

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1405**

T09-0072

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"), Christy Township Highway Department ("Township"), 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 Township that inquiry should be made into the matter of improving public safety at the 020E Road highway-rail grade crossing of the Company's track in Christy Township, Lawrence County, designated as crossing (AAR/DOT #152 849P; railroad milepost BC 210.50); 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 020E Road adjacent to the existing highway-rail grade crossing of the Company's track, by the Township.
- (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 Township.
- (c) Removal of the existing grade crossing surface and passive warning signs at the existing 020E Road 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 Township for voluntary closure of the 020E Road highway-rail grade crossing, by IDOT.

Section 3 The Township shall pass a local ordinance vacating 020E Road, 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 020E Road highway-rail grade crossing. Following passage of the local vacation ordinance, the Township shall erect temporary barricades to prevent vehicular access to the 020E Road crossing. The temporary barricades shall be erected by the Township within three (3) business days from the date the vacation ordinance was passed by the Township. The Township 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 020E Road 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 020E Road 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	TOWNSHIP	COMPANY	IDOT
Vacate 020E Road by Local Ordinance; erect Temporary Barricades	No Estimate Required	\$0	100% ²	\$0	\$0
Remove existing surface and warning signs at the 020E Road grade crossing	No Estimate Required	\$0	\$0	100%	\$0
Install permanent barricades at the 020E Road grade crossing	No Estimate Required	\$0	\$0	\$100% ³	\$0
Provide Grade Crossing Protection Fund Incentive Payment for Voluntary Closure of the 020E Road grade crossing.	\$50,000	100% ¹ (\$50,000)	\$0	\$0	\$0
Provide Incentive Payment for Voluntary Closure of the 020E Road grade crossing.	\$7,500	\$0	\$0	100% (\$7,500)	\$0
Provide Matching Federal Closure Incentive Payment for Voluntary Closure of the 020E Road 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 020E Road crossing.

² The Township shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the 020E Road 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 020E Road crossing the Township 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 Township.

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 attached and incorporated herein by reference as Exhibit C.

Section 7 Special Provisions: The Township shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the roadways have been vacated. The Township 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 Township 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 Township 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 020E Road crossing, the Company shall make a voluntary incentive payment in the amount of \$7,500 to the Township. The Illinois Department of Transportation shall utilize \$7,500 in federal funds as incentive payment to the Township. Eligibility for the Department's \$7,500 payment to the Township 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 020E Road 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 federal funding for the \$7,500 crossing closure incentive was approved by the FHWA on March 19, 2009. The \$7,500 payment by the Department shall be used by the Township for a roadway safety related expense.

Upon receipt of the Commission Order, the Company shall remove the crossing surface and passive warning devices at the 020E Road 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 Township 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 Township.

The Company and the Township 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 Township 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 Township Project Manager.

Upon closure of the 020E Road crossing, and subject to the conditions and requirements set forth in this Agreement, the Township shall submit its request for the \$7,500 federal voluntary crossing closure incentive payment to the Department's Region 4, District 7 Office at the following address: Roger L. Driskell, Region Engineer, Attn: Maureen Kastl, Local Roads Engineer, 400 West Wabash, Effingham, IL 62401. The request for payment shall include the location and ICC Order number, as well as the following information: **Section 09-04123-00-SP; Project # RRP-0101(031); Job # C-97-090-09.**

Upon receipt of the request for payment for the \$7,500 incentive payment from the

Township, IDOT's Region 4, District 7 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 8th day of April, 2009.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Aaron T. Toliver
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1405, executed by Commission Staff on April 8, 2009, concerning closure of the 020E Road highway-rail grade crossing of CSX Transportation's track, designated as crossing AAR/DOT #152 849P; railroad milepost BC 210.50, located in Christy Township, Lawrence County.

Executed by Christy Township Highway Department this 13th day of April 2009

CHRISTY TOWNSHIP HIGHWAY DEPARTMENT

By: *Charles Roark*
Highway Commissioner

Attest:

Karen Ulrich

Illinois Commerce Commission Stipulated Agreement 1405, executed by Commission Staff on April 8, 2009, concerning closure of the 020E Road highway-rail grade crossing of CSX Transportation's track, designated as crossing AAR/DOT #152 849P; railroad milepost BC 210.50, located in Christy Township, Lawrence County.

Executed by the Illinois Department of Transportation this 28th day of May 2009

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

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

Illinois Commerce Commission Stipulated Agreement 1405, executed by Commission Staff on April 8, 2009, concerning closure of the 020E Road highway-rail grade crossing of CSX Transportation's track, designated as crossing AAR/DOT #152 849P; railroad milepost BC 210.50, located in Christy Township, Lawrence County.

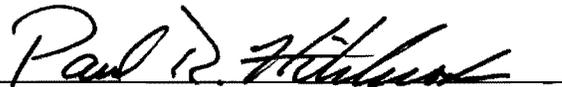
Executed by CSX Transportation, Inc. this 5th day of June 2009

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	152 849P, MP BC-210.50
STREET, CITY, COUNTY	020E Road near Sumner in Lawrence County
JURISDICTION (RDWY)	Christy Township Highway Department
LOCATION	Rural
STREET SURFACE	Unconsolidated/Gravel, 13 feet wide, good condition

CROSSING DATA: Also see Location Sketch page 3 for roadway profile and track centers

TRACK (W to E)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Track 1	Rubber and Asphalt	24'	Good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	N/A
TRAFFIC CONTROL	N/A
ADT & SPEED	50 Vehicles Per Day @ 55mph (unposted)
TRAFFIC TYPE	Passenger, Possible Farm Equipment, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	N/A (gravel road)

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	20 Trains Per day @ 60 MPH (maximum), Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	Crossbucks with YIELD signs

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	520	FEET
Along Tracks	647	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	ok	N/A	ok*	*crops can obstruct view of train
NW	ok	N/A	ok*	*crops/acute approach angle can obstruct view of train
SE	ok	N/A	ok*	*crops can obstruct view of train
SW	ok	N/A	restricted*	*tree line

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

APPROACH GRADES:

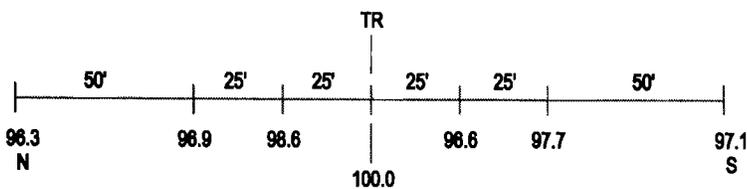
DIRECTION/North			DIRECTION/South		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	98.6	5.6	25	98.6	5.6
50	96.9	6.8	50	97.7	3.6

Distance measured from outermost rail.

COMMENTS:

Christy Township Highway Department submitted a request to the Illinois Commerce Commission's Rail Safety Section for an incentive payment from the Grade Crossing Protection Fund (GCPF) in exchange for voluntary closure of the 020E Road grade crossing. Since the AADT is between 0 and 250, ICC policy states that the Township is eligible for a \$50,000 incentive payment from the GCPF in exchange for the voluntary closure of the crossing. The Township is also applying for a \$7,500 federal incentive that is administered by IDOT. In order to be eligible for this, CSX Transportation must grant the Township at least \$7,500 for voluntary closure of the crossing.

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



③ Photo Location

Crossing #: 152849P
 Location: Lawrence Co., City of Sumner (N)
 Lat/Long: 38°43'05" / 87°54'22"
 Railroad: CSX
 Street: 020 E.
 Railroad Milepost: 210.50
 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	6-8-09
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PROJECT INFORMATION:

Reporting Party:	CSX Transportation, Inc.
Docket/Order #; Date:	709-0072
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	152 849P, BC 210.50
Street, (in/near) City, County:	020E Road near Sumner, Lawrence 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 020E Road highway-rail grade crossing near Sumner, Lawrence 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
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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	6-8-09
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PROJECT INFORMATION:

Reporting Party:	Christy Township Highway Department
Docket/Order #; Date:	T09-0072
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	152 849P, BC 210.50
Street, (in/near) City, County:	020E Road near Sumner, Lawrence 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:	Charles Roark
Title:	Road Commissioner
Representing:	Christy Township Highway Department
Street Address:	R.R. #2 Box 63
City, State, Zip:	Sumner, IL 62466
Office Phone:	618-936-2855
Office Fax:	
Cellular Phone:	618-843-2856
E-Mail Address:	

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

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Vacation of the 020E roadway adjacent to the grade crossing of CSX Transportation's track.
- 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.

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

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

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Submit Inventory forms to:

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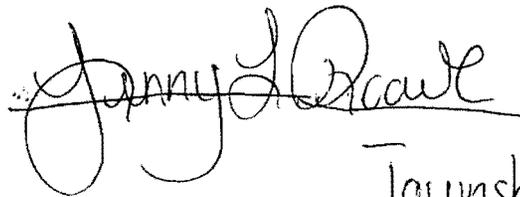
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1405

Date 4-13-09

The (Christy Township Board) meeting on April 13, 2009.

Resolved to authorize Charles Roark, Highway Commissioner
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the 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.



Township Clerk

MEMORADUM OF DECISION

I, Charles Roark, Commissioner of Highways of Christy Township, held a public hearing at the Christy Township Building on the 18th day of May 2009 for the purpose of examining and hearing reasons for or against vacating the portion of 020E road described as follows:

Beginning at the North edge of 970N and extending northerly to the south row line of the CSX Transportation Track a distance of 95 rods, thence from the South edge of road 1010N 32 rods and 8 feet to the North edge of the tracks in the Southwest quarter of sec. 6, Township 3N, Range 13W of the Second Principal Meridian situated in the County of Lawrence. At 38.4305 N degrees and 087.5422 W degrees.

There were no objections raised to vacating the above described portion of 020E, in addition, I found that no person residing or owning land within two (2) miles of the above described portion of 020E will be denied reasonable access by way of motor vehicle or other portable farm machinery commonly used in this area to trade centers as a result of vacating the above described portion of 020E.

Therefore, I found it to be in public and economic interest of the township to vacate the above described portion of 020E. I publicly announced my findings at the hearing and ordered the above described portion of 020E vacated upon receiving a copy of the order issued by the Illinois Commerce Commission. If a commission order is not issued, this vacation becomes null and void.

Since there were no objections this hearing will be the final hearing.

Given under my hand this 18th day of May, 2009.



Charles Roark
Commissioner of Highways
Christy Township

Filed with the Township Clerk on 18th day of May, 2009



TOWNSHIP CLERK