

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of CSX)
Transportation, Inc. to Close the Lightner)
Street (228-813W) Public Grade Crossing,) Case No. 07-1028-RR-UNC
Located in the Village of Bradner, Wood)
County, Ohio.)

ENTRY

The Commission finds:

- (1) On September 18, 2007, CSX Transportation, Inc. (CSX) filed in this docket a petition to close the Lightner Street (228-813W) crossing in Bradner, Ohio to vehicular and pedestrian traffic.
- (2) On October 9, 2007, Commission staff docketed the report of its investigation in this matter, as required by Sections 4907.474 and 4907.475, Ohio Revised Code. In the report, staff noted the existence of two nearby crossings, located at Crocker Street (228-812P) and SR 281 (228-814D), as well as the daily number of highway vehicles and trains, train speed, and existing warning devices at all three crossings.
- (3) By Entry dated October 25, 2007, a public hearing was scheduled for December 5, 2007, in Bradner, Ohio.
- (4) By Entry dated November 27, 2007, the Commission granted the parties' request to continue the hearing.
- (5) Subsequently, the parties entered into negotiations that resulted in the execution a subsidy agreement on May 1, 2008. In the agreement, the parties stipulated that the crossing at Lightner Street will be permanently closed to vehicular and pedestrian traffic in exchange for surface and roadway improvements at the Crocker Street and SR 281 crossings.
- (6) On May 22, 2008, staff filed a memorandum requesting an entry instructing CSX to close the Lightner Street grade crossing to vehicular and pedestrian traffic. In the memorandum, staff noted that, based on Section I of the agreement, the Village of Bradner agreed to the closure; however, the parties stated that "...it is agreed that said

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permanent closure will not occur until after the work specified in Section II of the agreement has been completed" (roadway and surface improvements at the Crocker Street and SR 281 crossings). Staff urged that this work be completed as soon as possible, so that the crossing closure may be completed within one year of the Commission's entry. Further, upon notification of the closure by CSX, staff will close this case of record.

- (7) The Commission notes that, in the subsidy agreement, the parties agreed that the closure of the Lightner Street grade crossing will further the public safety without unreasonable inconvenience to the public and that vehicular traffic may be easily diverted to other nearby public grade crossings by improving the condition of those crossings.
- (8) The Commission finds that the subsidy agreement submitted in this case is reasonable. Therefore, the subsidy agreement should be approved and adopted in its entirety.

It is, therefore,

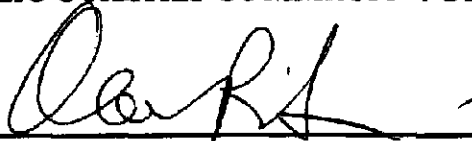
ORDERED, That the subsidy agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That CSX perform the work necessary to close the Lightner Street (228-813W) grade crossing to vehicular and pedestrian traffic within one year from the date of this entry, by June 4, 2009. It is, further,

ORDERED, That CSX complete the roadway and surface improvements at the Crocker Street (228-812P) and SR 281 (228-814D) crossings as soon as possible, so that closure of the Lightner Street crossing may be completed within the one-year schedule. It is, further,

ORDERED, That a copy of this entry be served on each party 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

JUN 04 2008



Renee J. Jenkins
Secretary