

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 2151**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission (Commission), the Norfolk Southern Railway Company (Company), Old Town Township Road District (Township), and the State of Illinois, Department of Transportation (Department or IDOT).

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through an emergency application by the highway authority that inquiry should be made into the matter of improving public safety at the TR 370 / 2250E (AAR/DOT #475023U, railroad milepost SP-365.80) highway-rail grade crossing of the Company's track near Holder, McLean 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 has 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:

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 following improvements in the interest of public safety at the aforesaid crossing should be:

TR 370 / 2250E
(AAR/DOT #475023U)

- (a) Install new automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system by the Company.
- (b) Installation of temporary STOP signs within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.

Section 3 The Company has provided a preliminary “round figure” cost estimate (Exhibit B) for the installation of automatic flashing light signals and gates at the subject location. The Company shall, upon issuance of a Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, cost estimates and any required specifications for the proposed improvements for the approval of the Commission. The Company agrees that an appropriate time for the submission of plans should be ninety (90) days from the date of a Commission Order approving this Agreement.

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 eighteen (18) months from the date of a Commission Order approving this Agreement.

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

COST DIVISION TABLE

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry at the Crossing	\$394,064	(95%) \$374,361 ¹	\$0	(5%) \$19,703 ^{1,2}	\$0
Install temporary STOP Signs	No Estimate Required	0%	0%	100% ²	0%
TOTALS	\$394,064	\$374,361¹	\$0	\$19,703^{1,2}	\$0

Notes:

¹ Total GCPF assistance not to exceed \$374,361 any installation costs above the total estimated amount of \$394,064 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.

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

Section 6 The Township is not required to pay any portion of the signals.

Section 7 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 Exhibit E. If any changes are required, the sheet is to be corrected and sent 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 made toward completion of the work required by this Agreement. 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's project manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the GCPF shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 S. Dirksen Parkway, Room 205, Springfield, IL 62764. All bills shall meet the minimum documentation requirements set forth in Section 8 of this Agreement. All bills will be paid in accordance with the State Prompt Payment Act as currently enacted (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, or any Supplemental Order(s) issued for the project. The final invoice for expenditures from each party shall be clearly marked "Final Invoice". The Department shall not obligate any assistance from the GCPF 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 GCPF should be de-obligated. Upon completion of the review, the Commission shall notify the Department to de-obligate all residual funds accountable for installation costs for this project. Notification may be by regular mail, electronic mail, fax, or phone.

Section 8 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) Labor Charges (including additives) - Copies of employee work hours charged to the project.
- b) Equipment Rental - 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) Material - 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) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice, as applicable.
- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.
- k) Travel - 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.

Section 9 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.

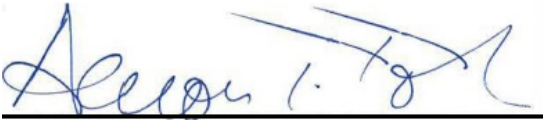
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 12th day of July 2021.



Brian Vercruysse
Rail Safety Program Administrator

By:



Aaron T. Toliver
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement 2151, executed by Commission Staff on July 12, 2021, regarding improving public safety at the TR 370 / 2250E (AAR/DOT #475023U, railroad milepost SP-365.80) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Holder, McLean County, Illinois.

Executed by the Illinois Department of Transportation this 27th day of July 2021.

BUREAU OF SAFETY PROGRAMS
AND ENGINEERING
ILLINOIS DEPARTMENT OF
TRANSPORTATION

By: 

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

Illinois Commerce Commission Stipulated Agreement 2151, executed by Commission Staff on July 12, 2021, regarding improving public safety at the TR 370 / 2250E (AAR/DOT #475023U, railroad milepost SP-365.80) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Holder, McLean County, Illinois.

Executed by Old Town Township Road District this 27 day of AUGUST 2021.

OLD TOWN TOWNSHIP
ROAD DISTRICT

By: Paul Reynolds Jr.

RECEIVED

SEP 20 2021

ILLINOIS COMMERCE COMMISSION
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement 2151, executed by Commission Staff on July 12, 2021, regarding improving public safety at the TR 370 / 2250E (AAR/DOT #475023U, railroad milepost SP-365.80) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Holder, McLean County, Illinois.

Executed by the Norfolk Southern Railway Company this 23rd day of September 2021.

NORFOLK SOUTHERN RAILWAY COMPANY

By: T W [Signature]

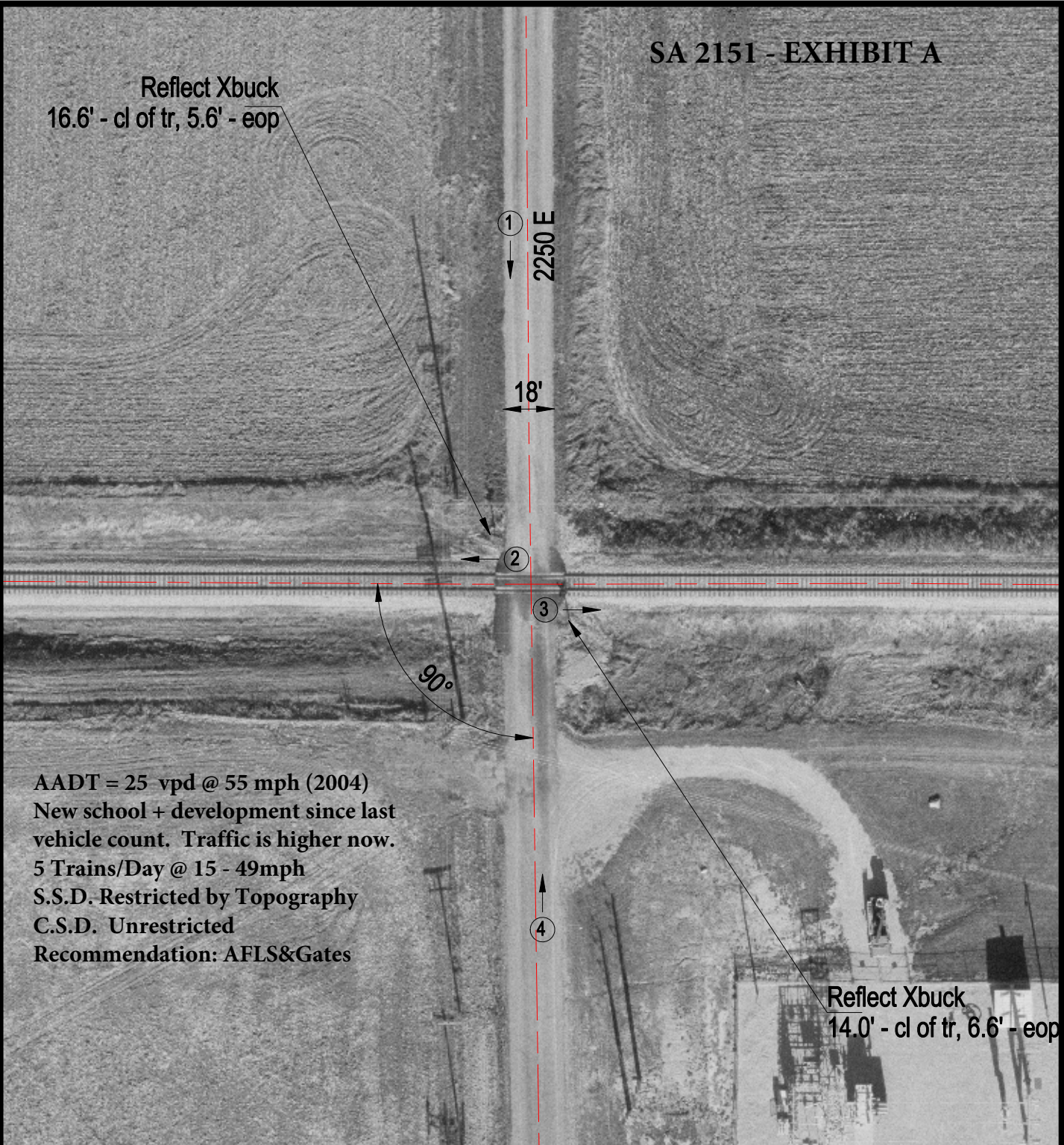
RECEIVED

SEP 24 2021

ILLINOIS COMMERCE COMMISSION
RAIL SAFETY SECTION

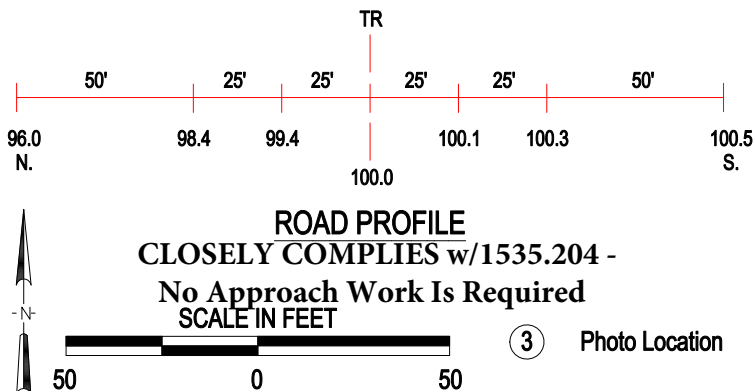
SA 2151 - EXHIBIT A

Reflect Xbuck
16.6' - cl of tr, 5.6' - eop



AADT = 25 vpd @ 55 mph (2004)
New school + development since last
vehicle count. Traffic is higher now.
5 Trains/Day @ 15 - 49mph
S.S.D. Restricted by Topography
C.S.D. Unrestricted
Recommendation: AFLS&Gates

Reflect Xbuck
14.0' - cl of tr, 6.6' - eop



Crossing #:	475023U
Location:	Mclean Co., City of Holder (N)
Lat/Long:	40°27'02" / 88°50'06"
Railroad:	NS
Street:	2250 E
Railroad Milepost:	365.80
Crossing Protection:	Signs



SA 2151 - EXHIBIT B

Round Figure Estimate for Grade Crossing Warning Devices

City/State: HOLDER, IL

Road: CR 2550 E.

MilePost: SP-365.8

DOT/AAR: 475023U

State Proj. No.:

County: MCLEAN

S&E Proj. No.: 04.1808

File Number:

Man Days: 168

Purchases - Others		
Meals and Lodging:		\$25,192.34
Rental of Equipment:		\$34,437.83
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 28 Days)		
Construction Supervision Vehicle:		\$5,267.83
Purchases - Other Total:		\$64,898.00
Material And Additives		
Material Cost:		\$150,000.00
Sales and Use Tax:		\$15,000.00
Material Handling Freight:		\$15,000.00
Material Total:		\$180,000.00
Labor And Additives		
Labor Cost:		\$59,304.00
(6 man crew at \$2,118.00 a day for: 28 days)		
Payroll Tax & Overheads:		\$50,562.59
Preliminary Engineering:		\$21,976.92
Construction Supervision:		\$17,322.70
Labor Total:		\$149,166.21
	Project Cost:	\$394,064.21
	Scrap / Salvage Credit:	\$0.00
	Project Total:	\$394,064.00

Estimated on: 25-May-21

Estimated by: uegbb

Estimate valid for 1 year from date of estimate

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT:

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION	<input type="checkbox"/>

DATE	<input type="text"/>
------	----------------------

PROJECT INFORMATION:

Reporting Party:	Norfolk Southern Railway Company (NS)
Docket/Order #; Date:	
Status Reports Due:	Every 6 Months from Order Date
Ordered Completion Date:	18 Months from Order Date
Completion Report Due ¹ :	Within 5 days of Completion Date
AAR/DOT#, Milepost:	AAR/DOT #475023U, M.P. SP-365.80
Street, (in/near) City, County:	TR 370 / 2250E near Holder, McLean Co., IL
Railroad Company:	Norfolk Southern Railway Company

¹Completion reports must be followed by an updated USDOT Inventory Form within 3 months, per FRA requirements.

PROJECT MANAGER INFORMATION²:

Name:	James P. (Phil) Johnson
Title:	Production and Material Control
Representing:	Norfolk Southern
Street Address:	1200 Peachtree St. NE, Box 123
City, State, Zip:	Atlanta, GA 30309
Office Phone:	(404) 582-6957
Office Fax:	
Cellular Phone:	(470) 898-8272
E-Mail Address:	james.johnson2@nscorp.com

²Project Manager Information to be submitted by NS if corrections are needed

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- (a) Install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system.
- (b) Install temporary STOP signs within 30 days of a Commission Order for the installation of new automatic warning devices

STATUS OF WORK: (use additional blank sheet, if necessary)

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / 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 62701-1827

If you have questions contact: Aaron T. Toliver, Rail Safety Specialist
Phone: (217) 785-8420
Email: Aaron.Toliver@illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling (217) 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:

SIGNAL WORK

Illinois Department of Transportation
Fiscal Control Unit
Bureau of Local Roads and Streets
2300 South Dirksen Parkway, Rm. 205
Springfield, Illinois 62764

APPROACH/BRIDGE WORK

N/A

Copies of the **United States Department of Transportation Inventory Form #6180.71** 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:

<p>Federal Railroad Administration Office of Safety 1200 New Jersey Ave, SE Washington, DC 20590 <i>or (data processing contractor)</i> Inventory Crossing Updates FRA Project Office Creative Information Technology, Inc. 4601 N. Fairfax Drive, Suite 1100 Arlington, VA 22203 RsisRXlupdates@dot.gov</p>	<p><u>And</u></p>	<p>Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764 IL.RRXUpdates@Illinois.gov</p>
--	--------------------------	--