

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Norfolk Southern Railway to Install Active) Case No. 11-863-RR-FED
Grade Crossing Warning Devices in Ottawa)
County.)

ENTRY

The Commission finds:

- (1) On February 16, 2011, the Commission staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) had authorized funding for Norfolk Southern Railway (NS) to install mast-mounted flashing lights and roadway gates at Ottawa County, near Oak Harbor, Benton-Carroll Road/County Road 23 (473769H).
- (2) Staff recommended authorization for preliminary engineering within 90 days and a completion within one year.
- (3) Upon review, NS shall submit to the Commission and ORDC by May 31, 2011, site plans and cost estimates for the project. Within seven days thereafter, NS 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, NS is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. NS shall notify staff at least five working days before the date work is scheduled to begin at the project so that arrangements can be made for inspections. In addition, NS 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, NS shall file in the docket notice that it has initiated discussions with

Toledo Edison Company (TE) 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 NS has taken with TE, the government entity, and the local highway authority to have electric service available during the construction and cut-in phases of the project. NS shall serve a copy of the notice upon TE. To ensure that the deadline is met, NS 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 improvement project should be completed by March 2, 2012.
- (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, NS 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 the project. 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 NS submit to the Commission and ORDC site plans and cost estimates for the project by May 31, 2011. It is, further,

ORDERED, That, by June 7, 2011, NS 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 June 30, 2011, NS file a notice that it has initiated with TE the process to ensure that electric service will be available at the involved grade crossing as set forth in finding 4. It is, further,

ORDERED, That NS follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the project by March 2, 2012. It is, further,

ORDERED, That NS notify staff at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for inspection. It is, further,

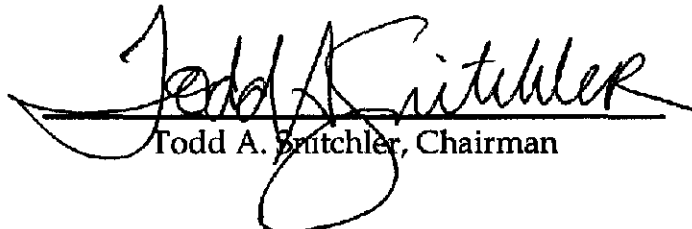
ORDERED, That NS timely notify staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates, and shall secure approval before the work is performed. It is, further,

ORDERED, That NS 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 NS, ORDC, TE, the Ottawa County Engineer, and any other interested person of record.

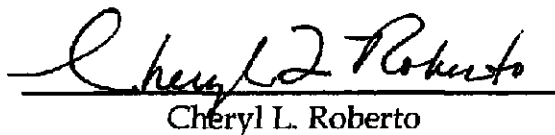
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Brutchler, Chairman

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Entered in the Journal

MAR 02 2011



Renee J. Jenkins

Secretary