

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1342**

T08-0157

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 Pike County Highway Department ("County"), and the State of Illinois, Department of Transportation ("IDOT").

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 Pittsfield Road/CH 2 highway-rail grade crossing of the Norfolk Southern Railway Company's track in New Salem, Pike County, Illinois, designated as crossing AAR/DOT #479 571V, railroad milepost 485.08-WC; 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) Replace the existing antiquated automatic flashing light signals and control circuitry with new automatic flashing light signals and gates with a bell controlled by constant warning time circuitry, and equipped with an event recorder and capable of remote monitoring system when available, by the Company.

- (b) Renewal of railroad advance warning pavement markings on both highway approaches to the crossing, as per the Manual on Uniform Traffic Control Devices (MUTCD), section 8B, and 92 Ill. Adm. Code 1535.310, by the County.

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

Section 4 The Company and the County shall each 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	COUNTY	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$226,997	(95%) \$215,647 ¹	(0%) \$0	(5%) \$11,350 ^{1,2}	(0%) \$0
Renew RR Advance Warning Pavement Markings	No Estimate Required	0%	100% ³	0%	0%
TOTALS	\$226,997	\$215,647	\$--	\$11,350	\$--

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$215,647; any installation costs above the estimated amount of \$226,997 will be divided between the GCPF and the Company in the same manner as outlined 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 County responsible for all future maintenance costs associated with the RR Advance Warning Pavement Markings.

Section 6 The County 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 D. The County 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 Company and the County shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E1 and E2, respectively. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

The Company and the County shall each, 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 E1 (Company) and E2 (County), regarding the progress each 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 and the County 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 of 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 project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; and the number of hours the equipment was used on 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 project.
- e) Supervision - Copies of employee work hours charged to 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.

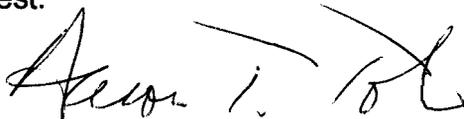
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 19th day of August 2008.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Aaron T. Toliver
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1342, executed by Commission Staff on August 19, 2008, concerning improvements at the Pittsfield Road/CH2 highway-rail grade crossing of the Norfolk Southern Railway Company's track in New Salem, Pike County, Illinois, designated as crossing AAR/DOT #479 571V, railroad milepost 485.08-WC.

Executed by the Norfolk Southern Railway Company this 25th day of August 2008.

NORFOLK SOUTHERN RAILWAY COMPANY

^{nm}
By: M. J. Wheeler
General Manager

Attest:

[Signature]
Asst. Corporate Secretary

Illinois Commerce Commission Stipulated Agreement 1342, executed by Commission Staff on August 19, 2008, concerning improvements at the Pittsfield Road/CH2 highway-rail grade crossing of the Norfolk Southern Railway Company's track in New Salem, Pike County, Illinois, designated as crossing AAR/DOT #479 571V, railroad milepost 485.08-WC.

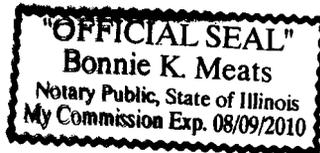
Executed by the Pike County Highway Department this 8th day of
September 2008.

PIKE COUNTY
HIGHWAY DEPARTMENT

By: *Thomas J. Kimm*

Attest:

Bonnie K. Meats



Illinois Commerce Commission Stipulated Agreement 1342, executed by Commission Staff on August 19, 2008, concerning improvements at the Pittsfield Road/CH2 highway-rail grade crossing of the Norfolk Southern Railway Company's track in New Salem, Pike County, Illinois, designated as crossing AAR/DOT #479 571V, railroad milepost 485.08-WC.

Executed by the Illinois Department of Transportation this 15th 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
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 571V, MP 485.08-WC
STREET, CITY, COUNTY	Pittsfield Rd. (C.H. 2), near New Salem, Pike County
JURISDICTION (RDWY)	Pike County
LOCATION	Rural, Residential
STREET SURFACE	HMA, 23', good condition

CROSSING DATA: Also see Location Sketch (Page 3) for roadway profile and trk. ctrs.

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
W-E	Rubber & Asphalt	41'	Good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	N/A
ADT & SPEED	900 ADT@55mph (unposted)
TRAFFIC TYPE	Passenger, possible all other
ADVANCE WARNING	Yes on both approaches
PAVEMENT MARKING	Yes on both approaches, need to be re-painted

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	18/day @ 60 MPH, 2 Switch Movements, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Automatic Flashing Light Signals (AFLS)

NOTES:

Pavement markings on both north and south approach need to be re-painted by the County.

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	N/A (has AFLS)	FEET
Along Tracks	N/A (has AFLS)	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1441	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	~1000'	Curve	N/A	Has AFLS
NW	ok	None	N/A	Has AFLS
SE	~1200'	Curve (also Sig. Cabin)	N/A	Has AFLS
SW	ok	None	N/A	Has AFLS

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

APPROACH GRADES: See Location Sketch

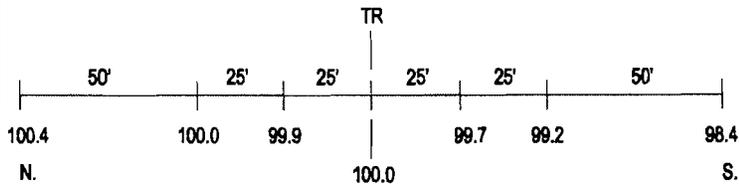
DIRECTION/North			DIRECTION/South		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.9	0.4	25	99.4	2.0
50	99.8	0.4	50	98.9	2.0

Distance measured from outermost rail.

COMMENTS:

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

No highway approach grade adjustments are necessary.



ROAD PROFILE



③ Photo Location

Crossing #: 479571V
 Location: Pike Co., City of New Salem (I)
 Lat/Long: 39°42'06" / 90°50'52"
 Railroad: NS
 Street: Pittsfield Rd
 Railroad Milepost: 485.08
 Crossing Protection: Train Activated Devices

4:1PWE\479571V\479571V.DWG 06/21/00 11:51 TFG



Detailed Estimate for Grade Crossing Warning Devices

City/State: NEW SALEM, IL
MilePost: DH-485.08
State Proj. No.:
S&E Proj. No.: 04.0166
Man Days: 112

Road: PITTSFIELD RD.
DOT/AAR: 479571V
County: PIKE
AFE: F10969
File Number:

Purchases - Others	
Meals and Lodging:	\$14,353.92
Rental of Equipment:	\$25,418.40
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 28 Days)	
Construction Supervision Vehicle:	\$8,872.52
Purchases - Other Total:	\$48,644.84
Material And Additives	
Material Cost:	\$75,202.00
Sales and Use Tax:	\$3,760.00
Material Handling Freight:	\$3,760.08
Material Total:	\$82,722.08
Labor And Additives	
Labor Cost:	\$29,904.00
(4 man crew at \$1,068.00 a day for: 28 days)	
Payroll Tax & Overheads:	\$39,724.47
Preliminary Engineering:	\$9,249.30
Construction Supervision:	\$16,752.22
Labor Total:	\$95,629.99
Project Cost:	\$226,996.91
Scrap / Salvage Credit:	\$0.00
Project Total:	\$226,996.91

Estimated on: 24-Sep-08

Estimated by: ndr3j

Estimate valid for 1 year from date of estimate

Exhibit D

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1342**

Date October 28, 2008

The Pike County Board
(Pike County Board)

meeting on October 28, 2008, Resolved to authorize
(Date)

Howard L. Timmons, County Engineer to act as its designated agent in the
(Name, Office)

processing of this Stipulated Agreement and that the County is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

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

TYPE: (CHECK ONE)

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

DATE	11-14-08
------	----------

PROJECT INFORMATION:

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #; Date:	708-0157
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	479 571V, MP 485.08-WC
Street, (in/near) City, County:	Pittsfield Road/CH2 in New Salem, Pike County, IL
Railroad Company:	Norfolk Southern

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

PROJECT MANAGER INFORMATION²:

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

²Project Manager Information to be submitted by Norfolk Southern Railway Company and Pike Co.

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- (a) Replace the existing antiquated automatic flashing light signals and control circuitry with new automatic flashing light signals and gates with a bell controlled by constant warning time circuitry, and equipped with an event recorder and capable of remote monitoring system when available, by the Company.

STATUS OF WORK: (use additional blank sheet, if necessary)

**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:

Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Aaron Toliver, Rail Safety Specialist
Phone: (217) 785-8420
Email: atoliver@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/forms/results.aspx?st=4>

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 S. Dirksen Parkway
Springfield, IL 62764

APPROACH/BRIDGE WORK

IDOT, District ##
Address

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

<http://www.fra.dot.gov/us/content/801>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety, MS25 1200 New Jersey Avenue SE Washington, DC 20590-0001	And	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
---	------------	---

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

PROJECT STATUS REPORT:

TYPE: (CHECK ONE)

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

DATE	11-14-08
------	----------

PROJECT INFORMATION:

Reporting Party:	Pike County Highway Department
Docket/Order #; Date:	T08-0157
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	479 571V, MP 485.08-WC
Street, (in/near) City, County:	Pittsfield Road/CH2 in New Salem, Pike County, IL
Railroad Company:	Norfolk Southern

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

PROJECT MANAGER INFORMATION²:

Name:	Howard L. Timmons, P.E.
Title:	Pike County Engineer
Representing:	Pike County Highway Department
Street Address:	P.O. Box 514, R.R. #3, New Salem Road
City, State, Zip:	Pittsfield, Illinois 62363
Office Phone:	217-285-4364
Office Fax:	217-285-2719
Cellular Phone:	
E-Mail Address:	gppikehiway@kcads.net

²Project Manager Information to be submitted by Norfolk Southern Railway Company and Pike Co.

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- (a) Renewal of railroad advance warning pavement markings on both highway approaches to the crossing, as per the Manual on Uniform Traffic Control Devices (MUTCD), section 8B.03, and 92 Ill. Adm. Code 1535.310, by the County.

STATUS OF WORK: (use additional blank sheet, if necessary)

**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:

Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Aaron Toliver, Rail Safety Specialist
Phone: (217) 785-8420
Email: atoliver@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/forms/results.aspx?st=4>

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 S. Dirksen Parkway
Springfield, IL 62764

APPROACH/BRIDGE WORK

IDOT, District ##
Address

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

<http://www.fra.dot.gov/us/content/801>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety, MS25 1200 New Jersey Avenue SE Washington, DC 20590-0001	And	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
---	------------	---