

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Chicago, Ft. Wayne & Eastern Railroad,)
Norfolk Southern Railway, and CSX) Case No. 09-841-RR-FED
Transportation to Install Active Grade)
Crossing Warning Devices in Allen, Perry,)
and Wood Counties.)

ENTRY

The Commission finds:

- (1) On September 22, 2009, the Commission's railroad staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) has authorized funding for the installation of flashing lights and roadway gates by Chicago, Ft. Wayne & Eastern Railroad (CFE) at the County Road 50/Defiance Trail grade crossing (532-738X) in Allen County; by Norfolk Southern Railway (NS) at the Adams Street grade crossing (513-424A) in Perry County; and by CSX Transportation (CSX) at the Township Road 36/W. Millgrove Road grade crossing (228-800V) in Wood County.
- (2) Staff indicated that these grade crossings were surveyed between July 22 and July 29, 2009, due to their hazard ranking and were determined to warrant the installation of lights and gates. Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the projects.
- (3) Upon review, CFE, NS, and CSX shall submit to the Commission and ORDC by December 29, 2009, site plans and cost estimates for the projects. Within seven days thereafter, CFE, NS, and CSX shall each file a notice 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, CFE, NS, and CSX are hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. CFE, NS, and CSX 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, CFE, NS, and CSX shall timely 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.

- (4) Within 120 days of the issuance of this entry, CFE, NS, and CSX shall each file in the docket notice that it has initiated discussions with the applicable public utility to ensure that electric service will be available to enable the grade crossing improvements to be constructed and placed in service within the deadline specified by the Commission. Such filing shall identify the steps CFE, NS, and CSX have taken with the applicable public utility, government entity, and local highway authority to have electric service available during the construction and cut-in phases of the projects. CFE, NS, and CSX shall each serve a copy of the notice upon the public utility. To ensure that the deadline is met, CFE, NS, and CSX shall timely inform the Commission, in writing, of any issues regarding the availability of electric service.
- (5) The Commission will issue no further construction authorization. Further, the construction of active warning devices at the grade crossings should be completed by September 30, 2010.
- (6) 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, NS and W&LE 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.
- (7) 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 CFE, NS, and CSX each submit to the Commission and ORDC site plans and cost estimates for the projects by December 29, 2009. It is, further,

ORDERED, That by January 5, 2010, CFE, NS, and CSX each file a notice in this docket advising that it has submitted site plans and cost estimates to the Commission and ORDC. It is, further,

ORDERED, That by January 28, 2010, CFE, NS, and CSX each file a notice that it has initiated with the applicable public utility the process to ensure that electric service will be available at the involved grade crossings as set forth in finding 4. It is, further,

ORDERED, That CFE, NS, and CSX follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the projects by September 30, 2010. It is, further,

ORDERED, That CFE, NS, and CSX 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, That CFE, NS, and CSX timely 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 CFE, NS, and 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 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 CFE, NS, CSX, Xorail, ORDC, Allen County Engineer, Mayor of Corning, Perry Townships Trustees, American Electric Power, North Central Electric Cooperative, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman

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SEF:ct

Entered in the Journal

SEP 30 2008

Renee J. Jenkins

Renee J. Jenkins
Secretary