

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of CSX)
 Transportation, Indiana & Ohio Railway and)
 Norfolk Southern Railway to Install Active) Case No. 07-1169-RR-FED
 Grade Crossing Warning Devices in Five)
 Counties.)

ENTRY

The Commission finds:

- (1) By entry of November 20, 2007, the Commission, in part, ordered the Indiana & Ohio Railway (I&O) to install active warning devices at the Hulse Street grade crossing (151-936P), located in the village of Sabina, Clinton County and to complete the project by November 20, 2008. By entry of November 12, 2008, the Commission granted a request by I&O for an extension of time until February 2, 2009, to complete the project.
- (2) On December 3, 2008, staff filed a memorandum indicating that the Ohio Rail Development Commission (ORDC), by letter dated October 27, 2008, expanded the scope of the village of Sabina crossing project to include the grade crossing at State Route 79/N. Howard Street, (151-933U) in the village of Sabina. Staff recommends a construction deadline of February 2, 2009, for both the Hulse Street and N. Howard Street crossing projects.
- (3) On December 5, 2008, ORDC's letter of October 27, 2008, was filed. In its letter, ORDC approved the authorization for the State Route 79/N. Howard Street grade crossing improvement project.
- (4) I&O is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. I&O shall notify staff at least five working days before the date work is scheduled to begin at each project site so that arrangements can be made for inspection. In addition, I&O 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

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performed. The Commission will issue no further construction authorization. Further, the construction of active warning devices at the grade crossing should be completed by February 2, 2009.

- (5) 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, I&O 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 installation is completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installation is completed and the warning devices have been put in service.
- (6) 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 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 proceed with and complete the project by February 2, 2009. It is, further,

ORDERED, That I&O follow the detailed instructions as outlined in the ORDC letter of construction authorization. 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,

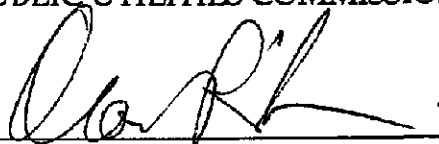
ORDERED, That I&O notify staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates and secure approval before the work is performed. It is, further,

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 installation at the grade crossing is completed and the warning devices have been put in service, staff will file a memorandum in this docket indicating that the installation is completed and the warning devices have been put in service. It is, further,

ORDERED, That copies of this entry be served upon the I&O and its counsel; Clinton County Engineer; mayor of Sabina; ORDC; and all interested persons of record.

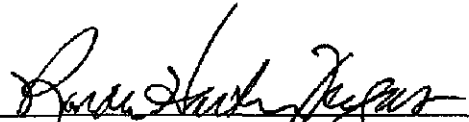
THE PUBLIC UTILITIES COMMISSION OF OHIO



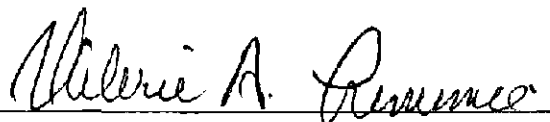
Alan R. Schriber, Chairman



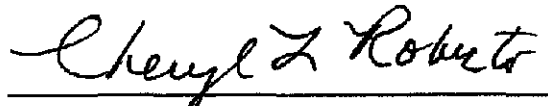
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

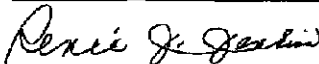


Cheryl L. Roberto

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DEC 17 2008



Renee J. Jenkins
Secretary