

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1285**

707-0100

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Crab Orchard and Egyptian Railroad, hereinafter referred to as "Railroad", Williamson County, hereinafter referred to as "County", and the State of Illinois, Department of Transportation, hereinafter referred to as "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Bandyville Road grade crossing of the Railroad's track located in the City of Herrin, Williamson County, designated as crossing AAR/DOT #294 884V, railroad milepost 13.50-GD; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid 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 the Agreement; and

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) Installation of automatic flashing light signals, controlled by Type C circuitry, by the Railroad.

- (b) Installation of temporary STOP signs at the Bandyville Road crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Railroad.
- (c) Reconstruction or replacement of the existing timber crossing surface, in order to comply with the minimum requirements of 92 Ill. Adm. Code Part 1535.203, by the Railroad.

Section 3 The Railroad has provided a preliminary cost estimate of \$120,468 (Exhibit B) for the installation of automatic flashing light signals at the subject location. The Railroad shall, upon issuance of a Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, cost estimates and any required specifications for the proposed improvements for the approval of the Commission. The Railroad 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 Railroad 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 -				
IMPROVEMENT	EST.COST	GCPF	COUNTY	RAILROAD
Install Automatic Flashing Light Signals	\$120,468	(85%) \$102,398 ¹	(10%) \$12,047 ²	(5%) Remainder ^{1,3}
Install Temporary STOP Signs	No Estimate Required	\$0	\$0	100% ⁵
Reconstruction of crossing surface.	No Estimate Required	0%	0%	100% ⁴
TOTALS	\$120,468	\$102,398	\$12,047	Remainder

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$102,398; any installation costs above the estimated amount of \$120,468 will be divided between the GCPF and the Railroad at 95% (GCPF) / 5% (Railroad) cost division, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

² The County's portion of installation costs for the automatic warning devices shall not exceed \$12,047.

³ Railroad responsible for all future operating and maintenance costs associated with the new automatic warning devices.

⁴ Railroad responsible for all future maintenance costs associated with the crossing surface.

⁵ Railroad responsible for all future maintenance costs associated with the temporary STOP sign.

Section 6 Williamson County is financially able and willing to pay 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 D. The County 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 7 Special Provisions: The Railroad and the County 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 Railroad 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 E-1, 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 Railroad 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 Railroad 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 8 Billing: For all work specified in Section 2 of this Agreement and authorized by an Order of the Commission, the Railroad 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

- e) account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad 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.

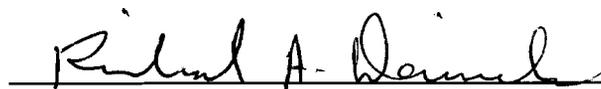
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

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



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1285, executed by Commission Staff on September 17, 2007, concerning improvements at the Bandyville Road highway-rail grade crossing of the Crab Orchard and Egyptian Railroad's track in Herrin, Williamson County, Illinois, designated as crossing AAR/DOT #294 884V, railroad milepost 13.50-GD.

Executed by the Crab Orchard and Egyptian Railroad this 19th day of September, 2007.

CRAB ORCHARD AND EGYPTIAN RAILROAD

By: Hugh Wilson

Attest:

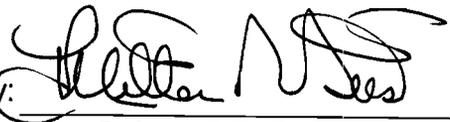
W. M. M. M.

RECEIVED
OCT 9 2007
Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1285, executed by Commission Staff on September 17, 2007, concerning improvements at the Bandyville Road highway-rail grade crossing of the Crab Orchard and Egyptian Railroad's track in Herrin, Williamson County, Illinois, designated as crossing AAR/DOT #294 884V, railroad milepost 13.50-GD.

Executed by the Illinois Department of Transportation this 4th day of October, 2007.

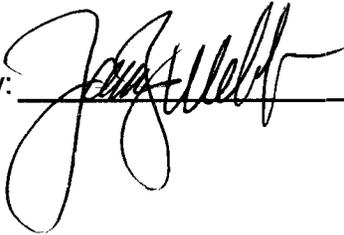
STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

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

Illinois Commerce Commission Stipulated Agreement No. 1285, executed by Commission Staff on September 17, 2007, concerning improvements at the Bandyville Road highway-rail grade crossing of the Crab Orchard and Egyptian Railroad's track in Herrin, Williamson County, Illinois, designated as crossing AAR/DOT #294 884V, railroad milepost 13.50-GD.

Executed by Williamson County this 7th day of November 2007.

WILLIAMSON COUNTY

By: 

Attest:





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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Crab Orchard and Egyptian Railroad
USDOT#, MILEPOST	294 884V, mp 13.50-GD
STREET, CITY, COUNTY	Bandyville Road
JURISDICTION (RDWY)	Williamson County
LOCATION	Rural
STREET SURFACE	Asphalt, 23 ft. good condition

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

TRACK W-E	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
	Full depth timber	30 feet	poor

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	List intersecting roadways, distance and direction None
TRAFFIC CONTROL	List any devices on the main or intersecting roadways- None
ADT & SPEED	1400 Per Day @ 55mph unposted
TRAFFIC TYPE	Passenger, School Buses and Hazardous Materials possible, other
ADVANCE WARNING	Yes
PAVEMENT MARKING	yes

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	2 Per day @ 5 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	5	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	520	FEET
Along Tracks	52	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	120	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		35	Building
NW	OK		35	Trees and brush
SE	OK		OK	
SW	OK		OK	

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

APPROACH GRADES: See Location Sketch

DIRECTION/NORTH			DIRECTION/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	100.2	+0.8	25	100.1	+0.4
50	100.3	+0.4	50	100.4	+1.2

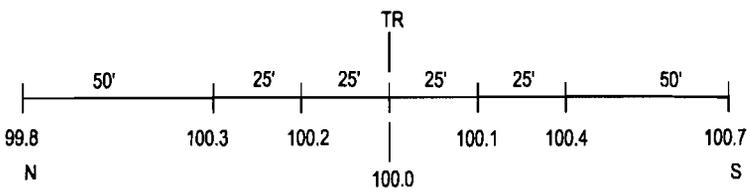
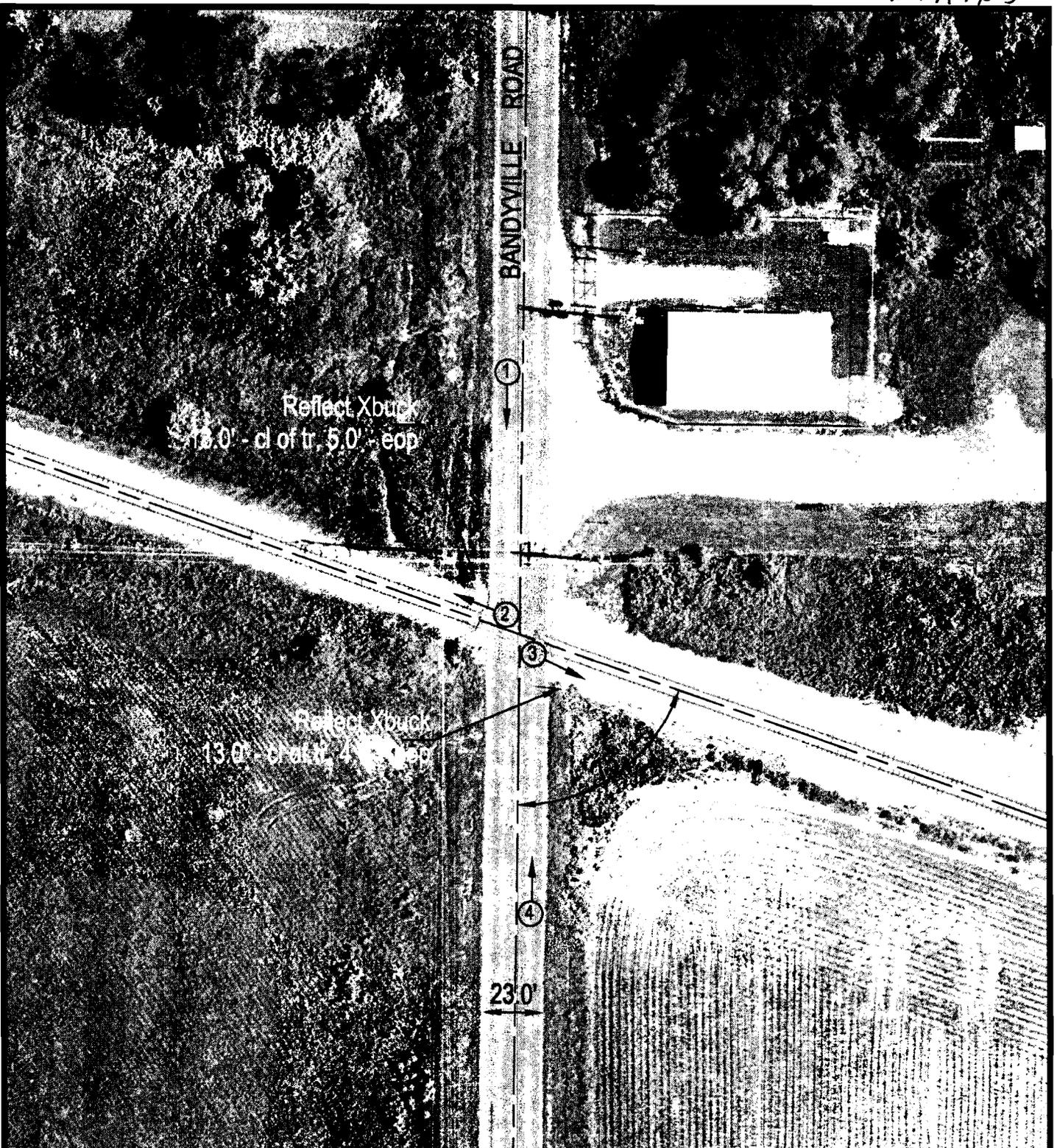
Distance measured from outermost rail.

COMMENTS:

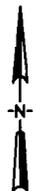
Crab Orchard and Egyptian Railroad's (COER) preliminary estimate for installing automatic warning devices is \$120,468. The Railroad will also have to reconstruct the crossing surface at their expense.

Staff of the Commission's Rail Safety Section recommends that the Grade Crossing Protection Fund be used to pay 85% of the cost to install the for automatic warning devices and Williamson County pay 10%. COER will pay all remaining installation costs, as well as all future maintenance costs.

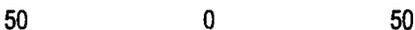
See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



ROAD PROFILE



SCALE IN FEET



③ Photo Location

Crossing #: 294884V
 Location: Williamson Co., City of Herrin (In)
 Lat/Long: 37°48'11" / 89°00'08"
 Railroad: COER
 Street: Bandyville Road
 Railroad Milepost: 13.50
 Crossing Protection: Sign

WILLIAMSON\294884V.DWG 08/09/00 10:15 AM

TO: Herb Watkins
 AT: L&W Industries, INC.
 FROM: Hugh W. Crane
 WITH: COER Railroad

ILL. C. & C.'S.
COPY
FAXED
 217-785-7404
 MIKE & DICK

DATE: 09/10/07
 FAX: # 417-864-4473
 FAX: # 618-993-8057

Herb,

From a price changing back to a simple A.F.L. signal, this is where I am now. It beats our having no signals at that x-ing, at all. Will this one work for you? If it does, please fill in the proper numbers in the proper spots below. Thanks! This is the only way we can still get any signals installed there, yet this year!

Hugh

BANDYVILL RD. (294-884V) CANTILEVER SIGNAL COST ESTIMATE
PROJECT ITEM/CATEGORY COST WITH CANT - SANS CANT

SIGNAL STRUCTURE MATERIALS	\$ 10,660.00	\$ 500.00
TRACK SIGNAL CIRCUITRY ITEMS	\$ 4,555.00	\$2,500.00
TRACKWORK CONTRACTOR QUOTE	\$ 9,811.00	\$3,751.24
COER EQYIPMENT TIME/USE COSTS	\$ 500.00	\$ 450.00
COER FORCE LABOR EXPENCES	\$ 5,800.00	\$2,825.00
SIGNAL INSTALLER CONTRACTOR BID	\$ 107,989.64	\$105,891.97
ADMINISTRATION/MISCELLANEOUS	\$ 5,584.36	\$4,550.00
ESTIMATED TOTAL PROJECT COST	\$ 144,900.00	<u>\$120,468.21</u>

ILL. C. & C.

Attn: Mr. Mike Stead and Mr. Dick Danials, The right most line of rates, reflects L&W'S, as the initial most responsible signal contractor's quote for providing and installing the/a reduced AFL signals at Bandyville Rd. grade crossing. Their price reduction just reflects their not needing to supply the four *new led* roundels needed for/on the overhead cantilever arm.

Today's high price of good aluminum pipe and difficulty in its pricing, hurt our pricing of it. We're certain to be saving at least \$ 24,431.79, sans a cantilever signals at that crossing site. For what it's worth, Ironhorse, Inc. offered to rebuild the X-ing Rd. surface for 1/3 rd of that. Williamson Co., COER, BNSF and Ill. D.C. & E.O. are all trying to help Herrin survive thru their loss of the Maytag, Stone and other plant losses, the best we can.

Thanks,
Hugh
 Hugh

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1285**

Date 10-09-07

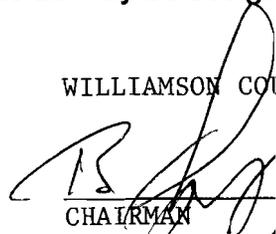
The WILLIAMSON COUNTY BOARD OF COMMISSIONERS
(Board or Council of Williamson County)

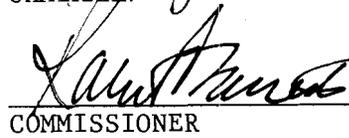
meeting on October 9, 2007, Resolved to authorize
(Date)

James J. Webb, County Engineer to act as its designated agent in the
(Name, Office)

processing of this Stipulated Agreement and that the County is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

WILLIAMSON COUNTY BOARD OF COMMISSIONERS


CHAIRMAN VOTING YEA


COMMISSIONER VOTING YEA


COMMISSIONER VOTING YEA

ATTEST:


Saundra K. Jent, County Clerk and Recorder

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION ¹	<input type="checkbox"/>

DATE	11-14-07
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PROJECT INFORMATION:

Reporting Party:	Crab Orchard and Egyptian Railroad (COER)
Docket/Order #:	T 07-0100
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	AAR/DOT #294 884V, milepost 13.50-GD
Street, (in/near) City, County:	Bandyville Road
Railroad Company:	Crab Orchard and Egyptian Railroad

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	Hugh Crane
Title	President and CEO
Representing:	COER
Street Address:	514 North Market Street
City, State, Zip:	Marion, Illinois 62959
Office Phone:	618-993-5769
Office Fax:	618-993-8057
Cellular Phone:	
E-Mail Address:	hwc.coerceo@verizon.net

²Project Manager Info to be submitted by Williamson County Engineer and Crab Orchard and Egyptian Railroad.

DESCRIPTION OF IMPROVEMENTS to be ORDERED:

All work listed below to be done by the Railroad Company

- Installation of temporary STOP signs at the Bandyville Road crossing within 30 days of receipt of an Order.
- Installation of automatic flashing light signals controlled by Type C circuitry at the subject crossing.
- Reconstruct crossing surface.

STATUS OF WORK: (use additional blank sheet, if necessary)

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:

Dick Daniels, Railroad Safety Specialist
Phone: 217-785-8420
Email: rdaniels@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/forms.aspx>

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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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION ¹	<input type="checkbox"/>

DATE	11-14-07
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PROJECT INFORMATION:

Reporting Party:	Williamson County
Docket/Order #:	T 07-0100
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	AAR/DOT #294 884V, milepost 13.50-GD
Street, (in/near) City, County:	Bandyville Road
Railroad Company:	Crab Orchard and Egyptian Railroad

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	James Webb
Title:	Williamson County Engineer
Representing:	Williamson County
Street Address:	1817 N. Court Street
City, State, Zip:	Marion, IL 62959
Office Phone:	618-997-1301
Office Fax:	618-998-1600
Cellular Phone:	
E-Mail Address:	jameswebb@mchi.com

² Project Manager Info to be submitted by Williamson County Engineer and Crab Orchard and Egyptian Railroad.

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