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FAX

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13-2269-RR-UNC

Dickie McCamey

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NAME: Docketing Department DATE: October 31, 2014

COMPANY: Public Utilities Commission of Ohio PHONE NO.: 614-466-4095

FAX NO.: 614-466-0313 RE: In the Matter of the Investigation of The Windham Road Grade Crossing (141-752M), in the City of Newton Falls, Trumbull County Case No. 13-2269-RR-UNC

FILE NO.: 0055786 FROM: Forrest A. Norman, Esq.

CLIENT NO.: 0344227 TOTAL NUMBER OF PAGES (including cover sheet): 7

Message: Attached for facsimile filing please find Status Report. The original and one copy of the Status Report is also being submitted via UPS overnight delivery to the Public Utilities Commission of Ohio.

Submitted by:
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 Counsel for CSX Transportation, Inc.

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PLEASE CONTACT: Forrest A. Norman PHONE NO.: 216.685.1827 FAX NO.: 888.811.7144

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DICKIE, McCAMEY & CHILCOTE, A PROFESSIONAL CORPORATION | ATTORNEYS AT LAW

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October 31, 2014

Docketing Division (Via UPS Overnight Delivery)
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

RE: In the Matter of the Investigation of
The Windham Road Grade Crossing
(141-752M), in the City of Newton Falls
Trumbull County, Ohio
Case No. 13-2269-RR-UNC

To Whom It May Concern:

Enclosed please find the original and one copy of a Status Report for filing with regard to the above-captioned matter. Please note that on October 31, 2014, a facsimile filing of this document was submitted to the Docketing Division of the Public Utilities Commission of Ohio.

Sincerely,

A handwritten signature in black ink, appearing to be "Forrest A. Norman", written over a horizontal line.

Forrest A. Norman

ctag
Enclosures

File No. 0055786.0344227

BEFORE**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Investigation of)	
The Windham Road Grade Crossing)	CASE NO. 13-2269-RR-UNC
(141-752M), in the City of Newton Falls,)	
Trumbull County)	STATUS REPORT

STATUS REPORT

In order to provide the Commission with a complete record, CSX submits this Status Report and Notice of Actions Taken to document CSX's actions in response to the proceedings, to date.

Per Commission Entry dated April 2, 2014, the Commission directed that the parties proceed as proposed, and jointly report to the Commission by September 30, 2014, with a Notice and Final Agreement. In lieu of a joint statement, CSX seeks leave to file this Notice *sua sponte*, and *instantly*, for the good of the proceedings, and proposes the Interim Agreement become final, and the matter be dismissed.

By prior agreement of the parties, CSX was to implement certain physical modifications to the barrier systems at the crossing, place signage as appropriate, and monitor for six months. This has occurred. During the six month test period, the City of Newton Falls agreed to report any incidences of concern to CSX per an agreed upon notification protocol. (See Proposed Entry of Interim Agreement, dated March 20, 2014).

NOTICE OF ACTIONS TAKEN

Please Take Notice:

1. In accordance with the Interim Agreement CSX placed two sets of concrete barricades on the north side of the tracks, staggered in an offset manner. The barricade closest to the public roadway is a "double jersey barrier." The second staggered barricade is a single "jersey barrier," placed as agreed upon in the Interim Agreement. (See photograph, Exhibit A).

2. New prominent signage has been placed on the barricades as follows:

- Two (2) high visibility yellow and black 90° turn arrows have been placed on the front jersey barrier. (See Exhibit A).
- Two (2) "Road Closed" signs have been placed; one on the front jersey barrier, the second on the permanent metal gate, (set behind the second barrier; elevated and visible from the roadway. (See Exhibit A).

3. A permanent barrier has been placed along the south side of the tracks, with additional signage stating "Road Closed" and "Do Not Enter." (See photograph, Exhibit B).

4. The permanent fence with gate lock remains in place along the north side of the tracks.

Since implementation of the interim proposal CSX has received no reports of incidences of concern from the City of Newton Falls in accordance with the e-mail protocol set forth in Exhibit A to the Proposed Entry of March 20, 2014. Further, CSX has observed no safety incidences with the public at this crossing, and has received no complaints from the general public, by any means, (e.g. by the telephone phone "Tell CSX" line, by e-mail, or regular mail).¹

The arrangement of barricades as per the Interim Agreement has, in CSX's assessment, accomplished the primary goal of enhancing safety by clearly alerting re-directing traffic with signage, and placing physical and visual barricades to access, while maintaining operational access for CSX. To the best of CSX's knowledge, no member of the public has inadvertently

¹ In the parties joint telephone conference in September, Newton Falls stated that on one occasion the back gate on the north side was left open, and one time the second barrier was out of place, although neither incident involved a member of the public or evidenced misdirected traffic or unsafe access to the railroad tracks having occurred.

accessed or traversed the closed right of way, nor inappropriately or mistakenly entered the apron area along the north side of the tracks. Likewise, CSX is unaware of any improper or mistaken access along the south side of the tracks.

Furthermore, the interim modification plan has successfully provided for adequate operational access for CSX crews and equipment at the Windham Road site, a significant consideration given otherwise limited and restrictive access points in the vicinity. The particular site provides unique access to a spur track off the main line tracks which allows for the safe transfer of crew members, access to maintenance control points, and other operational advantages not present at other crossings in the area, and therefore the staggered barrier and gate system provides safe barriers and signage for the public while preserving safe rail access for crews.

By this filing CSX proposes that the Interim Agreement become final following the submission of the Staff Memorandum as to findings and recommendations.

Respectfully submitted,

CSX TRANSPORTATION, INC.

By: 

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Counsel for CSX Transportation, Inc.

CERTIFICATE OF SERVICE

The foregoing Status Report has been served upon the following this 31st day of October,

2014:

William Wright
Section Chief
Ohio Attorney General's Office
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215

A. Joseph Fritz
Law Director
City of Newton Falls
19 North Canal Street
Newton Falls, Ohio 44444



FORREST A. NORMAN (0059389)
Counsel for CSX Transportation, Inc.

EXHIBIT A

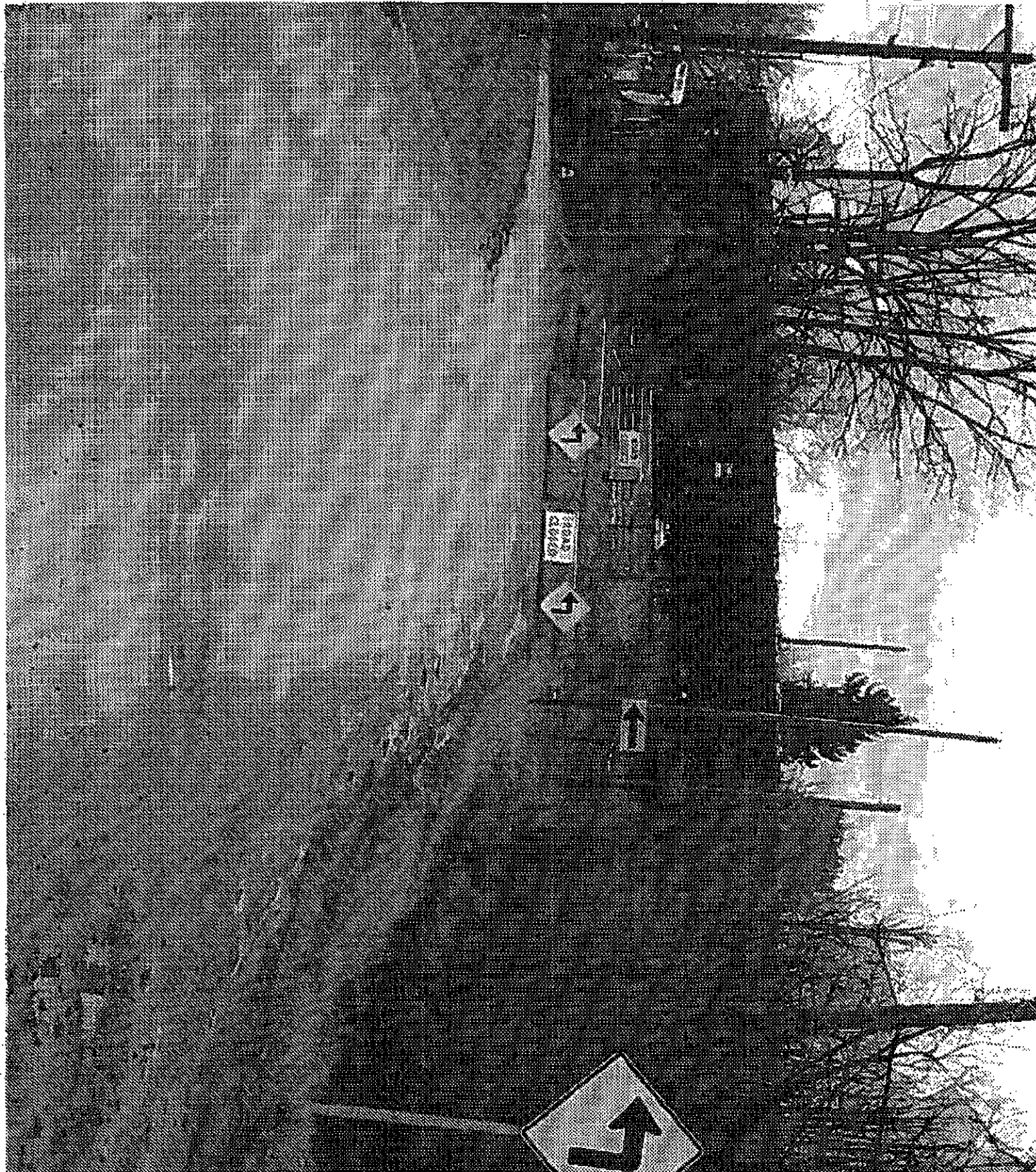


EXHIBIT B

