

THE PUBLIC UTILITIES COMMISSION OF OHIO

ENTRY

- (1) On April 15, 2009, the Commission's railroad staff filed a memorandum stating that the Commission had entered into an agreement with the Ohio Rail Development Commission (ORDC), CSX Transportation (CSX), and the city of Perrysburg (city) whereby three grade crossings will be closed and three grade crossings will be upgraded with flashing lights and roadway gates. The three grade crossings to be closed are located at Cherry Street (155-825L), Pine Street (155-824E), and Hickory Street (155-833D). The grade crossings to be upgraded with flashing lights and roadway gates are located at Locust Street (155-831P), Elm Street (155-830H), and Walnut Street (155-827A). Under the agreement, the closures shall not occur until the upgrades have been completed and will be closed within 60 days of the upgrades being placed in service.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for both projects.
- (3) CSX shall submit to the Commission and ORDC by July 28, 2009, site plans and cost estimates for the projects. Within seven days thereafter, CSX shall file a letter 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, CSX is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. CSX shall notify staff at least five working days before the date work is scheduled to begin at the project sites so that arrangements can be made for inspection. In addition, CSX 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 April 29, 2010.

- (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, CSX should notify staff and ORDC 30 days before the projected date 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 project locations. 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 CSX submit to the Commission and ORDC site plans and cost estimates for the projects by July 28, 2009. It is, further,

ORDERED, That, by August 4, 2009, CSX file a letter in this docket advising that it 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, CSX proceed with and complete the projects by April 29, 2010. It is, further,

ORDERED, That CSX follow the detailed instructions as outlined in the ORDC letter of construction authorization. It is, further,

ORDERED, That CSX notify staff at least five working days before the date work is scheduled to begin at the project sites so that arrangements can be made for inspections. It is, further,

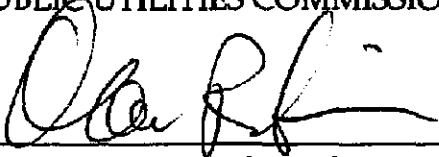
ORDERED, That CSX notify staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates and secure approval before the work is performed. It is, further,

ORDERED, That CSX 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 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 the CSX and its counsel; Mayor of Perrysburg, Ohio; ORDC; and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella

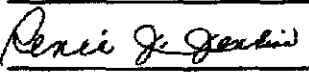

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Renee J. Jenkins
Secretary