

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Consolidation Project    )  
with Norfolk Southern Railway in the City    )   Case No. 13-1906-RR-FED  
of Middletown, Butler 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 September 5, 2013, the Commission Staff (Staff) filed a memorandum stating that it had entered into a subsidy agreement with the Ohio Rail Development Commission (ORDC), the city of Middletown (City), and Norfolk Southern Railway (NS), whereby the Grand Avenue grade crossing (524-680W) will be permanently closed to pedestrian and vehicular traffic and new surfaces would be installed at the grade crossings located at Central Avenue (524-677N) and Verity Parkway (525-342C), in the city of Middletown, Butler County.
- (5) Upon review, the Commission finds that the subsidy agreement is reasonable and should be approved. Accordingly, NS and the City are hereby authorized to begin the closure of the above crossing and improvement of the grade crossing surfaces in accordance with the subsidy agreement. Further, all work on the project should be completed by September 18, 2014.

- (6) NS should notify Staff and ORDC upon the completion of the project. At the time the Commission or ORDC makes its final inspection and finds that the grade crossing surfaces are completed and the crossing is closed in accordance with the subsidy agreement, Staff should file a memorandum in this docket indicating that the project is completed.

It is, therefore,

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

ORDERED, That NS and the City complete the project by September 18, 2014. It is, further,

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

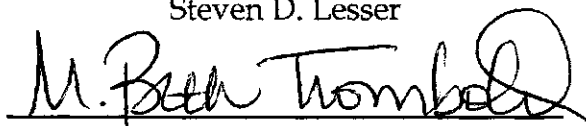
ORDERED, That, when Staff or ORDC makes its final inspection and finds that the project is completed in accordance with the subsidy agreement, Staff will file a memorandum in this docket indicating that the project is completed. It is, further,

ORDERED, That copies of this finding and order be served upon NS, ORDC, City Manager of Middletown, and any other interested person of record.

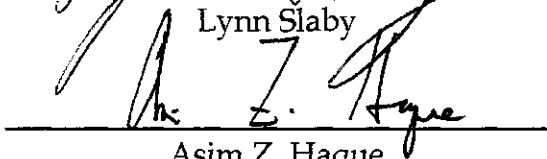
THE PUBLIC UTILITIES COMMISSION OF OHIO

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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 18 2013**

  
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Barcy F. McNeal  
Secretary