

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1325**

T08-0048

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), The Indiana Rail Road Company ("Company") and the State of Illinois, Department of Transportation ("Department").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through informal communication between its staff and the Company that inquiry should be made into the matter of improving public safety by renewal of the existing crossbuck signs and installation of YIELD signs at each of the Company's thirty five (35) public highway-rail grade crossings in Crawford and Jasper Counties, listed on Exhibit A attached hereto; 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 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 Commission Orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements should be performed in the interest of public safety at those crossings listed on Exhibit A attached hereto:

- (a) 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 as indicated on Exhibit B attached hereto. Eighteen (18) foot posts should be used at the four (4) crossings with multiple track signs shown on Exhibit A. The Crossbuck and 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 cost to accomplish the proposed improvements, which may be required by Commission Order. The estimate is attached and incorporated herein by reference as Exhibit A.

**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 completion of the proposed improvements should be twelve (12) months from the date of Commission Order approving this Agreement.

**Section 5** The parties hereto agree that an equitable division of cost for the proposed improvements should be as follows:

**- COST DIVISION TABLE -**

<b>IMPROVEMENT</b>	<b>MATERIAL EST.COST</b>	<b>GCPF</b>	<b>COMPANY</b>
Renew existing Crossbuck signs and install YIELD signs as set forth in Section 2(a) herein	\$12,726	(100%) \$12,726 <sup>1</sup>	Remainder <sup>2</sup>
<b>TOTAL</b>	<b>\$12,726</b>	<b>\$12,726</b>	<b>Remainder</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance for installation of new Crossbuck and YIELD signs on the same post not to exceed \$12,726; any installation costs above the estimated amount of \$12,726 will be paid by the GCPF in the same percentage noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

<sup>2</sup> Company responsible for all labor costs to install the new signs, as well as all future maintenance costs associated with the new signs.

**Section 6** The local roadway authorities are not required to pay any portion of the cost for the proposed improvements.

**Section 7** Special Provisions. The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit 1, along with this executed Agreement.

The Company shall, within six (6) months from the date of Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Progress Status Report, attached as Exhibit 1, regarding the progress it has made toward completion of the work required by this Agreement. The Progress Status Report shall include the Commission Order's docket number, the Commission Order date, the project completion date as noted in the Commission Order,

crossing information (Inventory Numbers and Railroad Mileposts), 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 to the Department no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures 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 12<sup>th</sup> 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 de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

Progress billing will be based upon the work performed during the billing period. Progress payment for material will be based on the actual cost of material purchased and received by the Company during the billing period.

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) Material - An itemized list of all materials purchased and installed at the crossing locations. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- b) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- c) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- d) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- e) Reference Numbers - Each invoice shall include the AAR/DOT numbers, the ICC order number and the state job number when federal funds are involved.

- f) Locations - Each invoice shall show the locations, with the street names and AAR/DOT crossing inventory numbers.

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 29<sup>th</sup> day of January 2008.

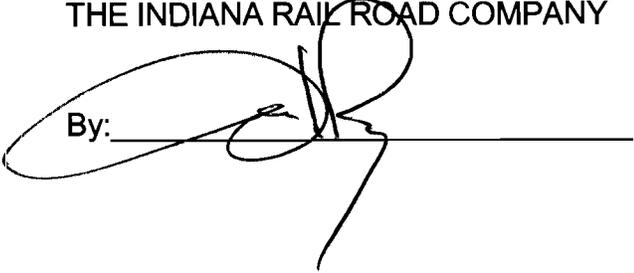
  
\_\_\_\_\_  
Michael E. Stead  
Rail Safety Program Administrator

Attest:  
  
\_\_\_\_\_  
John J. Blair  
Asst. Rail Safety Program Administrator

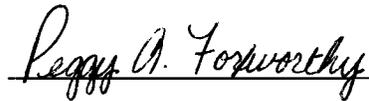
Illinois Commerce Commission Stipulated Agreement No. 1325, executed by Commission Staff on January 29, 2008, concerning renewal of crossbuck signs and installation of YIELD signs at selected highway-rail grade crossings of The Indiana Rail Road Company in Illinois.

Executed by the Company this 8<sup>TH</sup> day of FEBRUARY 2008.

THE INDIANA RAIL ROAD COMPANY

By:  \_\_\_\_\_

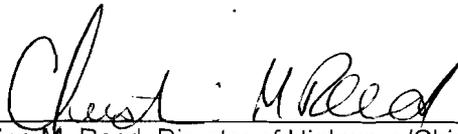
Attest:

 \_\_\_\_\_

Illinois Commerce Commission Stipulated Agreement No. 1325, executed by Commission Staff on January 29, 2008, concerning renewal of crossbuck signs and installation of YIELD signs at selected highway-rail grade crossings of The Indiana Rail Road Company in Illinois.

Executed by the Department this 21<sup>st</sup> day of FEB. 2008.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:   
Christine M. Reed, Director of Highways/Chief Engineer

The Indiana Rail Road Company  
 Contact: John Cummings  
 Phone: (317)616-3485

**Reflective Tape**

Cost Ea      Signs per Post      Cost per Crossing      Labor      Sub-total  
 \$ 7.25      4      \$ 58.00      3.20      \$ 61.20

**Crossbucks-high reflective**

\$ 65.00      2      \$ 130      1.00      \$ 132

**HIT Yield Signs**

\$ 35.00      2      \$ 70.00      1.00      \$ 71.60

**# track /Signs**

\$ 31.00      2      \$ 62.00

**Posts (4x6) treated**

16'      27.97      2      55.94

Misc. Hard Ware (ie screws, washers etc.)  
 W/# track      6 Screws      4.80  
 W/# track      8 Screws      5.60

Labor \$81.00 per crossing (NRD Expense)

EXHIBIT A

AARDOT	Main	MP	Street Name	Nearest Station	County	State	Material Cost				Crossing		
							Crossbucks	Yield Signs	Reflective Tape	Posts	# track signs	Misc Hardware	Sub-total
292566S	Main	122.260	TR 168	PALESTINE	CRAWFORD	IL	\$ 130.00	\$ 70.00	\$ 58.00	\$ 55.94	N/A	\$ 4.80	\$ 318.74
292568K	Main	123.160	LINCOLN STREET	PALESTINE	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292563B	Main	123.850	PATTON ST	PALESTINE	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292549I	Main	124.700	WILSON CROSSING TR276	PALESTINE	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292544C	Main	126.450	TR 260	PALESTINE	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292536K	Main	128.160	TR 232	ROBINSON	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292581E	Main	133.650	TR 130	OBLONG	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292471U	Main	137.000	TR 280	OBLONG	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292469T	Main	137.760	TR 60	OBLONG	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292468L	Main	138.550	TR 64	OBLONG	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292461N	Main	140.560	TR 20	OBLONG	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292459M	Main	141.150	TR 165	OBLONG	CRAWFORD	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292458F	Main	141.850	TR 340	OBLONG	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292457Y	Main	142.550	TR 324	OBLONG	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292456S	Main	143.600	TR 310	Willow Hill	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292456K	Main	144.600	TR 302	Willow Hill	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292583T	Main	146.500	TR 276	Willow Hill	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292585G	Main	147.500	TR 288	Willow Hill	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292586N	Main	147.950	TR 250	Willow Hill	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292587V	Main	148.500	TR 242CT	Willow Hill	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292588C	Main	148.600	TR 203	Willow Hill	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292591K	Main	149.600	TR 232	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292591H	Main	151.900	BRUSH CREEK X-ING	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292600G	Main	153.450	1ST AVENUE	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292604J	Main	153.550	ALLEY-CITY ST	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292607E	Main	153.650	JACKSON STREET	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292607E	Main	153.700	CHURCH STREET	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292608L	Main	153.750	S. WALNUT STREET	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292609R	Main	153.850	MAPLE STREET	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
292612B	Main	154.000	STANLEY AVENUE	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	\$ 62.00	5.60	381.54
292601N	Main	154.100	SYCAMORE AVENUE	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74
291850R	Lead	160.200	W. REYNOLDS	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	62.00	5.60	381.54
291851X	Lead	160.570	WILSON ST.	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	62.00	5.60	381.54
291852E	Lead	160.950	1200 E	NEWTON	JASPER	IL	\$ 130.00	70.00	58.00	55.94	N/A	4.80	318.74

Subtotal \$ 11,407.10  
 5% handling and contingency \$ 570.36  
 Illinois Tax \$ 748.59  
**GRAND TOTAL \$ 12,726.05**

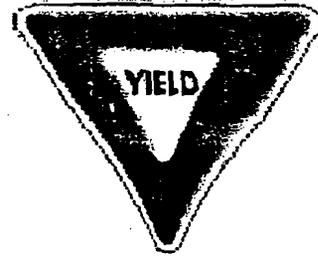
Exhibit B



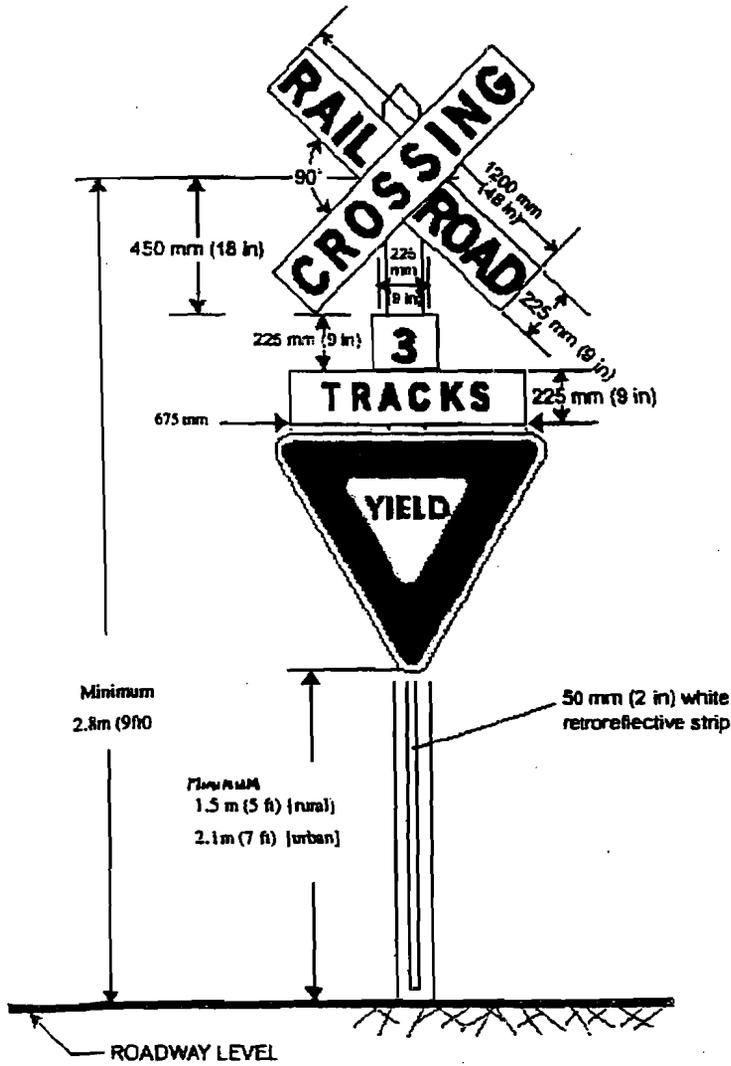
R15-1  
(drilled for 90-degree mounting)



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	3-3-08
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**PROJECT INFORMATION:**

Reporting Party:	
Docket/Order #; Date:	T08-0048
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	
Street, (in/near) City, County:	
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:	BRIAN HALL
Title:	SUPERVISOR SIGNALS & COMMUNICATIONS
Representing:	INDIANA RAIL ROAD COMPANY
Street Address:	81 SOUTH CHARLOTTE AVE. P.O. BOX 145
City, State, Zip:	SWITZ CITY, INDIANA 47465-9726
Office Phone:	317-616-3479
Office Fax:	812-659-9122
Cellular Phone:	812-340-1303
E-Mail Address:	BRIAN.HALL@INRO.COM

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

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

- List & describe improvements. Include TEMPORARY STOP SIGNS, if required.

**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:

John Blair, Asst. Rail Safety Program Administrator  
Phone: (217) 785-8421  
Email: [jblair@icc.illinois.gov](mailto:jblair@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	<b><u>And</u></b>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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