

FILE

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2009 SEP -9 AM 11:07

Public Utilities
Commission of Ohio

PUCO

Memo

To: Docketing Division
From: George Martin, Grade Crossing Planner, Rail Division
Re: PUCO Case No. 09-530-RR-FED American Recovery and Reinvestment Act of 2009 (ARRA) Project- Chicago, Ft. Wayne & Eastern Railroad Corridor Project in the City of Delphos, Allen and Van Wert Counties
Date: September 9, 2009

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By its Entry dated July 9, 2008, the Commission order that the Chicago, Ft. Wayne & Eastern Railroad (CFE) upgrade a total of seven grade crossings in the City of Delphos, Allen and Van Wert Counties, on or before January 8, 2011. The Entry instructed CFE to submit plans and estimates for the grade crossing improvement projects to both the Commission and the Ohio Rail Development Commission (ORDC) by October 6, 2009.

On September 2, 2009 staff was copied on correspondence from ORDC to CFE (attached), requesting that CFE "move forward with the solicitation of bids" for the projects, and "Upon receipt of the bids for the project...submit the entire bid package to the ORDC for review and acceptance...Upon acceptance...CFER may authorize the contractor to proceed with the construction...". The correspondence also states that a pre-bid meeting will be held by ORDC and CFE and at least three vendors to ensure uniform bid packages. The meeting is to take place "as soon as possible." Staff notes that based upon this correspondence the railroad will not be able to comply with the Commission deadline for plans and estimates for the projects.

The ORDC correspondence further requests that CFE "add the installation of flashing lights and roadway gates at Canal Street, DOT# 532-746P,...as the community was unsuccessful in adopting a resolution for the closure of the crossing."

Staff notes that the Commission has generally not enforced the provisions of Section 4905.54, Revised Code, with respect to the submission of plans and estimates provided that the project(s) has been completed in a timely manner.

Staff requests an Entry to add the CFE crossing at Canal Street, City of Delphos, Van Wert County, DOT# 532-746P to the case.

C:Legal Department

Please serve the following parties of record

Ms Susan Kirkland

Ohio Rail Development Commission

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Columbus, Oh 43215

Mr Brad Ovitt, Midwest Regional Vice President

RailAmerica Operations Support Group

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Oxford, Oh 45056

Mr Biff Konrad

Chicago, Ft. Wayne & Eastern Railway

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Mr Terry Frank

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Honorable Michael H Gallmeier, Mayor

608 N Canal St

Delphos, Oh 45833



Ohio Rail Development Commission

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September 2, 2009

Mr. Brad Ovitt
Midwest Regional Vice President
RailAmerica / Chicago Fort Wayne & Eastern Railroad
3510 Indian Creek Road
Oxford, OH 45056

Re: Grade Crossing Safety Improvement Projects
Allen and Van Wert Counties, City of Delphos Safety Corridor

Dear Mr. Ovitt:

The Ohio Rail Development Commission (ORDC) has secured American Recovery and Reinvestment Act of 2009 (ARRA) funding for the above mini-corridor. We request that the Chicago Fort Wayne & Eastern Railroad (CFER) move forward with solicitation of bids for the grade crossing improvements outlined in the Letter Agreement between ORDC and CFER dated May 8, 2009. Please add the installation of flashing lights and roadway gates at Canal Street (US DOT no. 532 746P) to the bid package, as the community was unsuccessful in adopting a resolution for the closure of the crossing. Please follow the guidelines listed below:

1. Begin the bid process by submitting to ORDC the bid package, before contacting any contractors, in order to allow ORDC to ensure compliance with ARRA and other applicable federal and state laws.
2. Select a date for a pre-bid meeting to take place at as soon as possible informing and contacting by letter no less than three (3) vendors of the pre-bid informational meeting and presentation. The ORDC and CFER will conduct the meeting to ensure uniform bid packages and will facilitate the discussion of specific aspects of the project with all affected parties.
3. In order to comply with the ARRA, instruct all vendors to come prepared with no less than three (3) copies of any documents they bring to the pre-bid meeting.
4. After the pre-bid meeting, vendors shall have one (1) calendar week to return to CFER their completed bids.

Upon receipt of the bids for the project, the CFER will need to submit the entire bid package to the ORDC for review and acceptance. The bid package shall contain a summary of the solicitation process, copies of all bids, bid documents and other related materials, and a recommendation from the CFER for preferred contractor. The preferred contractor shall be the low bidder or shall have a specific, defensible rationale for why a contractor other than low bidder was selected.

Upon acceptance of the bid package by the ORDC, the CFER may authorize the contractor to proceed with the construction of the grade crossing safety improvements in accordance with the bid and the provisions set forth in Agreement No. 00037-C dated August 27, 2004, entered into by the State of Ohio and the Central Railroad

Company of Indianapolis dba Chicago, Fort Wayne & Eastern, including modifications in the letter agreement dated May 8, 2009 and all applicable ARRA and federal laws and regulations.

If you have any questions about this project, please feel free to contact me at telephone number (614) 728-5426, or mobile telephone number (614) 374-9298. Also, our Stimulus Coordinator, Tom Burns, will be involved with the project, and will be ensuring compliance with all ARRA provisions and regulations. He will be able to answer any questions about the ARRA and address any concerns about how the ARRA provisions may affect this project. He may be contacted at telephone number (614) 644-0293, or via email at Thomas.burns@dot.state.oh.us.

Thank you for your assistance with these matters.

Respectfully,

Tod J. Darfus

c: Dave Murphy, General Manager, CFER
Docketing Division, PUCO
ORDC - S. Kirkland, M. McClory, T. Darfus, T. Burns