STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT 1788

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission (Commission), the Union Pacific Railroad (Company), the Village of Lombard (Village), and the State of Illinois, Department of Transportation (Department or IDOT).

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through correspondence that inquiry should be made into the matter of improving public safety at the Elizabeth Street highway-rail grade crossing (AAR/DOT #174 944W, railroad milepost 20.11-CNWA) of the Union Pacific Railroad Company's tracks, in the Village of Lombard, Du Page County.

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 other pertinent data relating to the crossings 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 crossings should be:

- (a) Installation of a demonstration four quadrant gate system at the Elizabeth Street grade crossing, by the Company.
- (b) Completion of roadway work with renewal of the existing surface at the Elizabeth Street grade crossing per Exhibit B, by the Company.

Section 3 To facilitate the installation of the four quadrant gate system, the crossing surface will be reconstructed with new track and concrete panels by the Company. For ease of installation and limiting potential conflicts, the Company will also complete the roadway work and detector loop installation in conjunction with the renewal of the crossing surface. Staff of the Commission, in coordination with the Company and Village, has completed roadway plans for the Elizabeth Street crossing, attached herein as Exhibit B. The Company has prepared a preliminary cost estimate, attached and incorporated herein by reference as Exhibit C, to install the four quadrant gate system and accomplish the proposed railroad warning device improvements and associated roadway and track work, which may be required by Commission Order.

The Company shall upon a Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, 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 warning device plans should be one (1) month from the date of a Commission Order approving this Agreement.

The demonstration project will evaluate the four quadrant gate system operating in dynamic mode with vehicle detection and exit gate control equipment within a triple track commuter and freight environment. In addition, the project will evaluate the operation of the four quadrant gate system in relation to the traffic signal at the intersection of Elizabeth Street and St. Charles Road, which is interconnected to the railroad warning devices.

<u>Section 4</u> 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 November 30, 2014.

<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	COMPANY	VILLAGE	IDOT
Install Four Quadrant Gates, including, roadway work, track work, and in-pavement vehicle detector loops at the Elizabeth Street crossing, by the Company	\$429,656	\$325,186 ¹	\$02.3.4.5	\$104,470 ⁴	\$0
TOTALS	\$429,656	\$325,186	\$0	\$104,470	\$0

Notes:

- Total Grade Crossing Protection Fund (GCPF) assistance for installation not to exceed \$325,186; any installation costs above the estimated amount of \$429,656 will be assigned to the GCPF upon submittal and review of evidence to support the additional cost and subject to approval by the Commission;
- 2. The Company shall be responsible for all maintenance costs associated with the entire four quadrant gate system. For future actual costs incurred for maintenance of the in-pavement inductive detector loops, in accordance with Public Act 96-0034, the Company may request reimbursement from the GCPF. Payment would then be authorized through a subsequent order(s) upon submittal and review of evidence to support the maintenance costs, and subject to approval by the Commission.
- Company shall be responsible for all future operating and maintenance costs associated with the new automatic warning devices and circuitry;
- Company will be responsible for construction of the work detailed in Exhibit B in conjunction with the crossing surface renewal. Upon completion, the Village shall be responsible for the maintenance of the roadway, fencing, and swing gates;
- 5. GCPF assistance to provide reimbursement for material costs associated with the crossing surface renewal; Company responsible for labor costs.

<u>Section 6</u> Special Provisions: The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit D, along 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, the Project Status Report, attached as Exhibit D, regarding the progress it has 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 Project Manager.

All bills for work 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. 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, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

<u>SECTION 7</u> Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The <u>minimum</u> documentation that must be made available is outlined below:

- a) <u>Labor Charges (including additives)</u> Copies of employee work hours charged to the railroad account code for the project.
- b) <u>Equipment Rental</u> Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for 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) <u>Engineering</u> Copies of employee work hours charged to the railroad account code for the project.
- e) <u>Supervision</u> Copies of employee work hours charged to the railroad account code for 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.
- 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) <u>Locations</u> Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

<u>Section 8</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 1st day of August 2014.

Michael E. Stead

Rail Safety Program Administrator

Attest:

Brian A. Vercruysse

Senior Rail Safety Specialist

ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT CROSSING DATA FORM

GENERAL INFORMATION: See Location Sketch

RAILROAD	Union Pacific Railroad Company					
USDOT#, MILEPOST	1749 44W, MP 20.11					
STREET, CITY, COUNTY	Elizabeth Street, Village of Lombard, DuPage County					
JURISDICTION (RDWY)	Village of Lombard					
LOCATION	Residential; School Zone; Commercial; Metra Station					
STREET SURFACE	Bituminous; 27' to 30'					

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
1 N	Concrete Panel	82'	Settling
2	Concrete Panel	82'	Settling
3	Concrete Panel	82'	Settling

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	McGuire Drive (35' North); Parkside (79' South);
	St. Charles (290' North)
TRAFFIC CONTROL	Traffic Signal Interconnect with St. Charles Road/Elizabeth St.
ADT & SPEED	7000 @ 30 MPH (3%Trucks)
TRAFFIC TYPE	Cars, trucks/trailers, buses
ADVANCE WARNING	Yes
PAVEMENT MARKING	Yes

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	50 Per day @ 60 MPH
PASSENGER TRAFFIC	54 @ 79 MPH
WARNING DEVICES	Automatic Flashing Light Signals/Road & Ped Gates/Bells

COMMENTS:

Crossing Meets Profile Requirements; no improvements are required.

See Exhibit B for a Location Sketch (Aerial Photo) of the crossing.

SA 1788 - Exhibit B

SUMMARY OF QUANTITIES

PLANS FOR ESTIMATING

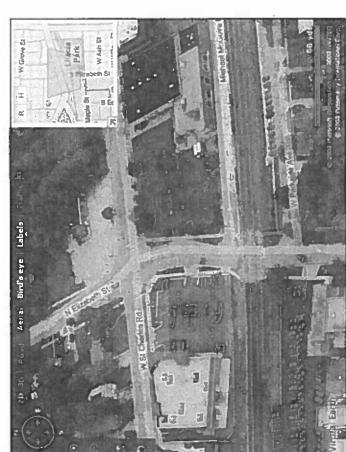
UNION PACIFIC RAILROAD COMPANY

ELIZABETH STREET GRADE CROSSING IMPROVEMENTS AAR/DOT #174 944W, RAILROAD MILEPOST 20.14 GENEVA SUBDIVISION

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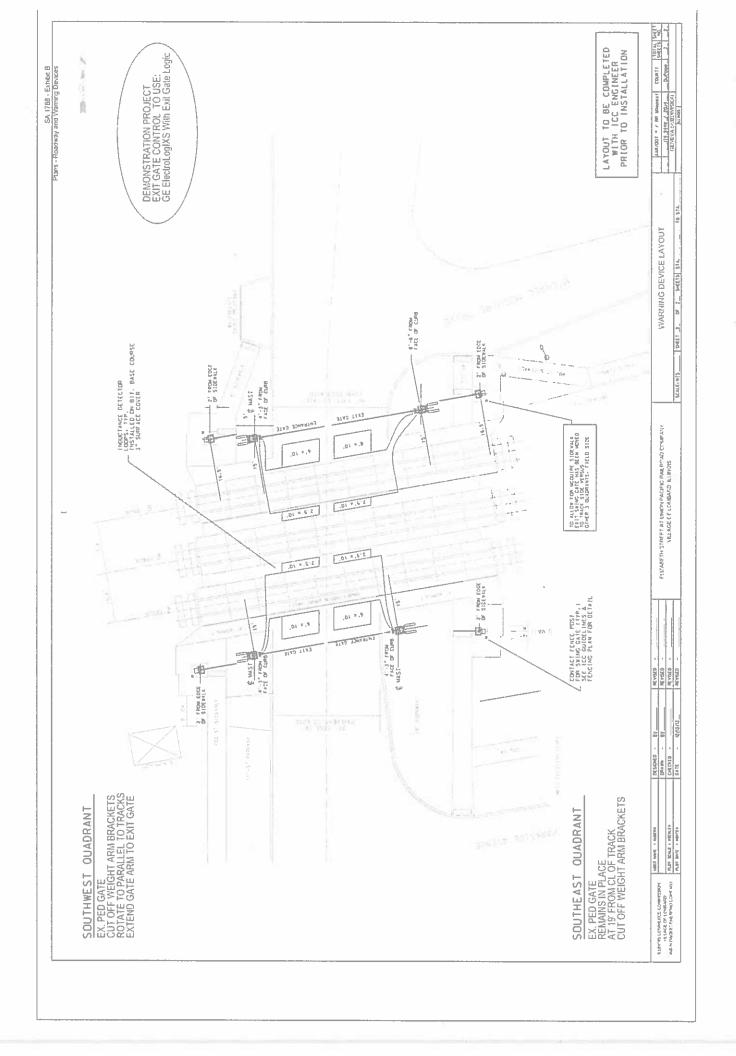
VILLAGE OF LOMBARD, DUPAGE COUNTY. IL

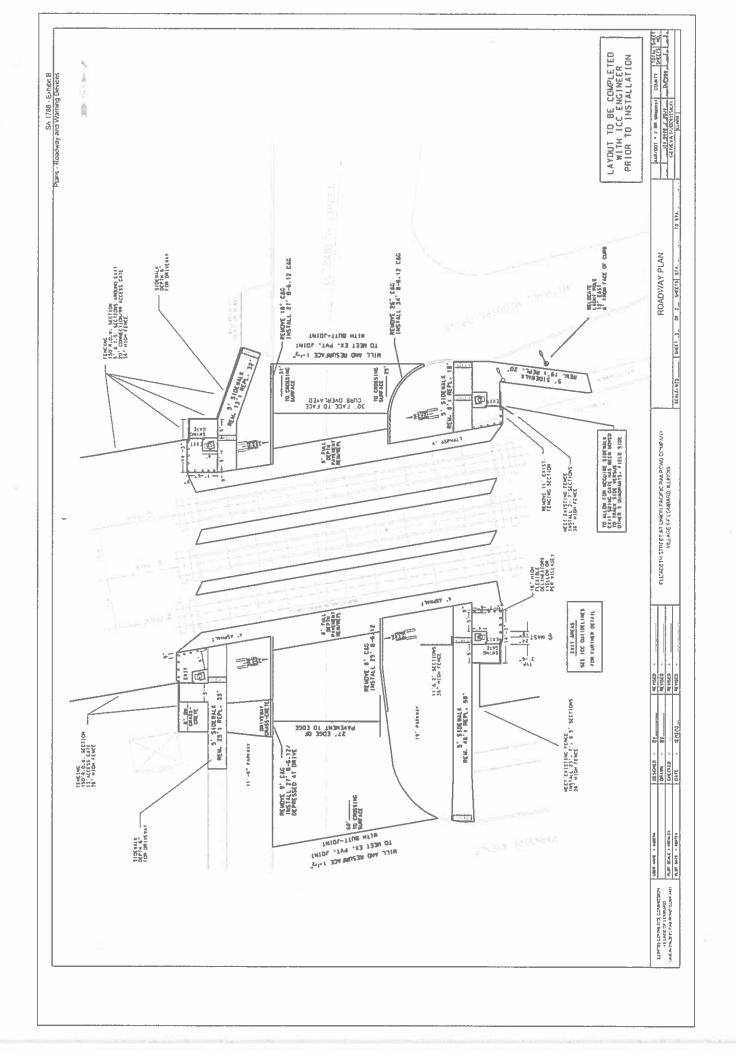
LOCATION MAP

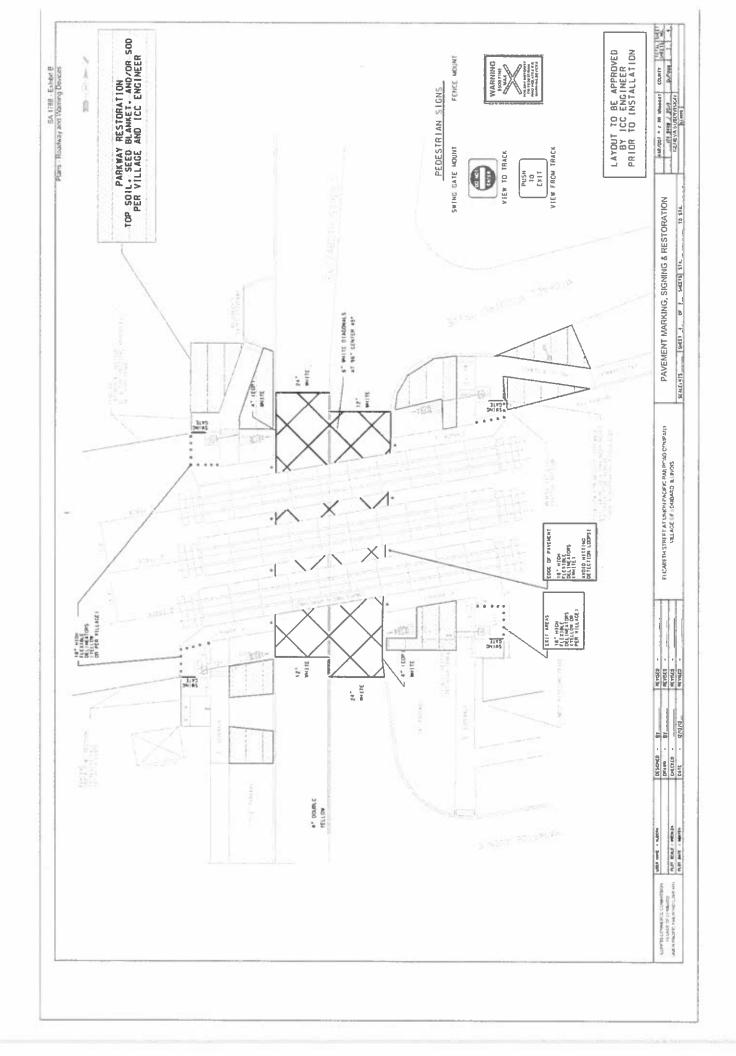


-	Rem Description		CUBUIL
2			
ල	Mobilization	S	ę
₹	Traffic Control and Detour	S	
co	Concrete Curb and Gutter Removal	LL.	61
9	PCC Sidewalk Removal	S,	565
_	Bituminous Concrete Pavement Removal (Full Depth - Assume 8" by Iracks)	SF	1576
00	Bituminous Concrete Pavement Milling - 1-1/2 "	SF	1944
(I)	Combination Concrete Curb and Gutter B6.12	느	113
10	PCC Sidewalk 5"	SF	480
Ξ	PCC Sidewalk 6"	监	390
12	HMA Bituminous Base Course, IL-19.0, N50	N.	53
13	HMA Bituminous Surface Course, Mix C. N50	Z.	20
14	Bituminous Materials (Prime Coat)	GAL	196
72	Bituminous Butl Joint	EA	2
16	Driveway Grass-Crele	SF	200
17	Cast-in Place Detectable Warning Plates	EA	!~
100	4" White Thermoplastic Pavement Marking	۲	80
19	4" Yellow Thermoplastic Pavement Marking	4	174
20	6" White Thermoplastic Pavement Marking	۳	210
21	12" White Thermoplastic Pavement Marking	ا ب	54
22	24* White Thermoplastic Pavement Marking	4	54
23	18" High Flexible Delineators (Yellow or Color per Village)	EA	33
24	18" High Flexible Delineators (White)	EA	80
25	14"x14" Sign - Do Not Enter Symbol	EA	4
26	14"x14" Sign - "PUSH TO EXIT"	EA	ব
27	18"x24" Sign - RR Warning/Fine	ĘA	-3
28	Gate, Special, (Exit Area Swing Gate)	EA	गड़
29	Fence Special, 3' - Galvanized Steel with Expoxy Primer & Acrylic Top Coat	۳	417

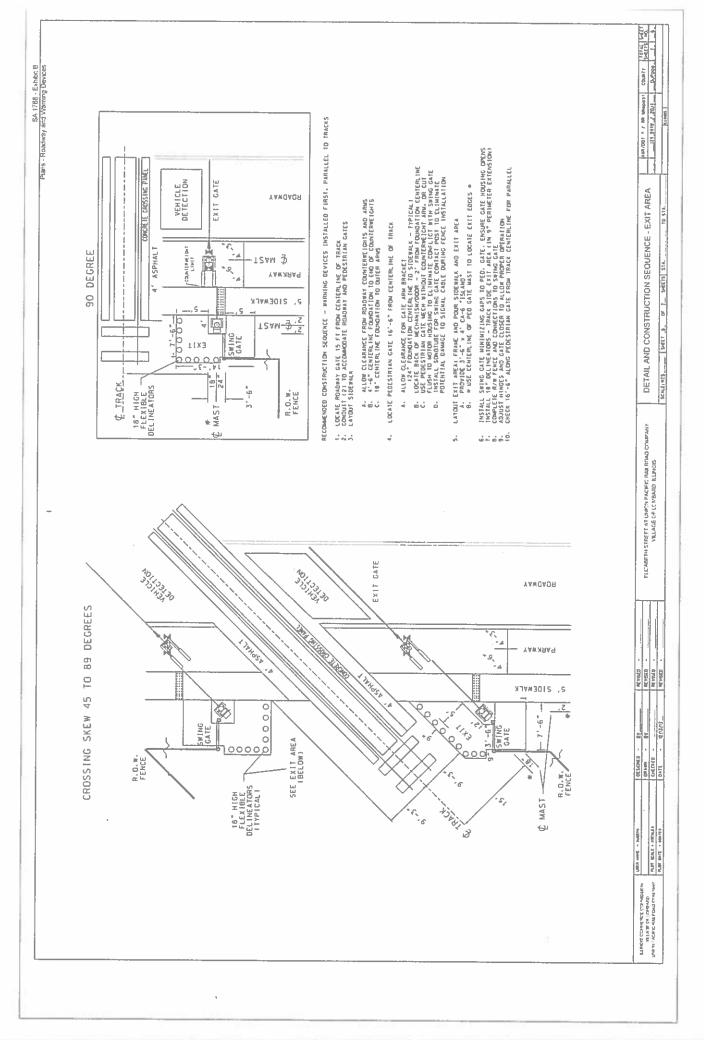
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TO MAKE COMMISSION OF THE PROPERTY.		Draw - II	MEYISED -	FLIZARETH STREET AT LIMIN PACHIC RAIL AGAIT COMPANY	COVER SHEET LOCATION & GUANITIES	JOSEPH 201 1.
AND PACKET FAR RESELT COMME	PLET BEALE + WIT		All VISED -	VILLAGE OF UNITARITY ILLERCES		
	ALEM BATT 1	CANA - TAKE	- dy-radb -		SCALLINIS (SHEET) OF 7 SHEETS STA. TO WIA.	B19629

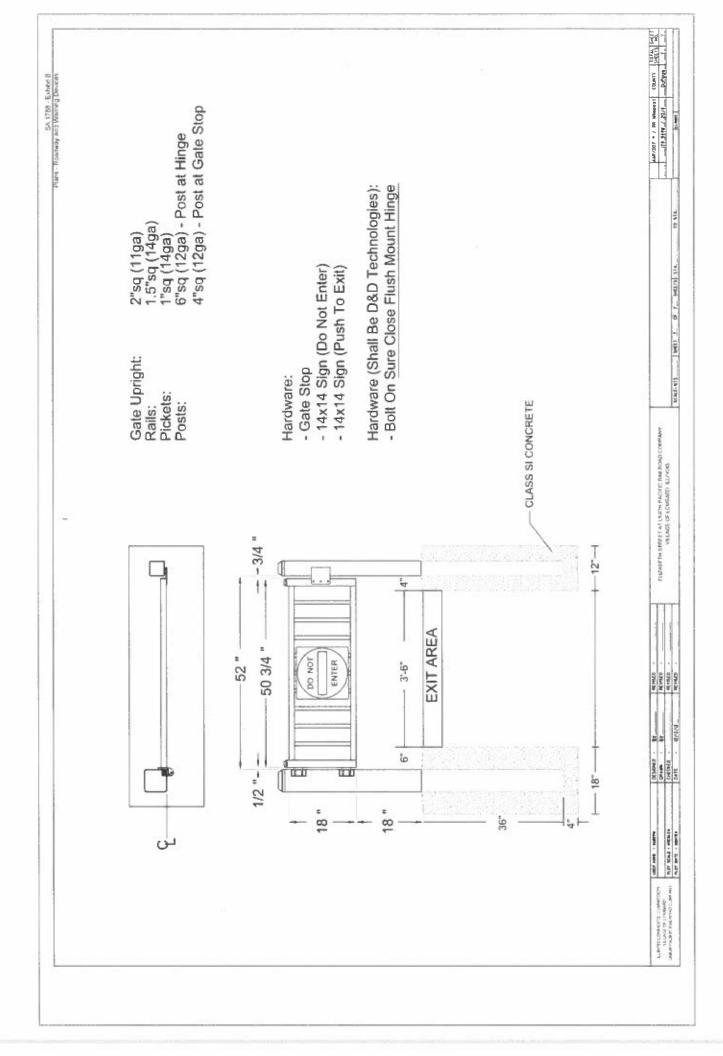






ALACONT - 7 No temporary COUNTY 1074, Section		A1 HQT5
TYPICAL CROSS SECTION AT EXIT AREA		SCALE-1975 SETT 5. OF F., SPETTS STR., TO STR.
ELEABETH STREET AT UMON PACIFIC RAIL ROAD COMPANY		
	McV660	Agvisio -
DESCRIPT - BY	- 07070	- 400M
URS over a valido	PLOT SCALE + PROLES	PLOT SMIT + 00AFE
MINOR CONSTINUE COMMERSES	1 per fed access, man strategy	





DATE: 2014-06-08

ESTIMATE OF MATERIAL AND FORCE ACCOUNT WORK BY THE UNION PACIFIC RAILROAD

DESCRIPTION OF WORK: ESTIMATE FOR THE SIGNAL AND TRACK WORK ON ELIZABETH STREET IN LOMBARD, IL PROJECT IS 100% RECOLLECTIBLE FOR THIS PORTION

PID: SERVICE UNIT: 23	AWO: CITY: LOMBARD		MP, SUBDIV	STATE; IL	20.11, GENE\	/A		
DESCRIPTION:				Labor	Matl	RECOLL	UPRR	TOTAL
ENGINEERING WORK								
ENGINEERING PLAN REV TRACK WORK SIGNAL WORK	IEW	AWO#		5,000 175,000	151,200 75,000	5,000 151,200 250,000	0 0 0	5,000 151,200 250,000
TOTAL ENGINEERING				180,000	226,200	406,200	0	406,200
FLAGGING WORK		DAYS	\$/DAY					
FLAGGING DAYS LABOR ADDITIVE 167.76 TOTAL FLAGGING	CAN# %	20	438	8,760 14,696 23,456	0 0	8,760 14,696 23,456	0 0	8,760 14,696 23,456
ESTIMATED PROJECT CO CONST/PURCHASE EXPE RECOLLECTIBLE/UPRR E ESTIMATED PROJECT CO	NSE XPENSE			203,456	226,200	429.656	0	429,656

THE ABOVE FIGURES ARE ESTIMATES ONLY AND SUBJECT TO FLUCTUATION. IN THE EVENT OF AN INCREASE OR DECREASE IN THE COST OR QUANTITY OF MATERIAL OR LABOR REQUIRED, UPRR WILL BILL FOR ACTUAL CONSTRUCTION COSTS AT THE CURRENT EFFECTIVE RATE.

ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

PROJECT STATUS REPORT

TYPE: (CHECK ONE)		
PROGRESS		
COMPLETION ¹		DATE
OOMI EE HOIA		DATE
PROJECT INFORMA	TION:	
Reporting Party:	 	Union Pacific Railroad Company
Docket/Order #; Da	ite:	
Status Reports Due	9:	6 month interval from Order date
Ordered Completio	n Date:	November 30, 2014
Completion Report		
AAR/DOT#, RR Mil		174 944W; MP 20.11
Street, (in/near) Cit		Elizabeth Street, Lombard, DuPage County
Railroad Company:		Union Pacific Railroad Company
Completion reports involvin	g changes to th	e railroad crossing must include an updated USDOT Inventory Form.
PROJECT MANAGE	R INFORM	ATION ² :
Name:	Claire Ande	erson
Title:	Field Mana	ger
Representing:	UP	
Street Address:	1	erside, Suite 1700
City, State, Zip:	Chicago, IL	• · · • · · · · · · · · · · · · · · · ·
Office Phone:	(312) 496-4	1726
Office Fax:		
Cellular Phone:		
E-Mail Address:	ceanders@	@up.com
DESCRIPTION OF I	MPROVEME	ENTS ORDERED:
Reconstruct Crossing	Surface with	h addition of sidewalk and pedestrian "exit" areas.
Install four quadrant g	ates with ve	hicle detection.
Install right-of-way fer	icing, and pe	edestrian swing gates.
STATUS OF WORK:	(use addition	al blank sheet, if necessary)
		- Jo
	10-2/-2-100	

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 East Capitol Avenue Springfield, IL 62701-1827

If you have questions contact:

Brian Vercruysse, Senior Railroad Safety Specialist

Phone:

312-636-7760

Email:

bvercruy@icc.illinois.gov

A **Form 3 Petition** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

http://www.icc.state.il.us/hg/library.aspx?key=Railroad%20Safety

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp

Submit Inventory forms to:

Federal Railroad Administration Office of Safety		Chief of Data Services Illinois Department of Transportation
1120 Vermont Avenue, NW		2300 S. Dirksen Parkway, Room 318
Washington, DC 20590	I	Springfield, IL 62764

Illinois Commerce Commission Stipulated Staff on August 1, 2014, concerning imp highway-rail grade crossing (AAR/DOT #1) the Union Pacific Railroad Company's tra County.	roving public safety at the E 74 944W, railroad milepost 2	lizabeth Street 0.11-CNWA) of
Executed by the Village of Lombard this	day of	. 2014.
	VILLAGE OF LOMBARD	
By: _		
Attest:		

Illinois Commerce Commission Stipulated Agreement 1788, executed by Commission Staff on August 1, 2014, concerning improving public safety at the Elizabeth Street highway-rail grade crossing (AAR/DOT #174 944W, railroad milepost 20.11-CNWA) of the Union Pacific Railroad Company's tracks, in the Village of Lombard, Du Page County.
Executed by the Union Pacific Railroad Company this day of2014.
UNION PACIFIC RAILROAD COMPANY
Ву:
Attest:
Allesi.

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Illinois Commerce Commission Stipulated Agreement 1788, executed by Commission
Staff on August 1, 2014, concerning improving public safety at the Elizabeth Street
highway-rail grade crossing (AAR/DOT #174 944W, railroad milepost 20.11-CNWA) of
the Union Pacific Railroad Company's tracks, in the Village of Lombard, Du Page
County.
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Executed by the Illinois Departm	nent of Transportation this day of
2014.	
	STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION
	By:
	Director of Highways

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