

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1345**

T08-0135

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

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through quantitative analysis that inquiry should be made into the matter of improving public safety at the Kenco Road highway-rail grade crossing ("crossing") of the Illinois Central Railroad Company's tracks near Alma, Tonti Township, Marion County, Illinois, designated as crossing AAR/DOT 295 302S, milepost 234.95-M; 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 the 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 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.

DOCKETED

- (b) Installation of temporary STOP signs at the Kenco Road crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Installation of a new Advance Warning sign on the east highway approach, by the Township

Section 3 The Company has prepared detailed drawings, circuit plans, and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, and cost estimate are attached and incorporated herein by reference as Exhibit B.

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 TABLE -

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$185,460	(95%) \$176,190 ¹	\$0	(5%) \$9,270 ²	\$0
Install temporary STOP Signs	No Estimate Required	\$0	\$0	100% ³	\$0
Install new Advance Warning Sign on East Approach	No Estimate Required	\$0	100% ⁴	\$0	\$0
TOTALS	\$185,460	\$176,190	\$0	\$-----	\$-----

Notes:

- ¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$176,190; any installation costs above the estimated amount of \$185,460 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.
- ² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.
- ³ Company responsible for all maintenance costs associated with the temporary STOP Signs.
- ⁴ Township responsible for all future maintenance costs associated with the advance warning signs.

Section 6 The Township is not required to pay any portion of the cost for the proposed improvements.

Section 7 Special Provisions: Since the warning device improvements at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

All signage shall conform to the requirements and specifications of 92 Illinois Administrative Code and the Manual on Uniform Traffic Control Devices (MUTCD).

The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit C, 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 C, 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 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 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 12th 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, 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 railroad and/or highway 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 and/or highway 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 and/or highway account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad and/or highway 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.

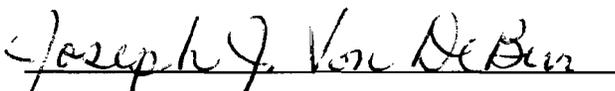
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 20th day of August 2008.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1345, executed by Commission Staff on August 20, 2008, concerning improvements at the Kenco Road highway-rail grade crossing of the Illinois Central Railroad Company's track near Alma, Tonti Township, Marion County, Illinois, designated as crossing AAR/DOT #295 302S, railroad milepost 234.95-M.

Executed by the Tonti Township this 25 day of Aug 2008.

TONTI TOWNSHIP

By: Joe Wilkins

Attest:

Claude W. Black
Tonti Road District Clerk

RECEIVED
AUG 27 2008

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement 1345, executed by Commission Staff on August 20, 2008, concerning improvements at the Kenco Road highway-rail grade crossing of the Illinois Central Railroad Company's track near Alma, Tonti Township, Marion County, Illinois, designated as crossing AAR/DOT #295 302S, railroad milepost 234.95-M.

Executed by the Illinois Central Railroad Company this 22 day of Sept 2008.

ILLINOIS CENTRAL RAILROAD COMPANY

By: Paul E. Ladue

Region Director of Contracts & Administration

Witness:

[Handwritten Signature]

RECEIVED

SEP 29 2008

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement 1345, executed by Commission Staff on August 20, 2008, concerning improvements at the Kenco Road highway-rail grade crossing of the Illinois Central Railroad Company's track near Alma, Tonti Township, Marion County, Illinois, designated as crossing AAR/DOT #295 302S, railroad milepost 234.95-M.

Executed by the Illinois Department of Transportation this 29th day of September 2008.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Christine M. Reed
Christine M. Reed, P.E., Director of Highways

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	295 302S, 234.96-M
STREET, CITY, COUNTY	Kenco Road, Near Alma, Marion County
JURISDICTION (RDWY)	Tonti Township Road District
LOCATION	Rural, Agricultural
STREET SURFACE	2-Lane, 2-Way (East-West), 14 Ft. Oil and Chip

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

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main (N-S)	Full Depth Timber	24 Ft.	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	IL Route 37 – 143 ft. west
TRAFFIC CONTROL	STOP sign for Kenco Road traffic
ADT & SPEED	125 Vehicles Per Day @ 55 MPH (Not Posted)
TRAFFIC TYPE	Passenger, Farm Equipment, Hazardous Materials Possible: School Busses, Emergency Services
ADVANCE WARNING	W10-1 (Standard AWS): Northeast (Poor Condition) & Southwest (Fair Condition)
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	24 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	3 per day @ 79 MPH
WARNING DEVICES	R15-1 (Reflective Crossbucks) & reflective striping: NE & SW

NOTES:

Crossbucks to be replaced with automatic flashing light signals with gates.

Recommend placement of the following in accordance with MUTCD:

- W10-1 (Standard AWS) – By Township on east highway approach
- Temporary R1-1 (STOP signs) – To be installed by RR upon Order and to remain in place until active warning devices are fully operational.

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	483	FEET
Along Tracks	797	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1888	FEET

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

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*	Good	*	Brush and Trees
NW	*	Good	*	Brush and Trees
SE	*	Good	*	Brush and Trees
SW	*	Good	*	Brush and Trees

*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Stopping Sight Distance – Along the Tracks, and Clearing Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: WEST			DIRECTION: EAST		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	100.2	0.8	25	100.3	1.2
50	101.0	2.1	50	100.7	1.6
100	102.9	3.8	100	101.1	0.8

Distance measured from outermost rail.

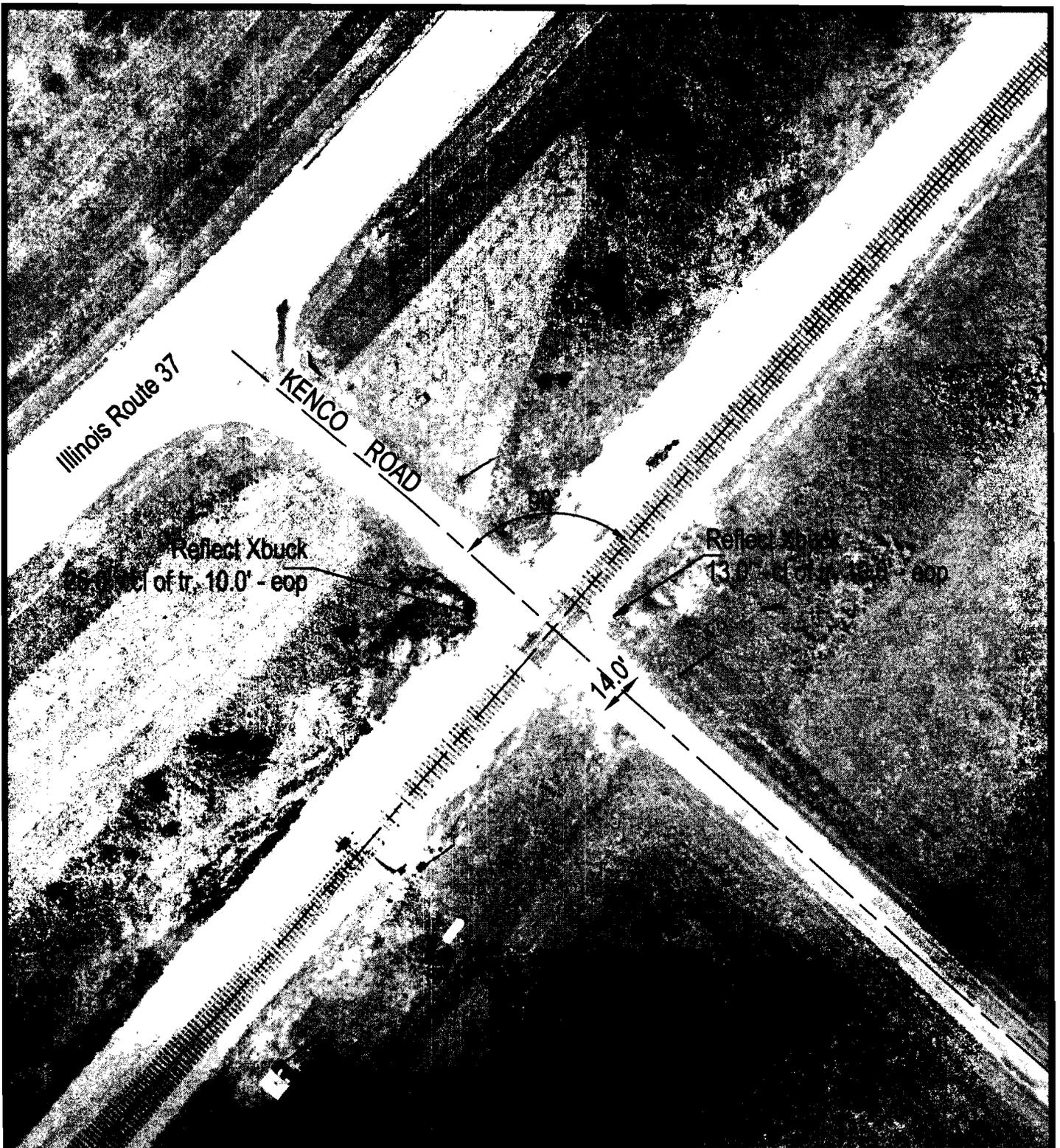
COMMENTS:**PROPOSED COST DIVISION:**

95% Grade Crossing Protection Fund

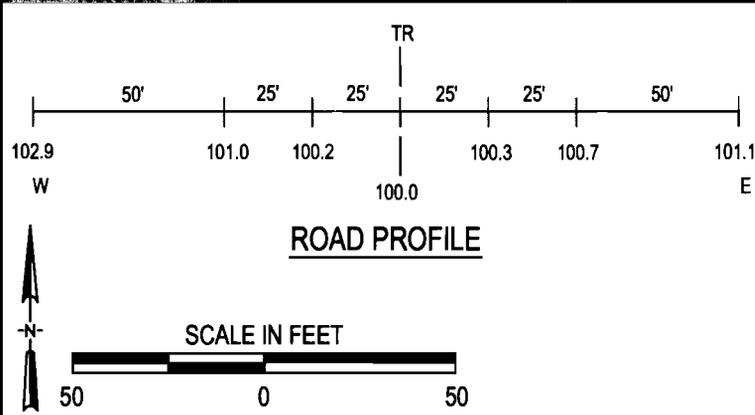
5% Illinois Central Railroad Company

Maintenance & Operations - Illinois Central Railroad Company

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



d:\MAPROW\2953025\2953025.DWG 03/05/01 10:31 B.B



Crossing #: 295302S
 Location: Marion Co., City of Alma (Near)
 Lat/Long: 38°42'30" / 88°55'29"
 Railroad: Illinois Central Railroad Company
 Street: Kenco Road
 Railroad Milepost: 234.95-M
 Crossing Protection: Reflective Crossbucks

ILLINOIS CENTRAL RAILROAD COMPANY

A WHOLLY OWNED SUBSIDIARY OF

CANADIAN NATIONAL RAILWAY COMPANY

HIGHWAY/RAIL GRADE CROSSING SIGNAL ESTIMATE

Roadway Name: Kenco Road	Date: July 1, 2008
Nearest Station: Alma, IL	
Railroad Region: Southern	
Railroad Subdivision: Champaign	Est 1011-801
Railroad Milepost: 234.95	
DOT Crossing No.: 295 302S	
Valuation Section: IL-1	Prepared by: WCR

Description of Work: Signal work to install FLS and Gates.

MATERIAL:

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Landfill	1	LOT	\$ 2,000.00	\$ 2,000.00
Misc. Signal Material	1	LOT	\$ 2,000.00	\$ 2,000.00
<u>CROSSING MATERIALS PACKAGE</u>				
GCP4000, 4 Trk, Non-Redundant	1	EACH	\$ 26,500.00	\$ 26,500.00
Narrow Band Shunt, 62775-8621	2	EACH	\$ 707.00	\$ 1,414.00
Narrow Band Shunt, 62775-3497	3	EACH	\$ 466.00	\$ 1,398.00
Adjustable Inductor, 8A398-6	2	EACH	\$ 475.00	\$ 950.00
Battery Choke, 8A065A	1	EACH	\$ 250.00	\$ 250.00
PSO Battery Choke, 7A360	3	EACH	\$ 340.00	\$ 1,020.00
Rectifier, NRS 15110, 20A	1	EACH	\$ 500.00	\$ 500.00
Rectifier, NRS 18120, 40A	1	EACH	\$ 700.00	\$ 700.00
Intelligent Current Sensor, 80271	2	EACH	\$ 470.00	\$ 940.00
FLX-4000 & Gate Assembly, 2-Way	2	EACH	\$ 7,800.00	\$ 15,600.00
Arm, E-Z Gate, 16-24'	2	EACH	\$ 605.00	\$ 1,210.00
Gatekeeper	2	EACH	\$ 1,410.00	\$ 2,820.00
Bell, Electronic	1	EACH	\$ 385.00	\$ 385.00
Battery, Ni-Cad, 240 AH	20	EACH	\$ 275.00	\$ 5,500.00
Foundation, S-2	2	EACH	\$ 550.00	\$ 1,100.00
Enclosure, Shunt	5	EACH	\$ 640.00	\$ 3,200.00
Pre-Wired Aluminum Bungalow, 6X6'	1	EACH	\$ 16,475.00	\$ 16,475.00
Wire, 2c/6, T10456	4500	FEET	\$ 1.87	\$ 8,415.00
Cable, 3c/6 TECK, T10458	200	FEET	\$ 5.09	\$ 1,018.00
Cable, 7c/6,9c/14, T12481	300	FEET	\$ 7.89	\$ 2,367.00
				=====
SUBTOTAL MATERIAL				\$ 95,762.00

Kenco Road

Page 2

Alma, IL

Est 1011-801

LABOR:

SIGNAL LABOR

<u>Item</u>	<u>Gang Days</u>	<u>Cost/Day</u>	<u>Cost</u>
5-man Gang	16	\$ 1,300.00	\$ 20,800.00
SUBTOTAL SIGNAL LABOR			\$ 20,800.00

MISCELLANEOUS LABOR

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Preliminary Engineering	1	L.S.	\$ 2,500.00	\$ 2,500.00
Construction Engineering	1	L.S.	\$ 275.00	\$ 275.00
Accounting	1	L.S.	\$ 300.00	\$ 300.00
SUBTOTAL MISCELLANEOUS LABOR				\$ 3,075.00
TOTAL LABOR				\$ 23,875.00

OTHER

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Per Diem/Business Expense	1	L.S.	\$ 9,600.00	\$ 9,600.00
Contractor/Rented Equipment	1	L.S.	\$ 3,200.00	\$ 3,200.00
Power Tap	1	L.S.	\$ 2,000.00	\$ 2,000.00
Sales Tax on Material	1	L.S.	\$ 9,576.20	\$ 9,576.20
Contract-Crossing System Wiring	1	L.S.	\$ 6,000.00	\$ 6,000.00
Freight on Crossing Package	1	L.S.	\$ 3,300.00	\$ 3,300.00
Contract Engineering	1	L.S.	\$ 7,000.00	\$ 7,000.00
TOTAL OTHER				\$ 40,676.20
TOTAL DIRECT COSTS				\$ 160,313.20

Kenco Road

Page 3

Alma, IL

Est 1011-801

FAPG ADDITIVES

Material	\$ 95,762.00	
Material Additive (4.20%)		\$ 4,022.00
Signal Labor	\$ 20,800.00	
Signal Labor Additive (89.34%)		\$ 18,582.72
Engineering Labor	\$ 2,775.00	
Engineering Labor Additive (83.29%)		\$ 2,311.30
Accounting Labor	\$ 300.00	
Accounting Labor Additive (74.34%)		\$ 223.02
Other	\$ 40,676.20	
	=====	=====
TOTAL DIRECT COSTS	\$ 160,313.20	
TOTAL FAPG ADDITIVES		\$ 25,139.04
		=====
GRAND TOTAL FAPG BASIS		\$ 185,452.24

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

PROJECT STATUS REPORT:

TYPE: (CHECK ONE)

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

DATE	10-01-08
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PROJECT INFORMATION:

Reporting Party:	Illinois Central Railroad Company
Docket/Order #; Date:	708-0135
Status Reports Due:	STOP Signs Installed – 30 days after Order date Progress – 6 months after Order date
Ordered Completion Date:	12 months after Order date
Completion Report Due ¹ :	10 days after completion date
AAR/DOT#, Milepost:	295 302S, 234.95-M
Street, (in/near) City, County:	Kenco Road, near Alma, Tonti Township, Marion County
Railroad Company:	Illinois Central Railroad Company

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Arne Skrodal
Title:	Engineer – Signal Planning
Representing:	Canadian National (Illinois Central Railroad Company)
Street Address:	17641 South Ashland Avenue
City, State, Zip:	Homewood, Illinois 60430
Office Phone:	(708) 332-3271
Office Fax:	(708) 332-3514
Cellular Phone:	
E-Mail Address:	Arne.Skrodal@cn.ca

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Installation of TEMPORARY STOP SIGNS, within 30 days of Commission Order.
- Installation of automatic flashing light signals and gates, CWT

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 a party would like an electronic copy of this form, would like to submit an electronic copy, or has questions contact:

Joe Von De Bur, Rail Safety Specialist
Phone: (217) 557-1286
Email: jvondebu@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

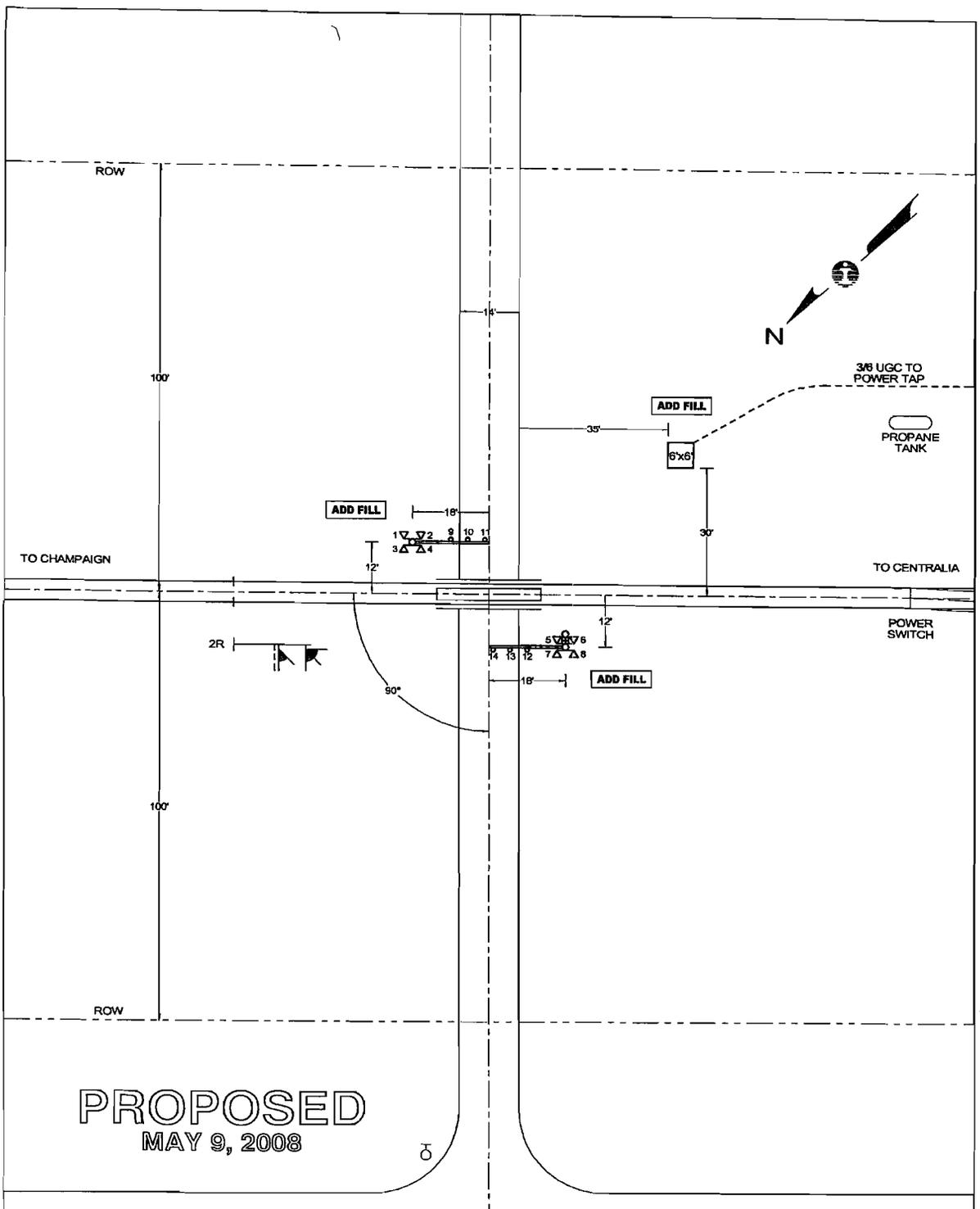
Illinois Department of Transportation
Fiscal Control Unit
Bureau of Local Roads and Streets
2300 South Dirksen Parkway
Springfield, Illinois 62764

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/FormsPub.aspx>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>AND</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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PROPOSED
MAY 9, 2008

IL RTE 37

QUADRANT	NE	SW		SIGNALS & COMMUNICATIONS, ENGINEERING DEPARTMENT	
STANDARD AFLS	LED	LED		CITY & STATE	ALMA, IL SD 1011 X
CANTILEVER, FT.	-	-	CROSSING	KENCO ROAD - 1600N DATE MAY 9, 2008	
GATE, FT.	18	18	IC - 234.95	DOT - 295 302S	
ADDED LIGHTS	-	-	MIDWEST DIVISION CHAMPAIGN SUBDIVISION		
BARRICADE	-	-	IN SERVICE SCALE 1"=30' DRAWN BY AVS		
MULTI-TK SIGN	-	-	REVISIONS		
BELL	-	X	ENDWG\CHA\23495X.CAD		

KENCO RD

SD 1011 - MP 234 TO 235

NORTH TONTI

4000' - 25 SEC CWT/MIN 20 SEC @ 79 MPH
4000' - 25 SEC CWT/MIN 20 SEC @ 79 MPH

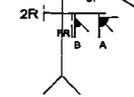
7TH ST

GCP4000-4TK
MI-86HZ MI-870HZ
IF-8.3KHZ

KENCO RD
1600N
TR 141
IC - 234.85
DOT-285 302S
SEE DETAIL

XING HOUSE
OTC HOUSE

(HAB)



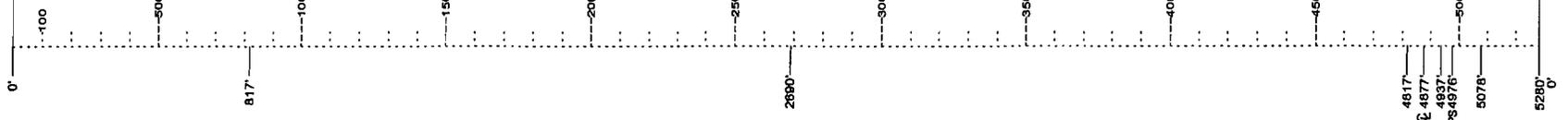
PROPOSED
MAY 8, 2008

86Hz

156 Hz

234

235



DRAWING SCALE 1" = 500' 5-18-07 8-2-03

