

ORIGINAL

739-0911

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1363**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the CSX Transportation, Inc. ("CSXT" or "Company"), Village of Bismarck ("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 from the Village that inquiry should be made into the matter of improving public safety at the South Street highway-rail grade crossing of the Company's track in the Village of Bismarck, Vermillion County, designated as crossing (AAR/DOT #353 699P; railroad milepost 114.32-OZA); 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 crossings upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the promises 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 ("Fund") 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 crossings should be:

DOCKETED

- (a) Vacation of South Street highway-rail grade crossing of the Company's track, by the Village.
- (b) Installation of temporary Type-III barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices, by the Village.
- (c) Removal of the existing grade crossing surface and passive warning signs at the existing South Street highway-rail grade crossing, by the Company.
- (d) Installation of permanent barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices, by the Company.
- (e) Payment as detailed *infra* from the Grade Crossing Protection Fund to the Village for voluntary closure of the South Street highway-rail grade crossing, by IDOT.

Section 3 The Village shall pass a local ordinance vacating South Street, with a stipulation that final vacation of the roadway shall not take place until a Commission Order has been issued authorizing an incentive payment from the Grade Crossing Protection Fund for closure of the South Street highway-rail grade crossing. Following passage of the local vacation ordinance, the Village shall erect temporary barricades to prevent vehicular access to the South Street crossing. The temporary barricades shall be erected by the Village within three (3) business days from the date the vacation ordinance was passed by the Village. The Village will be responsible for all costs to erect and maintain the temporary barricades.

Section 4 The Company shall upon Order, according to the requirements contained therein, remove the crossing surface and passive warning signs at the South Street highway-rail grade crossing. The work shall be completed within sixty (60) days after the Company receives a copy of the Order. The Company shall provide all parties with notice that the work has been complete within five (5) days of completion.

The Company shall upon Order, according to the requirements contained therein, install permanent barricades on both sides of the South Street grade crossing at the Company's right of way (ROW) limits. The work shall be completed within thirty (30) days after the Company receives a copy of the Order. The Company shall provide all parties with notice that the work has been complete within five (5) days of completion.

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 | VILLAGE | COMPANY | IDOT |
|--|----------------------|---------------------------------|-------------------|---------------------|--------------------------------|
| Vacate South Street by Local Ordinance; erect Temporary Barricades | No Estimate Required | \$0 | 100% ² | \$0 | \$0 |
| Remove existing surface and warning signs at the South Street grade crossing | No Estimate Required | \$0 | \$0 | 100% | \$0 |
| Install permanent barricades at the South Street grade crossing | No Estimate Required | \$0 | \$0 | \$100% ³ | \$0 |
| Provide Grade Crossing Protection Fund Incentive Payment for Voluntary Closure of the South Street grade crossing. | \$50,000 | 100% ¹ (\$50,000) | \$0 | \$0 | \$0 |
| Provide Incentive Payment for Voluntary Closure of the South Street grade crossing. | \$7,500 | \$0 | \$0 | 100% (\$7,500) | \$0 |
| Provide Matching Federal Closure Incentive Payment for Voluntary Closure of the South Street grade crossing. | \$7,500 | \$0 | \$0 | \$0 | 100% ⁴ (\$7,500) |
| TOTALS | \$65,000 | \$50,000 | \$0 | \$7,500 | \$7,500 |

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

Notes:

- ¹ Total Grade Crossing Protection Fund (GCPF) payment not to exceed \$50,000 for voluntary closure of the South Street crossing.
- ² The Village shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the South Street highway-rail grade crossing.
- ³ The Company shall be responsible for all costs associated with installing and maintaining the permanent barricades.
- ⁴ Upon Closure of the South Street crossing the Village shall submit a notification of closure and a request for the \$7,500 federal voluntary crossing incentive payment to the Department. Subsequent to the execution of this agreement and issuance of an ICC Order (see section 7 of this agreement) and within 60 days of the notification and request, the Department shall issue a check in the amount of \$7,500 to the Village.

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 attached and incorporated herein by reference as Exhibit C.

Section 7 Special Provisions: The Village shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the roadways have been vacated. The Village shall submit the vacation ordinance to all parties, via registered mail, at the same time as the Execution Page of this Agreement is submitted to the Commission.

Subject to availability of Grade Crossing Protection Funds, within sixty (60) days from receipt of the Commission Order, the Department shall issue a check for \$50,000 as payment from the Grade Crossing Protection Fund to the Motor Fuel Tax to the Village for voluntary closure of the crossing, subject of this agreement. The Department shall notify all parties when the check has been issued. Notification may be by regular mail, electronic

mail, facsimile, or phone. The Village may use the GCPF payment for any purpose that meets IDOT's requirements for permissible uses of Motor Fuel Tax Funds.

Upon closure of the South Street crossing, the Company shall make a voluntary incentive payment in the amount of \$7,500 to the Village.

The Illinois Department of Transportation shall utilize \$7,500 in federal funds as incentive payment to the Village. Eligibility for the Department's \$7,500 payment to the Village 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 South Street 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 Village 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 Village for a roadway safety related expense.

Upon receipt of the Commission Order, the Company shall remove the crossing surfaces and passive warning devices at the South Street highway-rail grade crossing and install permanent barricades at the Company's ROW line. The permanent barricades shall conform to the requirements of 92 Illinois Administrative Code, Part 1535.701, and the Manual on Uniform Traffic Control Devices. The Village shall install the appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. All warning signs are to be maintained by the Village.

The Company and the Village shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits B and B-1, along with this executed Agreement.

The Company and the Village 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 B and B-1, 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 and the Village Project Manager.

Upon closure of the South Street crossing, and subject to the conditions and requirements set forth in this Agreement, the Village shall submit its request for the \$7,500 federal voluntary crossing closure incentive payment to the Department's Region 3, District 5 Office at the following address: Joseph E. Crowe, Region Engineer, Attn: David Speicher, Local Roads Engineer, 13473 Illinois Highway 133, P.O. Box 610, Paris, IL 61944. The request for payment shall include the location and ICC Order number, as well as the following information: **Section 08-00001-00-SP; Project # RRP-0183(099); Job # C- 95-301-09.**

Upon receipt of the request for payment for the \$7,500 incentive payment from the Village, IDOT's Region 3, District 5 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 Road District. Payment shall be issued within 60 days of a Commission Order issued subsequent to execution of this Agreement (see cost division notes).

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

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 17th day of November, 2008.



Michael E. Stead
Rail Safety Program Administrator

Attest:



John Saladino
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1363, executed by Commission Staff on November 17, 2008, concerning vacation of the South Street (AAR/DOT #353 699P; railroad milepost 114.32-~~07~~ highway-rail grade crossing of CSX Transportation's track, located in the Village of Bismarck, Vermillion County, Illinois.

Executed by the Village of Bismarck this 16 day of December 2008.

VILLAGE OF BISMARCK

By: Eleanor White, Mayor

Attest:

Dev Maddex, Clerk

Illinois Commerce Commission Stipulated Agreement 1363, executed by Commission Staff on November 17, 2008, concerning vacation of the South Street (AAR/DOT #353 699P; railroad milepost 114.32-~~071~~ highway-rail grade crossing of CSX Transportation's track, located in the Village of Bismarck, Vermillion County, Illinois.

Executed by the Illinois Department of Transportation this 13th day of January 2009.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

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

Illinois Commerce Commission Stipulated Agreement 1363, executed by Commission Staff on November 17, 2008, concerning vacation of the South Street (AAR/DOT #353 699P; railroad milepost 114.32-OZA) highway-rail grade crossing of CSX Transportation's track, located in the Village of Bismarck, Vermillion County, Illinois.

Executed by CSX Transportation, Inc. this 19th day of January 2009.

CSX TRANSPORTATION, INC.

By:



Charles E. Gullakson
Assistant Chief Engineer
Public Projects

Attest:



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

GENERAL INFORMATION: See Location Sketch

| | |
|-----------------------------|--|
| RAILROAD | CSX Transportation, Inc. |
| USDOT#, MILEPOST | 353 699P, 114.32-OZA |
| STREET, CITY, COUNTY | South Street, in Bismarck, Vermillion County |
| JURISDICTION (RDWY) | Village of Bismarck |
| LOCATION | Urban, Commercial/Residential |
| STREET SURFACE | 14' Oil/Chip, Fair Condition |

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

| TRACK (W-E or N-S) | SURFACE TYPE | SURFACE WIDTH | SURFACE CONDITION |
|-------------------------------|---------------------|----------------------|------------------------------|
| Main | Asphalt | 24' | Fair |

ROADWAY DATA: See Location Sketch

| | |
|----------------------------|--|
| INTERSECTING ROADS: | None |
| TRAFFIC CONTROL | None |
| ADT & SPEED | 109 Vehicles Per Day @ 30 MPH (Unposted) |
| TRAFFIC TYPE | Passenger, School Buses, Hazardous Materials, All possible |
| ADVANCE WARNING | Yes |
| PAVEMENT MARKING | No |

RAILROAD DATA: See Location Sketch

| | |
|--------------------------|---------------------------------------|
| FREIGHT TRAFFIC | 31 Per day @ 60 MPH, Day & Night? Yes |
| PASSENGER TRAFFIC | No |
| WARNING DEVICES | Crossbucks/Yield Signs |

NOTES:

VISIBILITY STUDY: See Location Sketch

| | | |
|--|--------|-------------|
| Train Speed | 60 | MPH |
| Roadway Speed | 30 | MPH |
| Required Stopping Sight Distance (SSD) | | |
| Along Roadway | 220' | FEET |
| Along Tracks | 593' | FEET |
| Required Clearing Sight Distance (CSD) (Along Tracks) | 1,441' | 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.

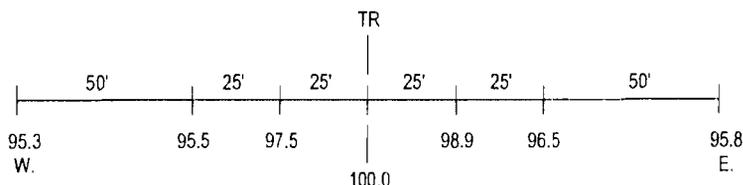
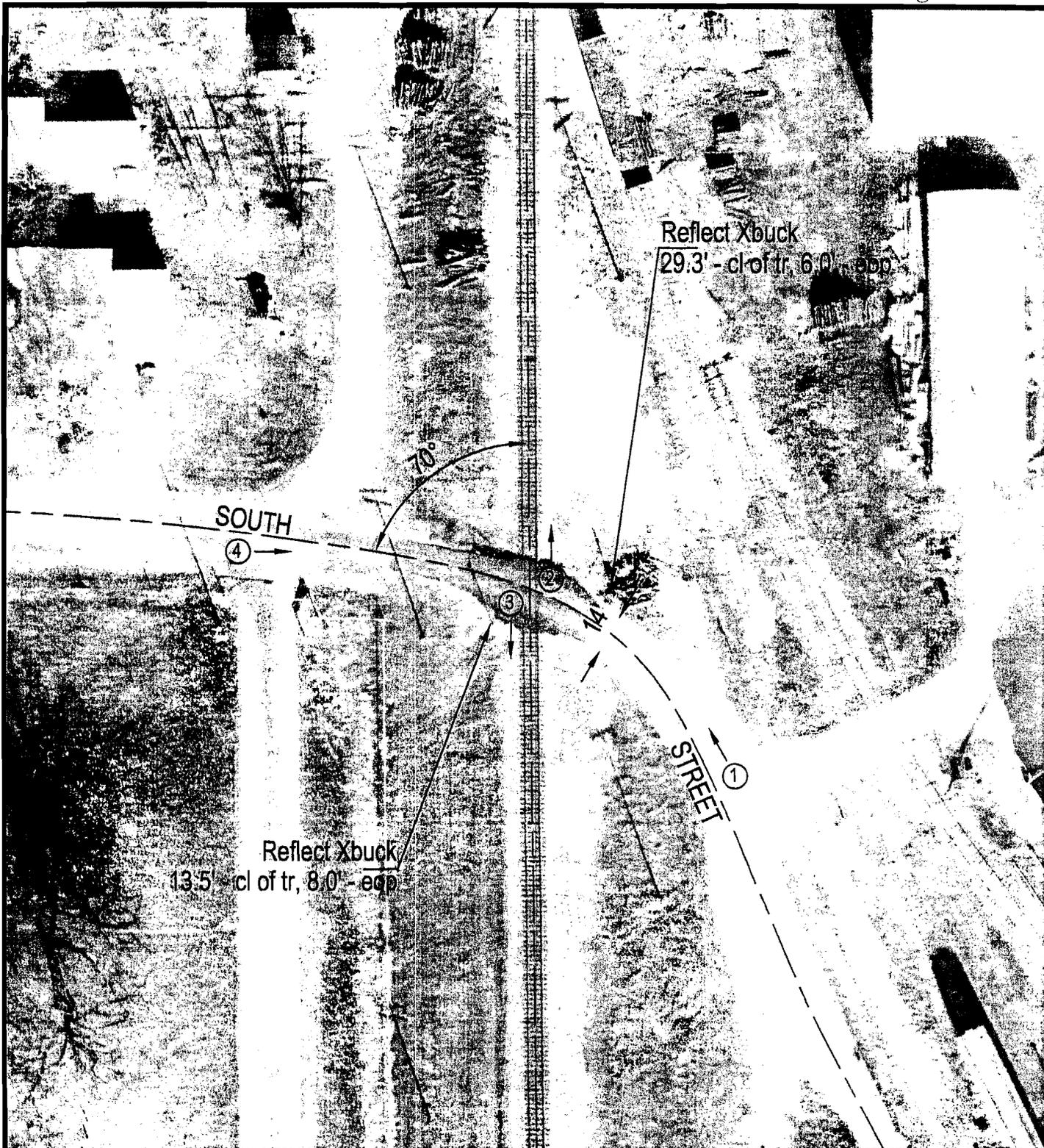
| QUADRANT | CSD (FT) | OBSTRUCTION | SSD (FT) | OBSTRUCTION |
|-----------------|---------------------|--------------------|---------------------|--------------------|
| NE | OK | | OK | |
| NW | Ok | | 50' | House |
| SE | OK | | OK | |
| SW | OK | | 50' | Trees |

APPROACH GRADES: See Location Sketch

| DIRECTION: EAST | | | DIRECTION: WEST | | |
|--------------------------|---------------------------|----------------------|--------------------------|---------------------------|----------------------|
| DISTANCE (FT) | ELEVATION (FT) | GRADE (%) | DISTANCE (FT) | ELEVATION (FT) | GRADE (%) |
| | | | | | |
| | | | | | |

Distance measured from outermost rail.

COMMENTS: See Page 3 (Aerial Photo) for Location Sketch



ROAD PROFILE



SCALE IN FEET



③ Photo Location

Crossing #: 353699P

Location: Vermilion Co., City of Alvan/Alvin (N)

Lat/Long: 40°15'47" / 87°36'21"

Railroad: CSX

Street: South Street

Railroad Milepost: 114.32

Crossing Protection: Signs

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

TYPE: (CHECK ONE)

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

| | |
|------|---------|
| DATE | 1-23-09 |
|------|---------|

PROJECT INFORMATION:

| | |
|--------------------------------------|---|
| Reporting Party: | CSX Transportation, Inc. |
| Docket/Order #; Date: | 709-0011 |
| Status Reports Due: | |
| Ordered Completion Date: | |
| Completion Report Due ¹ : | |
| AAR/DOT#, Milepost: | 353 699P, 114.32-OZA |
| Street, (in/near) City, County: | South Street in Bismarck, Vermillion County |
| Railroad Company: | CSX Transportation, Inc. |

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

PROJECT MANAGER INFORMATION²:

| | |
|-------------------|--------------------------|
| Name: | Hal Gibson |
| Title: | Public Project Engineer |
| Representing: | CSX Transportation, Inc. |
| Street Address: | 500 Water Street |
| City, State, Zip: | Jacksonville, FL. 32202 |
| Office Phone: | 904-359-1048 |
| Office Fax: | 904-366-4042 |
| Cellular Phone: | |
| E-Mail Address: | Hal.Gibson@csx.com |

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

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Close, abolish and install permanent barricades at the South Street highway-rail grade crossing in Bismarck, Vermillion County

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:

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

If you have questions contact:

John Saladino, Rail Safety Specialist
Phone: (217) 785-8423
Email: jsaladino@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 | <u>And</u> | 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 ¹ | <input type="checkbox"/> |

| | |
|------|-------------|
| DATE | 1 - 23 - 09 |
|------|-------------|

PROJECT INFORMATION:

| | |
|--------------------------------------|---|
| Reporting Party: | Village of Bismarck |
| Docket/Order #; Date: | 709-0011 |
| Status Reports Due: | |
| Ordered Completion Date: | |
| Completion Report Due ¹ : | |
| AAR/DOT#, RR Milepost: | 353 699P, mp 114.32-OZA |
| Street, (in/near) City, County: | South St., in Bismarck, Vermillion County |
| Railroad Company: | CSX Transportation, Inc. |

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

PROJECT MANAGER INFORMATION²:

| | |
|-------------------|-------------------------|
| Name: | Eleanor White |
| Title: | Mayor |
| Representing: | Village of Bismarck |
| Street Address: | P.O. Box 141 |
| City, State, Zip: | Bismarck, IL 61814 |
| Office Phone: | 217-759-7984 |
| Office Fax: | 217-759-8222 |
| Cellular Phone: | |
| E-Mail Address: | BismarckVillage@AOL.com |

²Project Manager Information to be submitted by the Village of Bismarck

DESCRIPTION OF IMPROVEMENTS ORDERED:

- Install temporary barricades at the South Street highway-rail grade crossing in Bismarck, Vermillion County.

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

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:

John Saladino, Rail Safety Specialist
Phone: (217) 785-8423
Email: jsaladino@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:

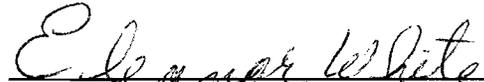
| | | |
|---|-------------------|---|
| Federal Railroad Administration Office of Safety, MS25 1200 New Jersey Avenue SE Washington, DC 20590-0001 | <u>And</u> | Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764 |
|---|-------------------|---|

RESOLUTION NO. 2008 - 6

**RESOLUTION REGARDING ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1363**

The Village Board of Bismarck meeting on December 16, 2008, Resolved to authorize Mayor Eleanor White to act as its designated agent in the processing of Illinois Commerce Commission Stipulated Agreement 1363 and that the Village of Bismarck is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of Illinois Commerce Commission Stipulated Agreement 1363.

PRESENTED and ADOPTED this 16th day of December 2008.



Eleanor White,
President of the Village of Bismarck

Attest:



Bev Madden, Village Clerk