

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1328

ORIGINAL

708-0139

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Toledo, Peoria and Western Railway Corporation ("Company") and the State of Illinois, Department of Transportation ("Department").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through informal communication between its staff and the Company that inquiry should be made into the matter of improving public safety by renewal of the existing Crossbuck warning signs and installation of YIELD signs at each of the Company's seventy-one (71) public highway-rail grade crossings listed on Exhibit A attached hereto; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law 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 Commission Orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements should be performed in the interest of public safety at those crossings listed on Exhibit A attached hereto:

- (a) The renewal of the existing Crossbuck warning signs in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and the installation of YIELD signs (R1-2) mounted on the Crossbuck warning sign posts as indicated on Exhibit C attached hereto. Eighteen foot (18') posts should be used at any multiple track crossings to accommodate the multiple track signs. The Crossbuck and YIELD signs should not be installed at any crossings that are closed by Order of the Commission prior to the completion date set forth in this Agreement, and at any crossings where automatic warning devices are installed and in service prior to the completion date set forth in this Agreement.

**DOCKETED**

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

**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 six (6) months from the date of Commission Order approving this Agreement.

**Section 5** The parties hereto agree that an equitable division of cost for the proposed improvements should be as follows:

**- COST DIVISION TABLE -**

<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>COMPANY</b>
Renew Existing Crossbuck Warning Signs and Install YIELD Signs as set forth in Section 2(a) herein	\$89,430	(50%) \$44,715 <sup>1</sup>	(50%) \$44,715 <sup>1</sup>
<b>TOTAL</b>	<b>\$89,430</b>	<b>\$44,715</b>	<b>\$44,715<sup>2</sup></b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$44,715; total Company contribution not to exceed \$44,715; any installation costs above the estimated amount of \$89,430 will be paid by the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and approval by the Commission.

<sup>2</sup> Company responsible for all future maintenance costs associated with the new signs.

**Section 6** The local roadway authorities are not required to pay any portion of the cost for the proposed improvements.

**Section 7** Special Provisions. The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit 1, along with this executed Agreement.

The Company shall, within three (3) months from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Progress Status Report, attached as Exhibit 1, regarding the progress it has made toward completion of the work required by this Agreement. The Progress Status Reports shall include the Commission Order's docket number, the Commission Order date, the project completion date as noted in the Commission Order, crossing information (Inventory Numbers and Railroad Mileposts), 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. The final bill for expenditures shall be clearly marked "Final Bill". All bills shall be submitted to the Department no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. 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 de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

Progress billing will be based upon the work performed during the billing period. Progress payment for material will be based on the actual cost of material purchased and received by the Company during the billing period. Progress payment for labor costs will be based upon the number of crossings completed by the Company during the billing period.

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 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) 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 11<sup>th</sup> day of August 2008.

  
\_\_\_\_\_  
Michael E. Stead  
Rail Safety Program Administrator

Attest:

  
\_\_\_\_\_  
John J. Blair  
Asst. Rail Safety Program Administrator

Illinois Commerce Commission Stipulated Agreement No. 1328, executed by Commission Staff on August 11, 2008, concerning renewal of crossbuck signs and installation of yield signs at selected highway-rail grade crossings of the Toledo, Peoria and Western Railway Corporation in Illinois.

Executed by the Company this 3<sup>RD</sup> day of SEPTEMBER 2008.

TOLEDO, PEORIA AND WESTERN  
RAILWAY CORPORATION

By: Paul Crawford GM  
PAUL E CRAWFORD

Attest:

Don Taylor

RECEIVED  
SEP 15 2008  
Illinois Commerce Commissio.  
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1328, executed by Commission Staff on August 11, 2008, concerning renewal of crossbuck signs and installation of yield signs at selected highway-rail grade crossings of the Toledo, Peoria and Western Railway Corporation in Illinois.

Executed by the Department this 7<sup>th</sup> day of October 2008.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

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

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

TYPE: (CHECK ONE)

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

DATE	SEP 15, 08
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**PROJECT INFORMATION:**

Reporting Party:	
Docket/Order #, Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	
Street, (in/near) City, County:	
Railroad Company:	

<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:	Steve J. Wheeler
Title:	Roadmaster
Representing:	TPW Railroad
Street Address:	1990 E. Washington St
City, State, Zip:	East Peoria Ill 61520
Office Phone:	309-698-2600 Ext 240
Office Fax:	309-698-2671
Cellular Phone:	209-264-3450
E-Mail Address:	steve.lee@railamerica.com

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

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

Describe improvements. Include TEMPORARY STOP SIGNS, if required.

**STATUS OF WORK:**

## TP&W Highway Grade Crossing Inventory

### Illinois East Subdivision Crossings

Milepost	Nearest Station	Crossing Name	Crossing Protection	DOT Crossing No.	County
0	State Line	State Line Road	XB	801669-K	Iroquois
1.68	Sheldon	Eighth Street	XB	801671-I	Iroquois
1.75	Sheldon	Seventh Street	XB	801672-T	Iroquois
1.82	Sheldon	Sixth Street	XB	801663-U	Iroquois
1.91	Sheldon	Fifth Street	XB	801668-D	Iroquois
2.10	Sheldon	Depot Street	XB	801574-C	Iroquois
2.10	Sheldon	Grove Street	XB	801575-J	Iroquois
2.15	Sheldon	Second Street	XB	801573-V	Iroquois
2.24	Sheldon	First Street	XB	801576-R	Iroquois
2.62	Sheldon	Clark Street	XB	801578-E	Iroquois
3.62	Webster	County Road 41	XB	801580-F	Iroquois
4.63	Webster	TWP Road 382	XB	801582-U	Iroquois
5.75	Watseka	TWP Rd 358/Golf Rd	XB	801584-H	Iroquois
6.66	Watseka	County Road 38	XB	801585-P	Iroquois
7.48	Watseka	Mobile Home Xing <del>(PVT)</del> TWP 318A	XB	801587-D	Iroquois
13.7	Crescent City	TWP Road 216	XB	801607-M	Iroquois
15.69	Crescent City	<del>Private</del> TWP 184	XB	801611-C	Iroquois
16.73	Crescent City	TWP Road 172	XB	801613-R	Iroquois
18.75	Crescent City	TWP Road 150A	XB	801618-A	Iroquois
20.76	Leonard	County Road 42	XB	801621-H	Iroquois
22.75	Gilman	TWP Road 75A	XB	801728-K	Iroquois
25.53	Gilman	Chicken House Rd	XB	801731-T	Iroquois
26.55	La Hogue	TWP Rd 44/ City Rd 500 E	XB	801732-A	Iroquois

27.55	La Hogue	City Rd 400 E (Detector)	XB	801734-N	Iroquois
28.55	La Hogue	County Road 300 E	XB	801735-V	Iroquois
30.63	Piper City	TWP Road 10A	XB	801739-X	Iroquois
31.51	Piper City	TWP Road 2A	XB	801740-S	Iroquois
32.52	Piper City	Residential	XB	801742-E	Ford
33.52	Piper City	TWP Road 66B	XB	801744-U	Ford
35.52	Piper City	Farm Service Xing	XB	801748-W	Ford
36.51	Chatsworth	TWP Road 42A	XB	801749-D	Ford
37.5	Chatsworth	East IL Power Xing	XB	801751-B	Livingston
38.51	Chatsworth	TWP Road 282B	XB	801752-L	Livingston
40.89	Chatsworth	TWP Road 225A	XB	801759-J	Livingston
41.52	Forrest	TWP Road 268B	XB	801763-Y	Livingston
42.52	Forrest	TWP Road 254A	XB	801764-F	Livingston
43.5	Forrest	TWP Road 248A	XB	801766-U	Livingston
44.5	Forrest	TWP Road 244C	XB	801768-H	Livingston
45.5	Forrest	CIPS Power Xing	XB	801770-J	Livingston
47.52	Forrest	TWP Road 219	XB	801975-C	Livingston
48.53	Fairbury	TWP Road 220D	XB	801976-J	Livingston
49.55	Fairbury	TWP Road 212	XB	801977-R	Livingston
50.55	Fairbury	TWP Road 204	XB	801980-Y	Livingston
53.55	Weston	TWP Road 166B	XB	801989-K	Livingston
54.57	Weston	Stone Quarry Rd	XB	801990-E	Livingston
55.6	Weston	TWP Road 2A	XB	801992-T	Livingston
56.61	Weston	TWP Road 548A	XB	801993-A	McLean
58.65	Weston	3300E	XB	801996-V	McLean
59.63	Chenoa	TWP Road 512	XB	801998-I	McLean
60.64	Chenoa	Schwageer Rd	XB	802001-X	McLean
64.69	Chenoa	TWP Road 426	XB	802011-D	McLean

65.7	Meadows	TWP Road 424	XB	802012-K	McLean
66.69	Meadows	Lexington Road	XB	802013-S	McLean
67.69	Meadows	TWP Road 400	XB	802015-F	McLean
68.69	Gridley	TWP Road 384	XB	802017-U	McLean
69.68	Gridley	TWP Road 368	XB	802018-B	McLean
73.7	Enright	TWP Road 308	XB	802027-A	McLean
75.71	Enright	TWP Road 264	XB	802031-P	McLean
76.74	El Paso	TWP Road 16A	XB	802033-D	McLean
79.74	Secor	TWP Road 230	XB	801875-X	Woodford
81.46	Secor	TWP Road 216	XB	801880-U	Woodford
84.09	Secor	<del>Farm Xing</del> TWP 173B	XB	801883-P	Woodford
85.88	Eureka	TWP Road 174	XB	801892-N	Woodford
86.9	Eureka	TWP Road 162	XB	801894-C	Woodford
88.95	Eureka	TWP Road 140A	XB	801898-E	Woodford
89.72	Eureka	Farm Service Xing	XB	801899-I	Woodford
94.99	Crueger	TWP Road 187	XB	801907-B	Woodford
<del>107.59</del>	<del>East Peoria</del>	<del>Kroger Xing (PVT)</del>	<del>XB</del>	<del>801789-F</del>	<del>Tazewell</del>

### Peoria Terminal Crossings

Milepost	Nearest Station	Crossing Name	Crossing Protection	DOT Crossing No.	County
115.4	Bartonville, IL	Illinois Street	XB	603881-F	Peoria
117.91	Bartonville, IL	Cilco Lane	XB	603887-W	Peoria

### Morton Ind'l Track

Milepost	Nearest Station	Crossing Name	Crossing Protection	DOT Crossing No.	County
43.43M1	Crandall	Tennessee Ave	XB	004896-S	Tazewell
43.90M1	Crandall	Harding Rd/2100N	XB	004898-F	Tazewell



MUTCD

Toledo, Peoria & Western Railway  
1990 East Washington Street  
East Peoria, IL 61611-2961  
Phone: 309.698.2600  
Fax: 309.698.2679

STATE OF ILLINOIS PROJECT

Cost Breakdown Sheet

71 Crossings, 142 Crossbucks

Signs & Reflective Strips	\$23,981.44
Posts and Hardware	\$ 5,978.86
Contract Labor to Construct & Install	\$41,583.28
G&A Cost	\$17,885.90
<b>Total</b>	<b>\$89,429.48</b>

\$629.0 per post  
\$1,295.57 per crossing

Breakdown Cost Per Crossing

Signs	\$ 337.77
Posts & 6"x 6"x 16' galvanized hardware	\$ 84.20
Labor to construct & install	\$ 585.68
G&A cost per crossing	\$ 251.91

Submitted by Steve Lee, Roadmaster

Steve Lee

7-25-08  
Date

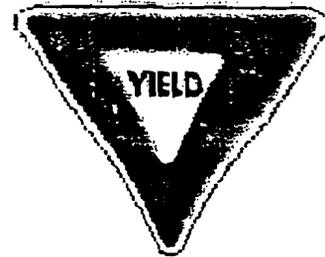
Exhibit C



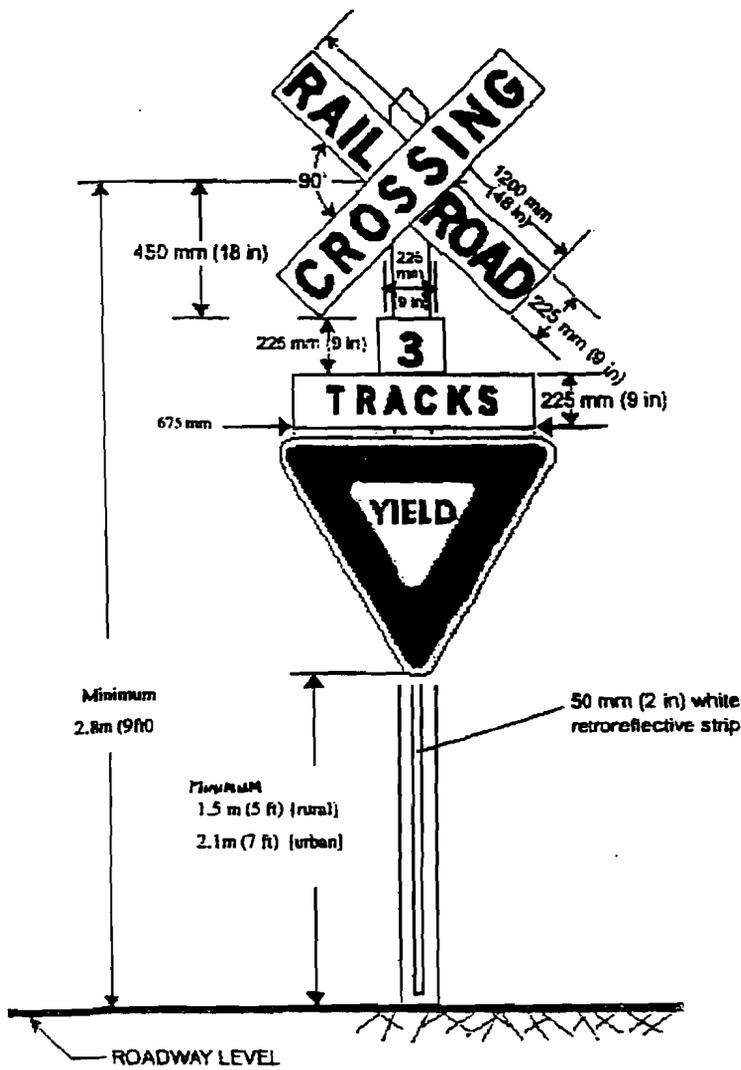
R15-1  
(drilled for 90-degree mounting)



R15-2



R1-2  
(36-INCH)



Highway-rail grade crossing (crossbuck) sign.