

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Adoption of a)
Subsidy Agreement for the Closure of a) Case No. 12-3154-RR-FED
Grade Crossing in Williams County.)

FINDING AND ORDER

The Commission finds:

- (1) Pursuant to Section 4905.04, Revised Code, the Commission has jurisdiction to supervise and regulate railroads and to promote the welfare and safety of railroad employees and the traveling public.
- (2) Pursuant to Section 4907.474, Revised Code, the Commission has authority to order closure of public grade crossings to pedestrian and vehicular traffic within governmental limits.
- (3) Rule 4901-1-30, Ohio Administrative Code, provides that any two or more parties to a proceeding may enter into a written or oral stipulation concerning the issues presented in such proceeding.
- (4) On December 6, 2012, the Commission Staff (Staff) filed a memorandum stating that it had entered into a subsidy agreement with the Ohio Rail Development Commission (ORDC), St. Joseph Township (Township), and Norfolk Southern Railway (NS), whereby a grade crossing would be closed. Under the agreement, the Township Road 6C grade crossing (509-561A), located in St. Joseph Township, Williams County, will be permanently closed to pedestrian and vehicular traffic within 60 days and NS and ORDC will compensate the Township. Under the subsidy agreement, the Township will install guardrails on each side of the tracks and remove the advance warning signs and pavement markings from the crossing, and NS will remove all

pavement from the crossing area within the railroad right-of-way and remove all existing warning devices from the crossing.

- (5) Upon review, the Commission finds that the subsidy agreement is reasonable and should be approved. Accordingly, NS and the Township are hereby authorized to begin the closure of the above crossing in accordance with the subsidy agreement. Further, the project should be completed by March 11, 2013.
- (6) NS should notify Staff and ORDC upon the closure of the crossing. At the time the Commission or ORDC makes its final inspection and finds that the crossing is closed in accordance with the subsidy agreement, Staff should file a memorandum in this docket indicating that the crossing is closed.

It is, therefore,

ORDERED, That the subsidy agreement is approved and adopted. It is, further,

ORDERED, That NS and the Township follow the terms of the subsidy agreement and proceed with and close the crossing by March 11, 2013. It is, further,

ORDERED, That NS notify Staff and ORDC when the crossing is closed. It is, further,


ORDERED, That, when Staff or ORDC makes its final inspection and finds that the crossing is closed in accordance with the subsidy agreement, Staff will file a memorandum in this docket indicating that the crossing is closed. It is, further,

ORDERED, That copies of this finding and order be served upon NS, ORDC, St. Joseph Township Trustees, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



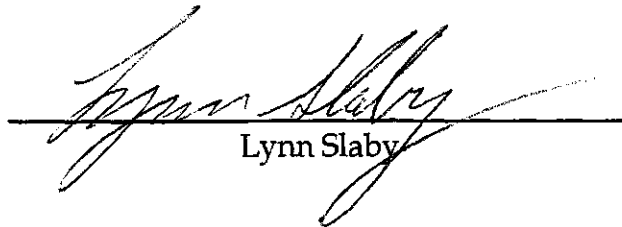
Todd A. Snitchler, Chairman



Steven D. Lesser




Andre T. Porter



Lynn Slaby

SEF/sc

Entered in the Journal
JAN 09 2013



Barcy F. McNeal
Secretary