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Public Utilities
Commission of Ohio

PUCO

Memo

To: Docketing Division
From: George Martin, Grade Crossing Planner, Rail Division *DSM*
Re: PUCO Case No. 07-374-RR-FED Request of CSX Transportation for an extension of time to complete a grade crossing project in Cuyahoga County, City of Brook Park
Date: May 20, 2008

By its Entry issued June 6, 2007 the Commission ordered CSX Transportation (CSX) to install active grade crossing warning devices at Hummel Road, DOT# 141-939H, City of Brook Park (City), Cuyahoga County on or before June 6, 2008. This crossing was selected and surveyed by staff on November 29, 2006 and was found to warrant an upgrade to flashing lights and roadway gates.

The project was tied into a grade separation at the adjacent crossing on Snow Road, DOT# 141-938B. At the time of the survey the City of Brook Park desired that the Hummel Road grade crossing be equipped with four quadrant gates, however the grade separation prohibited their use. It was determined that it would be necessary for the Hummel Road installation to be limited to a motion detection system, and would require that Snow Road be switched from DC track circuits to motion detection as well. It was also noted that due to the work that the City would have to do with the Snow Road grade separation that CSX was reluctant to commit to a one year order to complete the Hummel Road installation.

On May 15, 2008 CSX docketed in this case a request for an extension of time until October 15, 2008 to complete the Hummel Road project to "complete the contractual arrangements with ORDC and the City", and "order materials...expedite the arrival of a signal construction team". CSX argues that it understood that a construction order would not be issued in this case until ORDC informed CSX of the type of gates to be installed. Staff notes that in its authorization for this project, ORDC dismisses four-quadrant gates as impractical and that an order for the upgrade of the crossing to flashing lights and roadway gates may be issued.

CSX also contends that the complexity of the engineering required at the Hummel Road grade crossing warrants an extension of time to complete this project. In ongoing telephone conferences, the delay of CSX to submit the required engineering and estimate for this project was discussed at length. Staff was made aware long ago as October 16, 2007 that CSX would probably request an extension for this project. Due to the engineering complexity in addition to the Snow Road separation, staff felt that such a request would be warranted.

CSX further states that the June 6, 2007 Entry was mailed to an incorrect address for the intended recipient, Mr. Mel McNichols, and was also sent to an attorney who no longer works for CSX. Staff notes that a copy of the Entry was served upon the record CSX contact for service purposes. Should CSX want to change its official contact and mailing address for purposes of service, it should contact the Commission's Docketing Division.

Finally, CSX contends that it could not finalize the circuit design, prepare cost estimates or begin construction at the Hummel Road crossing until work was completed by the City of Brook Park at a highway underpass project adjacent to the crossing at issue.

Staff believes that the associated highway/underpass construction adjacent to the Hummel Road crossing delayed CSX from timely completing this project as ordered by the Commission. As such, staff recommends that the CSX request for an extension of time until October 15, 2008, to complete this project should be granted.

C: Legal Department

Please serve the following parties of record

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