



INDIANA & OHIO RAILROAD

497 Circle Freeway Drive, Suite 230
Cincinnati, OH 45246

October 1, 2009

Subject: PUCO Case No. 09-68-RR-FED
ORDC Encumbrance Number: 571600
IORY# TBA
SWE# VEM09-22899
SR 42 (West Main Street) - Railroad Crossing DOT# 525235M
Mason, (Warren), OH

Mr. George Martin
PUCO Rail Division
Ohio Department of Transportation
50 West Broad Street, Suite 1510
Columbus, Ohio 43215

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PUCO

Dear Mr. Martin:

I am writing you concerning the Public Utilities Commission of Ohio, Case No. 09-68-RR-FED, and authorization of the Indiana & Ohio Railway to install an Active Grade Crossing Warning Devices at the below designated locations as ordered.

1. (IORY) - West Main Street - Warren County - DOT# 525235M - PUCO No. 09-68-RR-FED - ORDC Enc. No. 571600
(ORDC Construction Authorization filed: June 1, 2009, PUCO Ordered Due Date: February 4, 2010)
2. (IORY) - CR 79 (Thackery Road) - Champaign County - DOT# 258740V - PUCO No. 09-68-RR-FED- ORDC Enc. No. 571599
(ORDC Construction Authorization filed: June 1, 2009, PUCO Ordered Due Date: February 4, 2010)

The PUCO Order for the subject crossings requires the above listed projects to be in-service by February 2, 2010. The ORDC provided Construction Authorization filed June 1, 2009.

The IORY is formally requesting SUSPENSION OF THE PUCO ORDER for these projects due to the pending approval acceptance by the ORDC of the Engineering Processes and Subcontracted Vendor selection.

RailAmerica, on behalf of the IORY, CIND, & CF&E Railroads provided the ORDC a formal submittal of the Engineering Processes and Subcontracted Vendor selection to be utilized on 03-10-2009 for review and approval. As of this date the ORDC has provided no comments, responses, or formal acceptance of the process or the Subcontract Vendors.

The ORDC has notified IORY, CIND, & CF&E that until the Engineering Process and Vendor approval is accepted by the ORDC, any work completed by those Vendors may not be reimbursable cost to the Railroad.

The IORY, CIND, & CF&E Railroads do not have Engineering and Construction staff to perform his work internally, and have always utilized Subcontract Vendors. Therefore, the mandate by ORDC that Subcontractor cost may not be reimbursable prevents the IORY, CIND, & CF&E being able to progress these and additional PUCO Ordered projects further.

Therefore, the projects listed above are requested to be suspended until the formal approval stated above is received by the ORDC in order for these projects to progress to completion.

Should you need to further discuss this matter or have any questions or comments, I can be reached at (904) 538-6057.

Sincerely,

Charles A. Stone
General Director Engineering

Cc: Mr. J.L. Schonder (RA)
Ms. C. Stout (ORDC)
Mr. T. Perkins (ORDC)
Mr. M. Travis (ORDC)
Mr. T. Frank (XRL)

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