

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of CSX)
Transportation, Indiana & Ohio Railway and)
Norfolk Southern Railway to Install Active) Case No. 07-1169-RR-FED
Grade Crossing Warning Devices in Five)
Counties.)

ENTRY

The Commission finds:

- (1) By finding and order of November 20, 2007, the Commission ordered, in part, CSX Transportation (CSX) to complete a grade crossing improvement project located at Union Street in the city of Troy, Miami County (155-181L). The finding and order directed CSX to complete the project by November 20, 2008.
- (2) By entry of November 19, 2008, the Commission granted an extension of time until August 4, 2009, to complete the project. This extension request was granted as a result of a modification to the roadway grade crossing configuration to include raised medians for the installation of warning devices.
- (3) On July 13, 2009, CSX filed a second request for an extension of time until February 4, 2010, to complete the project. CSX indicated that, due to numerous outstanding issues with the project, including insufficient roadway plans from the city of Troy for median work, determining responsibility for the widening of the crossing surface, and determining the phasing to complete the project, representatives of CSX, the Commission, Ohio Rail Development Commission, and the city of Troy met and agreed to a plan of action to complete the project. According to CSX, the parties have now agreed that the project will be completed in four phases. The first phase will be the widening of the existing crossing surface and will be completed by CSX no later than August 28, 2009. The second phase will be the installation of medians and will be completed by the city of Troy no later than October 30, 2009. The third phase will be the installation of warning devices in the medians and will be completed by CSX no later than December 31, 2009. The last phase will be filling in the medians with concrete and

painting proper roadway striping and will be completed by the city of Troy no later than February 4, 2010.

- (4) On July 16, 2009, staff filed a memorandum recommending approval of the request, noting that CSX has communicated with staff on all issues involved with this project in a timely manner.
- (5) The Commission finds that CSX's request for an extension of time should be approved. Accordingly, CSX should complete the project by February 4, 2010.

It is, therefore,

ORDERED, That CSX's request for an extension of time be granted. It is, further,

ORDERED, That CSX complete the project by February 4, 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 site 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 installation at the grade crossing is completed and the warning devices have been put in service, staff will file a memorandum in this docket indicating that the installation is completed and the warning devices have been put in service. It is, further,

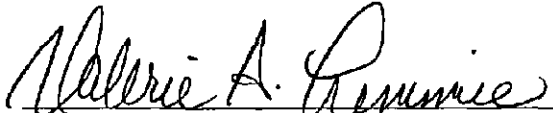
ORDERED, That copies of this entry be served upon all other parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

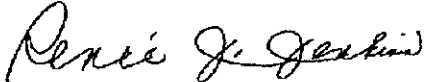

Valerie A. Lemmie

Cheryl L. Roberto

SEF:ct

Entered in the Journal

JUL 29 2009


Renee J. Jenkins
Secretary