

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Indiana & Ohio Railway to Install an Active) Case No. 08-171-RR-FED
Grade Crossing Warning Device in)
Champaign County.)

ENTRY

The Commission finds:

- (1) On March 5, 2008, the Commission issued an entry directing the Indiana & Ohio Railway (I&O or railroad) to install active grade crossing devices at State Route 29 (DOT# 258-706N) near Rosewood in Champaign County, Ohio, by March 5, 2009.
- (2) By letter dated October 28, 2008, I&O requested an additional 110 days to complete the project due to the disqualification of National Signal Corporation as a qualified vendor, and delays in approvals by the Ohio Rail Development Commission (ORDC) of the project management team, and vendors GETS and Safetran Systems. On February 27, 2009, I&O filed a request for an additional 110 days to complete the project, due to delays in receipt of approvals.
- (3) On March 4, 2009, the Commission's railroad staff filed a memorandum stating that a revised plan had been requested by ORDC on November 11, 2008, but had not been received, and that ORDC would not support the request for an extension. On February 5 and 20, 2009, staff held telephone conferences with parties regarding the delays of this and other I&O projects. Staff reports that I&O is using a new billing, bidding, and engineering procedure which is to be evaluated by the Ohio Department of Transportation (ODOT) auditors at the completion of the current I&O projects, and at that time a determination will be made as to whether I&O, through its parent company, RailAmerica, may continue using this procedure. On February 20, 2009, I&O sent its request for an additional 110 days from the time that ORDC approves the revised engineering and estimate plan. Staff recommends that the request for extension be granted for 60 days, but that I&O be directed to provide an I&O or RailAmerica contact for all Ohio grade crossing projects.

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- (4) The Commission finds that the deadline for completion of this project should be extended by an additional 60 days. Accordingly, I&O should complete the project by May 5, 2009, or provide this Commission with a detailed explanation of any further delays and estimated completion schedule. Further, I&O is directed to provide the Commission's staff with a contact person for status information on all Ohio grade crossing projects.

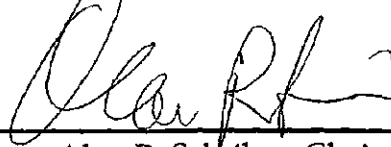
It is, therefore,

ORDERED, That a 60-day extension be granted, and that I&O complete this project by May 5, 2009. It is, further,

ORDERED, That I&O designate a contact person for status information on all Ohio grade crossing projects, and provide bi-weekly progress reports to staff. It is, further,

ORDERED, That copies of this entry be served upon I&O, ORDC, ODOT District 7 and all interested persons of record.

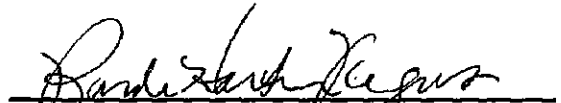
THE PUBLIC UTILITIES COMMISSION OF OHIO



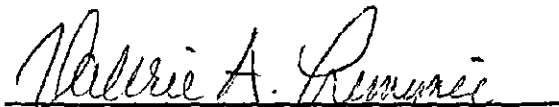
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

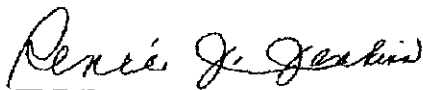


Cheryl L. Roberto

RMB;geb

Entered in the Journal

APR 08 2009



Renee J. Jenkins
Secretary