



ILLINOIS COMMERCE COMMISSION

April 4, 2008

Illinois Central Railroad Company and City of Paxton, Ford County, Illinois,
Petitioners,

v.

Illinois Department of Transportation,
Respondent,

Petition for an Order from the Illinois Commerce Commission for permission to
construct an overhead highway grade separation structure to carry Holmes
Street (SN 027-6505) over the Illinois Central Railroad Company's tracks and
for an Order authorizing the closure and elimination of the existing overhead
highway grade separation structure that carrier Pine Street (SN 027-6500)
over the Illinois Central Railroad Company's tracks and for an Order
authorizing the closure and elimination of the existing overhead highway grade
separation structure that carries Center Street (SN 027-6502) over Illinois
Central Railroad Company's tracks all in the City of Paxton, Ford County,
Illinois, and for an Order apportioning costs thereof and directing an
appropriate portion thereof to be borne by the Grade Crossing Protection
Fund.

T08-0065

Mr. Thomas J. Healey
Counsel-Regulatory
Illinois Central Railroad Company
17641 South Ashland Avenue
Homewood, IL 60430

Dear Mr. Healey:

Receipt is acknowledged of the original and six (6) copies of the Petition filed April 3, 2008 in the
above matter.

All future correspondence/pleadings should be filed and addressed to: Mr. Dave
Lazarides, Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue,
Springfield, IL 62701 or you may file the original electronically through E-docket if you have an
account. To apply for an account, please log on to www.icc.illinois.gov and apply for an E-docket
account.

Processing and Information Section

KI

Cc: Staff: Mr. Joseph VonDeBur Mr. John M. Henriksen, IC
Ms. Christine Reed, IDOT Mr. Lance T. Jones, IDOT
Ms. Ellen Schanzle-Haskins, IDOT Mr. J. William Ingold, Mayor
Mr. James M. Kvedaras, IC Ms. Penny Stevens, Clerk
Mr. Robert E. Martensen, Mr. Gregory Perkinson, Ford County

ORIGINAL

STATE OF ILLINOIS
BEFORE THE
ILLINOIS COMMERCE COMMISSION
SPRINGFIELD, ILLINOIS

Illinois Central Railroad Company and City of Paxton,)
Ford County, Illinois,)

PETITIONERS,)

v.)

Illinois Department of Transportation,)

RESPONDENT,)

T08-0065

Petition for an Order from the Illinois Commerce)
Commission for permission to construct an overhead)
highway grade separation structure to carry Holmes)
Street (SN 027-6505) over the Illinois Central)
Railroad Company's tracks and for an Order)
authorizing the closure and elimination of the)
existing overhead highway grade separation structure)
that carries Pine Street (SN 027-6500))
over the Illinois Central Railroad Company's tracks)
and for an Order authorizing the closure and elimination)
of the existing overhead highway grade separation)
structure that carries Center Street (SN 027-6502))
over Illinois Central Railroad Company's tracks all in)
the City of Paxton, Ford County, Illinois, and for)
an Order apportioning costs thereof and directing)
an appropriate portion thereof to be borne by the)
Grade Crossing Protection Fund)

RECEIVED

APR 3 2008

Illinois Commerce Commission
RAIL SAFETY SECTION

PETITION

TO THE ILLINOIS COMMERCE COMMISSION:

Now comes the Petitioners, Illinois Central Railroad Company (ICRR) by its attorney, Thomas J. Healey, and City of Paxton, Ford County, Illinois (City) by its attorney, Robert E. Martensen, and for their Petition to the Illinois Commerce Commission, state as follows:

1. ICRR is an Illinois Corporation with its principal place of business in Homewood, Illinois, is authorized to transact business in the State of Illinois and does transact business as a

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APR - 4 2008

common carrier by railroad in intrastate and interstate commerce.

2. City is a governmental entity established under the laws of the State of Illinois.

3. ICRR operates tracks in a generally North to South direction through the City of Paxton, Illinois.

4. The City has jurisdiction under the laws of the State of Illinois over Pine Street and ICRR has ownership of the existing overhead highway grade separation structure (SN 027-6500 - located at ICRR milepost 102.7), which street and bridge carries local traffic over and across the ICRR tracks by the existing overhead highway grade separation structure. The location of this overhead highway grade separation structure is shown on the Project Location Map, which is attached hereto and made a part hereof and identified as Exhibit 1.

5. The Pine Street overhead highway grade separation structure was designed and constructed by ICRR pursuant to a February 5, 1923 Contract Ordinance with the City; is of reinforced concrete construction designed for H15 loading (15 ton, 2-axle vehicles); has a 24-foot wide travel surface with a 5-foot wide sidewalk and prefabricated concrete hand railing on each side; is maintained by ICRR and may be considered "structurally deficient" by present highway design criteria.

6. The Pine Street overhead highway grade separation structure was completed in 1925 and presently affords 21'-7" vertical clearance over the Main (west) track and 21'-5" vertical clearance over the Passing Siding (east) tract. Currently average daily traffic is approximately 1,975 vehicles per day.

7. The City has jurisdiction under the laws of the State of Illinois over Center Street and ICRR has ownership of the existing overhead highway grade separation structure (SN 027-6502 – located at ICRR milepost 103.0), which street and bridge carries local traffic over and across the ICRR tracks by the existing overhead highway grade separation structure. The location of this overhead highway grade separation structure is shown on the Project Location

Map which is attached hereto and made a part hereof and identified as Exhibit 1.

8. The Center Street overhead highway grade separation structure was designed and constructed by ICRR pursuant to a February 5, 1923 Contract Ordinance with the City; is of reinforced concrete construction designed for H15 loading (15 ton, 2-axle vehicles); has a 24-foot wide travel surface with a 5-foot wide sidewalk and prefabricated concrete hand railing on each side; is maintained by ICRR and may be considered "structurally deficient" by present highway design criteria.

9. The City has jurisdiction under the laws of the State of Illinois over Holmes Street (SN 027-6505 - located at ICRR milepost 102.8), which street carries local traffic but does not presently carry traffic over and across the ICRR tracks due to the fact that there is no present overhead highway grade separation structure located at Holmes Street over and across the ICRR tracks. The location of this street is shown on the Project Location Map which is attached hereto and made a part hereof and identified as Exhibit 1.

10. The Petitioners propose to construct a new overhead highway grade separation structure at Holmes Street, being a new reinforced concrete structure, generally in accordance with the "Preliminary General Plan" attached hereto and made a part hereof and identified as Exhibit 2. It will be designed for HS20-44 loading (40 ton, 3-axle vehicles), have a 30-foot wide travel surface, a 5-foot wide sidewalk with concrete hand railing on each side, will provide 22'-5" minimum vertical clearance ¹ over the Main track and will provide the minimum horizontal clearance of 12'-6" to face of piers.

11. The Petitioners further propose to abolish the Pine Street overhead highway grade separation structure upon completion of the new Holmes Street overhead highway structure. This demolition, together with the attendant street work to eliminate and/or barricade the approaches to the structure is to be bid as a part of the same contract for the construction of

¹ Pursuant to 92 Ill. App. Code 1500.150 (c) and 1500.810, Petitioners respectfully request a waiver to construct and maintain the Holmes Street bridge at less than the minimum 23' specified by Section 1500.

the Holmes Street overhead highway grade separation structure. The actual demolition work may be performed by the contractor or by a subcontractor.

12. The Petitioners further propose to abolish the Center Street overhead highway grade separation structure upon completion of the new Holmes Street overhead highway grade separation structure. This demolition, together with the attendant street work to eliminate and/or barricade the approaches to the structure is to be bid as a part of the same contract for the construction of the Holmes Street overhead highway grade separation structure. The actual demolition work may be performed by the contractor or by a subcontractor.

13. The estimated cost of the total project, not including the cost of improving the intersection of Holmes Street and U.S. Route 45 which is to be funded separately by the Illinois Department of Transportation (IDOT), is \$3,898,775.00 as shown on the Preliminary Construction Estimate of Costs which is attached hereto and made a part hereof and identified as Exhibit 3.

14. 80% of the total estimated project cost excluding engineering costs, concept studies cost, utility relocation costs, right-of-way plats and legal costs, railroad flagging costs, and estimated cost for work related to the elimination of the Center Street overhead highway grade separation structure and approaches is eligible for participation by Illinois Major Bridge Funds (ILMBF). IDOT, however, has only programmed \$1,509,265.00 from this Fund for this project.

15. The Petitioners believe that 60% of the total estimated project cost, excluding the estimated cost for work related to the elimination of the Center Street overhead highway grade separation structure and approaches, is eligible for assistance from the Grade Crossing Protection Fund (GCPF); however, after deducting the \$1,509,265.00 to be paid by the ILMBF and the \$321,148.00 for work related to the elimination of the Center Street overhead highway grade separation structure and approaches from the total cost, only \$2,068,362.00 remains,

thus the latter is the amount the Petitioners are requesting from the GCPF, including 100% of the preliminary engineering, concept studies, right-of-way plat and legal fees, utility relocation, and Holmes Street and Pine Street related railroad flagging costs.

16. Petitioners propose that ICRR's contribution to this project would be a maximum contribution toward construction of the new Holmes Street Bridge, removal and barricading of the Pine Street and Center Street Bridges, and preliminary engineering, collectively totaling \$321,148.00, to be paid, to the extent not already paid, upon the opening of the Holmes Street Bridge, along with the donation of necessary easements on and across ICRR's right-of-way to the City as required to accomplish the work of construction of the Holmes Street overhead highway grade separation structure.

17. The City and ICRR have agreed, per Letter of Understanding dated April 5, 2001, a copy of which is attached hereto and made a part hereof and identified as Exhibit 4, to the minimum vertical clearances heretofore set forth at the constructed Holmes Street overhead highway grade separation structure, the filing of a Petition with the Commission requesting maximum eligible assistance from the GCPF toward the cost of constructing the Holmes Street overhead highway grade separation structure, the closing and abolishment of the Pine Street overhead highway grade separation structure, the closing and abolishment of the existing Center Street overhead highway grade separation structure over and across ICRR's tracks, acceptance of full ownership and maintenance responsibility for the constructed Holmes Street overhead highway grade separation structure by the City, execution of necessary agreements by the City with ICRR and/or IDOT, and that any monies advanced to the City by ICRR to defray phase I preliminary engineering costs incurred (\$195,000.00) shall be credited towards ICRR's ultimate cost participation in the overall project as allocated by the Illinois Commerce Commission Order.

18. Petitioners further propose that the City's contribution to this project be limited to:

a) the closure and elimination of the Pine Street overhead highway grade separation structure; b) the closure and elimination of the Center Street overhead highway grade separation structure; c) the City's assumption of the ownership and maintenance of the constructed Holmes Street overhead highway grade separation structure; d) the City's assumption of the ownership and maintenance of any permanent barricades, if any, erected as a part of the Pine Street overhead highway grade separation structure closure; e) the City's assumption of ownership and maintenance of any permanent barricades, if any, erected as a part of the Center Street overhead highway grade separation structure closure; and f) funding all remaining project costs not covered following payments from the ILMBF and GCPF.

19. Petitioners further allege that the construction of the Holmes Street overhead highway grade separation structure and the closure and elimination of the Center Street overhead highway grade separation structure and the closure and the elimination of the Pine Street overhead highway grade separation structure are necessary to preserve and promote the safety and convenience of the traveling public.

WHEREFORE, Petitioners pray that the Illinois Commerce Commission Order the following:

1. That a hearing be held at the Commission's offices in Springfield, Illinois;
2. That the Holmes Street overhead highway grade separation structure be constructed as proposed in Petitioner's Exhibit 2;
3. That the cost of construction of the Holmes Street overhead highway grade separation structure and the elimination and abolishment of the Center Street overhead highway grade separation structure and the elimination and abolishment of the Pine Street overhead highway grade separation structure be allocated to the City, ICRR, IDOT and the Grade Crossing Protection Fund in accordance with the division of costs as shown on the attached Exhibit 3;

4. That the City be the owner of and be responsible for future maintenance of the constructed Holmes Street overhead highway grade separation structure;

5. That the Pine Street overhead highway grade separation structure be abolished and eliminated and that the work associated therewith, including the erection of barricades as may be required, commence upon the completion of the work of constructing the Holmes Street overhead highway grade separation structure;

6. That the Center Street overhead highway grade separation structure be abolished and eliminated and that the work associated therewith, including the erection of barricades as may be required, commence upon the completion of the work of constructing the Holmes Street overhead highway grade separation structure;

7. That following the closure and demolition of the Pine Street overhead highway grade separation structure, the City be responsible for maintaining any barricades; and

8. That following the closure and demolition of the Center Street overhead highway grade separation structure, the City be responsible for maintaining any barricades.

Respectfully submitted,

Illinois Central Railroad Company

By: 
Thomas J. Healey, Its Attorney

CITY OF PAXTON, Ford County, Illinois

By: 
Robert E. Martensen, City Attorney

THOMAS J. HEALEY
Illinois Central Railroad Company
17641 S. Ashland Avenue
Homewood, Illinois 60430
Telephone: 708/332-4381

ROBERT E. MARTENSEN
City Attorney
140 N. Taft Street
Paxton, Illinois 60957
Telephone: 217/379-4311

COUNTY OF COOK)
) ss.
STATE OF ILLINOIS)

VERIFICATION

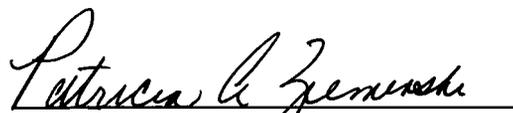
JOHN M. HENRIKSEN, being duly sworn on oath, states that he is Engineer-Public Works for the Illinois Central Railroad Company, Petitioner herein; that he is duly authorized by said railroad company to sign, verify and file the foregoing Petition; that he has knowledge of the matters set forth in said Petition and that the same are true and correct.

ILLINOIS CENTRAL RAILROAD COMPANY



John M. Henriksen

Sworn to and signed before me
this 3rd day of March, 2008.



Notary Public



COUNTY OF FORD)
) ss.
STATE OF ILLINOIS)

VERIFICATION

J. WILLIAM INGOLD, being duly sworn on oath, states that he is Mayor of the City of Paxton, Ford County, Illinois. Petitioner herein; that he is duly authorized by said City to sign, verify and file the foregoing Petition; that he has knowledge of the matters set forth in said Petition and that the same are true and correct.

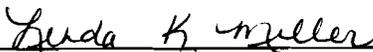
CITY OF PAXTON





J. William Ingold

Sworn to and signed before me
this 28th day of March, 2008.



Notary Public

COUNTY OF COOK)
) ss.
STATE OF ILLINOIS)

PROOF OF SERVICE

1st THOMAS J. HEALEY, being duly sworn on oath, deposes and says that on the April day of April, 2008, I have served the within Petition by placing true and correct copies thereof in envelopes properly stamped and addressed to the following:

Mr. Dave Lazarides
Director of Processing
Transportation Division
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62794-9280

Mr. J. William Ingold, Mayor
City of Paxton
145 S. Market St.
Paxton, Illinois 60957

Ms. Christine M. Reed
Director, Division of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

Mr. Robert Martensen
City Attorney
140 N. Taft Street
PO Box 145
Paxton, Illinois 60957



Thomas J. Healey

COUNTY OF COOK)
) ss.
STATE OF ILLINOIS)

Sworn to and signed before me
this 1st day of April, 2008.



Notary Public

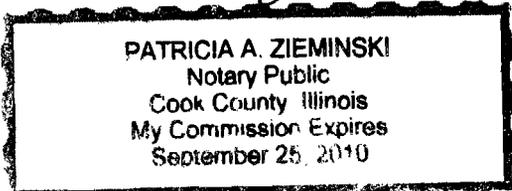
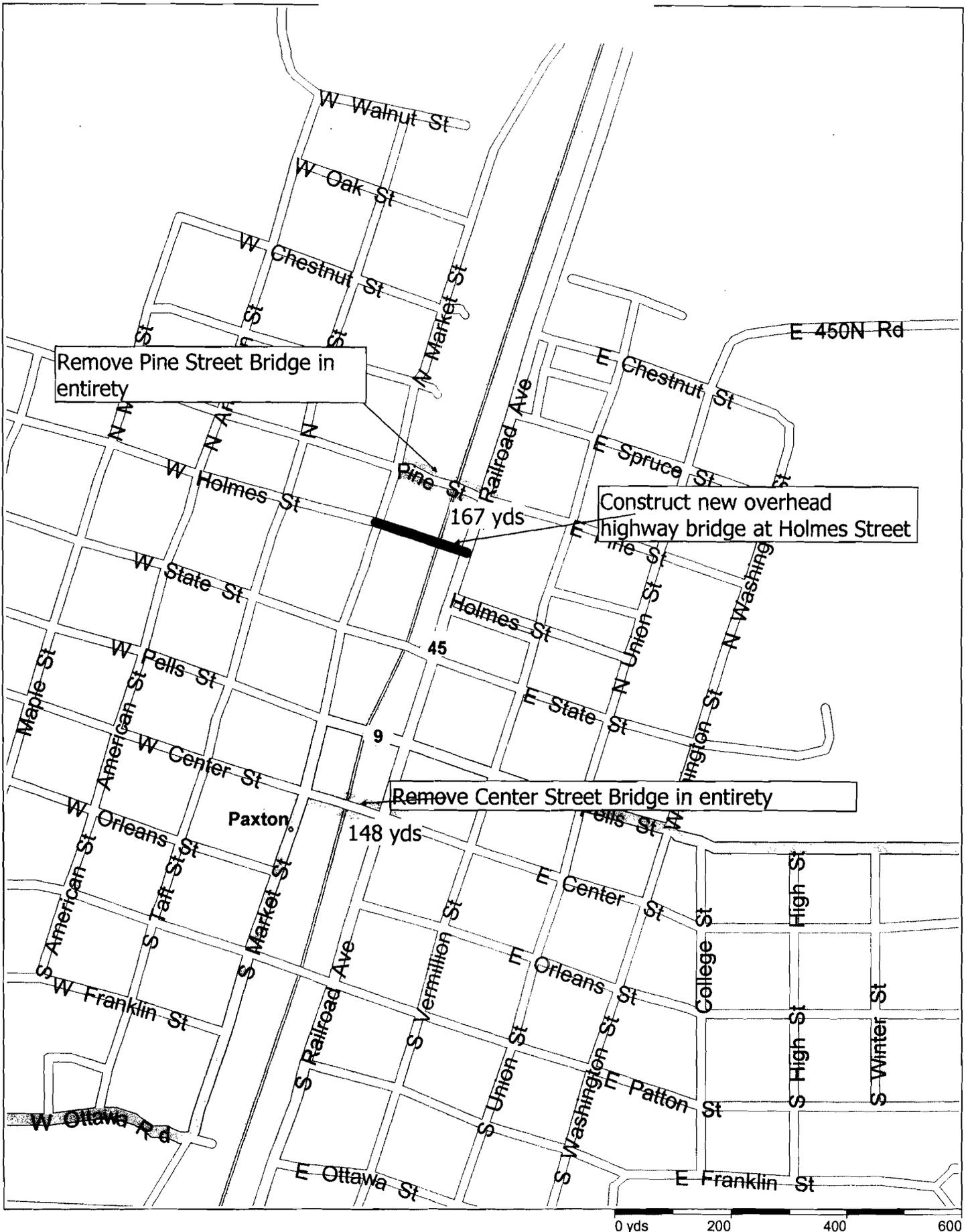


EXHIBIT 1
CITY OF PAXTON



Preliminary Construction Estimate

PAY ITEM	UNIT	UNIT PRICE	QUANTITY	TOTAL	MAJOR BRIDGE FUNDS	CN-ICRR RAILROAD FUNDS	ICC FUNDS
PINE STREET REPLACEMENT							
Removal of Existing Structure (Pine Street)	Lump Sum	\$ 100,000.00	1	\$ 100,000	\$ 80,000	\$ -	\$ 20,000
Removal of Pavement (Pine Street)	Sq Yd	\$ 20.00	1200	\$ 24,000	\$ 19,200	\$ -	\$ 4,800
Protective Shield (Pine Street)	Sq Yd	\$ 45.00	500	\$ 22,500	\$ 18,000	\$ -	\$ 4,500
Earth Excavation and Regrading (Pine Street)	Cu Yd	\$ 15.00	2500	\$ 37,500	\$ 30,000	\$ -	\$ 7,500
Structure Excavation	Cu Yd	\$ 25.00	415	\$ 10,375	\$ 8,300	\$ -	\$ 2,075
Steel H Piles	Lin Ft	\$ 45.00	2000	\$ 90,000	\$ 72,000	\$ -	\$ 18,000
Temporary Sheet Piling	Sq. Ft	\$ 30.00	2500	\$ 75,000	\$ 60,000	\$ -	\$ 15,000
Porous Granular Backfill	Cu Yd	\$ 35.00	350	\$ 12,250	\$ 9,800	\$ -	\$ 2,450
Class SI Concrete (Superstructure)	Cu Yd	\$ 1,200.00	550	\$ 660,000	\$ 528,000	\$ -	\$ 132,000
Class SI Concrete (Substructure)	Cu Yd	\$ 850.00	330	\$ 280,500	\$ 224,400	\$ -	\$ 56,100
Epoxy Reinforcing Steel	Lbs	\$ 1.20	115000	\$ 138,000	\$ 110,400	\$ -	\$ 27,600
Reinforcing Steel	Lbs	\$ 1.15	50000	\$ 57,500	\$ 46,000	\$ -	\$ 11,500
F&E Structural Steel	Lbs	\$ 4.00	6000	\$ 24,000	\$ 19,200	\$ -	\$ 4,800
New Bridge Approach Pavement	Sq Yd	\$ 215.00	370	\$ 79,550	\$ 63,640	\$ -	\$ 15,910
Slope Wall, 4"	Sq Yd	\$ 75.00	625	\$ 46,875	\$ 17,076	\$ -	\$ 29,799
Elastomeric Bearing Assemblies	Each	\$ 850.00	12	\$ 10,200	\$ -	\$ -	\$ 10,200
Manhole and Catch Basin Replacement	Each	\$ 2,500.00	10	\$ 25,000	\$ -	\$ -	\$ 25,000
Replacement of Pavement	Sq Yd	\$ 55.00	850	\$ 46,750	\$ -	\$ -	\$ 46,750
New Sidewalk	Sq Ft	\$ 5.00	1710	\$ 8,550	\$ -	\$ -	\$ 8,550
New Carb and Cutter	Lin Ft	\$ 20.00	200	\$ 4,000	\$ -	\$ -	\$ 4,000
New Bridge Railing	Lin Ft	\$ 250.00	335	\$ 83,750	\$ -	\$ -	\$ 83,750
Rubbed Finish	Sq Ft	\$ 20.00	3500	\$ 70,000	\$ -	\$ -	\$ 70,000
Bridge Lighting	Each	\$ 3,500.00	4	\$ 14,000	\$ -	\$ -	\$ 14,000
Preforamed Joint Filler	Lin Ft	\$ 75.00	87	\$ 6,525	\$ -	\$ -	\$ 6,525
Pavement Markings	Lin Ft	\$ 2.00	1200	\$ 2,400	\$ -	\$ -	\$ 2,400
Protective Coat	Lump Sum	\$ 15,000.00	1	\$ 15,000	\$ -	\$ -	\$ 15,000
RR Protective Liability Insurance	Lump Sum	\$ 25,000.00	1	\$ 25,000	\$ -	\$ -	\$ 25,000
Landscaping / Embankment - Pine Street	Lump Sum	\$ 10,000.00	1	\$ 10,000	\$ -	\$ -	\$ 10,000
Demolition of Retaining Wall and Old Depot	Lump Sum	\$ 30,000.00	1	\$ 30,000	\$ -	\$ -	\$ 30,000
Railroad Flagman (9 months) - Pine Street	Day	\$ 750.00	180	\$ 135,000	\$ -	\$ -	\$ 135,000
Extension of Railroad Drainage System	Lump Sum	\$ 55,000.00	1	\$ 55,000	\$ -	\$ -	\$ 55,000
Maintenance of Traffic	Lump Sum	\$ 25,000.00	1	\$ 25,000	\$ -	\$ -	\$ 25,000
Field Office (9 months)	Month	\$ 1,500.00	9	\$ 13,500	\$ -	\$ -	\$ 13,500
Street Closure and Modifications - Pine Street	Lump Sum	\$ 25,000.00	1	\$ 25,000	\$ -	\$ -	\$ 25,000
Mobilization/Demolization (6%)	Lump Sum	\$ 133,763.50	1	\$ 133,764	\$ -	\$ -	\$ 133,764
				Subtotal	\$ 2,398,489	\$ 1,306,016	\$ 1,092,473
				10% Contingency	\$ 239,849	\$ -	\$ 239,849
				Subtotal	\$ 2,638,337	\$ 1,306,016	\$ 1,332,321
				Prof. Eng. (Concept, Phase I, Phase II)	\$ 175,000	\$ -	\$ 175,000
				Construction Engineering (Pine Street)	\$ 200,000	\$ -	\$ 200,000
				Subtotal	\$ 3,013,337.35	\$ 1,306,016.00	\$ 1,707,321.35
UTILITIES							
Relocation of Water Mains	Lump Sum	\$ 75,000.00	1	\$ 75,000	\$ -	\$ -	\$ 75,000
				Subtotal	\$ 75,000.00	\$ -	\$ 75,000
				10% Contingency	\$ 7,500	\$ -	\$ 7,500
				Subtotal	\$ 82,500	\$ -	\$ 82,500
CENTER STREET							
Removal of Existing Structure (Center Street)	Lump Sum	\$ 100,000.00	1	\$ 100,000	\$ -	\$ 100,000	\$ -
Removal of Pavement (Center Street)	Sq Yd	\$ 20.00	450	\$ 9,000	\$ -	\$ 9,000	\$ -
Protective Shield (Center Street)	Sq Yd	\$ 45.00	500	\$ 22,500	\$ -	\$ 22,500	\$ -
Earth Excavation and Regrading (Center Street)	Cu Yd	\$ 15.00	500	\$ 7,500	\$ -	\$ 7,500	\$ -
Landscaping / Embankment (Center Street)	Lump Sum	\$ 10,000.00	1	\$ 10,000	\$ -	\$ 10,000	\$ -
Railroad Flagman (1 month) (Center Street)	Day	\$ 750.00	20	\$ 15,000	\$ -	\$ 15,000	\$ -
Street Closure and Modifications (Center Street)	Lump Sum	\$ 25,000.00	1	\$ 25,000	\$ -	\$ 25,000	\$ -
				Subtotal	\$ 189,000	\$ -	\$ 189,000
				10% Contingency	\$ 18,900	\$ -	\$ 18,900
				Subtotal	\$ 207,900	\$ -	\$ 207,900
				Prof. Eng. (Concept, Phase I, Phase II)	\$ 20,000	\$ -	\$ 20,000
				Construction Engineering (Center Street)	\$ 50,000	\$ -	\$ 50,000
				Subtotal	\$ 277,900	\$ -	\$ 277,900
				Grand Total	\$ 3,373,737	\$ 1,306,016	\$ 1,789,821
Total Based on 2007 Costs							
Cost Escalated by 7.5% per year							
			i=	0.075			
			n=	2			
Total escalated to 2009 Costs							
				Grand Total	\$ 3,898,775	\$ 1,509,265	\$ 321,148

Engineering



Canadian National/Illinois Central
17641 Ashland Avenue
Homewood, Illinois 60430

April 5, 2001
102/5

Mr. James Kingston, Mayor
City of Paxton
145 South Market Street
Paxton, IL 60957

SUBJECT: LETTER OF UNDERSTANDING
Pine Street Bridge over Illinois Central Railroad
ICRR Bridge No. 102-7
DOT #289 025W
Paxton, Illinois

Dear Mayor Kingston:

This is to advise Illinois Central Railroad Company (IC) is willing to advance funds to defray the City's costs for Preliminary Engineering, not to exceed \$100,000, for the proposed Pine Street replacement bridge¹ over IC's tracks, subject to the following conditions:

- 1) The Pine Street replacement bridge is designed to provide not less than 22'-5" vertical clearance (23'-0" is preferred) over IC's Main (westerly) track, 12'-6" minimum horizontal clearance on either side of both tracks, and shall otherwise conform to all other applicable railroad design requirements;
- 2) Upon completion of the Phase I Engineering Report, or as soon thereafter as practicable, the Village shall prepare and file a petition before the Illinois Commerce Commission requesting:
 - a) maximum cost participation by the Grade Crossing Protection Fund (after allocation of available Illinois Major Bridge Funds) toward the cost of the Pine Street replacement bridge; and
 - b) that the existing bridge carrying Center Street over and across IC's right-of-way in Paxton be permanently closed and abolished upon completion of the Pine Street replacement bridge.

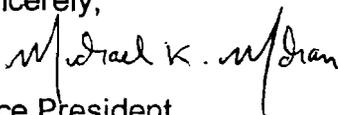
Mayor James Kingston
April 5, 2001
Page 2

- 3) The City agrees to accept full ownership and maintenance responsibility for the Pine Street replacement bridge;
- 4) The City shall promptly execute any necessary agreements with the IC and/or the Illinois Dept. of Transportation as may be required to implement the subject project;
- 5) That any moneys so advanced to the City of Paxton by IC shall be credited toward IC's ultimate cost participation in the overall project as allocated by the resulting Illinois Commerce Commission Order; and
- 6) That upon completion of the project contemplated herein, those portions of the February 5, 1923 Contract Ordinance and any amendments thereto pertaining to the Pine Street and Center Street bridges over the IC shall be deemed superseded and of no further force and effect.

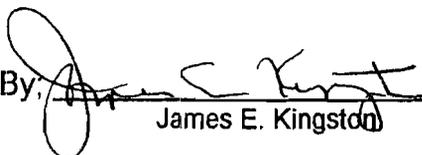
NOTE: ¹For purposes of this Letter of Understanding, the term "Pine Street replacement bridge" shall refer to whatever structure is proposed to replace the existing Pine Street bridge, irrespective of whether same is constructed at Pine Street or on some alternate alignment (i.e., Holmes Street).

If the terms of this Letter of Understanding are acceptable, please so indicate by signing and returning the enclosed copy of this letter to the undersigned.

Sincerely,


Vice President

Accepted on behalf of
THE VILLAGE OF PAXTON, ILLINOIS

By:  _____, Mayor
James E. Kingston

Date: 04-16, 2001