

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 945

T01-0033

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce COMMISSION, hereinafter referred to as "COMMISSION", the Illinois Central Railroad Company, hereinafter referred to as "COMPANY", the Perry County Road District No. 1, hereinafter referred to as "ROAD DISTRICT", and the State of Illinois, Department of Transportation, hereinafter referred to as "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the COMPANY 's track with a public highway known as Greenwood Avenue/TR266 located near DuQuoin, Perry County, Illinois, designated as crossing AAR/DOT 293 678E, milepost 72.50-GE; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member 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 all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a 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 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 statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law 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 proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry.

- (b) the installation of a 24 foot full depth timber crossing surface at Greenwood Avenue.
- (c) the reconstruction of the north and south highway approaches to conform with the requirements of 92 Illinois Administrative Code, Part 1 535.204, including hauling away the existing asphalt and rock material that the COMPANY removes while installing the above mentioned new 24 foot crossing surface, and the widening of the roadway from an existing 15 foot width to a minimum 18 foot width exclusive of shoulders.

Section 3 The COMPANY and the ROAD DISTRICT have each prepared a preliminary estimate of cost to accomplish the proposed improvements which it may be required to perform. Said estimates are attached as Exhibit B and C. The COMPANY shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the COMMISSION and DEPARTMENT.

Section 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 submission of plans should be 60 days and for the completion of the proposed improvements should be twelve (12) months, from the date of COMMISSION Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost for the installation of automatic flashing light signals and gates controlled by constant warning time circuitry, estimated at \$143,010, should be allocated 100% to the Grade Crossing Protection Fund. The cost of future maintenance and operations shall be borne by the COMPANY.
- b) The cost for the installation of a 24 foot full depth timber crossing surface at Greenwood Avenue (no estimate provided) and all cost of future maintenance of the crossing surface should be borne 100% by the COMPANY.
- c) The cost to reconstruct the north and south highway approaches, including hauling away the existing asphalt and rock material that the COMPANY removes while installing the new 24 foot crossing surface, and the widening of the roadway from an existing 15 foot width to a minimum 18 foot width exclusive of shoulders, estimated to be \$11,295, and all cost of future maintenance of the highway approaches should be borne 100% by the ROAD DISTRICT.

Section The 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 and indicates this intent by the Resolution attached as Exhibit D.

Section 7 Special Provisions: Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work. COMPANY flagging expenses incurred during the ROAD DISTRICT work should not be charged to said ROAD DISTRICT.

Since the highway reconstruction will be performed by the ROAD DISTRICT and/or its contractor, roadway contractor and railroad liability insurance will be required as specified in the Illinois Department of Transportation's "Standards and Specifications for Road and Bridge Construction".

The COMPANY and the ROAD DISTRICT should have bi-monthly coordination meetings, unless agreed to by each of them that any meeting is not necessary, until the completion of the project.

The COMPANY shall at six (6) month intervals from the date of the COMMISSION Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the COMMISSION, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62674. The DEPARTMENT shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the COMMISSION.

The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty four (24) months from the date of COMMISSION Order subsequent to this Agreement. The DEPARTMENT shall, at the end of the 24th month from the COMMISSION Order date, de-obligate all residual funds accountable for installation cost for this project.

The COMPANY shall at six (6) month intervals from the date of COMMISSION Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the COMMISSION, stating the progress it has made toward completion of the work herein required. Each progress report shall include the COMMISSION Order number, the Order date, the project completion date as noted in Order, crossing information (Inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of Company employee responsible for management of the project.

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 provisions contained herein.

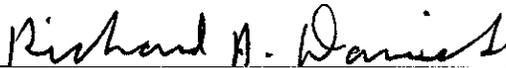
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 9TH day of, 20^{APRIL}



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 945 concerning improvements at the Greenwood Avenue/TR266 grade crossing of the Illinois Central Railroad Company tracks near DuQuoin, Perry County, Illinois, designated as crossing AAR/DOT 293 678E, milepost 72.50-GE.

Executed by the Department this 16th day of April 01 1

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Shifren
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 945 concerning improvements at the Greenwood Avenue/TR266 grade crossing of the Illinois Central Railroad Company tracks near DuQuoin, Perry County, Illinois, designated as crossing AAR/DOT 293 678E, milepost 72.50-GE.

Executed by the ROAD DISTRICT this 21st day of July 2001.

PERRY COUNTY ROAD DISTRICT NO. 1

By: 10 S. J. [Signature]

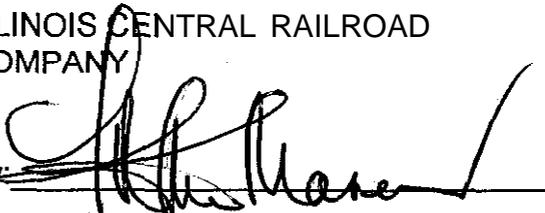
Attest:

[Signature]
Douglas E. [Signature]
Perry County Engineer

Illinois Commerce Commission Stipulated Agreement No. 945 concerning improvements at the Greenwood Avenue/TR266 grade crossing of the Illinois Central Railroad Company tracks near DuQuoin, Perry County, Illinois, designated as crossing AAR/DOT 293 678E, milepost 72.50-GE.

Executed by the Company this 25 day of April 1 .

ILLINOIS CENTRAL RAILROAD
COMPANY

By: 

Attest:

Nadine Marshall

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR: Illinois Central Railroad Co. Milepost-line: 72.50-GE Inventory #: 293 678E
City: near DuQuoin Street: Greenwood Avenue/TR266 County: Perry
Jurisdiction: Perry Co. Road Dist. #1 Urban: X Rural: Commercial: Residential: X
Street Surface: Oil & Chip Width: 15-16 ft. Condition: Fair
Angle: 85° Tracks Tangent: Yes Degree of Curve: 0 Superelevation: None
Depth of Cut: 0 Height of Fill: 0

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		Main	Full Depth Timber	15'-4"	Fair

Intersecting Roads: None

Traffic Control Devices Present: None

ADT: 800 vehicles per day Speed: 30 mph (not posted) Statewide:

School Buses: Unknown Hazardous Materials: Unknown Other:

Rail Traffic: Freight. 4 @ 10-40 mph Pass.: 0 @ 0 mph Switch: 0

Simultaneous Movements: No Daylight and Dark: Yes

Present Protection: Reflective crossbucks

Advance Warning Signs: Yes Pavement Marking: No

Visibility Study

need 245' along track @ 221' from crossing along street.

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE			230'	house
NW			20'	trees, house
SE			100	trees, building
SW			150'	trees, brush

Approach Grades

North	25'	-5.20	% 50'	-2.00	%	%
South	25'	-5.60	% 50'	-1.20	%	%

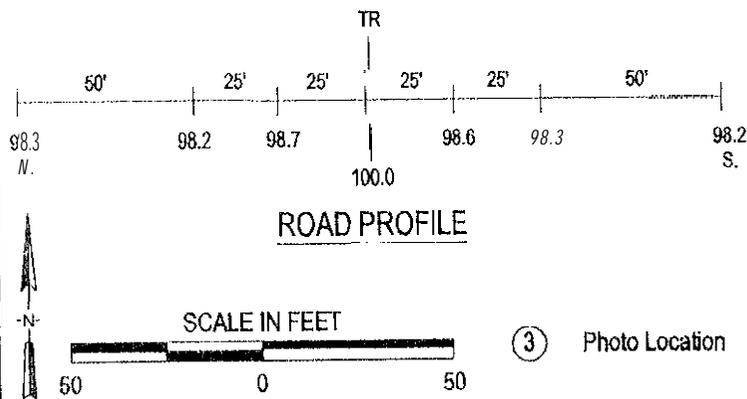
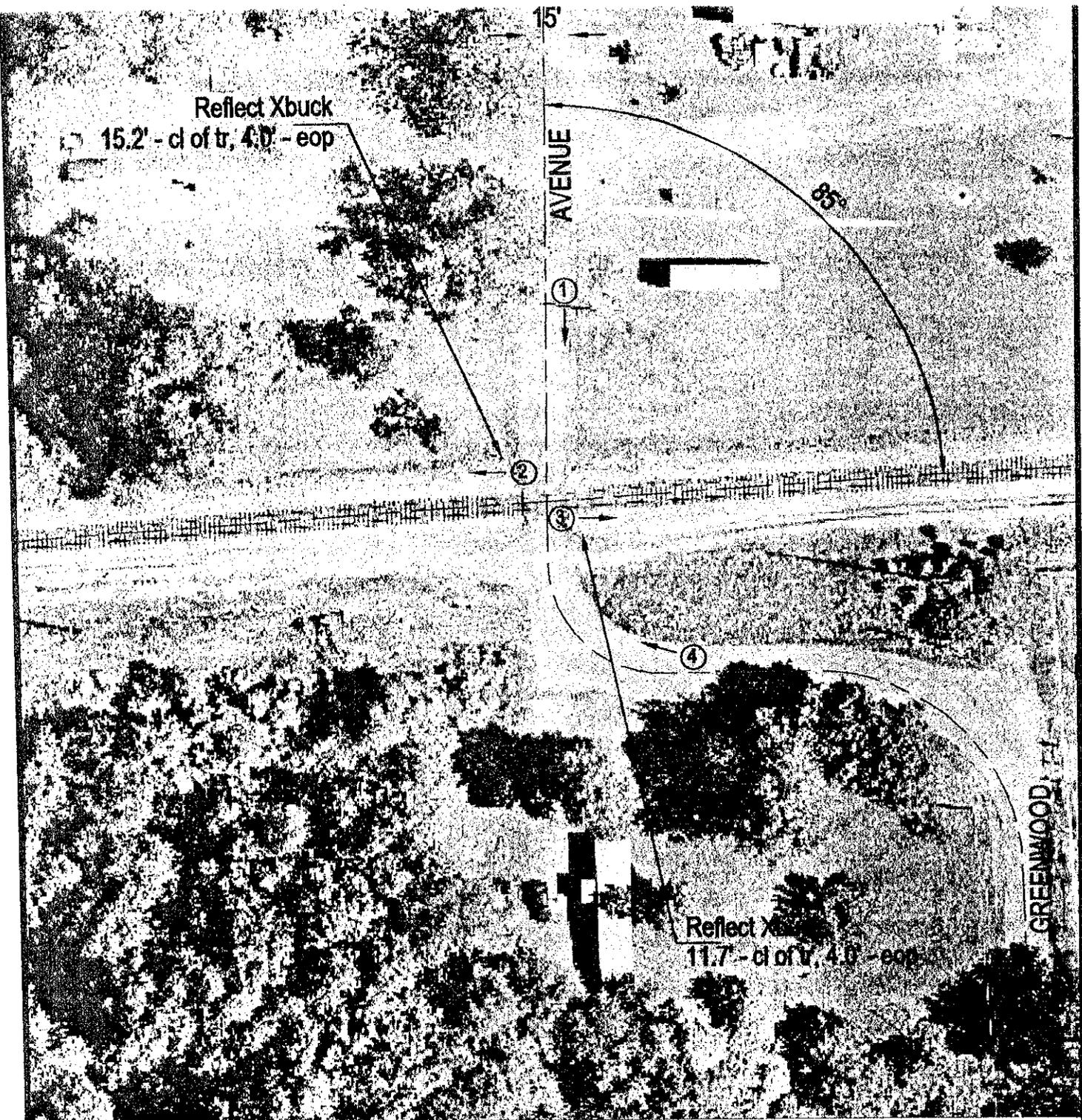
COMMENTS:

Crossing width is substandard, but matches the roadway width. The proposed location of the signal masts will accommodate a roadway width up to 20 feet. The county has indicated that the township will spend approximately \$11,000 to improve the approaches.

Cost Division:

Grade Crossing Protection Fund	\$143,010 (100% of cost for AFLS&G)
Perry County Road District No. 1	\$11,295 for the road reconstruction *
Canadian National/Illinois Central Railroad Co.	100% cost of 24 foot wide xing surface.

* Letter stating economic hardship of 10% of cost sent by county. Copy in crossing tile.



Crossing #:	293678E
Location:	Perry Co., City of DuQuoin (N)
Lat/Long:	38°00'19" / 89°13'01"
Railroad:	IC
Street:	Greenwood Avenue
Railroad Milepost:	72.50
Crossing Protection:	Signs

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ILLINOIS CENTRAL RAILROAD
ENGINEERING DEPARTMENT
OFFICE OF GENERAL MANAGER-C&S

DuQuoin, IL

Est 1056-001

Estimated cost of Signal work to install Gates and one (1) Cantilever at
Greenwood Avenue (TR266).

Gulf Division

Val Sec 11-2

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
FAPG				

LANDFILL	1.	L.S. @	600.00	600.00
MISC.SIGNAL MATERIAL	1.	L.S. @	500.00	500.00
<u>CROSSING MATERIALS PACKAGE</u>				
CONSTANT WARNING TIME	1.	EACH @	17981.00	17981.00
TERMINATION SHUNT	2.	EACH @	488.00	976.00
RECTIFIER,CRC 40EC-12V	1.	EACH @	665.00	665.00
RECTIFIER,CRC 20EC-12V	1.	EACH @	535.00	535.00
XING LAMP CONTROLLER,XLC	2.	EACH @	865.00	1730.00
VITAL LOGIC GATE,VLG	2.	EACH @	530.00	1060.00
VITAL RELAY DRIVER,VRD	1.	EACH @	705.00	705.00
ERICO SURGE PROTECTION	1.	LOT @	2000.00	2000.00
WAGO TERMINATION EQUIPMENT	1.	LOT @	500.00	500.00
RESISTOR,ADJUSTABLE	8.	EACH @	30.00	240.00
EQUIPMENT RACK	2.	EACH @	311.00	622.00
CANTILEVER,16'	1.	EACH @	5748.00	5748.00
LED FLASHER,2-WAY,MAIN MAST	1.	EACH @	1675.00	1675.00
LED FLASHER,1-WAY,JURY MAST	1.	EACH @	875.00	875.00
RR CROSSING SIGN	1.	EACH @	135.00	135.00
GATE ASSEMBLY	1.	EACH @	5645.00	5645.00
LED FLSHR & GATE ASSY/1 SIDE	1.	EACH @	8075.00	8075.00
ARM,EZ GATE,16-24'	2.	EACH @	441.00	882.00
GATEKEEPER,SK-1000	2.	EACH @	1928.00	3856.00
BELL,ELECTRONIC	1.	EACH @	228.00	228.00
BATTERY,GNB 265AH	13.	EACH @	217.00	2821.00
BOX, BATTERY, 6 CELL	2.	EACH @	434.00	868.00
FOUNDATION,S2 4FT-6IN HI	2.	EACH @	369.00	738.00
FOUNDATION,DP4B,5FT-10IN HI	2.	EACH @	2830.00	5660.00
ALUMINUM HOUSE,8x6'	1.	EACH @	11400.00	11400.00

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DuQuoin, IL

Est 1056-001

CROSSING MATERIALS PACKAGE (CONT'D)

CABLE, 2c/6 TW., 120-D (O)	400. FEET @	0.68	272.00
CABLE, 3c/6, 121-L (O)	150. FEET @	1.43	214.50
CABLE, 5c/6, 121-M (O)	250. FEET @	2.58	645.00
CABLE, 7c/6, 121-N (O)	250. FEET @	3.32	830.00
CABLE, 5c/14, 121-B (O)	250. FEET @	1.00	250.00
WIRE, #10 AWG STRANDED (O)	400. FEET @	0.25	100.00
5 MAN GANG	12. DAY @	1000.00	12000.00
PRELIMINARY ENGINEERING	1. L.S. @	3600.00	3600.00
CONSTRUCTION ENGINEERING	1. L.S. @	275.00	275.00

SUMMARY

MATERIAL	79031.50 *
HANDLING 0.0610	4820.92
CROSSING SYSTEM WIRING	6000.00
LABOR	12000.00 *
ENGINEERING	3875.00
ACCOUNTING	300.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	12847.20
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	4230.28
SUBSISTENCE	3000.00
RENTAL OF EQUIPMENT	2400.00
POWER TAP	1500.00
CONTINGENCIES	13005.10

TOTAL COST	143010.00

Exhibit D

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 945

Date 4-18-01

The Perry Co. Road list #1
(Board or Council of Township, Village, City, County, etc.)

meeting on 4-18-01, Resolved to authorize Don Siefert, P.C. Comm.
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the (Township, Village, City, County) 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.

ATTEST

Douglas E. Bishop
Perry County Engineer