

ORIGINAL

709-0080

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1314**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), Union Pacific Railroad Company ("Company"), Raymond Township Road District, Sidney Township Road District, 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 600N and 700N highway-rail grade crossings of the Union Pacific Railroad Company's tracks, near Sidney, Champaign County, designated as crossings AAR/DOT #166 899J, railroad milepost 136.68-CC; AAR/DOT #166 901H, railroad milepost 135.60-CC, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossings by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes, and sight distances and other pertinent data relating to the crossings has been obtained and shown on Exhibits A, and A1, 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 crossings should be:

DOCKETED

600N (Raymond Township)

- (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 600N crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.

700N (Sidney Township)

- (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 700N crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Improvements to the existing highway approach grades to meet the minimum requirements of 92 Ill. Adm. Code 1535, by Sidney Township Road District.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate(s) are attached and incorporated herein by reference as Exhibits B and B1.

Champaign County, on behalf of Sidney Township Road District, has prepared a preliminary cost estimate to accomplish the proposed 700N highway approach reconstruction improvements, which may be required by Commission Order. The drawings, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit C.

Section 4 The Company and Sidney Township Road District 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	RAYMOND TOWNSHIP ROAD DISTRICT	SIDNEY TOWNSHIP ROAD DISTRICT	COMPANY
Install Automatic Flashing Light Signals and Gates, Controlled by CWT Circuitry at the 600N Crossing	\$359,497	95% \$341,522 ¹	\$0	\$0	Remainder ³ \$17,975
Install Automatic Flashing Light Signals and Gates, Controlled by CWT Circuitry at the 700N Crossing	\$286,182	95% \$271,873 ²	\$0	\$0	Remainder ³ \$14,309
Modify Existing Highway Approaches at the 700N Crossing	\$30,250	\$0	\$0	100% ⁵ \$30,250	\$0
Install Temporary STOP Signs, at the 600N and 700N Crossings	No Estimate Required	\$0	\$0	\$0	100% ⁴
TOTALS	\$675,929	\$613,395	\$0	\$30,250	\$32,284

Notes:

- ¹ Total Grade Crossing Protection Fund (GCPF) assistance for installation of automatic warning devices at the 600N crossing in Raymond Township not to exceed \$341,522; any installation costs above the estimated amount of \$359,497 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 Total Grade Crossing Protection Fund (GCPF) assistance for installation of automatic warning devices at the 700N crossing in Sidney Township not to exceed \$271,873; any installation costs above the estimated amount of \$286,182 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;
- ³ Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.
- ⁴ Company responsible for all future maintenance costs associated with the temporary STOP Signs.
- ⁵ Sidney Township Road District responsible for all future maintenance costs associated with the highway approaches at the 700N crossing.

Section 6 Raymond Township Road District is not financially able to bear an equitable portion of the cost for the proposed improvements, has requested relief from said costs, and has submitted documentation attesting to the Road District's inability to pay, attached and incorporated herein by reference as Exhibit D.

Sidney Township Road District is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order. Sidney Township Road District indicates its intent by Resolution incorporated herein by reference as Exhibit E.

Section 7 Special Provisions: Since the highway approach grade reconstruction improvement at the 700N crossing will be performed by Sidney Township Road District, railroad flagging and railroad protective liability insurance will not be required for said work.

The Company and Sidney Township Road District shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits F, and G, along with this executed Agreement.

The Company and Sidney Township Road District 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 F and G, 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 Sidney Township Road District Project Manager.

All bills for warning device installation 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 South Dirksen Parkway, Springfield, IL 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from each party shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable 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 and Sydney Township shall assure that sufficient documentation for all bills is made available for review by the Department or 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 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 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 or highway account code for the project.

- e) Supervision - Copies of employee work hours charged to the railroad 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 14th day of January, 2009.



Michael E. Stead
Rail Safety Program Administrator

Attest:



John Saladino
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1314, executed by Commission Staff on January 14, 2009, concerning safety improvements at the 600N and 700N highway-rail grade crossings of the Union Pacific Railroad Company's track, near Sidney, Champaign County, designated as crossings AAR/DOT #166 899J, railroad milepost 136.68-CC and AAR/DOT #166 901H, railroad milepost 135.60-CC, respectively.

Executed by Raymond Township Road District this 3 day of February 2009.

RAYMOND TOWNSHIP ROAD DISTRICT

By: Richard Davis

RECEIVED
FEB 9 2009

ILLINOIS Commerce Commission
RAIL SAFETY SECTION

Attest:

Roger S. Mohr, Clerk

Illinois Commerce Commission Stipulated Agreement 1314, executed by Commission Staff on January 14, 2009, concerning safety improvements at the 600N and 700N highway-rail grade crossings of the Union Pacific Railroad Company's track, near Sidney, Champaign County, designated as crossings AAR/DOT #166 899J, railroad milepost 136.68-CC and AAR/DOT #166 901H, railroad milepost 135.60-CC, respectively.

Executed by the Illinois Department of Transportation this 24th day of February 2009.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

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

Illinois Commerce Commission Stipulated Agreement 1314, executed by Commission Staff on January 14, 2009, concerning safety improvements at the 600N and 700N highway-rail grade crossings of the Union Pacific Railroad Company's track, near Sidney, Champaign County, designated as crossings AAR/DOT #166 899J, railroad milepost 136.68-CC and AAR/DOT #166 901H, railroad milepost 135.60-CC, respectively.

Executed by Sidney Township Road District this 11 day of MARCH 2009

SIDNEY TOWNSHIP ROAD DISTRICT

By: John W. Chesnut

RECEIVED
MAR 12 2009

ILLINOIS COMMERCE COMMISSION
RAIL SAFETY SECTION

Attest:

Deborah A. Wagner

"OFFICIAL SEAL"
DEBORAH A. WAGNER
Notary Public, State of Illinois
My commission expires 05/15/10

Illinois Commerce Commission Stipulated Agreement 1314, executed by Commission Staff on January 14, 2009, concerning safety improvements at the 600N and 700N highway-rail grade crossings of the Union Pacific Railroad Company's track, near Sidney, Champaign County, designated as crossings AAR/DOT #166 899J, railroad milepost 136.68-CC and AAR/DOT #166 901H, railroad milepost 135.60-CC, respectively.

Executed by Union Pacific Railroad Company this 8th day of JUNE 2009.

UNION PACIFIC RAILROAD COMPANY

By: John J. Horvath
AVP ENGINEERING

Approved as to Form
[Signature]

Attest:

C. W. Saylor

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	UP
USDOT#, MILEPOST	166899J, 136.70-CC
STREET, CITY, COUNTY	600N (TR 269A) near Sidney, Champaign County
JURISDICTION (RDWY)	Raymond Township Road District
LOCATION	Rural, Commercial/Residential
STREET SURFACE	Oil/Chip, 16', 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	Concrete	33'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	39'-600N, 120' 600N
TRAFFIC CONTROL	Stop signs on east and west approach
ADT & SPEED	200 Vehicles Per Day @ 55 MPH (Unposted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	24 Per day @ 60 MPH, Day & Night? Yes
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbucks / YIELD Signs

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	518	FEET
Along Tracks	647	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	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: EAST/NORTH			DIRECTION: WEST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)

Distance measured from outermost rail.

COMMENTS:

See Page 3 for an Aerial View (Location Sketch) of the crossing.

The Road District is not financially able to pay an equitable portion of the cost for the proposed improvements, has requested relief from said costs, and has submitted documentation attesting to the Road District's inability to pay. ICC Staff recommends that the Road District's portion of the installation costs for the automatic warning devices be paid by the Grade Crossing Protection Fund.

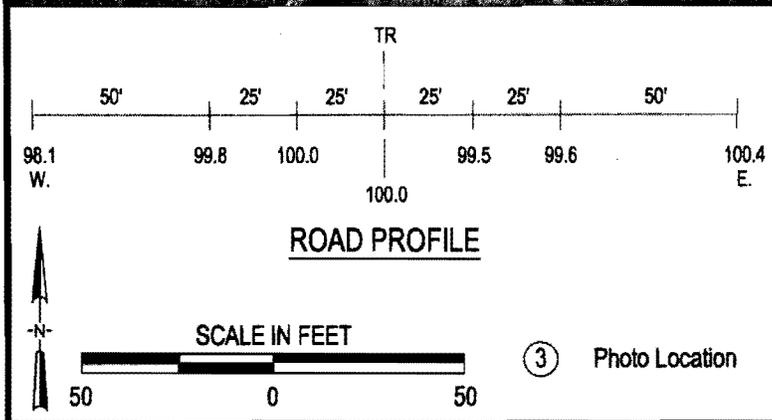


Ref. buck of tr

2000 E

600 N

2000 E



Crossing #:	166899J
Location:	Champaign Co., City of Sidney (N)
Lat/Long:	39°58'02" / 88°05'10"
Railroad:	UP
Street:	600 N
Railroad Milepost:	136.70
Crossing Protection:	Signs

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	UP
USDOT#, MILEPOST	166 901H, 135.60-CC
STREET, CITY, COUNTY	700N (TR-265B) near Sidney, Champaign County
JURISDICTION (RDWY)	Sidney Township Road District
LOCATION	Rural, Commercial/Residential
STREET SURFACE	Oil/chip, 16', 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	FDT	25'	Fair
Main	FDT	25'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	200 Vehicles Per Day @ 55 MPH (Unposted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	24 Per day @ 60 MPH, Day & Night? Yes
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbucks / YIELD signs

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	518	FEET
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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	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: EAST/NORTH			DIRECTION: WEST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)

Distance measured from outermost rail.

COMMENTS: See Page 3 for an Aerial View (Location Sketch) of the crossing.



Reflect Xbuck
17.0' - clear of 3.1' - gap

Reflect Xbuck
23.1' - clear of 4.5' - gap

700 N

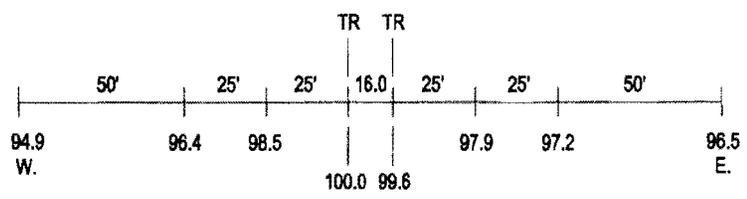
(4)

(3)

(2)

(9.1)

(1)



ROAD PROFILE

SCALE IN FEET



(3) Photo Location

Crossing #: 166901H
 Location: Champaign Co., City of Sidney (N)
 Lat/Long: 39°58'55" / 88°04'45"
 Railroad: UP
 Street: 700 N
 Railroad Milepost: 135.60
 Crossing Protection: Signs