

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the       )  
Columbus & Ohio River Railroad to Install    )  
Active Grade Crossing Warning Devices in       )  
Tuscarawas County.                                )

Case No. 09-867-RR-FED

ENTRY

The Commission finds:

- (1) On September 28, 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 Columbus & Ohio River Railroad (CUOH) at the County Road 37/Pleasant Valley Road grade crossing (510-745W), located in Union Township, Tuscarawas County.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the project.
- (3) Upon review, CUOH shall submit to the Commission and ORDC by January 5, 2010, site plans and cost estimates for the projects. Within seven days thereafter, CUOH shall 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, CUOH is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. CUOH 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, CUOH 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, CUOH shall 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 CUOH has 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. CUOH shall serve a copy of the notice upon the public utility. To ensure that the deadline is met, CUOH 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 October 7, 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 inspection by staff. However, CUOH should notify staff and ORDC 30 days before the projected date of completion. At the time the Commission or ORDC staff makes its final inspection of the devices and if it finds that the identified installation is completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installation is 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 crossing. 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 CUOH submit to the Commission and ORDC site plans and cost estimates for the projects by January 5, 2010. It is, further,

ORDERED, That, by January 12, 2010, CUOH 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 February 4, 2010, CUOH 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 CUOH follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the project by October 7, 2010. It is, further,

ORDERED, That CUOH 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,

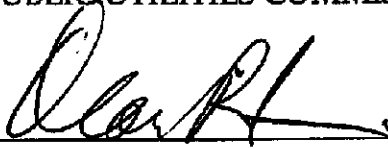
ORDERED, That CUOH timely notify staff of any changes in the scope of work, cost overruns, materials, etc. which are not in the approved plans and estimate, and shall secure approval before the work is performed. It is, further,

ORDERED, That CUOH 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 CUOH, ORDC, Ohio Central System, Tuscarawas County Engineer, American Electric Power, and any other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

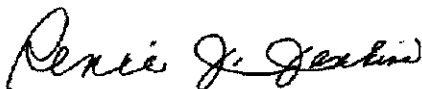


Cheryl L. Roberto

SEF:ct

Entered in the Journal

OCT 07 2009



Renee J. Jenkins  
Secretary