

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of )  
Norfolk Southern Railway and Ashland ) Case No. 09-430-RR-FED  
Railway for a Consolidation Project in )  
Richland County. )

ENTRY

The Commission finds:

- (1) On May 21, 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), Norfolk Southern Railway (NS), Ashland Railway (ASRY), and Springfield Township (Township) whereby the Springmill North Road grade crossing (502-669K) would be closed to vehicular traffic and the Leppo Road grade crossings (502-668D) and (152-170N) would be upgraded to flashing lights and roadway gates. Pursuant to the agreement the closure of the Springmill North Road grade crossing will take place at the completion of the upgrades.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for both projects.
- (3) NS and ASRY shall submit to the Commission and ORDC by September 1, 2009, site plans and cost estimates for the projects. Within seven days thereafter, NS and ASRY 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, NS and ASRY are hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. NS and ASRY 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, NS and ASRY 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 June 3, 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, NS and ASRY 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 NS and ASRY submit to the Commission and ORDC site plans and cost estimates for the projects by September 1, 2009. It is, further,

ORDERED, That, by September 8, 2009, NS and ASRY 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, NS and ASRY proceed with and complete the projects by June 3, 2010. It is, further,

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

ORDERED, That NS and ASRY 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,

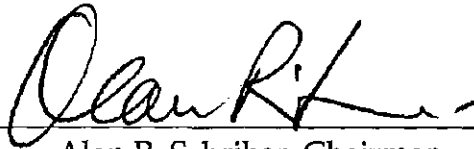
ORDERED, That NS and ASRY notify staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates and secure approval before the work is performed. It is, further,

ORDERED, That NS and ASRY 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 NS and ASRY and their counsel; ORDC; Richland County engineer, Springfield Township Trustees; and all interested persons of record.

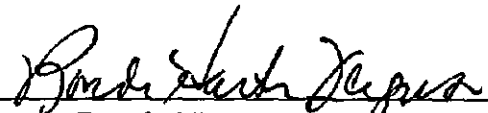
## THE PUBLIC UTILITIES COMMISSION OF OHIO



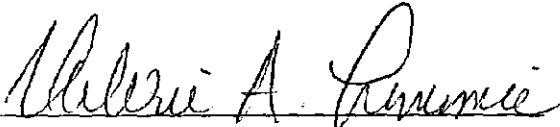
Alan R. Schriber, Chairman



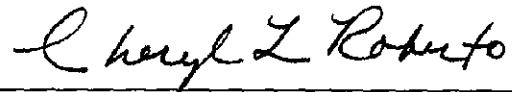
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

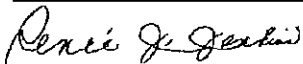


Cheryl L. Roberto

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Entered in the Journal

JUN 03 2009

Renee J. Jenkins  
Secretary