

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1288**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), Lake County Illinois, acting through its Division of Transportation ("County"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at five public highway-rail grade crossings located in Lake County, where the automatic warning devices are interconnected to adjacent highway traffic signals, by installing traffic system monitoring cameras ("cameras"); 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 intersections, train movements, vehicular traffic volumes and all other pertinent data relating to the five crossings have been obtained and shown on Exhibits A1-A5, attached to this Agreement; and

WHEREAS, the County is undertaking an approximately \$2,000,000 expansion of its existing traffic signal system monitoring and is able to incorporate additional cameras in this expansion; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements 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 are in the interest of public safety and should be performed by the County or its contractor:

- (a) The design and installation of traffic system monitoring cameras at five traffic intersections in Lake County where the traffic signals are

interconnected with the adjacent highway-rail grade crossing automatic warning devices. The traffic system monitoring cameras will provide Commission staff, by and through the County staff operating the County's traffic signal monitoring with, among other things, the ability to monitor the highway traffic signal and railroad warning signal system performance, including the early detection of railroad warning device or highway traffic signal abnormalities, and the ability for the early detection of vehicle accident/incidents that cause traffic backups over the crossings. The maintenance of the traffic system monitoring cameras will be performed by the County and/or Department or its contractor(s) at the respective locations where each are responsible for the traffic signal maintenance.

Section 3 The County indicates the preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order, is \$100,000.

Section 4 The County 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 eighteen (18) 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 -				
ITEM	ESTIMATED COST	GCPF	COUNTY	IDOT
The design and installation of traffic system monitoring cameras at five traffic intersections in Lake County where the traffic signals are interconnected with the adjacent highway-rail grade crossing automatic warning devices	\$100,000	\$100,000 ¹	\$0 ²	\$0 ²
TOTALS	\$100,000	\$100,000	\$0	\$0

Notes:

- ¹ Total Grade Crossing Protection Fund (GCPF) participation shall not exceed \$100,000; any design/installation costs above the estimated amount of \$100,000 will be paid for by the GCPF, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.
- ² Lake County and/or the Department or its contractors responsible for all costs associated with the maintenance of the traffic system monitoring cameras at the respective locations where each are responsible for the traffic signal maintenance.

Section 6 Special Provisions: The County shall complete and submit the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits B1-B5 along with this executed Agreement.

The County 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 B1-B5 regarding the progress it has made toward completion of the construction 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 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 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.

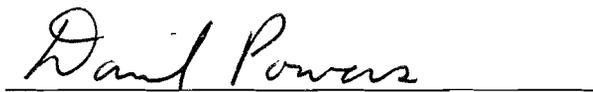
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 16th day of October, 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:

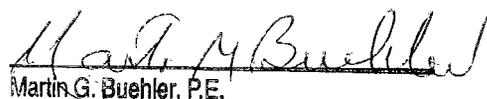


Daniel Powers
Senior Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1288, executed by Commission Staff on October 16, 2007, concerning safety improvements at various highway-rail grade crossings in Lake County.

Executed by Lake County this 13TH day of NOVEMBER 2007.

RECOMMENDED FOR EXECUTION:



Martin G. Buehler, P.E.
Director of Transportation/
County Engineer

LAKE COUNTY

By:



County Board Chair

Attest:



Illinois Commerce Commission Stipulated Agreement 1288, executed by Commission Staff on October 16, 2007, concerning safety improvements at various highway-rail grade crossings in Lake County.

Executed by the Illinois Department of Transportation this 19th day of November, 2007.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Christine M. Reed
Christine M. Reed, Director, Division of Highways