

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1297**

T08-0009

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"), St. Clair County ("County"), and the State of Illinois, Department of Transportation ("IDOT" or "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 50th Street/Mousette Lane highway-rail grade crossing of the Company's track located in Alorton, St. Clair County, designated as crossing AAR/DOT #724 569U, railroad milepost 7.26-A; 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 cantilevered automatic flashing light signals and gates, with a bell, all controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system, by the Company.

Section 3 The Company has provided a preliminary detailed cost estimate of (Exhibit B) for the installation of automatic flashing light signals and gates at the subject location. The Company 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 Company 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 Company 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	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates w/cantilevers	\$275,540	(90.7%) \$249,915 ¹	(4.3%) \$11,848 ²	(5%) Remainder ^{1,3}	\$0
TOTALS	\$275,540	\$249,915	\$11,848	Remainder	\$0

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$249,915; any installation costs above the estimated amount of \$275,540 will be divided between the GCPF and the Company at 95% (GCPF) / 5% (Company) 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 \$11,848.

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

Section 6 St. Clair 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 Company 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 Company and the County shall each, 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 E1 (County) and E2 (Company), regarding the progress each 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 County and 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 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 8 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 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 30th day of October 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1297, executed by Commission Staff on October 30, 2007, concerning improvements at the 50th Street (Mousette Lane) highway-rail grade crossing of the Norfolk Southern Railway Company's track in Alorton, St. Clair County, designated as crossing AAR/DOT #724 569U, railroad milepost 7.26-A.

Executed by the Norfolk Southern Railway Company this 8th day of November 2007.

NORFOLK SOUTHERN RAILWAY COMPANY
By: M. J. Wheeler
General Manager

Attest:

[Signature]
Assistant Corporate Secretary

Illinois Commerce Commission Stipulated Agreement 1297, executed by Commission Staff on October 30, 2007, concerning improvements at the 50th Street (Mousette Lane) highway-rail grade crossing of the Norfolk Southern Railway Company's track in Alorton, St. Clair County, designated as crossing AAR/DOT #724 569U, railroad milepost 7.26-A.

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

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

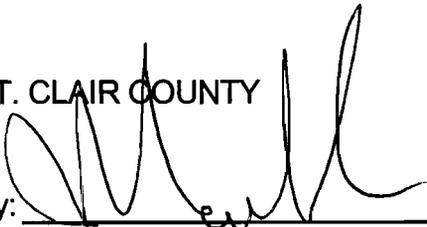
By: Christine M. Reed
Christine M. Reed, P.E., Director of Highways

Illinois Commerce Commission Stipulated Agreement 1297, executed by Commission Staff on October 12, 2007, concerning improvements at the 50th Street (Mousette Lane) highway-rail grade crossing of the Norfolk Southern Railway Company's track in Alorton, St. Clair County, designated as crossing AAR/DOT #724 569U, railroad milepost 7.26-A.

Executed by St. Clair County this 26th day of December 2007.

ST. CLAIR COUNTY

By: _____



Attest:

Bob Delaney

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	724 569U, mp 7.26-A
STREET, CITY, COUNTY	Mousette Lane (50 th Street)
JURISDICTION (RDWY)	Alorton
LOCATION	urban, residential
STREET SURFACE	concrete, 44 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
W-E, two tracks	Epton rubber & asphalt	66 ft.	fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Converse is 60' to the southwest; Brady is 50' to the northeast.
TRAFFIC CONTROL	N
ADT & SPEED	4450 Per Day @ 30 mph
TRAFFIC TYPE	Passenger, School Busses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	Yes

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	16 Per day @ 35 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	Automatic flashing light signals with cantilevers

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	30	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	222	FEET
Along Tracks	297	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	720	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	N/A	N/A
NW	ok	N/A	N/A	N/A
SE	ok	N/A	N/A	N/A
SW	ok	N/A	N/A	N/A

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

APPROACH GRADES:

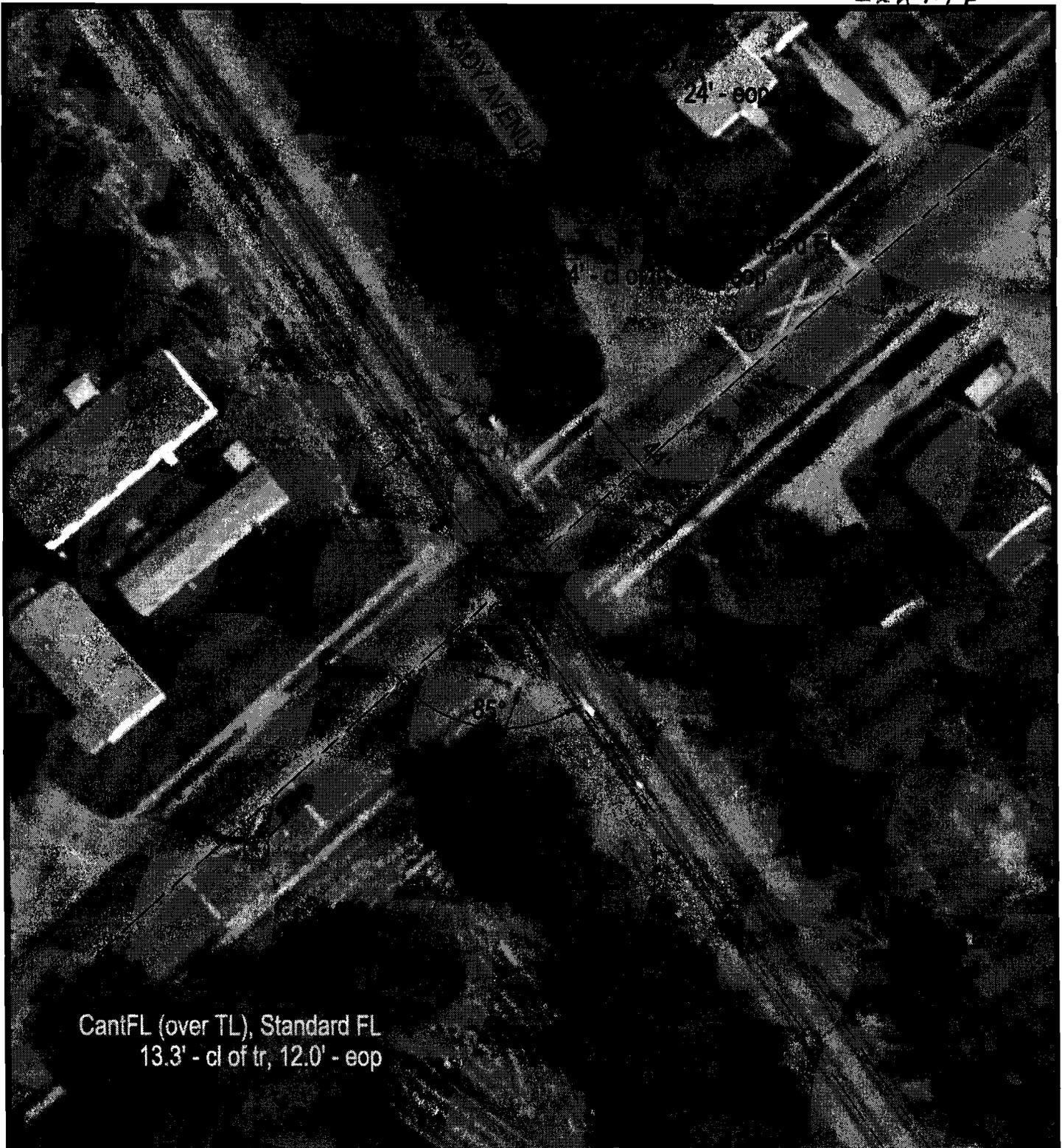
DIRECTION/SW			DIRECTION/NE		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	See drawing	ok	25	See drawing	ok
50		ok	50		ok

Distance measured from outermost rail.

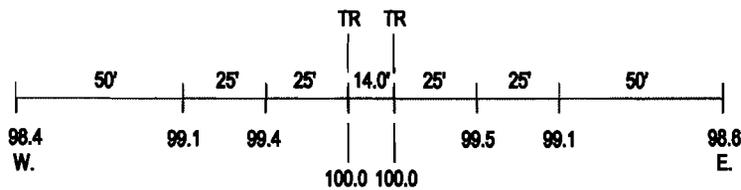
COMMENTS:

Norfolk Southern Railway's detailed estimate of cost for installation of new automatic warning devices is \$275,540. Staff of the Illinois Commerce Commission's Rail Safety Section recommends that St. Clair County pay 4.3% of the installation costs, not to exceed \$11,848. Staff also recommends that the Grade Crossing Protection Fund (GCPF) be used to pay 90.7% of the installation costs, not to exceed \$249,915, and the railroad pay all remaining installation costs and all future maintenance and operating costs. If actual installation costs exceed the estimated amount, Staff recommends that the additional costs be divided 95%/5% between the GCPF and the Railroad.

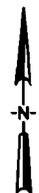
See Page Three for a Location Sketch (Aerial Photo) of the crossing.



CantFL (over TL), Standard FL
13.3' - cl of tr, 12.0' - eop



ROAD PROFILE



③ Photo Location

Crossing #: 724569U
 Location: St. Clair Co., City of Alorton (I)
 Lat/Long: 38°34'49" / 90°06'50"
 Railroad: SOU
 Street: Mousette Lane
 Railroad Milepost: 7.26
 Crossing Protection: Train Activated Devices



Exh B, p 1

14-Dec-07

Detailed Estimate for Grade Crossing Warning Devices

City/State: E. ST. LOUIS, IL
MilePost: 7.2-W
State Proj. No.: SA-1297
S&E Proj. No.: 04.0619
Man Days: 124

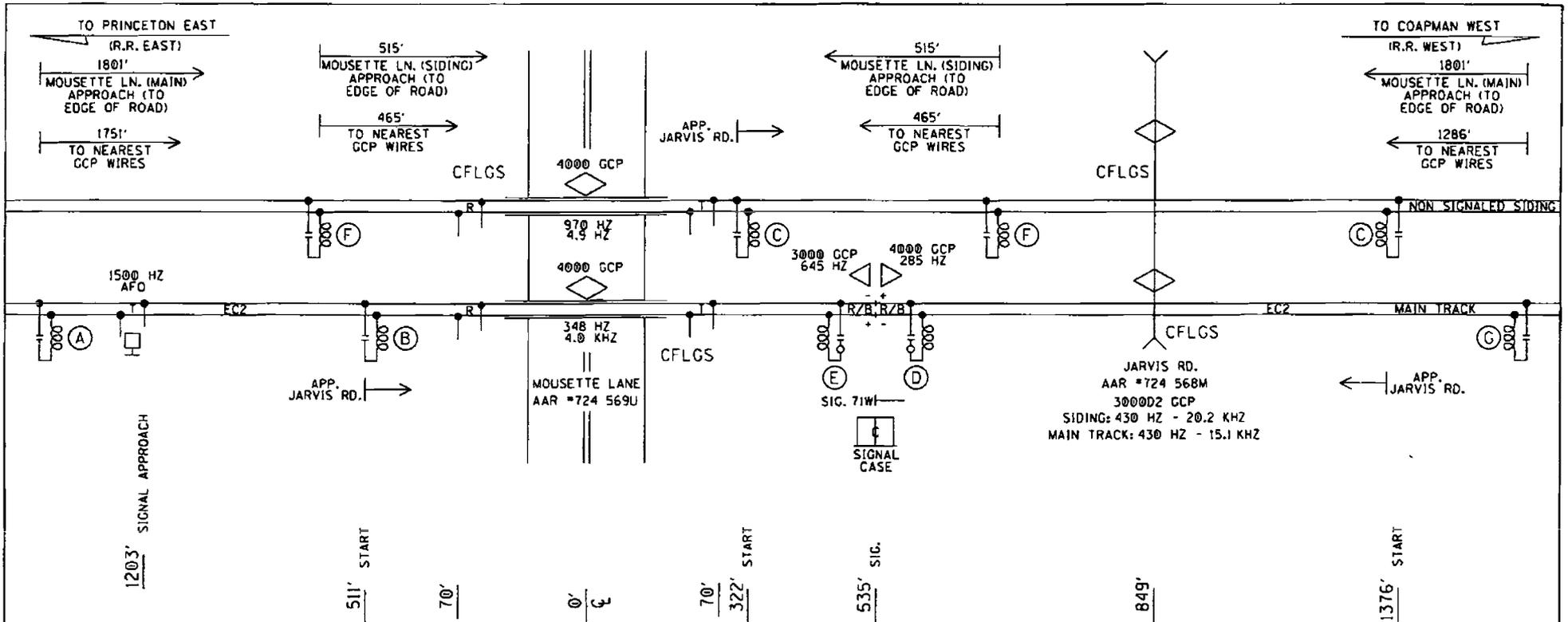
Road: MOUSETTE LANE
DOT/AAR: 724569U
County: ST. CLAIR
AFE: F10598
File Number: 061-04.0067

Purchases - Others	
Meals and Lodging:	\$11,667.11
Rental of Equipment:	\$25,506.80
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 31 Days)	
Construction Supervision Vehicle:	\$2,040.54
Purchases - Other Total:	\$39,214.45
Material And Additives	
Material Cost:	\$139,396.00
Sales and Use Tax:	\$6,970.00
Material Handling Freight:	\$6,969.82
Material Total:	\$153,335.82
Labor And Additives	
Labor Cost:	\$30,008.00
(4 man crew at \$968.00 a day for: 31 days)	
Payroll Tax & Overheads:	\$29,602.89
Preliminary Engineering:	\$14,907.59
Construction Supervision:	\$8,471.26
Labor Total:	\$82,989.74
Project Cost:	\$275,540.01
Scrap / Salvage Credit:	\$0.00
Project Total:	\$275,540.01

Estimated on: 14-Dec-07

Estimated by: n5s2v

Estimate valid for 1 year from date of estimate



- (A) - MF-NBS 62775-3497 (348HZ)
- (B) - MF-NBS 62775-3497 (645HZ)
- (C) - MF-NBS 62775-3497 (430HZ)
- (D) - NBS 62775-3497 (430HZ)
W/INDUCTOR BV617-1000
- (E) - NBS 62775-3497 (348HZ)
W/INDUCTOR BV617-1400
- (F) - MF-NBS 62775-3497 (970HZ)
- (G) - MF-NBS 62775-1543 (285HZ)

PROFILE

DESIGNED BY: DBS 11-15-07	<p>NORFOLK SOUTHERN OFFICE OF ASS'T. VICE PRESIDENT COMM. & SIGNAL, ATLANTA, GA. M.P.: 7.20-W E. ST. LOUIS, IL CFLGS AT MOUSETTE LANE PROFILE 7C FILE No. R- CADD or DWG. No. SE7586P.02 SHEET No. 2 of 34</p>
DRAWN BY: IRE 11-06-07	
CHECKED BY: JFK 11-16-07	
IN SERVICE:	
PROPERTY NORFOLK SOUTHERN RAILWAY CO.	

REVISION																				
INITIALS																				

EX 13, P 3

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1297**

Date December 26, 2007

The St. Clair County Board
(St. Clair County Board or Council)

meeting on December 26, 2007, Resolved to authorize
(Date)

Mark A. Kern, County Board Chairman to act as its
(Name, Office)

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

RESOLUTION #1396-07-RT

WHEREAS, the State of Illinois acting by and through the Illinois Commerce Commission, and the County of St. Clair, acting by and through its County Board propose, to improve railway-highway grade crossing AAR/Dot #724 569U Milepost 7.26-A, located at County Highway 19, Mousette Lane in the Village of Alorton, Illinois with the Norfolk Southern Railway Company. The proposed modifications include installation of automatic flashing light signals and gates; and

WHEREAS, the Illinois Commerce Commission has prepared Stipulated Agreement No. 1297 between the County, Railroad and Commerce Commission, which provides for the division of costs, maintenance responsibilities and other conditions, and has requested the County to execute the Stipulated Agreement which will then be executed by the Railroad, a copy of which is attached hereto; and

WHEREAS, the total cost of the proposed improvement is estimated to be \$241,001.00 of which 90% (\$216,901.00) will be paid by the Grade Crossing Protection Funds and 5% (\$12,050.00) will be paid by St. Clair County and the remaining installation and maintenance costs shall be paid by the Railroad; and

WHEREAS, the County agrees to pass a resolution appropriating sufficient funds to pay its share of the costs of this improvement.

NOW, THEREFORE, BE IT RESOLVED, that the terms and conditions of the Stipulated Agreement are satisfactory and meet with the approval of this County Board; and

BE IT ALSO RESOLVED, that the funds to meet the obligation for this project be and are hereby appropriated from the Matching Tax Fund of St. Clair County and that said section is designated as Section No. 07-00244-05-SP (DOT #724 569U milepost 7.26-A); and

BE IT FURTHER RESOLVED, that the Chairman of this County Board is hereby authorized and directed to execute the above mentioned Stipulated Agreement No. 1297 on behalf of St. Clair County; and

Resolution
Section 07-00244-05-SP

-2-

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to transmit one (1) certified copy of this resolution and one (1) copy of the said Stipulated Agreement, to the Illinois Commerce Commission, through it's Rail Safety Program Administrator, 527 East Capitol Avenue, Springfield, IL 62701.

Respectfully submitted,

Carl W. Gomez
Sub Casey
Jane Chartland
C. David Tedemann
Richard Kinnic

Transportation Committee

APPROVED AND ADOPTED at a meeting of the County Board of St. Clair County, Illinois, this 26th day of December, 2007.

ATTEST:

Bob Dolaney
County Clerk

[Signature]
County Board Chairman

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

TYPE: (CHECK ONE)

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

DATE	1-8-08
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PROJECT INFORMATION:

Reporting Party:	St. Clair County
Docket/Order #; Date:	708-0009
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	724 569U ; MP 7.26-A
Street, (in/near) City, County:	50 th Street aka Mousette La in Alorton, St. Clair County, IL
Railroad Company:	Norfolk Southern

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

PROJECT MANAGER INFORMATION²:

Name:	Darrell Cates
Title:	County Engineer
Representing:	St. Clair County
Street Address:	1415 North Belt West
City, State, Zip:	Belleville, IL 62226
Office Phone:	Phone: (618) 233-1392
Office Fax:	618-233-0996
Cellular Phone:	
E-Mail Address:	stclaircoeng@aol.com

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Installation of automatic flashing light signals and gates, with cantilevers, and also with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by Railroad .

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:

Dick Daniels, Rail 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/formswizard.aspx>

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

SIGNAL WORK

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

APPROACH/BRIDGE WORK

IDOT, District ##
Address

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	<input type="checkbox"/>

DATE	1-8-08
------	--------

PROJECT INFORMATION:

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #; Date:	708-0009
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	724 569U ; MP 7.26-A
Street, (in/near) City, County:	50 th Street aka Mousette La in Alorton, St. Clair County, IL
Railroad Company:	Norfolk Southern

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PROJECT MANAGER INFORMATION²:

Name:	Dennis Keith
Title:	Production and Material Control
Representing:	Norfolk Southern
Street Address:	99 Spring Street, Box 123
City, State, Zip:	Atlanta, Georgia 30303
Office Phone:	404-529-1009
Office Fax:	404-527-1174
Cellular Phone:	
E-Mail Address:	dlkeith@nscorp.com

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

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