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FILE

Public Utilities Commission of Ohio

PUCO

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RECEIVED-DOCKETING DIV

Memo

To: Docketing Division

From: George Martin, Grade Crossing Planner, Rail Division *GM*

Re: In the matter of the authorization of Norfolk Southern Railway to upgrade the active grade crossing warning devices at Summit County, City of Macedonia, Twinsburg Rd, DOT# 503-033D

Date: February 18, 2010

The Ohio Rail Development Commission (ORDC) has authorized funding for Norfolk Southern Railway (NS) to install new flashing lights, roadway gates, and upgrade the existing circuitry at the Twinsburg Rd grade crossing, DOT# 503-033D. The funding is being provided through the American Recovery and Reinvestment Act of 2009 (ARRA).

The project shall not exceed \$168,323 for construction and related costs. The City of Macedonia will pay for the preliminary engineering costs, and any cost above the \$168,323 of ARRA funding shall be borne by the City.

Staff requests an Entry with plans and estimates to be submitted to the Commission and ORDC within 90 days and completion within one year. Upon approval of the plans and estimates by ORDC construction may commence. A suggested case coding and heading would be:

PUCO Case number 10- 203 -RR-FED In the matter of the authorization of Norfolk Southern Railway to upgrade the active grade crossing warning devices at Summit County, City of Macedonia, Twinsburg Rd, DOT# 503-033D

C: Legal Department

Please serve the following parties of record.

Ms Susan Kirkland

Ohio Rail Development Commission

1980 W Broad St, 2nd Floor

Columbus, Oh 43223

Mr Rick Ray

Norfolk Southern Railway

1200 Peachtree St NE, Box 123

Atlanta, Ga 30309

Mayor Donald Kuchta

9691 Valleyview Rd

Macedonia, Oh 44056

Ohio Edison

76 S Main St

Akron, Oh 44308-1817

**OHIO RAIL DEVELOPMENT COMMISSION
INTER-OFFICE COMMUNICATION**

TO: Leah Thomas-Dalton, Chief, Rail Division, PUCO

FROM: Susan Kirkland, Manager, Safety Section, ORDC

SUBJECT: American Recovery and Reinvestment Act of 2009 (ARRA) Project
Grade Crossing Warning Device Projects
Summit County, City of Macedonia, Twinsburg Road, DOT # 503033D

DATE: February 12, 2010

The Ohio Rail Development Commission (ORDC) has identified the above mentioned grade crossing to receive upgraded flashing light signals, roadway gates and circuitry through funding provided by the American Recovery and Reinvestment Act of 2009 (ARRA). The ORDC has secured ARRA funding for the project under the following terms and conditions:

This project shall be completed by NS in compliance with Agreement No. 2851 dated September 15, 1975, entered into by the State of Ohio and the Norfolk and Western Railway Company to cover the general terms and conditions to be satisfied in the implementation of the State of Ohio Grade Crossing Warning Program, including but not limited to Title 1 of Chapter 23 of the United States Code.

The ARRA reimbursable costs shall not exceed \$168,323 for construction and related activities. Preliminary engineering costs are not ARRA reimbursable costs and will be borne 100% by the City. Any costs above and beyond the \$168,323 of ARRA funding provided for construction shall be reimbursed to NS by the City at 100% of costs incurred.

For the purpose of this project the ORDC has assumed the ARRA reporting requirements for Federal reimbursement. Boilerplate ARRA language is not desired in the PUCO Order for the warning device improvements.

The ORDC conducted a formal diagnostic plan review at the project site on April 21, 2009; PUCO was represented at the review. In addition, PUCO received an electronic copy of the NS's proposed engineering on March 27, 2009.

Please issue the standard 12-month PUCO Order to NS for the project. For informational purposes, a copy of the letter agreement with NS is attached to this memo.

Lastly, as with all ORDC authorizations, this construction authorization is made with the stipulation and understanding that any field work needs prior approval before the work begins.

This authorization is made with the stipulation and understanding that an approved estimate may contain entries for items or activities that may be cited and found to be ineligible for federal participation during the project audit.

Thank you for your assistance with these matters,

c: Mr. William Harris, Resident Vice President, Government Relations
 Mr. Rick Ray, Manager, Grade Crossings, Norfolk Southern
 Mr. Don Kuchta, Mayor, City of Macedonia
 Mr. Greg McNeil, Project Chairman
 Ms. Heather L. McColeman, PE, ODOT Tiger Team
 M. Forte, Project Manager, ORDC (project files)
 T. Burns, Stimulus Coordinator, ORDC

Attachment (1)



Ohio Rail Development Commission

50 West Broad Street, Suite 1510, Columbus, Ohio 43215
614-644-0306 (telephone) • 614-728-4520 (fax) • www.dot.state.oh.us/ohiorail

May 18, 2009

Mr. William Harris, Resident Vice President, Government Relations
Norfolk Southern Corporation
8000 Ravine's Edge Court, Suite 300-B
Columbus, OH 43235

Mayor Don Kuchta
City of Macedonia
9691 Valley View Road
Macedonia, OH 44056

Re: Grade Crossing Safety Project for Quiet Zone Initiative
Summit County, City of Macedonia, Twinsburg Road, AAR DOT# 503 033D

Dear Sirs:

The Ohio Rail Development Commission ("ORDC") will be administering funds for the City of Macedonia ("the City") for a grade crossing safety project to install state-of-the-art warning devices at Twinsburg Road (the "project") through funding provided by the American Recovery and Reinvestment Act of 2009 (ARRA).

ARRA FUNDED PROJECT

Funding for this contract has been provided through the ARRA, and is subject to the reporting and operational requirements of ARRA. Each contractor, including the railroad and both prime and subcontractors, are subject to audit by federal or state authorities. Failure to comply with the terms herein may result in cancellation, termination or suspension of the contract, in whole or in part.

The attachment to this Letter Agreement further explains the requirements of the ARRA that Norfolk Southern Corporation (NS) as a Grantee must follow. In addition, the ARRA has strict timing requirements in order to keep funds available – **PLEASE RESPOND TO THIS LETTER WITHIN 14 DAYS OF RECEIPT TO SECURE ARRA FUNDING.**

This project shall be completed by NS in compliance with Agreement No. 2851 dated September 15, 1975, entered into by the State of Ohio and the Norfolk and Western Railway Company to cover the general terms and conditions to be satisfied in the implementation of the State of Ohio Grade Crossing Warning Program, including but not limited to Title 1 of Chapter 23 of the United States Code.

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The ARRA reimbursable costs shall not exceed \$168,323 for construction and related activities. Preliminary engineering costs are not ARRA reimbursable costs and will be borne 100% by the City. Any costs above and beyond the \$168,323 of ARRA funding provided for construction shall be reimbursed to NS by the City at 100% of costs incurred.

Please indicate your acceptance of the terms and conditions of this Letter Agreement by signing and returning one (1) copy to Susan J. Kirkland, Manager, Safety Programs, ORDC.

Sincerely,

Matthew R. Dietrich
Executive Director

ACKNOWLEDGED AND ACCEPTED BY:

Norfolk Southern Corporation:

By _____

Print Name _____

Title _____

Date _____

City of Macedonia:

By 

Print Name Dan KUCHTA

Title MAYOR

Date 5/28/2009