

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
Wheeling and Lake Erie Railway and Norfolk)
and Southern Railway to Construct Active) Case No. 08-574-RR-FED
Grade Crossing Warning Devices in)
Crawford, Preble, and Montgomery Counties.)

ENTRY

The Commission finds:

- (1) On May 7, 2008, the Commission's railroad staff filed a memorandum stating that The Ohio Rail Development Commission (ORDC) authorized funding for the Wheeling and Lake Erie Railway (WE) and Norfolk and Southern Railway (NS) to construct active grade crossing warning devices at the following locations:

WE

Crawford County, Cranberry Township, Swabb Road/TR 42,
DOT# 001-940S

NS

Preble County, Somers Township, Swann Beatty Road/TR 208,
DOT# 525-174Y

Montgomery County, City of West Carrollton, Kimberly Road,
DOT# 524-642V

- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the projects.
- (3) WE and NS shall submit to the Commission and ORDC by August 26, 2008, site plans and cost estimates for the projects. Within seven days thereafter, WE and NS shall file letters in this docket advising that the site plans and costs 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, WE and NS are hereby authorized to acquire materials for the projects and to

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commence construction as detailed in the letters of construction authorization. WE and NS shall notify staff at least five working days before the date work is scheduled to begin at the locations of the projects so that arrangements can be made for inspections. In addition, WE and 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 issue no further construction authorization. Further, the construction of active warning devices at the grade crossings should be completed by May 28, 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, WE and NS should notify staff and ORDC 30 days before the projected dates of completion. At the time the Commission or ORDC staff makes its final inspections 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.
- (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 locations of the projects. 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 each local government agency, and obligate up to \$5,000 for each crossing 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 WE and NS submit to the Commission and ORDC site plans and cost estimates for the projects by August 26, 2008. It is, further,

ORDERED, That, by September 2, 2008, WE and NS file letters in this docket advising that they 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, WE and NS proceed with and complete the projects by May 28, 2009. It is, further,

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

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

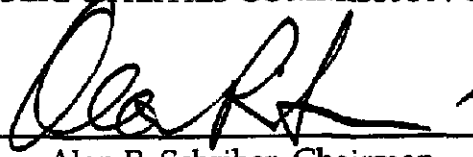
ORDERED, WE and NS notify staff of any changes in the scope of work, cost overruns, materials, etc. which are not in the approved plans and estimates and secure approval before the work is performed. It is, further,

ORDERED, That WE and NS notify the Commission and ORDC 30 days before the projected dates of completion. It is, further,

ORDERED, That, at the time staff or ORDC makes its final inspections and if it finds that the installations at the grade crossings 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 WE and its counsel, NS and its counsel, the Cranberry Township Trustees, the Somers Township Trustees, the City of West Carrollton, ORDC, and all interested persons of record.

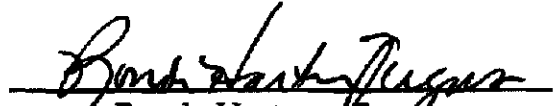
THE PUBLIC UTILITIES COMMISSION OF OHIO



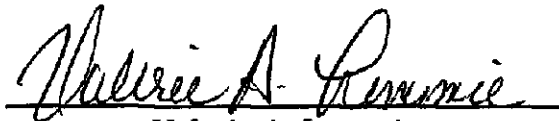
Alan R. Schriber, Chairman



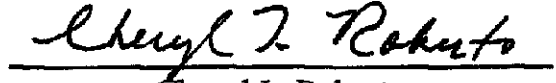
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

KKS/vrm

Entered in the Journal

MAY 28 2008Renee J. Jenkins
Secretary