

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION TOB-2001
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", Union Pacific Railroad Company, hereinafter referred to as the "Company", the Township of Ogden, Champaign 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 correspondence that inquiry should be made into the matter of improving public safety at the public highway/rail grade crossings of the Company's track with public highways known as Township Road ("TR") 181A and TR 312, located near the Village of Royal, Champaign County, Illinois, designated as crossings AAR/DOT 166 921U, milepost 124.80-CC, and AAR/DOT 166 923H, milepost 123.10-CC, respectively.

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by representatives of the Department and Commission staff; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes, and all other pertinent data relating to the crossings have been obtained and shown on Exhibits A-1 and A-2, 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 ("Fund") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 The 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 crossings should be:

- a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry and a new signal cabinet at the TR 181A crossing.
- b) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry and a new signal cabinet at the TR 312 crossing.

Section 3 The Company has prepared preliminary estimates of cost to accomplish the proposed improvements which it may be required to perform, said estimates are attached as Exhibits B-1 and B-2, 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 improvements 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 submission of plans should be one hundred twenty (120) days, and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement. The Company shall submit progress reports as required in Section 6, Special Provisions.

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

- a) The cost to complete the work as described in Section 2(a) is estimated to be \$156,706. The Department, utilizing federal funds, should pay 70% of the cost, not to exceed \$109,694, the Fund should pay 30% of the cost, not to exceed \$47,012, with any remaining installation costs and all future maintenance and operating costs paid by the Company.
- b) The cost to complete the work as described in Section 2(b) is estimated to be \$222,941. The Department, utilizing federal funds, should pay 70% of the cost, not to exceed \$156,058, the Fund should pay 30% of the cost, not to exceed \$66,883, with any remaining installation costs and all cost of future maintenance and operating costs paid by the Company.

Section 6 Special Provisions. In view of the fact that federal funding is being utilized for the warning device improvements at both crossings, applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991, shall govern all such work.

Since railroad crews will perform the warning device improvements at the subject crossings, no flagging or contractor liability insurance will be required for said work.

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 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 reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office of the Illinois Department of Transportation, 2600 Dirksen Parkway, Springfield, Illinois, 62764. Copies of all bills received shall be submitted to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from the Company shall be clearly marked "Final Bill". All bills shall be submitted to the Commission 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 twenty-fourth month from the Commission's Order date, de-obligate all residual funds accountable for this project.

The Company shall at six (6) month intervals from the date of the Order subsequent to this Agreement until the project has been completed, 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 its work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order subsequent to this Agreement, crossing information (the name, title, mailing address, telephone number, and facsimile number of the Company employee responsible for management of their portion of the project).

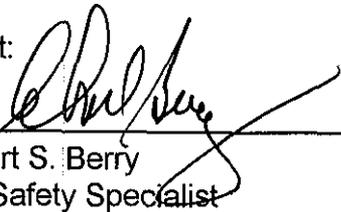
Section 7 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate Order, within 60 days, either accepting or rejecting such stipulation according to the provisions contained herein.

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 6th day of November, 2002.



Michael E. Stead
Rail Safety Program Administrator

Attest: 

Robert S. Berry
Rail Safety Specialist

Attachments

Illinois Commerce Commission Stipulated Agreement No. 985 concerning improvements at the TR 181A and TR 312 rail/highway at grade crossings with the track of Union Pacific Railroad Company, located near the Village of Royal, Champaign County, designated as crossings AAR/DOT 166 921U, milepost 124.80-CC and AAR/DOT 166 923H, milepost 123.10-CC, respectively.

Executed by the Township of Ogden this 19 day of Nov., 2002.

THE TOWNSHIP OF OGDEN, CHAMPAIGN COUNTY

By: Greg French

Attest:

Thomas R. Fentler

Illinois Commerce Commission Stipulated Agreement No. 985 concerning improvements at the TR 181A and TR 312 rail/highway at grade crossings with the track of Union Pacific Railroad Company, located near the Village of Royal, Champaign County, designated as crossings AAR/DOT 166 921U, milepost 124.80-CC and AAR/DOT 166 923H, milepost 123.10-CC, respectively.

Executed by the Department this 18th day of December, 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James R. Easterly
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 985 concerning improvements at the TR 181A and TR 312 rail/highway at grade crossings with the track of Union Pacific Railroad Company, located near the Village of Royal, Champaign County, designated as crossings AAR/DOT 166 921U, milepost 124.80-CC and AAR/DOT 166 923H, milepost 123.10-CC, respectively.

Executed by the Company this 3 day of Jan, 2002.

UNION PACIFIC RAILROAD COMPANY

By: Thomas J. Osee
CHIEF ENGINEER

Attest:

Kathy Klockner

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line Union Pacific Milepost 124.80 CC Inventory# 166.921U

City Near Royal Street TR 181A County Champaign

Jurisdiction Ogden Township Urban Rural Commercial Residential

Street Surface Oil and Chip Width 18 feet Condition Good

Angle 70° 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>Timber</u>	<u>24 ft</u>	<u>Good</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Intersecting Roads 100' None 200' None

Traffic Control Devices Present None

ADT 225 Speed 55 mph (unposted) Statewide Yes

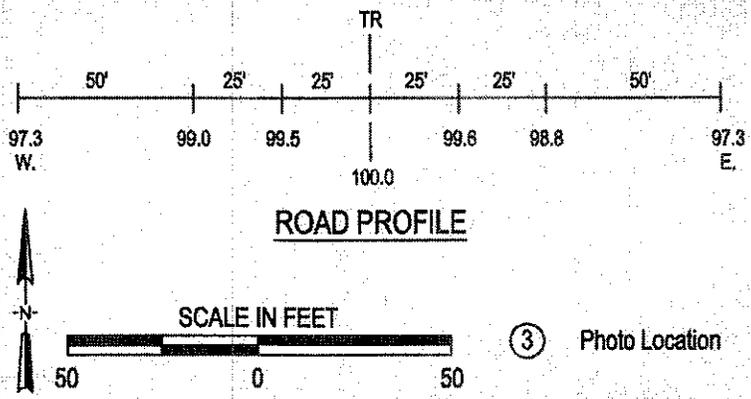
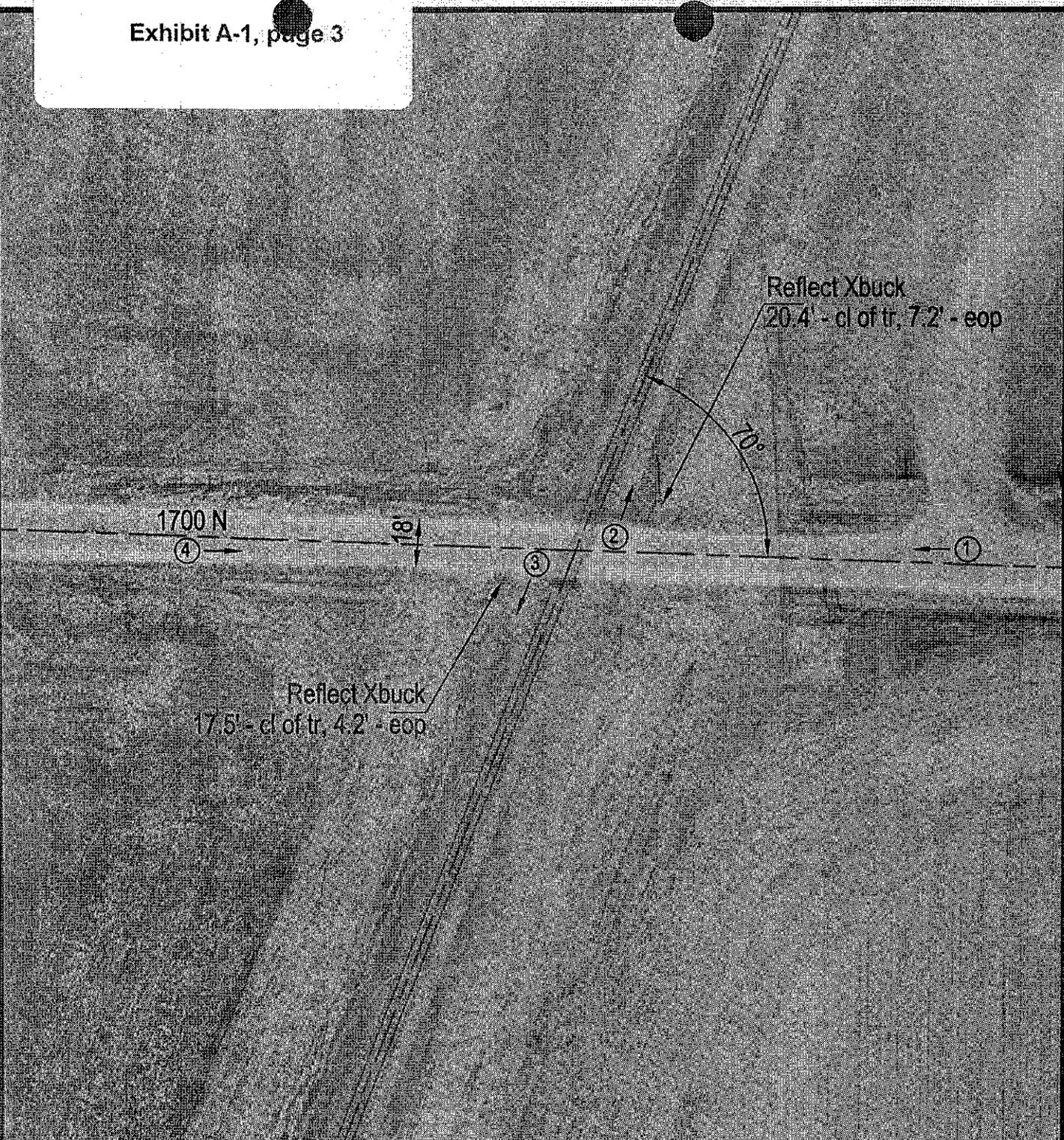
Schoolbuses _____ Hazardous Materials _____ Other _____

Rail Traffic: Ft. 25 @ 60 mph Pass. @ mph Switch No

Simultaneous Movements No Daylight and Dark Yes

Present Protection Crossbuck signs

Advance Warning Signs Yes Pavement Marking No



Crossing #:	166921U
Location:	Champaign Co., City of Royal (N)
Lat/Long:	40°07'41" / 88°00'21"
Railroad:	UP
Street:	1700 N
Railroad Milepost:	124.80
Crossing Protection:	Signs

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line Union Pacific Milepost 123.10 CC Inventory# 166.923H

City Near Royal Street TR 312 County Champaign

Jurisdiction Ogden Township Urban Rural Commercial Residential

Street Surface Oil and Chip Width 18 feet Condition Good

Angle 20° 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>Timber</u>	<u>57 ft</u>	<u>Good</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Intersecting Roads 100' None 200' None

Traffic Control Devices Present None

ADT 175 Speed 55 mph (unposted) Statewide Yes

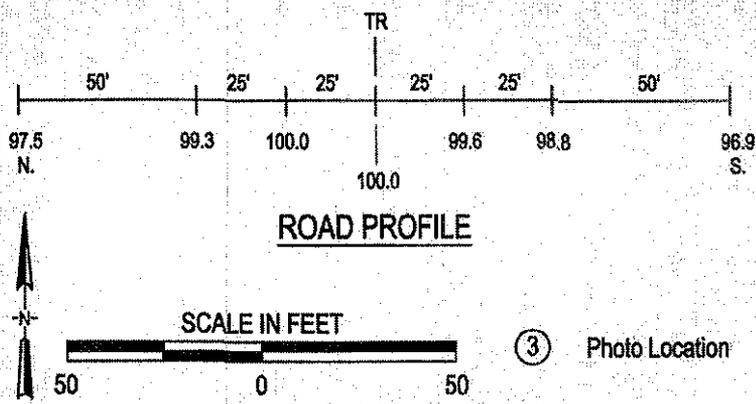
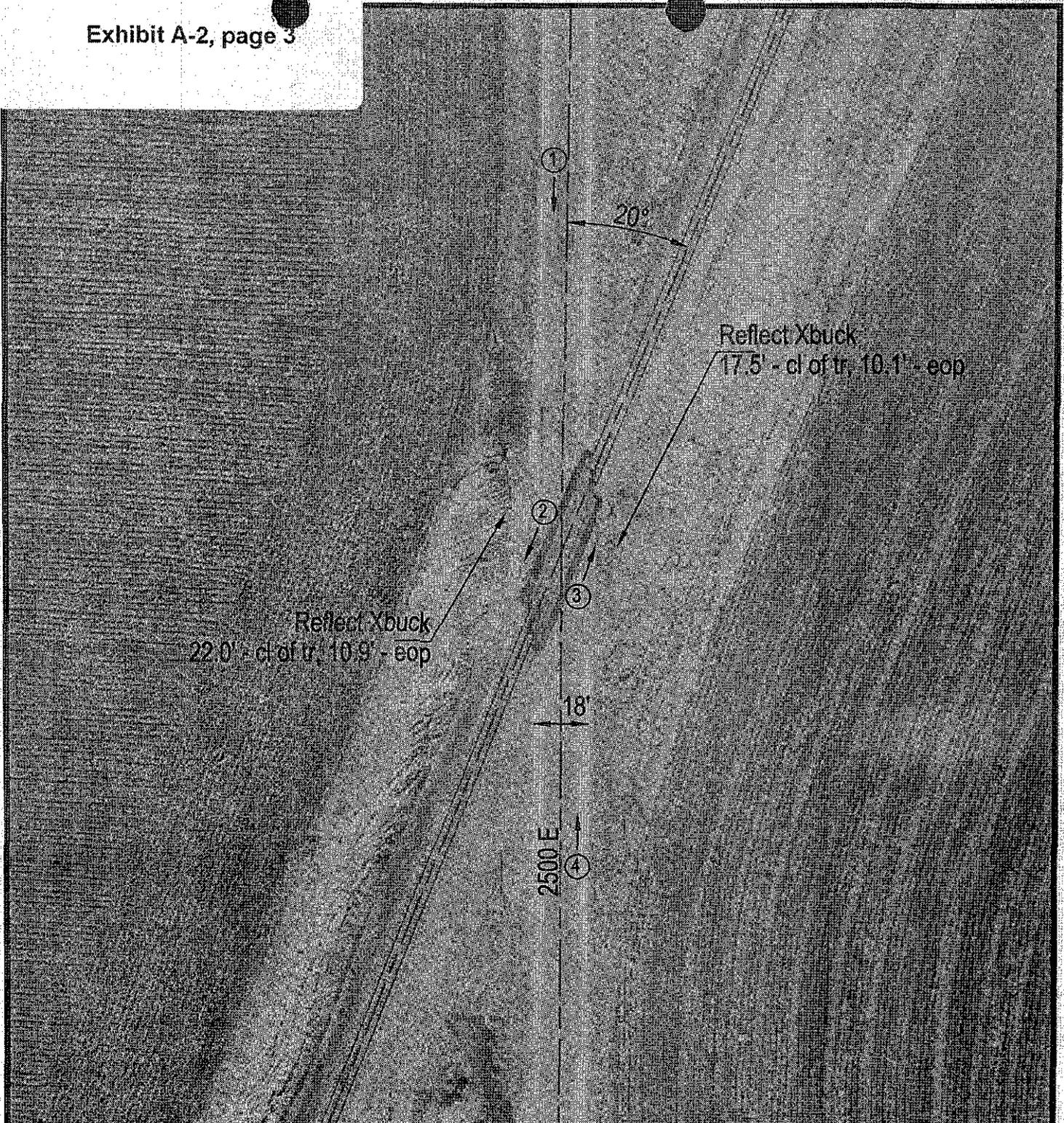
Schoolbuses _____ Hazardous Materials _____ Other _____

Rail Traffic: Ft. 25 @ 60 mph Pass. @ _____ mph Switch No

Simultaneous Movements No Daylight and Dark Yes

Present Protection Crossbuck signs

Advance Warning Signs Yes Pavement Marking No



Crossing #:	166923H
Location:	Champaign Co., City of Royal (N)
Lat/Long:	40°09'06" / 87°59'40"
Railroad:	UP
Street:	2500 E
Railroad Milepost:	123.10
Crossing Protection:	Signs