STIPULATION OF PARTIES

TO OPEN WILLIAM BURGESS BOULEVARD HIGHWAY-RAIL GRADE CROSSING AND CLOSE HARTS ROAD HIGHWAY-RAIL GRADE CROSSING NASSAU COUNTY, FLORIDA

Nassau County, Florida (COUNTY), CSX Transportation, Inc., (RAILROAD), and the Florida Department of Transportation (DEPARTMENT), agree to this Stipulation of Parties as follows:

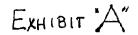
- The COUNTY has filed applications with the DEPARTMENT to open William Burgess Boulevard highwayrail grade crossing and close the public highway-rail grade crossing at Harts Road, Crossing Number 620823 E, pursuant to Section 335.141(1), Florida Statutes. Copies of the applications are attached as EXHIBIT "A."
- 2. The William Burgess Boulevard crossing, approximately located at RAILROAD Milepost S 613.40, will be a two lane minor arterial with one sidewalk located on the southern side of the road. The Harts Road crossing is a two lane rural railroad crossing located at RAILROAD Mile Post S 614.11, in Nassau County, Florida (maps attached as EXHIBIT "B").
- 3. The railroad track, at William Burgess Boulevard and Harts Road locations, is a main line with seven train movements per day at a maximum speed of forty miles per hour.
- 4. The RAILROAD, at the COUNTY's expense, will provide all necessary materials and construct a railroad grade crossing at the extension of William Burgess Boulevard, in accordance with the DEPARTMENT's Standard Index No. 560, attached as EXHIBIT "C."
- 5. The RAILROAD, at the COUNTY's expense, will provide all necessary materials and install at William Burgess Boulevard highway-rail grade crossing Type III Class III automatic railroad grade crossing warning devices (flashing lights and gates), in accordance with the DEPARTMENT's Standard Index Number 17882, attached as EXHIBIT "D."
- 6. The COUNTY, at its expense, will install W10-1 Advance Warning signs and pavement markings, in accordance with the DEPARTMENT's Standard Index Number 17882 (see EXHIBIT "D").

- 7. The RAILROAD, at the COUNTY's expense, will maintain the William Burgess Boulevard crossing as needed and maintain the automatic railroad grade crossing warning devices annually. The COUNTY, at its expense, will maintain the roadway up to the ends of the railroad crossties, including pavement structure. pavement surface, shoulders, drainage, sidewalk, pavement striping, advance pavement markings, erosion control, tree cutting, mowing, and advance warning signs. Any work, by the COUNTY or RAILROAD, impacting the crossing and transportation operations will be coordinated between the COUNTY and RAILROAD, with an advance notice of no less than two weeks and a maintenance of traffic plan provided by the COUNTY.
- 8. The Harts Road highway-rail grade crossing closure will not occur until the William Burgess Boulevard highway-rail grade crossing is open to traffic. The RAILROAD will provide the COUNTY a minimum of forty-eight (48) hours notification, prior to the start of any closure work at the Harts Road crossing. This notification is to allow the COUNTY an opportunity to notify the public of the closure of Harts Road at the crossing location.
- 9. Prior to any work being performed in the removal of the Harts Road highway-rail grade crossing and signalization, the RAILROAD, at the COUNTY's expense, will erect on each side of the crossing, signs and object markers as identified in the DEPARTMENT's Standard Index 17349, attached as EXHIBIT "E." The COUNTY, at its expense, will be responsible for future maintenance of the signs and object markers indicating the closure of Harts Road.
- 10. The RAILROAD, at the COUNTY's expense, will remove the Harts Road crossing; roadway pavement within the RAILROAD's right-of-way; and the highway railroad grade crossing warning devices. The COUNTY, at its expense, will remove any advance warning signs and pavement markings pertaining to the Harts Road crossing. Through the removal of all evidence of the Harts Road crossing, the RAILROAD's right-of-way will be restored.
- 11. All work by the COUNTY and RAILROAD will be coordinated and performed in accordance with all applicable railroad requirements such as flagging, insurance, etc.
- 12. All parties agree that the closure of Harts Road crossing will occur within six months following the opening of the William Burgess Boulevard highway-rail grade crossing. The Harts Road and Clyatt Circle closures will offset the opening of the William Burgess Boulevard crossing (Stipulation of Parties for the Closure of Clyatt Circle attached as EXHIBIT "F").

- All work by the COUNTY and RAILROAD will be consistent with the current Manual of Uniform Traffic Control Devices (MUTCD). American Association of State Highway and Transportation Officials (AASHTO) Policy, and the DEPARTMENT'S Manual of Uniform Minimum Standards for Design. Construction, and Maintenance for Streets and Highways (Florida's Green Book), and all COUNTY requirements.
- 14. The RAILROAD will assign a U.S. DOT crossing number to the William Burgess Boulevard rail crossing and complete the U.S. DOT Crossing Inventory Forms (OMB No. 2130-0017) for the opening of the new crossing at William Burgess Boulevard and the closure of the Harts Road crossing. The completed forms, as provided in EXHIBIT "G," will be submitted to the DEPARTMENT for inventory data entry and submittal to the Federal Railroad Administration,
- 15. This Stipulation of Parties has been executed by all parties having an interest in this matter. The RAILROAD and COUNTY waive administrative hearing rights provided by Chapter 120, Florida Statutes, for the opening and closure of the subject rail crossings.
- 16. The terms of this Stipulation of Parties may not be changed, waived, discharged or terminated orally, but only by an instrument or instruments in writing, signed by RAILROAD, COUNTY, and DEPARTMENT.
- 17. This Stipulation of Parties is governed by, and shall be interepreted, and construed in accordance with the laws of the State of Florida.
- 18. Any failure of any party to insist upon the strict performance of any terms or provisions of this Stipulation of Parties is not deemed to be a waiver of the terms of this agreement.
- 19. Under the terms set forth herein, the DEPARTMENT authorizes the opening of the William Burgess Boulevard highway-rail grade crossing and the closure of Harts Road highway-rail grade crossing as evidenced by the execution of this Stipulation of Parties.

(THIS CONCLUDES THE BODY OF THIS STIPULATION OF PARTIES)

By: Dale W. Ophardt Assistant Vice President Eng Title: Date: October 9, 2009	ineering
NASSAU COUNTY - COUNTY	Owner: Board of County Con missioners Nassau County, Florida
Attest: Approved as to form by the County Attorney	Chairman
STATE OF FLORIDA DEPARTMENT OF TRANSFORTATION By: State Public Transportation Administrator	
Date: 10-16-09 DEPARTMENT OF TRANSPORTATION LEGAL REVIEW	
By: JAM Attorney, FDOT Date: 10-14-2009	



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RAILROAD GRADE CROSSING APPLICATION

725-590-66 RAIL 1095

	F	ROAD NAME OR NUMBER		COUNTY/CITY NAME
	Willian	n Burgess Boulevard Extension		Nassau County/Yulee
Α.	IDENTIFICA	TION:		
	Submitted B	y ;	Арр	lication For:
	Applicant	Nassau County Brd of County Commissioners		Closing a public at-grade rail/highway crossing by: readway removal
	Office	Nassau County Engineering Services Dept	3	☐ rail line removalOpening a public at-grade rail/highway
	Telephone Address	(904) 491-7330 96161 Nassau Place, Yulee FL 32097		crossing by: ☐ new rail line construction ☐new roadway construction
				Conversion of an existing crossing by: private crossing to public at-grade rail/highway crossing
В.	CROSSING	LOCATION:		
	Jurisdiction	for Street or Roadway by Authority of: O	City	● County ○ State
	FDOT/AAR	Crossing Number:		
	Local Popul	ar Name of Street or Roadway: William Burge	ss Bo	ulevard Extension
	Railroad Co	impany: CSX Transportation, Inc.		
	Railroad Mil	ie Post: <u>0613,4<i>c</i>:</u>		
Sut	omitted for the	Applicant by: <u>Jonathan Page,P.E., Interim Dir</u> Name and Title	ector. I	Nassau County Eng Svcs DATE: 03/26/09
App	olication FDO	FReview by: <u>Jan Bordelon, Rail Specialist</u> Central Rail Office	- \	DATE: 03/26/09
	FERENCES.		АПА	ACHMENTS SUBMITTED FOR ACCEPTANCE
	-	uthority, 334.044 F.S., 120.57 F.S.		Crossing Closure Application Data
		d) 335.141 F.S.		ocation Maps, Sketches, Plans (if available)
		ule) 14-46 003 F.A.C. 5 No: 725-030-002, Chapter 3	J	opies of Agreements Between Railroad and urisdiction on Subject Crossing atters of Support (Opening or Closing)

WILLIAM BURGESS BOULEVARD

INFORMATION REQUEST: PUBLIC HIGHWAY-RAIL GRADE CROSSING (Provide current design plans, maps, aerials, and any support documentation)

1. Why is the crossing necessary?

The crossing is necessary to provide an extension of William Burgess Boulevard to US 17. This road is vital for the community college and judicial complex in the area as well as a parallel evacuation corridor.

2. Are there other access roads available to property owners if the crossing is not there?

None are available.

3. Has grade separation been considered in planning the crossing? If not, why?

Yes, but it is 100 close to US 17 for a grade separated crossing.

- 4. Vehicular transportation data:
 - a) Provide predicted Annual Average Daily Traffic (AADT) at the crossing.

5,000 ADT's at opening.

b) Provide level of service at the crossing.

LOS D; two lanes = 13,600 daily vehicles, four lanes = 29,300 daily vehicles

c) Provide anticipated AADT and level of service in 5 years.

9,000 AADT LOS D for two lanes; LOS C for four lanes.

d) Provide predicted percentage of truck traffic and anticipated truck traffic 5 years out.

9% of truck traffic; 810 daily vehicles.

e) Will trucks carry hazardous materials? If so, approximately how many trips per day or week?

No hazardous materials are anticipated along this governmental corridor.

f) How many school buses will use the crossing?

Approximately two (2) per day.

g) How many emergency rescue vehicles will use the crossing?

Approximately the same number that cross the tracks on Harts Road today (County does not have records of how many emergency vehicles use the crossing today

h) What is the vehicular design speed at the proposed crossing?

35 mph

i) How many thru or turn lanes?

2 lanes for Phase Land 4 lanus for Phase II

i) Will the road be divided with a median?

Yes. (Phase II)

k) Will there be sidewalks and/or bike lanes?

Sidewalks

- 5. Rail transportation data:
 - a) Current number and type of rail tracks.

I main track.

b) Current number of daily train movements.

Seven (7) trains.

c) Approximate times during the day and evening that the crossing will be blocked.

Mainly space throughout the morning and afternoon.

d) Approximate length of time (i.e. minutes) that that the crossings are blocked.

Depending on the length of the train, approximately 10 minutes (similar to Haris Road-crossing that is proposed to be abandoned).

e) Speed of trains at crossing.

3 to 40 mph.

f) Anticipated expansion of tracks and train movements.

None.

6. Provide excerpts from the Comprehensive Plan and any other transportation plans relative to the proposed crossing.

Please find attached.

7. What is the distance from the proposed crossing to adjacent public crossings? (Identify adjacent crossings by road name and crossing number.)

2.0 miles

8. What is the distance from the proposed crossing to the nearest intersection?

1.100 feet to US 17 and William Burgess Boulevard thew intersection after crossing is constructed).

- 9. Provide the following data on the crossing:
 - Design Hourly Capacity (Design Year and Construction Year)

2010 two lanes 1 300 per hour; 2020 four lanes 2 810 vehicles per hour.

- Signal Timing/Turn Movements Not Applicable.
- Trip Generation and Distribution. Not Applicable.
- Intersection capacity analysis for railroad crossing intersecting roadway.

Level of service is 3

 Traffic operations and traffic safety issues evaluated for railroad crossing, train traffic movements, and railroad preemption.

None.

Analysis should consider the traffic impacts of all build out proposed developments.

The 5-year volume anticipates growth rates in the area.

10. Provide description of land use on each side of the rail crossing.

Industrial east and west of crossing.

11. What is the predicted number of pedestrians and bike riders that will use the proposed crossing? What is the predicted number of users 5 years out?

At opening-fewer than ten (10) daily for pedestrian and bike rides. After 5 years-approximately 20 daily. No new residential proposed in the immediate area.

12. What is the degree of the angle of the road crossing the rail line?

90 degrees:

13. Are there any plans for any structures to be built near the crossing intersection?

No.

14. Identify major traffic generators (i.e., businesses, shopping malls, recreational areas, special events, etc.) in this area. Specify type, location, and distance to proposed crossing.

One large proposed industrial development adjacent to the west. It only can generate 300 peak hour trips by permit. Other proposed projects are relatively small.

15. Identify all highway traffic control devices, including pavement markings, signs, and highway traffic signals, that will be installed at the crossing. What future changes are proposed?

Typical railroad crossing bars, striping, signage, signals and bells are proposed.

16. How does the crossing impact the Annual Average Daily Traffic at nearby public crossings? Provide estimated traffic count changes, if any.

The closing of the Harts Rood crossing just south can easily be accommodated with this crossing. Some traffic will be removed from the AIA crossing as well. It is estimated that about 2,500 daily trips will be removed from AIA crossing.

17. Please provide any corridor studies, or other preliminary traffic engineering studies that pertain to this crossing.

Attached are engineering plans for the crossing.

18. Please send maps, plans, safety studies and/or any other information that is relevant to the analysis of this crossing.

An overall map showing the extension and proposed Harts Road closing is attached.

19. Provide the names and crossing numbers of crossing closure candidates that would offset the opening of this crossing?

These are already agreed upon in the attached stipulation of parties agreement

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RAILROAD GRADE CROSSING APPLICATION

725-090-66 RAIL 10/70

ROAD NAME OR NUMBER

COUNTY/CITY NAME

<u>Harts Road</u>

Nassau County/Yulee

A.	IDENTIFICA	TION:		
	Submitted By	ŗ	lqqA	cation For:
	Applicant Office Telephone Address	Nassau County Board of CountyComm Nassau County Engineering Services (904) 491-7330 96161 Nassau Place, Yulee FL 32097		Closing a public at-grade rail/highway crossing by: #roadway removal Opening a public at-grade rail/highway crossing by: new rail line construction new roadway construction Conversion of an existing crossing by: private crossing to public at-grade rail/highway crossing
В.	CROSSING	LOCATION:		
	FDOT/AAR	Crossing Number: 620823E		
	Jurisdiction	for Street or Roadway by Authority of:	City	● County ○ State
	Local Popula	ar Name of Street or Roadway: Harts Road		
	Railroad Co	mpany: CSX Transportation, Inc.		
		e Post: CSX Mile Post S 0614.11		
	omitted for the	Applicant by: <u>Jonathan Page P.E., Interim Dire</u> Review by: <u>Jan Bordelon, Rail Specialist</u> Central Rail Office		
(Sp		uthority): 334 044 F.S., 120.57 F.S d): 335 141 F.S.	_: C	CHMENTS SUBMITTED FOR ACCEPTANCE: rossing Closure Application Data poation Maps, Sketches, Plans (if available)
		ule) 14-46.003 F.A C . No: 725-080-002, Chapter 3	Ju	opies of Agreements Between Raiiroad and irisdiction on Subject Crossing tters of Support (Opening or Closing)

HARTS ROAD

INFORMATION REQUEST: ANALYSIS FOR RAIL CROSSING CLOSURE

1. Why is the crossing a candidate for closure?

The roadways have limited right of way, the crossing is not at 90 degrees and the new crossing can accommodate the displaced traffic.

2. Are there other accessible means to the property if the crossing is closed?

Yes, the new crossing can provide full access.

3. Identify the alternate routes available if the crossing is closed?

William Burgess Boulevard to Harts Road and AIA to Harts Road.

4. What is the distance from the proposed crossing to adjacent public crossings? (Identify adjacent crossings by road name and crossing number.)

Approximately I mile to the new William Burgess Boulevard closing.

5. What is the distance from the subject crossing to the nearest intersection? Identify the street.

Approximately 1,000 feet to US 17 and Harts Road.

6. How will the proposed crossing closure impact the Annual Average Daily Traffic at nearby public crossings? Provide estimated traffic count changes, if any.

It is estimated that about five-hundred (500) ADT's will be displayed to the new crossing at William Burgess Boulevard.

During peak time, calculate by driving the additional travel time and distance between two
points (nearest intersection or major access) on either side of the subject crossing via alternate
routes. Provide calculated times, routes, and distances.

Time is less than 3 minutes; distance is less than 1 mile.

8. What is the estimated annual daily number of vehicles, buses, trucks, pedestrians, and bike riders that currently use the subject crossing?

Fewer than 550 dativ combined.

9. What is the estimated number of school bases and emergency vehicles that use the crossing?

Approximately 2 per day. All emergency vehicles would use AIA to the north.

10. How will transportation (vehicle, pedestrian, and cycle) be impacted if the crossing is closed? Consider capacity, level of service, congestion, and/or need for modification and additional traffic signals to the alternate roads where traffic will be routed when the crossing is closed.

Traffic will easily use the new intersection at William Burgess Boulevard with US1" less than five (5) minutes and the crossing will be a safer condution. The level of service with the new crossing will be higher and no additional signal will be required.

11. Is the proposed closure in conjunction with the County Comprehensive Plan or any other transportation plans?

Yes and the supulation of parties' agreement

12. How many train movements occur daily at the subject crossing?

Seven

13. Identify the number and type of trains traveling across the proposed crossing.

Seven

14. What is the minimum and maximum train speed at the crossing?

5 mph to 40 mph

15. Identify the number and type of tracks at the crossing.

One (1) main track.

16. What is the speed of the highway which crosses the rail line?

25 mph. The new highway crossing speed limit will be 35 mph.

17. Provide description of land use on both sides of the subject rail crossing.

Residential to the west and east. Commercial to the east.

18. Are there any churches, schools, or hospitals that will be impacted if the crossing is closed? Please list by name and location.

None.

19. Identify any major traffic generators (i.e., recreational areas, special events, etc.) in this area that will be impacted by the proposed crossing closure.

None; all properties west of the tracks are large residential lots. Nearly all commercial traffic east of the project discharges to US 17.

20. Identify all highway traffic control devices and highway traffic signals at nearby crossings that may require improvement or upgrading if the proposed crossing is closed.

The new crossing will have standard new equipment.

21. How will the proposed crossing closure impact the Annual Average Daily Traffic at nearby public crossings? Provide estimated traffic count changes, if any, at each identified crossing.

The new crossing can accumulate the estimated 500 daily trips that will be displaced.

Please send maps, plans, sketches and any other information that you feel is relevant to this
project.

Attached.

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ORDINANCE 2008 - 18

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY FLORIDA AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE NASSAU COUNTY COMPREHENSIVE PLAN; ADOPTING THE FISCAL YEAR 2009-2013 SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR THE ANNUAL UPDATE OF THE SCHEDULE OF CAPITAL IMPROVEMENTS PURSUANT TO SECTION 163.3177(3)(b), FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 28, 2007 Nassau County adopted Ordinance 2007-38 amending the Capital Improvements Element of the Nassau County Comprehensive Plan and adopting a Schedule of Capital Improvements for FY 07/08 through 11/12; and

WHEREAS, Section 163.3177(3)(b), F.S. requires, by December 1st of every calendar year, each unit of local government to adopt by ordinance an annual update to the Schedule of Capital Improvements in order to maintain a financially feasible 5-year schedule of capital improvements incorporating those capital improvements necessary to maintain levels of service adopted as part of the Comprehensive Plan; and

WHEREAS, Section 8.5 of the Amended Interlocal Agreement and Sec. 163.3180(13), F.S. require the County to adopt by reference the Five-Year District Work Program adopted by the Nassau County School Board on September 23, 2008; and

WHEREAS, on September 30, 2008 Nassau County adopted a Capital Improvements Plan for FY 08/09 through 12/13 including improvements addressing level of service compliance and other improvements to expand capacity, correct existing deficiencies or meet policies of the Comprehensive Plan; and

WHEREAS, the Nassau County Planning And Zoning Board, also in their capacity as Local Planning Agency, held a duly noticed public hearing to address the requested amendment on November 4, 2008 and recommended unanimously approval; and

WHEREAS, pursuant to Chapters 125 and 163, F.S. public hearings have been held with due public notice having been provided.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

John Grant & Sally and the

SECTION 1. FINDINGS

This action complies with Chapter 163, Pari II, Florida Statutes and Rule 9J-5, F.A.C. and is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular Policies 4.02.01, 9.01.02, 9.01.05, 9.05.05, 9.07.04 and 10.05.04.

SECTION 2, ANNUAL UPDATES

- 1. The FY '08/'09 through '12/'13 Five-Year Schedule of Capital Improvements to the Capital Improvements Element, is hereby adopted as set forth in Exhibit 'A", attached hereto and made a part hereof.
- The FY '08/'09 through '12/'13 Revenue Projections/Capital Funding Sources to the Capital Improvements Element, is hereby adopted as set forth in Exhibit "B", attached hereto and made a part hereof.
- 3. The Nassau County School District's Five-Year Work Plan for FY '08/'09 through '12/'13 as set forth in Exhibit "C", attached hereto and made a part hereof, is hereby adopted by reference into the Capital Improvements Element.

SECTION 4. SEVERABILITY

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 3. EFFECTIVE DATE

This Ordinance shall be filed with the Office of the Secretary of State. This Ordinance shall become effective upon the earlier of:

- The Department of Community Affairs issues a final order determining the adopted amendment is found to be in compliance; or
- ii. The Administration Commission issues a final order determining the adopted amendment to be in compliance.

County Commissioners of Nassau County, Fiorida.

BOARD OF COUNTY COMMISSIONERS NASSAU COUNTY, FLORIDA

Barry Holloway Its: Chairman

ATTEST as to Chairman's Signature:

JOHN A. CRAWFORD

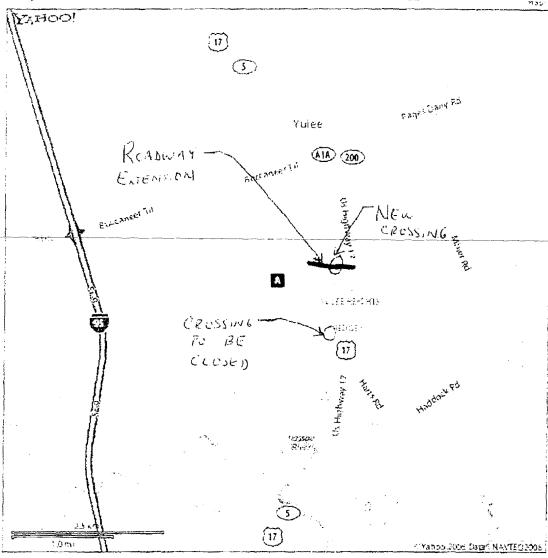
Approved as to form by the Massau County Attorney

David A. Hailman,

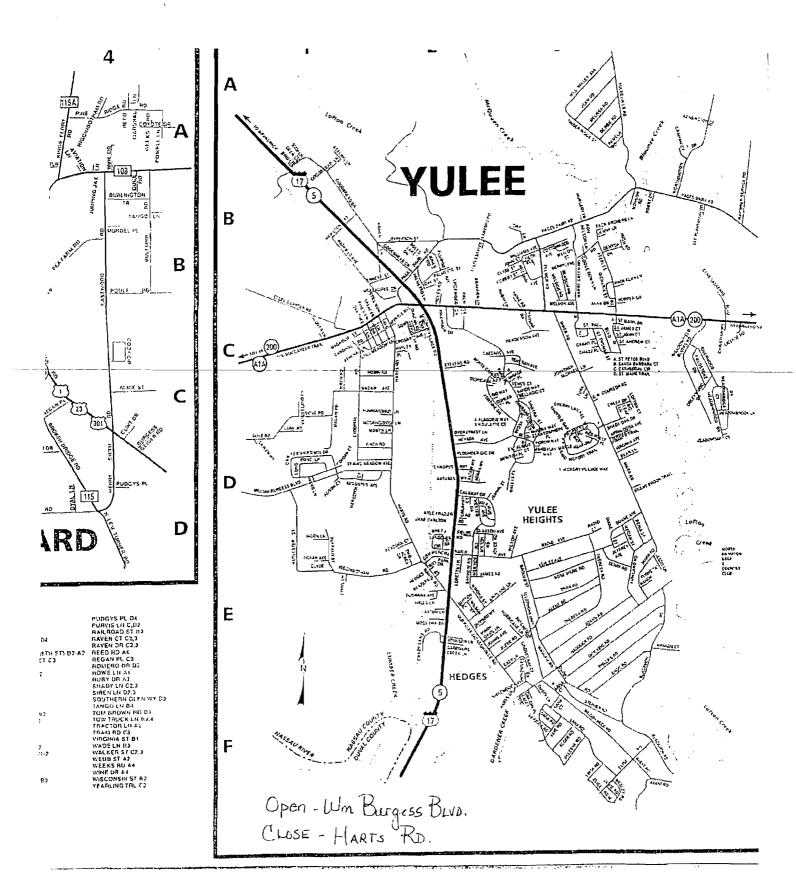
County Attorney

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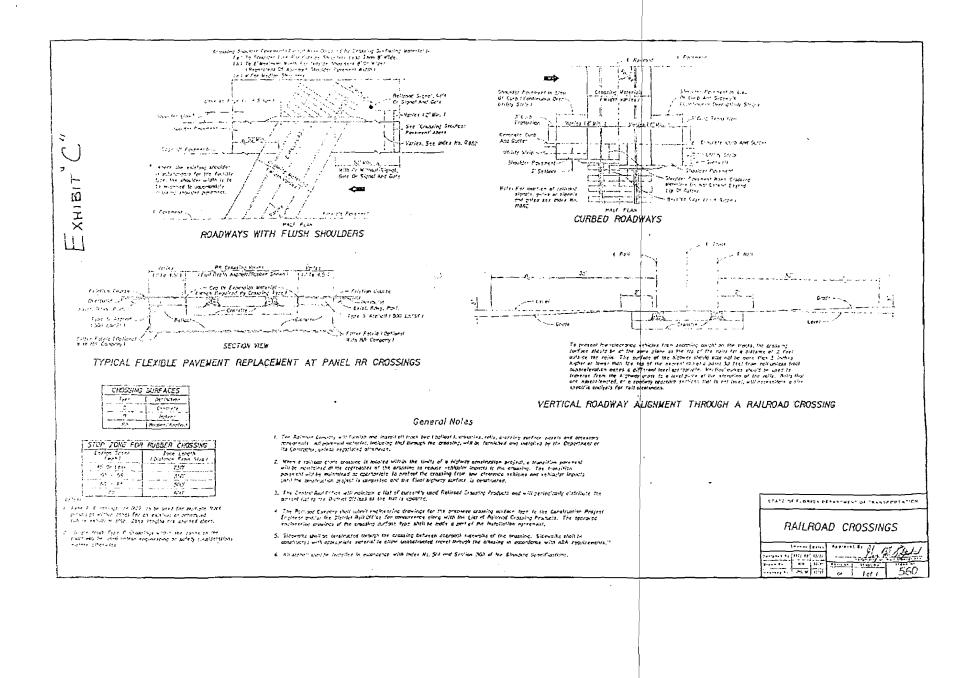
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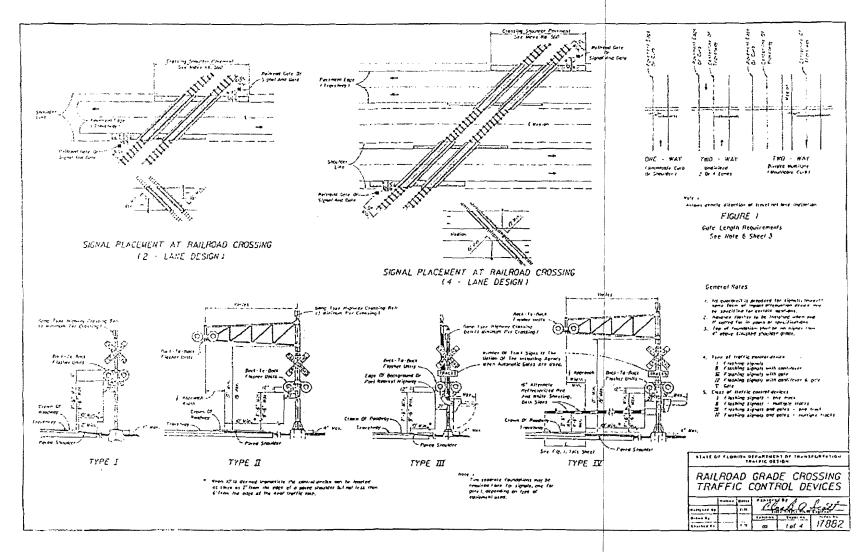


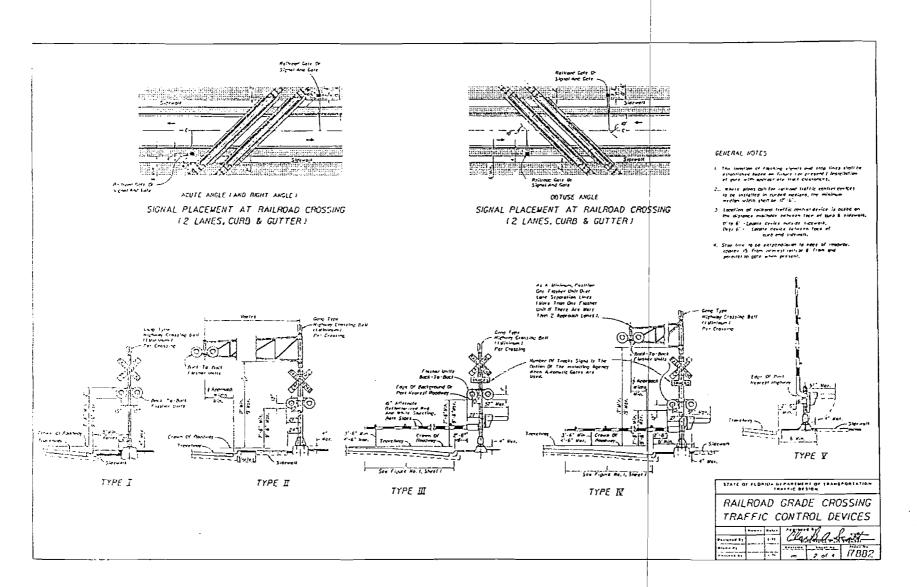
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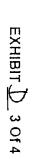


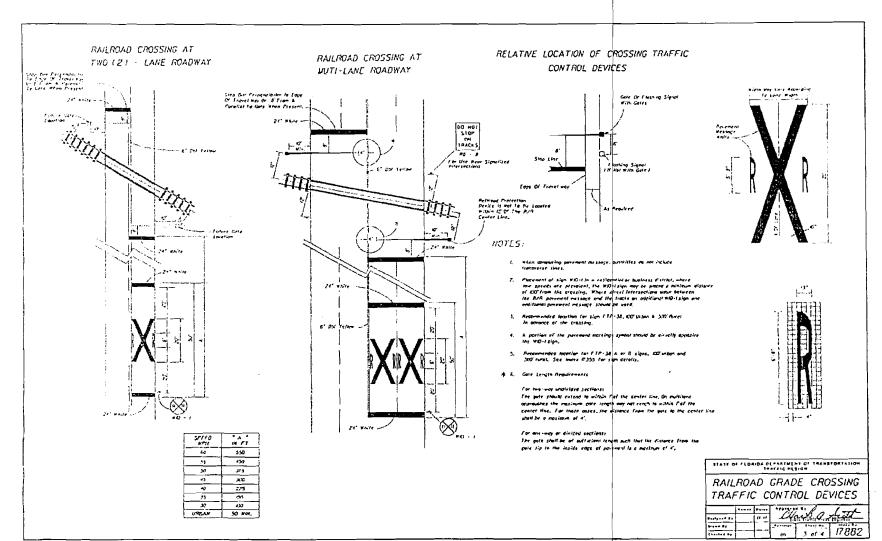


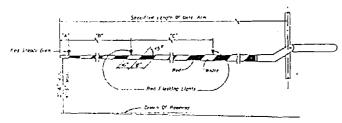






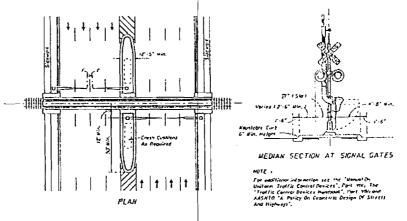






PAILROAD GATE ARM LIGHT SPACING

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6-6 F1.	20	.46*	5*
B-3 (1.	24.	41*	5'
29 EJ Ft.	279*	4"	5"
19-18 / 1.	75"	5'	5.
79-30 F1.	75.	6	
32-34 /4,	' کد	r	7*
35-31 Fr.	.76"	y	7
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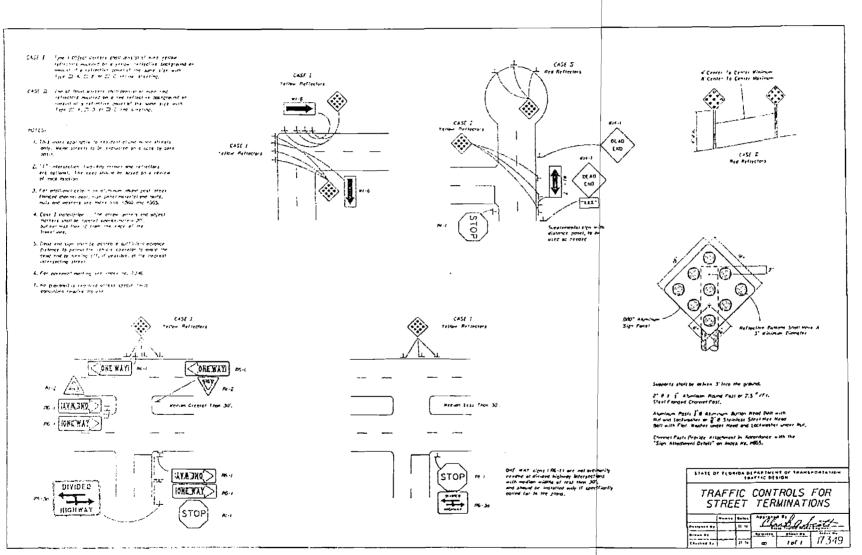


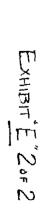
MEDIAN SIGNAL GATES FOR MULTI LANE UNDIVIDED URBAN SECTIONS

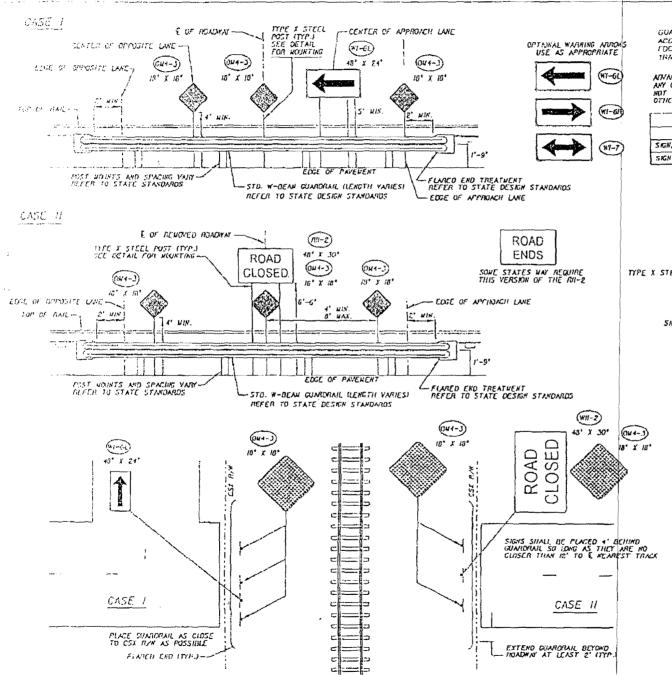
I THREE OR MORE DRIVING LANES IN ONE DIRECTION, 45 mph OR LESS!

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GUARDRAIL AND SIGN PANELS SHALL DE INSTALLED IN ACCOMPANCE WITH FOOT ROAD AND SIGN STANDARDS, FOOT SPECIFICATIONS AND THE MANUAL ON UNIFORM TRAFFIC CONTROL REVICES

ADVANCE WARNING SKHS, TURN PROHIGIFION SKHS, OR ANY OTHER NECESSARY TRAFFIC CONTROL DEVICE THAT IS NOT LOCATED ON COX PROPERTY SHALL DE INSTALLED BY OTHERS.

CSX ITEM I	NENTON'		
DESCRIPTION	UNIT	CLASS	ITEH
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SIGN POST, WETAL TYPE X	CAGH	Off	A004000

MOUNTING DETAIL

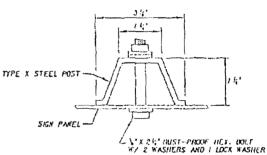


EXHIBIT "F"

STIPULATION OF PARTIES FOR THE CLOSING OF CLYATT CIRCLE HIGHWAY-RAIL GRADE CROSSING NASSAU COUNTY, FLORIDA

Nassau County, hereinafter referred to as "COUNTY," CSX Transportation, Inc., hereinafter referred to as "RAILROAD," and Florida Department of Transportation, hereinafter referred to as "DEPARTMENT," by and through their undersigned representatives hereby file this Stipulation of

Parties as follows:

- 1. The COUNTY has filed an application with the DEPARTMENT to close the public highway-rail grade crossing at Clyatt Circle, Crossing Number 643314 X, pursuant to Section 335.141(1), Florida Statutes. A copy of the application is attached hereto and made a part hereof as EXHIBIT "A."
- 2. The Clyatt Circle crossing is a two (2) lane rural street railroad grade crossing located at RAILROAD Mile Post 617.48, near the Town of Hilliard, in Nassau County, Florida, as set forth on the map attached hereto and made a part hereof as EXHIBIT "B."
- The railroad tracks at Clyatt Circle are classified as two (2) main line tracks and one (1) switch track. According to the RAILROAD, there are eighty-two (82) train movements per day. The current maximum train speed on the main line tracks at this location is seventy-nine (79) miles per hour.
- 4. The RAILROAD, at the RAILROAD's expense, will remove the crossing surface and roadway pavement ten (10) feet from both sides of the railroad track centerline at the Clyatt Circle crossing and restore the RAILROAD's right of way at the crossing with removal of all evidence of the crossing.

- 5. The RAILROAD, at the RAILROAD's expense, will remove the highway railroad grade crossing warning devices at the crossing. After closure work has been performed, the COUNTY, at the COUNTY's expense, will erect on each side of the closed crossings, if needed, signs and object markers as identified in the DEPARTMENT'S Standard Index 17349, outside of the RAILROAD'S right-of-way as provided in Exhibit "C."
- 6. All work by the COUNTY will be coordinated with the RAILROAD to ensure that all applicable railroad requirements such as flagging, insurance, etc. are adhered to.
- All parties agree that the closure of Clyatt Circle crossing can be applied, with the closure of the Harts Road highway-rail grade crossing (Crossing Number 620823 E), to the opening of a new crossing at the realignment of William Burgess Boulevard at a future date, if the COUNTY chooses to submit opening and closure applications, and provided the design plans are accepted by the RAILROAD and DEPARTMENT, and all work by the COUNTY is consistent with current Manual of Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials (AASHTO) Policy, and the DEPARTMENT'S Manual of Uniform Minimum Standards For Design, Construction, and Maintenance for Streets and Highways (Florida's Green Book).
- 8. This Stipulation of Parties has been executed by all parties having an interest in this matter, and further, all parties of this stipulation waive hearing rights provided by Chapter 120, Florida Statutes, and request the DEPARTMENT to issue authority in accordance with Section 335.141(1), Florida Statutes and Rule 14-57.012, Florida Administrative Code.
- The DEPARTMENT authorizes the closure of Clyatt Circle highway-rail grade crossing as evidenced by the execution of this Stipulation of Parties.

(THIS CONCLUDES THE BODY OF THIS STIPULATION OF PARTIES)

CSX TRANSPORTATION, INC RAILROAD)
By Authorized Signature)	
Printed Name: Richard M. Kadlick	
Title: Via-President - Engineering .	Hechanical Standards : Quality
Date: 1/7/04	
NASSAU COUNTY – COUNTY	
	Owner:
	Board of County Commissioner Nassau County, Florida
	-Floyd-Vanzant, Chairman Vickie Samus
Altest: J.M. "Chip" Oxley,-Jr. Its: Ex-Officio Clerk	
Approved as to form by the County Afformey	
Michael S. Mullin, Esquire	
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION By:	
State Public Transportation Administrator	
81-08-04	

DEPARTMENT OF TRANSPORTATION LEGAL REVIEW

Attornoy FOOT

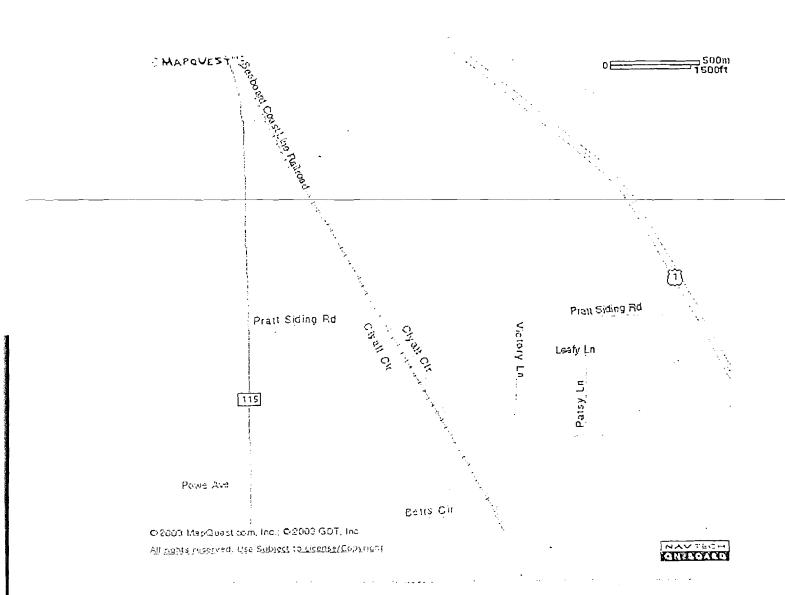
Date: 1-28-04

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RAILROAD GRADE CROSSING APPLICATION

ROAD NAME OR NUMBER	COUNTY/CITY NAME
CLYATT CIRCLE	NASSAU COUNTY
IDENTIFICATION:	

Submitted	ву;	Application	on For.
 Applicant	JACK J. D'AMATO	🗆	Closing a public at-grade rail/highway crossing by:
Title	DIRECTOR OF PUBLIC W	ORKS	X roadway removal
Telephone	904-491-3610		Opening a public at-grade rail/highway crossing
Address	213 NASSAU PLACE		by: new rail line construction
	YULEE, FLORIDA 32097		new roadway construction
			•
			Conversion of an existing crossing by: private crossing to public at-grade rail/highwaycrossing
Jurisdiction	Crossing Number: 643 for Street or Roadway by Authoritar Name of Street or Roadway:		City (A) County (C) State
Jurisdiction Local Popu Railroad Co	for Street or Roadway by Author	ority of:	
Jurisdiction Local Popu Railroad Co Railroad Mi	for Street or Roadway by Authoritar Name of Street or Roadway; ompany: CSX ille Post: 617.48 THE APPLICANT BY:	CLYATT C	

(Law imprementation 335, 1417, 35, (Administrative Rule) 14-46,003 D.O.T. Rail Manual Topic No. 725-080-602, Chapter 3



IONE WAY

HIGHWAY

EXHIBIT CIRC õ 80 تَ تَ

17349

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STREET TERMINATIONS

U.S. DOT CROSSING INVENTORY FORM

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Check if Correct				, ,	Signs (W	10-1)	Yes		Unknow c
100	<u> </u>						NB		
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3.F. Other Flushing Lights:						Treffic Signals mber)	3.H Wigwsgs(norder)	3 J B	Seils (number)
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(mai. 9 (har)									
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					VII VI	pprosince [One Approach	None	
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You	ot		.			Over Crossi	ing per School Day		

Paperwork Reduction Act: Public reporting for this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data madded, and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, he persons are required to respond to a collection of information unless it displays a currently valid OMB Control Number. The valid OMB Control number for this collection is 2120-0017.

U.S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF FEDERAL RAILROAL		RATION (FR	۸)	·						MB Conti	rol No. 2130-00 Expires: 3/31/20
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Brenda Linville

From:

Bordelon, Janice L [Janice.Bordelon@dot.state.fl.us]

Sent:

Monday, November 30, 2009 1:42 PM

To:

Brenda Linville

Subject:

RE: Stipulation of Parties to Open William Burgess Blvd. Highway-Rail Grade Crossing and

Close Harts Road Highway-Rail Grade Crossing

Brenda: We are no longer mailing hard copies of the Stipulation of Parties. The executed Stipulation was electronically sent and received by Nassau County as verified below.

From: jpage@nassaucountyfl.com [mailto:jpage@nassaucountyfl.com]

Sent: Wednesday, October 21, 2009 11:50 AM

To: Bordelon, Janice L

Subject: RECEIVED: Attachment Executed Stipulation of Parties Wm Burgess.pdf

Return Receipt

Your attachment: Executed Stipulation of Parties Wm Burgess.pdf Was downloaded at: 21 October 2009 11:49:46 By recipient: jpage@nassaucountyfl.com File size is: 11.00 MB

Please let me know if you need for me to add you to the mailing list. Thank you.

Jan Bordelon, Rail Office Florida Department of Transportation 605 Suwannee Street, MS 25 Tallahassee, FL 32399-0450 850-414-4528

Never race a train to the crossing - even if you tie, you lose!