

**ORIGINAL**

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1298**

T08-0165

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"), Village of Wayne City ("Village"), and the State of Illinois, Department of Transportation ("Department" or "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 West Street highway-rail grade crossing of the Company's track in Wayne City, Wayne County, Illinois, designated as crossing AAR/DOT #724 742U, railroad milepost 104.25-A; 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.

**DOCKETED**

- (b) Install Railroad ("R X R") Advance Warning Pavement Markings, in accordance with the minimum requirements of 92 Ill. Adm. Code 1535.310 (Exhibit C), on both highway approaches to the crossing, by the Village.
- (c) Replace the existing Railroad Advance Warning Signs on both highway approaches to the crossing to meet the minimum requirements of 92 Ill. Adm. Code 1535.310 (Exhibit C), by the Village.

**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 Village shall each upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, each 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:

<b>COST DIVISION TABLE</b>				
<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>VILLAGE</b>	<b>COMPANY</b>
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$232,936	(85%) \$197,996 <sup>1</sup>	(10%) \$23,293 <sup>1</sup>	(5%) \$11,647 <sup>1,2</sup>
Install Railroad (R X R) Advance Warning Pavement Markings, if required by MUTCD	No Estimate Required	(0%) \$0	(100%) \$--- <sup>3</sup>	(0%) \$0
Replace Existing Railroad Advance Warning Signs on both highway approaches	No Estimate Required	(0%) \$0	(100%) \$--- <sup>3</sup>	(0%) \$0
<b>TOTALS</b>	<b>\$232,936</b>	<b>\$197,996</b>	<b>\$23,293</b>	<b>\$11,647</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$197,996; any installation costs above the estimated amount of \$232,936 will be divided between the GCPF, the Company, and the Village 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.

<sup>2</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

<sup>3</sup> Village responsible for all installation and future maintenance costs associated with the R X R advance warning pavement markings (if applied), as well as all installation and future maintenance costs associated with the W10-1 advance warning signs.

Section 6 The Village 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 Village 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 Commission should grant a variance from the grade requirements of 92 Illinois Administrative Code Part 1535.204 to the Village, and the Village should be allowed to maintain the highway approaches to the existing grades as shown in Exhibit A, attached hereto.

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

The Company and the Village 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 E (Company) and Exhibit E1 (Village), 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 Village 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 12<sup>th</sup> month from the completion date specified in the Commission Order approving this Agreement, or any Supplemental Order(s) issued for this project, conduct a review to determine if any unused assistance from the Grade Crossing Protection Fund should be deobligated. Upon completion of the review, the Commission shall notify the Department to deobligate all residual funds accountable for installation costs for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, 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.

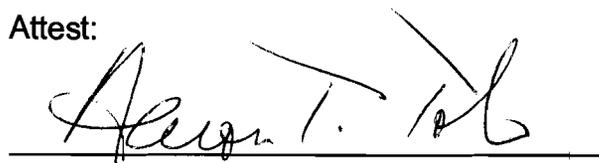
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 8<sup>th</sup> day of October 2008.



Michael E. Stead  
Rail Safety Program Administrator

Attest:

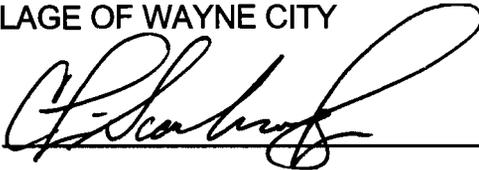


Aaron T. Toliver  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1298, executed by Commission Staff on October 8, 2008, concerning improvements at the West Street highway-rail grade crossing of the Norfolk Southern Railway Company's track in Wayne City, Wayne County, designated as crossing AAR/DOT #724 742U, railroad milepost 104.25-A.

Executed by the Village of Wayne City this 27<sup>th</sup> day of October  
2008.

VILLAGE OF WAYNE CITY

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement 1298, executed by Commission Staff on October 8, 2008, concerning improvements at the West Street highway-rail grade crossing of the Norfolk Southern Railway Company's track in Wayne City, Wayne County, designated as crossing AAR/DOT #724 742U, railroad milepost 104.25-~~W~~

Executed by the Norfolk Southern Railway Company this 29th day of October 2008.

NORFOLK SOUTHERN RAILWAY COMPANY

By: M. J. Wheeler  
General Manager

Attest:

Mary Ann Muesel  
Assistant Corporate Secretary

Illinois Commerce Commission Stipulated Agreement 1298, executed by Commission Staff on October 8, 2008, concerning improvements at the West Street highway-rail grade crossing of the Norfolk Southern Railway Company's track in Wayne City, Wayne County, designated as crossing AAR/DOT #724 742U, railroad milepost 104.25-A.

Executed by the Illinois Department of Transportation this 17<sup>th</sup> day of November 2008.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

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

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Norfolk Southern Railway Company
<b>USDOT#, MILEPOST</b>	724 742U, MP 104.25-A
<b>STREET, CITY, COUNTY</b>	West Street, Wayne City, Wayne County
<b>JURISDICTION (RDWY)</b>	Wayne County
<b>LOCATION</b>	Rural, Residential
<b>STREET SURFACE</b>	Hot Mix Asphalt, 19', good condition

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

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
W-E	Timber & Asphalt	31'	Good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Prairie Street (34' S.), Access Drives (~30' N.)
<b>TRAFFIC CONTROL</b>	STOP sign on NB West St., STOP sign on WB Prairie St.
<b>ADT &amp; SPEED</b>	550 ADT@25mph
<b>TRAFFIC TYPE</b>	Passenger, possible all other
<b>ADVANCE WARNING</b>	Yes on both approaches, but need replaced
<b>PAVEMENT MARKING</b>	No

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	24/day @ 50 MPH, 3 Switch Movements, Day & Night
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	Automatic Flashing Light Signals (AFLS)

NOTES:

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	50	<b>MPH</b>
<b>Roadway Speed</b>	25	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	N/A (has AFLS)	<b>FEET</b>
<b>Along Tracks</b>	N/A (has AFLS)	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1201	<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	Siding (if train occupying)	N/A	Has AFLS
<b>NW</b>	ok	None	N/A	Has AFLS
<b>SE</b>	ok	None	N/A	Has AFLS
<b>SW</b>	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

<b>DIRECTION/North</b>			<b>DIRECTION/South</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
25	99.24	3.0	25	98.61	5.6
50	98.24	4.0	50	96.81	7.2

Distance measured from outermost rail.

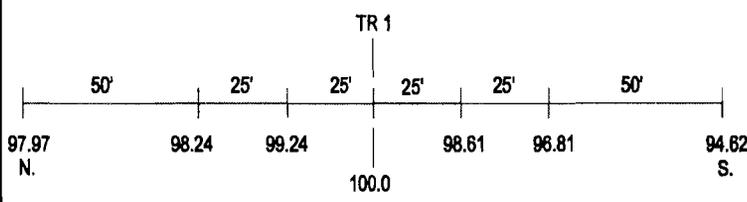
**COMMENTS:**

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

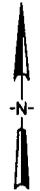
Due to the very close proximity of Prairie Street to the south and two private access drives to the north of the crossing, it is cost prohibitive to improve the north and south approach grades to meet Ill. Adm. Code 1535.204, as the action would also require raising the nearby intersecting street/drives and related drainage improvements. For this reason, Staff recommends granting the Village a waiver from the requirements of Ill. Adm. Code 1535.204.



4 | WAYNE | 724742U | 724742LONG 06/23/00 08:37 | TC



ROAD PROFILE



③ Photo Location

Crossing #: 724742U

Location: Wayne Co., City of Wayne City (I)

Lat/Long: 38°20'44" / 88°35'34"

Railroad: NS

Street: West Street

Railroad Milepost: 104.25

Crossing Protection: Train Activated Devices



**Detailed Estimate for Grade Crossing Warning Devices**

City/State: WAYNE CITY VILL, IL  
MilePost: 104.25-W  
State Proj. No.:  
S&E Proj. No.: 04.0024  
Man Days: 112

Road: WEST RD.  
DOT/AAR: 724742U  
County: WAYNE  
AFE: F10595  
File Number: 061-04.0016

<b>***Purchases - Others***</b>	
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
<b>Purchases - Other Total:</b>	<b>\$48,644.84</b>
<b>***Material And Additives***</b>	
Material Cost:	\$80,201.00
Sales and Use Tax:	\$4,010.00
Material Handling Freight:	\$4,010.06
<b>Material Total:</b>	<b>\$88,221.06</b>
<b>***Labor And Additives***</b>	
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:	\$9,689.25
Construction Supervision:	\$16,752.22
<b>Labor Total:</b>	<b>\$96,069.94</b>
<b>Project Cost:</b>	<b>\$232,935.84</b>
<b>Scrap / Salvage Credit:</b>	<b>\$0.00</b>
<b>Project Total:</b>	<b>\$232,935.84</b>

Estimated on: 03-Oct-08

Estimated by: enrhr

**Estimate valid for 1 year from date of estimate**





Section 1535.310 Advance Warning Signs and Pavement Markings

- a) Railroad Advance Warning Signs
- 1) The railroad advance warning sign as set forth in MUTCD Section 8B.04 and MUTCD Figure 8B-2 shall be used in advance of every railroad grade crossing, whether marked by crossbucks or equipped with active warning devices, except in the following instances:
    - A) At a minor siding or spur which is infrequently used and which is guarded by a member of the train crew when in use.
    - B) In the business districts of cities where the crossings are equipped with active warning devices and the physical conditions are such that even a partially effective display of the sign is impossible.
  - 2) In rural areas advance warning signs shall be located from 400 to 700 feet in advance of the grade crossing on each side thereof, said distance to be governed by prevailing speed of vehicular traffic.
  - 3) On a divided highway, it may be desirable to erect a supplemental sign on the left of the roadway. In residential or business districts where low speeds are prevalent, the sign may be placed a minimum distance of 100 feet from the crossing. If there is a street intersection within 100 feet, an additional sign or signs should be so placed as to warn traffic approaching the crossing from each intersected street.
- b) Unless otherwise specifically ordered by the Commission, advance warning signs at crossings are to be furnished, installed, maintained and replaced by and at the expense of the public authority having the duty of maintaining such signs along said highway.
- c) Advance warning signs hereafter installed near or at crossings, either as replacements or as new or additional signs, shall be of the reflector type and shall conform as to type, aspect and color with MUTCD Section 8B.04 and MUTCD Figure 8B-2.
- d) The public authority having the duty of maintaining the approach to a grade crossing is required, where practicable, to place pavement markings consisting of a cross and the letters "R.R." in accordance with current applicable standards.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1298

Date 10/28/08

The Wayne City Village Board  
(Wayne City Village Board)

meeting on 10/9/08, Resolved to authorize  
(Date)

Chris Scarborough, Mayor to act as its designated agent in the  
(Name, Office)

processing of this Stipulated Agreement and that the Village 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	11-25-08
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**PROJECT INFORMATION:**

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #; Date:	708-0165
Status Reports Due:	6 Months from Order Date
Ordered Completion Date:	12 Months from Order Date
Completion Report Due <sup>1</sup> :	Within 10 days of Completion Date
AAR/DOT#, Milepost:	724 742U, MP 104.25-A
Street, (in/near) City, County:	West St. in Wayne City, Wayne 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 Norfolk Southern Railway Company and the Village of Wayne City.

**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)

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**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](mailto: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	<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	11-25-08
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**PROJECT INFORMATION:**

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Street, (in/near) City, County:	West St. in Wayne City, Wayne 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:	Chris Scarbrough
Title:	Village President
Representing:	Village of Wayne City
Street Address:	PO Box 176
City, State, Zip:	Wayne City, IL 62895
Office Phone:	618-895-2241
Office Fax:	618-242-6335
Cellular Phone:	618-315-1102
E-Mail Address:	scarbrough@sprelec.com

<sup>2</sup>Project Manager Information to be submitted by Norfolk Southern Railway Company and the Village of Wayne City.

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

- (a) Install Railroad ("R X R") Advance Warning Pavement Markings to meet the minimum requirements of 92 Ill. Adm. Code 1535.310 (Exhibit C), by the Village.
- (b) Replace the existing W10-1 Railroad Advance Warning Signs on both highway approaches to the crossing, to meet the minimum requirements of 92 Ill. Adm. Code 1535.310 (Exhibit C), by the Village.

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

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TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

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