

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of )  
Indiana & Ohio Railway and Columbus & )  
Ohio River Railroad to Install Active ) Case No. 13-1762-RR-FED  
Grade Crossing Warning Devices in )  
Fayette and Licking Counties. )

FINDING AND ORDER

The Commission finds:

- (1) On August 7, 2013, Commission Staff (Staff) filed a memorandum stating that the Ohio Rail Development Commission (ORDC) had authorized funding for the Indiana & Ohio Railway (I&O) to install mast-mounted flashing lights and roadway gates at the Millikan Avenue grade crossing (153-761V), in the city of Washington Courthouse, Fayette County; and authorized funding for the Columbus & Ohio River Railroad (CUOH) to install mast-mounted flashing lights and roadway gates at the grade crossings located at Union Station Road/County Road 135 (151-804E) and Canyon Road/Township Road 137 (151-803X), in Union Township, Licking County. Staff recommended that the Commission establish a completion deadline of nine months for the railroads to complete the projects.
- (2) Upon review, I&O and CUOH are hereby authorized to acquire project materials and to commence construction as detailed in the letters of construction authorization. It is expected that all work necessary for Federal Highway Administration acceptance of the warning devices will be completed by the in-service due date and that the railroads will be responsible for this work. Such work includes any ancillary work to make the warning devices function as designed and visible to the roadway user and in compliance with the Manual of Uniform Traffic Control Devices, including minor roadway work if necessary. W&LE 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 any inspection. In addition, W&LE shall timely notify Staff of any changes in the scope of

work, cost overruns, materials, etc., which are not in the approved plan in order to estimate and secure approval before the work is performed.

- (3) Within 30 days of the issuance of this finding and order, I&O and CUOH shall each file a notice that they have initiated discussions with Dayton Power and Light Company (DP&L) and American Electric Power (AEP), or any other applicable 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 I&O and CUOH have taken with DP&L, AEP, any other electric utility, and the local highway authority to have electric service available during the construction and cut-in phases of the project. I&O and CUOH shall each serve a copy of the notice upon DP&L and AEP, or any other applicable utility. To ensure that the deadline is met, I&O and CUOH shall timely inform the Commission in writing of any issues regarding the availability of electric service.
- (4) The Commission will issue no further construction authorization. Further, the grade crossing improvement project should be completed by June 11, 2014.
- (5) 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, I&O and CUOH should notify Staff and ORDC 30 days before the projected date of completion. At the time Staff or ORDC makes its final inspection of the devices and 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 that the warning devices have been put in service.
- (6) 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 locations. However, the local government agency should not initiate any improvements until a contract has been executed.

It is, therefore,

ORDERED, That, by October 11, 2013, I&O and CUOH each file a notice that they have initiated with DP&L, AEP, or any applicable utility, the process to ensure that electric service will be available at the involved grade crossings as set forth in finding 3. It is, further,

ORDERED, That I&O and CUOH follow the detailed instructions as outlined in the ORDC letters of construction authorization and proceed with and complete the projects by June 11, 2014. It is, further,

ORDERED, That I&O and CUOH 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 any inspection. It is, further,

ORDERED, That I&O and CUOH 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 I&O and 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 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 finding and order be served upon I&O, CUOH, ORDC, DP&L, AEP, deputy service director of Washington Court House, Union Township Trustees, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Todd A. Snitchler, Chairman

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Steven D. Lesser

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M. Beth Trombold

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Lynn Slaby

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Asim Z. Haque

SEF/sc

Entered in the Journal  
**SEP 11 2013**

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Barcy F. McNeal

Barcy F. McNeal  
Secretary