

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1434

T10-0021

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"), Kankakee County Highway Department ("County"), 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 8000E Road highway-rail grade crossing of the Company's track near Momence, Kankakee County, Illinois, designated as crossing AAR/DOT #534 372T, railroad milepost 93.19-5E; 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 capable of remote monitoring system when available, by the Company.

**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 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) 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>COUNTY</b>	<b>COMPANY</b>	<b>IDOT</b>
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$280,335	(85%) \$238,285 <sup>1</sup>	(10%) \$28,033 <sup>1</sup>	(5%) \$14,017 <sup>1,2</sup>	\$0
<b>TOTALS</b>	<b>\$280,335</b>	<b>\$238,285<sup>1</sup></b>	<b>\$28,033<sup>1</sup></b>	<b>\$14,017<sup>1,2</sup></b>	<b>\$0</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$238,285; any installation costs above the total estimated amount of \$280,335 will be divided in the same percentages noted 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 operation and maintenance costs associated with the new automatic warning devices.

**Section 6** The County 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 County 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 Company shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibit E. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

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 E, 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's 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.

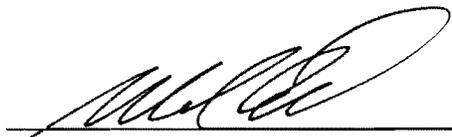
**SECTION 8** Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall assure that sufficient documentation for all bills is made available for review by the Department of the Department's representative. The minimum documentation 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 7<sup>th</sup> day of December 2009.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Aaron T. Toliver  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1434, executed by Commission Staff on December 7, 2009, concerning improvements at the 8000E Road highway-rail grade crossing of the Norfolk Southern Railway Company's track near Mornence, Kankakee County, Illinois, designated as crossing AAR/DOT #534 372T, railroad milepost 93.19-5E.

Executed by the Illinois Department of Transportation this 11th day of January 2010.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

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

Illinois Commerce Commission Stipulated Agreement 1434, executed by Commission Staff on December 7, 2009, concerning improvements at the 8000E Road highway-rail grade crossing of the Norfolk Southern Railway Company's track near Momence, Kankakee County, Illinois, designated as crossing AAR/DOT #534 372T, railroad milepost 93.19-5E.

Executed by the Norfolk Southern Railway Company this 18<sup>th</sup> day of January 2010.

NORFOLK SOUTHERN RAILWAY COMPANY

By: 

Attest:

  
Asst. Corp. Secy.

Illinois Commerce Commission Stipulated Agreement 1434, executed by Commission Staff on December 7, 2009, concerning improvements at the 8000E Road highway-rail grade crossing of the Norfolk Southern Railway Company's track near Mokena, Kankakee County, Illinois, designated as crossing AAR/DOT #534 372T, railroad milepost 93.19-5E.

Executed by Kankakee County Highway Department this 9th day of February 2010.

KANKAKEE COUNTY HIGHWAY DEPARTMENT

By:   
Michael Bossert  
Kankakee County Board Chairman

Attest:

  
Bruce Clark  
Kankakee County Clerk

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

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Norfolk Southern Railway Company
<b>USDOT#, MILEPOST</b>	534 372T, MP 93.19-5E
<b>STREET, CITY, COUNTY</b>	8000E Rd near Momence, Kankakee County
<b>JURISDICTION (RDWY)</b>	Kankakee County Highway Department
<b>LOCATION</b>	Rural
<b>STREET SURFACE</b>	HMA w/ Chip Seal, 21', Good Condition

**CROSSING DATA:** See Location Sketch (Page 3) for roadway profile and track ctrs.

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
W-E	Rubber & Asphalt	24'	Fair/Good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	None
<b>TRAFFIC CONTROL</b>	N/A
<b>ADT &amp; SPEED</b>	450 ADT@55mph (unposted)
<b>TRAFFIC TYPE</b>	Passenger, possible school buses, haz. materials, all other.
<b>ADVANCE WARNING</b>	Yes on both approaches
<b>PAVEMENT MARKING</b>	Yes on both approaches

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	9/day @ 40 MPH, 2 Switch Movements, Day & Night
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	AFLS (no gates)

**NOTES:**

The existing crossing surface has some small potholes developing, but still meets the minimum requirements of 92 Ill. Adm. Code 1535. Any potholes should be patched by NS.

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	40	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	520	<b>FEET</b>
<b>Along Tracks</b>	432	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	961	<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	none	ok*	*tall corn may obstruct
<b>NW</b>	ok	none	ok*	*tall corn may obstruct
<b>SE</b>	ok	none	obstr	trees
<b>SW</b>	obstr	signal cabinet	ok*	*tall corn may obstruct

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

**APPROACH GRADES:** See Location Sketch

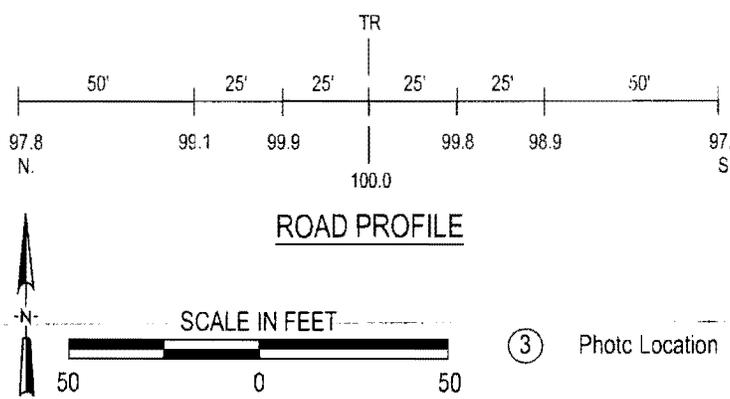
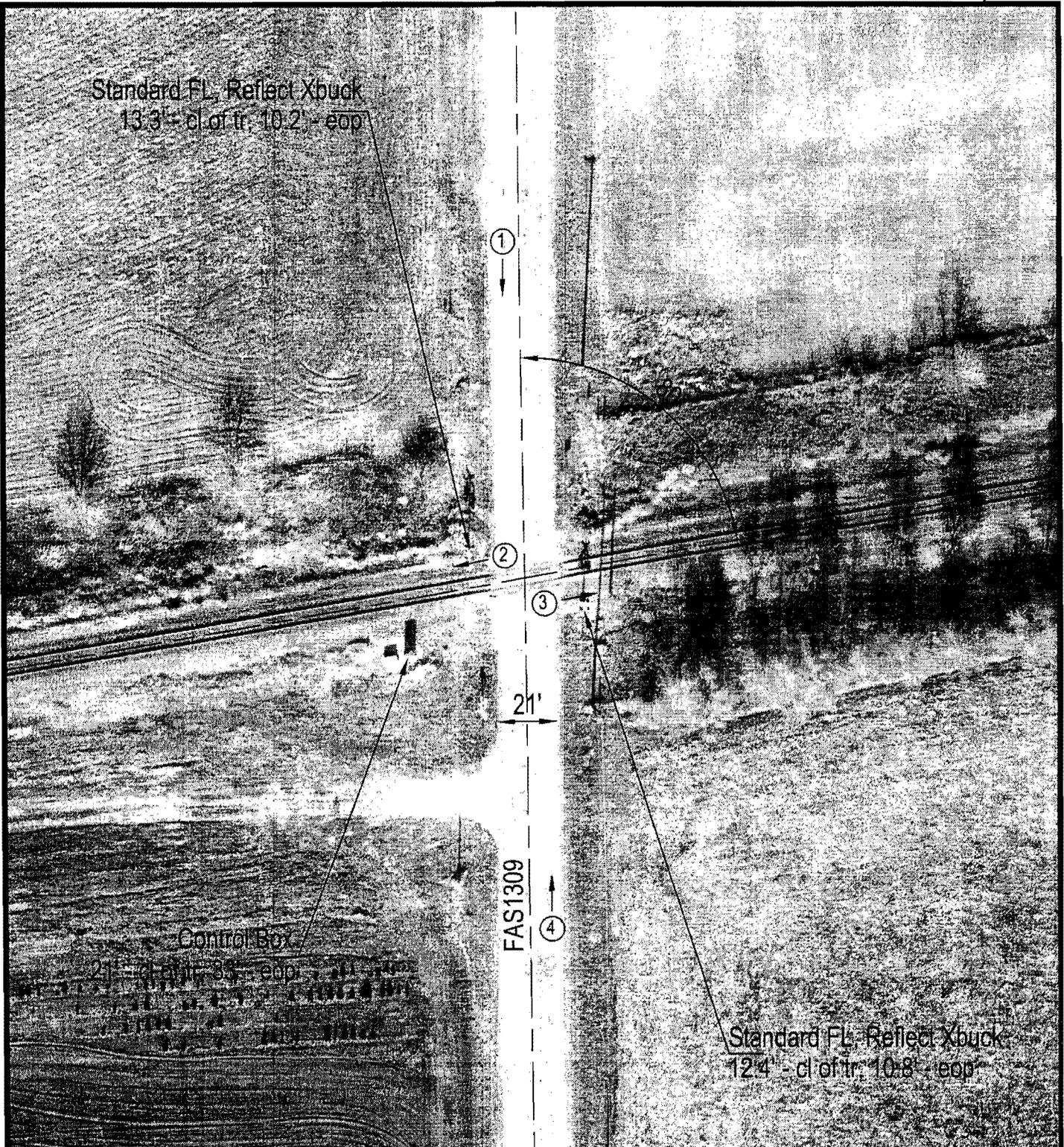
<b>DIRECTION/North</b>			<b>DIRECTION/South</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
25	99.9	0.4	25	99.8	0.8
50	99.1	3.2	50	98.9	3.6

Distance measured from outermost rail.

**COMMENTS:**

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

Approach grades meet minimum requirements of 92 IAC 1535.204.



Crossing #:	534372T
Location:	Kankakee Co., City of Momence (N)
Lat/Long:	41°09'34" / 87°43'14"
Railroad:	NS
Street:	FAS1309
Railroad Milepost:	93.19
Crossing Protection:	Signs

③ Photo Location



**Detailed Estimate for Grade Crossing Warning Devices**

City/State: MOMENCE, IL  
MilePost: KS-93.19  
State Proj. No.:  
S&E Proj. No.: 04.0187  
Man Days: 128

Road: CR-8000E/CH-54  
DOT/AAR: 534372T  
County: KANKAKEE  
AFE: F11553  
File Number:

<b>***Purchases - Others***</b>	
Meals and Lodging:	\$17,203.20
Rental of Equipment:	\$30,464.00
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 32 Days)	
Construction Supervision Vehicle:	\$10,633.73
<b>Purchases - Other Total:</b>	<b>\$58,300.93</b>
<b>***Material And Additives***</b>	
Material Cost:	\$97,098.00
Sales and Use Tax:	\$4,855.00
Material Handling Freight:	\$4,854.92
<b>Material Total:</b>	<b>\$106,807.92</b>
<b>***Labor And Additives***</b>	
Labor Cost:	\$35,840.00
(4 man crew at \$1,120.00 a day for: 32 days)	
Payroll Tax & Overheads:	\$47,609.86
Preliminary Engineering:	\$11,698.59
Construction Supervision:	\$20,077.57
<b>Labor Total:</b>	<b>\$115,226.02</b>
<b>Project Cost:</b>	<b>\$280,334.87</b>
Scrap / Salvage Credit:	\$0.00
<b>Project Total:</b>	<b>\$280,334.87</b>

Estimated on: 20-Jan-10

Estimated by: ndney

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







**Exhibit D**

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT 1434**

Date 01/14/2010

The Kankakee County Board meeting on February 9, 2010  
(Date)

Resolved to authorize

James W. Piekarczyk, P.E., County Engineer

(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Kankakee County Highway Department is financially willing and able to pay a portion of the cost for the proposed improvements as outlined in Section 2 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	2-17-10
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**PROJECT INFORMATION:**

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #; Date:	T10-0021
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:	534 372T, MP 93.19-5E
Street, (in/near) City, County:	8000E Rd near Momence, Kankakee Co.
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, GA 30303
Office Phone:	(404) 529-1009
Office Fax:	(404) 527-1174
Cellular Phone:	
E-Mail Address:	dikeith@nscorp.com

<sup>2</sup>Project Manager Information to be submitted by Norfolk Southern Railway Company.

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

- (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 capable of remote monitoring system when available.

**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>And</b>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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