

FILE

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PUCO

**Public Utilities
Commission of Ohio**

Memo

To: Docketing Division
From: George Martin, Grade Crossing Planner, Rail Division
Re: In the matter of the authorization of the Norfolk Southern Railway CJ Corridor project in Butler County
Date: June 29, 2016



The Ohio Rail Development Commission (ORDC), Norfolk Southern Railway (NS), and Commission staff entered into a Subsidy Agreement, No.13595, dated October 13, 2005, and subsequent renewals, in order to govern the improvement of various at-grade rail crossings on NS's CJ Line. ORDC has now authorized funding for the installation of flashing lights and roadway gates at the following locations:

Butler County, City of Middletown

First Ave, DOT# 524678V, mast-mounted flashing lights and roadway gates with traffic preemption, approved cost \$391,402.00

Central Ave, DOT# 524677N, mast-mounted flashing lights and roadway gates with 1 cantilevered light and traffic preemption, approved cost \$389,166.00

Woodlawn Ave, DOT# 524679C, mast-mounted flashing lights and roadway gates with 1 cantilevered light and traffic preemption, approved cost \$501,107.00

Manchester Ave, DOT# 524676G, mast-mounted flashing lights and roadway gates with traffic preemption, approved cost \$381,587.00

Oxford State Rd, DOT# 524684Y, mast-mounted flashing lights and roadway gates, approved cost \$291,101.00

These crossings were surveyed on October 4, 2011, with the exception of Woodlawn Ave, which was surveyed on December 16, 2015. The electric utility provider is Duke Energy.

The projects will be paid for with federal funds, and are actual cost. As the plans and estimates for the projects have been submitted and approved, staff requests a Finding & Order with **completion due in fifteen months. The reasoning for the extended length of time is based upon the fact that there are multiple crossing locations which will need to be cut-in at the same time, and the fact that the City has responsibility for the preemption part of the project.** Construction may commence at once. Staff requests that the following language be incorporated in the Entry:

It is expected that all work necessary for FHWA acceptance of the warning devices will be completed by the in-service due date and that the railroad will be responsible for this work. This work includes, but is not limited to:

Any ancillary work to make the warning devices function as designed and visible to the roadway user, and

MUTCD compliance, including minor roadway work if necessary.

A suggested case coding and heading would be:

PUCO Case No. 16- **1497** -RR-FED In the matter of the authorization of the Norfolk Southern
Railway CJ Corridor project in Butler County

C: Legal Department

Please serve the following parties of record

Ms Cathy Stout
Ohio Rail Development Commission
1980 West Broad St, Mailstop #3140
Columbus, Oh 43223

Mr D Casey Talbot
Eastman & Smith
One SeaGate, 24th Floor
PO Box 10032
Toledo, Oh 43699-0032

Mr Stephen Klinger
Norfolk Southern Railway
1200 Peachtree St NE, Box 123
Atlanta, Ga 30309-0036

Duke Energy

Mr Douglas Atkins
City Manager
One Donham Plaza
Middletown, Oh 45402

**OHIO RAIL DEVELOPMENT COMMISSION
INTER-OFFICE COMMUNICATION**

TO: Randall Schumacher, Supervisor, Rail Division, PUCO

FROM: Cathy Stout, Manager, Safety Section, ORDC *Cathy Stout*

SUBJECT: Butler County, Middletown, NS CJ Corridor, PID 93566
SR 122-7.57, First Ave 524678V —
Oxford State Rd, 524684Y —
Woodlawn Ave, 524679C —
Central Ave 524677N —
Manchester Ave 524676G —

DATE: June 28, 2016

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The Ohio Rail Development Commission (ORDC) established a diagnostic survey at the subject location on October 11, 2011. The Public Utilities Commission of Ohio (PUCO) attended the review. The Diagnostic Team recommended the improvement of warning devices to flashing lights and roadway gates with traffic signal preemption at four locations. Copies of the diagnostic review form and the plan and estimate are attached.

PE has already been provided by the railroad. ORDC approves the site plans and estimates as provided. Please issue a construction-only order for the project outlined above. This authorization is made with the stipulation and understanding that an approved estimate may contain entries for items or activities that may be cited and found to be ineligible for federal participation during the project audit.

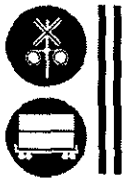
It is expected that all work necessary for FHWA acceptance of the warning devices will be completed by the in-service due date and that the railroad will be responsible for this work. This work includes, but is not limited to:

- any ancillary work to make warning devices function as designed and visible to the roadway user, and
- MUTCD compliance – including minor roadway work if necessary.
- SR 122/First Avenue, Woodlawn Avenue, Central Avenue and Manchester Avenue will be interconnected with nearby traffic signals. It is noted that the traffic signal improvements have been completed by the City under a separate agreement between the City of Middletown and ORDC.

Thank you for your assistance with these matters.

Attachments: Diagnostic Reviews
Plan & Estimates

c: George Martin, PUCO
ORDC Project Manager (file)



OHIO RAIL DEVELOPMENT COMMISSION

Mail Stop #3140, 1980 West Broad Street, Columbus OH 43223
John R. Kasich, Governor • Mark Policinski, ORDC Chairman

June 28, 2016

Mr. Stephen Klinger
Norfolk Southern Corporation
Highway Crossing Signal Engineer
1200 Peachtree Street, N.E.
C&S Box 123 – 8th Floor
Atlanta, Georgia 30309

RE: Butler County, City of Middletown, NS CJ Corridor, PID 93566
SR 122-7.57, First Ave 524678V, 10.1039
Oxford State Rd, 524684Y, 10.2054
Woodlawn Ave, 524679C, 10.1040
Central Ave 524677N, 10.1038
Manchester Ave 524676G, 10.1037

Dear Mr. Klinger:

The plan and estimates dated 2/19/2016, for the above referenced projects has been reviewed and are acceptable. Norfolk Southern may proceed with the construction of the proposed grade crossing warning systems in accordance with the abbreviated plans. This authorization is made with the stipulation and understanding that the approved estimates may contain entries for items or activities that may be cited and found to be ineligible for federal participation during the project audit. Reimbursement of eligible actual cost is limited to 75% of \$1,954,363.00. Additional costs must be approved in writing by the Ohio Rail Development Commission (ORDC) prior to being incurred. Emergency verbal authorizations by ORDC may be permitted and will be confirmed by ORDC in writing within ten (10) business days of the verbal approval.

This authorization is contingent upon Norfolk Southern Corporation accepting the following instructions:

1. Norfolk Southern's project foreman will furnish written notification five (5) working days prior to the date work will start at the project site to Greg Gronbach, ORDC, email Greg.Gronbach@dot.ohio.gov, and to the Public Utilities Commission of Ohio at George.martin@puc.state.oh.us. Norfolk Southern's project foreman will also notify the same of any stops and re-starts of the work activity and of the date work was completed for the project.
2. Norfolk Southern will arrange for utilities to be located at the project site by the Ohio Utilities Protection Service (OUPS) prior to any construction activities at the site. Utilities that are not participating members of the service must be contacted directly by Norfolk Southern.



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3. Norfolk Southern's project foremen will notify Greg Gronbach at 614-395-1824 (telephone) or Greg.Gronbach@dot.ohio.gov (email) of any changes in the scope of work, cost overruns, material changes, etc. which are not included in the approved plan and estimate and secure approval of same before the work is performed.
4. Open cut of roadways is *not permitted* except in unusual circumstances and must be coordinated with the local highway authority and preapproved by ORDC.
5. Norfolk Southern will furnish two (2) copies of each partial bill to ORDC. Please find the enclosed ODOT Purchase Order to reference when billing.
6. Norfolk Southern will furnish two (2) copies of the final all-inclusive bill to ORDC stating the exact dates of starting and completing work, the initial and final dates of construction and location where the accounts may be audited.
7. These installations will include any ancillary work to make the warning devices function as designed and meet MUTCD.

This project is authorized for construction under the master agreement between Ohio Rail Development Commission, Public Utilities Commission of Ohio and Norfolk Southern executed on December 19, 2012.

Thank you for your assistance with these matters.

Sincerely,

Catherine Stout

for
Greg Gronbach
Project Manager

C: Randall Schumacher, Rail Division Supervisor, PUCO
George Martin, Grade Crossing Planner, PUCO
Susan Arduini, ORDC
ORDC (file)