

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
US Rail Corporation to Install Active) Case No. 12-3061-RR-FED
Grade Crossing Warning Devices in)
Jackson County.)

ENTRY

The attorney examiner finds:

- (1) On August 5, 2005, US Rail Corporation (US Rail) entered into an agreement with the Commission (August 5, 2005 Agreement) governing the terms and conditions of grade crossing improvement projects, including the responsibilities of US Rail for each project. Specifically, the agreement provides that, in the event that delays or difficulties arise in securing necessary approvals, then the agreement would become null and void and the Commission could serve formal notice of cancellation of the agreement upon US Rail.
- (2) On December 12, 2012, the Commission ordered US Rail to upgrade by December 12, 2013, the Eleventh Street grade crossing (151446X), located in the city of Wellston, Jackson County. The upgrade would involve replacement of the existing standard crossbucks with mast-mounted flashing lights and roadway gates. This project was selected, in part, due to a traffic accident that occurred, which resulted in damage to a vehicle, but no injuries. The December 12, 2012 Finding and Order directed US Rail to file for approval site plans and cost estimates for the project by March 12, 2013, as well as give notice in advance of the commencement of work, notice of any changes to the project, and insure utility access was available.
- (3) On December 10, 2013, Staff filed a memorandum indicating that US Rail had failed to submit for approval site plans and cost estimates for the project and had made no filings in this case regarding the project. Staff noted that US Rail advised Staff via an electronic mail 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.
- (4) On December 11, 2013, Staff filed photographs of an investigation that it conducted at the crossing that day, which

revealed that no work of any kind had been done at the crossing.

- (5) On November 12, 2014, Staff filed a memorandum stating that, to date, none of the directives in the December 12, 2012 Finding and Order have been met, no site plans or cost estimates had been submitted for approval, and no funds have been advanced to US Rail. In addition, Staff noted that it has learned that US Rail is not operating any trains in the state and owns no tracks in Ohio. According to Staff, the city of Jackson has leased the tracks at the crossing and the associated operating rights to the Indiana Eastern Railroad dba Ohio South Central Railroad and its current operations at the crossing are less than one train per day, operating at a maximum speed of 10 miles per hour, due to poor track conditions. Staff submits that the Eleventh Street grade crossing currently has a hazard ranking of 5,629 out of 6,000 public grade crossings. Staff explains that, due to low train volume and speed, coupled with the high safety ranking that indicates a low probability of a train/vehicle collision, Staff recommends that the Commission close this case.
- (6) Based on the findings of Staff, the attorney examiner recommends the Commission give notice to US Rail that, the August 5, 2005 Agreement has become null and void and the Eleventh Street grade crossing project (151446X) is cancelled.
- (7) The city of Wellston and any other interested person shall be given the opportunity to file comments in this matter. All such comments should be filed no later than November 28, 2014.

It is, therefore,

ORDERED, That any comments be filed by November 28, 2014. It is, further,

ORDERED, That copies of this Entry be served upon US Rail, ORDC, city of Wellston service director, AEP, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Scott E. Farkas

By: Scott E. Farkas
Attorney Examiner

JRJ/dah

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in

Case No(s). 12-3061-RR-FED

Summary: Attorney Examiner Entry that any comments regarding this Entry be filed by November 28, 2014; electronically filed by Debra Hight on behalf of Scott E. Farkas, Attorney Examiner.