

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the CSX Transportation)
National Gateway Project, Ohio Corridor,) Case No. 09-626-RR-FED
North Baltimore Intermodal Facility, Wood)
County.)

ENTRY

The Commission finds:

- (1) On July 24, 2009, the Commission's railroad staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) and CSX Transportation (CSX) executed a letter agreement whereby the state of Ohio committed \$5 million toward a *multi-state, state-of-the-art* rail corridor linking ports on the east coast with the midwest. Staff notes that the letter agreement, in part, encompasses an intermodal terminal to be built on the CSX line in Wood County, just outside the village of North Baltimore. The projects involved in this agreement include: the closure of grade crossings located at Township Road 44/Potter Road (142-281D), Township Road 45/Wingston Road (142-280W), and Township Road 135/Hough Road (142-277N); grade separation at the County Road 46/Liberty Hi Road (142-278V) grade crossing; and the installation of LED flashing lights and roadway gates at the grade crossings located at Mitchell Street (142-275A), South Second Street (142-272E), State Route 18/Main Street (142-271X), Tarr Street (142-270R), Township Road 43/Range Line Road (142-282K), and State Route 235/Main Street (142-285F).
- (2) Staff indicated that these projects have been fast tracked and CSX has submitted plans and estimates for the project. Staff also noted that ORDC has approved the plans and estimates and authorized construction which CSX began on July 17, 2009. Staff recommended a construction deadline of one year for the projects but noted that, due to the complexity of the projects, if the need for an extension of time arises, CSX may follow the Commission procedures for such requests.
- (3) 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 inspections. 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 installation of warning devices, grade separation, and closure of grade crossings should be completed by August 12, 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, and the applicable grade crossings are closed, staff should file a memorandum in this docket indicating that the installations are completed and the warning devices have been put in service and the applicable grade crossings are closed.
- (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 proceed with and complete the projects by August 12, 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, and the applicable grade crossings are closed, staff will file a memorandum in this docket indicating that the installations are completed and the warning devices have been put in service, and the applicable grade crossings are closed. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

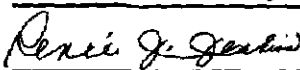

Valerie A. Lemmie


Cheryl L. Roberto

SEF:ct

Entered in the Journal

AUG 12 2009


Renee J. Jenkins
Secretary