

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1208**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Chicago, Central, and Pacific Railroad Company ("Company"), the Village of Burlington ("Village" or "Burlington"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through Staff of the Rail Safety Section ("Staff") that inquiry should be made into the matter of improving public safety at the Engel Road highway-rail grade crossing of the Company's track located in the Village of Burlington, Kane County, designated as crossing AAR/DOT #289 939V, railroad milepost 54.82; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject 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 this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing 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 in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of new 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) Maintenance of the existing/temporary STOP signs at the Engel Road crossing by the Company.

**Section 3** The Company has prepared a preliminary cost estimate to accomplish the proposed warning device improvements, which may be required by Commission Order. The cost estimate is attached and incorporated herein by reference as Exhibit B.

The Company shall upon Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, and any required specifications for the proposed warning device 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 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 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 -**

<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>VILLAGE OF BURLINGTON</b>	<b>COMPANY</b>	<b>IDOT</b>
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$142,703	(95%) \$135,568 <sup>1</sup>	(0%) \$0	(5%) Remainder <sup>2</sup>	\$0
Maintenance of existing/temporary STOP signs	Not Required	\$0	\$0	100% <sup>3</sup>	\$0
<b>TOTALS</b>	<b>\$142,703</b>	<b>\$135,568</b>	<b>\$0</b>	<b>\$7135</b>	<b>\$0</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$135,568; any installation costs above the estimated amount of \$142,703 will be divided between the GCPF and the Company in the same percentages 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 future operating and maintenance costs associated with the automatic warning devices. .

<sup>3</sup> Company responsible for all maintenance costs associated with the existing/temporary STOP signs.

**Section 6** The Village of Burlington has annexed the land north and south of (but not through) the Engel Road crossing. With planned residential development, it is anticipated that the subject crossing will be closed, with the Village seeking a new crossing to the east to align with Lawrence Road as depicted in Exhibit C. It is estimated that construction of the Lawrence Road extension will begin in 2011, with the Village filing a formal petition to the Commission in advance. With the closure of Engel Road, if practical, the warning devices installed as part of this agreement should be relocated to the new Lawrence Road crossing by the Company, at the expense of the Village. If the Lawrence Road extension advances more rapidly, the Village will coordinate with the Company, and Staff as to

schedule and options to minimize duplication of work.

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

The Company 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 Exhibit D, regarding the progress it 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 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 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 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 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, 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 railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for 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 railroad account code for the project.

- e) account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for 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 6<sup>th</sup> day of February 2008.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Brian A. Vercruysse  
Senior Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1208, executed by Commission Staff on February 6, 2008 concerning improvements at the Engel Road highway-rail grade crossing of the Chicago, Central, and Pacific Railroad Company's track in the Village of Burlington, Kane County Illinois, designated as crossing AAR/DOT #289 939V, railroad milepost 54.82.

Executed by the Village of Burlington this 19<sup>th</sup> day of February 2008.

VILLAGE OF BURLINGTON

By: Michael K. Bloch  
Village President

Attest:

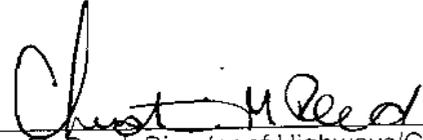
Mary Ann Wilkison  
Village Clerk

Illinois Commerce Commission Stipulated Agreement 1208, executed by Commission Staff on February 6, 2008 concerning improvements at the Engel Road highway-rail grade crossing of the Chicago, Central, and Pacific Railroad Company's track in the Village of Burlington, Kane County Illinois, designated as crossing AAR/DOT #289 939V, railroad milepost 54.82.

Executed by the Illinois Department of Transportation this 2 day of MAR 2008.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:



Christine M. Reed, Director of Highways/Chief Engineer

I Illinois Commerce Commission Stipulated Agreement 1208, executed by Commission Staff on February 6, 2008 concerning improvements at the Engel Road highway-rail grade crossing of the Chicago, Central, and Pacific Railroad Company's track in the Village of Burlington, Kane County Illinois, designated as crossing AAR/DOT #289 939V, railroad milepost 54.82.

Executed by the Chicago, Central, and Pacific Railroad Company this 3rd day of March 2008.

CHICAGO, CENTRAL, AND PACIFIC  
RAILROAD COMPANY

BY

*Paul E. Ladner*

*WITNESS*

~~Attest:~~

*[Handwritten Signature]*

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Chicago Central & Pacific Railroad Company
<b>USDOT#, MILEPOST</b>	289 939V, MP 54.82 Chicago Sub.
<b>STREET, CITY, COUNTY</b>	Engel Road, near Village of Burlington, Kane County
<b>JURISDICTION (RDWY)</b>	Burlington Township
<b>LOCATION</b>	Residential, Agriculture, Nature Preserve
<b>STREET SURFACE</b>	Bituminous, 20', Good Condition

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
1	Timber	24'	OK

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	NA
<b>TRAFFIC CONTROL</b>	NA
<b>ADT &amp; SPEED</b>	200 @ 55 MPH (Truck Restriction)
<b>TRAFFIC TYPE</b>	Cars, trucks, trailers (passenger, work)
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	None

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	10 Per day @ 50 MPH (79 MPH Max. Timetable), Day & Night
<b>PASSENGER TRAFFIC</b>	NA
<b>WARNING DEVICES</b>	Crossbucks

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	79	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	483	<b>FEET</b>
<b>Along Tracks</b>	811	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1888	<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>	*	NA	*	NA
<b>NW</b>	*	NA	*	NA
<b>SE</b>	*	NA	*	NA
<b>SW</b>	*	NA	*	NA

\*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

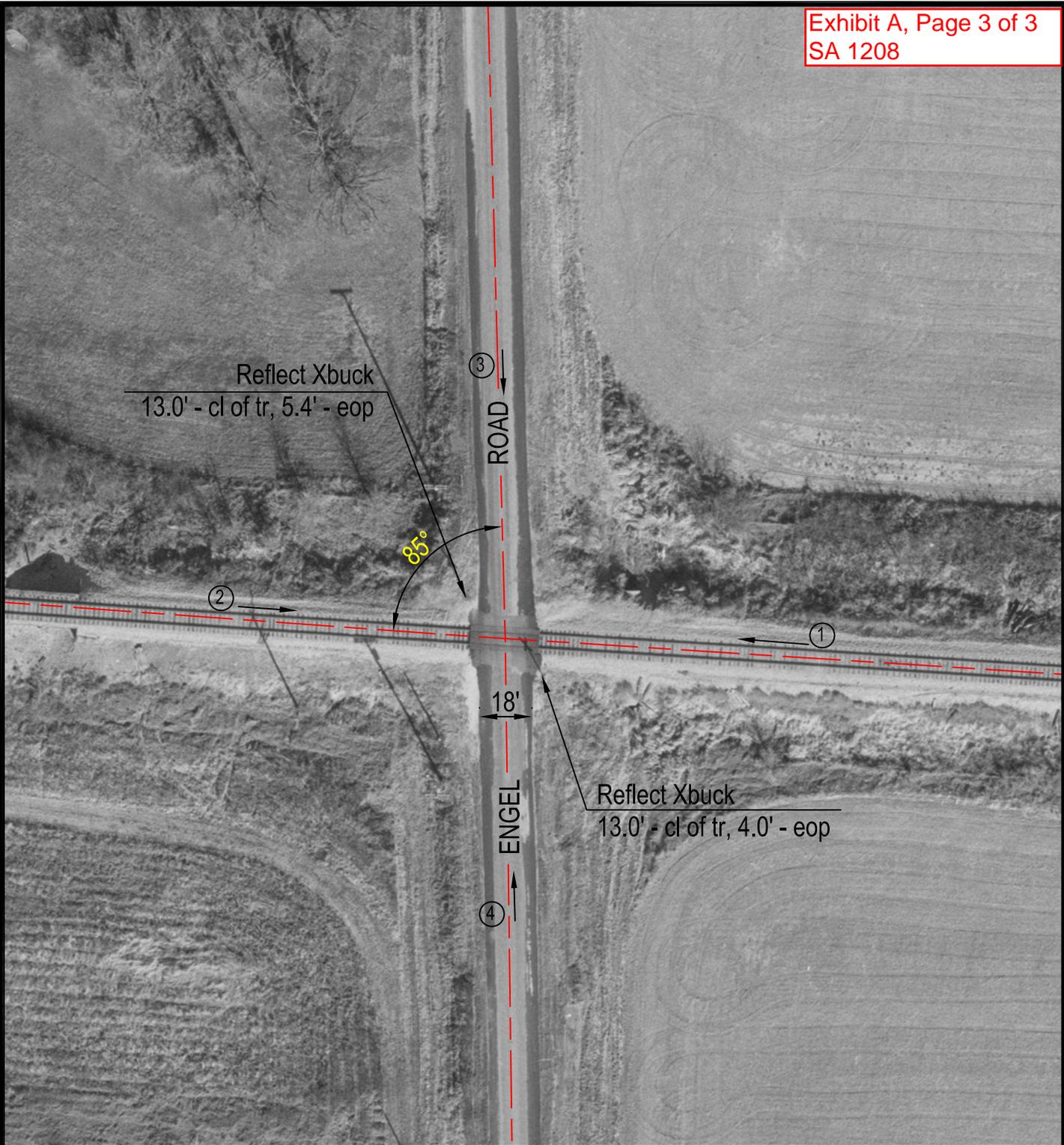
<b>DIRECTION: NORTH</b>			<b>DIRECTION: SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
0	100.0		0	100.0	
25	99.4	2.4	25	98.9	4.4
50	98.3	3.6	50	97.6	5.2
100	96.4	3.8	100	95.8	3.6

Distance measured from outermost rail.

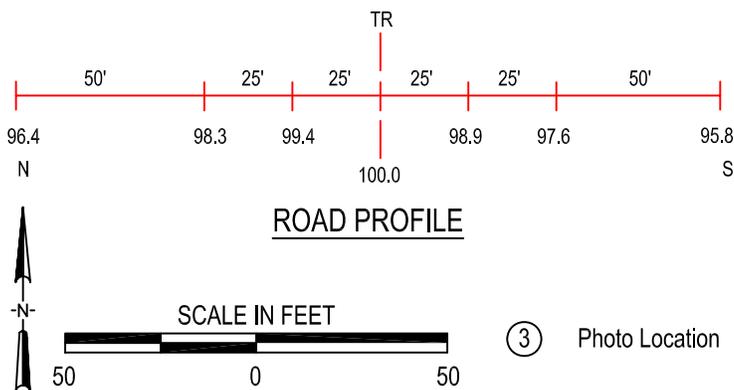
\* The Village of Burlington has annexed the land northerly of and southerly of the CN/CCP right-of-way, but has no plans to annex the railroad property. It is anticipated that Engel Road and the subject grade crossing will be relocated east to align with Lawrence Road on the south.

**COMMENTS:**

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



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Crossing #: 289939V  
 Location: Kane Co., City of Burlington (Near)  
 Lat/Long: 42°03'08" / 88°34'41"  
 Railroad: CC  
 Street: Engel Road  
 Railroad Milepost: 54.82  
 Crossing Protection: Train Activated Devices