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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the Authorization of)
Norfolk Southern Railway to Initiate a) Case No. 08-177-RR-FED
Consolidation Project in the Village of)
Rawson, Hancock County.)

ENTRY

The Commission finds:

- (1) On February 26, 2008, the Commission's railroad staff filed a memorandum stating that The Ohio Rail Development Commission (ORDC), Norfolk Southern Railway (NS), and the village of Rawson entered into a subsidy agreement whereby two grade crossings would be closed to vehicular and pedestrian traffic in exchange for the installation of flashing lights and gates at two grade crossings. The grade crossings to be closed include Gaw Street (476-854H) and Park Lane (476-852U). The crossings where flashing lights and roadway gates will be installed are Main Street (476-853B) and Vance Street (476-851M). All of the grade crossings involved in the subsidy agreement are located in the village of Rawson.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the projects.
- (3) NS shall submit to the Commission and ORDC by June 10, 2008, site plans and cost estimates for the projects. Within seven days thereafter, NS shall file a letter in this docket advising that the site plans and cost estimates have been submitted to the Commission and ORDC. Following submission and approval of the site plans and cost estimates by ORDC, and, unless otherwise directed, NS is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. NS shall notify staff at least five working days before the date work is scheduled to begin at the project sites so that arrangements can be made for inspections. In addition, NS shall 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. The Commission will

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issue no further construction authorization. Further, the construction of active warning devices at the grade crossings and the closure of the grade crossings should be completed by March 12, 2009.

- (4) 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, NS should notify staff and ORDC 30 days before the projected date of completion. At the time the Commission or ORDC staff makes its final inspection of the devices and if it finds that the identified installations are completed and have been put in service and the crossings have been closed, staff should file a memorandum in this docket indicating that the installations are completed and have been put in service and the grade crossings have been closed.
- (5) With the intention of promoting increased public safety during the pendency of the projects, the Commission urges the appropriate local government agencies to make an immediate assessment of interim physical improvements, which would enhance driver awareness at the crossings. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the project locations. 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 NS submit to the Commission and ORDC site plans and cost estimates for the projects by June 10, 2008. It is, further,

ORDERED, That, by June 17, 2008, NS file a letter in this docket advising that it has submitted site plans and cost estimates to the Commission and ORDC. It is, further,

ORDERED, That, following approval of site plans and cost estimates by ORDC, NS proceed with and complete the projects by March 12, 2009. It is, further,

ORDERED, That NS follow the detailed instructions as outlined in the ORDC letter of construction authorization. It is, further,

ORDERED, That NS notify staff at least five working days before the date work is scheduled to begin at the project sites so that arrangements can be made for inspections. It is, further,

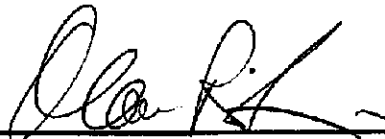
ORDERED, NS notify staff of any changes in the scope of work, cost overruns, materials, etc. which are not in the approved plans and estimates and secure approval before the work is performed. It is, further,

ORDERED, That NS 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 have been put in service and the crossings have been closed, staff will file a memorandum in this docket indicating that the installations are completed and have been put in service and the crossings have been closed. It is, further,

ORDERED, That copies of this entry be served upon the NS and its counsel, village of Rawson, ORDC, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

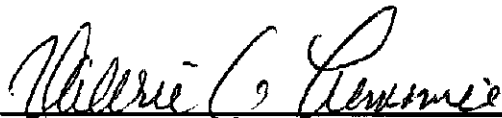


Alan R. Schriber, Chairman



Paul A. Centolella

Ronda Hartman Fergus



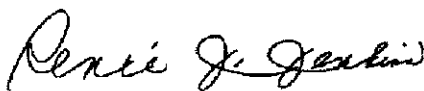
Valerie A. Lemmie

Donald L. Mason

KKS/vrm

Entered in the Journal

MAR 12 2008



Renee J. Jenkins
Secretary