



To: William T. Lichter, Village Manager
Through: Wes Anderson, Director of Public Works *Wes*
From: David A. Dratnol, P.E., Village Engineer *D. Dratnol*
Date: May 19, 2005
Subject: Maintenance of Pedestrian Gates at
St Charles Road & Grace Street Railroad Crossing

Attached is "A Resolution Approving a Letter Agreement Between the Village of Lombard and the Union Pacific Railroad Company Relative to Maintenance of the Pedestrian Gates Installed at the At-Grade St. Charles Road and Grace Street Crossing" and the Letter Agreement between the Village and the Union Pacific Railroad.

The letter agreement provides for maintenance by the Union Pacific Railroad (UPRR) of the pedestrian gates installed at the St. Charles Road and Grace Street railroad crossing. This is in accordance with the Illinois Commerce Commission (ICC) Order in Docket T99-0011, dated October 18, 2000. The order required the installation of the pedestrian gates at the crossing and provided for the maintenance of the gates by the UPRR at the Village's sole cost and expense. The order required the Village and UPRR to enter into an agreement regarding the cost of maintaining the gates.

The cost for routine annual maintenance is \$7,260.00 subject to increases and decreases in accordance with the consumer price index. Replacement of broken major components are an additional cost, and a schedule of the costs is a part of the agreement.

Please present the resolution and letter agreement to the Village President and Board of Trustees at the June 2, 2005 Village Board meeting for review and approval. If approved, please have one certified copy of the resolution and the signed agreement forwarded to Mr. Michael Jurusik of Klein, Thorpe and Jenkins, Ltd. for further processing. Also, please return one signed copy of the resolution and letter agreement to the Public Works Department, Engineering Division.

We will be available at the meeting to answer questions that the Board may have.

RESOLUTION NO. 03-06

**A RESOLUTION APPROVING A LETTER AGREEMENT
BETWEEN THE VILLAGE OF LOMBARD AND
THE UNION PACIFIC RAILROAD COMPANY RELATIVE TO THE
MAINTENANCE OF THE PEDESTRIAN GATES INSTALLED AT
THE AT-GRADE ST. CHARLES ROAD AND GRACE STREET CROSSING**

WHEREAS, the Village of Lombard (the "Village") desired to make certain vehicular and pedestrian improvements to the at-grade crossing located at St. Charles Road and Grace Street (the Crossing") in the Village and filed a petition with the Illinois Commerce Commission (the "ICC") seeking approval of such improvements; and

WHEREAS, in accordance with ICC Order in Docket No. T-99-0011 dated October 18, 2000 (the "Order"), the ICC approved the Village's request for the installation of four (4) pedestrian gates, two (2) for each proposed sidewalk on either side of the Crossing. The proposed sidewalks cross over the railroad tracks of the Union Pacific Railroad Company (the "UP") at the Crossing. The ICC ordered that the UP install the four (4) pedestrian gates, at the Village's cost and expense, and that the Village and the UP enter into an agreement for the future maintenance of the pedestrian gates with the Village paying the costs associated with the UP performing the future maintenance services on the pedestrian gates in accordance with the UP's maintenance schedule; and

WHEREAS, the Village desires to enter into a Letter Agreement dated December 2, 2004 prepared by the UP, a copy of which is attached hereto as EXHIBIT "1" and made a part hereof, in order to satisfy the requirement of the ICC's Order that the Village and the UP enter into an agreement for the future maintenance of the now-constructed pedestrian gates. As required by the Order, the Village agrees to pay the costs associated with the UP performing the future maintenance services on the pedestrian gates in accordance with the UP's maintenance schedule, which is attached to the Letter Agreement as Exhibit "A"; and

WHEREAS, the UP desires to enter into the attached Letter Agreement dated December 2, 2004 (EXHIBIT "1"), in order to satisfy the requirement of the ICC's Order that the Village and the UP enter into an agreement for the future maintenance of the pedestrian gates; and

WHEREAS, the President and Board of Trustees of the Village of Lombard find that it is in the best interests of the Village to approve the attached Letter Agreement dated December 2, 2004 (EXHIBIT "1").

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The recitals set forth above are incorporated by reference into this Section 1 as material terms.

SECTION 2: The President and Board of Trustees of the Village of Lombard approve of the Letter Agreement dated December 2, 2004, a copy of said Agreement being attached hereto as **EXHIBIT "1"** and made a part hereof. Further, the Board of Trustees of the Village of Lombard authorize and direct the Village President and Clerk, or their designees, to execute the Letter Agreement and to execute and deliver all other instruments and documents that are necessary to fulfill the Village's obligations under the Letter Agreement.

ADOPTED this 2nd day of June, 2005, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

NAYS: None

ABSENT: None

APPROVED by me this 2nd day of June, 2005.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK

#153923

December 2, 2004

Mr. William Lichter,
Village Manager
Village of Lombard
255 East Wilson Avenue
Lombard, IL 60148

LETTER AGREEMENT

Re: Letter Agreement between Village of Lombard, an Illinois municipal corporation and the Union Pacific Railroad Company, a Delaware corporation pursuant to Order of the Illinois Commerce Commission in Docket T99-0011 covering the Reconstruction and Improvement of the Existing At-grade Crossing of St. Charles Road and Grace Street and the Authorization and Installation of Pedestrian Gates as part of said Project

Dear Mr. Lichter:

In accordance with the Illinois Commerce Commission (the "ICC") Order in T99-0011, dated October 18, 2000, the ICC at the request of the Village of Lombard (the "Village") ordered the installation of four (4) pedestrian gates, two (2) for each proposed sidewalk on either side of St. Charles Road and the Grace Street Crossing over the tracks of the Union Pacific Railroad Company ("UP"). This installation was completed in accordance with the terms of the Order by UP. In addition, the Order requires that the pedestrian gates are to be maintained after installation by UP at the Village's sole cost and expense. The Order also requires that the UP and the Village enter into an agreement regarding cost of maintaining the pedestrian gates. It is understood and agreed by UP and the Village that routine annual maintenance of the pedestrian gates shall be performed by UP in accordance with the UP's maintenance schedule for the Grace Street Crossing. The cost for this routine maintenance shall be paid annually on January 15th of each year. The annual fee for the performance of this routine maintenance shall be \$7,260.00. Such fee shall be increased or decreased in



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accordance with the consumer price index as published from time to time with the year 2000 as the base year. In addition, the current maintenance fee schedule to replace broken major components is attached hereto as Exhibit A and hereby made a part hereof.

If the Village concurs with the foregoing, please so indicate by signing, dating and returning the duplicate original of this Letter Agreement to me as soon as practicable.

Very truly yours,

By: Thomas J. Ogee

Title: AVP ENGINEERING

cc: Michael T. Jurusik, Esq.
KLEIN, THORPE AND JENKINS, LTD.
20 North Wacker Drive, Suite 1660
Chicago, IL 60606

VILLAGE OF LOMBARD
DuPAGE COUNTY, ILLINOIS

Accepted and Agreed to this 2nd day of June, 2005

By: William J. M... ..

Title: President

Pursuant to Resolution/Ordinance No. 03-06 dated June 2, 2005, attached hereto.

Approved as to form: K10
Lawrence E.
Assistant Vice President

EXHIBIT 'A'

CURRENT PEDESTRIAN WARNING SYSTEM MAINTENANCE FEE SCHEDULE

	<u># of Men</u>	<u>Labor Hrs</u> <u>per man</u>	<u>Labor \$\$</u>	<u>Material \$\$</u>	<u>Total Cost</u>
Replace broken Fiberglass gate arm	1	3	\$302	\$149	\$451
Replace broken Hold clear mechanism	2	3	\$616	\$950	\$1,566
Replace broken Complete gate (knock down)	3	7	\$2,110	\$3,800	\$5,910
Replace broken Gear	2	3	\$616	\$266	\$882
Replace broken Motor	2	3	\$616	\$950	\$1,566
Current Annual Fee for routine signal maintenance					\$7,260

(This schedule represents the most common items of damage, not covered under routine maintenance)

NOTES:

1. Labor is based on overtime rates plus Standard Additives
2. Routine signal maintenance is subject to increase or decrease based on the 2000 Consumer Price Index