

FILE

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Public Utilities
Commission of Ohio

PUCO

Memo

To: Docketing Division
From: George Martin, Grade Crossing Planner, Rail Division
Re: PUCO Case No. 12-3061-RR-FED, US Rail Corp., Jackson County
Date: December 10, 2013

On January 18, 2012, Commission staff along with staff from the Ohio Rail Development Commission (ORDC), US Rail Corp. (USRO) and the City of Wellston conducted a diagnostic survey of the Eleventh Street grade crossing, DOT# 151446X, to determine if the existing grade crossing warning devices were sufficient. The hazard rank of the crossing at that time was 175, with one accident occurring at the crossing on May 27, 2009. The diagnostic review team recommended the installation of flashing lights and roadway gates.

By its Entry, dated December 12, 2012, the Commission ordered that USRO install flashing lights and roadway gates at the crossing on or before December 12, 2013. The Commission further ordered that by March 12, 2013, USRO submit site plans and cost estimates to the Commission and ORDC; that by March 19, 2013, USRO file a notice in the docket advising that it had submitted the plans and estimates; that by April 11, 2013, USRO file a notice in the docket advising that it had initiated the process to ensure that electric service would be available at the crossing; and that USRO would notify staff five days prior to beginning work at the crossing.

As of this date, none of the Commissions orders in this case have met.

USRO notified staff via email (attached) on February 19, 2013, that it was ending service on the line, did not own the line, and was losing a great deal of money operating over the line. Via email (attached) on March 26, 2013, staff advised USRO of the procedure to follow in order for the Commission to consider rescinding its order.

As of this date, USRO has made no filings in this case.

C: Legal Department

Parties of record

Martin, George

From: Jeff Luttermoser <jll@usrailcorp.com>
Sent: Tuesday, February 19, 2013 4:01 PM
To: Martin, George
Subject: RE: P&E due, Eleventh St

George I have been out of the office I will call Wednesday morning to update you.

US Rail Corporation does not own the railroad we only operate it for the city of Jackson. This property is only handling 6 to 10 cars a week and has been at that level for some time now and is losing a great deal of money every month, the president of the railroad has sent notice to the city that we ending service on that division and pulling out all equipment.

I will be in the office Wednesday morning to contact you.

Jeffrey Luttermoser
General Manager of Transportation
US Rail Corporation
Office # 419 720 7588
Cell # 567 395 7272



From: Martin, George [<mailto:George.Martin@puc.state.oh.us>]
Sent: Tuesday, February 19, 2013 3:47 PM
To: cs@usrailcorp.com; Marion W Hall (mwh@usrailcorp.com); 'Jeff Luttermoser' (jll@usrailcorp.com)
Subject: FW: P&E due, Eleventh St

Gentlemen,

Still haven't heard back from anyone on the Eleventh St project in Jackson County, nor have I heard anything on the USRO bridge reports for 2012.

From: cs@usrailcorp.com [<mailto:cs@usrailcorp.com>]
Sent: Tuesday, February 12, 2013 2:41 PM
To: Martin, George
Subject: Re: P&E due, Eleventh St

Ok I will call fri will be back in the toledo office then
Sent from my Verizon Wireless BlackBerry

From: "Martin, George" <George.Martin@puc.state.oh.us>
Date: Tue, 12 Feb 2013 19:39:41 +0000
To: 'cs@usrailcorp.com' <cs@usrailcorp.com>
Subject: RE: P&E due, Eleventh St

I'm going to be out on Wednesday, but will be here all day on Thursday and Friday.

From: cs@usrailcorp.com [<mailto:cs@usrailcorp.com>]
Sent: Tuesday, February 12, 2013 2:36 PM
To: Martin, George
Subject: Re: P&E due, Eleventh St

Mr martin I am on the road today an will be on a locomotive all day wednesday I will try an give you a call
wednesday before I start my shift
Sent from my Verizon Wireless BlackBerry

From: "Martin, George" <George.Martin@puc.state.oh.us>
Date: Tue, 12 Feb 2013 17:15:57 +0000
To: 'cs@usrailcorp.com' <cs@usrailcorp.com>
Cc: Stout, Catherine (Catherine.Stout@dot.state.oh.us) <Catherine.Stout@dot.state.oh.us>; 'Jeff Luttermoser' (jll@usrailcorp.com) <jll@usrailcorp.com>
Subject: FW: P&E due, Eleventh St

From: Martin, George
Sent: Tuesday, February 12, 2013 12:15 PM
To: Marion W Hall (mwh@usrailcorp.com); 'Jeff Luttermoser' (jll@usrailcorp.com)
Cc: Stout, Catherine (Catherine.Stout@dot.state.oh.us)
Subject: P&E due, Eleventh St

Mr. Hall,

This is just to advise that the plan and estimate for Eleventh St, DOT# 151446X, City of Wellston, Jackson County, is due tomorrow. Additionally, USRO needs to file in this docket (Case No, 12-3061-RR-FED) by April 11, 2013, notice that it has initiated contact with the electric utility provider for commercial power to be available at the crossing. Please submit the plan and estimate ASAP to myself, and to Catherine stout with the Ohio Rail Development Commission.

Additionally, I am still awaiting the bridge inspection reports for USRO for 2012.

Thank you,

George Martin
Grade Crossing Planner
PUCO Rail Division
614-752-9107
george.martin@puc.state.oh.us

Martin, George

From: Martin, George
Sent: Tuesday, March 26, 2013 3:02 PM
To: 'Jeff Luttermoser'
Cc: Marion W Hall (mwh@usrailcorp.com)
Subject: RE: wellston

Jeff,

If US Rail wants the Commission to rescind its order dated December 12, 2012, in Case no. 12-3061-RR-FED, the it must file a request in the docket stating the reason(s). The Commission may ask for comments from the other parties, i.e., the City of Wellston, the Ohio Rail Development Commission, etc. Further Entries in the docket would schedule a hearing on the request.

It is important to note that this is not a request of US Rail being made by Commission staff, but an explanation of the procedure US Rail needs to follow if it does not intend to complete the project as ordered. It is also important to note that not filing anything and not completing the project could result in civil forfeitures of up to \$1,000 per day (Ohio Revised Code Title 49, Section 4905.54).

George Martin
Grade Crossing Planner
PUCO Rail Division
614-752-9107

From: Jeff Luttermoser [mailto:jll@usrailcorp.com]
Sent: Tuesday, March 26, 2013 2:22 PM
To: Martin, George
Subject: wellston

Mr. Martin last time we spoke you instructed me to have a letter drafted asking for a stay order on the wellston flasher upgrade. (12-3061-RR-fed)
My boss has instructed me to contact you and would like this request put in writing to U S Rail.

Thanks

Jeffrey Luttermoser
General Manager of Transportation
U S Rail Corporation
Office # 419 720 7588
Cell # 567 395 7272