

ORIGINAL

T08-0091

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1326

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"), the Bear Creek Township Road District ("TOWNSHIP"), and the State of Illinois, Department of Transportation

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the TR 277 highway-rail grade crossing of the Company's track near Morrisonville, Bear Creek Township, Christian County, Illinois, designated as crossing AAR/DOT #480 014F, railroad milepost 414.48-WA; 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 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:

DOCKETED

- (a) Vacation of the existing TR 277 roadway within the Company's Right-of-Way ("ROW") limits, by the Township.
- (b) Closure of the roadway within the Company's ROW limits, by the Township.
- (c) Removal of the existing grade crossing surface, crossbuck warning signs, and roadway approaches and appurtenances (culverts, road signs, etc.), and matching of the adjacent profiles within the limits of the vacated roadway and the Company ROW, by the Company.
- (d) Payment, as detailed below, to the Township for voluntary closure of the crossing, by IDOT and the Company.

Section 3 The Township shall pass a local ordinance vacating TR 277 with a stipulation that final vacation of the roadway shall not take place until after a Commission Order has been issued authorizing an incentive payment from the GCPF for closure for the crossing.

Section 4 The Township shall, upon Order, according to the requirements contained therein, be responsible for the physical closure of the roadway within the Company's ROW. The closure shall be completed within twelve (12) months after the Township receives a copy of the Order. The Township shall provide all parties with notice that the roadway has been closed within ten (10) days. Notification may be by regular mail, electronic mail, facsimile, or phone. The Township will be responsible for all costs to erect and maintain any temporary barricades.

The Company shall, upon Order, according to the requirements contained therein, remove the crossing surface, crossbuck warning signs, roadway approaches and appurtenances and match the adjacent profiles within the limits of the vacated roadway and the Company ROW. The work shall be completed within thirty (30) days after the Company receives a notice from the Township that crossing has been closed. The Company shall provide all parties notice that their work has been completed within ten (10) days. Notification may be by regular mail, electronic mail, facsimile, or phone. The Company will be responsible for all costs for the aforementioned work.

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>TOWNSHIP</b>	<b>COMPANY</b>	<b>IDOT</b>
Vacate TR 277 by Local Ordinance; Close Roadway.	No Estimate Required	\$0	100% <sup>2,4</sup>	\$0	\$0
Remove Existing Surface, Crossbuck Warning Signs, Roadway Approaches and Re-grade at the Crossing.	No Estimate Required	\$0	\$0	100% <sup>3</sup>	\$0
Provide GCPF Incentive Payment for Voluntary Closure of the Crossing.	\$50,000	(100%) \$50,000 <sup>1,4</sup>	\$0	\$0	\$0 <sup>5</sup>
Provide Closure Incentive Payment for Voluntary Closure of the Crossing	\$15,000	\$0	\$0	\$7,500 <sup>6</sup>	\$7,500 <sup>5,6</sup>
<b>TOTALS</b>	<b>\$65,000</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$7,500</b>	<b>\$7,500</b>

[Totals do not reflect costs where no estimates were provided.]

**Notes:**

- <sup>1</sup> Total GCPF assistance not to exceed \$50,000 for voluntary closure of the TR 277 grade crossing by Bear Creek Township.
- <sup>2</sup> The Township shall be responsible for all costs associated with the formal vacation and closure of the roadway within the Company ROW, including all costs associated with installing and maintaining any necessary permanent traffic barriers and/or signage.
- <sup>3</sup> The Company shall be responsible for all costs associated with removal of the existing crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and matching of the adjacent profiles within the limits of the vacated roadway and the Company ROW.
- <sup>4</sup> When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, Township shall submit a request to the Department for the \$50,000 Grade Crossing Protection Fund crossing closure incentive payment; the Department shall issue the payment within 60 days of that request (see Section 7 of the Agreement).
- <sup>5</sup> When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Township shall submit a request to the Department for the \$7,500 federal voluntary crossing closure incentive payment; the Department shall issue the payment within 60 days of that request (see Section 7 of the Agreement).
- <sup>6</sup> In order for the road authority to be eligible for the \$7500 federal incentive payment administered by IDOT, the Company must also offer the road authority (Bear Creek Township) at least a \$7500 incentive payment to close the subject highway- rail grade crossing.

**Section 6** The Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit B. The Township shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

**Section 7** Special Provisions: The Township shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the TR 277 roadway will be vacated. The Township shall submit the vacation ordinance to all parties at the same time as the Execution Page of this Agreement is submitted to the Commission.

Upon receipt of the Commission Order, the Township shall be responsible for the closure of the TR 277 roadway within the Company ROW, including any necessary

removal of the existing roadway surface and appurtenances and grading. Any necessary permanent traffic barriers shall conform to the requirements of 92 Ill. Adm. Code 1535.701 and the MUTCD. The Township shall also be responsible for installation of the appropriate regulatory and warning signs conforming to the requirements of the MUTCD. All traffic barriers and signage are to be maintained by the Township. (See Section 4)

Upon notification from the Township (per Section 4), the Company shall remove the existing grade crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and match the adjacent profiles within the limits of the vacated roadway at the existing crossing (See Section 4). The Company shall provide all parties with notice that the work has been completed with five (5) days of completion. Notification may be by regular mail, electronic mail, facsimile, or phone.

When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Township shall submit a request to the Department for a \$50,000 voluntary crossing closure incentive payment from the Grade Crossing Protection Fund. Subject to availability of funds, within sixty (60) days from receipt of a Township request, the Department shall issue a payment of \$50,000 from the GCPF to the Township. The Department shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone. The Township must deposit the payment into their Motor Fuel Tax Account and may use the GCPF payment for any purpose that meets IDOT requirements for permissible uses of Motor Fuel Tax Funds.

The Illinois Department of Transportation shall utilize \$7,500 in federal funds to match the Company's incentive payment to the Township. Eligibility for the Department's \$7,500 payment to the Township is based on the requirement that the authorization of the \$7,500 by the Federal Highway Administration (FHWA) shall be approved prior to the actual closure of the crossing. If closure of the crossing takes place prior to federal authorization, the Department will not participate in, nor will it be responsible for the \$7,500 funding as proposed. The Department shall notify the Commission, the Township and the Company of the FHWA approval or disapproval, within thirty (30) days of the execution of an Order approving this agreement. Notification may be by regular mail, electronic mail, or facsimile. The \$7,500 payment by the Department shall be used by the Township for a roadway safety related expense.

When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Township shall submit its request for the \$7,500 federal voluntary crossing closure incentive payment to the Department's Region 4, District 6 Office at the following address: Christine Reed, Region Engineer, District 6, Attn: Terry Fountain, District Six Engineer of Local Roads and Streets, 126 E. Ash, Springfield, IL 62704. The request for payment shall include the location and ICC Order number, as well as the following information: **Section 08-02111-00-SP, Project No. RRP-0021(158), and Job No.C-96-231-08**. Upon receipt

of the request for payment for the \$7,500 incentive payment from the Township, the IDOT Region 4, District 6 Bureau of Local Roads and Streets shall prepare an invoice to be submitted to the Fiscal Control Unit in the Central Bureau of Local Roads and Streets for payment to the Township. Payment shall be issued within 60 days of receipt of the request for payment from the Township (see cost division notes).

When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Township shall submit a request to the Company for a \$7,500 voluntary crossing closure incentive payment. Within sixty (60) days from receipt of the request, the Company shall issue a payment of \$7,500 to the Township. The Company shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone.

The Company and the Township shall each complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits E1 (Township) and E2 (Company), along with this executed Agreement.

The Company and the Township 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 E1 and E2, regarding the progress each has made toward completion of the work defined by this Agreement. Each Project Status Report shall include the Commission Order 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 or Township Project Manager.

The Company shall, within five (5) days of the completion of the work required, submit a completely updated United States Department of Transportation Inventory Form (#6180.71) to the Federal Railroad Administration, the Chief of Data Services at the Illinois Department of Transportation, and the Director of Processing and Information, Transportation Bureau of the Commission.

**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.

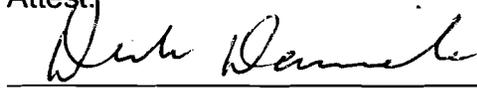
Executed by the Commission this 6<sup>th</sup> day of March 2008.



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Michael E. Stead  
Rail Safety Program Administrator

Attest:



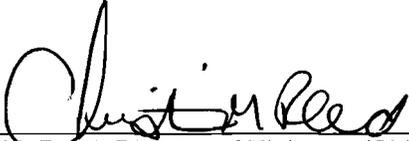
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Richard A. Daniels  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1326, executed by Commission Staff on March 6, 2008, concerning closure of the TR 277 highway-rail grade crossing of the Norfolk Southern Railway Company's track, designated as crossing AAR/DOT #480 014F, railroad milepost 414.48-WA, located near Morrisonville, Christian County, Illinois.

Executed by the Illinois Department of Transportation this 13<sup>th</sup> day of March 2008

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

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

Illinois Commerce Commission Stipulated Agreement 1326, executed by Commission Staff on March 6, 2008, concerning closure of the TR 277 highway-rail grade crossing of the Norfolk Southern Railway Company's track, designated as crossing AAR/DOT #480 014F, railroad milepost 414.48-WA, located near Morrisonville, Christian County, Illinois.

Executed by Norfolk Southern Railway Company this 26th day of March 2008

NORFOLK SOUTHERN RAILWAY COMPANY

*nk*

By: *M. J. Wheeler*  
General Manager

Attest:

*Kymisha O. Swain*  
Asst. Corporate Secretary

Illinois Commerce Commission Stipulated Agreement 1326, executed by Commission Staff on March 6, 2008, concerning closure of the TR 277 highway-rail grade crossing of the Norfolk Southern Railway Company's track, designated as crossing AAR/DOT #480 014F, railroad milepost 414.48-WA, located near Morrisonville, Christian County, Illinois.

Executed by Bear Creek Township this 31<sup>st</sup> day of March 2008

BEAR CREEK TOWNSHIP ROAD DISTRICT

By: Joseph Steele, Jr.  
Highway Commissioner

Attest:

Cliff D. Fey  
Christian County Engineer

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Norfolk Southern Railway Company
<b>USDOT#, MILEPOST</b>	480 014F, mp 414.48-WA
<b>STREET, CITY, COUNTY</b>	TR 277 near Palmer/Morrisonville in Christian County
<b>JURISDICTION (RDWY)</b>	Bear Creek Township
<b>LOCATION</b>	Rural
<b>STREET SURFACE</b>	Oil and chip, 12 foot wide, good condition

**CROSSING DATA:** Also see Location Sketch page 3 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>
SW-NE	Epton rubber & asphalt	24 ft.	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Ill. Rt. 48 is 80 ft. to the West of the tracks. See pg 3 (drawing).
<b>TRAFFIC CONTROL</b>	List any devices on the intersecting roadways- Stop sign at Rt. 48.
<b>ADT &amp; SPEED</b>	50 Per Day @ 55mph unposted
<b>TRAFFIC TYPE</b>	Passenger, possible School Buses, Hazardous Materials, Other
<b>ADVANCE WARNING</b>	
<b>PAVEMENT MARKING</b>	N/A

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	14 Per day @ 60 MPH, Day & Night
<b>PASSENGER TRAFFIC</b>	none
<b>WARNING DEVICES</b>	Cross bucks with yield signs

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	60	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	520	<b>FEET</b>
<b>Along Tracks</b>	650	<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	Ok, but	If corn then only 50' visibility
<b>NW</b>	ok	N/A	Ok, but	Bad angle for viewing train
<b>SE</b>	ok	N/A	Ok, but	If corn then only 50' visibility
<b>SW</b>	ok	N/A	Ok, but	Bad angle for viewing train

\*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

**APPROACH GRADES:**

<b>DIRECTION/East</b>			<b>DIRECTION/West</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
25	100	0	25	98.8	2.4
50	97.9	4.2	50	95.7	6.2

Distance measured from outermost rail.

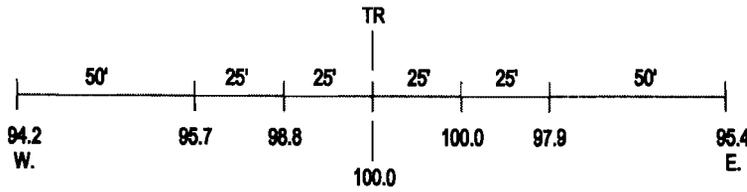
**COMMENTS:**

This is a Grade Crossing Protection Fund (GCPF) "incentive to close crossing" project. Since the ADT is between 0 and 250, policy states that \$50,000 from the GCPF can be paid out to the road agency if they agree to close the crossing. The road agency will have to vacate the roadway adjacent to the tracks, at the crossing, in order to accomplish the closure without the petition process. The Township is also applying for \$7500 federal incentive that is administered by IDOT. In order to be eligible for this, Norfolk Southern Railway Company must give the Township at least \$7500 in incentive money to close the crossing.

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



J:\CHRISTIAN\480014F\480014F.DWG 12/15/99 14:06 TFC



ROAD PROFILE



③ Photo Location

Crossing #: 480014F  
 Location: Christian Co., City of Morrisonville (N)  
 Lat/Long: 39°26'12" / 89°25'59"  
 Railroad: NS  
 Street: TR277  
 Railroad Milepost: 414.48  
 Crossing Protection: Signs

**RESOLUTION OF FINANCIAL SUPPORT**

**BEAR CREEK TOWNSHIP**

**CHRISTIAN COUNTY, ILLINOIS**

**WHEREAS** Bear Creek Township Road District, the Illinois Commerce Commission, the Norfolk Southern Railway Company, and the Illinois Department of Transportation have agreed to enter into Illinois Commerce Commission Stipulated Agreement 1326, and

**WHEREAS** the Road Commissioner of Bear Creek Township Road District has sole authority to enter Stipulated Agreement 1326 on behalf of Bear Creek Township Road District, and

**WHEREAS** the Road Commissioner of Bear Creek Township Road District has determined that he has sufficient budget authority for Bear Creek Township Road District to bear its equitable portion of costs as provided in the division of costs table, Section 5, Illinois Commerce Commission Stipulated Agreement 1326.

**NOW THEREFORE, BE IT RESOLVED BY** the Road Commissioner of Bear Creek Township Road District, that Bear Creek Township Road District is able and willing to bear its equitable portion of costs as provided in the division of costs table, Section 5, Illinois Commerce Commission Stipulated Agreement 1326.

Given under my hand this 16 day of April, 2008.



\_\_\_\_\_  
JOSEPH STEELE, JR.  
Commissioner of Highways  
Bear Creek Township Road District

Filed with the Township Clerk on 16 day of April, 2008.

  
\_\_\_\_\_  
TOWNSHIP CLERK

**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION  
PROJECT STATUS REPORT:**

**TYPE:** (CHECK ONE)

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

DATE	<input type="text"/>
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**PROJECT INFORMATION:**

Reporting Party:	Bear Creek Township
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	480 014F ; MP 414.48-WA
Street, (in/near) City, County:	TR 277 near Morrisonville, Christian 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:	Cliff Frye
Title:	Christian County Engineer
Representing:	Bear Creek Township /Joe Steele
Street Address:	1000 N. Cheney Street (County Highway Garage)
City, State, Zip:	Taylorville, IL 62568
Office Phone:	(217) 824-2606
Office Fax:	(217) 824-2913
Cellular Phone:	
E-Mail Address:	<a href="mailto:christiancoeng@ctitech.com">christiancoeng@ctitech.com</a>

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

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

- Vacation of the existing TR 277 roadway within the Company's Right-of-Way ("ROW") limits, by the Township.
- Closure of the roadway within the Company's ROW limits, by the Township.
- Removal of the existing grade crossing surface, crossbuck warning signs, and roadway approaches and appurtenances (culverts, road signs, etc.), and matching of the adjacent profiles within the limits of the vacated roadway and the Company ROW, by the Company.
- Payment, as detailed below, to the Township for voluntary closure of the crossing, by IDOT and the Company.

**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	<input type="text"/>
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**PROJECT INFORMATION:**

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	480 014F ; MP 414.48-WA
Street, (in/near) City, County:	TR 277 near Morrisonville, Christian 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:	dlkeith@nscorp.com

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

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- Payment, as detailed below, to the Township for voluntary closure of the crossing, by IDOT and the Company.

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TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

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Springfield, Illinois 62764

**APPROACH/BRIDGE WORK**

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Address

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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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## MEMORANDUM OF DECISION

I, Joseph Steele, Jr., Commissioner of Highways of Bear Creek Township, held a public hearing at the Palmer Community Building on the 27<sup>th</sup> day of March, 2008 for the purpose of examining and hearing reasons for or against vacating the portion of TR 277 described as follows:

Beginning at the South edge of Il Rt. 48 and extending Easterly to the South ROW line of the Norfolk Southern Corporation, a distance of  $\pm$  165 feet, located in the Northwest Quarter of Section 4, Township 11 North, Range 3 West of the Third Principal Meridian.

There were no objections raised to vacating the above described portion of TR 277. In addition, I found that no person residing or owning land within two (2) miles of the above described portion of TR 277 will be denied reasonable access by way of motor vehicle or other portable farm machinery commonly used in this area to land he owns or operates or to community and trade centers as a result of vacating the above described portion of TR 277.

**Therefore**, I found it to be in the public and economic interest of the Township to vacate the above described portion of TR 277. I publicly announced my findings at the hearing and ordered the above described portion of TR 277 vacated upon receiving a copy of the Order issued by the Illinois Commerce Commission. If a Commission Order is not issued, this vacation becomes null and void.

Since there were no objections this hearing will be the final hearing.

Given under my hand this 27 day of March, 2008.



JOSEPH STEELE, JR.  
Commissioner of Highways  
Bear Creek Township

Filed with the Township Clerk on 27 day of March, 2008.

  
TOWNSHIP CLERK

**CHRISTIAN COUNTY**  
**Department of Highways**  
1000 N. Cheney St., Taylorville, IL 62568  
e-mail: christiancohwy@ctitech.com

Phone: (217) 824-2606  
(217) 824-4163  
Fax: (217) 824-2913



April 17, 2008

Mr. Rick Ray  
Admin. – HGC  
Norfolk Southern Corp  
1200 Peachtree St., NE, Box 123  
Atlanta, GA 30309

Dear Sir:

In accordance with proposed Illinois Commerce Commission Stipulated Agreement 1326, Section 7, I have attached a certified copy of the Memorandum of Decision issued by the Bear Creek Township Road Commissioner vacating TR 277 at Crossing AAR/DOT #480 014F upon issue of the Commission Order. The Road Commissioner has met the requirements of 605 ILCS 5/6-303 to 305 to legally vacate a township road.

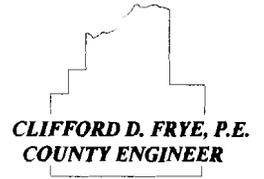
Sincerely,



Clifford D. Frye, P.E.  
Christian County Engineer

**CHRISTIAN COUNTY**  
**Department of Highways**  
1000 N. Cheney St., Taylorville, IL 62568  
e-mail: christiancohwy@ctitech.com

Phone: (217) 824-2606  
(217) 824-4163  
Fax: (217) 824-2913



April 17, 2008

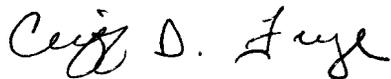
Mr. Charles J. Ingersoll, P.E.  
Engineer of Local Roads and Streets  
2300 S. Dirksen Parkway, Room 205  
Springfield, IL 62764

ATTN: Jeff Harpring

Dear Sir:

In accordance with proposed Illinois Commerce Commission Stipulated Agreement 1326, Section 7, I have attached a certified copy of the Memorandum of Decision issued by the Bear Creek Township Road Commissioner vacating TR 277 at Crossing AAR/DOT #480 014F upon issue of the Commission Order. The Road Commissioner has met the requirements of 605 ILCS 5/6-303 to 305 to legally vacate a township road.

Sincerely,



Clifford D. Frye, P.E.  
Christian County Engineer