

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the American Recovery )  
and Reinvestment Act of 2009 - Chicago, )  
Ft. Wayne & Eastern Railroad Corridor ) Case No. 09-530-RR-FED  
Project in the City of Delphos, Allen and )  
Van Wert Counties. )

ENTRY

The Commission finds:

- (1) On June 25, 2009, the Commission's railroad staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) has encumbered funding provided by the American Recovery and Reinvestment Act of 2009 (ARRA) to install new mast mounted flashing lights, and roadway gates at the following grade crossings in the city of Delphos: S. Pierce St. (532-743U), S. Franklin St. (532-744B), and State Route 66/S. Main St. (532-745H) located in Allen County; and Bredeick St. (532-749K), State Route 697/Ohio St. (532-750E), Clay St. (532-748D), and Jefferson St. (532-747W), located in Van Wert County.

Staff stated that the crossings are operated by Chicago, Ft. Wayne & Eastern Railroad (CFER).

- (2) In its memorandum, staff stated that these projects are actual cost, that ARRA reimbursable costs shall not exceed \$778,600, and that any costs exceeding the ARRA funding shall be reimbursed from ORDC's safety funding up to \$2,000,000. Staff also notes that due to the complexity of the projects in this corridor, and the additional reporting requirements, that there be an 18-month completion date for these projects. In addition, staff requested that the following language be included in the entry ordering the crossing upgrades:

ARRA FUNDED PROJECT

Funding for this contract has been provided through the ARRA, and is subject to the reporting and operational requirements of ARRA. Each contractor, including the railroad and both prime

and subcontractors, are subject to audit by federal or state authorities. Failure to comply with the terms herein may result in cancellation, termination, or suspension of the contract, in whole or in part.

- (3) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of 18 months for the project.
- (4) CFER shall submit to the Commission and ORDC by October 6, 2009, site plans and cost estimates for the projects. Within seven days thereafter, CFER 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, unless otherwise directed, CFER is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization and in accordance with the requirements of the ARRA. CFER shall notify staff at least five working days before the date work is scheduled to begin at these projects so that arrangements can be made for inspections. In addition, CFER 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 January 8, 2011.
- (5) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending final inspections by staff. However, CFER 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.
- (6) With the intention of promoting increased public safety during the pendency of the project, the Commission urges the appropriate local government agency 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 for these projects. 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 at the project location. However, the local government agency should not initiate any improvements until a contract has been executed.

It is, therefore,

ORDERED, That CFER submit to the Commission and ORDC site plans and cost estimates for the projects by October 6, 2009. It is, further,

ORDERED, That, by October 13, 2009, CFER 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, CFER proceed with and complete the projects by January 8, 2011. It is, further,

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

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

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

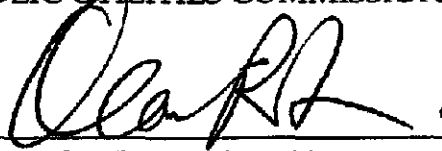
ORDERED, That CFER notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

ORDERED, That, at the time staff or ORDC makes its final inspections 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 all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Cheryl L. Roberto

Valerie A. Lemmie

SEF:ct

Entered in the Journal

 JUN 08 2009



Renee J. Jenkins  
Secretary