



CITY OF WASHINGTON, ILLINOIS
City Council Agenda Communication

Meeting Date: May 04, 2020

Prepared By: Ray Forsythe, City Administrator *RPF*

Agenda Item: Resolution approving the Stipulated Agreement 2062 concerning surface renewal at the Jefferson Street highway-rail grade crossing.

Explanation: The City received notification of this project dated April 10, 2020. The Parties to the Agreement include the State of Illinois through the Illinois Commerce Commission, the Toledo, Peoria & Western Railway Corp, the City of Washington and the Illinois Department of Transportation. The project includes: Install a new full depth composite crossing surface, with hot mix asphalt roadway and sidewalk approach transitions at the Jefferson Street Rail Crossing.

Fiscal Impact: None to the City of Washington; The \$127,271 project will be paid for with a grant from the Grade Crossing Protection Fund (\$84,635) and the Toledo, Peoria & Western Railway Corp (\$42,636).

Recommendation/

Committee Discussion Summary: Staff recommends approval of the Resolution and authorization of the Mayor and City Clerk to sign the Stipulated Agreement 2062.

Action Requested: Approval of the Resolution

Additional Documentation: Letter from the Illinois Commerce Commission - Transportation Bureau/Rail Safety Section; and Stipulated Agreement 2062

RESOLUTION NO. _____

Synopsis: Adoption of this resolution will enter into an agreement to improve public safety by replacing the crossing surface at the W. Jefferson Street railroad crossing.

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
BETWEEN THE CITY OF WASHINGTON, THE ILLINOIS COMMERCE
COMMISSION, AND THE TOLEDO, PEORIA & WESTERN RAILWAY
CORPORATION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON,
TAZEWELL COUNTY, ILLINOIS, that:

The City Council of the City of Washington hereby approves the Agreement between the City, the Illinois Commerce Commission, and the Toledo, Peoria & Western Railway Corporation and authorizes, empowers, and directs the Mayor and City Clerk to enter into and execute said Agreement in substantially the form of the document marked "Exhibit A," and by reference expressly made a part hereof and to execute and deliver any and all documents necessary for the effectiveness thereof.

PASSED AND APPROVED this _____ day of _____, 2020.

AYES _____

NAYS _____

Mayor

ATTEST:

City Clerk

EXHIBIT A

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 2062**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission (Commission), the Toledo, Peoria & Western Railway Corp. (Company), the City of Washington Illinois (City), and the State of Illinois, Department of Transportation (Department or IDOT).

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety by replacing the crossing surface at the Jefferson Street highway-rail grade crossing of the Company's track in Washington, Tazewell County, Illinois, designated as crossing AAR/DOT #801918N, railroad milepost 99.35-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the proposed improvement at the subject crossing by a representative of the Commission's Transportation Bureau Railroad Section; and

WHEREAS, the physical aspects, including train movements, vehicular traffic volume and other pertinent data relating to the crossing have been obtained and shown on Exhibit A – Crossing Surface Renewal, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvement 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 a certain improvement as hereinafter stated be made and that the cost for the proposed improvement 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 improvement in the interest of public safety at the aforesaid crossing should be:

- a) Install a new full depth composite crossing surface, with hot mix asphalt roadway and sidewalk approach transitions, to encompass the combined total width of the roadway and both sidewalks with no gaps in between, by the Company. [Note: The crossing surface improvement shall be constructed in accordance with the minimum requirements of 92 Ill. Adm. Code 1535.203 and 1535.207 (Exhibit C). See Section 7 "Special Provisions" for specifications pertaining to hot-mix approach transitions.]

Section 3 The Company has prepared a preliminary cost estimate for renewal of the surface at the aforesaid crossing, which may be required by Commission Order. The estimate is attached and incorporated herein by reference as Exhibit B.

The Company shall upon the issuance of a Commission Order, according to the requirements contained therein, prepare and schedule for renewal of the surface at the crossing subject of this Agreement. Specific requirements are as follows:

The Company shall upon Order, according to the requirements contained therein, prepare and submit a copy of a detailed traffic detour plan and proposed project schedule to the City for approval. Submission of the detour plan and project schedule information shall be no later than sixty (60) calendar days prior to the scheduled date for the commencement of construction activities.

The City shall provide notice (via phone, electronic mail, standard mail, or fax) to the Commission within fifteen (15) calendar days after receipt of the Company's traffic detour plan and proposed project schedule. The notice shall indicate roadway authority approval or disapproval of the traffic detour plan and project schedule for the proposed improvement.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward renewal of the surface at the crossing subject of this Agreement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvement should be no later than nine (9) 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 improvement is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	COMPANY
Materials, asphalt, traffic control to Install New Full Depth Composite Crossing Surface	\$84,635	(100%) \$84,635	(0%) \$0
Labor to Install New Crossing Surface	\$42,636	(0%) \$0	(100%) \$42,636
MATERIAL TOTALS	\$127,271	\$84,635¹	\$42,636²

Notes:

1. Total GCPF assistance for materials, contract paving and traffic control costs not to exceed \$84,635; any such costs above the estimated amount of \$84,635 will be paid by the GCPF upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.
2. Company responsible for all labor, equipment, and disposal costs associated with installation of the new surface at the subject crossing; Company responsible for all future maintenance costs associated with the new crossing surface.

Section 6 The City is not required to pay any portion of the cost for the proposed improvement.

Section 7 Special Provisions: If the surface renewal or related work at the subject crossing will be performed, in full or in part, by a contractor, railroad flagging and/or contractor liability insurance will be required for the work.

Full depth composite crossing surface construction, or an approved alternative, shall be used. Ten foot (10') ties will be required. The crossing surface improvement shall be constructed in accordance with the minimum requirements of 92 Ill. Adm. Code 1535.203 and 1535.207 (Exhibit C).

The hot-mix bituminous roadway approach transitions shall be placed by a qualified asphalt paving contractor using accepted roadway paving practices and equipment for producing a smooth and durable asphalt pavement. The hot-mix bituminous material shall be produced by an IDOT approved plant and shall utilize a current IDOT approved surface mix design for the roadway wearing surface. Where multiple paving layers are placed due to a significant track raise, binder mix produced by an IDOT approved plant and utilizing a current IDOT approved mix design may be used for the lower layer(s), if desired. Each paving layer shall be compacted with a self-propelled roller with a minimum of 3 passes.

The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit 1, along with this executed Agreement.

All signage shall conform to the requirements and specifications of 92 Ill. Adm. Code 1535 and the Manual on Uniform Traffic Control Devices (MUTCD).

The Company shall, at three (3) month intervals from the date of the Commission Order approving this Agreement, or any Supplemental Order(s) issued for the project, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit 1, 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 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 (See Exhibit 1, page 2). 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 this 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 improvement 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 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 to the Department or the Department's representative. The minimum documentation that must be made available is outlined as follows:

- a) 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.
- b) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- c) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice, as applicable.
- d) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- e) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

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 10th day of April 2020.



Brian Vercruysse
Rail Safety Program Administrator

By:



Aaron T. Toliver
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement 2062, executed by Commission Staff on April 10, 2020, concerning improving public safety by replacing the crossing surface at the Jefferson Street highway-rail grade crossing of the Toledo, Peoria & Western Railway's track in Washington, Tazewell County, Illinois, designated as crossing AAR/DOT #801918N, railroad milepost 99.35-M.

Executed by the City of Washington this ____ day of _____ 20__.

CITY OF WASHINGTON ILLINOIS

By: _____

Attest:

Illinois Commerce Commission Stipulated Agreement 2062, executed by Commission Staff on April 10, 2020, concerning improving public safety by replacing the crossing surface at the Jefferson Street highway-rail grade crossing of the Toledo, Peoria & Western Railway's track in Washington, Tazewell County, Illinois, designated as crossing AAR/DOT #801918N, railroad milepost 99.35-M.

Executed by Toledo, Peoria & Western Railway Corp. this _____ day of _____ 20____.

TOLEDO, PEORIA & WESTERN
RAILWAY CORP.

By: _____

Attest:

Illinois Commerce Commission Stipulated Agreement 2062, executed by Commission Staff on April 10, 2020, concerning improving public safety by replacing the crossing surface at the Jefferson Street highway-rail grade crossing of the Toledo, Peoria & Western Railway's track in Washington, Tazewell County, Illinois, designated as crossing AAR/DOT #801918N, railroad milepost 99.35-M.

Executed by the Illinois Department of Transportation this _____ day of _____ 20____.

BUREAU OF SAFETY PROGRAMS
AND ENGINEERING
ILLINOIS DEPARTMENT OF
TRANSPORTATION

By: _____

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 2062
CROSSING DATA FORM**

GENERAL INFORMATION:

RAILROAD	Toledo, Peoria and Western Railway Corp.
USDOT#, MILEPOST	AAR/DOT# 801918N, railroad milepost 99.35-M
STREET, CITY, COUNTY	Jefferson Street, Washington, Tazewell County
JURISDICTION (RDWY)	City
LOCATION	Urban
STREET SURFACE	2 Lanes with Sidewalks Along Both Sides of Road (E/W)

CROSSING DATA:

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main (E/W)	Rubber with Sidewalk Extensions	Approx. 96 track-ft.	Fair – Poor

ROADWAY DATA:

INTERSECTING ROADS:	911 Drive, 38 Feet West; Main Street, 449 Feet East
TRAFFIC CONTROL	Stop sign on 911; Stop signs on Jefferson
ADT	2,300 Vehicles Per Day
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, and Emergency Response All Possible
ADVANCE WARNING	Yes
PAVEMENT MARKING	Yes

RAILROAD DATA:

FREIGHT TRAFFIC	1-3 trains per day @ 10 MPH
PASSENGER TRAFFIC	None
WARNING DEVICES	Automatic Flashing Light Signals (No Gates)
OTHER	

NOTES:

TPW will need to coordinate with the City of Washington well in advance on the roadway closure, traffic control, and detour route. Contact Public Works Director, Kevin Schone: kschone@ci.washington.il.us ; 309-745-3503, Ext. 303.

SA 2062 - EXHIBIT B

Program **Crossings** Railroad **TPW** Year **2019**

Roadmaster **Joshua Thomas** Gen. Mgr. **Julie Eddy**

Xing Name	Mile	Subdivision	Xing ID	Crossing Surface	Length (Track Ft.)
W Jefferson St	99.35	Illinois	801918N	Composite	96'

Cost Estimate Currency **SUS** ☒ **SCDN** ☐

Administration			Internal Labor	
Labor Additive for Contract*		\$656.25	MofW Labor	\$11,600
Tax - Materials	7.5%	\$3,658	T&E Labor	\$0
Tax - Services		\$0	Labor Additive*	\$6,380
Contingency	3%	\$3,707	Totals	\$17,980
* Contract Labor Additive 1.25%			*Labor Additive	55.00%

Contract Costs				
Service	Unit Cost	Quantity	Total	Vendor
Asphalt	\$18,500.00	1	\$18,500	
Traffic Control	\$10,000.00	1	\$10,000	
Machine Lease	\$250.00	96	\$24,000	
Other (describe)			\$0	

Cost-Track Material	\$24,770	Total Track Feet	96
Cost-Crossing Mat'l	\$24,000	Unit Cost Trk Ft.	\$1,326
Total Contract Costs	\$52,500	Crossing Total	\$127,271

Notes:

- 1) 1 track
- 2) Near City of Washington (Tazewell County)
- 3) N/A (City St)
- 4) Existing Surface - Rubber (full depth)
- 5) AADT - 2,300
- 6) TPD - 2 (TT Speed 10 mph)

Estimate Completed by: **Christopher R. Frank** Original Estimate Date **6/29/18**

Revised by: Revision #

Materials Worksheet					
Material	Wt	Unit	Quantity	Unit Cost	\$ Total
Rail (description)	115	ton	9.20	\$950.00	\$8,740
Spikes		keg	4	\$40.00	\$160
Tie Plates (describe)		ea	160	\$10.00	\$1,600
Anchors (size)		ea	320	\$2.25	\$720
Ballast		ton	90	\$25.00	\$2,250
Welds (136RE)		ea	6	\$150.00	\$900
Joint Bars (136RE)		ea	6	\$400.00	\$2,400
Ties - 7x9x8'6"		ea		\$55.00	\$0
Ties - 7x9x10'		ea	80	\$100.00	\$8,000
Crossing Surface	Composite	Trk ft	96	\$250.00	\$24,000
Rail Seal		Trk ft		\$68.00	\$0

Contract Construction **Yes** Paving Cost Covered **No**

Labor Worksheet - MofW						
Activity	Pay Rate	# of Empl	Hrs/ Day	Days	Total Hours	\$ Total
Track Protection					0	\$0
Construct Crossing Frmn	\$40.00	1	10	4	40	\$1,600
Construct Crossing Labor	\$35.00	3	10	4	120	\$4,200
Distribute Material Frmn	\$40.00	1	10	4	40	\$1,600
Distribute Material Labor	\$35.00	3	10	4	120	\$4,200
Wedding Labor	\$35.00		10		0	\$0

Labor Worksheet - MofW						
Occupation	Pay Rate	# of Empl	Hrs/ Day	Days	Total Hours	\$ Total
Locomotive Engineer					0	\$0
Conductor					0	\$0

Section 1535.203 Construction and Maintenance of Grade Crossing

Every grade crossing shall be constructed and maintained in such manner that it will not interfere with the reasonably safe use of the roadway when traveled in the usual and ordinary manner. The surface of the roadway shall reasonably conform to the elevation of the rails for the entire area between rails and between tracks (where track centers are 15 feet or less) and for a distance of 24 inches beyond the outside of the outer rails of the outer tracks. In situations where super-elevation of rails through the crossing makes a reasonably smooth continuous surface impractical, the surface of the roadway in the crossing area shall be made as smooth as practicable, consistent with the safe operation of trains on the railroad tracks in accordance with Section 18c-7401(2) of the Law. Any crossing hereafter constructed or reconstructed shall conform to the width of the roadway and shall include a reasonable width of usable shoulder, but in no case shall the width be less than 16 feet measured at right angles to the center line of the highway unless the Commission specifically authorizes a lesser width. At crossings where there are sidewalks, either the crossing proper shall include the sidewalk areas or separate sidewalk crossings of a width consistent with that of the sidewalk approaches shall be provided conforming with provisions of this Section as to surface.

Section 1535.207 Adjustment of Crossings and Approaches

- a) Where tracks are raised through a highway crossing at the rail carrier's instance and the approach grades to the crossing conformed to the requirements of Section 1535.204 prior to the track raise, the rail carrier shall resurface or arrange for the resurfacing of the highway approaches to meet the elevation of the raised crossing surface, so that the change in grade does not exceed 1% greater than the pre-existing grade on primary highways with a maximum authorized speed in excess of 30 miles per hour, or 2% greater than the pre-existing grade on all other highways with a maximum authorized speed of 30 miles per hour or less. Where more than one track crosses a highway with 15 feet or less between the centerline of one track and the centerline of an adjacent track, the rail carrier shall adjust all tracks so that they conform with the requirements of Section 1535.203.
- b) Where tracks are raised through a highway crossing at the rail carrier's instance, and the approach grades to the crossing did not conform to the requirements of Section 1535.204 prior to the track raise, and the track raise increases the grades by more than 1%, it shall be the responsibility of the rail carrier to resurface, or to arrange for the resurfacing of, the highway approaches within a distance of 25 feet from the centerline of the outermost track, to minimize the change in grade to the extent practicable within the 25 feet.
- c) It shall be the responsibility of the highway authority to make arrangements with the respective rail carriers for the necessary track, crossing warning signs and signals, and/or crossing surface adjustments where vertical and/or horizontal adjustments are made to the approaches of a grade crossing at the highway authority's instance (whether by reconstruction, resurfacing, or widening). The rail carrier shall, at the sole cost and expense of the highway authority, adjust the track, crossing warning signs and signals, and/or crossing surfaces to conform to Sections 1535.203, 1535.300(b), 1535.335, and 1535.360(a), as applicable, and the highway authority shall, at its own expense, perform all necessary approach work to comply with Section 1535.204.

**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"/>
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PROJECT INFORMATION:

Reporting Party:	Toledo, Peoria & Western Railway Corp. (TPW)
Docket/Order #: Date:	
Status Reports Due:	Within 3 Months and 6 Months from Order Date
Ordered Completion Date:	9 Months from Order Date
Completion Report Due ¹ :	Within 5 Days of Completion
AAR/DOT#, Milepost:	AAR/DOT #801918N, railroad milepost 99.35-M
Street, (in/near) City, County:	Jefferson Street in Washington, Tazewell Co.
Railroad Company:	TPW

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

PROJECT MANAGER INFORMATION²:

Name:	Mr. Dale Summers
Title:	Vice President Engineering - Midwest Region
Representing:	Toledo, Peoria & Western Railway Corp.
Street Address:	4349 Easton Way, Suite 110
City, State, Zip:	Columbus, OH 43219
Office Phone:	(614) 479-1716
Office Fax:	(614) 479-1693
Cellular Phone:	
E-Mail Address:	dale.summers@gwrr.com; cfrank@gwrr.com

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

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

Install a new full depth composite crossing surface, with hot mix asphalt roadway and sidewalk approach transitions, to encompass the combined total width of the roadway and both sidewalks with no gaps in between, by TPW.

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

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**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:

SURFACE MATERIALS

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>
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