

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Youngstown & Austintown Railroad and)
the Wheeling & Lake Erie Railway to Install) Case No. 10-945-RR-FED
Active Grade Crossing Warning Devices in)
Mahoning and Stark Counties.)

ENTRY

The Commission finds:

- (1) On July 8, 2010, the Commission's railroad staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) had authorized funding for the Youngstown & Austintown Railroad (YARR) to install mast-mounted flashing lights and cantilevered flashing lights at the Meridian Road grade crossing (262-368A), in the city of Youngstown, Mahoning County; and the Wheeling & Lake Eire Railway (WE) to install mast-mounted flashing lights and roadway gates at the Belden Avenue Southeast/Township Road 294 grade crossing (474-543A) in the city of Canton, Stark County.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the projects.
- (3) Upon review, YARR and WE shall submit to the Commission and ORDC by October 27, 2010, site plans and cost estimates for the projects. Within seven days thereafter, YARR and WE 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, YARR and WE are hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. YARR and WE shall notify staff at least five working days before the date work is scheduled to begin at the projects so that arrangements can be made for inspections. In addition, YARR and WE 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, YARR and WE shall each file in the docket notice that it has initiated discussions with American Electric Power (AEP) 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 YARR and WE have taken with AEP, government entities, and the local highway authority to have electric service available during the construction and cut-in phases of the projects. YARR and WE shall serve a copy of the notice upon AEP. To ensure that the deadline is met, YARR and WE 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 grade crossing improvements should be completed by July 29, 2011.
- (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, YARR and WE 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 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 the 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 YARR and WE submit to the Commission and ORDC site plans and cost estimates for the projects by October 27, 2010. It is, further,

ORDERED, That, by November 3, 2010, YARR and WE 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 November 26, 2010, YARR and WE each file a notice that it has initiated with AEP 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 YARR and WE follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the projects by July 29, 2011. It is, further,

ORDERED, That YARR and WE notify staff at least five working days before the date work is scheduled to begin at the project sites so that arrangements can be made for inspections. It is, further,

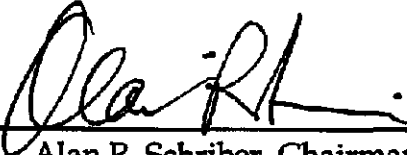
ORDERED, That YARR and WE timely notify staff of any changes in the scope of work, cost overruns, materials, etc. which are not in the approved plans and estimate, and shall secure approval before the work is performed. It is, further,

ORDERED, That YARR and WE 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 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 YARR, WE, ORDC, city of Canton Engineer, city of Youngstown Engineer, AEP, and any other interested person of record.

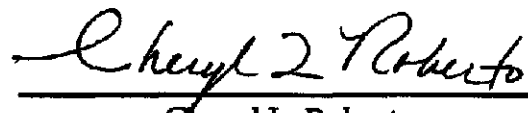
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Valerie A. Lemmie

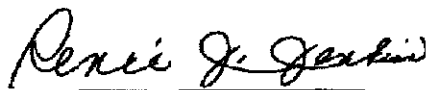

Steven D. Lesser


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SEF/sc

Entered in the Journal

JUL 29 2010


Renee J. Jenkins

Renee J. Jenkins
Secretary