

**ORIGINAL**

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

702-0037

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 the "Commission", the CSX Transportation, Inc., hereinafter referred to as the "Company", the Township of Claremont in Richland County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through Staff investigation 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 Meridian Road (TR180-A) located near Claremont, in Claremont Township, Richland County, Illinois, designated as crossing DOT 152 860P, milepost 216.87-A; 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.

**DOCKETED**

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

MERIDIAN ROAD  
(TR180-A)

- (a) The COMPANY should install automatic flashing light signals and gates, controlled by constant warning time circuitry;
- (b) The TOWNSHIP should perform the roadway reconstruction as further detailed on Exhibit C, Page 1 attached hereto and made a part hereof.

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; 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 4 The County on behalf of the Township has prepared a preliminary estimate of cost which is attached as Exhibit C, to accomplish the proposed improvements which it may be required to perform; The Township shall upon Order, according to the requirements contained therein, prepare detailed drawings, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 5 The Company and Township shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with their own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 6 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost to install automatic flashing light signals and gates estimated at \$140,076.94, should be allocated whereby the Department utilizing federal funding under TEA-21, should pay 70% of the actual project cost (not to exceed \$98,053.94); the Grade Crossing Protection Fund (Fund) should bear 30% of said project cost (not to exceed \$42,023), with the Company bearing any remaining cost after payment from TEA-21 and the Fund, as well as all future operation and maintenance cost thereof;

- b) The cost to improve the highway approaches estimated to cost \$8,200, should be allocated 100% to the Township as well as all future maintenance cost thereof;

Section 7 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 as Exhibit D.

Section 8 Special Provisions: Since federal funding is being utilized for the warning device improvements at the subject crossing, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

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.

The Company and Township shall each at six (6) month intervals from the date of 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, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received 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 to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24<sup>th</sup> month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company and Township shall each at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports 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 the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

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 5<sup>th</sup> day of February 2002.



\_\_\_\_\_  
Michael E. Stead  
Railroad Safety Program Administrator

Attest:



\_\_\_\_\_  
Henry Humphries,  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 978 concerning improvements at the crossing of the CSX Transportation, Inc. track with a public highway known as Meridian Road (TR180-A) located near Claremont, in Claremont Township, Richland County, Illinois, designated as crossing DOT 152 860P, milepost 216.87-A

Executed by the Township this 5 day of March 2002.

CLAREMONT TOWNSHIP,  
RICHLAND COUNTY

By: Larry Downty Rd Comm.

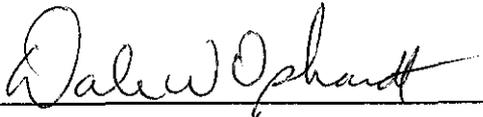
Attest:

Roy Hipon

Illinois Commerce Commission Stipulated Agreement No. 978 concerning improvements at the crossing of the CSX Transportation, Inc. track with a public highway known as Meridian Road (TR180-A) located near Claremont, in Claremont Township, Richland County, Illinois, designated as crossing DOT 152 860P, milepost 216.87-A

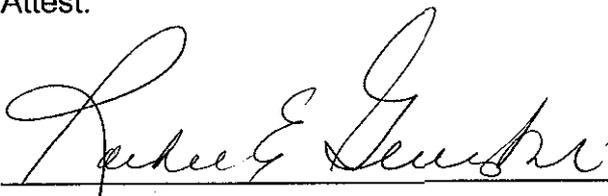
Executed by the Company this 21 day of March 2002.

CSX TRANSPORTATION, INC.

By: 

**Dale W. Ophardt**  
Chief Engineer - Design & Construction

Attest:



**RACHEL E. GEIERSBACH**

**Corporate Secretary**

Illinois Commerce Commission Stipulated Agreement No. 978 concerning improvements at the crossing of the CSX Transportation, Inc. track with a public highway known as Meridian Road (TR180-A) located near Claremont, in Claremont Township, Richland County, Illinois, designated as crossing DOT 152 860P, milepost 216.87-A

Executed by the Department this 12<sup>th</sup> day of April 2002.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

  
Director of Highways

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line CSX Milepost 216.87-A Inventory # 152 860P  
 City (N) Claremont Street TR-180A County Richland  
 Jurisdiction Twp. Urban      Rural X Commercial      Residential       
 Street Surface Gravel Width 18' Condition Fair  
 Angle 85° Tracks Tangent Yes Degree of Curve -- Superelevation -  
 Depth of Cut ----- Height of Fill <4'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>T/A</u>	<u>24'</u>	<u>Fair</u>
<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>
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Intersecting Roads 100' NONE 200' NONE  
 Traffic Control Devices Present NONE  
 ADT 125 Speed unposted Statewide Yes  
 Schoolbuses NO Hazardous Materials NO Other       
 Rail Traffic: Ft. 14 @ 60 mph Pass. -- @ -- mph Switch --  
 Simultaneous Movements NO Daylight and Dark Yes  
 Present Protection Crossbucks

Advance Warning Signs Yes Pavement Marking No





CSX TRANSPORTATION  
ORDER OF MAGNITUDE ESTIMATED COST TO  
INSTALL FLS/GATE WITH CWT (SINGLE TRK)  
CLAREMONT, IL  
TR-180-A  
M.P. BC-216.87

DOT#: 152 860P

OP# : IL0078

PROJECT #: IL2001042

**SUMMARY:**

MATERIAL .....	\$46,610.94
SALES TAX..... ( 6.00% ).....	\$2,797.00
LABOR TO INSTALL.....	
CONSTRUCTION..... ( 81 MAN DAYS ).....	\$16,686.00
SHOP..... ( 5 MAN DAYS ).....	\$800.00
TRACK..... MAN DAYS ).....	
SUBSISTENCE ALLOWANCE (construction only).....	\$9,882.00
RAILROAD ENGINEERING, PRELIMINARY .....	\$11,516.00
RAILROAD ENGINEERING, CONSTRUCTION .....	\$2,503.00
ADDITIVE TO LABOR .....	\$13,511.00
ADDITIVES TO ENGINEERING.....	\$8,287.00
ADDITIVES TO SHOP LABOR.....	\$786.00
EQUIPMENT EXPENSE .....	\$10,150.00
WASTE MANAGEMENT .....	
REFUSE CONTAINER.....	\$75.00
PORTABLE REST ROOM.....	\$18.00
CONTRACT ENGINEERING:	
CATEGORY 1B .....	\$2,650.00
CATEGORY 2D .....	\$2,350.00
CATEGORY 2E .....	\$800.00
CATEGORY 3 .....	\$950.00
CONTINGENCY /FREIGHT.....	\$3,905.00
220 VAC POWER SERVICE.....	\$6,000.00
POLELINE REMOVAL.....	\$0.00

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TOTAL ESTIMATED COST \$140,076.94

DATE: 12/26/2001

ESTIMATED BY : SOUTHWEST SIGNAL ENGINEERING. CO.

NOTE: THIS ESTIMATE SHOULD BE CONSIDERED VOID ONE (1)

YEAR FROM THE DATE OF THE ESTIMATE

**RICHLAND COUNTY**  
**HIGHWAY DEPARTMENT**  
OLNEY, ILLINOIS

EXHIBIT C  
PAGE 1

GARY D. WENTHE, PE  
County Engineer

SHELBY J. WEIDNER  
Office Manager

January 29, 2002

RECEIVED  
JAN 31 2002

Illinois Commerce Commission  
RAIL SAFETY SECTION

Michael Stead  
Illinois Commerce Commission  
527 E Capitol  
Springfield IL 62701

Attn: Henry Humphries

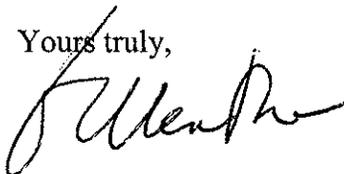
RE: CSX RAILROAD CROSSING  
TR180A - 1500E  
CLAREMONT ROAD DISTRICT  
#152860 AND MP 216.87

Dear Mr. Stead:

We are enclosing five copies of the proposed plan and profile for the approach work at the above referenced location. The estimate of cost for this work is \$8,200.

If additional information is required please contact this office.

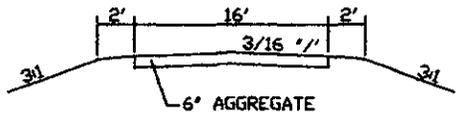
Yours truly,



Gary D. Wenthe  
County Engineer

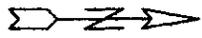
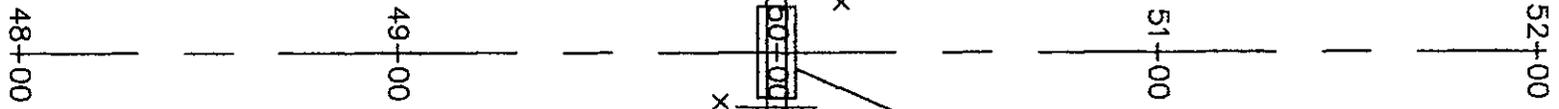
GDW/sjw

Enclosures



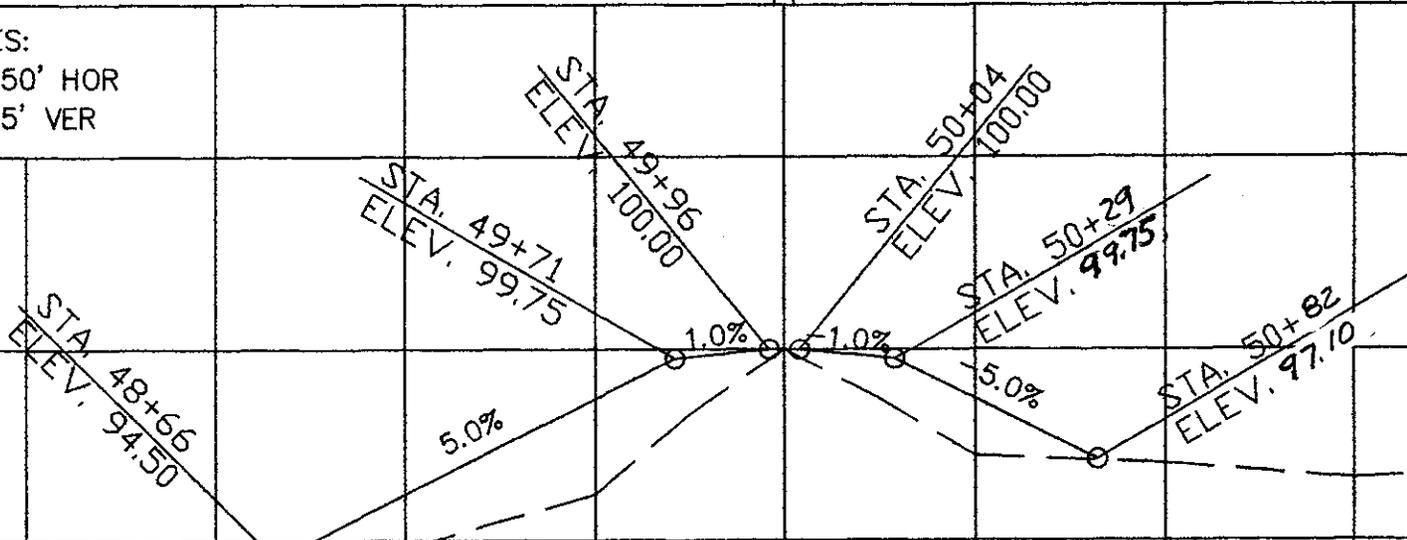
PROPOSED CROSS SECTION

PREPARED BY:  
*Gary D. Wenthe*  
 GARY D. WENTHE  
 PE # 062-034256



TR180A 1500E  
 CLAREMONT RD. DIST.  
 #152860  
 MP BC 216.87

SCALES:  
 1" = 50' HOR  
 1" = 5' VER



48+00	49+00	50+00	51+00	52+00
94.20	94.30	94.80	97.20	09.96
		96.20	98.70	06.96
		96.20	97.20	
		98.70	98.70	
		100.00	97.00	
		100.00	07.76	
			07.76	
			09.96	

EXHIBIT  
 PAGE 21

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

Date March 5, 2002

Agreement # 978

The CLAREMONT township  
(Board or Council of Township, Village, City, County, etc.)

meeting on 3/5/02, Resolved to authorize Larry Downty  
(Date) (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  
(Township, Village, City, County)  
bear the cost for the proposed improvements as may be assigned to it according  
to Section 5 of this Agreement.