

STATE OF ILLINOIS

700-0047

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT

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", Norfolk Southern Railway Company, hereinafter referred to as the "Company", Hadley Township of Pike 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 informal complaint 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 Township Road ("TR") 134 located near Barry in Hadley Township, Pike County, Illinois, designated as crossing AAR/DOT 479 593V, milepost 494.45 WC; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by representatives of the Company and Commission staff; 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:

DOCKETED

- a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- b) the installation of a new 24' crossing surface.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed warning device improvement which it may be required to perform, said estimate is attached as Exhibit B, and 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 improvement for the approval of the Commission and Department.

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 Commission Order subsequent to this agreement. The time schedule for the submission of progress and other required reports from the Company is contained in Section 7 herein.

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 the automatic warning devices, estimated to be \$110,500, should be allocated the sum of \$3,000 to the Township with the remaining \$107,500 being divided 95% in an amount not to exceed \$102,125 to the Grade Crossing Protection Fund with all remaining installation cost and all cost of future maintenance and operation of the warning devices being borne by the Company.
- b) the cost for the installation of the new crossing surface and all cost of future maintenance of the crossing surface shall be borne 100% by the Company.

Section 6 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 C.

Section 7 Special Provisions. 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, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Springfield, Illinois, 62764. A copy of each bill for Fund reimbursement should also be submitted 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~~

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b) the installation of a new 24' crossing surface.

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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 shall file a written report within ninety (90) days from the date of Commission Order subsequent to this agreement, with the Director of Processing and Information, of the Commission's Transportation Division, listing the name, title, mailing address, phone number and facsimile number of the Company's employee responsible for management of this project.

The Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures for the warning device installation and percentage of completion of the warning device and crossing surface installations; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

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 16<sup>th</sup> day of March, 2000.



Michael E. Stead  
Rail Safety Program  
Administrator

Attest:

  
Robert S. Berry  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 914 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with a public highway known as TR 134 located near Barry, Pike County, Illinois, designated as crossing AAR/DOT 479 593V, milepost 494.45 WC.

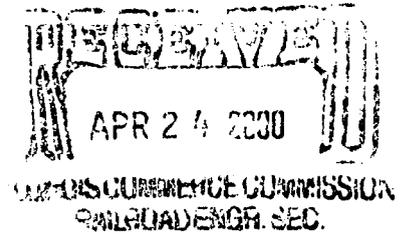
Executed by Hadley Township this 12 day of April, 2000.

HADLEY TOWNSHIP OF PIKE COUNTY

By: *Feyan Eake*

Attest:

\_\_\_\_\_



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Executed by the Department this 24<sup>TH</sup> day of APRIL, 2000.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: James C. Slifer  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 914 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with a public highway known as TR 134 located near Barry, Pike County, Illinois, designated as crossing AAR/DOT 479 593V, milepost DH 494.45.

Executed by the Company this 15<sup>th</sup> day of May, 2000.

NORFOLK SOUTHERN RAILWAY COMPANY

By: JR Comstock  
GENERAL MANAGER

Attest:

Claude Blazyn

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line Norfolk Southern Milepost 494.45WC Inventory # 479 593V  
City Near Barry Street TR 134 County Pike  
Jurisdiction Hedley Township Urban  Rural  Commercial  Residential   
Street Surface Gravel Width 14.5' Condition Good  
Angle 80° Tracks Tangent  Degree of Curve  Superelevation   
Depth of Cut  Height of Fill

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>T/A*</u>	<u>23'1"</u>	<u>Poor</u>

\* Timber and asphalt crossing surface

Intersecting Roads 100'  No  200'  No   
Traffic Control Devices Present  No   
ADT 75 Speed 55 mph (unposted) Statewide  Yes   
Schoolbuses  Hazardous Materials  Other   
Rail Traffic: Ft. 26 @ 60 mph Pass.  @  mph Switch  No   
Simultaneous Movements  No  Daylight and Dark  Yes   
Present Protection Crossbuck signs  
Advance Warning Signs  Yes  Pavement Marking  No

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	*		Adequate for max. speeds	
NW	*		100'@530'	Hill, tree line
SE	*		350'@530'	
SW	*		30'@530'	Hill, tree line

\* Adequate for maximum train speed

Approach Grades

North   \*\*   '            %            '            %            '            %  
 South   \*\*   '            %            '            %            '            %

\*\* meet the requirements of 92 Ill. Adm. Code 1535

Comments:           This crossing meets the minimum Stipulated Agreement requirements for the installation of automatic flashing light signals and gates in that there is restricted stopping sight distance in a least one crossing quadrant.

          Due to the financial condition of the Township, the Township cannot pay the normal, 10% local share of the cost for the warning device installation. It has agreed to pay the sum of \$3,000 toward the warning device installation cost. The remaining cost is being divided 95%-5% between the Fund and the Company.

          In the State of Illinois, a rail carrier is required to install and thereafter maintain a crossing surface through a roadway in compliance with the requirements of 92 Ill. Adm. Code 1535. When a crossing surface is no longer in compliance with said regulations, the rail carrier is required to replace the crossing surface at its cost. Due to the poor condition of the crossing surface through TR 134, this Stipulated Agreement requires the Company to install a new crossing surface in compliance of the requirements of 92 Ill. Adm. Code 1535 and bear the cost of the installation. The Company may determine what type of crossing surface to install.

**Ball-Park Estimate for Automatic Grade Crossing Warning Devices**

City/State:	Barry	Road:	TR-134
Milepost:	DH-494.45	DOT/AAR No.:	479 593V
Project Type:	New Installation	County:	Pike
S&E Project:	04.0477	AFE No.:	
Man Days:	20	File No.:	061-04.493

**\*\*\* PURCHASES - OTHERS \*\*\***

Meals and Lodging:	\$	5,035	
Rental of Equipment: (2 Trucks, 1 Backhoe w/Trailer and 1 Pipe-Pusher for 20 Days	\$	11,011	
Construction Supervision Vehicle:	\$	212	
Contingencies:	\$	659	
Purchases - Other Total:			\$ 16,917

**\*\*\* MATERIAL AND ADDITIVES \*\*\***

Material Cost:	\$	53,449	
Sales & Use Tax:	\$	2,672	
Freight Charges:	\$	5,078	
Material Total:			\$ 61,199

**\*\*\* LABOR AND ADDITIVES \*\*\***

Labor Cost: (4 Man crew at \$649.00 a day for: 20 Days	\$	12,964	
Payroll Tax and Overheads:	\$	11,223	
Preliminary Engineering:	\$	4,537	
Construction Supervision:	\$	3,658	
Labor Total:			\$ <u>32,383</u>
Subtotal:	\$	110,500	
Credit (Salvage/Scrap):			<u>          </u>
Total Project Cost:	\$		\$ 110,500

Estimate Date: 03-01-00

Estimated By: R. H. Ray

**This Estimate Valid For One Year From The Above Date**

This Estimate Is Provided To Aid The State In Preparation Of A Project And Was Prepared Without Field Input.

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

Date 4-12-00

Agreement # 914

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

meeting on 4-12-00, Resolved to authorize Lynn Erbe  
Road Commissioner  
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and  
that the Hadley Twp. 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.

