STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT 2243

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission (Commission), the City of Decatur (City), Illinois Central Railroad Company (IC or Company), and the State of Illinois, Department of Transportation (Department or IDOT).

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff evaluation that inquiry should be made into the matter of improving public safety at the Clinton Street (AAR/DOT #292862N, railroad milepost 76.35-B) highway- rail grade crossing track owned and/or operated by IC in City of Decatur, Macon County, Illinois; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing 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, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A 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:

<u>Section 1</u> 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.

<u>Section 2</u> The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

(a) Replace the existing antiquated automatic flashing light signals and control circuitry with new automatic flashing light signals and gates with a bell controlled by constant warning time circuitry, and equipped with an event recorder and capable of accepting a remote monitoring system when available, by the Company.Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and remote monitoring system, by the Company.

SA 2243

<u>Section 3</u> The Company has prepared a preliminary "detailed" cost estimate and circuit plans to accomplish the proposed safety improvements, which may be required by Commission Order. The cost estimate and circuit plans are attached and incorporated herein by reference as Exhibit B.

<u>Section 4</u> The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed signal improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed signal improvements should be eighteen (18) months from the date of a Commission Order approving this Agreement.

<u>Section 5</u> The parties agree that an equitable division of cost for the proposed improvements is as follows:

COST DIVISION TABLE

IMPROVEMENT	EST. COST	GCPF	CITY	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$443,297	(95%) \$421,132 ¹	\$0	(5%) \$22,165 ²	\$0
Install Temporary STOP Signs, if ordered	No Estimate Required	0%	0%	100%	0%
TOTALS	\$443,297	\$421,132 ¹	\$0	\$22,165 ²	\$0

Notes:

<u>Section 6</u> The City is not required to pay any portion of the cost for the proposed improvements.

<u>Section 7</u> Special Provisions: The Company is responsible for all future costs associated with the operation and maintenance of the new automatic warning devices in accordance with the following parts of Title 49 - Code of Federal Regulations (CFR): 49 CFR 214 - Railroad Worker Safety; 49 CFR 228 - Hours of Service of Railroad Employees; 49 CFR 233 - Signal Systems Recording Requirements; and 49 CFR 234 Grade Crossing Signal System Safety.

The Company shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E. If any changes are required, the sheet must be corrected and returned with this executed Agreement. 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.

¹GCPF assistance for the installation of automatic warning devices at the Clinton Street crossing not to exceed \$421,132; any installation costs above the total estimated amount of \$443,297 will be divided in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

²Company responsible for all future operation and maintenance costs associated with the new automatic warning devices and temporary STOP signs at the Clinton Street crossing.

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 and City Project Manager.

All bills for the automatic warning devices 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 S. Dirksen Parkway, Springfield, IL 62764. All bills shall meet the minimum documentation requirements set forth in Section 8 of this Agreement. The Department shall reimburse the Company and the City in accordance with the State Prompt Payment Act (Illinois Compiled Statutes, 30 ILCS 540/).

The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. 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 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 deobligated. Upon completion of the review, the Commission shall notify the Department to deobligate all residual funds accountable for installation costs for this project. Notification may be by regular mail, electronic mail, fax, or phone.

<u>Section 8</u> Billing: For all work specified in this Agreement, and authorized by an Order of the Commission, the Company shall assure that sufficient documentation for all bills is made available to the Department. The minimum documentation that must be made available is outlined below:

- a) <u>Labor Charges (including additives)</u> Copies of employee work hours charged to the project.
- b) <u>Equipment Rental</u> Copies of rental agreements for the equipment used, including the rental rate; and the number of hours the equipment was used on the project.
- c) <u>Material</u> 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 project.
- e) Supervision Copies of employee work hours charged to the project.
- f) <u>Incidental Charges</u> An itemized list of all incidental charges along with a written explanation of those charges.
- g) <u>Service Dates</u> Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) <u>Final or Progressive</u> Each invoice shall be marked as a Progressive or a Final Invoice, as applicable.

- i) <u>Reference Numbers</u> Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) <u>Locations</u> Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.
- k) <u>Travel</u> Each invoice shall include copies of all costs incurred, such as lodging, meals, per diem, rates and totals. Rail carriers shall provide an electronic copy of its current Rail Carrier Travel Policy. Reimbursement of travel costs shall be in accordance with State of Illinois travel regulations under 9 Illinois Administrative Code part 3000 and appendices. Any proposal or attempt to use an alternative travel reimbursement method must be reviewed and approved by the Department prior to travel.

Reimbursement of labor additives will be limited to only the most current direct labor additives, small tools additives, equipment additive rate, if so developed, and public liability/property damage liability insurance rates as audited and approved by a cognizant State agency and the Federal Highway Administration. Indirect overhead or general and administrative expenses, or those expenses which may be classified as such under generally accepted accounting principles, are not eligible for reimbursement on this project. Surcharges will be subject to review and approval by the Department.

<u>Section 9</u> 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 14th day of December 2022.

Brian Vercruysse

Rail Safety Program Administrator

Drian Vercryger 2 AT

Illinois Commerce Commission Stipulated Agreement 2243, executed by Commission Staff on December 14, 2022, concerning safety improvements at the Clinton Street (AAR/DOT #292862N, railroad milepost 76.35-B) highway-rail grade crossing of the Illinois Central Railroad's track in the City of Decatur, Macon County, Illinois.

Executed by the Illinois Central Railroad Company this $\underline{1st}$ day of March 2023 $\underline{202}$.

ILLINOIS CENTRAL RAILROAD COMPANY

By:

Illinois Commerce Commission Stipulated Agreement 2243, executed by Commission Staff on December 14, 2022, concerning safety improvements at the Clinton Street (AAR/DOT #292862N, railroad milepost 76.35-B) highway-rail grade crossing of the Illinois Central Railroad's track in the City of Decatur, Macon County, Illinois.

Executed by the City of Decatur on this 18th day of 1000 day 2023.

CITY OF DECATUR

BY: Juli More Wolfe



JAN 2 0 2023

Illinois Commerce Commission
RAIL SAFETY SECTION

RESOLUTION NO. <u>₹2023-07</u>

RESOLUTION AUTHORIZING A STIPULATED AGREEMENT CONCERNING SAFETY IMPROVEMENTS AT THE AT-GRADE CROSSING WITH THE ILLINOIS CENTRAL RAILROAD COMPANY AT CLINTON STREET

WHEREAS, the City of Decatur has entered into a Stipulated Agreement No. 2243 with the Illinois Commerce Commission (ICC), Illinois Central Railroad Company and Illinois Department of Transportation (IDOT) for the safety improvements to the Clinton Street (AAR/DOT #292862N, railroad milepost 76.35-B) highway-rail grade crossing of Illinois Central Railroad's track in Decatur, Macon County, Illinois.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That the Agreement presented to the City Council herewith between the City of Decatur, the Illinois Commerce Commission, Illinois Central Railroad Company, and the Illinois Department of Transportation regarding the safety improvements to the Clinton Street highway-rail grade crossing of the Illinois Central Railroad Company track in Decatur, Illinois, as Exhibit A and it is hereby, received, placed on file, and approved.

Section 2. That the Mayor and City Clerk be, and they are hereby, authorized and directed to sign, seal and attest said Agreement on behalf of the City.

PRESENTED and ADOPTED this 17th day of January 2023.

Julie Moore-Wolfe/Mayor

ATTEST:

Kim Althoff, City Clerk

Illinois Commerce Commission Stipulated Agreement 2243, executed by Commission Staff on December 14, 2022, concerning safety improvements at the Clinton Street (AAR/DOT #292862N, railroad milepost 76.35-B) highway-rail grade crossing of the Illinois Central Railroad's track in the City of Decatur, Macon County, Illinois.

Executed by the Illinois Department of Transportation this 20th day of December 2022.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

Bv:

Cynthia L. Watters, P.E. Bureau Chief of Safety Programs and Engineering

ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT CROSSING DATA FORM

GENERAL INFORMATION: See Location Sketch (Page 3)

	Illinois Central Railroad Company (IC)
USDOT#, MILEPOST	292862N railroad milepost 76.35-B
STREET, CITY, COUNTY	Clinton Street, Macon County, Illinois
JURISDICTION (RDWY)	City of Decatur
LOCATION	Urban
ROADWAY SURFACE	Oil/Chip; 30 Ft. +/-; Fair Condition

CROSSING DATA: Also see Location Sketch (Page 3) for roadway profile.

TRACK	SURFACE TYPE	SURFACE	SURFACE
(W-E or N-S)		WIDTH	CONDITION
N-S	Timber/Asphalt	143 Ft. +/-	Fair

ROADWAY DATA: See Location Sketch (Page 3)

INTERSECTING ROADS:	Division St. (Crossing in Intersection of Clinton + Division Streets)
TRAFFIC CONTROL	Yield Signs
ADT & SPEED	200 ADT @ 30 mph
TRAFFIC TYPE	Passenger cars, School Buses, Hazmat Vehicles all possible.
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch (Page 3)

FREIGHT TRAFFIC	6/day @ 40 MPH
PASSENGER TRAFFIC	NO
WARNING DEVICES	Crossbucks/YIELD Signs

NOTES:

Please note there are no longer has 2 tracks at this location. NE track removed.

VISIBILITY STUDY: See Location Sketch (Page 3)

Train Speed	40	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	222	FEET
Along Tracks	396	FEET
Reqd. Clearing Sight Dist. (CSD) (Along Tracks)	961	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	OBSTRUCTION	SSD	OBSTRUCTION
	(FT)		(FT)	
NE	OBST	Multiple RR Tracks	OBST	BUILDING OFF RR ROW
NW	OBST	Curve / TREES OFF ROW	OBST	TREES OFF RR ROW
SE	OBST	Curve / TREES OFF ROW	OBST	BUILDING OFF RR ROW
SW	OBST	Curve / TREES OFF ROW	OBST	BUILDING OFF RR ROW
WN	OBST	Curve / TREES OFF ROW	OBST	BUILDING OFF RR ROW
WS	OBST	Curve / TREES OFF ROW	OBST	BUILDING OFF RR ROW

^{*}Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch (Page 3)

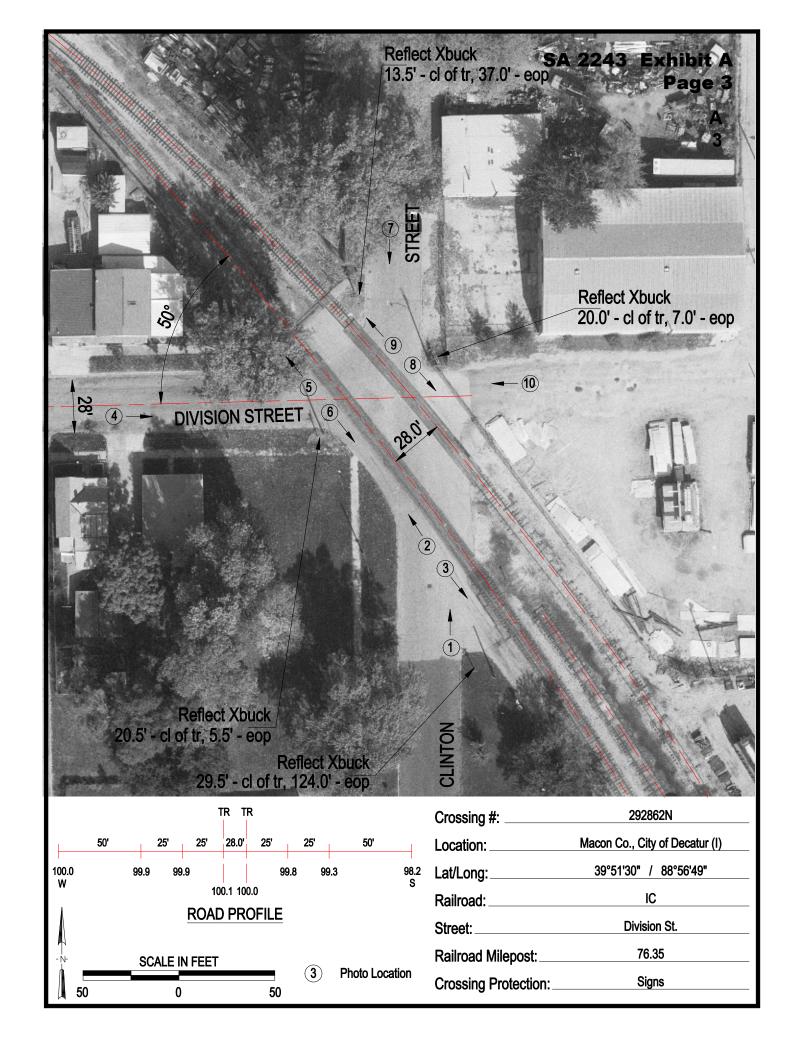
Γ	DIRECTION/West	t		DIRECTION/East	
DISTANCE	ELEVATION	GRADE	DISTANCE	ELEVATION	GRADE
(FT)	(FT)	(%)	(FT)	(FT)	(%)
SEE	EXHIBIT	Α	PAGE	3	

Distance measured from outermost rail.

COMMENTS:

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

Staff recommends that the GCPF be used pay 95% of the cost to install new automatic flashing lights signals & gates, event recorder, remote monitor, and track circuits, and that the IC pay all remaining installation costs. Staff also recommends that IC be responsible for all future operation and maintenance costs associated with the new automatic warning devices at Clinton Street crossing.



ILLINOIS CENTRAL RAILROAD COMPANY

A WHOLLY OWNED SUBSIDIARY OF

CANADIAN NATIONAL RAILWAY COMPANY

HIGHWAY-RAIL GRADE CROSSING SIGNAL ESTIMATE

Estimate No.: 22-1607

Date: September 21, 2022

Roadway Name: Clinton St Location: Decatur, IL Railroad Region: Southern Railroad Subdivision: Peoria Railroad Milepost: 076.35 DOT Crossing No.: 292862N

Description of Work:

Install flashing light signals (LED) with gates and bell controlled by constant warning time circuitry in a new pre-wired bungalow.

\$ 171,560.00

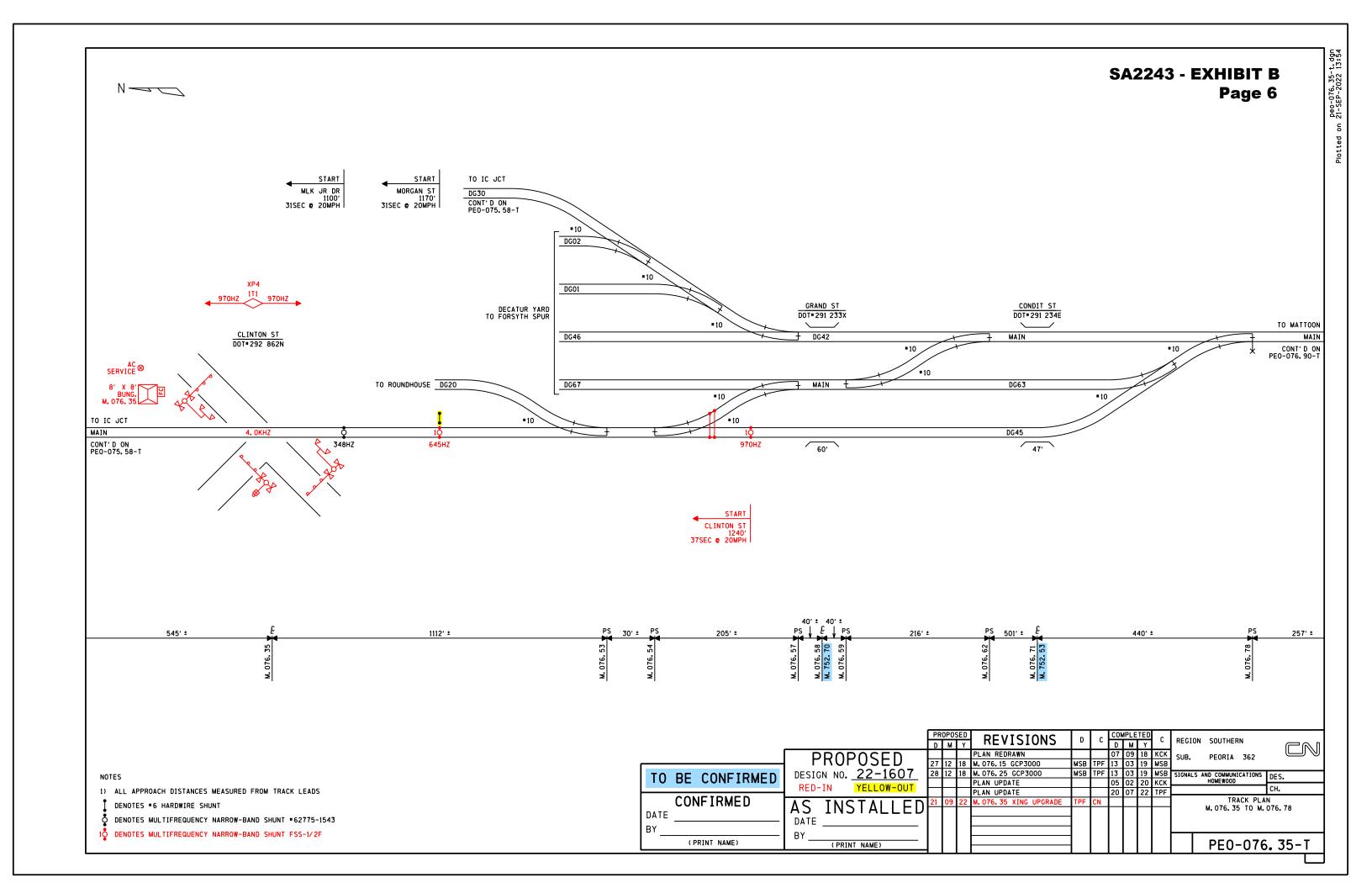
Clinton St					Page 2
Decatur, IL					22-1607
	MATERIAL				
MISCELLANEOUS MATERIAL					
Item	Quantity	Units	Unit Cost		Cost
Backfill Signal Material Generator - RedHawk Fuel Cell	100 1 1	TON LOT EACH	\$ 90.00 \$ 5,000.00 \$ 22,000.00	\$ \$ \$	9,000.00 5,000.00 22,000.00
SUBTOTAL MISCELLANEOUS MATERIAL				\$	36,000.00
CROSSING PACKAGE MATERIAL					
Item	Quantity	Units	Unit Cost		Cost
Pre-wired Aluminum Bungalow, 8'x8' ElectrologIXS XP4, 1 Track (redundant) XIP-20B Interface Panel, wall mount & cable DAU crossing monitor WSDMM module Modem, Cellular Converter, 12VDC/12VDC Antenna with 36" Pole Kit Shunt/Coupler Enclosure Narrow-band shunt, multifrequency Rectifier, NRS HF-MAX Battery, Ni-Cad, SPL 250 AH Battery, Ni-Cad, SPL 340 AH Foundation, Gate LED Flasher & Gate Assembly, 2-Way LED Flasher & Gate Assy, 2-Way, 1-Way Sidelight Gate Arm Gatekeeper	1 1 2 1 1 1 1 1 3 3 3 2 11 10 3 1 2 3 3	EACH EACH EACH EACH EACH EACH EACH EACH	\$ 35,000.00 \$ 17,000.00 \$ 500.00 \$ 2,200.00 \$ 4,500.00 \$ 1,500.00 \$ 1,500.00 \$ 1,200.00 \$ 700.00 \$ 210.00 \$ 280.00 \$ 1,200.00 \$ 280.00 \$ 1,200.00 \$ 29,500.00 \$ 10,000.00 \$ 200.00 \$ 2,000.00	****	35,000.00 17,000.00 1,000.00 2,200.00 4,500.00 3,500.00 1,500.00 3,600.00 2,100.00 3,600.00 2,310.00 2,800.00 3,600.00 2,800.00 2,700.00 6,000.00
Bell, Electronic Track Wire, 2c#6 Power Cable,3c#2	1 500 500	EACH FEET FEET	\$ 400.00 \$ 1.80 \$ 7.70	\$	400.00 900.00 3,850.00
Signal Cable, 16c(7c#6,9c#14) SUBTOTAL CROSSING PACKAGE MATERIAL	1000	FEET	\$ 8.00	\$ \$	8,000.00 ====== 135,560.00

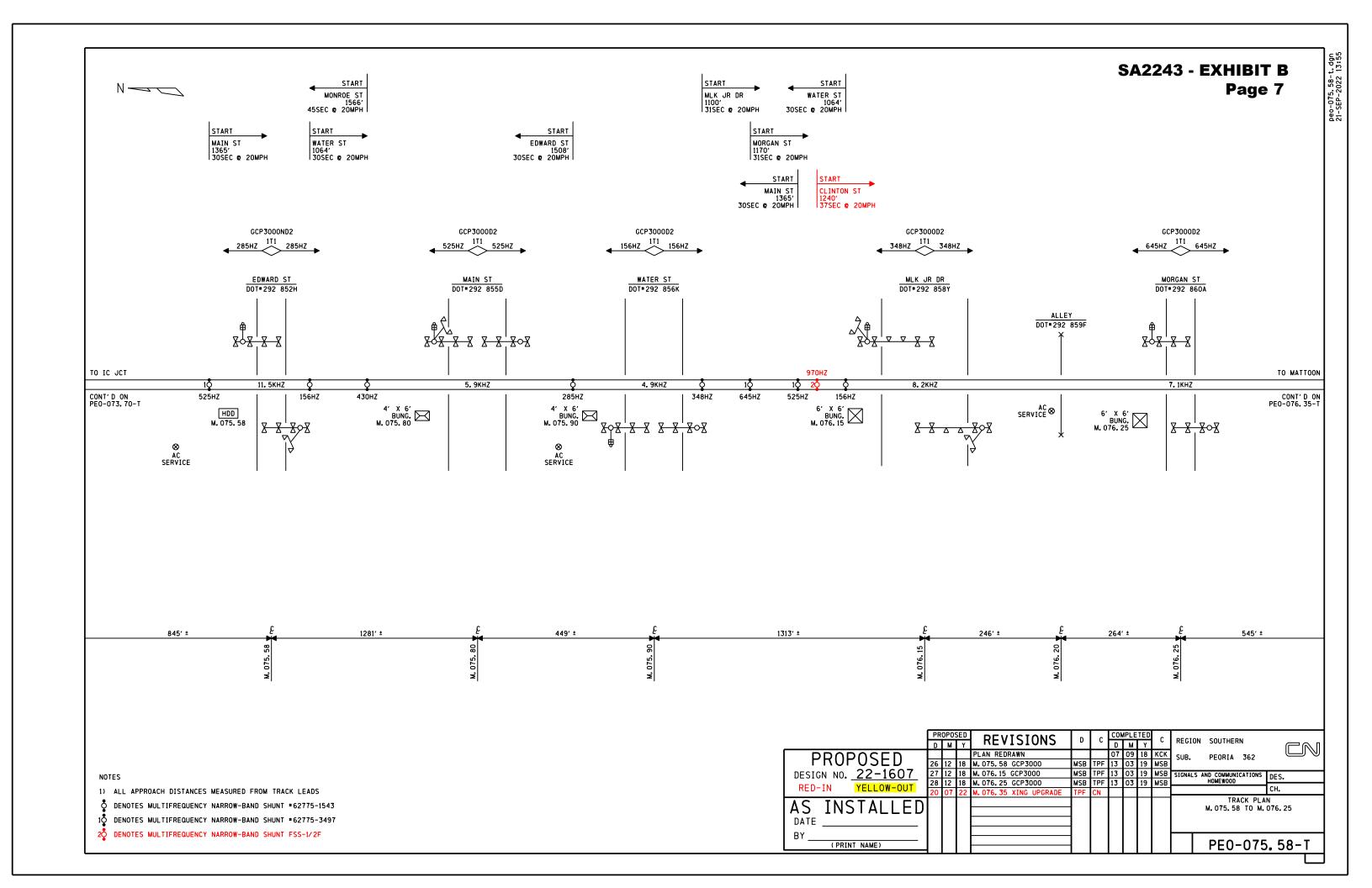
TOTAL MATERIAL

Clinton St					Page 3
Decatur, IL					22-1607
	LABOR				
SIGNAL LABOR					
Item	Gang Days		Cost/Day		Cost
6-man Gang	15		\$ 3,500.00	\$	52,500.00
SUBTOTAL SIGNAL LABOR				\$	52,500.00
MISCELLANEOUS LABOR					
Item	Quantity	Units	Unit Cost		Cost
Preliminary Engineering Construction Engineering Accounting	1 1 1	L.S. L.S. L.S.	\$ 2,500.00 \$ 2,500.00 \$ 200.00	\$ \$ \$	2,500.00 2,500.00 200.00
SUBTOTAL MISCELLANEOUS LABOR				\$	5,200.00
TOTAL LABOR				\$	57,700.00
	OTHER				
Item	Quantity	Units	Unit Cost		Cost
Contractor/Rented Equipment Directional Boring (By Others) Power Service, AC Freight on Crossing Package Construction Engineering (Contracted) Per Diem/Business Expense Sales Tax on Material	1 500 1 1 1 1	L.S. FT L.S. L.S. L.S. L.S.	\$ 9,375.00 \$ 41.00 \$ 30,000.00 \$ 6,000.00 \$ 11,000.00 \$ 27,000.00 \$ 9,489.00	\$ \$ \$ \$ \$ \$ \$	9,375.00 20,500.00 30,000.00 6,000.00 11,000.00 27,000.00 9,489.00
TOTAL OTHER					113,364.00
TOTAL DIRECT COSTS					======= 342,624.00

SA 2243 - EXHIBIT B,

Clinton St				Page 4
Decatur, IL				22-1607
	FHWA ADDITIVES			
Material Material Additive	5.00%	\$171,560.00	\$	8,578.00
Signal Labor Signal Labor Additive	159.61%	\$ 52,500.00	\$	83,795.00
Engineering Labor Engineering Labor Additive	159.61%	\$ 5,000.00	\$	7,981.00
Accounting Labor Accounting Labor Additive	159.61%	\$ 200.00	\$	319.00
Other		\$113,364.00		
TOTAL DIRECT COSTS		\$342,624.00	=	======
TOTAL FHWA ADDITIVES				100,673.00
GRAND TOTAL FHWA BASIS			\$	443,297.00





ILLINOIS COMMERCE COMMISSION TRANSPORTATION BUREAU / RAIL SAFETY SECTION PROJECT STATUS REPORT:

TYPE: (CHECK ONE)

PROGRESS			
COMPLETION		DATE	

PROJECT INFORMATION:

Reporting Party:	IC		
Docket/Order #; Date:			
Status Report (s) Due:	6 Month Intervals from Order Date		
Ordered Completion Date:	18 Months from Order Date		
Completion Report Due:	5 Days after completion of work		
AAR/DOT#, Milepost:	292862N railroad milepost 76.35-B		
Street, (in/near) City, County:	Clinton Street, Macon County, Illinois		
Railroad Company:	Illinois Central Railroad Company		

PROJECT MANAGER INFORMATION:

Name:	Nick Burwell			
Title:	Manager, Public Works			
Representing:	IC			
Street Address:	17641 S. Ashland Ave.			
City, State, Zip:	Homewood, IL 60430			
Office Phone:	(319) 306-9205			
Office Fax:				
Cellular Phone:				
E-Mail Address:	nicholas.burwell@cn.ca			

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- 1) Install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and remote monitoring system at the Clinton crossing.
- 2) Install temporary STOP signs on the crossbuck assemblies.

STATUS OF WORK:

ILLINOIS COMMERCE COMMISSION TRANSPORTATION BUREAU / RAIL SAFETY SECTION

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission 527 E. Capitol Avenue Springfield, IL 62701-3027

If you have questions contact Luis Felix, Rail Safety Specialist

Phone: (277) 557-1287

Email: Luis.Felix@illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling (277) 782-7660 or on the web at:

http://www.icc.illinois.gov/forms/results.aspx?st=4

The billing address for Grade Crossing Protection Fund reimbursement is:

CROSSING SIGNAL WORK

Illinois Department of Transportation Fiscal Control Unit Bureau of Local Roads and Streets 3000 S. Dirksen Parkway Springfield, Illinois 62764

Copies of the United States Department of Transportation Inventory Form #6300.71 can be obtained on the web at:

http://www.fra.dot.gov/eLib/details/L02727 (PDF) http://www.fra.dot.gov/eLib/details/L03076 (Word Document)

Submit Inventory forms to:

Submit inventory forms to:					
Federal Railroad Administration		Chief of Data Services			
Office of Safety		Illinois Department of Transportation			
1200 New Jersey Ave, SE		3000 S. Dirksen Parkway			
Washington, DC 20590	<u>And</u>	Springfield, IL 62764			
or (data processing contractor)		IL.RRXUpdates@Illinois.gov			
Inventory Crossing Updates					
FRA Project Office					
Creative Information Technology, Inc.					
4601 N. Fairfax Drive, Suite 1300					
Arlington, VA 22203					
RsisRXIupdates@dot.gov					