

**ORIGINAL**

708-0062

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1324**

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"), Illiopolis Township Road District ("Township"), and the State of Illinois, Department of Transportation ("IDOT" or "Department").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through Staff analysis that inquiry should be made into the matter of improving public safety at the Cantrell Road (TR 548) grade crossing of the Company's track located in Illiopolis Township Road District, Sangamon County, Illinois, designated as crossing AAR/DOT #479 276R, railroad milepost 393.05-WC; 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:

**DOCKETED**

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system, by the Company.
- (b) Installation of temporary STOP signs at the Cantrell Road/TR 548 crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.
- (c) Installation of Highway-Rail Grade Crossing Advance Warning Signs (W10-2) on Illinois Route 36, as per the Manual on Uniform Traffic Control Devices (MUTCD), section 8B.03, by IDOT.
- (d) Pavement repair of the south highway approach to the crossing, between Illinois Route 36 and the track, to meet the minimum requirements of 92 Ill. Adm. Code 1535, by the Township/IDOT.

Section 3 The Company has provided a preliminary round figure cost estimate (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 -

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates	\$187,478	(95%) \$178,104 <sup>1</sup>	0%	(5%) Remainder <sup>1,3</sup>	0%
Install temporary STOP Signs, if ordered.	No Estimate Required	\$0	0%	100% <sup>3</sup>	0%
Pavement Repair of the South Highway Approach	No Estimate Required	0%	100% <sup>2</sup>	0%	0% <sup>2</sup>
Install Advance Warning Signs (W10-2) on IL 36	No Estimate Required	0%	0%	0%	100% <sup>4</sup>
<b>TOTALS</b>	<b>\$187,478</b>	<b>\$178,104<sup>1</sup></b>	<b>\$100<sup>2</sup></b>	<b>Remainder<sup>1,3</sup></b>	<b>100%<sup>4</sup></b>

Notes:

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance for the installation of automatic flashing devices not to exceed \$178,104; any installation costs above the estimated amount of \$187,478 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.

<sup>2</sup> Township responsible for 100% of the cost to repair the south highway approach to meet the minimum requirements of 92 Ill. Adm. Code 1535; Township should utilize assistance from IDOT, if necessary, to accomplish the repairs, as well as all future maintenance, since the Illinois Route 36 is in close proximity to the crossing.

<sup>3</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices and Temporary STOP signs.

<sup>4</sup> IDOT responsible for all future maintenance costs associated with the advance warning signs on IL 36.

**Section 6 Special Provisions:** The Company and the Township shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E1 and E2, respectively. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

The Company and the Township 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 (Township) 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 S. Dirksen Parkway, Springfield, IL 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 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 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 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 29<sup>th</sup> day of January 2008.



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Michael E. Stead  
Rail Safety Program Administrator

Attest:



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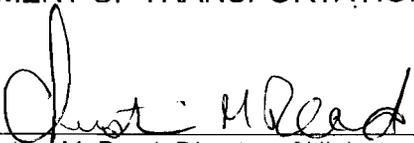
Richard A. Daniels  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1324, executed by Commission Staff on January 29, 2008, concerning improvements at the Cantrell Road highway-rail grade crossing of Norfolk Southern Railway Company's track in Illiopolis Township, Sangamon County, designated as crossing AAR/DOT #479 276R, railroad milepost 393.05-WC

Executed by the Illinois Department of Transportation this 24<sup>th</sup> day of FEB 2008.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:

  
\_\_\_\_\_  
Christine M. Reed, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement 1324, executed by Commission Staff on January 29, 2008, concerning improvements at the Cantrell Road highway-rail grade crossing of Norfolk Southern Railway Company's track in Illiopolis Township, Sangamon County, designated as crossing AAR/DOT #479 276R, railroad milepost 393.05-WC.

Executed by the Norfolk Southern Railway Company this 3rd day of March 2008.

NORFOLK SOUTHERN RAILWAY COMPANY

By: M. J. Wheeler  
General Manager

Attest:

[Signature]  
Assistant Corporate Secretary

Illinois Commerce Commission Stipulated Agreement 1324, executed by Commission Staff on January 29, 2008, concerning improvements at the Cantrell Road highway-rail grade crossing of Norfolk Southern Railway Company's track in Illiopolis Township, Sangamon County, designated as crossing AAR/DOT #479 276R, railroad milepost 393.05-WC.

Executed by Illiopolis Township Road District this 3 day of March 2008.

ILLIOPOLIS TOWNSHIP ROAD DISTRICT

By: Robert J Clark

Attest:

Bill [Signature]

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Norfolk Southern Railway Company
<b>USDOT#, MILEPOST</b>	479 276R, mp 393.05-WC
<b>STREET, CITY, COUNTY</b>	Cantrell Road near Illiopolis, Sangamon County
<b>JURISDICTION (RDWY)</b>	Illiopolis Township
<b>LOCATION</b>	rural
<b>STREET SURFACE</b>	Chip Seal; No. Appr.- fair condition; So.Appr. needs patched south

**CROSSING DATA:** See Location Sketch (Page 3) for roadway profile and track centers

<b>TRACK</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
W-E	Timber/Asphalt	24 ft	fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Rt. 36 is 50 ft. to the south
<b>TRAFFIC CONTROL</b>	none
<b>ADT &amp; SPEED</b>	50 Vehicles/Day; 55mph
<b>TRAFFIC TYPE</b>	Passenger, Possible School Buses, Hazardous Materials, Other
<b>ADVANCE WARNING</b>	Yes on north, IDOT needs W10-2's on Rt. 36
<b>PAVEMENT MARKING</b>	No; chip seal

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	20 Per day @ 60 MPH, Day & Night
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	Crossbucks with YIELD signs

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	60 mph	<b>MPH</b>
<b>Roadway Speed</b>	55 mph	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	520	<b>FEET</b>
<b>Along Tracks</b>	642	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1440	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	OK*	N/A	N/A	OK now but with corn 50'
<b>NW</b>	OK *	N/A	N/A	OK now but with corn 50'
<b>SE</b>	OK *	N/A	N/A	OK
<b>SW</b>	OK *	N/A	N/A	

\*Note: Automatic flashing light signal and gates eliminate the need to satisfy minimum Site Distance criteria.

**APPROACH GRADES:** See Location Sketch

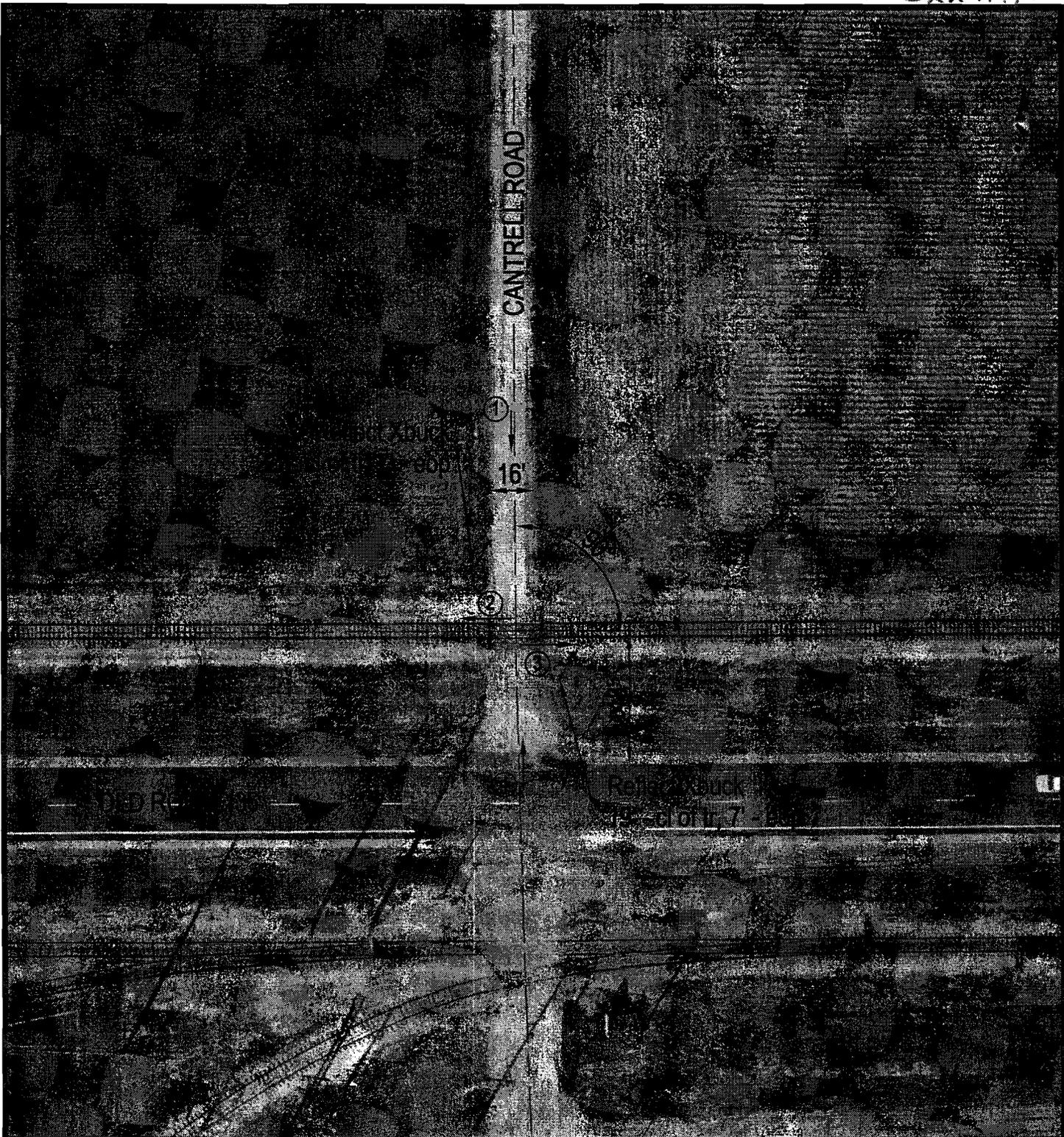
<b>DIRECTION/NORTH</b>			<b>DIRECTION/SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
25	99.6	1.6	25	99.4	2.4
50	100.0	-1.6	50	98.6	2.4

Distance measured from outermost rail.

**COMMENTS:**

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

Staff of the ICC's Rail Safety Section recommends that the Grade Crossing Protection Fund (GCPF) be used to pay 95% of the cost to install automatic flashing light signals and gates, and the Company pay all remaining installation costs, as well as all future operating and maintenance costs. Staff also recommends that Illiopolis Township be excused from paying the normal 10% share in the cost to install the automatic flashing light signals and gates, because of financial hardship. Staff further recommends that the Township be required to repair the south highway approach to meet the minimum requirements of 92 Ill. Adm. Code 1535.



CANTRELL ROAD

①

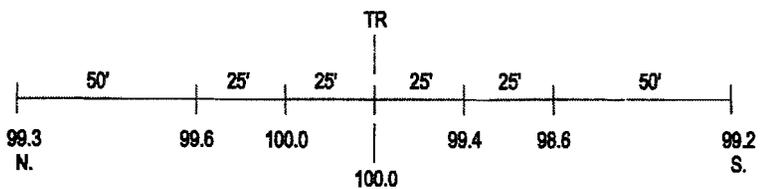
16

②

③

Rail 2 Buck  
of 7

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ROAD PROFILE



SCALE IN FEET

③ Photo Location

Crossing #:	479276R
Location:	Sangamon Co., City of Illiopolis (Near)
Lat/Long:	39°51'09" / 89°16'26"
Railroad:	NS
Street:	Cantrell Road
Railroad Milepost:	393.05
Crossing Protection:	Signs



Exh B

18-Jan-08

**Round Figure Estimate for Grade Crossing Warning Devices**

City/State: ILLIOPOLIS, IL  
MilePost: DH-393.05  
State Proj. No.:  
S&E Proj. No.: 04.0193  
Man Days: 112

Road: CANTRELL RD.  
DOT/AAR: 479276R  
County: SANGAMON  
AFE:  
File Number:

<b>***Purchases - Others***</b>	
Meals and Lodging:	\$10,538.04
Rental of Equipment:	\$23,038.40
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 28 Days)	
Construction Supervision Vehicle:	\$1,843.07
<b>Purchases - Other Total:</b>	<b>\$35,419.51</b>
<b>***Material And Additives***</b>	
Material Cost:	\$74,226.00
Sales and Use Tax:	\$3,711.00
Material Handling Freight:	\$3,711.31
<b>Material Total:</b>	<b>\$81,648.31</b>
<b>***Labor And Additives***</b>	
Labor Cost:	\$27,104.00
(4 man crew at \$968.00 a day for: 28 days)	
Payroll Tax & Overheads:	\$26,738.10
Preliminary Engineering:	\$8,917.05
Construction Supervision:	\$7,651.46
<b>Labor Total:</b>	<b>\$70,410.61</b>
<b>Project Cost:</b>	<b>\$187,478.43</b>
<b>Scrap / Salvage Credit:</b>	<b>\$0.00</b>
<b>Project Total:</b>	<b>\$187,478.43</b>

Estimated on: 18-Jan-08

Estimated by: enrhr

**Estimate valid for 1 year from date of estimate**

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

**PROJECT STATUS REPORT:**

**TYPE:** (CHECK ONE)

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

DATE	4-2-08
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**PROJECT INFORMATION:**

Reporting Party:	Illio polis Township
Docket/Order #; Date:	T08-0062
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	479 276R ; MP 393.05-WC
Street, (in/near) City, County:	Cantrell Road near Illio polis, Sangamon County, IL
Railroad Company:	Norfolk Southern

<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:	Timothy Zahn
Title:	Sangamon County Engineer
Representing:	Sangamon County
Street Address:	3303 Terminal Avenue
City, State, Zip:	Springfield, Illinois 62707
Office Phone:	217-535-3070
Office Fax:	217-753-7999
Cellular Phone:	
E-Mail Address:	timz@co.sangamon.il.us

<sup>2</sup>Project 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 a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by Railroad.
- Installation of temporary STOP signs at the subject crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices, by NS.
- Repair South Highway Approach, by Township/IDOT
- Install W10-2 Highway- Rail Grade Crossing Advance Warning Signs on Rt. 36, by IDOT

**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	<b><u>And</u></b>	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	4-2-08
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**PROJECT INFORMATION:**

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #; Date:	T 08 - 0062
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	479 276R ; MP 393.05-WC
Street, (in/near) City, County:	Cantrell Road near Illiopolis, Sangamon County, IL
Railroad Company:	Norfolk Southern

<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:	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:	dikeith@nscorp.com

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

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

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