

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
Norfolk Southern Railway and Cleveland)
Commercial Railroad to Install an Active) Case No. 09-469-RR-FED
Grade Crossing Warning Devices in)
Cuyahoga County.)

ENTRY

The Commission finds:

- (1) On June 3, 2009, the Commission's staff filed a memorandum stating that the Ohio Railroad Development Commission (ORDC) has agreed to authorize Norfolk Southern Railway (NS) and Cleveland Commercial Railroad (CCRL) to install flashing light signals and roadway gates at the County Road 55/McCracken Road grade crossing (524-232N), located in the city of Garfield Heights, Cuyahoga County. Staff noted that NS operates two main line tracks at the crossing and CCRL operates a single main track approximately 100 feet east of NS.
- (2) Staff has recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for this project.
- (3) NS and CCRL should submit to the Commission and ORDC the site plans and cost estimates for the above project by September 15, 2009. Within seven days thereafter, NS and CCRL should each file a letter in this docket advising that the site plans and cost 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 CCRL are hereby authorized to acquire project materials and to commence construction as detailed in the letters of construction authorization. NS and CCRL shall each 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. In addition, NS and CCRL shall each 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, construction on these projects should be completed by June 17, 2010.

- (4) In order to expedite activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending a final inspection by staff. However, NS and CCRL should each 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 installation has been completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installation has been completed and the warning devices have been put in service.
- (5) With the intention of promoting increased public safety during the pendency of these projects, the Commission urges the appropriate local government agencies to make an immediate assessment of interim physical improvement which would enhance driver awareness at the project 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, Railroad 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 CCRL each submit to the Commission and ORDC site plans and cost estimates for the projects by September 15, 2009. It is, further,

ORDERED, That, by September 22, 2009, NS and CCRL each 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 NS and CCRL each 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 the inspection. It is, further,

ORDERED, That NS and CCRL each 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, following approval of site plans and cost estimates by ORDC, NS and CCRL proceed with and complete the project by June 17, 2010. It is, further,

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

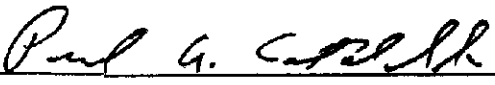
ORDERED, That NS and CCRL each notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

ORDERED, That, at the time staff or ORDC makes its final inspection and if it finds that the installation is completed and the warning devices have been put in service, staff file a memorandum in this docket indicating that the installation has been completed and the warning devices have been put in service. It is, further,

ORDERED, That copies of this entry be served upon NS and CCRL and their counsel; mayor of Garfield Heights; ORDC; and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman


Paul A. Centolella

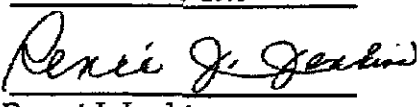

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SEF:ct

Entered in the Journal

JUN 17 2009

Renee J. Jenkins
Secretary