

ORIGINAL

TD9-0014

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1376

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Chicago, Central and Pacific Railroad Company ("Company"), Winnebago 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 Falconer Road/TR 94 highway-rail grade crossing of the Company's track near Winnebago, Winnebago Township, Winnebago County, Illinois, designated as crossing AAR/DOT 290 095H, milepost 92.60-W; 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:

DOCKETED

- (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.
- (b) Installation of temporary STOP signs at the crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.

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) 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	\$159,100	(85%) \$135,235 ¹	(10%) \$15,910	(5%) \$7,955 ²	\$0
Install temporary STOP Signs, if ordered	No estimate required	\$0	\$0	100% ³	\$0
TOTALS	\$159,100	\$135,235¹	\$15,910	\$7,955^{2,3}	\$0

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$135,235; any installation costs above the estimated amount of \$159,100 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.

Section 6 The Township 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 C. The Township 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: Since the warning device improvements at the crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company and the Township shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits D and D1, along with this executed Agreement.

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, 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 D, 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 (See Exhibit D, page 2). 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 de-obligated. Upon completion of the review, the Commission shall notify the Department to de-obligate 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 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.

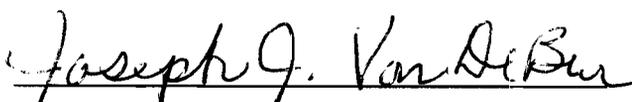
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 18th day of November 2008.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1376, executed by Commission Staff on November 18, 2008, concerning improvements at the Falconer Road/TR94 highway-rail grade crossing of the Chicago, Central and Pacific Railroad Company's track near Winnebago, Winnebago Township, Winnebago County, Illinois, designated as crossing AAR/DOT 290 095H, milepost 92.60-W.

Executed by Winnebago Township this 8th day of December 2008.

WINNEBAGO TOWNSHIP

By: Barry J. Palm (Highway Commissioner)

Attest:

Charles A. Lind

CHARLES A. LIND -
SUPERVISOR WINNEBAGO TWP.

RECEIVED
DEC 12 2008

ILLINOIS COMMERCE COMMISSION
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement 1376, executed by Commission Staff on November 18, 2008, concerning improvements at the Falconer Road/TR94 highway-rail grade crossing of the Chicago, Central and Pacific Railroad Company's track near Winnebago, Winnebago Township, Winnebago County, Illinois, designated as crossing AAR/DOT 290 095H, milepost 92.60-W.

Executed by the Chicago, Central and Pacific Railroad Company this 9th day of December 2008.

CHICAGO, CENTRAL AND PACIFIC
RAILROAD COMPANY

By: Paul E. Ladner

Witness:

[Handwritten Signature]

RECEIVED
DEC 12 2008
ILLINOIS COMMERCE COMMISSION
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement 1376, executed by Commission Staff on November 18, 2008, concerning improvements at the Falconer Road/TR94 highway-rail grade crossing of the Chicago, Central and Pacific Railroad Company's track near Winnebago, Winnebago Township, Winnebago County, Illinois, designated as crossing AAR/DOT 290 095H, milepost 92.60-W.

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
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Chicago Central & Pacific Railroad Company
USDOT#, MILEPOST	290 095H, 92.60-W
STREET, CITY, COUNTY	Falconer Road (TR94), Near Winnebago, Winnebago County
JURISDICTION (RDWY)	Winnebago Township Road District
LOCATION	Rural, Residential/Agricultural
STREET SURFACE	2-Lane, 2-Way (North-South), 22 Ft. Wide, Oil & Chip Roadway

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

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Full Depth Timber	27 Ft	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	100 Vehicles Per Day @ 55 MPH (Not Posted)
TRAFFIC TYPE	TYPES: Passenger, Agricultural/Farm Equipment with possible School Busses, Hazardous Materials, and Emergency Response
ADVANCE WARNING	W10-1 (Standard AWS): Northwest & Southeast
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	4 Per day @ 50 MPH, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	R15-1 (Reflective Crossbucks) w/reflective striping: NW & SE
OTHER	Emergency Notification Signs (Tags) on crossbucks

NOTES:

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

Recommend placement of the following in accordance with MUTCD:

- Temporary R1-1 (STOP signs) to be installed by RR upon Order and to remain in place until the automatic warning devices are fully operational.

VISIBILITY STUDY: See Location Sketch

Train Speed	50	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	483	FEET
Along Tracks	502	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1189	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	*	Trees & Brush
NW	*	Good	*	Trees & Brush
SE	*	Good	*	Good
SW	*	Good	*	Good

*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: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	99.6	-1.6	25	100.0	0.0
50	98.6	-4.0	50	99.8	-0.8
100	96.9	-3.4	100	99.7	-0.2

Distance measured from outermost rail.

COMMENTS:

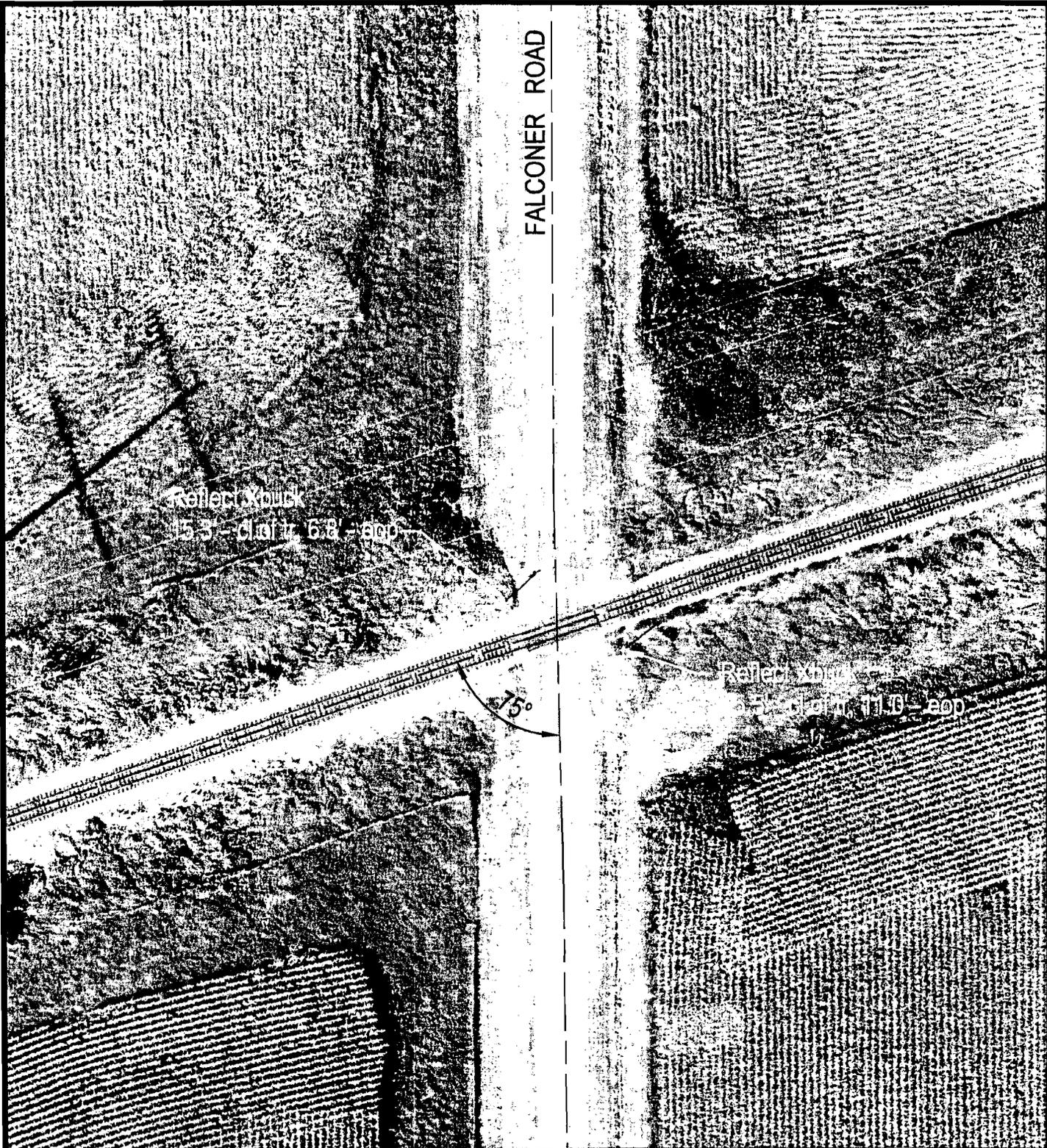
Project is an FY09 component of 2009-2013 Crossing Safety Improvement Program.

PROPOSED COST DIVISION

IMPROVEMENT	GCPF	TOWNSHIP	ICRR
SIGNALS	85% ¹	10%	5% ²
APPROACH	No Work	No Work	No Work

²All future maintenance & operation costs of the new automatic warning devices to be paid by Illinois Central Railroad Company.

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



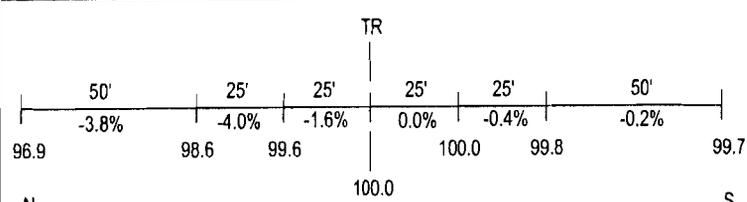
FALCONER ROAD

Reflector Crossbuck
15.3' - clear to 6.8' - end

75°

Reflector Crossbuck
11.0' - end

J:\WINNEBAGO\290095H\290095H.DWG 12/16/99 06:35 .LA



ROAD PROFILE



Crossing #: 290095H
 Location: Winnebago Co., City of Winnebago (Near)
 Lat/Long: 42°15'06" / 89°12'43"
 Railroad: Chicago, Central and Pacific
 Street: Falconer Road / TR 94
 Railroad Milepost: 92.60-W
 Crossing Protection: Crossbucks

CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY

A WHOLLY OWNED SUBSIDIARY OF
CANADIAN NATIONAL RAILWAY COMPANY

HIGHWAY/RAIL GRADE CROSSING SIGNAL ESTIMATE

Roadway Name: Falconer Road
Nearest Station: Atworth, IL
Railroad Region: Southern
Railroad Subdivision: Freeport
Railroad Milepost: W 92.60
DOT Crossing No.: 290 095H
Valuation Section: IA-1

Date: September 25, 2008

Est 1015-805

Prepared by: WCR

Description of Work: Signal work to install Gates.

MATERIAL:

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Landfill & Shoring	1	LOT	\$ 5,000.00	\$ 5,000.00
Misc. Signal Material	1	LOT	\$ 2,000.00	\$ 2,000.00
<u>CROSSING MATERIALS PACKAGE</u>				
GCP4000, 1 Track Non-Redundant	1	EACH	\$ 16,500.00	\$ 16,500.00
ILOD, A80271	2	EACH	\$ 498.00	\$ 996.00
Narrow Band Shunt, 62775-1543	2	EACH	\$ 566.00	\$ 1,132.00
Rectifier, NRS 15110, 20A	1	EACH	\$ 500.00	\$ 500.00
Rectifier, NRS 18120, 40A	1	EACH	\$ 700.00	\$ 700.00
LED Flasher & 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, SK-1000	2	EACH	\$ 1,410.00	\$ 2,820.00
Bell, Electronic	1	EACH	\$ 385.00	\$ 385.00
Foundation, S-2	2	EACH	\$ 550.00	\$ 1,100.00
Enclosure, Shunt	2	EACH	\$ 712.00	\$ 1,424.00
Battery, Ni-Cad, 250 AH	11	EACH	\$ 265.00	\$ 2,915.00
Battery, Ni-Cad, 340 AH	9	EACH	\$ 375.00	\$ 3,375.00
Pre-Wired Aluminum Bungalow, 6X6'	1	EACH	\$ 18,000.00	\$ 18,000.00
Wire, 2c/6, T10456	300	FEET	\$ 1.87	\$ 561.00
Cable, 3c/6, T10458	100	FEET	\$ 5.09	\$ 509.00
Cable, 7c/6, 9c/14, T12481	300	FEET	\$ 7.89	\$ 2,367.00
SUBTOTAL MATERIAL				\$ 77,094.00

Falconer Road

Page 2

Alworth, IL

Est 1015-805

LABOR:

SIGNAL LABOR

<u>Item</u>	<u>Gang Days</u>	<u>Cost/Day</u>	<u>Cost</u>
5-man Gang	14	\$ 1,300.00	\$ 18,200.00
SUBTOTAL SIGNAL LABOR			\$ 18,200.00

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				\$ 21,275.00

OTHER

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Per Diem/Business Expense	1	L.S.	\$ 8,400.00	\$ 8,400.00
Contractor/Rented Equipment	1	L.S.	\$ 2,800.00	\$ 2,800.00
Contract-Crossing System Wiring	1	L.S.	\$ 6,000.00	\$ 6,000.00
Freight on Crossing Package	1	L.S.	\$ 3,000.00	\$ 3,000.00
Contract Engineering	1	L.S.	\$ 7,000.00	\$ 7,000.00
Extend Power Line (By Others)	1	L.S.	\$ 10,000.00	\$ 10,000.00
Power Tap	1	L.S.	\$ 3,000.00	\$ 3,000.00
TOTAL OTHER				\$ 40,200.00
TOTAL DIRECT COSTS				\$ 138,569.00

Falconer Road

Page 3

Alworth, IL

Est 1015-805

FAPG ADDITIVES

Material	\$ 77,094.00	
Material Additive (4.20%)		\$ 3,237.95
Signal Labor	\$ 18,200.00	
Signal Labor Additive (80.89%)		\$ 14,721.98
Engineering Labor	\$ 2,775.00	
Engineering Labor Additive (85.26%)		\$ 2,365.97
Accounting Labor	\$ 300.00	
Accounting Labor Additive (65.89%)		\$ 197.67
Other	\$ 40,200.00	
	=====	=====
TOTAL DIRECT COSTS	\$ 138,569.00	
TOTAL FAPG ADDITIVES		\$ 20,523.56
		=====
GRAND TOTAL FAPG BASIS		\$ 159,092.56

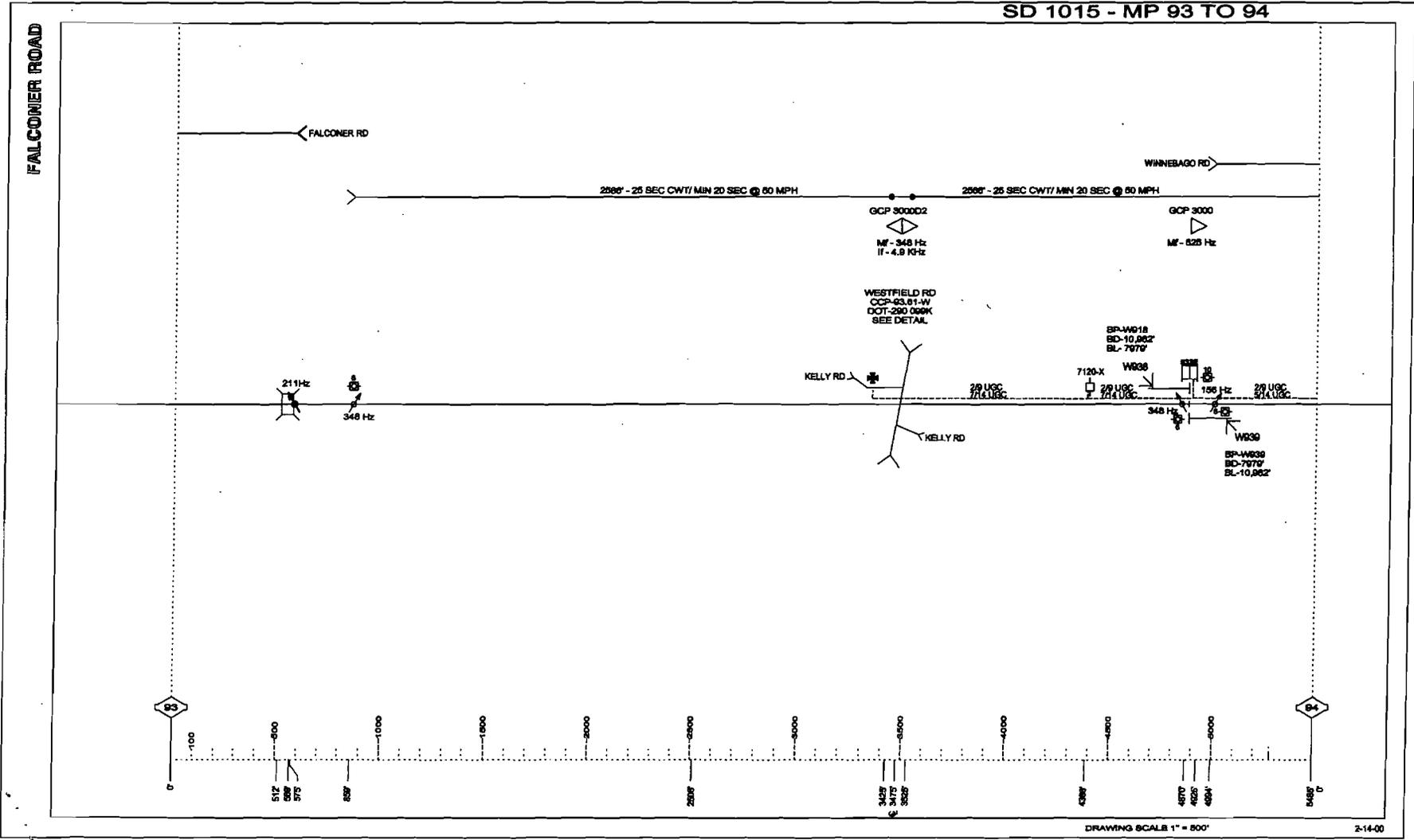


Exhibit C

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1376**

Date 12/8/08

The Winnebago Township Board meeting on
(Township Board or Council)

12/8/08, Resolved to authorize Barry Palm (Highway Commissioner)
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Winnebago Township 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	1-29-09
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PROJECT INFORMATION:

Reporting Party:	Illinois Central Railroad Company
Docket/Order #; Date:	709-0014
Status Reports Due:	30 Days from Order Date (Temporary STOP Signs) 6 Months from Order Date
Ordered Completion Date:	12 Months from Order Date
Completion Report Due ¹ :	Within 10 days of Completion Date
AAR/DOT#, Milepost:	290 095H, 92.60-W
Street, (in/near) City, County:	Falconer Road/TR 94, Near Winnebago, Winnebago County
Railroad Company:	Chicago, Central and Pacific Railroad Company (CCP)

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 (ICRR)
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, by CCP
- Installation of automatic flashing light signals and gates, and CWT, by CCP

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 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Joe VonDeBur, 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/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 South Dirksen Parkway
Springfield, Illinois 62764

Information regarding the crossing inventory and the **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
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