

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Indiana & Ohio Railway to Install an Active) Case No. 08-171-RR-FED
Grade Crossing Warning Device in)
Champaign County.)

ENTRY

The Commission finds:

- (1) On February 25, 2008, the Commission's railroad staff filed a memorandum stating that The Ohio Rail Development Commission (ORDC) authorized funding to install an active grade crossing warning device at the Indiana & Ohio Railway (I&O or railroad) crossing at State Route 29 (DOT# 258-706N) near Rosewood in Champaign County. Staff recommends authorization for preliminary engineering within 90 days, and that construction be completed within one year.
- (2) I&O should submit site plans and cost estimates for this project to ORDC and the Commission staff by June 5, 2008, and within seven days thereafter file in this docket notice that such plans and estimates have been submitted. Following submission and approval of the site plans and cost estimates by ORDC, and, unless otherwise directed, I&O is hereby authorized to acquire project materials and to commence construction as detailed in the ORDC letter of construction authorization. I&O shall notify staff at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for inspection. In addition, the railroad shall notify staff of any changes in the scope of work, cost overruns, or materials, and secure staff approval of such changes before the work is performed. The Commission will issue no further construction authorization. Further, the construction of active warning devices at the grade crossing should be completed by March 5, 2009.
- (3) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending final inspection by staff. However, the railroad should notify staff and ORDC 30 days before the projected date of completion. At the time the Commission or

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ORDC staff makes its final inspection of the devices and if it finds that the identified installations are completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installations are completed and the warning devices have been put in service.

- (4) With the intention of promoting increased public safety during the pendency of the project, the Commission urges the appropriate local government agencies to make an immediate assessment of interim physical improvements, which would enhance driver awareness at the crossing. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the project location. Applications for such funding should be made to the Commission's Transportation Department, Rail Division, which shall review all proposals. In the event the department finds the improvements appropriate, the department director is hereby authorized to execute a contract with the local government agency, and obligate up to \$5,000 from the State Grade Crossing Safety Fund for such improvements. However, the local government agency should not initiate any improvements until a contract has been executed.

It is, therefore,

ORDERED, That I&O submit to the Commission and ORDC site plans and cost estimates for the project by June 5, 2008, and by June 12, 2008 file in this docket notice of such submission. It is, further,

ORDERED, That, following approval of site plans and cost estimates by ORDC, I&O proceed with construction in accordance with the ORDC letter of construction authorization, and complete the project by March 5, 2009. It is, further,

ORDERED, That I&O notify staff at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for inspection. It is, further,

ORDERED, That I&O notify staff of any changes in the scope of work, cost overruns, materials, etc. which are not in the approved plans and estimates and secure approval before the work is performed. It is, further,

ORDERED, That I&O notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

ORDERED, That, at the time staff or ORDC makes its final inspection and if it finds that the installations at the grade crossing are completed and the warning devices have been put in service, staff will file a memorandum in this docket indicating that the installations are completed and the warning devices have been put in service. It is, further,

ORDERED, That copies of this entry be served upon I&O, ORDC, ODOT District 7 and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



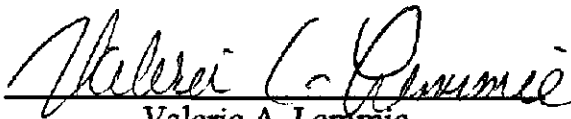
Alan R. Schriber, Chairman



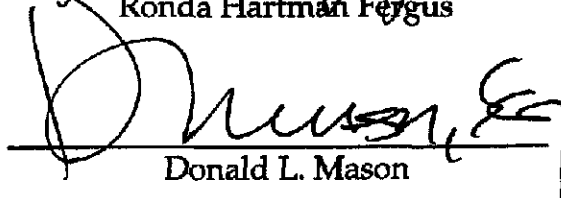
Paul A. Centolella



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Valerie A. Lemmie



Donald L. Mason

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Entered in the Journal

MAR 5 2008



Renee J. Jenkins
Secretary