Phone:	(219) 689-2075
E-Mail Address:	RWWEBER@USS.COM

²Project Manager Information to be submitted by Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

Renew existing Crossbuck signs in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and install YIELD signs (R1-2) mounted on the Crossbuck sign posts at all crossings noted in SA 1247.

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 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/hq/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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