

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1433**

710-0049

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Kansas City Southern Railway Company ("Company"), the Greene County Highway Department ("County"), the Village of Kane ("Village") and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through correspondence and application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the Mill Street/CH 17/CH 6 and Jefferson Street highway-rail grade crossings of the Company's track in Kane, Greene County, Illinois, designated as crossings AAR/DOT #294 577W, railroad milepost 46.85-AG and AAR/DOT #294 579K, railroad milepost 46.99-AG, 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 intersection, train movements, vehicular traffic volume, sight distances and other pertinent data relating to the crossings have 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 crossing should be:

DOCKETED

Mill Street (294 577W)

- 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. (See Exhibit B.)
- b) Installation of a new 40 foot (40') full-depth timber crossing surface on the main line (West) track, by the Company. (See Exhibit C.)
- c) Removal of the existing siding (East) track through the roadway right-of-way and relocation of the northeast signal mast, by the Company.

Jefferson Street (294 579K)

- 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. (See Exhibit B1.)
- b) Installation of a new 48 foot (48') full-depth timber crossing surface on the main line (West) track, by the Company. (See Exhibit C1.)
- c) Removal of the existing siding (East) track through the roadway right-of-way and relocation of the northeast signal mast, by the Company.

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

The Company has prepared preliminary cost estimates to accomplish the proposed surface and approach improvements, which may be required by Commission Order. The cost estimates are attached and incorporated herein by reference as Exhibits C and C1.

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:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	LOCAL	COMPANY	IDOT
MILL STREET:			COUNTY		
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$221,000	(85%) \$187,850 ¹	(10%) \$22,100	(5%) \$11,050 ²	(0%) \$0
Remove existing siding/East track and relocate signal mast.	No Estimate Required	\$0	0% ⁴	100% ⁴	\$0
Install new Main Track Crossing Surface.	\$51,721	\$0	\$0	(100%) \$51,721 ³	\$0
SUBTOTALS	\$272,721	\$187,850¹	\$22,100⁴	\$62,771^{2,3}	\$0
JEFFERSON STREET:			VILLAGE		
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$223,900	(95%) \$212,705 ¹	(0%) \$0	(5%) \$11,195 ²	(0%) \$0
Remove existing siding/East track and relocate signal mast.	No Estimate Required	\$0	\$0 ⁵	100% ⁵	\$0
Install new Main Track Crossing Surface.	\$57,562	\$0	\$0	(100%) \$57,562 ³	\$0
SUBTOTALS	\$281,462	\$212,705¹	\$0⁵	\$68,757^{2,3}	\$0
TOTALS	\$554,183¹	\$400,555¹	\$22,100^{4,5}	\$131,528²	\$0

Notes:

1. Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$400,555; any installation costs above the estimated amount of \$554,183 will be divided between the GCPF, County, the Village 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 future maintenance costs associated with the crossing surfaces.
4. County responsible for all future maintenance costs associated with the Mill Street highway approaches.
5. Village responsible for all future maintenance costs associated with the Jefferson Street highway approaches.

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.

The Village is not required to pay any portion of the cost for the proposed improvements.

Section 7 Special Provisions: Since the warning device and surface improvements at the subject crossings will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

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

All work and signage shall conform to the requirements and specifications of 92 Ill. Adm. Code and the Manual on Uniform Traffic Control Devices (MUTCD).

Removal of the existing siding (East) track through the roadway by the Company shall include removal of the rail, ties and appurtenances within the roadway right-of-way. The Company shall replace that portion of removed material within the roadway, including shoulders, with appropriate paving materials compatible with the adjacent roadway. All paving shall be in accordance with the Illinois Department of Transportation, *Standard Specification for Road and Bridge Construction* (Adopted January 1, 2007). Future maintenance of that portion of the approach roadway where the track has been removed shall become the responsibility of the County at Mill Street and the Village at Jefferson Street.

Relocation of the signal masts shall be in accordance with 92 Ill. Adm. Code Part 1535. The new surfaces for the west track at the Mill Street and Jefferson Street crossings shall be installed in compliance with 92 Ill. Adm. Code Part 1535.

The Commission should grant a variance from the grade requirements of 92 Ill. Adm. Code Part 1535.204 to the Village. The Village should be allowed to maintain the existing highway approach grades at the Jefferson Street crossing (See Exhibit A2, page 2). The local topography near the crossing prohibits the improvement of the existing approach grades.

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 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 South Dirksen Parkway, Springfield, IL 62764 (See Exhibit E, page 2). 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

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.

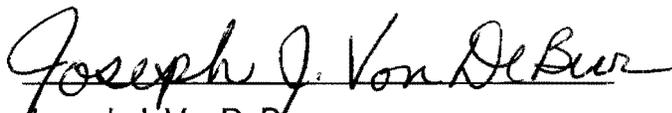
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 16th day of December 2009.



Michael E. Stead
Rail Safety Program Administrator

Attest:

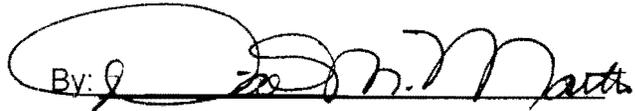


Joseph J. VonDeBur
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1433, executed by Commission Staff on December 16, 2009, concerning improvements at the Mill Street/CH 17/CH 6 and Jefferson Street highway-rail grade crossings of the Kansas City Southern Railway Company's track in Kane, Greene County, Illinois, designated as crossings AAR/DOT #294 577W, railroad milepost 46.85-AG and AAR/DOT #294 579K, railroad milepost 46.99-AG, respectively.

Executed by Greene County Highway Department this 28TH day of December 2009.

GREENE COUNTY HIGHWAY DEPARTMENT

By: 

Attest:





Illinois Commerce Commission Stipulated Agreement 1433, executed by Commission Staff on December 16, 2009, concerning improvements at the Mill Street/CH 17/CH 6 and Jefferson Street highway-rail grade crossings of the Kansas City Southern Railway Company's track in Kane, Greene County, Illinois, designated as crossings AAR/DOT #294 577W, railroad milepost 46.85-AG and AAR/DOT #294 579K, railroad milepost 46.99-AG, respectively.

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 1433, executed by Commission Staff on December 16, 2009, concerning improvements at the Mill Street/CH 17/CH 6 and Jefferson Street highway-rail grade crossings of the Kansas City Southern Railway Company's track in Kane, Greene County, Illinois, designated as crossings AAR/DOT #294 577W, railroad milepost 46.85-AG and AAR/DOT #294 579K, railroad milepost 46.99-AG, respectively.

Executed by the Village of Kane this 13th day of January 2010

VILLAGE OF KANE

By: Jason Shaw President

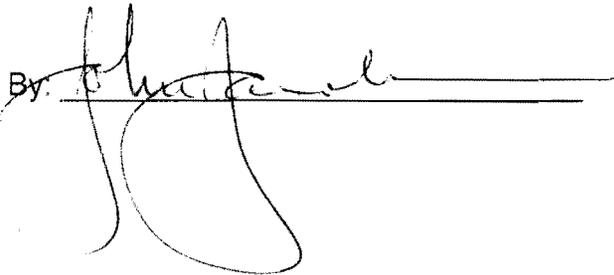
SEAL OF KANE
APRIL 5, 1869
VILLAGE CLERK
GREENE COUNTY, ILLINOIS
KANE, ILLINOIS 62054
Attest:

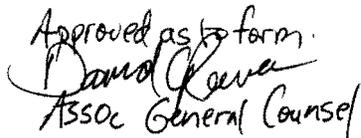
Sylvia A. Kallal
(Village Clerk)

Illinois Commerce Commission Stipulated Agreement 1433, executed by Commission Staff on December 16, 2009, concerning improvements at the Mill Street/CH 17/CH 6 and Jefferson Street highway-rail grade crossings of the Kansas City Southern Railway Company's track in Kane, Greene County, Illinois, designated as crossings AAR/DOT #294 577W, railroad milepost 46.85-AG and AAR/DOT #294 579K, railroad milepost 46.99-AG, respectively.

Executed by the Kansas City Southern Railway Company this 23 day of MARCH 2010.

KANSAS CITY SOUTHERN RAILWAY COMPANY

By: 

Approved as to form.

Assoc General Counsel

Witness:

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Kansas City Southern Railway Company
USDOT#, MILEPOST	294 577W, 46.85-AG
STREET, CITY, COUNTY	Mill Street/CH17/CH6, Village of Kane, Greene County
JURISDICTION (RDWY)	Greene County Highway Department
LOCATION	Urban, Residential/Commercial
STREET SURFACE	2-Lane, 2-Way (East-West), 22 Ft. Wide, Oil and Chip Roadway

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

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main (West)	Timber & Asphalt	34 Ft	Poor
Siding (East)	Full Depth Timber	34 Ft	Poor

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	400 Vehicles/Day @ 30 MPH (Posted)
TRAFFIC TYPE	TYPES: Passenger, Agricultural/Farm Equipment with possible School Busses, Hazardous Materials, and Emergency Response
ADVANCE WARNING	W10-1 (Standard AWS): Northeast and Southwest
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	8 Per day @ 15-45 MPH, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Flashing light signal (Motion Sensor controlled): NE & SW R15-1 (Reflective Crossbucks): NE & SW
OTHER	R15-2 (2 TRACKS): NE & SW

NOTES:

There is an entrance in the NE quadrant between the siding track and the signals.

The siding has been disconnected from the main line track

Recommend placement of the following in accordance with MUTCD and 92 IAC 1535:

- Installation of AFLS&G w/bell, CWT circuitry, an event recorder and a remote monitoring system, by the Company. (NE signal mast should also be relocated when siding track is removed.)
- Installation of a new crossing surface on the main track, by the Company.
- Removal of the siding track through the roadway, patching of the roadway to match the existing profile and relocation of the NE signal mast, by the Company.

• **VISIBILITY STUDY:** See Location Sketch

Train Speed	49	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)	FOR 2 TRACKS	
Along Roadway	208	FEET
Along Tracks	481	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1244	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	*	Buildings, Trees & Brush
NW	*	Power Pole, Signal Cabinet	*	Buildings, Trees & Brush
SE	*	Trees, Brush, Track Curve	*	Buildings, Trees & Brush
SW	*	Trees, Brush, Track Curve	*	Buildings, Trees & Brush

*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. Sight Distance along the roadway must be maintained at the minimum for signal visibility.

APPROACH GRADES: See Location Sketch

DIRECTION: West			DIRECTION: East		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0 (13.5*)	99.8	-0.8
25	99.8	-0.8	25	99.6	-0.8
50	99.7	-0.4	50	99.0	-2.4
100	99.1	-1.2	100	98.2	-1.6

Distance measured from outermost rail (*or other rail).

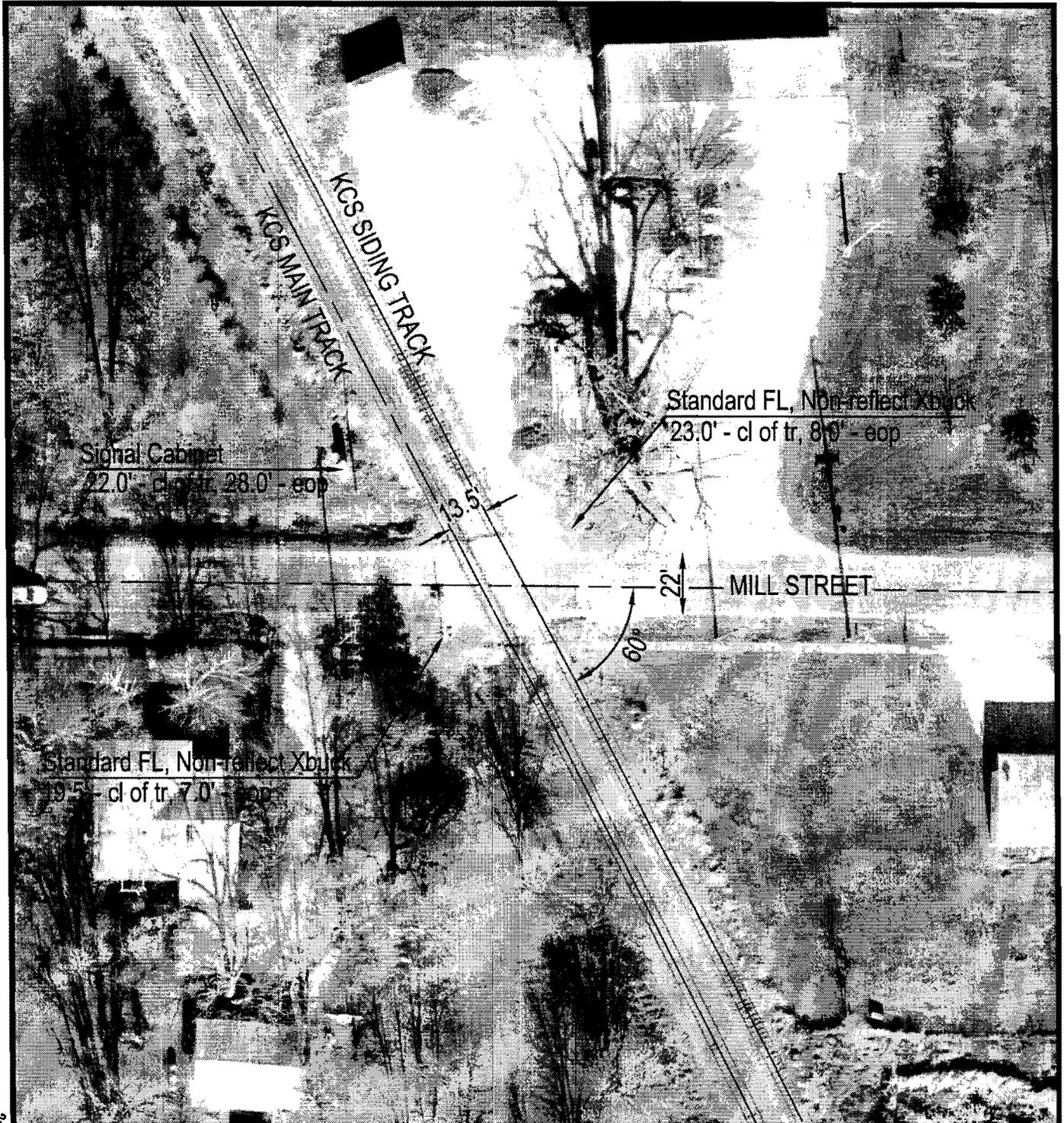
COMMENTS:

PROPOSED COST DIVISION

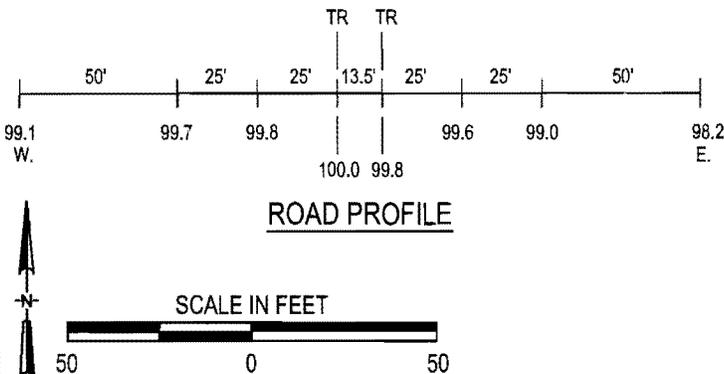
IMPROVEMENT	GCPF	COUNTY	KCS RR
SIGNALS	85%	10%	5% ¹
WEST SURFACE	0%	0%	100%
EAST TRACK & SURFACE REMOVAL	0%	0%	100%

1. All future maintenance & operation costs of the new automatic warning devices to be paid by the Kansas City Southern Railroad Company.

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



4 | GREENE | 294577W | 294577NDWG 02/24/00 08:23 PFC



Crossing #: 294577W

Location: Greene Co., Village of Kane (I)

Lat/Long: 39°11'20" / 90°21'07"

Railroad: Kansas City Southern Railway Company

Street: Mill Street / CH 27 / CH 6

Railroad Milepost: 46.85 - AG

Crossing Protection: Automatic Flashing Light Signals

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

GENERAL INFORMATION: See Location Sketch

RAILROAD	Kansas City Southern Railway Company
USDOT#, MILEPOST	294 579K, 46.99-AG
STREET, CITY, COUNTY	Jefferson Street in Kane, Greene County
JURISDICTION (RDWY)	Village of Kane
LOCATION	Urban, Residential/Commercial
STREET SURFACE	2-Lane, 2-Way (East-West), 33 Ft. Wide, Oil and Chip Roadway

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

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main (West)	Timber and Asphalt	33 Ft	Fair-Poor
Siding (East)	Full Depth Timber	33 Ft	Poor

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Hinton Alley Road – 28 feet East East Pearl Street – 50 feet West
TRAFFIC CONTROL	Hinton Alley Road – None East Pearl Street – None
ADT & SPEED	300 Vehicles/Day @ 25 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): East & West
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	8 Per day @ 15-45 MPH, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Flashing light signal (Motion Sensor controlled): NE & SW R15-1 (Reflective Crossbucks): NE & SW
OTHER	R15-2 (2 TRACKS): NE & SW

NOTES: The siding has been disconnected from the main line track

Recommend placement of the following in accordance with MUTCD and 92 IAC 1535:

- Installation of AFLS&G w/bell, CWT circuitry, an event recorder and a remote monitoring system, by the Company. (NE signal mast should also be relocated when siding track is removed.)
- Installation of a new crossing surface on the main track, by the Company.
- Removal of the siding track through the roadway, patching of the roadway to match the existing profile and relocation of the NE signal mast, by the Company.

VISIBILITY STUDY: See Location Sketch

Train Speed	49	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)	FOR 2 TRACKS	
Along Roadway	208	FEET
Along Tracks	481	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1244	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	*	Buildings
NW	*	Good	*	Buildings
SE	*	Good	*	Buildings
SW	*	Good	*	Buildings

*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: West			DIRECTION: East		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0 (13.5)	99.5	-3.7
25	99.4	-2.4	25	99.1	-1.6
50	98.8	-2.4	50	98.5	-2.4
100	98.9	0.2	100	98.1	-0.8

Distance measured from outermost rail (*or other rail).

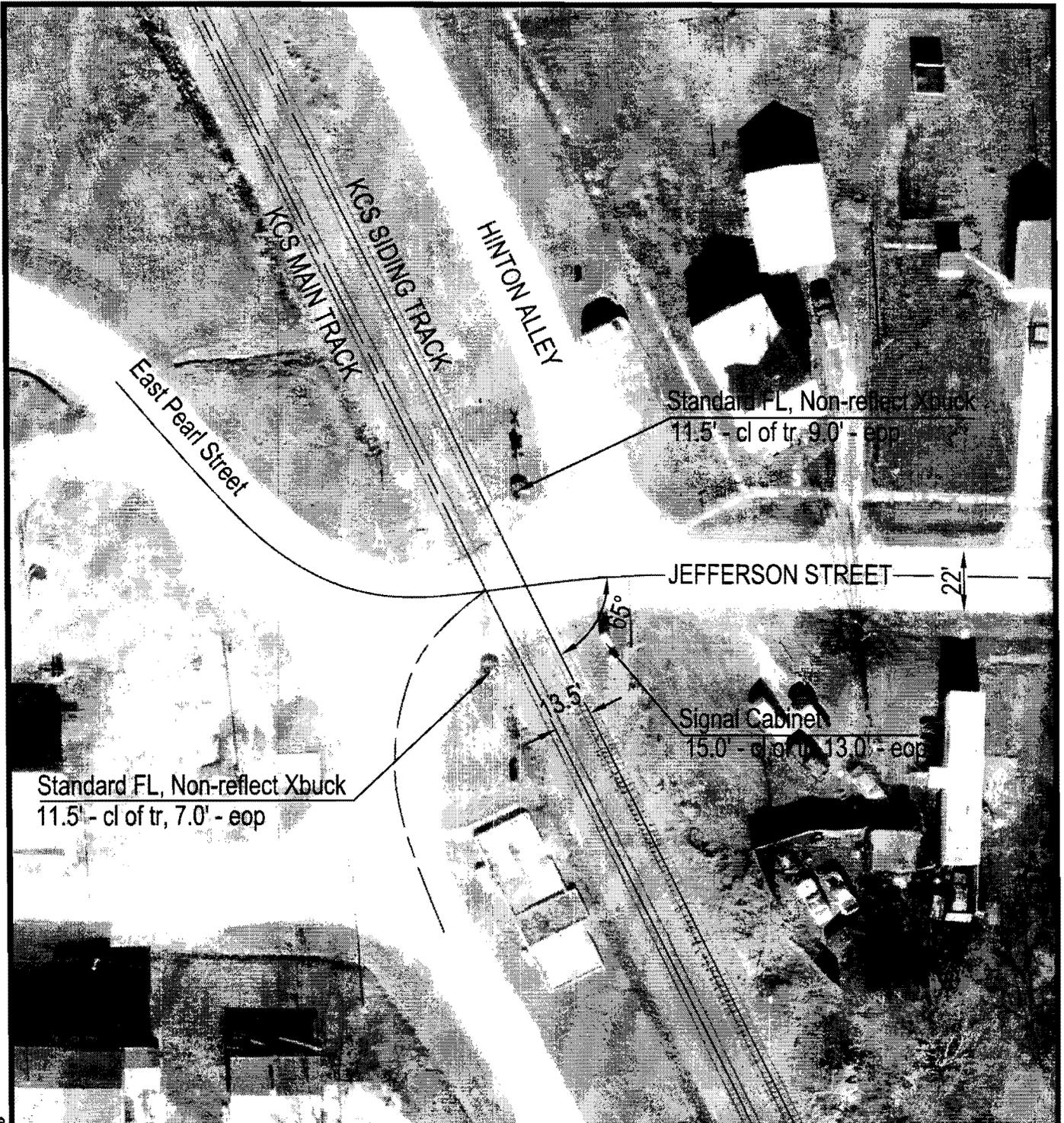
COMMENTS:

PROPOSED COST DIVISION

IMPROVEMENT	GCPF	VILLAGE	KCS RR
SIGNALS	95%	0%	5% ¹
WEST SURFACE	0%	0%	100%
EAST TRACK & SURFACE REMOVAL	0%	0%	100%

1. All future maintenance & operation costs of the new automatic warning devices to be paid by the Kansas City Southern Railroad Company.

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

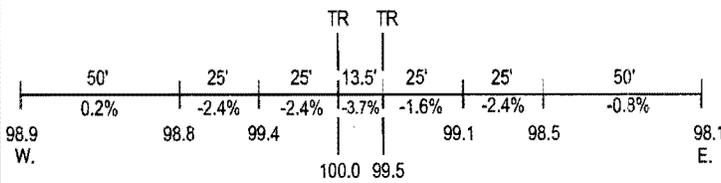


Standard FL, Non-reflect Xbuck
11.5' - cl of tr, 7.0' - eop

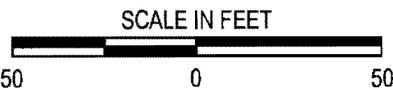
Standard FL, Non-reflect Xbuck
11.5' - cl of tr, 9.0' - eop

Signal Cabinet
15.0' - cl of tr, 13.0' - eop

L:\GREENE\294579K\294579K.DWG: 02/24/00 07:10 TTC



ROAD PROFILE



Crossing #: 294579K
 Location: Greene Co., Village of Kane (I)
 Lat/Long: 39°11'27" / 90°21'13"
 Railroad: Kansas City Southern Railway Company
 Street: Jefferson Street
 Railroad Milepost: 47.01 - AG
 Crossing Protection: Automatic Flashing Light Signals